

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action on a request to allow horse and carriage rides on city streets in the downtown area [NOTE: Item to be heard in the afternoon session in conjunction with Item 104 - SUP-20184] - Wards 3 and 5 (Reese and Williams)

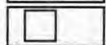
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division: Public Works / Traffic Engineering

PURPOSE/BACKGROUND:

Mr. Stephen Smith is requesting permission to operate horse and carriage rides in the downtown area. City Municipal Code Chapter 11.39 requires that the applicant submit proposed routes, schedules and loading/unloading locations for review and recommendation by the Traffic and Parking Commission with final action by the City Council. The proposed routes do not conflict with Chapter 11.39.030, and the carriages will not travel on busy streets such as Charleston Boulevard, Las Vegas Boulevard, 4th Street, Fremont Street and Main Street so they will not disrupt areas with heavy traffic. The routes will have 15-minute, 30-minute or 50-minute rides along each pathway. The operation shall be limited to 4 carriages. Animal waste shall be removed in a timely manner.

RECOMMENDATION:

Traffic and Parking Commission: Approval subject to compliance with Chapter 11.39 and the added conditions of transportation by trailer for the horses to and from the routes and a 60-day review by Traffic Engineering and Business Licensing.

Staff: Approval with the above conditions.

BACKUP DOCUMENTATION:

Agenda Memo

Motion made by BRENDA J. WILLIAMS to Approve with a six-month review

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

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

CITY COUNCIL MEETING OF: MAY 16, 2007

Minutes:

See Item 104 for related discussion.



AGENDA MEMO

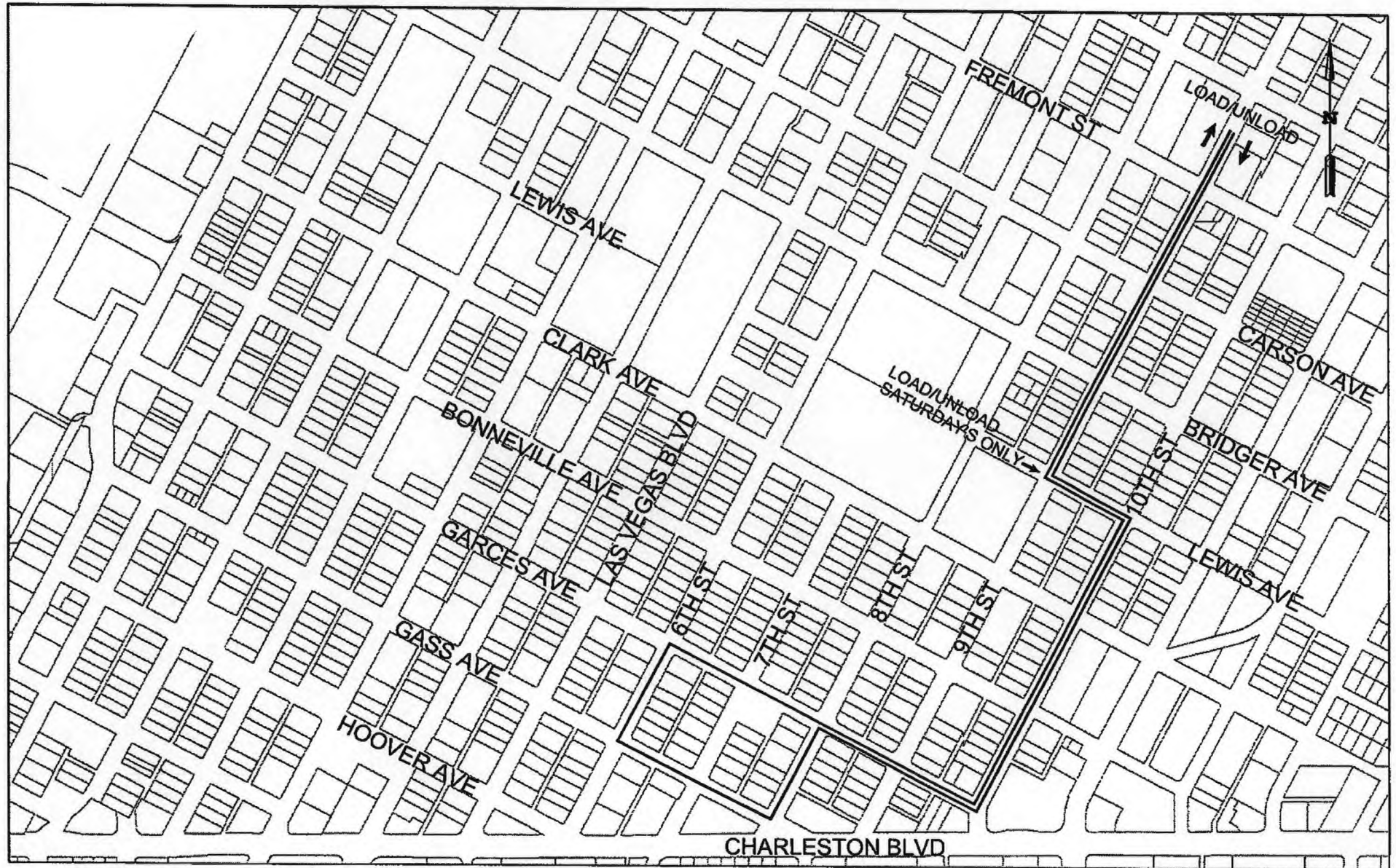
CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: DISCUSSION AND POSSIBLE ACTION ON A REQUEST TO
ALLOW HORSE AND CARRIAGE RIDES ON CITY STREETS IN THE DOWNTOWN
AREA**

1. Fremont East Map - Daytime
2. Fremont East Route - Daytime
3. Fremont East Map - Weekday Evenings, Weekends and Holidays
4. Fremont East Route - Weekday Evenings, Weekends and Holidays
5. Wedding Chapel Map
6. Wedding Chapel Route
7. Arts District Map - North of Charleston
8. Arts District Route - North of Charleston
9. Arts District Map - South of Charleston
10. Arts District Route - South of Charleston
11. Picture of single carriage with horses
12. Picture of double carriage with horses

HOV 3+ CARRIAGE ROUTES
FREMONT EAST
ENTERTAINMENT DISTRICT DAYTIME
— ROUTE



FREMONT EAST HORSE AND CARRIAGE ROUTE - DAYTIME

50 minute ride. Load passengers at 100 or 200 block of North 9th Street heading south on 9th Street, load/unload passengers at 9th Street and Lewis Avenue (Saturdays only), turn left (east) on Lewis Avenue, turn right (south) on 10th Street, turn right (west) on Garces Avenue, turn left (south) on 8th Street, turn right (west) on Cass Avenue, turn right (north) on 6th Street, turn right (east) on Garces Avenue, turn left (north) on 10th Street, turn left (west) on Lewis, load/unload passengers at 9th Street and Lewis Avenue (Saturdays only), turn right (north) on 9th Street to point of beginning to unload passengers.

HOLLY CARRIAGE ROUTE
FREMONT EAST

ENTERTAINMENT DISTRICT AFTER 6:30 PM

..... ROUTE #1 --- ROUTE #2 — ROUTE #3 ----- ROUTE #4



**FREMONT EAST HORSE AND CARRIAGE ROUTES – WEEKDAY EVENINGS,
WEEKENDS AND HOLIDAYS**

THESE ROUTES ARE RESTRICTED TO AFTER 6:30 PM ON WEEKDAYS AND ON WEEKENDS AND HOLIDAYS. (PLEASE NOTE THE PICKUP / DROPOFF AT 8TH STREET AND FREMONT STREET HAS PARKING METERS THAT ARE IN USE UNTIL 8:00 PM)

FREMONT EAST ROUTE # 1:

15 minute ride. Load passengers at 8th Street and Fremont Street headed south on 8th Street, turn right (west) on Bridger Avenue, turn left (south) on 7th Street, turn right (west) on Chef Andre Rochat Place, turn around at 6th Street, head east to 7th Street, turn left (north) on 7th Street, turn right (east) on Bridger Avenue, turn left (north) on 8th Street to point of beginning to unload passengers.

FREMONT EAST ROUTE # 2:

30 minute ride. Load passengers at 8th Street and Fremont Street headed south on 8th Street, turn right (west) on Bridger Avenue, turn left (south) on 7th Street, turn right (west) on Garces Avenue, turn right (north) on 6th Street, turn right (east) on Chef Andre Rochat Place, turn left (north) on 7th Street, turn right (east) on Bridger Avenue, turn left (north) on 8th Street to point of beginning to unload passengers.

FREMONT EAST ROUTE # 3:

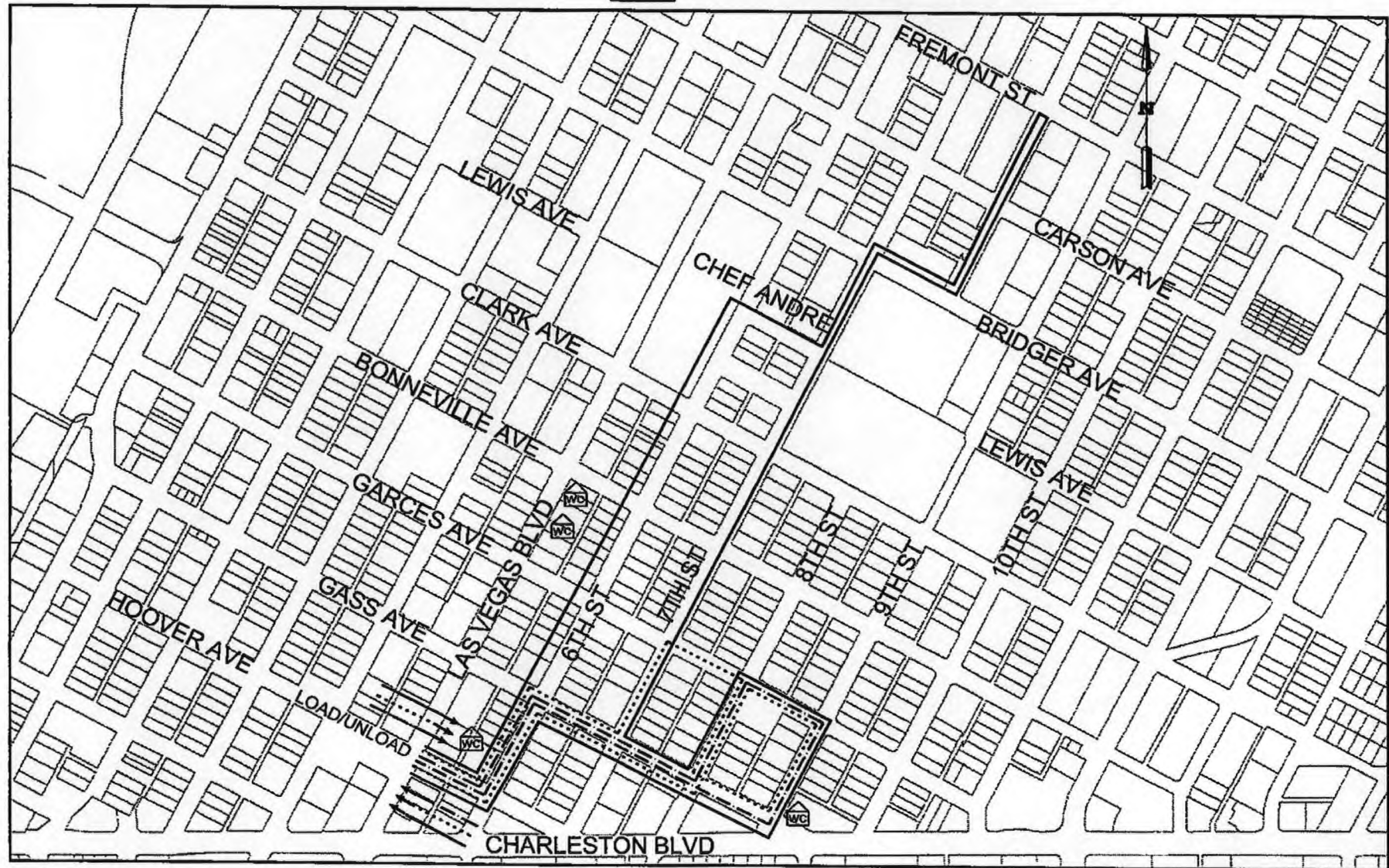
50 minute ride. Load passengers at 8th Street and Fremont Street headed south on 8th Street, turn right (west) on Bridger Avenue, turn left (south) on 7th Street, turn left (east) on Gass Avenue, turn left (north) on 8th Street, turn right (east) on Garces Avenue, turn right (south) on 9th Street, turn right (west) on Gass Avenue, turn left (south) on 6th Street, turn right (west) on Hoover Avenue, turn around at private property 827 South Las Vegas Boulevard at corner of Hoover Avenue and Las Vegas Boulevard (Cupid's Wedding Chapel), head east on Hoover Avenue, turn left (north) on 6th Street, turn right (east) on Chef Andre Rochat Place, turn left (north) on 7th Street, turn right (east) on Bridger Avenue, turn left (north) on 8th Street to point of beginning to unload passengers.

FREMONT EAST ROUTE #4:

30 minute ride. Load passengers at Ogden Avenue and 9th Street, go right or left (north or south) on 9th Street, 10th Street, and 11th Street from Fremont Street to Stewart Avenue and turn around before Fremont Street or Stewart Avenue back to Ogden Avenue, head east to Maryland Parkway, turn around and head west on Ogden Avenue, turn right or left (north or south) on 11th Street, 10th Street, and 9th Street, back to Ogden Avenue to point of beginning to unload passengers.

HOUSE CARRIAGE ROUTES WEDDING CHAPEL PICKUP/DROPOFF

----- ROUTE #1 15 MIN. ——— ROUTE #3 50 MIN. AFTER 6:30PM
..... ROUTE #2 30 MIN. WEEKENDS/HOLIDAYS
WC WEDDING CHAPELS



WEDDING CHAPEL HORSE AND CARRIAGE ROUTES:

WEDDING CHAPEL ROUTE #1:

15 minute ride. Load passengers at 827 South Las Vegas Boulevard (Hoover Avenue and Las Vegas Boulevard) heading east, turn left (north) on 6th Street, turn right (east) on Gass Avenue, turn left (north) on 9th Street, turn left (west) on Garces Avenue, turn left (south) on 8th Street, turn right (west) on Gass Avenue, turn left (south) on 6th Street, turn right (west) on Hoover Avenue to point of beginning to unload passengers.

WEDDING CHAPEL ROUTE #2:

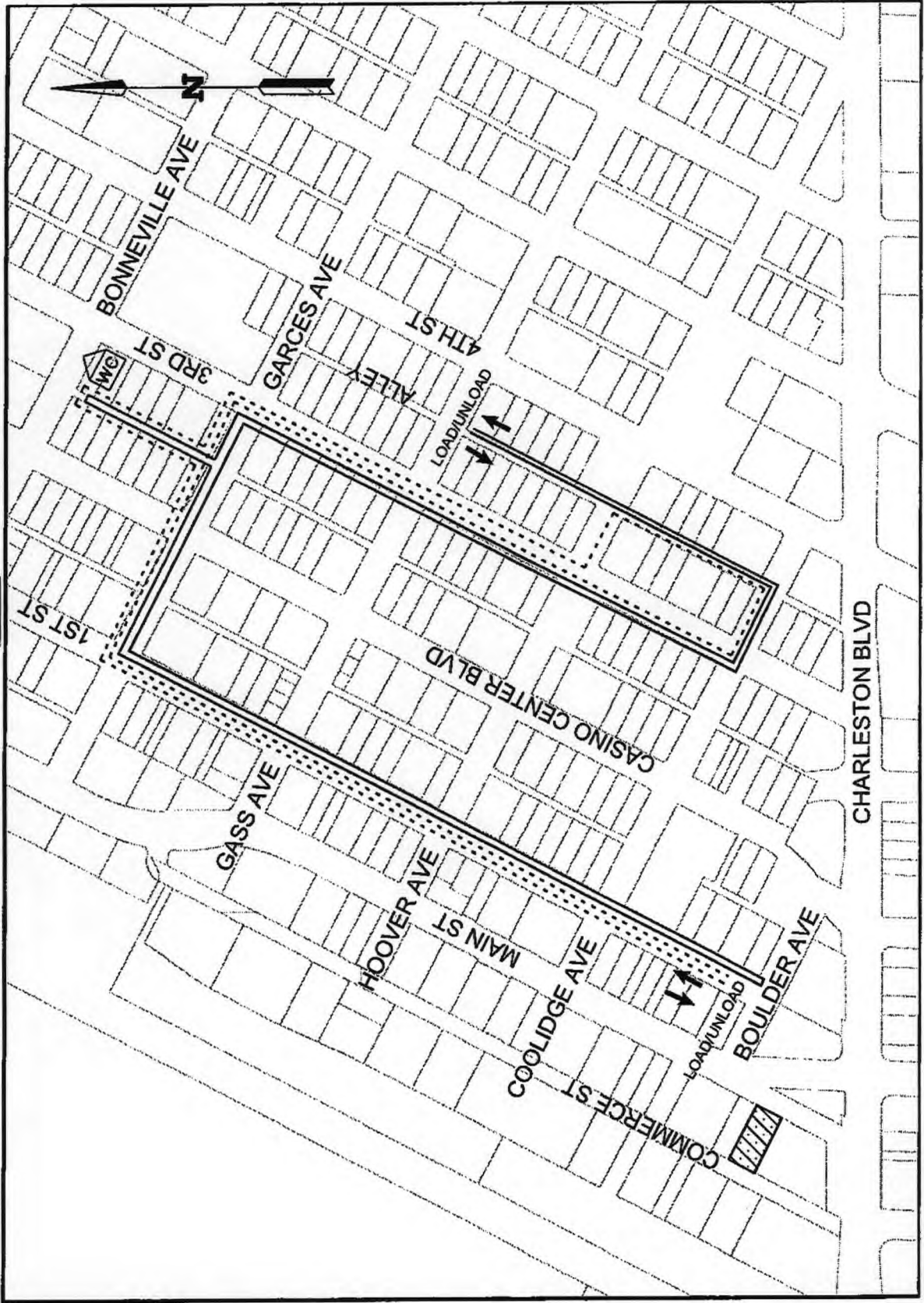
30 minute ride. Load passengers at 827 South Las Vegas Boulevard (Hoover Avenue and Las Vegas Boulevard) heading east, turn left (north) on 6th Street, turn right (east) on Gass Avenue, turn left (north) on 7th Street, turn right (east) on Garces Avenue, turn right (south) on 8th Street, turn left (east) on Gass Avenue, turn left (north) on 9th Street, turn left (west) on Garces Avenue, turn left (south) on 8th Street, turn right (west) on Gass Avenue, turn left (south) on 6th Street, turn right (west) on Hoover Avenue to point of beginning to unload passengers.

WEDDING CHAPEL ROUTE #3:

NOTE: THIS 50 MINUTE RIDE IS ONLY AFTER 6:30 PM ON WEEKDAYS, ON WEEKENDS AND ON HOLIDAYS BECAUSE THE CARRIAGE MUST CROSS BONNEVILLE AVENUE AND CLARK AVENUE CLOSE TO LAS VEGAS BOULEVARD

50 minute ride. Load passengers at 827 South Las Vegas Boulevard (Hoover Avenue and Las Vegas Boulevard) heading east, turn left (north) on 6th Street, turn right (east) on Chef Andre Rochat Place, turn left (north) on 7th Street, turn right (east) on Bridger Avenue, turn left (north) on 8th Street, turn around at 8th Street and Fremont Street and head south on 8th Street, turn right (west) on Bridger Avenue, turn left (south) on 7th Street, turn left (east) on Gass Avenue, turn left (north) on 8th Street, turn right (east) on Garces Avenue, turn right (south) on 9th Street, turn right (west) on Gass Avenue, turn left (south) on 6th Street, turn right (west) on Hoover Avenue to point of beginning to unload passengers.

HC SE CARRIAGE FUTES
 ARTS DISTRICT/NORTH OF CHARLESTON
 ROUTE #1 — ROUTE #2
 HORSE CORRAL  WEDDING CHAPELS



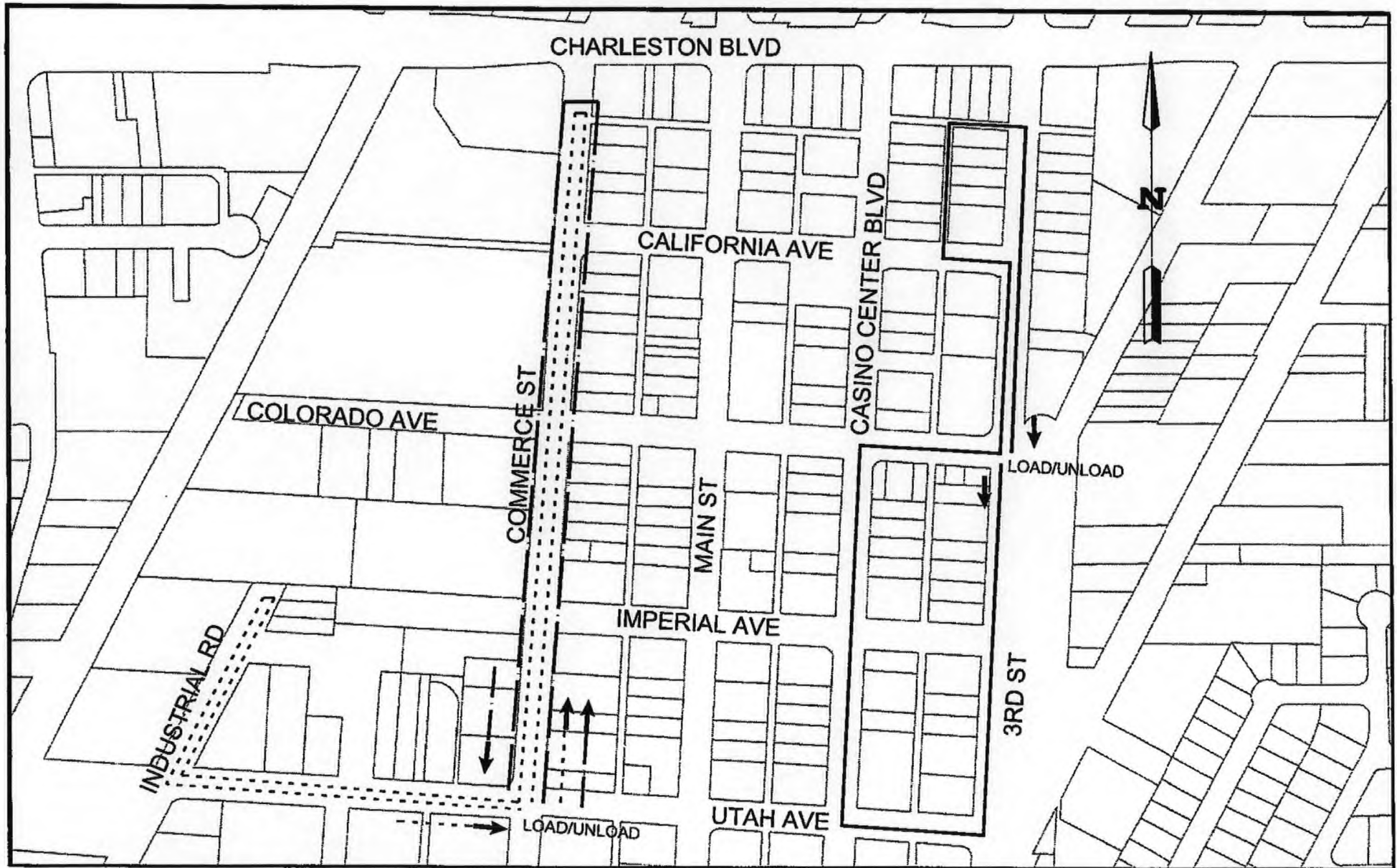
ARTS DISTRICT HORSE AND CARRIAGE ROUTES - NORTH OF CHARLESTON BOULEVARD:

ARTS DISTRICT ROUTE #1. 50 minute ride. Load passengers at 1000 block of 1st Street heading north on 1st Street, turn right (east) on Garces Avenue, turn left (north) into first alley east of Casino Center Boulevard, turn around before Bonneville Avenue and head south in alley, turn right (east) on Garces Avenue, turn right (south) on 3rd Street, turn left (east) on Coolidge Avenue to first alley between 3rd Street and 4th Street, turn left (north) into alley, turn left (west) on Hoover Avenue, turn right (north) on 3rd Street, turn left (west) on Garces Avenue, turn right (north) into first alley, turn around before Bonneville Avenue and head south in alley, turn right (west) on Garces Avenue, turn left (south) on 1st Street to point of beginning to unload passengers.

ARTS DISTRICT ROUTE #2. 50 minute ride. Load passengers at corner of Gass Avenue and alley behind A Special Memory Wedding Chapel between 3rd Street and 4th Street, go south down alley, turn right (west) on Coolidge Avenue, turn right (north) on 3rd Street, turn left (west) on Garces Avenue, turn right (north) into first alley, turn around before Bonneville Avenue and head south in alley, turn right (west) on Garces Avenue, turn left (south) on 1st Street to Boulder Avenue, turn around and head north on 1st Street, turn right (east) on Garces Avenue, turn left into alley east of Casino Center Boulevard, turn around before Bonneville Avenue, head south in alley, turn left (east) on Garces Avenue, turn right (south) on 3rd Street, turn left (east) on Coolidge Avenue to first alley between 3rd Street and 4th Street, turn left (north) into alley to point of beginning at A Special Memory Wedding Chapel to unload passengers.

HORSE CARRIAGE ROUTES ARTS DISTRICT/SOUTH OF CHARLESTON

—— 15 MINUTE RIDE #1 ——— 15 MINUTE RIDE #1 - - - - - 30 MINUTE RIDE #2



ARTS DISTRICT HORSE AND CARRIAGE ROUTES -- SOUTH OF CHARLESTON BOULEVARD (FIRST FRIDAYS OR SPECIAL EVENTS WHEN STREETS ARE CLOSED BY THE CITY)

ARTS DISTRICT SOUTH OF CHARLESTON, EAST OF MAIN STREET:

15 minute ride #1. Load passengers at Colorado Avenue and 3rd Street headed south on 3rd Street, turn right (west) on Utah Avenue, turn right (north) on Casino Center Boulevard, turn right (east) on Colorado Avenue, turn left (north) on 3rd Street, turn left (west) on California Street, turn right (north) into first alley, turn right (east) into first alley, turn right (south) on 3rd Street to point of beginning to unload passengers.

ARTS DISTRICT SOUTH OF CHARLESTON, WEST OF MAIN STREET:

15 minute ride #1. Load passengers at Utah Avenue and Commerce Street heading north on Commerce Street, turn around before Charleston Boulevard and head south on Commerce Street to point of beginning to unload passengers.

30 minute ride # 2. Load passengers at Utah Avenue and Commerce Street heading north on Commerce Street, turn around before Charleston Boulevard and head south on Commerce Street, turn right (west) on Utah Avenue, turn right (north) on Industrial Road, turn around before Industrial Road dead end and proceed south, turn left (east) on Utah Avenue to point of beginning to unload passengers.





AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT

DIRECTOR: SCOTT D. ADAMS

☐ Consent ☒ Discussion

SUBJECT:

RESOLUTIONS:

R-35-2007 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the Redevelopment Agency and FR Fremont, LLC, d/b/a USA Hostels LV, located at 1322 Fremont Street (APN 139-35-310-050) to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 3 (Reese) [NOTE: This item is related to RDA Items 4 (RA-7-2007) and 5]

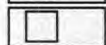
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This is a related item to discussion and possible action regarding assisting FR Fremont, LLC, d/b/a USA Hostels LV, with the cost of visual improvements to the building located at 1322 Fremont Street. Approval will adopt findings that the Agreement is in compliance with and in furtherance of the goals and objectives of the RDA and the Redevelopment Plan.

RECOMMENDATION:

Approval.

BACKUP DOCUMENTATION:

1. Resolution No. R-35-2007
2. Before Photos
3. Site Map

Motion made by GARY REESE to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

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

Minutes:

CITY COUNCIL MEETING OF: MAY 16, 2007

SCOTT ADAMS, Director of the Office of Business Development, indicated that City Council Item 75 and Redevelopment Agency Items 4 and 5 involve a CVIP agreement. He showed a picture of the existing building and a drawing of the intended improvements.

CHARLES FOX, FR Fremont, LLC, was present.

City Council Item 75 and Redevelopment Agency Item 4 for 5/16/2007 contain duplicate minutes.



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

WHEREAS, FR FREMONT, LLC (the "Participant") is the owner of real property and improvements located at 1322 Fremont Street, and which parcel is commonly known as APN 139-35-310-050 (the "Site"); and

1 WHEREAS, the City Council of the City of Las Vegas has considered the
2 findings that the development of improvements to a building, facilities, structures or other
3 improvements to be located at the Site are of benefit to the Redevelopment Area or the
4 immediate neighborhood in which the Redevelopment Area is located; and
5

6 WHEREAS, the City Council of the City of Las Vegas has considered the
7 findings that no other reasonable means of financing the building, facilities or structures or
8 other improvements on the Site are available; and
9

10 WHEREAS, the City Council of the City of Las Vegas has considered the
11 undertakings of the Agency in connection with the Commercial Visual Improvement
12 Agreement (the "Agreement"), which provides for the contribution of funds to FR Fremont,
13 LLC for making physical, visual improvements to the building located on the Site, all as more
14 fully set forth in the Agreement.
15

16 NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of
17 the City of Las Vegas hereby finds and determines that the development of building, facilities,
18 structures or other improvements on the Site are of benefit to the Redevelopment Area or the
19 immediate neighborhood in which the Redevelopment Area is located; and
20

21 RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby
22 finds and determines there are no reasonable means of financing those building, facilities,
23 structural or other improvements on the Site; and
24

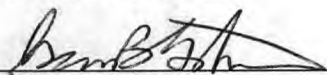
25 RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby
26 consents to the undertakings of the Agency in connection with the Agreement with FR
27 Fremont, LLC for the Project concerning the development on the Site.
28

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

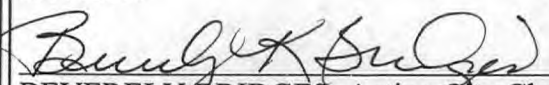
THE FOREGOING RESOLUTION was passed, adopted and approved this

16TH day of may, 2007.

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:


BEVERELY BRIDGES, Acting City Clerk

APPROVED AS TO FORM:

 5/02/07
Date

BEFORE
(USA HOSTELS LV - 1322 FREMONT STREET)



BEFORE
(USA HOSTELS LV – 1322 FREMONT STREET)



SITE MAP
(USA HOSTEL LV – 1322 Fremont Street)



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

☐ Consent ☒ Discussion

SUBJECT:

BOARDS & COMMISSIONS:

LAS VEGAS CONVENTION & VISITORS AUTHORITY – Mayor Oscar Goodman, Term
Expiration – June 2007

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Las Vegas Convention & Visitors Authority was created by NRS 244A.597. As the largest incorporated city within Clark County, the City of Las Vegas provides two members to serve upon this board. The term of office coincides with the term of office of the appointed member, and there are no limits to the number of terms. Mayor Goodman was appointed on June 28, 1999.

RECOMMENDATION:

Procedure for this board requires appointment by the Mayor and ratification by the City Council. Options are:

Reappoint Mayor Oscar Goodman or appoint a new Councilmember to represent the City of Las Vegas on this board.

BACKUP DOCUMENTATION:

Current Listing and Authority

Motion made by GARY REESE to Approve the reappointment of Mayor Oscar Goodman

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

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

7-20-2005

LAS VEGAS CONVENTION & VISITORS AUTHORITY

Member	Appt. Date	Exp./ Notes
Mayor Oscar Goodman	6/28/1999	6/2007
Councilman Larry Brown	6/18/2003 (Reappt. 7/20/2005)	6/2009

Authority: NRS 244A.597

Term: Term of Office

Appointment: 12 Members

2 County Commissioners
2 Largest Incorporated City
1 Second Largest Incorporated City
1 Third Largest Incorporated City
1 Other Incorporated City
5 Members Appointed by Board:
3 represent Resort Hotel business from the Central Business District
of the largest Incorporated City.
1 represents motel operators
1 represents other commercial interests

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2007-15 – Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2008)
Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$59,400.00

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July, 2007 through June, 2008.

RECOMMENDATION:

ADOPTION at 5/16/2007 City Council meeting pursuant to the 5/1/2007 Recommending Committee.

First Reading – 4/18/2007; First Publication – 5/4/2007

BACKUP DOCUMENTATION:

Bill No. 2007-15

Motion made by STEVEN D. ROSS to Approve

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

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

Minutes:

Second reading and bill adopted as recommended as Ordinance No. 5903. Clerk to proceed with second publication.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

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

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2008 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$59,400.00, of which, \$0.00 is available from other sources and of which \$59,400.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

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

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

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 4, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Maintenance Project in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, April 4, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on March 7, 2007; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on April 4, 2007, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 (FY2008) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2008) Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

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

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1485 (FY2008) Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1485 (FY2008) Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2008) including, but not limited to, the creation of the District, the amount of the maintenance contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value

increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 7, 2007, and as modified and confirmed by the District No. 1485 (FY2008) Assessment Protest Resolution duly adopted by the City Council on April 18, 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, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 2, 2007, October 1, 2007, January 2, 2008 and April 1, 2008. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The

owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 20, 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, penalties, and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

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

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

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

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

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE
MAINTENANCE FY2008)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2008) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 16, 2007. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before June 19, 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, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 2, 2007, October 1, 2007, January 2, 2008, and April 1, 2008. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent

installments originally becoming due on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

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

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 20, 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 May 16, 2007.

Beverly K. Bridges, CMC, Acting City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 16, 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. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 18th of April, 2007, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 16th of May, 2007.

/s/ Beverly K. Bridges, CMC
Acting City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 18, 2007, and was passed at a regular meeting held on May 16, 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
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after May 20, 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 16th of May, 2007

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

(SEAL)

Attest:
/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

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

Introduced April 18, 2007, PASSED, ADOPTED AND APPROVED May 16, 2007.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC, Acting City Clerk

Approved as to Form:

29 MAR 07 W Z / [Signature]
Date Deputy City Attorney

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

I, Beverly K. Bridges, CMC, the duly chosen, acting City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 18, 2007, and finally adopted and approved on May 16, 2007.

2. The following members of the City Council were present at the April 18, 2007, Council meeting:

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 18, 2007, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 16, 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 May 16, 2007, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	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 April 18, 2007, and May 16, 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

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

6. A copy of such notice so given of the meeting of the City Council on April 18, 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 May 16, 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 May 16, 2007.

BEVERLY K. BRIDGES, CMC, Acting City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 18, 2007 Meeting)

EXHIBIT B

(Attach Copy of Notice of May 16, 2007 Meeting)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2007-16 – Annexation No. ANX-10156 – Property location: Within the area bounded by Clark County Highway 215 on the east, Washburn Road on the south, Puli Road on the west, and Centennial Parkway on the north; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 245 acres; Zoned: R-U (County zoning), U (PF-CC), U (PCD) and U (ROW) (City equivalents). Sponsored by: Councilman Steven D. Ross

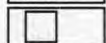
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located within the area bounded by Clark County Highway 215 on the east, Washburn Road on the south, Puli Road on the west, and Centennial Parkway on the north. The annexation is at the request of a property owner and the City, with a statement of non-objection having been filed by the Bureau of Land Management and Clark County as additional owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 8, 2007) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 5/16/2007 City Council meeting pursuant to the 5/1/2007 Recommending Committee.

First Reading – 4/18/2007; First Publication – 5/4/2007

BACKUP DOCUMENTATION:

Bill No. 2007-16 and location map

Motion made by STEVEN D. ROSS to Approve

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

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

CITY COUNCIL MEETING OF: MAY 16, 2007

Minutes:

Second reading and bill adopted as recommended as Ordinance No. 5904. Clerk to proceed with second publication.



1
2
3
4
5
6
7
8 **BILL NO. 2007-16**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-10156)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located within the area bounded
15 by Clark County Highway 215 on the East,
16 Washburn Road on the south, Puli Road on
the west, and Centennial Parkway on the
north.

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

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

22 Those portions of the West Half (W 1/2) of Section 25, and the North Half
23 (N 1/2) of Section 36, Township 19 South, Range 59 East, M.D.M., in
24 County of Clark, State of Nevada, as shown on "RECORD OF SURVEY -
ANNEXATION PLAT" recorded October 9, 2006 in Survey File 160, Page
62 of Clark County, Nevada Records, described as follows:

25 BEGINNING at the quarter corner common to Section 35 and Section 36,
26 Township 19 South, Range 59 East, M.D.M.; thence along the west line of
the Northwest Quarter (NW 1/4) of said Section 36, North 00°11'22" West
27 1333.44 feet to the north sixteenth section corner, common to said Section 35
and Section 36; thence departing said west line, North 89°25'29" East 336.75
28 feet; thence North 00°10'04" West 667.00 feet; thence South 89°22'37" West
337.01 feet returning to said West line; thence along said west line,

1 North 00°11'22" West 666.72 feet to the section corner common to said
2 Section 35 and 36, and to Section 25 and 26; thence along the west line of the
3 Southwest Quarter (SW 1/4) of said Section 25, North 00°25'02" West
4 665.57 feet; thence departing the west line of said Southwest Quarter
5 (SW 1/4), North 89°16'43" East 337.20 feet; thence South 00°25'23" East
6 665.87 feet to the south line of the Southwest Quarter (SW 1/4) of said
7 Section 25; thence departing said south line, South 00°10'04" East 667.00
8 feet; thence North 89°22'37" East 337.01 feet; thence North 00°08'45" West
9 667.28 feet returning to the south line of the Southwest Quarter (SW 1/4) of
10 said Section 25; thence departing said south line, North 00°25'44" West
11 1332.33 feet; thence South 89°13'42" West 674.27 feet to the South sixteenth
12 corner common to Section 25 and Section 26; thence along the west line of
13 said Southwest Quarter (SW 1/4), North 00°25'02" West 665.57 feet; thence
14 departing said west line North 89°09'23" East 674.17 feet; thence
15 North 00°25'33" West 666.42 feet to the north line of the Southwest Quarter
16 (SW 1/4) of said Section 25; thence departing said north line,
17 North 00°34'06" West 1335.26 feet; thence North 00°34'04" West 667.27
18 feet; thence North 89°00'42" East 676.07 feet; thence North 00°30'37" West
19 667.32 feet to the west sixteenth section corner common to Section 24 and
20 Section 25, Township 19 South, Range 59 East, M.D.M., on the centerline of
21 CENTENNIAL PARKWAY; thence along said centerline and the north line
22 of the Northwest Quarter (NW 1/4) of said Section 25, North 89°00'28" East
23 317.75 feet to the intersection with the westerly line of the I-215 LAS
24 VEGAS BELTWAY, being the beginning of a non-tangent curve, concave
25 southeasterly, having a radius of 3175 feet, the radial line through said
26 beginning bears North 66°00'47" West; thence southwesterly departing said
27 north line and along the westerly line of said I-215 through a central angle of
28 24°25'21" and an arc length of 1353.36 feet; thence continuing along said
westerly line, South 00°26'08" East 2028.11 feet; thence departing said
westerly line, South 89°09'34" West 30.14 feet; thence South 89°09'23" West
337.09 feet; thence South 00°25'48" East 666.84 feet; thence
North 89°13'42" East 337.13 feet to the southwest sixteenth section corner of
said Section 25; thence North 89°13'00" East 30.15 feet returning to said
westerly line of said I-215; thence along said westerly line,
South 00°26'08" East 198.29 feet to the beginning of a curve, concave
northeasterly, having a radius of 3175.00 feet; thence southeasterly along said
westerly line through a central angle of 54°09'51" and an arc length of
3001.46 feet; thence South 54°35'59" East 844.74 feet to the beginning of a
curve, concave southwesterly, having a radius of 2825.00 feet; thence
southeasterly along said westerly line through a central angle of 20°45'15"
and an arc length of 1023.30 feet to the south line of the Southeast Quarter
(SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 36; thence along
said south line, South 89°29'03" West 57.14 feet to the east sixteenth center
section corner of said Section 36; thence along the south line of the
Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said
Section 36, South 89°29'40" West 1348.00 feet to the center quarter corner
of said Section 36; thence along the south line of the Southeast Quarter
(SE 1/4) of the Northwest Quarter (NW 1/4) of said Section 36,
South 89°29'12" West 1345.71 feet to the west sixteenth center section corner
of said Section 36; thence along the south line of the Southwest Quarter
(SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 36,
South 89°31'18" West 1344.90 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS: South 89°00'28" West being the north line of the
Northwest Quarter (NW 1/4) of Section 25, Township 19 South, Range 59

1 East, M.D.M., as shown on Record of Survey in File 124, Page 94 of Clark
2 County, Nevada Records.

3 Prepared by:
4 Brian Yu PLS,
5 731 S. Fourth Street,
6 Public Works, City of Las Vegas,
7 Las Vegas, NV 89101
8 byu@lasvegasnevada.gov

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

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

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

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

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

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

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

25 (E) In compliance with the procedural requirements of NRS Chapter 268,
26 the City is authorized to annex the territory in question because:

27 (1) In accordance with NRS 268.584, the City Council, on
28 February 7, 2007, adopted a resolution of intent to annex, along with the form of a notice of
public hearing to be provided to property owners within the annexation area, and set a public
hearing for March 21, 2007.

(2) In accordance with NRS 268.578 and 268.588, the City

1 Council, on February 21, 2007, approved an annexation report and made it available for
2 inspection and copying thereafter.

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

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

10 (5) In accordance with NRS 268.590, the City Council held a
11 public hearing on March 21, 2007, at which time persons who wished to be heard concerning
12 the matter were given that opportunity. During the public hearing, and within the 15-day
13 period following the public hearing, the number of persons who protested the annexation
14 (zero) was less than a "majority of the property owners" as defined by NRS 268.574(3).

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

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

1 by means of special assessment districts. Such improvements will be extended into the
2 undeveloped areas as development takes place and the need therefor arises, and will be
3 located according to the needs of the area at that time. Such installations will also be made
4 at the expense of the property owners, either by means of special assessment districts or as
5 prerequisites to the approval of subdivision plats, building permits or other land use or
6 development applications.

7 SECTION 4: The annexation of the described territory shall become
8 effective on the 8th of June, 2007, and on that date the City will have the funds appropriated
9 in sufficient amount to finance the extension into the described territory of police protection,
10 fire protection, street maintenance, street sweeping, and street lighting maintenance.

11 SECTION 5: The described territory, together with the inhabitants and
12 property thereof, shall, from and after the 8th day of June, 2007, be subject to all debts, laws,
13 ordinances and regulations in force in the City and shall be entitled to the same privileges and
14 benefits as other parts of the City, and shall be subject to municipal taxes levied by the City.

15 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
16 an accurate map or plat of the described territory and to record the map or plat, together with
17 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
18 Nevada, which recording shall be done prior to the 8th day of June, 2007.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 SECTION 7: The described territory, which previously has been zoned R-U
2 (County of Clark classification), is hereby classified with the City of Las Vegas
3 classifications that are set forth below, which are deemed to be the equivalents of the County
4 classification:

PROPERTY DESCRIPTION (BY APN)	CITY CLASSIFICATION
126-25-201-009 126-25-401-019	U (PF-CC)
126-25-201-002 126-25-401-007 126-25-401-009 126-25-401-010 126-36-101-001 126-36-101-003 126-36-101-004 126-36-101-007 126-36-101-008 126-36-101-009 126-36-201-001	U (PCD)
All other parcels	U (ROW)

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

24 ...

25 ...

26 ...

27 ...

28 ...

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

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

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

APPROVED:

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY BRIDGES, Acting City Clerk

APPROVED AS TO FORM:

Val Steed 4-4-07
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY BRIDGES, Acting City Clerk

18

19

20

21

22

23

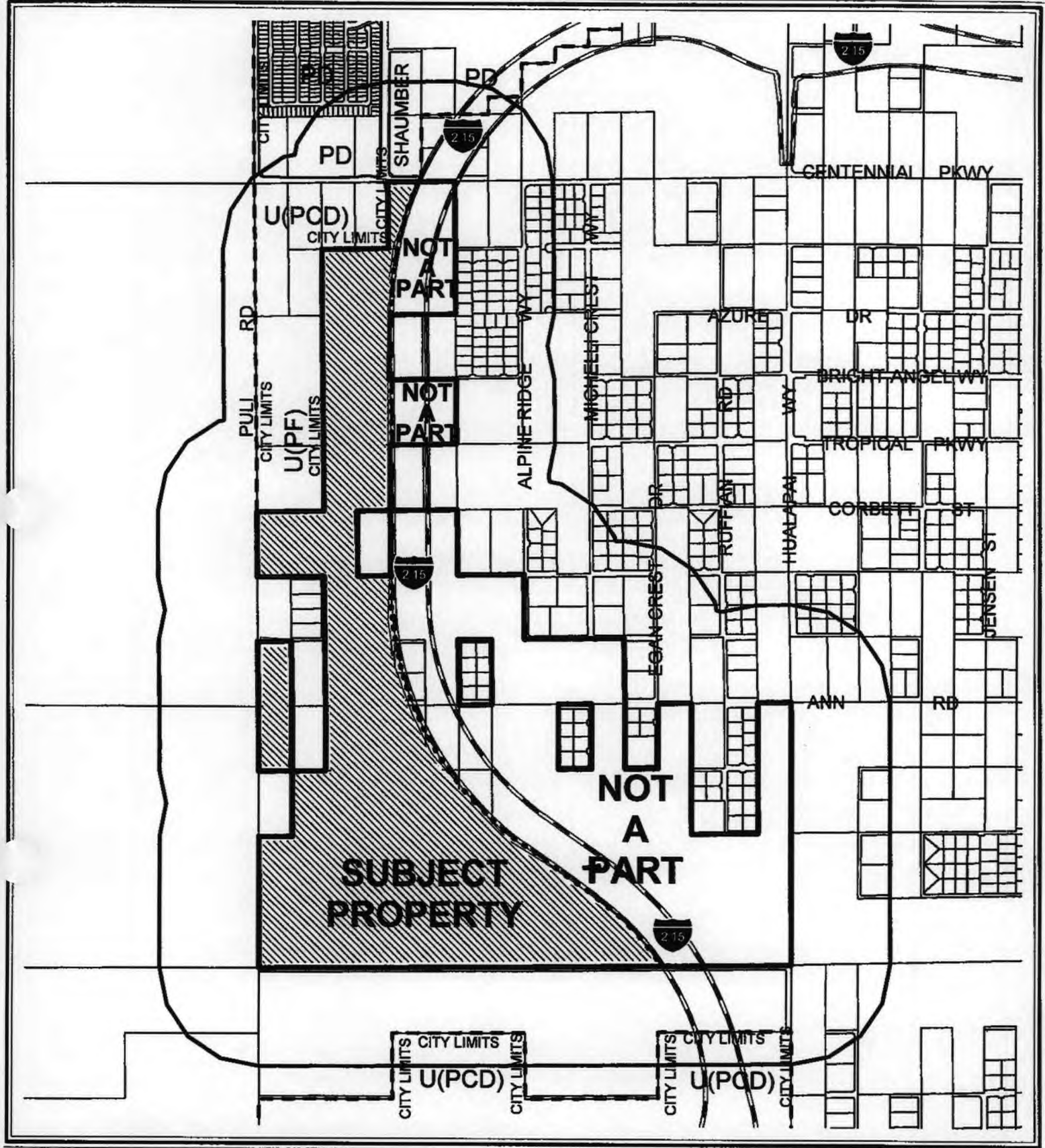
24

25

26

27

28



CASE: **ANX-10156**
 RADIUS: 1000 FT

0 2000 4000 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2007-17 – Amends the Town Center Development Standards Manual to allow consignment sales in the GC-TC and SC-TC Zoning Districts, by means of special use permit, as a limited type of secondhand dealer. Sponsored by: Councilman Steven D. Ross

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

It has been proposed to allow consignment sales in Town Center, specifically in the GC-TC and SC-TC Zoning Districts. In order to use existing licensing and zoning categories, the use will be treated as a limited type of secondhand dealer use, allowable only by means of special use permit. Specific conditions related to the manner and hours of operation will be imposed on any special use permit in order to ensure compatibility of the use.

RECOMMENDATION:

ADOPTION at 5/16/2007 City Council meeting pursuant to the 5/1/2007 Recommending Committee.

First Reading – 4/18/2007; First Publication – 5/4/2007

BACKUP DOCUMENTATION:

Bill No. 2007-17

Motion made by STEVEN D. ROSS to Approve

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

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

Minutes:

Second reading and bill adopted as recommended as Ordinance No. 5905. Clerk to proceed with second publication.

BILL NO. 2007-17

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS TO ALLOW CONSIGNMENT SALES IN THE GC-TC AND SC-TC ZONING DISTRICTS, BY MEANS OF SPECIAL USE PERMIT, AS A LIMITED TYPE OF SECONDHAND DEALER, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends the Town Center Development Standards Manual to allow consignment sales in the GC-TC and SC-TC Zoning Districts, by means of special use permit, as a limited type of secondhand dealer.

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

SECTION 1: The Town Center Development Standards Manual, adopted under Section 19.06.110(B) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as set forth in Sections 2 and 3 of this Ordinance.

SECTION 2: Section B.2 of the Manual is amended by amending the Permitted Uses Matrix, identified therein as Table 1, to add a new row for the use "Secondhand Dealer," to read as follows:

USES	GC	SC	UC	SX	MS	EC	L	ML	MLA	M	PF
Secondhand Dealer	S	S									

SECTION 3: Section B.4.B of the Manual is amended by adding, at the appropriate location, the use category "Secondhand Dealer," to read as follows:

SECONDHAND DEALER

- a. The use may be operated for consignment sales only.
- b. Only the following merchandise may be sold: jewelry (Class III), furniture, fixtures, tableware, pictures and paintings.
- c. Payment to the consignor for consigned merchandise may not be made until after the merchandise has been sold.
- d. No outdoor displays, sales or storage of any merchandise shall be permitted.

- 1 e. The hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m.,
2 unless otherwise specified by the City Council.
- 3 f. The use shall comply with the applicable requirements of LVMC Title 6.
- 4 g. The conditions listed above are not waivable development standards under the
5 provisions of the Town Center Development Standards Manual.
- 6 SECTION 4: The Planning and Development Department is authorized and directed
7 to incorporate into the Manual the amendments made by this Ordinance. Regarding the amendment
8 made by Section 3, the Department is authorized to insert and number the new use category either at
9 the end of the categories listed or so as to appear alphabetically. If the latter, the Department is
10 authorized and directed to renumber use categories appropriately and make such other corrections as
11 may be necessary throughout the Manual to reflect the change in renumbering.
- 12 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
19 invalid or ineffective.
- 20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

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

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY BRIDGES, Acting City Clerk

APPROVED AS TO FORM:

Val Steel 4.4-07
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:

16

17 BEVERLY BRIDGES, Acting City Clerk

18

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2007-18 – Requires in certain buildings a minimum level of support for radio coverage for emergency service personnel. Sponsored by: Councilman Steven D. Ross

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Emergency service personnel have varying degrees of success in receiving and sending radio communications within certain types of multi-story residential and commercial occupancies. This bill would require such buildings to provide a minimum level of support for radio coverage for emergency service personnel. Input from emergency service agencies and from building industry representatives has been provided. The bill would apply to both new and existing buildings; existing buildings would be given time to be brought into compliance following notice from the City.

RECOMMENDATION:

ADOPTION at 5/16/2007 City Council meeting pursuant to the 5/1/2007 Recommending Committee.

First Reading – 4/18/2007; First Publication – 5/4/2007

BACKUP DOCUMENTATION:

1. Bill No. 2007-18
2. Business Impact Statement

Motion made by STEVEN D. ROSS to Approve

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

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

Minutes:

CITY COUNCIL MEETING OF: MAY 16, 2007

Second reading and bill adopted as recommended as Ordinance No. 5906. Clerk to proceed with second publication.



1 **BILL NO. 2007-18**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO REQUIRE IN CERTAIN BUILDINGS A MINIMUM LEVEL OF SUPPORT**
4 **FOR RADIO COVERAGE FOR EMERGENCY SERVICE PERSONNEL, AND TO PROVIDE FOR**
5 **OTHER RELATED MATTERS.**

6 Sponsored by: Councilman Steven D. Ross

Summary: Requires in certain buildings a
minimum level of support for radio coverage for
emergency service personnel.

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

9 **SECTION 1:** Title 16 of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 18, consisting of
11 Sections 10 to 50, inclusive, reading as follows:

12 **16.18.010:** Except as otherwise provided in this Chapter, all buildings (new or existing) that are
13 more than four stories in height shall provide support for adequate radio coverage for emergency
14 service personnel. For purposes of this Section, "support for adequate radio coverage for emergency
15 service personnel" means any combination of building design and signal amplification systems that
16 meets all of the following criteria:

17 (A) There must be a minimum signal strength of one microvolt (- 95 dBm)
18 available in 95% of the area of each floor of the building, with a Delivered Audio Quality (DAQ) of
19 3 when transmitted from a public safety radio communication system. For purposes of this
20 Subsection, a DAQ of 3 means that transmitted speech is understandable with no more than slight
21 effort, and no more than occasional repetition is required because of noise or distortion;

22 (B) The radio frequency ranges which must be supported are the 700 and 800
23 megahertz public safety bands;

24 (C) Any signal amplification system must:

25 (1) Include filters to reject frequencies below and above the designated
26 public safety bands by a minimum of 35 dB;

27 (2) Be 100% compatible with analog or digital modulations after
28 installation without additional adjustment or modification; and

1 (3) Have a 95% reliability factor;

2 (D) Any signal amplification system that contains an electrically powered
3 component must be capable of operating on an independent battery or generator system, or
4 combination thereof, for a period of at least twelve hours, without external power input; and

5 (E) The combination of building design and signal amplification systems must first
6 be approved by the Las Vegas Metropolitan Police Department and the City's Department of Fire and
7 Rescue:

8 (1) For proposed or new construction, prior to the approval of final plans;
9 and

10 (2) For existing construction, in order to achieve and maintain compliance
11 with this Chapter.

12 **16.18.020:** Subject to compliance with Section 16.18.010, radio signal amplification systems that
13 may be used under this Chapter include radiating cable systems, internal multiple antenna system with
14 FCC certificated bi-directional amplifiers as needed, and other FCC-approved technology.

15 **16.18.030:** (A) For new construction, initial testing for compliance with Section 16.18.010 will
16 be performed by the Department of Fire and Rescue or its authorized designee. A certificate of
17 occupancy may be withheld by the Department of Building and Safety if a structure fails to comply.

18 (B) For existing construction, initial testing and periodic testing for compliance
19 (annual or otherwise) will be performed by the Department of Fire and Rescue or its authorized
20 designee, independently or in conjunction with regular inspection procedures.

21 **16.18.040:** In addition to the testing provided for in Section 16.18.030, representatives of the Las
22 Vegas Metropolitan Police Department and the Department of Fire and Rescue may enter upon
23 property at any time to conduct testing of existing buildings to determine compliance with this
24 Chapter. Any such testing must be done upon reasonable notice to the owner or the owner's
25 representative, and in accordance with law.

26 **16.18.050:** This Chapter does not apply to:

27 (A) Any one or two-family dwelling subject to the International Residential Code,
28 as adopted by the City; or

1 (B) Any R-3 or R-4 occupancy as defined in the International Building Code, as
2 adopted by the City.

3 SECTION 2: Buildings that are existing on the date of the adoption of this Ordinance
4 and are not in compliance with the requirements of this Ordinance shall be brought into compliance
5 within one year after written notice from the City to do so, or within such other period specified in the
6 notice.

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

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

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 SECTION 5: 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 _____
OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BEVERLY BRIDGES, Acting City Clerk

11 APPROVED AS TO FORM:

12 Val Heed 4-4-07
13 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
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY BRIDGES, Acting City Clerk

**BUSINESS IMPACT STATEMENT
BILL NO. 2007-18**

**(Requires in certain buildings a minimum level of support for
radio coverage for emergency service personnel)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-18, that will require in certain buildings a minimum level of support for radio coverage for emergency service personnel.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

In addition to informal discussions with interested parties, notice of the proposed ordinance and an invitation to respond was sent to a number of representative building industry and development groups. No responses to the invitation were received by the City.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Possible increased costs in building construction or retrofitting for businesses owning or occupying affected buildings.

Beneficial effects:

Increased safety and security for building occupants and visitors because of enhanced radio operability for emergency service personnel.

Direct effects:

Possible increased costs in building construction or retrofitting for businesses owning or occupying affected buildings.

Indirect effects:

Increased safety and security for building occupants and visitors because of enhanced radio operability for emergency service personnel.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

The original proposal was modified to apply to fewer buildings so as to minimize the number of businesses potentially impacted.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost for enforcement.

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

No additional fees.

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable.

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

The provisions of this ordinance, to the extent that they duplicate or are more stringent than federal, state or local standards regulating the same activity, are deemed necessary in order to provide adequate and responsible emergency service response.

Date: April 3, 2007

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-21 – Authorizes the issuance of a local improvement district bond, Series 2007, for an amount not to exceed \$481,000 for Special Improvement District No.1490 – Tenaya Way (Northern Beltway to Elkhorn Road) - Proposed by Mark R. Vincent, Director of Finance and Business Services Department

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount: \$481,000

Funding Source: SID assessments in the respective district

Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:

In accordance with the Nevada Consolidated Local Improvements Law (NRS Chapter 271), the City intends to issue a registered local improvement district bond in connection with the acquisition of public improvements for property that is subject to Special Improvement District 1490. The principal amount of the bond will not exceed \$481,000 and will not constitute a debt of the City.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2007-21

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

6/5/2007 Recommending Committee

6/6/2007 Council Agenda

Summary - An ordinance authorizing a local improvement bond for the City of Las Vegas, Nevada, District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) in the aggregate principal amount of not to exceed \$481,000, and providing other matters related thereto.

BILL NO. 2007-21
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

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

WHEREAS, the City Council of the City (the “Council”), pursuant to an ordinance heretofore passed and adopted (the “District Ordinance”), created the City of Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) (the “District”), ordered the acquisition of certain local improvements for the District (the “Project”) and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Council has by an ordinance heretofore passed and adopted (the “Assessment Ordinance”) levied assessments against the property benefitted by the Project; and

WHEREAS, the Council and the officers of the City have determined, and do hereby determine, that it is necessary and in the best interests of the City and the inhabitants thereof that the City issue its registered local improvement bond in an aggregate principal amount not exceeding the aggregate principal amount of such assessments levied against properties in the District as remains payable in installments on the date of delivery of the bond, except as otherwise provided in Nevada Revised Statutes (“NRS”) 271.360; and

WHEREAS, the Council has elected, and hereby elects, to have Chapter 348 of NRS apply to the bond issued for the District; and

WHEREAS, the bond issued for the District is to bear interest at the rate or rates per annum provided in the bond purchase proposal submitted by the initial purchaser (the "Purchaser") and accepted by the City Director of Finance and Business Services (the "Finance Director"), which rate must not exceed by more than 3% of the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the bond, and is to be sold at a price equal to the principal amount thereof, plus accrued interest to the date of delivery of the bond, less a discount not exceeding 9% of the principal amount thereof, all as specified by the Finance Director in a certificate dated on or before the date of delivery of the bond (the "Certificate of the Finance Director"); and

WHEREAS, the Council has previously established a Local Improvement District Special Surplus and Deficiency Fund (the "Surplus and Deficiency Fund"), in accordance with NRS 271.428.

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

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 1490 Bond Ordinance" (this "Ordinance").

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the construction and acquisition of the Project, the performing of all prerequisites to the levying of special assessments and to fixing the assessment lien against the properties in the District, including, without limitation, the passage and adoption of the Creation Ordinance and the Assessment Ordinance, and the issuance of its local improvement bond hereby authorized in the aggregate principal amount of not to exceed \$481,000 (the "Bond") and the sale of the Bond to the Purchaser, is ratified, approved and confirmed, including, without limitation, the distribution of the Request for Proposals for the purchase of the Bond. Pursuant to NRS 350.165, the Finance Director is authorized to accept the bond purchase proposal for the Bond and to execute and deliver the Certificate of the Finance Director specifying the items required by this Ordinance.

Section 3. The City covenants to receive, collect and enforce the payment of all assessments made and levied for the Project, and all installments thereof, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Assessment Ordinance and this Ordinance, and to pay and disburse said payments, the installments thereof, the interest thereon, and the penalties thereto, to any person or persons lawfully entitled thereto.

Section 4. The City Treasurer of the City (the "City Treasurer") is hereby authorized, empowered and directed to receive and collect all assessments levied to pay the cost of the Project, the installments thereof, the interest thereon (at a rate to be determined), and the penalties accrued, at the time and in the manner specified in the Assessment Ordinance, and to pay and disburse such payments to the person or persons lawfully entitled to receive the same, in accordance with the ordinances and resolutions of the City heretofore or to be hereafter adopted. Except as provided in NRS 271.360 concerning assessments for which a hardship determination

has been made, all moneys received from the assessments levied in the District after the cash period provided in the Assessment Ordinance, both principal and interest, shall be placed in a separate fund to be designated the "City of Las Vegas, Nevada, District No. 1490 Bond Fund" (the "Bond Fund"), and shall be used as soon as the funds are available for the purpose of paying the principal of and the interest on the Bond, and for no other purpose whatsoever, and as security for such payment, the Bond Fund is hereby exclusively pledged except as otherwise specifically provided herein. The City Treasurer is also authorized, empowered and directed to receive and collect surplus local improvement district moneys, if any, pursuant to NRS 271.428 and to place all said surplus moneys, except as otherwise required by NRS 271.429, in the Surplus and Deficiency Fund, and to disburse therefrom said moneys for the payment of the interest on and the principal of the City's special or local improvement district bonds, including the Bond, to the extent necessary, if necessary.

Section 5. If the owner of any lot, tract or parcel of land assessed for the Project shall be delinquent as to assessments, it shall be the duty of the Council to cause the delinquent person to be notified of such delinquency, in writing, and if such delinquency is not paid, the Council may foreclose the special assessment lien against the property or properties wherein the delinquency exists in the method now or hereafter provided by law. All the net proceeds of collecting any delinquent assessment shall be deposited in the Bond Fund (or in the general fund of the City, to the extent provided in Section 9 hereof) and in any event in an amount of not less than the principal amount of said assessment and accrued interest thereon to the date of its collection.

Section 6. For the purpose of defraying all or a portion of the cost and expense of the Project (except to the extent funds are available therefor from that part of said assessments which have been heretofore paid and to the extent other funds are available therefor), there shall be issued in the name of the City, the City's fully registered (i.e. registered as to payment of both principal and interest) special assessment bond designated as the "City of Las Vegas, Nevada, District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Local Improvement Bond, Series 2007" in the aggregate principal amount of not to exceed \$481,000 (the "Bond"), which Bond shall be dated as of its date of delivery. The Bond shall be in a denomination equal to the aggregate principal amount thereof. The Bond shall be issued in fully registered form. The installments of principal on the Bond shall bear interest, calculated on a 360-day year of twelve 30-day months, at the rate or rates set forth in the Certificate of the Finance Director from its dated date until its maturity date or dates, payable on June 1 and December 1 of each year, commencing on December 1, 2007. The installments of principal on the Bond shall mature on the dates and in the amounts set forth in the Certificate of the Finance Director.

The final installment of principal of the Bond shall be payable to the registered owner thereof as shown on the registration records kept by the City Treasurer, as Registrar (the "Registrar"), upon maturity thereof and upon presentation and surrender at the office of the City Treasurer, as Paying Agent (the "Paying Agent"). If the Bond shall not be paid at maturity or upon prior redemption, they shall continue to draw interest at the interest rate borne by the Bond until the principal thereof is paid in full. Payment of installments of principal of and interest on the Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent on each payment date (or, if such payment date is not a business day, on the next

succeeding business day), to the registered owner thereof at his address as shown on the registration records kept by the Registrar at the close of business on the day preceding such payment date. The Paying Agent may make payments on the Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the due dates of interest and principal). All such payments shall be made in lawful money of the United States of America.

All principal payments in connection with a partial optional redemption shall be noted on the prepayment panel appended to the Bond, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment. Notwithstanding the foregoing, the payment records of the Paying Agent shall be conclusive.

Section 7. Principal installments on the Bond shall be subject to prior redemption at the option of the City at any time at a price equal to the principal amount redeemed, plus accrued interest to the redemption date, in whole or in part as determined by the City from any legally available moneys, upon 10 days' notice to the registered owner of the Bond.

Notice of any prior redemption shall be given by the Registrar in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, at least 10 days prior to the redemption date to the registered owner of the Bond at his or her address as it last appears on the registration records kept by the Registrar.

Such notice shall specify the installment or installments of principal of the Bond so to be redeemed (if less than all are to be redeemed) and the date fixed for redemption. Such notice shall further state that on the redemption date there will become and will be due and payable upon each installment so to be redeemed at the Paying Agent, the principal amount thereof and accrued interest thereon to the redemption date, and that from and after such date interest will cease to accrue. Notice having been given in the manner provided herein, the installments of principal of the Bond so called for redemption shall become due and payable on the redemption date so designated; and upon presentation thereof at the Paying Agent, the District will pay the installments of principal of the Bond so called for redemption.

A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the bondowner of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

Section 8. The person in whose name the Bond shall be registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes and payment of principal of and interest on the Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative (except as provided above for the payment of interest to the registered owner as of the Regular or a Special Record Date). All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 9. The Bond and the interest thereon shall be payable from the Bond Fund, containing the receipts upon the collection thereof from the assessments levied against and secured by a lien upon the lots, tracts and parcels of land in the District. Whenever there is a deficiency in the Bond Fund, the deficiency must first be paid out of the Surplus and Deficiency Fund (to the extent any money is available therein) before any payment is made out of the general fund of the City (the "General Fund"). In the event the Bond Fund shall be insufficient to pay the Bond and interest thereon as they become due, and the amounts, if any, in the Surplus and Deficiency Fund are not sufficient for that purpose, the deficiency shall be paid out of the General Fund. In the event deficiencies are paid out of the General Fund, all net proceeds of collecting the delinquent assessments with respect to which such payments from the General Fund were required to be made shall be returned and deposited in the General Fund when the Bond, both principal and interest, have been fully paid and discharged. If the General Fund shall be insufficient to pay any such deficiency promptly, the Council shall levy, and it shall be its duty to levy, general (ad valorem) taxes upon all property in the City which is by law taxable for State, City and municipal purposes, without regard to any statutory tax limitation existing on or after May 14, 1965, and without limitation as to rate or amount, fully sufficient, after making due allowance for probable delinquencies, to provide for the prompt payment of such Bond as they become due, both principal and interest, but subject to the limitations set forth in NRS Chapter 361 and Section 2 of Article 10 of the Constitution of the State. The Bond and the interest thereon are payable solely from the assessments, any moneys in the Surplus and Deficiency Fund, the General Fund, and general tax proceeds pledged to the payment thereof.

Section 10. Pursuant to NRS 271.515, the Mayor, the City Clerk and City Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, the Bond shall be signed and executed in the name of the City with the engraved, imprinted, stamped or otherwise reproduced manual or facsimile of the signature of the Mayor and the City Treasurer, shall be attested with the manual or facsimile signature of the City Clerk, and shall be authenticated by the manual signature of an authorized officer of the Registrar as hereafter provided. A printed, engraved, stamped or otherwise placed authentic or facsimile of the seal of the City shall be affixed thereto. The Bond bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligation of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign the Bond at the time of its execution and of the execution of a signature certificate, may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the bond. The Bond shall not be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar, and such certificate of authentication of the Registrar upon the Bond shall be the only competent evidence that such Bond has been duly issued and delivered. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by a duly authorized officer of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on the Bond issued hereunder. If the Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the registered owner thereof a replacement for such

Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such bond in lieu of replacement.

Section 11. Books or records for the registration and transfer of the Bond shall be kept by the Registrar for the Bond. The Bond shall be fully transferable by the registered owner thereof in person or by his duly authorized attorney on the registration records kept at the office of the Registrar, or such other office as may be designated by the Registrar, upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of the Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond, bearing a number or numbers not contemporaneously outstanding. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from an optional redemption. The Registrar shall not be required to transfer or exchange (i) the Bond during a period beginning at the opening of business 15 days before the date of mailing by the Registrar of a notice of prior redemption of the Bond and ending at the close of business on the date of such mailing, or (ii) the Bond after the mailing of notice calling such bond, or any portion thereof, for redemption as herein provided. Whenever the Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, the Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar upon request of the City.

Section 12. Subject to the registration provisions hereof, the Bond shall be fully negotiable and shall have all the qualities of negotiable paper, and the owner thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code - Investment Securities.

Section 13. Pursuant to NRS 271.505, the Bond shall contain a recital that it is issued pursuant to Chapter 271 of NRS (the "Consolidated Local Improvements Law"), which recital shall conclusively impart full compliance with all of the provisions of the Consolidated Local Improvements Law, and the Bond issued containing such recital shall be incontestable for any cause whatsoever after its delivery for value.

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

(Form of Bond)

**TRANSFER OF THIS BOND OTHER
THAN BY REGISTRATION IS NOT EFFECTIVE**

UNITED STATES OF AMERICA

STATE OF NEVADA

COUNTY OF CLARK

NO. R-__

\$__

**CITY OF LAS VEGAS, NEVADA
DISTRICT NO. 1490 – TENAYA WAY
(NORTHERN BELTWAY TO ELKHORN ROAD)
LOCAL IMPROVEMENT BOND
SERIES 2007**

Interest Rate

__% per annum

Dated as of

Date of Delivery

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ **DOLLARS**

The City of Las Vegas (the "City"), in the State of Nevada (the "State"), for value received hereby promises, out of funds available for the purpose as hereinafter set forth, to pay to the registered owner hereof specified above or registered assigns the principal amount specified above on the maturity date specified above with interest hereon from the date of this Bond, or from the most recent interest payment date to which interest has been paid, until maturity at the percentage rate per annum specified above. This Bond shall bear interest on the principal amount hereof from its dated date at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months), payable semiannually on each June 1, and December 1, commencing December 1, 2007. The principal of this Bond shall be payable on December 1 of each year in the following amounts:

[Insert Maturity Schedule]

The final payment of principal of and interest on this Bond is payable upon presentation and surrender hereof at the office of the City's paying agent for the Bond (the "Paying Agent"), presently the City Treasurer, who is also now acting as the City's Registrar for the Bond (the "Registrar") or such other office as designated by the Paying Agent. Installments of principal and interest on this Bond prior to the final payment will be made by check mailed by the Paying Agent on each payment date (or, if such date is not a business day, on the next succeeding business day) to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon as of the close of business on the day next preceding such payment date. Alternative means of payment of interest may be used if mutually agreed to by the registered

owner and the Paying Agent, as provided in the "District No. 1490 Bond Ordinance," adopted and approved by the City Council of the City on June 6, 2007 authorizing the issuance of this Bond (the "Ordinance"). All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or the Registrar.

This Bond is subject to prior redemption at any time at a price equal to the principal amount redeemed, plus accrued interest to the redemption date, in whole or in part as determined by the City from any legally available moneys, upon 10 days' notice to the registered owner of the Bond

This Bond is one of a series of special assessment bonds, issued by the City, all of which are of like date and designation and in the total amount of _____ Dollars (\$_____).

Pursuant to the Ordinance, reference to which is made for further details, the payment of the principal of and the interest on this Bond shall be made from, and as security for such payment there is pledged, a special fund designated "City of Las Vegas, Nevada, District No. 1490 Bond Fund," sometimes designated the "Bond Fund," containing the receipts upon the collection thereof from the assessments, as defined in the Bond Ordinance, levied against and secured by a lien upon the property specially benefitted by improvements in the City of Las Vegas, Nevada, Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) (the "District"), and remaining unpaid on the date of delivery of the Bond. The Bond Fund is and shall continue to constitute a sinking fund for and be deemed specially appropriated to the full and prompt payment of the Bond and the interest thereon, and shall be used for no other purpose whatsoever. In the event the Bond Fund shall be insufficient to pay the Bond and the interest thereon as they become due, and the moneys, if any, in the City's special Surplus and Deficiency Fund are not sufficient for that purpose, the deficiency shall be paid out of the City's general fund. If the City's general fund shall be insufficient to pay any such deficiency promptly, the City Council of the City shall levy, and it shall be its duty to levy, general (ad valorem) taxes upon all property in the City which is by law taxable for State, county and municipal purposes, without regard to any statutory tax limitation existing on or after May 14, 1965, and without limitation as to rate or amount, fully sufficient, after making due allowance for probable delinquencies, to provide for the prompt payment of such Bond as it becomes due, both principal and interest, but subject to the limitations set forth in Nevada Revised Statutes ("NRS") Chapter 361, Section 2 of Article 10 of the Constitution of the State. The Bond and the interest thereon are payable solely from the assessments, the moneys, if any, in the City's Surplus and Deficiency Fund, the general fund, and general tax proceeds pledged to the payment thereof.

The assessments made and levied to defray said cost, with accruing interest thereon, constitute a lien upon and against the property upon which such assessments were made and levied from and after the effective date of the ordinance levying assessments for the District.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of said special assessment bonds of the City for said improvements and incidental expenses, including this Bond, does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of said

improvements; that this Bond is issued under the authority of the Consolidated Local Improvements Law, Chapter 271, NRS and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings, with reference to making such improvements, levying the assessments to pay therefor, and issuing the Bond, have been regularly had and taken, in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefitted by the improvements and of the liability of the owner or owners of such property therefor have been performed.

This Bond is fully registered (i.e., registered as to payment of both principal and interest), and is issuable in a denomination equal to the aggregate principal amount thereof.

Except for the fifteen-day period preceding any date on which all of a portion of this Bond is being selected for call for prior redemption and except for any portion of this Bond so called for redemption, this Bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration books kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar, and upon the payment of all fees and charges required by such Registrar. Upon such transfer a new fully registered Bond of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to such terms and conditions as set forth in the Ordinance. The City and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes.

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

IN WITNESS WHEREOF, City of Las Vegas, Nevada, has caused this Bond to be signed and executed in the name of and on behalf of the City with the [manual/facsimile] signature of the Mayor of the City Council, to be countersigned with the [manual/facsimile] signature of the City Treasurer, and to be countersigned, subscribed, executed and attested with the [manual/facsimile] signature of the City Clerk, has caused the [authentic/facsimile] of the corporate seal of the City to be affixed hereon, and has caused this bond to be dated as of the date specified above.

(For [Manual/Facsimile] Signature)
Mayor

Countersigned:

(For [Manual/Facsimile] Signature)
City Treasurer

(AUTHENTIC OR FACSIMILE SEAL)

Attested and Countersigned:

(For [Manual/Facsimile] Signature)
City Clerk

PROVISION FOR REGISTRATION AS TO PRINCIPAL AND INTEREST

This Bond must be registered as to both principal and interest on the registration records of the City, kept by the City Treasurer, as Registrar. After registration as to principal and interest, the Registrar shall note such registration on such registration records and in the registration blank below, and the principal and interest on this Bond shall be paid to such registered owner. This Bond may be transferred by the registered owner or his or her legal representative only upon a duly executed assignment in form satisfactory to the Registrar, such transfer to be made on said registration records and endorsed hereon.

Every privilege, registration and transfer shall be exercised only in accordance with the authorizing ordinance and such reasonable rules and regulations as the Registrar may prescribe.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Registrar</u>
_____, 2007	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PREPAYMENT PANEL

The following installments of principal (or portions thereof) of this bond have been prepaid in accordance with the terms of the ordinance authorizing the issuance of this bond.

Date of
Prepayment

Principal
Prepaid

Signature of Authorized
Representative of Owner

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney in fact, to transfer the within bond on the books of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

Signature Must Be Guaranteed By A Member
Firm Of The National Association Of Securities
Dealers Or By A Commercial Bank or Trust
Company

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

Name of Transferee: _____

Address of Transferee: _____

Taxpayer Identification or
Social Security Number(s) _____

Transfer fees must be paid to the Registrar in order to transfer or exchange this Bond as provided in the Bond Ordinance.

(End of Form of Assignment)

Section 15. When the Bond has been duly executed and authenticated, it will be delivered to the Purchaser on receipt of the agreed purchase price. The proceeds realized from the sale of the Bond (net of any discount), including any investment income therefrom, shall be applied solely to defray the cost and expense of making said improvements and issuing the Bond; provided, however, that after said cost and expenses are paid (excepting any portion to be paid with other than special assessment proceeds), any funds remaining from the sale of the Bond shall be deposited in the Bond Fund and used for the purposes therefor specified in Section 4 of this Ordinance. The Purchaser, however, shall in no manner be responsible for the application by the City, or any of its officers, agents or employees, of any of the funds derived from the sale thereof or of any other funds herein designated.

Section 16. So long as any of the Bond remains outstanding, the City will keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of special assessments levied for the Project, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Bond Fund, covering deposits in and disbursements from the Surplus and Deficiency Fund, covering the redemption of the Bond (both principal and interest), and covering disbursements to defray the costs of the Project, including incidental expenses. The City will permit an inspection and examination of all books and accounts at all reasonable times by any representative of any of the original purchaser of the Bond.

Section 17. The Finance Director is authorized to execute the proposal to purchase the Bond submitted by the Purchaser in accordance with the provisions of this Ordinance. Pursuant to NRS 350.810 and MSRB Rule G-23, the Council hereby consents to receiving a bid on the Bond from Zions Bank (and its affiliates), and this consent shall constitute a written agreement required by NRS 350.810.

Section 18. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing:

(a) the printing of the Bond, including, without limitation, the printing of such additional blank Bonds as shall be required by the Registrar; and

(b) the execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to the signing and registration of the Bond, the tenure and identity of the officials of the Council and the City, the delivery of the Bond, the designation of the Paying Agent and the Registrar, the receipt of the purchase price for the Bond, the exemption of interest on the Bond from federal and state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the City to hereafter take all action necessary for the City to comply with the provisions of Chapter 271, NRS, as hereafter amended and supplemented from time to time;

(c) the execution by the Finance Director of the purchase proposal between the Purchaser and the City; and

(d) the completion and execution by the Finance Director of the Certificate of the Finance Director in accordance with the provisions of this Ordinance.

Section 19. Any registered owner of the Bond may, either at law or in equity, by suit, action, mandamus or other appropriate proceeding in any court of competent jurisdiction, protect the liens created by this Ordinance on the proceeds of assessments levied for the Project, and may by suit, action, mandamus or other appropriate proceeding enforce and compel the performance of any duty imposed upon the City by the provisions of this Ordinance, or any ordinance heretofore adopted concerning the District, including without limiting the generality of the foregoing, the segregation of special assessments, the proper application thereof, and the appointment of a receiver. The failure of any Bondowner to proceed shall not relieve the City or any of its officers, agents or employees of any liability for failure to perform any such duty.

Section 20. The City covenants for the benefit of the registered owner or owners of the Bond that it will not take any action or omit to take any action with respect to the Bond, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the Bond if such action or omission (i) would cause the interest on the Bond to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended to the date of delivery of the Bond (the "Tax Code"), or (ii) would cause interest on the Bond to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustments applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bond until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

Section 21. When all of the principal of and interest on the Bond have been duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to the Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all principal of and the interest on the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

Section 22. 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, and this Ordinance shall be irrevocable until the Bond and the interest thereon shall be fully paid, satisfied and discharged, as herein provided.

Section 23. This Ordinance may be amended (except for the provisions of Section 13 hereof) or supplemented by an ordinance or ordinances adopted by the Council, without the receipt by the City of any additional consideration, with the written consent of the owners of sixty percent (60%) of the principal amount of the Bond outstanding at the time of the adoption of such amendatory or supplemental ordinance, provided, however, that no such ordinance shall have the effect of permitting:

- a. an extension of the maturity of the Bond; or
- b. a reduction in the principal amount of the Bond or the rate of interest thereon; or
- c. the creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or
- d. a reduction of the principal amount of Bond required for consent to such amendatory or supplemental ordinance.

Section 24. Pursuant to NRS 271.520, the Bond, its transfer, and the income therefrom, shall forever be and remain free and exempt from taxation by the State and any subdivision thereof, except for the tax on estates imposed by Chapter 375A of NRS, or the tax on generation-skipping transfers imposed pursuant to the provisions of Chapter 375B of NRS.

Section 25. The Council hereby finds and declares that the life of the Project to be acquired with the proceeds obtained from the sale of the Bond shall be not less than the period during which the Bond matures.

Section 26. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall determine to remove the Registrar or Paying Agent, the Council may, upon notice mailed to each owner of the Bond at his address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder. Any corporation, association, or agency into which the Registrar or the Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, automatically shall be and become successor registrar or paying agent hereunder and vested with all of the powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 27. When first proposed, this Ordinance shall be read to the Council by title, after which an adequate number of copies of this Ordinance shall be filed with the City Clerk for public distribution. Notice of the filing shall be published once in a newspaper published and having general circulation in the City, at least 10 days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Ordinance)

BILL NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas at her office in the City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on May 16, 2007 and will be considered for adoption at the regular meeting of the City Council to be held on June 6, 2007.

/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

(End of Form of Publication of Notice of Filing of Ordinance)

Section 28. This Ordinance shall be in effect on the day after the date of publication as hereinafter provided. After this Ordinance is adopted and signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in a newspaper published and having a general circulation in the City, and such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above-numbered and entitled Ordinance was proposed on May 16, 2007 and that such Ordinance was passed at a regular meeting of the City Council on June 6, 2007 by the following vote of the City Council:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Brenda J. Williams

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the ____ day of June, 2007 i.e., the day after publication of such Ordinance by its title only.

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

DATED this June 6, 2007.

/s/ OSCAR B. GOODMAN
Mayor

Attest:

/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

(End of Form of Publication)

Section 29. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

OSCAR B. GOODMAN, Mayor

(SEAL)

Attest:

BEVERLY K. BRIDGES, Acting City Clerk

The ordinance has been reviewed by the Deputy City Attorney:

J. Lombardo
Deputy City Attorney 5/1/07

This Ordinance shall be in full force and effect from and after the ____ day of June, 2007, i.e., the day after the publication of such Ordinance by its title only.

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

I, Beverly K. Bridges, CMC, the duly chosen and qualified Acting Clerk of City of Las Vegas, Nevada (the "City"), do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council of the City (the "Council") on May 16, 2007 and finally adopted and approved at the meeting of the Council held on June 6, 2007.

2. The following members of the Council were present at the May 16, 2007 meeting:

Mayor:	Oscar B. Goodman
Councilmembers	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Brenda J. Williams

2. The foregoing Ordinance was first proposed and read by title to the Council on May 16, 2007, and referred to a committee composed of the _____ for recommendation. Thereafter said committee reported favorably on said Ordinance on June 6, 2007, which was a regular meeting of said Council. At the June 6, 2007 regular meeting, the proposed Ordinance was again read by title to the Council and adopted. The members of the Council were present at the June 6, 2007 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Brenda J. Williams

Those Voting Nay:

Those Absent:

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

4. All members of the Council were given due and proper notice of the meetings held on May 16, 2007 and June 6, 2007.

5. All members of the Council were given due and proper notice of each meeting. Pursuant to NRS § 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting.

(a) By posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Bulletin Board (next door to Metro Records)
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
City Clerk's Bulletin Board, 2nd Floor Skybridge
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada
- (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 to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. Copies of the notice of each such meeting as posted and mailed are attached hereto as Exhibits A and 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this June __, 2007.

BEVERLY K. BRIDGES, Acting City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of Meeting held May 16, 2007)

EXHIBIT B

(Attach Copy of Notice of Meeting held June 6, 2007)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Bond Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-22 – Amends the City's drought plan regulations to allow new turf to be installed in the front yards of single-family dwellings, subject to existing overall turf limitations.

Sponsored by: Councilman Steven D. Ross

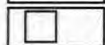
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill would allow new turf to be installed in the front yards of single-family dwellings, subject to existing overall turf limitations. The overall turf limitation is not to exceed 50% of the gross area of the side and rear yards, or one hundred square feet, whichever is greater, with a maximum of 5000 square feet. This type of ordinance adjustment is allowed under the Southern Nevada Water Authority's drought plan and is similar to an ordinance that has been adopted in North Las Vegas.

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. 2007-22
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

6/5/2007 Recommending Committee

6/6/2007 Council Agenda

BILL NO. 2007-22

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY'S DROUGHT PLAN REGULATIONS TO ALLOW NEW TURF TO BE INSTALLED IN THE FRONT YARDS OF SINGLE-FAMILY DWELLINGS, SUBJECT TO EXISTING OVERALL TURF LIMITATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends the City's drought plan regulations to allow new turf to be installed in the front yards of single-family dwellings, subject to existing overall turf limitations.

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

SECTION 1: Title 14, Chapter 11, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.11.150: (A) Except as otherwise provided in Subsection (B), [No] no new turf may be installed in residential front yards. In single-family residential development, the installation of new turf shall not exceed fifty percent of the gross area of the side and rear yard or one hundred square feet, whichever is greater (up to a maximum of five thousand square feet). No turf area may be installed in the side or rear yard if any dimension thereof is less than ten feet.

(B) The owner of a single family dwelling may apply to the Director for an exemption from the prohibition in Subsection (A) regarding new turf in residential front yards. Approval of an exemption authorizes the applicant to install new turf in the front yard, but only if the total quantity of turf in the front, side and rear yards does not exceed the amount otherwise allowable in the side and rear yards under Subsection (A). An application for exemption shall include such information regarding the applicant's plans as the Director may require, including authorization for City representatives to gain access to the property for purposes of determining compliance with this Section.

[(B)] (C) During the months of May through August, the planting of cool-season grasses (i.e. tall fescue or rye grass) is prohibited. The planting of warm-season grasses (i.e. bermuda and zoysia) is permitted.

[(C)] (D) The restrictions applicable to nonresidential development during drought watch

1 conditions shall apply during drought alert conditions as well.

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

10 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
11 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
12 required or the failure to do any act is made or declared to be unlawful or an offense or a
13 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
14 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
15 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
16 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

17 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

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

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
26 BEVERLY BRIDGES, Acting City Clerk

27 APPROVED AS TO FORM:

28 Val Stead 5-3-07
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:

16
17 BEVERLY BRIDGES, Acting City Clerk
18
19
20
21
22
23
24
25
26
27
28

BUSINESS IMPACT STATEMENT

BILL NO. 2007-22

(Amends the City's drought plan regulations to allow new turf to be installed in the front yards of single-family dwellings, subject to existing overall turf limitations)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-22, that would amend the City's drought plan regulations to allow new turf to be installed in the front yards of single-family dwellings, subject to existing overall turf limitations.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: May 3, 2007

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-23 – Eliminates the “resolution of intent” process as an alternative process for future rezoning 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:

This bill, processed at the request of the Planning and Development Department, would eliminate the “resolution of intent” process as an alternative process for future zoning approvals. Future approvals would have to be done by direct-to-ordinance zoning. The bill includes transitional provisions for existing resolutions of intent.

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. 2007-23

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

6/5/2007 Recommending Committee

6/6/2007 Council Agenda

1 **BILL NO. 2007-23**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ELIMINATE THE "RESOLUTION OF INTENT" PROCESS AS AN
4 ALTERNATIVE PROCESS FOR FUTURE REZONING APPROVALS, AND TO PROVIDE
FOR OTHER RELATED MATTERS.

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

Summary: Eliminates the "resolution of intent"
process as an alternative process for future
rezoning approvals.

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

9 SECTION 1: Title 19, Chapter 18, Section 40, Subsection (O), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (O) [Rezoning Procedures.] Procedures Governing Rezoning Approvals Granted Before July 1,
12 2007.

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

17 (2) Finalizing Rezoning by Ordinance. The final step in the rezoning process, whether or
18 not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance
19 in which the zoning classification of one or more parcels is formalized.

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

24 (4) Termination of Rezoning Approvals Subject to a Resolution of Intent.

25 (a) Approvals Not Subject to Time Limit. If development does not occur in a
26 timely manner or if conditions in the area change subsequent to the original approval of a rezoning
27 that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution
28 of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions

1 of approval. In addition, if such a rezoning approval no longer conforms to the use and density
2 classification of the General Plan, the City may notify the property owner that the rezoning must be
3 exercised within one year. Thereafter, the approval shall be treated as an approval subject to a time
4 limit in accordance with Subparagraph (b) below.

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

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

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

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

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

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

21 (a) Application therefor is made prior to the expiration of the time limit;

22 (b) The applicant demonstrates good cause; and

23 (c) The applicant conforms to the additional requirements set forth in Paragraph

24 (6) below.

25 (6) Extensions of Time-Additional Requirements. If a time-limited zoning approval that
26 is sought to be extended continues to conform to the use and density classifications of the General
27 Plan, the applicant must demonstrate that the rezoning remains consistent with the surrounding area
28 and the pattern of development in the area. If the rezoning sought to be extended no longer conforms

1 to the use and density classifications of the General Plan, the extension of time, if granted, shall be
2 limited to a one-year period. If, within that period, the zoning approval is not exercised by means of
3 the recordation of a final subdivision map or by the commencement of actual construction, the
4 approval terminates.

5 SECTION 2: Subsection (P) of Title 19, Chapter 18, Section 40, of the Municipal
6 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby redesignated as Subsection (Q).

7 SECTION 3: Title 19, Chapter 18, Section 40, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, designated
9 as Subsection (P), reading as follows:

10 (P) Procedures Governing Rezoning Approvals Granted On or After July 1, 2007.

11 The approval of a rezoning application shall be formalized by the subsequent adoption of an
12 ordinance in which the rezoning of one or more parcels is reflected. No substantial change may be
13 made to a development or to the rezoning approval which authorized that development without the
14 approval of the City Council.

15 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.040
16 is deemed to be a subchapter rather than a section.

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

25 ...

26 ...

27 ...

28 ...

1 SECTION 6: 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 _____
11 BEVERLY BRIDGES, Acting City Clerk

12 APPROVED AS TO FORM:

13 Val Steel 5-3-07
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:

16
17 BEVERLY BRIDGES, Acting City Clerk
18
19
20
21
22
23
24
25
26
27
28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-24 – Amends the regulations governing the use of City parks to prohibit persons over the age of twelve years from being within a certain proximity to children's play areas or play equipment, except under specified circumstances. Proposed by: Karen Coyne, Director of Detention and Enforcement

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill would prohibit persons over the age of 12 from being within 100 feet of any children's play area or play equipment in a City park. The prohibition would not apply to parents, guardians or others responsible for a child, or to those actively participating in or watching an athletic event.

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. 2007-24
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

6/5/2007 Recommending Committee

6/6/2007 Council Agenda

THE MORNING SESSION RECESSED AT 12:34 P.M.

BILL NO. 2007-24

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE USE OF CITY PARKS TO PROHIBIT PERSONS OVER THE AGE OF TWELVE YEARS FROM BEING WITHIN A CERTAIN PROXIMITY TO CHILDREN'S PLAY AREAS OR PLAY EQUIPMENT EXCEPT UNDER SPECIFIED CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Karen Coyne, Director of
Detention and Enforcement

Summary: Amends the regulations governing the use of City parks to prohibit persons over the age of twelve years from being within a certain proximity to children's play areas or play equipment, except under specified circumstances.

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

SECTION 1: Title 13, Chapter 36, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add thereto a new section, designated as Section 57, reading as follows:

13.36.057: (A) Except as otherwise provided in Subsection (B), it is unlawful for a person over the age of twelve years to enter and remain within one hundred feet of:

(1) Any play equipment or water feature that is designed for use by children;

or

(2) Any area of a park that has been designated and posted as a children's play area.

(B) The prohibition contained in Subsection (A) does not apply to:

(1) A parent, guardian or other person who is responsible for and accompanying a child of the age of twelve years or younger; or

(2) A person who is:

(a) Within the confines of a field or court that is designed for athletic events, or an area set aside for watching such an event as a spectator; and

(b) Actively participating in or watching such an event while it is in progress.

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

9 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

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

20 APPROVED:

21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24
25 BEVERLY BRIDGES, Acting City Clerk

26 APPROVED AS TO FORM:

27 Val Steep 5-3-07
28 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:

16

17 BEVERLY BRIDGES, Acting City Clerk

18

19

20

21

22

23

24

25

26

27

28

BUSINESS IMPACT STATEMENT

BILL NO. 2007-24

(Amends the regulations governing the use of City parks to prohibit persons over the age of twelve years from being within a certain proximity to children's play areas or play equipment, except under specified circumstances)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-24, that would amend the regulations governing the use of City parks to prohibit persons over the age of twelve years from being within a certain proximity to children's play areas or play equipment, except under specified circumstances.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: May 3, 2007

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

☐ Consent ☒ Discussion

SUBJECT:

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

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

For clarification purposes, a short recess was taken at the request of Councilman Reese.

Regarding the agendaed billboard applications (Items 162-170), COUNCILMAN REESE noted the abeyance requests and pointed out that Council is working with this industry and is attempting to resolve any issues in an expedient manner.

A Verbatim Transcript regarding Item 110 is made a part of the Final minutes and filed under Item 110.

KATIE FELLOWS, 3773 Howard Hughes Parkway, appeared on behalf of the applicant and requested an abeyance to 6/20/2007 for Items 155 and 156.

MARK JONES, 3610 North Rancho Drive, appeared on behalf of the applicant and requested an abeyance to 6/06/2007 for Items 134 and 135. COUNCILMAN BROWN asked that MR. JONES contact his office and give him an update on the applications; MR. JONES concurred.

ATTORNEY TABITHA KEETCH, 3800 Howard Hughes Parkway, confirmed with Council that the request is to hold in abeyance Items 163, 165 and 166 to 6/20/2007 and Item 167 to 6/06/2007.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing to assess inspection/reinspection fees and civil penalties located at 920 W. Bonanza Road. PROPERTY OWNER: MOULIN ROUGE PROPERTIES LLC – Ward 5 (Williams)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$79,040.00

Funding Source: General Fund

Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The units within the subject property were determined to be substandard, dangerous, and declared a public nuisance pursuant to the 1994 Uniform Housing Code. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken, the Department of Neighborhood Services assessed inspection/reinspection fees and civil penalties for each unit that failed an inspection. To date, there have been fifty nine (59) units inspected at this location.

RECOMMENDATION:

That the City Council: 1. Assess the inspection/reinspection fees in the amount of \$28,440, plus civil penalties in the amount of \$50,600, for a total of \$79,040, and that the charges be filed and recorded.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of the Notice and Claim of Lien
7. Submitted at meeting – Summary of Additional Requirement, Memorandum by Dr. Lisa Morris, and Confession of Judgment and Affidavit of Verification for Items 86 and 87

Motion made by BRENDA J. WILLIAMS to Approve Items 86 and 87

CITY COUNCIL MEETING OF: MAY 16, 2007

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

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

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 86 and 87.

DEPUTY DIRECTOR LISA MORRIS, Neighborhood Services Department, requested Items 86 and 87 be heard together. MS. MORRIS gave a report on the subject properties, Desert Breeze Apartments I and II. On September 12, 2006, the City of Las Vegas received a complaint from a tenant regarding the living conditions at the Desert Breeze Apartments. Code Enforcement staff, Clark County Health Department and City of Las Vegas Fire Department inspected the properties and found multiple code violations, including health and safety issues requiring immediate attention. She described in detail the conditions of the properties, which were very poor and unsanitary, including some units were without heat or air conditioning. Staff and/or designees were on site for several months to provide technical assistance on the issues and repairs needed. When no reasonable efforts were made to repair the conditions, staff issued a Notice and Order on January 17, 2007. On March 15th, staff received a letter stating a decision by the owners of the Desert Breeze Apartments had been made to close down the complex. Staff has been working with the owners/designees to develop a tenant incentive and relocation plan, which resulted in Clark County Social Services assisting eligible tenants. On April 11th, the tenants were issued a 30-day notice to vacate. To date, there are approximately eight tenants remaining in Desert Breeze I and Desert Breeze II is completely vacant. From March 6 through April 18, weekly inspections and reinspections were conducted based on the Notice and Order, resulting in a total of 232 inspections made on 59 units within Desert Breeze I and 147 inspections made on 33 units within Desert Breeze II.

DEVIN SMITH, Manager-Neighborhood Response, summarized the fees owed by the property owners. Regarding the property at 1001 West McWilliams Avenue, the total owed is \$18,780; civil penalties are \$31,300; optional daily civil penalties for 35 days totaling \$35,000. Regarding the property at 920 West Bonanza Road, the inspection and reinspection fees in the amount of \$28,440; civil penalties in the amount of \$50,600; an additional 35 days of civil penalties totaling \$35,000. It is staff's recommendation that Council impose all fees. There would be four equal payments totaling \$129,120, but the daily civil penalty fees would be waived.

CRAIG NEWMAN, 300 South Fourth Street, appeared on behalf of the applicant and confirmed that an agreement had been reached. MAYOR GOODMAN noted that during a briefing, there was concern that the City would be liable for the remaining eight individuals in Desert Breeze Apartments I. MR. NEWMAN responded that those remaining tenants received five-day notices to vacate. If not, an eviction would take place on the remaining tenants. The City is willing to assist if necessary. MAYOR GOODMAN was displeased with the blight and wanted to ensure that the property was demolished, as this particular area is making a comeback and did not want to see this impacting redevelopment. DR. MORRIS concurred.

CITY COUNCIL MEETING OF: MAY 16, 2007

COUNCILWOMAN WILLIAMS was encouraged to see there was a resolution. She agreed the site was blight and did not want to see this as a standard for any ward. She then read the agreement, dated 5/16/2007, and submitted it into the record.

DEPUTY CITY ATTORNEY DAN STILL also submitted for the record the Confession of Judgment that was executed by the managing member of the LLC. Personal guarantees have also been provided by both managing members of the LLC.

MAYOR GOODMAN declared the Public Hearing closed for Items 86 and 87.



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to assess inspection/reinspection fees and civil penalties located at 920 W. Bonanza Road . PROPERTY OWNER: MOULIN ROUGE PROPERTIES LLC - Ward 5 (Williams)

Inspection/reinspection fees assessed in the amount of \$28,440.00; plus civil penalties in the amount of \$50,600.00 for a total of \$79,040.00.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Housing Uniform Code, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

ASSOCIATED DAILY CIVIL PENALTIES (COUNCIL'S DISCRETION):

In addition, at the Council's discretion, the Council may impose daily civil penalties from April 12, 2007 to May 16, 2007 (35 days) in the amount of \$35,000.00. This brings total to \$114,040.00.

MARBLE MANOR

811

REC.

L.V.H.
MARBLE
235 UN

GERSON AVE

MORGAN AVE

GRANT ST

LEWIS ST

JST

W MCWILLIAMS AVE

901

1001
WESTWOOD PARK APARTMENTS
56 UNITS

8 APTS.

20 APTS.

WHSES.

TRUCK
RENTALS

MOULIN ROUGE
MOTEL

APTS.
75 UNITS

N
OFFICE

1132

1000

900

W BONANZA RD

919

901

855

845

835

OFFICE

SHOP

STD.
WHOLESALE OFFICE

JST

101

Memorandum

City of Las Vegas Neighborhood Services Department

To: Beverly Bridges, Acting City Clerk
From: Devin S. Smith, Manager – Neighborhood Response Division
CC: File
Date: May 3, 2007
Re: Report of Expenses for inspection/reinspection fees and civil penalties accrued for property located at 920 W. Bonanza Road - Ward 5 (Williams)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 for "Uniform Housing", the Department of Neighborhood Services is submitting a list of reinspection fees and civil penalties incurred on the property.

DESERT BREEZE I

Amount Breakdown:	
Inspection/Reinspection Fees:	\$28,440.00
Civil Penalties:	\$50,600.00
TOTAL AMOUNT DUE:	\$79,040.00
Daily Civil Penalties (35 days @ 1,000/day = \$35,000.00) At the Council's discretion, the Council may impose daily civil penalties from April 12, 2007 to May 16, 2007.	(Not to exceed) \$114,040.00
OWNER OF RECORD:	MOULIN ROUGE PROPERTIES LLC
PROPERTY ABATED:	920 W. BONANZA
ASSESSOR PARCEL:	139-28-703-013
LEGAL DESCRIPTION:	PT NE4 SE4 SEC 28 20 61

DSS:ed



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
MAY 16, 2007**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, May 16, 2007 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property required Inspection/Reinspection Fees and incurred Civil Penalties on property located at **920 W. BONANZA ROAD**, legally described as **PT NE4 SE4 SEC 28 20 61**. Owner of record at time of abatement: **MOULIN ROUGE PROPERTIES – WARD 5 (WILLIAMS)**

The Director of Neighborhood Services certifies in the report that the sum of \$79,040.00 was expended (\$28,440.00 Inspection/Reinspection Fees and \$50,600.00 Civil Penalties).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

**BEVERLY K. BRIDGES, CMC
ACTING CITY CLERK**

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

STEVE WOLFSON

LOIS TARKANIAN

STEVEN D. ROSS

BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
MAY 16, 2007**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, May 16, 2007 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property required Inspection/Reinspection Fees and incurred Civil Penalties on property located at **920 W. BONANZA ROAD**, legally described as **PT NE4 SE4 SEC 28 20 61**. Owner of record at time of abatement: **MOULIN ROUGE PROPERTIES – WARD 5 (WILLIAMS)**

The Director of Neighborhood Services certifies in the report that the sum of \$79,040.00 was expended (\$28,440.00 Inspection/Reinspection Fees and \$50,600.00 Civil Penalties).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

**BEVERLY K. BRIDGES, CMC
ACTING CITY CLERK**

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DB: 920 W. Bonanza Road

Moulin Rouge Properties LLC
8100 W. Sahara Avenue #200
Las Vegas, Nevada 89117**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X**

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)**C. Date of Delivery****D. Is delivery address different from item 1? ☐ Yes**If YES, enter delivery address below: ☐ No**3. Service Type**

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)☐ Yes**2. Article Number**

(Transfer from service label)

7005 3110 0001 3041 0497

Address: 920 W BONANZA RD

CITZ

Desert Breeze I apartments. Check for any and all code violations for this complex. Contact: Chauncey Moore off 631-1369 Cell 806-7088 Stanley Wilkerson is on site manager and maintenanc supervisor is Ray

Parcel(s)

Parcel:	Size:	Subdivision Name:
13928703013	2.33 ACRE	PT NE4 SE4 SEC 28 20 61

Owner Information:

10-Aug-02	06-Apr-06	C B C FINANCIAL CORPORATION 708 CANYON GREENS DR; LAS VEGAS, NV 89144-0834
06-Apr-06	20-Apr-06	MOULIN ROUGE DEVELOPMENT CORP 800 W BONANZA RD; LAS VEGAS, NV 89106-3525
20-Apr-06	20-Apr-07	MOULIN ROUGE DEVELOPMENT CORP % GRAND PACIFIC FINANCING CORP 1255 CORPORATE CENTER DR #PH10; MONTEREY PARK, CA 91754-7615
20-Apr-07		MOULIN ROUGE PROPERTIES L L C 8100 W SAHARA AVE #200; LAS VEGAS, NV 89117-1997

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
950429	Failed		11/15/2006	11/15/2006 10:30	11/15/2006 10:30	0
950429	Failed		11/15/2006	11/14/2006 10:30	11/14/2006 16:00	330
950429	Passed	Partial	11/16/2006	12/05/2006 14:15	12/05/2006 14:45	30
984323	Passed	Partial	12/7/2006	12/12/2006 10:00	12/12/2006 11:49	109
960066	Passed	Partial	3/8/2007	03/07/2007 8:00	03/07/2007 10:00	120
960066	Failed		3/14/2007	03/14/2007 8:00	03/14/2007 8:15	15
984323	Passed	Partial	3/21/2007	03/21/2007 15:00	03/21/2007 15:30	30
960066	Failed		3/28/2007	03/28/2007 9:00	03/28/2007 9:25	25
960066	Failed		4/4/2007	04/04/2007 9:30	04/04/2007 9:45	15
960066	Passed	Partial	4/11/2007	04/18/2007 9:00	04/18/2007 9:30	30
960066	No Action		5/9/2007			

Time in Minutes: 704

Violation Details

Violation	Violation DT:	Resolve DT:	Location:
A-BLD HOUSE	11/14/2006		Bldg 1, Apt 1004
Bathroom ceiling stained, tub spout missing, towel bar broken, carpet dirty, no gfi in kitchen			
A-BLD HOUSE	11/14/2006		Bldg 7, Apt 2081 (cont'd)
Bathroom light fixture is to be made operable. Provide operable heat pump.			
A-BLD HOUSE	11/15/2006		Bldg 7, Apt 1064
Broken window (hazardous) no access			
A-BLD HOUSE	11/15/2006		APT 2052 (cont'd)
Repair bathroom door at latch to close and lock properly. Properly install and level toilet - caulk base to flooring. Replace GFCI receptacle at bathroom. Tub is in disrepair - replace tub fixture. Install tub overflow.			

A-BLD HOUSE	11/15/2006	APT 2059 (cont'd)
Provide correct and operable smoke detector. Provide operable passage door latch and knob. Replace toilet handle. Provide pop-up assembly at bathroom sink. Replace broken tub spout.		
A-BLD HOUSE	11/15/2006	APT 2061 (cont'd)
Replace/repair broken outlet at bedroom wall. Provide correct and operable smoke detector. Repair leak at shower valve. Tub is in disrepair - replace tub fixture. Provide missing shower head. Install aerator at bathroom faucet.		
A-BLD HOUSE	11/15/2006	Bldg 6, Apt 2040
Stove elements bad, major roach infestation, sink strainer worn out, floor tiles in bathroom cracked/broken, no water volume/lav faucet needs replacing, toilet tank lid broken, no caps on bolts, toilet doesn't flush properly, no gfi in bathroom/kitchen,		
A-BLD HOUSE	11/15/2006	APT 2079 (cont'd)
Fill hole in wall with construction wallboard at kitchen sink. Tub is in disrepair - replace tub fixture. Replace/repair overflow cap. Provide GFCI receptacle in bathroom. Carpet is with rips and holes - replace carpet.		
A-BLD HOUSE	11/15/2006	APT 2086 (cont'd)
Provide correct and operable smoke detector. Replace tub/shower enclosure. Tub is in disrepair - replace tub fixture and all appurtenance. Provide GFCI outlet at bathroom.		
A-BLD HOUSE	11/15/2006	APT 2061 (cont'd)
Repair/replace toilet flush lever. Secure toilet to base of flange. Provide light fixture lense. Replace door at bathroom and include hardware. Replace/repair entry door (where splitting apart at jamb). Provide weather strip at entry door.		
A-BLD HOUSE	11/15/2006	Bldg 7, Apt 1005 (cont'd)
Replace/repair tile at shower wall and window.		
A-BLD HOUSE	11/15/2006	Bldg 7, Apt 1061
Case #06E-021757 leak in ceiling, dirty carpet, leak in bathroom ceiling, leak under kitchen cabinet, broken glass, tenant states she got bitten by a spider, hole in bathroom door, tub painted, gfi wired incorrectly, ceilings/walls filthy & greasy,		
A-BLD HOUSE	11/15/2006	APT 2052 (cont'd)
Provide pest control from licensed exterminator.		
A-BLD HOUSE	11/15/2006	Bldg 7 Laundry Room
Laundry Room closed		
A-BLD HOUSE	11/15/2006	Bldg 7, Unit 2072 (cont'd)
no shelves in medicine cabinet, gfi in bathroom upside down, NO HEAT unit not working properly 48 HOURS TO REPAIR, plastic not allowed in lieu of glass, no screen on window, insect infestation, kitchen faucet not working 42 hours to replace-sanitation		
A-BI ELECTRL	11/15/2006	no power in #1019 in building #2
buuilding posted "NOT TO OCCUPY" due to lack of electricity in the apartment. a man was told he must leave until the power is turned on by the legal tenant		
A-BLD HOUSE	11/15/2006	numerous housing code violations in all of the units
none of the units inspected were without code violations		
A-BLD HOUSE	11/15/2006	APT 2059
Provide weather stripping at entry door. Replace vinyl tile where missing or with holes. Replace worn out counter top. Provide carbon filter at stove hood. Provide cabinets that are sealed and with washable surface.		
A-BLD HOUSE	11/15/2006	APT 2061
Replace cord for stove with correct wiring method. Provide correct knob for stove operation. Provide operable stove element. Provide carbon filter at stove exhaust hood. Reinstall GFCI outlet at kitchen countertop.		
A-BLD HOUSE	11/15/2006	APT 2070
Install bathroom sink correctly and caulk joint at wall. Repair pop-up assembly at bathroom sink. Provide correct tub down spout. Install GFCI receptacle at bathroom. Provide operable smoke detector.		
A-BLD HOUSE	11/15/2006	APT 2052
Replace plywood window with glass window. Provide weather stripping at entry door. Entry door is delaminating-repair/replace door properly. Replace counter top where stove has fallen and tile is broken. Secure kitchen faucet to sink.		
A-BLD HOUSE	11/15/2006	APT 2079
Replace/repair door knob attachment. Provide weather stripping around entry door. Provide operable a/c and heater. Repair/rework flooring where joints are open and filled with grime. Provide face plate at a/c receptacle.		

A-BLD HOUSE	11/15/2006	APT 2086
Repair dead bolt throw latch at door entry. Provide operable heat pump. Repair casing around heat pump and make washable. Provide new kitchen flooring where old has lost adhesive. Provide GFCI outlet at kitchen counter top.		
A-BLD HOUSE	11/15/2006	BLDG 7, APT 2062
Provide door weather stripping. Provide pest/rodent free apt.-report from licensed. exterminator required. Kitchen sink is to drain and be sanitary. Kitchen cabinet is dilapidated and to be replaced. Provide carbon filter at stove exhaust.		
A-BLD HOUSE	11/15/2006	BLDG 7, APT 2078
Provide carbon filter for stove hood exhaust. Stop leak at kitchen faucet. Replace GFCI receptacle at bathroom. Bathroom tub in disrepair and must be replaced. Replace tub downspout and provide operable shower.		
A-BLD HOUSE	11/15/2006	BLDG 7, APT 2078 (cont'd)
Provide caulking at flooring and wall/fixture joints. Carpet is with holes and must be replaced. Replace cracked window with glass pane.		
A-BLD HOUSE	11/15/2006	BLDG 7, APT 2062 (cont'd)
Carpet is frayed and with holes-replace carpet. Replace wall A/C cord and include AFCI plug. Tub at bathroom is in disrepair and is to be replaced. Stop leak at bathroom drain. Replace GFCI receptacle at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1056
Front door drags, walls ceilings dirty, toilet clogged lav backs up, tub is painted, rain fitting worn out, no grill, no caps on bolts, floor tiles bad, cover missing on bathroom light fixture		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1057
Cabinet damaged-no base trim on cabinet, carpet dirty, grease filter missing-right element missing on stove, kitchen faucet drips, floor tiles damaged, mold in bathroom, insects, no stoppers by tub, bathroom door cracked, no working smoke detector		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1071
Vacant		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1060
Gap around door, bathroom door damaged, large amount of fire load in room, no stoppers, drain fitting in lav chrome worn off, gfi receptacle in bathroom upside down, porcelain worn off on tub by drain fitting		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1058
front door damaged, big fire load (7 days to clean up storage), tub spout missing, gfi inoperable, caps missing, no working smoke detector		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1072
Mice in apartment, roaches, grease filter missing, tub painted, no caps, leaks under toilet bowl, carpet dirty, Mrs. Campbell		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1087
No range hood exhaust fan, cook top stove in bad condition, insect infestation, wall in kitchen damaged, apt filthy, leak in bathroom ceiling, exhaust fan doesn't work, no gfi in bathroom, tub rusted out by drain, no caps on bolts,		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1085
vacant		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1084
Broken window, plastic not allowed, insect infestation, NO HEAT 48 hour notice to provide		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1083
Sink chipped, stove element bad, weatherstrip bad, bathroom flooring bad, tub bad, rusted out by drain, no bathroom gfi receptacle, no bathroom exhaust fan, bathroom door does not lock, tenant has to use vise grip pliers to turn on/off his shower valve		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1082
No gfi in bathroom, range hood exhaust shot-not working, tub rusted, insects, no caps on bolts, no exhaust fan, hole in ceiling above tub, shower valve leaks, carpet dirty-leaks around door		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1069
Kitchen floor damaged, leak around door, insect infestation, exposed wires on range hood exhaust, left burner catches burner on fire tenant states, refrigerator freezer section bad, leak from above damaged bathroom ceiling, lav faucet leaks on cold side,		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1073
Vacant		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1062
Insect infestation, gfi not working in bathroom, tub/shower valve needs repairs, leak under kitchen sink, no grease filter on range hood exhaust, no screen on window, carpet needs cleaning, tenant states wall heater not working properly,		

A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1005	Provide correct and operable smoke detector. Install counter top correctly and caulk along wall. Stop all plumbing leaks under kitchen sink. Replace torn, broken and missing kitchen floor tiles. Provide missing face plate at refrigerator outlet.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1070	Vacant
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1055	carpet filthy, door damaged on cabinet, floor tiles damaged, sink loose on wall, medicine cabinet mirror broken, bathroom door broken
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1068	Mice, cabinets damaged, sink clogged, insect infestation, bathroom wall water damaged, no tack strip for carpet, gfi doesn't work in bathroom, unit in poor shape, right side burner inoperable, gfi painted in kitchen
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1067	Vacant
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1065	Window broken, dirty carpet, no heat in unit, grease filter missing, hole above tub, hordes of insects in room, dead bolt doesn't lock
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1080	No grease filter, insects, gfi not working, exhaust fan not working, caps missing, caulking needed, same problems as rest of units
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1011	Kitchen sink leaking, foul odor, a/c not working properly, tiles coming up in bathroom, chipped tub, lav leaks, caps missing, shower arm needs replacement, no door stop in bathroom, weatherstrip bad
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1040	No access
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2009	No smoke detectors, same problems as other units, i.e., screens missing, carpet dirty, no gfis in kitchen, tubs painted, caps on bowl missing
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2008	Tub painted, caps missing, no hallway (staircase lights), no gfis, no caps on toilet, generally needs a rehab, insects infesting
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2006	Vacant
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2005	No access
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2004	Vacant
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1045	Kitchen countertop dirty, no screen on window, no address #'s on door, roaches, tub cannot be painted-must be a non-permeable surface, caps missing on bowl, shower valve leaking, caulk all fixtures & lav sink backsplash, ceiling falling down,
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2001	Vacant
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1043	Tub painted, tub shoe worn out, frosted glazing required in bathroom, no screens on windows, carpet filthy, tiles in kitchen & bathroom missing, cracked, broken, insect infestation, no gfci in kitchen, appliances dirty or worn out,
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1006	No access
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1005	No access
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1003	No screen on window-occupied, toilet inoperative & leaking, air conditioners not working properly, carpet filthy & needs replacement, weatherstrip bad, bathtub cover plate missing, kitchen flooring bad, leak under kitchen sink
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1002	No access

A-BLD HOUSE	11/16/2006	Bldg 1, Apt 1001
Vacant		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 2040
Stove elements bad, major roach infestation, sink strainer worn out, bathroom floor tiles cracked/broken, no water volume/lav faucet needs replacing, toilet tank lid broken, no caps on bolts, toilet doesn't flush properly, no gfi in bathroom/kitchen		
A-BLD HOUSE	11/16/2006	Bldg 1, Apt 2003
Vacant		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 2043
No access		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1053
Not occupied		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1052
Door damaged big gap at bottom, lav sink not draining, caps missing on bowl, mold in shower, tub painted, insects, gaps need caulking, ceiling water damaged still not painted, carpet metal trim came off by kitchen tiles & carpet		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1051
Not occupied		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1050
Not occupied		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1048
Note in window stating mice in room (no access)		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2044
Secure kitchen sink fixture. Patch hole in wall under kitchen sink. Reverse hot and cold supply line at kitchen fixture. Replace carbon filter at stove hood. Provide pest control by license exterminator.		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1041
Tenant very clean, carpet needs replacement, tub drips, no frosted glazing in bathroom window, insects, no gfi in kitchen or bathroom, no smoke detectors, no caps on bolts, check faucets for leaks		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2064
Provide correct stove knob. Provide kitchen flooring and make surface washable. Kitchen cabinet is swollen with moisture-replace cabinet. Provide carbon filter at stove exhaust. Kitchen cabinets are to be made washable. Provide correct smoke detector.		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1042
Vacant		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 2042
No screens on windows, 2 stove burners missing, gfi in kitchen no good, gfi in bathroom upside down, tub & shower enclosure painted, tub valve leaking, insects, HAS PET		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 2041
Light falling down, insects, return air filter dirty, smoke detector missing, batteries missing in bedroom detector, refrigerator magnetic seal bad, tub & tub surround need replacement-painting not allowed, handrail loose at top of stairway		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1064
No access		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1063
No access		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1059
No access		
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1048
Mice found in room, room dirty & greasy, no gfci in kitchen, insect infestation, no screen on window, air leaks around entry door, no number on unit to identify it, caps on bowl missing, exhaust fan in bathroom not working, tub valve drips,		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1054
Check for mice, insects, caps missing, room & carpet dirty, window screen missing, curtains/rod coming down		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1006
Replace broken switch face plate. Replace a/c cord and plug-include AFCI plug cap. Provide operable and correct smoke detector. Provide pest control report from license exterminator. Replace carpet where ripped and unraveling.		

A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2062 (cont'd)
Carpet is frayed and with holes-replace carpet. Replace wall A/C cord and include AFCI plug. Tub at bathroom is in disrepair and is to be replaced. Stop leak at bathroom drain. Replace GFCI receptacle at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2044 (cont'd)
Remove foil from smoke detectors and provide correct /operable smoke detector. Remove/replace caulk at toilet base. Secure toilet onto flange. Provide pop-up assembly at bath sink. Replace GFCI receptacle at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2081 (cont'd)
Replace broken door knob/lock at bathroom door. Replace broken toilet lever and make toilet operable. Stop leak at bathroom sink fixture. Tub is in disrepair-replace tub. Bathroom re-circulating fan is to be made operable.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2080 (cont'd)
Provide carbon filter at stove hood. Kitchen faucet is reversed with cold and hot-plumb fixture correctly. Cabinets are in disrepair and require repair/replacement.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2079 (cont'd)
Fill hole in wall with construction wallboard at kitchen sink. Tub is in disrepair - replace tub fixture. Replace/repair overflow cap. Provide GFCI receptacle in bathroom. Carpet is with rips and holes - replace carpet.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2078 (cont'd)
Provide caulking at flooring and wall/fixture joints. Carpet is with holes and must be replaced. Replace cracked window with glass pane.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2072 (cont'd)
no shelves in medicine cabinet, gfi in bathroom upside down, NO HEAT unit not working property 48 HOURS TO REPAIR, plastic not allowed in lieu of glass, no screen on window, insect infestation, kitchen faucet not working-42 hours to replace (sanitation)		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2084 (cont'd)
Carpet is without and detached from matting-replace carpet. Provide missing face plate at switch. Install grill at re-circulating bathroom fan. Reinstall bathroom light fixture and repair properly. Repair or replace bathroom cabinet/Pullman.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2064 (cont'd)
Bathrooms exhaust in disrepair and is to be made operable. Tub is in disrepair and must be replaced. Provide flooring in bathroom without exposed wood joints. Replace GFCI receptacle at bathroom. Remove/replace caulk at wall and bathroom sink joint.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2085 (cont'd)
Provide aerator at bathroom fixture. Replace plunger assembly at tub. Repair leaking shower valves. Tub is in disrepair-replace tub. Replace/repair toilet lever. Toilet is to drain properly- remove obstructions.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2061 (cont'd)
Replace/repair broken outlet at bedroom wall. Provide correct and operable smoke detector. Repair leak at shower valve. Tub is in disrepair - replace tub fixture. Provide missing shower head.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2059 (cont'd)
Provide correct and operable smoke detector. Provide operable passage door latch and knob. Replace toilet handle. Provide pop-up assembly at bathroom sink. Replace broken tub spout.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2052 (cont'd)
Repair bathroom door at latch to close and lock properly. Properly install and level toilet - caulk base to flooring. Replace GFCI receptacle at bathroom. Tub is in disrepair - replace tub fixture. Install tub overflow.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2051 (cont'd)
Provide correct and operable smoke detector. Replace/repair cracked floor tiles exposing subfloor. Repair strike plate at entry door for dead bolt and passage latch. Repair leak at bathroom sink faucet.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2048 (cont'd)
Repair leaking bathroom sink fixture. Replace GFCI receptacle at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2062
Provide door weather stripping. Provide pest/rodent free apt.-report from licensed exterminator required. Kitchen sink is to drain and be sanitary. Kitchen cabinet is dilapidated and to be replaced. Provide carbon filter at stove exhaust.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2065 (cont'd)
Make apartment pest and rodent free-provide report from license exterminator. Provide cap at sink hole and secure. Replace dead bolt at entry door Provide operable heat pump. Install hard wire smoke detectors.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2061 (cont'd)
Install aerator at bathroom faucet. Repair/replace toilet flush lever. Secure toilet to base of flange. Provide light fixture lense. Replace door at bathroom and include hardware. Replace/repair entry door (where splitting apart at jamb).		

A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2084 (cont'd)
Bathroom ceiling light fixture is to operate.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2080 (cont'd)
Kitchen flooring is to be without gouged tile or voids at seams-make surface washable. Properly repair all carpet transitions.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2061 (cont'd)
Provide weather strip at entry door.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1006 (cont'd)
Repair/replace broken cabinet at kitchen and bathroom. Replace all damaged floor tile at kitchen. Provide correct toilet tank lid. Repair switch for kitchen light fixture. Tub is in disrepair- replace fixture.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2084 (cont'd)
Tub is in disrepair, must be replaced and made to drain properly. Repair toilet lever and make toilet operate properly. Stop leak at tub down spout. Repair flooring at holes and make sound with washable surface.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2081 (cont'd)
Bathroom light fixture is to be made operable. Provide operable heat pump.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2082 (cont'd)
Repair/replace toilet lever and make operable.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2065 (cont'd)
Provide carbon filters at stove exhaust. Cabinets are to be washable- repair or replace. Provide weather tight fit at window and include frame trim.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1087 (cont'd)
painting of walls/ceilings needed throughout		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2052 (cont'd)
Provide pest control from licensed exterminator.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2051 (cont'd)
Remove plywood spacer under toilet and properly reinstall toilet. Tub is in disrepair- replace tub.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2046 (cont'd)
Provide tub overflow fitting and all hardware at tub. Provide aerator at bathroom fixture sink. Replace GFCI receptacle at bathroom. At bathroom make flooring washable.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2044 (cont'd)
Provide grout at tile joints in tub/shower enclosure. Tub is in disrepair- replace fixture. Provide operable exhaust fan in bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1006 (cont'd)
Replace glass pane at broken window. Repair light at bathroom ceiling not operable. Repair ceiling correctly and make surface washable. Replace broken toilet seat. Tub is in disrepair- replace fixture.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2086 (cont'd)
Provide correct and operable smoke detector. Replace tub/shower enclosure. Tub is in disrepair - replace tub fixture and all appurtenance. Provide GFCI outlet at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2080 (cont'd)
Do not replace battery only smoke detector for a hard wired detector-replace with correct. Repair bathroom door and make door lock operate. Remove and replace caulking around tub enclosure. Replace GFCI receptacle at bathroom.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2063
Replace broken window with glass. Access not made- no answer at door.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2046 (cont'd)
Replace floor tiles where cracked/missing at kitchen and bathroom. Carpet is unsanitary for recent move-in- replace carpet. Replace broken bathroom door and reinstall all required door hardware. Tub in disrepair - replace tub fixture.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2080
Repair/replace front door where deadbolt is pried. Carpet is to be replaced for recent tenant move in (45 day). Provide casing to fill in void at a/c and wall opening. Replace a/c cord plug and include AFCI plug-do not splice.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2079
Replace/repair door knob attachment. Provide weather stripping around entry door. Provide operable a/c and heater. Repair/rework flooring where joints are open and filled with grime. Provide face plate at a/c receptacle.		
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2078
Provide carbon filter for stove hood exhaust. Stop leak at kitchen faucet. Replace GFCI receptacle at bathroom. Bathroom tub in disrepair and must be replaced. Replace tub downspout and provide operable shower.		

A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2072	Weatherstrip needs repair, refrigerator door gasket, range hood exhaust fan not working, carpet dirty, tub shower valve leaks & installed incorrectly, toilet tank ballcock leaks & sprays water out of the top, no caps on bowl, bowl needs cleaning,
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2082	Replace torn carpet. Repair/replace wall mounted heat pump and make operable. Provide hot water at kitchen sink. Provide correct smoke detector. Tub is in disrepair-replace tub. Stop leak at bathroom sink fixture. Replace GFCI receptacle.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2065	Provide proper drainage for tub. Replace toilet lever and make operable. Remove and replace caulking at sink to wall joint. Repair electrical and reinstall stove element to make operable.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2084	Replace cracked window pane with glass. Replace inoperable heat pump. Clear kitchen sink clog and make sink sanitary. Stop leak under kitchen sink and replace water log cabinets. Replace kitchen tile where holes are.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2061	Replace cord for stove with correct wiring method. Provide correct knob for stove operation. Provide operable stove element. Provide carbon filter at stove exhaust hood. Reinstall GFCI outlet at kitchen countertop.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2059	Provide weather stripping at entry door. Replace vinyl tile where missing or with holes. Replace worn out counter top. Provide carbon filter at stove hood. Provide cabinets that are sealed and with washable surface.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2052	Replace plywood window with glass window. Provide weather stripping at entry door. Entry door is delaminating-repair/replace door properly. Replace counter top where stove has fallen and tile is broken. Secure kitchen faucet to sink.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2051	Provide weather strip at entry door. Replace ripped/missing floor tiles at kitchen. Provide sanitary carpet for recent move-in. Provide carbon filter for stove exhaust. Repair cabinet hole where foam was used for drywall under sink.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2048	Provide entry door weather stripping. Provide aerator at kitchen sink fixture. Provide carbon filter at stove hood exhaust. Provide correct and operable smoke detector. Provide caulking at tub/shower wall joint. Repair leaking shower valve.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2046	Provide operable outlet. Repair/replace stove where missing element and make washable. Provide correct knob for stove top burner. Reverse hot and cold supply line at kitchen faucet. Replace countertop to properly support sink and without voids/cracks.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2070	Install bathroom sink correctly and caulk joint at wall. Repair pop-up assembly at bathroom sink. Provide correct tub down spout. Install GFCI receptacle at bathroom. Provide operable smoke detector.
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 2040 (cont'd)	no handle on bathroom door, leak under kitchen sink, 48 hour notice NO HEAT
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1069 (cont'd)	bathroom floor & shower floor filthy, gfi not working in bathroom
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1062 (cont'd)	tenant keeps his unit very clean
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1061 (cont'd)	grease filter missing, smoke detector missing
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1045 (cont'd)	gfi receptacle not working, weatherstrip around door bad
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1006 (cont'd)	Provide carbon filter at stove hood. Replace/repair stove element and make washable. Replace broken and fallen countertop at kitchen. Replace cabinet fronts where broken and fallen. Repair kitchen faucet where leaking. Replace GFCI receptacle.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1005 (cont'd)	Replace kitchen burners left inoperable. Replace exhaust filter with new carbon filter. Replace/repair bathroom flooring. Provide operable medicine cabinet and make washable. Provide caulk at tub/shower enclosure. Tub in disrepair-replace fixture.

A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2081	Provide correct smoke detector. Patch hole under kitchen sink. Replace countertop where water logged and delaminated. Provide operable stove. Patch hole in wall where fire extinguisher is mounted. Carpet is unraveling-replace carpet.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 1005 (cont'd)	Replace/repair tile at shower wall and window.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2045	No access - No answer at door
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1048 (cont'd)	tub shoe worn out, tub painted
A-BLD HOUSE	11/16/2006	Bldg 6, Apt 1043 (cont'd)	caulking missing around fixtures/faucets, no caps on bowls, leaking fixtures, return air filter dirty, no working smoke detectors
A-BLD HOUSE	11/16/2006	Bldg 7, Laundry Room	Laundry Room closed
A-BLD HOUSE	11/16/2006	Bldg 7, Room 1064	Broken window (hazardous) no access
A-BLD HOUSE	11/16/2006	Bldg 7, Room 1061	Case #06E-021757 leak in ceiling, dirty carpet, leak in bathroom ceiling, leak under kitchen cabinet, broken glass, tenant states she got bitten by a spider, hole in bathroom door, gfi wired incorrectly, ceilings/walls filthy & greasy
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2086	Repair dead bolt throw latch at door entry. Provide operable heat pump. Repair casing around heat pump and make washable. Provide new kitchen flooring where old has lost adhesive. Provide GFCI outlet at kitchen counter top.
A-BLD HOUSE	11/16/2006	Bldg 7, Apt 2085	Kitchens sink to drain properly and be sanitary. Kitchens sink to have hot water for cleaning purposes. Provide operable smoke detector. Replace delaminated bathroom door and all hardware to make operable and locking. Stop leak under bathroom sink.
A-BI H2OHEAT	12/5/2006	Boiler not working since Friday 4 p.m. 12-01-06	Gregg, Richard Ryu and I went to site, took photos and ensured management was given a 48 hour notice to repair the boiler as an "ESSENTIAL SERVICE" We also checked with Desert Boiler, their vendor to make sure the system was being worked on

Log

Type:	Date:	Employee:	Min:
DIRECT	5/2/2007 5:00:00 PM	ANTHONY GUARINO	30
21)NOTICE WAS HAND DELIVERED AND MAILED TO ALL OWNERSHIP OF DB/MR THAT A INSPECTION WILL TAKE PLACE ON 5/9 0830HRS OF ALL OCCUPIED UNITS.I HANDED COPY TO GINGER/MGR ON SITE AND PAT SECRETARY AT 800 W BOANAZA. CB 5-9			
DIRECT	5/2/2007 4:45:00 PM	ANTHONY GUARINO	10
21)NUMEROUS E-MAILS FROM DB OWNERSHIP/MGMT AND NS MGMT. CONCERNING CURRENT OCCUPANCY.E-MAIL FROM DALE SCOTT/PROP OWNER STATES:44 OCCUPIED UNITS W/LISTED UNITS NUMBERS AND NAMES OF OCCUPANTS.			
INSP	4/18/2007 9:31:00 AM	ANTHONY GUARINO	1
21)30)I STILL MAKE THE INSPECTION,IF ITS NOT TO CODE I HAVE TO FAIL THE INSP.INSPECTED UNITS-2086,2082-ALL REPAIRS MADE EXCEPT TUB-THEY ARE HIRING CONTRACTOR TO REFINISH.2078 NEEDS TUB REFINISH. NO FEE TODAY.CLV STAFF WILL DISCUSS FURTHER ACTION			
INSP	4/18/2007 9:00:00 AM	ANTHONY GUARINO	30
21)30)scheduled inspection date:had a brief meeting w/GINGER-MANAGER,GARY CORNWELL,CHAUNCY MOORE.WE DISCUSSED FEES-DB IS UPSET BECAUSE THEY FEEL THEY ARE BEING FEE'D FOR VACANT UNITS.I ADVISED IF UNIT IS OCCUPIED-EITHER LEGALLY OR ILLEGALLY (CONT)			
INSP	4/11/2007 9:00:00 AM	ANTHONY GUARINO	30
21)scheduled inspections-CALLED GARY CORNWALL,ADVISED I WAS ON SITE.LATER SPOKE TO ARNIE STALK,ADVISED BECAUSE OF LACK OF REPAIRS,INSPECTIONS HAVE FAILED. CB 4-18			
INSP	4/4/2007 9:30:00 AM	ANTHONY GUARINO	15
21)WALKED UNITS REQUIRED PER LETTER DATED 3/5/07 TO BE UNDER REHAB-NO REPAIRS TAKING PLACE.SAME CONDITION AS ORIGINAL INSPECTION. WILL FAX AND MAIL NOTICE INDICATING INSPECTION FAILED-FEES/PENS ASSESSED THIS DAY. NEXT INSPECTION DATE 4/11			
FEE	4/2/2007 7:19:00 AM	JESSICA LARRAMENDY	0
JL) As of 4/2: 40 units billed at \$120; 30 units billed at \$330; 20 units billed at \$480 and 10 units billed at \$680.			

MEMO	3/30/2007	GREGG GALLEGOS	0
31)complaint w/apr 1017 resolved-tnnt vacated temp apt 2044 after 1017 was ok to occupy- minutes later constable posted 1017 to vacate for no rent payment-eviction took place-other case #s for this issue 51693			
INSP	3/28/2007 9:00:00 AM	ANTHONY GUARINO	25
21)ARNIE ALSO STATED THEY HAVE A RELOCATION PLAN. ARNIE FAXED ME A COPY OF THE PLAN ALONG WITH A CURRENT OCCUPANCY REPORT.PER REPORT AS OF 3/29/07 DB 2 HAS 48 VACANT UNITS OUT OF 56. INSPECTION FAILED..ASSESS FEE			
INSP	3/28/2007 9:00:00 AM	ANTHONY GUARINO	25
21)UNIT INSPECTION AS REQUIRED PER LETTER SCHEDULE:WALKED AREA/UNITS.NO REPAIRS HAVE TAKEN PLACE AS REQUESTED.SPOKE TO GARY CORNWELL VIA TELE-HE ALSO STATED THEY HAVE NOT MADE ANY PROGRESS,I ALSO SPOKE TO ARNIE STALK.(CONT)			
INSP	3/27/2007 1:00:00 PM	GREGG GALLEGOS	0
31)complaint from unit1017 sewer backup & running throughout aptDBII-issued c/n2Ginger-took pics w/date stamp-tnnt shifted to 2044Bldg7-r/c 4/4/07-inspect w/21)20)& Devin Smith on site w/Stanton Wilkerson-see case #51696 for detail			
INSP	3/21/2007	GREGG GALLEGOS	0
31)21out sick-drove complex to look for contractor repair activity-none observed-trash dumpsters throughout all empty-roll off by bldg 3 had personal rash w/refrigerator and room furniture- inspection failed			
INSP	3/14/2007 8:20:00 AM	ANTHONY GUARINO	2
21)FEE ASSESSED. WILL ISSUE NOTICE 3/15 EXPLAINING FEE ASSESSED CB 3-21 (SENT E MAIL TO ALL CONCERNED)			
INSP	3/14/2007 8:00:00 AM	ANTHONY GUARINO	15
21)2nd set of inspections for today:NO OWNERSHIP REPRESENTATIVES.SPOKE TO GARY CORNWELL(METRO DEVELOPMENT GROUP)SUPERINTENDENT.GARY STATED NO REPAIRS MADE.I WALKED PROPERTY-APPEARS NO REPAIRS ARE TAKING PLACE ANYWHERE ON THE PROPERTY.FAILED INSP.			
MEMO	3/14/2007	GREGG GALLEGOS	0
31)aggreement made between 20),21),31)today that 21) is the main contact person to be sent out to property...in order to remove any confusion or have too many persons involved			
INSP	3/7/2007 10:03:00 AM	ANTHONY GUARINO	1
21)I WILL RETURN 3/8 TO ISSUED ANOTHER NOTICE-FEES ASSESSED-UNIT 1043 TO REPAIRED AS REQUIRED BY N&O CB 3-14			
INSP	3/7/2007 10:01:00 AM	ANTHONY GUARINO	1
21)THEY HAVE NOT STARTED ANY REPAIRS.ALL PREVIOUS REPAIRS NEEDED REMAIN.ALL PARTIES AGREED THESE TENANTS SHOULD BE MOVED TO ANOTHER MORE HABITABLE UNIT.WE FOUND UNITS 1037,1039 TO BE VACANT AND HABITABLE.OWNERS WILL MOVE TENANTS FROM 1043 TO ONE OF THESE			
INSP	3/7/2007 8:00:00 AM	ANTHONY GUARINO	120
21)20)LISA MORRIS,SUSIE MARTINEZ-MET ON SITE W/GARY CORNWELL,CHAUNCY MOORE,DALE SCOTT,ARNIE,NEW REPS OF MOULIN ROUGE OWNERSHIP.INSPECTED FIRST GROUP OF UNITS ON RE-INSPECTION LIST.1043 IS ONLY OCCUPIED UNIT OUT OF THE GROUP.			
MEET	3/5/2007 4:00:00 PM	ANTHONY GUARINO	10
21)IF REPAIRS NOT MADE FEES WILL BE ASSESSED.A REPAIR SCHEDULE WAS GIVEN TO ALL PRESENFIRST UNITS TO BE INSPECTED ON 3/7.			
MEET	3/5/2007 2:00:00 PM	ANTHONY GUARINO	60
21)DS AND 21 MET WITH REPRESENTATIVES OF MOULIN ROUGE CORP.(STAN WILKERSON,ARNOLD STALK,MIKE MCDONALD,RICK HENRY)WE EXPLAINED OUR POSTION AND WHAT NEEDS TO HAPPENS IN UPCOMING INSPECTIONS-LISTED OCCUPIED UNITS NEEDS TO BE REPAIRED BY DATES LISTED.			
MEET	3/5/2007 10:30:00 AM	ANTHONY GUARINO	120
21)20,31,19,24,DS,LM-TALKED OVER GAME PLAN FOR DB 1&2.WE CREATED A REPAIR SCHEDULE FOR REPAIRS NEEDED ON OCCUPIED UNITS FROM ORIGINAL N&O.20 UNITS TO BE INSPECTED AT 1 WEEK INTERVALS STARTING 3/7,3/14,3/21,ETC. ANY FAILED INSPECTIONS WILL RESULT IN FEES			
INSP	2/27/2007 8:45:00 AM	JIM SHADRICK	30
Went to the DB I units to see if anyone from Metro Development was there working. Waited for 1/2 hour. No one from Metro Development showed up to do any work. Devin & I were told someone from their company would be there at 0730 hrs. Awaiting a fax from			
INSP	2/26/2007	GREGG GALLEGOS	0
31) repairs complete in apt. 1052 although the ceiling in bathroom is with holes and lacking repairs-tenant left message an eviction notice was placed on his door by Stanton W.-tenant wants copy of pictures to contest			
INSP	2/23/2007 6:51:00 AM	GREGG GALLEGOS	0
31)recieved complaint from tenant 1052-Arnold Thomas tub stopped up 6382804-issued 24hr notice to office-tenant states no response from office for a week and called Neighbrhd Rspns for assist. issued c/n - took photos			

MEET	2/22/2007 2:00:00 PM	GREGG GALLEGOS	0
31)met Rick Rainey new owner representative RB&G Const. Compny,Inc.-251-9214 and Gary Cornwell only one apt has been 80% cleared,Rainey had his own correction notice for apt.repair-told him the N&O is the list he is to use and no other!!!They wanted...			
MEET	2/22/2007		0
.....to begin with 4 units and use #1025-bldg3 as a starting point-building 3 is vacant and discussion was made to repair all 16 units @ bldg3 a need for aggressive rehab was required! dumpster on site but CBC still getting bids from lic. contr.....			
MEMO	2/14/2007	GREGG GALLEGOS	0
31)recieved call from Arnie Stalk 604-4699 who is starting repairs on DBII unit 1024 Building 3 on Monday 2/19			
MISC	2/9/2007 11:56:00 AM	JESSICA LARRAMENDY	0
JL) Rec'd green cert card back signed by K. Tobin.			
RECORD	2/9/2007 10:20:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated January 11, 2007 at Clark County. Recorded in Book: 20070209 Inst: 01140			
INSP	1/31/2007 4:00:00 PM	GREGG GALLEGOS	0
31)rcvd call from 21)no electricity for 920bonanza found 5 buildings affected by non payment of electric bill \$10269.69*Stanton says payment made 2054005*Woody Nevada Power says no payment made*power to remain off until commercial crew returns 2/1			
MEMO	1/31/2007	GREGG GALLEGOS	0
31)Dan City Atty bargained with M Rouge to complete the new owner on title then re-record the N&O against ppty then extend the deadline for repairs.....wait on escrow to close.....ArnieStock 6044699 to call and schedule repairs w/inspection			
LETTER	1/30/2007 2:27:00 PM	JESSICA LARRAMENDY	0
JL) Mailed ltr to owner with new stipulations for new buyer correcting property violations. Ltr dated 1/30/07. Mailed certified and regular mail.			
RECORD	1/29/2007 2:45:00 PM	JESSICA LARRAMENDY	0
JL) Recorded release of N&O for document recorded on January 23, 2007. This release recorded in Book: 20070129 Inst: 02772.			
PHONE	1/25/2007 3:30:00 PM	GREGG GALLEGOS	0
31)recvd call from Stanton to call back,returned call 4:30 6310429//8065423//2756637			
MEET	1/24/2007 10:00:00 AM	GREGG GALLEGOS	90
31)9th floor meeting,LisaMorris,DanSteel,Devin, 20)31),Gary&Arnold of Metro Development 2519214 Stanton,Dale Moulon Rouge,AttyCraigNewman2574122, permit is to be applied for,Metro is now 50% owner loan to close 1/26,discussed plan of repair			
MEMO	1/24/2007	GREGG GALLEGOS	0
31)rehab permits issued see OTC 80334,80346,80347			
MISC	1/23/2007 11:34:00 AM	LAURA DEARMOND	1
REC'D CERT CARDS FROM MOULIN ROUGE DEV CORP & GRAND PACIFIC FINANCING CORP			
RECORD	1/23/2007 10:47:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O to Make Repairs dated January 11, 2007 at Clark County. Recorded in Book: 20070123 Inst: 04915.			
INSP	1/18/2007 2:30:00 PM	JIM SHADRICK	30
DB II Apartments # 2007 & #2001 have clogged kitchen sinks. 48 hour notice to repair as an essential service issued			
INSP	1/18/2007 2:30:00 PM	JIM SHADRICK	30
MISC	1/18/2007 1:00:00 PM	JIM SHADRICK	120
Gregg Gallegos & I posted on all vacant rooms at buildings 1-6-7 a Notice to Vacate Do Not Enter each unit as they are Sub-standard. List of the units given to Gregg to put in his units that he did and give them to Laura to put in the file with the Notic			
NOPOST	1/17/2007 4:45:00 PM	JIM SHADRICK	15
Hand delivered to site and left with maintenance man at DB I & signed affidavit left with Pam Hines,Supervisor of Code Enforcement upon return to office for our records			
NOTICE	1/17/2007 3:48:00 PM	LAURA DEARMOND	0
SENT N&O TO MAKE REPAIRS TO OWNER MOULIN ROUGE DEVELOPMENT CORP, GRAND PACIFIC FINANCING CORP, CBC FINANCIAL, RODERICK BICKERSTAFF			
PHONE	12/13/2006	GREGG GALLEGOS	0
31)apt1040 has clogged sink-Ajax was to unclogg drain			
PHONE	12/13/2006	GREGG GALLEGOS	0
31)Rcvd call from 1005/Mike plumbing sewer backup plumber no show 3x's*No phone*31) called Stanton cell 205-4005 to repair*Ajax Plumbing was used to clear obstruction			

INSP	12/12/2006 10:00:00 AM	GREGG GALLEGOS	0
------	------------------------	----------------	---

31)assisted 20) verify apts uninspected are occpd versus vacant-see summary of apts dated 12/12.

INSP	12/5/2006 1:00:00 PM	JIM SHADRICK	75
------	----------------------	--------------	----

Took photos in the boiler room. Return re-circulation line above the boiler developed a leak in the ceiling, dripped onto the boiler control box that had it's lid off and water caused a short in the controls and burned out some wiring and components

PHONE	11/27/2006 2:30:00 AM	KARL VILLABLANCA	5
-------	-----------------------	------------------	---

RECEIVED ANOTHER COMPLAINT FROM MRS. CAMPBELL FROM APT# 1072. SHE STATED THAT HER APT. IS BADLY INFESTED W/ BUGS. SHE ALSO CLAIMS THAT BUGS ARE GOING IN HER FOOD. PH# 631-4276

INSP	11/14/2006 10:30:00 AM	JIM SHADRICK	330
------	------------------------	--------------	-----

inspections performed in Buildings #1 & #6 to check for code violations and document with photos and place hand written inspection results on forms and provide top copy to on site manager.

<i>Time in minutes:</i>	1221
-------------------------	------

APN 139-28-703-013
Ref#02324-78

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **MOULIN ROUGE PROPERTIES LLC**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: **139-28-703-013**
Commonly known as: **920 WEST BONANZA ROAD**
Legal Description: **PT NE4 SE4 SEC 28 20 61**

On April 18, 2007, as provided in the Municipal Code, 9.04.020 and Section 202, the City of Las Vegas assessed inspection/reinspection fees and civil penalties on the following property after due notification.

Fees/penalties in the amount of **\$79,040.00** were incurred after seven failed inspections.

The Las Vegas City Council, at a duly noticed public hearing held on **May 16, 2007**, ordered the above charges in the amount of **\$79,040.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

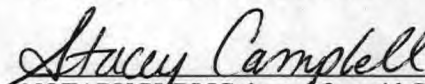

BEVERLY K. BRIDGES, Acting City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

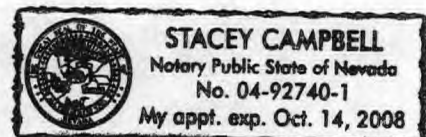
BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.


BEVERLY K. BRIDGES, Acting City Clerk

Subscribed and sworn to before me this 25th day of May, 2007


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



ITEMS 86-87

**SUMMARY OF ADDITIONAL REQUIREMENT
FOR OWNERS OF DESERT BREEZE I AND II**

I. Lien – Total amount of \$199,120.00. Lien release to be immediately provided to owner upon payment to the City of four (4) equal payments of \$32,280.00 on June 1, 2007, July 2, 2007, August 1, 2007 and September 4, 2007, in accordance with the Confession of Judgment dated 5/16/07.

II. Conditions During Occupancy – (As of 5/15/07 8 or 9 units remain occupied - all are under 5 Day Pay or Quit Notices per owners attorney)

A. City will conduct weekly inspections for habitability and life safety issues until last tenant has moved out.

B. The owner will provide the City with a weekly report and a summary of court proceedings, including all supporting documentation concerning the status of each unit and tenant until all units are vacated. All tenants will be out no later than 6/11/07.

C. The owner will board all vacant units according to City standards in both Desert Breeze I and II no later than 5/18/07. As the remaining units are vacated they will be boarded within 24 hours.

D. The owner will provide photo or other identification acceptable to the City for all remaining individuals living at either property. This is to ensure the City knows who should and should not be on the properties.

III. Conditions Once Property Vacated

A. Property owner will ensure all units are boarded according City standards. The owner will also provide a fence around both properties.

B. If necessary, the owner will provide additional security at the property as determined by Metro which may include 24 hour security guards.

C. The owner shall prominently post no trespassing signs at Desert Breeze I and II.

D. The owner shall be required to comply with the City's Vacant Building Code (LVMC 16.31 et. seq.) until the buildings have been demolished at the property.

Submitted at City Council

Date 5/16/07 Item 86-87



MEMORANDUM

Patricia K. Pate
Director

Social Service Department

TO: Dr. Lisa Morris, Asst. Director, City of Las Vegas Neighborhood Service Dpt.
FROM: Tim Burch, CCSS Manager
DATE: May 16, 2007
SUBJECT: Desert Breeze/Moulin Rouge

Dr. Morris,

This memo will outline the efforts of Clark County Social Service (CCSS) to assist the residents of the Desert Breeze I/II site. Over 100 staff hours were committed onsite to educate, screen, and assist residents in qualifying for funding through various sources available through CCSS and local community service provider agencies.

CCSS staff made their initial contact at Desert Breeze on Friday, April 6, 2007. The master list provided by the Desert Breeze management showed a total of 47 units known to be occupied at that time. On that date, residents of 29 units were contacted, and initial assessments were conducted regarding their potential eligibility for various types of assistance. Of these initial contacts, only three individuals, all single working persons, were found to be ineligible for any assistance from either CCSS or other community agencies.

Subsequently, staff made five more visits to Desert Breeze, and contacted additional residents. In addition to the site visits, all units believed to be occupied were door-tagged with hangers giving a phone number to call for relocation assistance information. Copies were left with the on-site manager to distribute to residents who may have been missed during the initial site visit.

Six (6) families were initially identified as meeting the criteria and available Welfare Set Aside Program (WSAP) dollars through CCSS and were targeted for follow-up. All six families have successfully relocated. Eighteen (18) units, primarily single person households, were referred to Help of Southern Nevada (HELP) for (WSAP) funds to assist with move-in and utility deposits. It is unclear how many of the 18 single person households successfully followed up on locating a place to live, processing the necessary documents with HELP, and actually received checks.

Each visit turned up more residents that were not on the original list and not listed on any official manifest. Subsequent visits yielded more referrals for basic services and relocation assistance. Antidotal reports from social workers state that 10 of the most service resistant clients from initial contact remained onsite along with approximately 10 or more "squatters" during their last visit on May 4, 2007. A list of sixteen (16) units unable to be contacted to determine eligibility or need for relocation assistance was provided to the onsite management on May 3, 2007 in a meeting with the Regional Homeless Coordinator, Shannon West.

Working with the Regional Homeless Coordinator and the City of Las Vegas in this fashion to prevent homelessness was a most valuable experience. As an agency we recognize the need for prevention and intervention services to address the growing problem and thank you for including us a part of your official strategy in addressing the closing of this property and the needs of its residents.

Submitted at City Council

Date 5/16/07 Item 86E87

Narrative

DESERT BREEZE I

920 W. Bonanza Road

On September 12, 2006, the city of Las Vegas, Neighborhood Service Department, Neighborhood Response Division received a complaint from a tenant regarding the deplorable living conditions at the Desert Breeze Apartments. In response to the complaint, Combination Inspectors and Code Enforcement Officers, herein referred to as staff, conducted inspections at this location to identify, detect or otherwise resolve certain issues. The Clark County Health Department and the city of Las Vegas Fire Department were also present during the inspections. Upon inspecting the property, multiple code violations were identified including health and safety issues which required immediate attention.

The property's living conditions did not meet the minimal livable standards and many of the units were deemed substandard. Minimal standards include adequate and operable electrical devices, plumbing and smoke detectors to ensure safe and habitable living conditions. The staff observed a blockage in the sewer main allowing fecal matter and water with effluents to backup in the courtyard and some of the units, causing unsanitary conditions. Several units were infested with insects and vermin, such as roaches, bed bugs, and/or rodents. Toilets, sinks, and tubs were inoperable in several of the units preventing tenants from accessing running water. Furthermore, some units were without heat and air conditioning.

On October 11, 2007, staff received a letter from MRDC acknowledging the violations and the timetable for correction. The MRDC representatives committed to making a reasonable effort to address the situation. Staff met with the owners onsite and for several months provided technical assistance to address the issues and ensure the repairs were made both expeditiously and properly. From September 2006 to January 2007 a total of fourteen (14) site visits were made to the property. Unfortunately, during that time, no progress was made by the owner.

On January 3, 2007, staff met with Dale Scott, co-owner, Moulin Rouge Development Corporation (MRDC) and his attorney Craig Newman with the firm Newman, Morris & Dachelet. During the meeting Mr. Newman indicated that his clients did not want to be landlords and were initiating the process to close the property. Staff provided the owners with technical assistance on how to develop and implement a Tenant Incentive and Relocation Plan. Additionally, staff advised Mr. Scott and Mr. Newman that based on their inability to show any progressive action, a legal notice would be placed on the property and recorded with the County Assessor's Office. A Notice and Order to Make Repairs was issued on January 17, 2007 and recorded on January 23, 2007.

On January 24, 2007, a meeting was held at the request of Dale Scott, (MRDC) to introduce staff to Gary RexRoad, representing Metro Development Group, LLC, as the newest co-owner. This partnership would now be referred to as the Moulin Rouge Properties, LLC. During the meeting, Mr. Scott indicated that Mr. Rexroad was able to secure additional financing, in the amount of \$500,000, to rehab the properties. However, in order for the loan to be approved and escrow to close, the Notice and Order needed to be released. Dan Still, Deputy City Attorney, City of Las Vegas, approved the release of the Notice & Order (N & O) for the purpose of the property owner to secure funding for the property rehabilitation. The N & O was released on January 29, 2007. After the close of escrow, the Notice and Orders was re-recorded on February 9, 2007 with the Clark County Recorder's office. On January 24, 2007, staff assisted the owners in obtaining the necessary permits to begin the renovation. The owner guaranteed that the units would be renovated to minimal livable conditions, in accordance with the violations listed in the N & O, within 90 days. However, the owner failed to uphold their guarantee and the apartments were never renovated.

Since January 2007, eight (8) meetings were held with the owners and/or their designated point of contact. In February an inspection was conducted and "Do Not Occupy" signs were posted on vacant units. From March 6 through April 18, weekly inspections and reinspections were conducted based on the N & O, as detailed in the chart below:

Desert Breeze I

	Inspection	Re-Inspection	Total (per week)
March 7	12	0	12
March 14	7	12	19
March 21	8	19	27
March 28	7	27	34
April 4	1	35	36
April 11	9	36	45
April 18	14	45	59
TOTAL	58	174	232

Within the seven week period, 58 inspections and 174 reinspections were conducted resulting in a combined total of 232 inspections. The next series of inspections are scheduled for May 9, 2007, at 8:30 a.m.

The following summary details the list of violations to date:

HOUSING - Improper use of unit, inadequate ventilation/light, dampness in ceilings, floors, and under cabinets. Overcrowding a room with occupants. Animals in rooms, broken doors, windows, roof leaks from rooms above, faulty weather protection; entry doors, inadequate foundation/sagging floors, & deterioration, inadequate door at bathroom; secure hardware, unsanitary flooring in numerous units, missing or inoperable smoke detectors, defective building service equipment (appliances, motors, compressors), stoves, air conditioner, refrigerators, etc.

ENVIRONMENTAL - Inadequate/missing fire separation between floor or ceiling assemblies, general unsanitary premises, raw sewage, faulty materials of construction, insects, vermin, animal dropping, fire hazard in and around various rooms, prohibited animals.

PLUMBING - Hazardous plumbing, leaking, broken plumbing lines or fixtures, bathroom flooring not water-tight, non-removable anti-siphon devices on hose bibs, lack of proper water closet lavatory bathtub or shower, bathroom floor unsanitary.

ELECTRICAL - Missing electrical covers, hazardous wiring, meters not marked, circuit breakers not marked, install *gfc*i receptacles in kitchens, receptacles not to be painted over, combustibles stored too near heating appliance or unapproved connection; plastic bags, cardboard, paper, etc.

SUPPLEMENT: Generic items; screens on windows, inoperable elevator, broken window glass, deteriorated, filthy carpeting, damaged furniture, missing closet doors, hardware for bathroom doors not working/locking properly for privacy, no lights or grease filters or motors in range hood exhausts, damaged drywall on ceilings and walls, broken mirrors in bathrooms, improper fitting lids on toilet tanks, bolt caps missing, insect infestation, broken cabinet doors, damaged cabinet bases, damaged or missing floor tiles, kitchen and/or bathroom porcelain repairs needed, replace 3 1/2 inch drain fittings in kitchen sinks, repair damaged formica countertops, repair walkways that have cracks, repair security lights, install light fixtures.

Narrative

DESERT BREEZE II

1001 W. McWilliams Avenue

On September 12, 2006, the city of Las Vegas, Neighborhood Service Department, Neighborhood Response Division received a complaint from a tenant regarding the deplorable living conditions at the Desert Breeze Apartments. In response to the complaint, Combination Inspectors and Code Enforcement Officers, herein referred to as staff, conducted inspections at this location to identify, detect or otherwise resolve certain issues. The Clark County Health Department and the city of Las Vegas Fire Department were also present during the inspections. Upon inspecting the property, multiple code violations were identified including health and safety issues which required immediate attention.

The property's living conditions did not meet the minimal livable standards and many of the units were deemed substandard. Minimal standards include adequate and operable electrical devices, plumbing and smoke detectors to ensure safe and habitable living conditions. The staff observed a blockage in the sewer main allowing fecal matter and water with effluents to backup in the courtyard and some of the units, causing unsanitary conditions. Several units were infested with insects and vermin, such as roaches, bed bugs, and/or rodents. Toilets, sinks, and tubs were inoperable in several of the units preventing tenants from accessing running water. Furthermore, some units were without heat and air conditioning.

On October 11, 2007, staff received a letter from MRDC acknowledging the violations and the timetable for correction. The MRDC representatives committed to making a reasonable effort to address the situation. Staff met with the owners onsite and for several months provided technical assistance to address the issues and ensure the repairs were made both expeditiously and properly. From September 2006 to January 2007 a total of fourteen (14) site visits were made to the property. Unfortunately, during that time, no progress was made by the owner.

On January 3, 2007, staff met with Dale Scott, co-owner, Moulin Rouge Development Corporation (MRDC) and his attorney Craig Newman with the firm Newman, Morris & Dachelet. During the meeting Mr. Newman indicated that his clients did not want to be landlords and were initiating the process to close the property. Staff provided the owners with technical assistance on how to develop and implement a Tenant Incentive and Relocation Plan. Additionally, staff advised Mr. Scott and Mr. Newman that based on their inability to show any progressive action, a legal notice would be placed on the property and recorded with the County Assessor's Office. A Notice and Order to Make Repairs was issued on January 17, 2007 and recorded on January 23, 2007.

On January 24, 2007, a meeting was held at the request of Dale Scott, (MRDC) to introduce staff to Gary RexRoad, representing Metro Development Group, LLC, as the newest co-owner. This partnership would now be referred to as the Moulin Rouge Properties, LLC. During the meeting, Mr. Scott indicated that Mr. Rexroad was able to secure additional financing, in the amount of \$500,000, to rehab the properties. However, in order for the loan to be approved and escrow to close, the Notice and Order needed to be released. Dan Still, Deputy City Attorney, City of Las Vegas, approved the release of the Notice & Order (N & O) for the purpose of the property owner to secure funding for the property rehabilitation. The N & O was released on January 29, 2007. After the close of escrow, the Notice and Orders was re-recorded on February 9, 2007 with the Clark County Recorder's office. On January 24, 2007, staff assisted the owners in obtaining the necessary permits to begin the renovation. The owner guaranteed that the units would be renovated to minimal livable conditions, in accordance with the violations listed in the N & O, within 90 days. However, the owner failed to uphold their guarantee and the apartments were never renovated.

Since January 2007, eight (8) meetings were held with the owners and/or their designated point of contact. In February an inspection was conducted and "Do Not Occupy" signs were posted on vacant units. From March 6 through April 18, weekly inspections and reinspections were conducted based on the N & O, as detailed in the chart below:

Desert Breeze II

	Inspection	Re-Inspection	Total (per week)
March 7	6	0	6
March 14	6	5	11
March 21	5	12	17
March 28	5	18	23
April 4	6	22	28
April 11	1	28	29
April 18	4	29	33
TOTAL	33	114	147

Within the seven week period, 33 inspections and 114 reinspections were conducted resulting in a combined total of 147 inspections. The next series of inspections are scheduled for May 9, 2007, at 8:30 a.m.

The following summary details the list of violations to date:

HOUSING - Improper use of unit, inadequate ventilation/light, dampness in ceilings, floors, and under cabinets. Overcrowding a room with occupants. Animals in rooms, broken doors, windows, roof leaks from rooms above, faulty weather protection; entry doors, inadequate foundation/sagging floors, & deterioration, inadequate door at bathroom; secure hardware, unsanitary

flooring in numerous units, missing or inoperable smoke detectors, defective building service equipment (appliances, motors, compressors), stoves, air conditioner, refrigerators, etc.

ENVIRONMENTAL - Inadequate/missing fire separation between floor or ceiling assemblies, general unsanitary premises, raw sewage, faulty materials of construction, insects, vermin, animal dropping, fire hazard in and around various rooms, prohibited animals.

PLUMBING - Hazardous plumbing, leaking, broken plumbing lines or fixtures, bathroom flooring not water-tight, non-removable anti-siphon devices on hose bibs, lack of proper water closet lavatory bathtub or shower, bathroom floor unsanitary.

ELECTRICAL - Missing electrical covers, hazardous wiring, meters not marked, circuit breakers not marked, install *gfc*i receptacles in kitchens, receptacles not to be painted over, combustibles stored too near heating appliance or unapproved connection; plastic bags, cardboard, paper, etc.

SUPPLEMENT: Generic items; screens on windows, inoperable elevator, broken window glass, deteriorated, filthy carpeting, damaged furniture, missing closet doors, hardware for bathroom doors not working/locking properly for privacy, no lights or grease filters or motors in range hood exhausts, damaged drywall on ceilings and walls, broken mirrors in bathrooms, improper fitting lids on toilet tanks, bolt caps missing, insect infestation, broken cabinet doors, damaged cabinet bases, damaged or missing floor tiles, kitchen and/or bathroom porcelain repairs needed, replace 3 1/2 inch drain fittings in kitchen sinks, repair damaged formica countertops, repair walkways that have cracks, repair security lights, install light fixtures.

BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: DANIEL A. STILL
Deputy City Attorney
Nevada Bar No. 5789
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
(702) 229-6629
Attorneys for CITY OF LAS VEGAS

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

CITY OF LAS VEGAS, a municipal
corporation,

Plaintiff,

vs.

MOULIN ROUGE PROPERTIES, LLC;
GREGORY REXROAD, INDIVIDUALLY;
DALE SCOTT, INDIVIDUALLY,

Defendants.

CASE NO.
DEPT. NO.

**CONFESSION OF JUDGMENT
AND AFFIDAVIT OF VERIFICATION**

MOULIN ROUGE PROPERTIES, LLC, GREGORY REXROAD, INDIVIDUALLY,
and DALE SCOTT, INDIVIDUALLY, Defendants in the above-entitled action, do hereby
confess judgment therein in favor of the CITY OF LAS VEGAS, NEVADA (hereinafter "City"),
the Plaintiff in said action for the sum of ONE HUNDRED TWENTY-NINE THOUSAND ONE
HUNDRED TWENTY AND 00/100 DOLLARS (\$129,120.00). However, in the event of
default on the (4) scheduled payments outlined below, in the Acknowledgement of Debt and
Agreement to Pay at pages 6, 7, and 8 hereto; the suspended amount of \$70,000.00 for daily civil
penalties will be imposed and the City will be entitled to judgment in the amount of \$199,120.00,
minus any payments already received by the City.

This Confession of Judgment is for a debt just, due and owing to Plaintiff arising out of a
City Code Enforcement action pursuant to Notice and Orders served on the above-defendants and
recorded against APN 139-28-703-005 and APN 139-28-703-013 more commonly know as

Submitted at City Council

Date 5/16/07 Item 86 & 87

1 Desert Breeze I and II, in Las Vegas, Nevada. More specifically, this Confession of Judgment is
2 due and owing to Plaintiff arising out of inspection/reinspection fees and civil penalties for
3 violations of the Las Vegas Municipal Code more particularly referred to in the Notice and
4 Orders recorded against the above-referenced properties which are both attached hereto as
5 Exhibit "1".

6 Defendants MOULIN ROUGE PROPERTIES, LLC; GREGORY REXROAD,
7 INDIVIDUALLY; DALE SCOTT, INDIVIDUALLY, believe the sum confessed is a reasonable
8 and just amount owed for the Plaintiff's actual costs incurred and assessed as set forth in the
9 Reports of Expenses filed with the Las Vegas City Clerk for items 86 and 87 on the Las Vegas
10 City Council meeting to be held on May 16, 2007. The Reports of Expenses are attached hereto
11 as Exhibit "2" and made a part hereof by this reference. In addition, the other documents
12 provided as back-up for Items 86 and 87 on the May 16, 2007, City Council agenda are
13 incorporated herein by this reference.

14 All Defendants further acknowledge and understand, after advice from counsel, that they
15 have a right to a trial or hearing on the merits of this claim and that they are waiving any right
16 thereto and any right to notice of further proceedings in connection with this claim.

17 This Confession of Judgment is made upon the understanding and consideration that the
18 Plaintiff, CITY OF LAS VEGAS, NEVADA, agrees to be responsible for the preparation and
19 filing of any and all papers and pleadings connected herewith.

20 This Confession of Judgment will not be filed or recorded unless and until Defendants
21 fail to make a payment as required hereunder. After all four payments have been made this
22 unfiled and unrecorded Confession of Judgment and Affidavit of Verification will be returned to
23 Craig S. Newman, Esq., attorney for Defendants.

24 Defendants hereby authorize the entry of judgment of the aforesaid sum.

25 DATED this 14th day of May, 2007.

26 Dale Scott
MOULIN ROUGE PROPERTIES, LLC.

27 800 W. Bonanza
ADDRESS

28 Dale Scott
DALE SCOTT

800 W. Bonanza
ADDRESS

GREGORY REXROAD

ADDRESS

1 violations of the Las Vegas Municipal Code more particularly referred to in the Notice and
2 Orders recorded against the above-referenced properties which are both attached hereto as
3 Exhibit "1".

4 Defendants MOULIN ROUGE PROPERTIES, LLC; GREGORY REXROAD,
5 INDIVIDUALLY; DALE SCOTT, INDIVIDUALLY, believe the sum confessed is a reasonable
6 and just amount owed for the Plaintiff's actual costs incurred and assessed as set forth in the
7 Reports of Expenses filed with the Las Vegas City Clerk for items 86 and 87 on the Las Vegas
8 City Council meeting to be held on May 16, 2007. The Reports of Expenses are attached hereto
9 as Exhibit "2" and made a part hereof by this reference. In addition, the other documents
10 provided as back-up for Items 86 and 87 on the May 16, 2007, City Council agenda are
11 incorporated herein by this reference.

12 All Defendants further acknowledge and understand, after advice from counsel, that they
13 have a right to a trial or hearing on the merits of this claim and that they are waiving any right
14 thereto and any right to notice of further proceedings in connection with this claim.

15 This Confession of Judgment is made upon the understanding and consideration that the
16 Plaintiff, CITY OF LAS VEGAS, NEVADA, agrees to be responsible for the preparation and
17 filing of any and all papers and pleadings connected herewith.

18 Defendants hereby authorize the entry of judgment of the aforesaid sum.

19 DATED this ____ day of May, 2007.

20
21 _____
MOULIN ROUGE PROPERTIES, LLC.

22 _____
ADDRESS

23
24 _____
DALE SCOTT

25 _____
ADDRESS
26
27
28

Gregory Rexroad
GREGORY REXROAD
8100 W. Sahara Ave
ADDRESS

AFFIDAVIT OF VERIFICATION

STATE OF NEVADA)

COUNTY OF CLARK) ss.

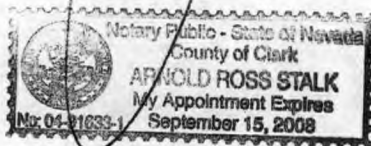
I, GREGORY REXROAD, being first duly sworn, depose and say:

That I am the Defendant in the above-entitled action; that I have read the foregoing Confession of Judgment and know the contents thereof, and that the same is true and correct of my own knowledge except as to those matters therein stated on information and belief, and as to those matters, that I believe them to be true.

DATED this 16 day of May, 2007.

SUBSCRIBED and SWORN to before
me this 15TH day of May, 2007.

NOTARY PUBLIC



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

AFFIDAVIT OF VERIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, DALE SCOTT, being first duly sworn, depose and say:

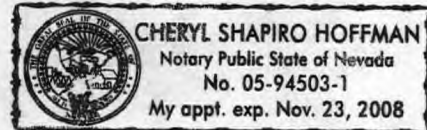
That I am the Defendant in the above-entitled action; that I have read the foregoing Confession of Judgment and know the contents thereof, and that the same is true and correct of my own knowledge except as to those matters therein stated on information and belief, and as to those matters, that I believe them to be true.

DATED this 10 day of May, 2007.


DALE SCOTT

SUBSCRIBED and SWORN to before
me this 10 day of May, 2007.


NOTARY PUBLIC



CITY OF LAS VEGAS
ACKNOWLEDGMENT OF DEBT AND AGREEMENT TO PAY

I, DALE L. SCOTT, as MANAGING MEMBER, on behalf of MOULIN ROUGE PROPERTIES, LLC (hereinafter "LLC"), hereby acknowledge that the LLC is liable and indebted to the City of Las Vegas, in the amount of ONE HUNDRED NINETY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$199,120.00). However, in consideration for executing this Confession of Judgment the City has agree to reduce the total payment amount to ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$129,120.00), arising out of the following facts: inspection/reinspection fees and civil penalties for violations of various sections of the City's International Building Code, Health Code, Nuisance Code, Fire Code, Plumbing Code, Electrical Code and International Mechanical Code as more specifically outlined in the Notice and Orders attached hereto as Exhibit "1" from January 23, 2007 to May 16, 2007.

The LLC agrees to pay the \$129,120.00 to the City of Las Vegas, Nevada, Department of Finance and Business Services at 400 Stewart Avenue, Las Vegas, Nevada, 89101, in four (4) equal installment payments of THIRTY-TWO THOUSAND TWO HUNDRED AND EIGHTY AND 0/100 DOLLARS (\$32,280.00) with the first payment due on June 1, 2007, and the three additional payments to be made on July 2, 2007, August 1, 2007 and September 4, 2007 respectively. The LLC understands and agrees that should default occur in making any of the above-referenced equal payments according to the schedule set forth above that legal action will be taken against it under this Confession of Judgment for the entire balance due and owing of \$199,120.00.

Dale L. Scott as Managing Member
SIGNATURE, TITLE

800 W. Bonanza
CURRENT RESIDENCE

(702) 631-0381
TELEPHONE NUMBER

CITY OF LAS VEGAS
ACKNOWLEDGMENT OF DEBT AND AGREEMENT TO PAY

I, GREGORY REXROAD, hereby acknowledge that I am individually liable and indebted to the City of Las Vegas, in the amount of ONE HUNDRED NINETY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$199,120.00). However, in consideration for executing this Confession of Judgment the City has agreed to reduce the total payment amount to ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$129,120.00), arising out of the following facts: inspection/reinspection fees and civil penalties for violations of various sections of the City's International Building Code, Health Code, Nuisance Code, Fire Code, Plumbing Code, Electrical Code and International Mechanical Code as more specifically outlined in the Notice and Orders attached hereto as Exhibit "1" from January 23, 2007 to May 16, 2007.

I agree to pay the \$129,120.00 to the City of Las Vegas, Nevada, Department of Finance and Business Services at 400 Stewart Avenue, Las Vegas, Nevada, 89101, in four (4) equal installment payments of THIRTY-TWO THOUSAND TWO HUNDRED AND EIGHTY AND 0/100 DOLLARS (\$32,280.00) with the first payment due on June 1, 2007, and the three additional payments to be made on July 1, 2007, August 1, 2007 and September 1, 2007 respectively. I understand and agree that should default occur in making any of the above-referenced equal payments according to the schedule set forth above that legal action will be taken against me under this Confession of Judgment for the entire balance due and owing of \$199,120.00.

Gregory Rexroad
SIGNATURE

8100 W. Sahara
CURRENT RESIDENCE

702-251-9214
TELEPHONE NUMBER

CITY OF LAS VEGAS
ACKNOWLEDGMENT OF DEBT AND AGREEMENT TO PAY

I, DALE SCOTT, hereby acknowledge that I am individually liable and indebted to the City of Las Vegas, in the amount of ONE HUNDRED NINETY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$199,120.00). However, in consideration for executing this Confession of Judgment the City has agree to reduce the total payment amount to ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED AND TWENTY AND 0/100 DOLLARS (\$129,120.00), arising out of the following facts: inspection/reinspection fees and civil penalties for violations of various sections of the City's International Building Code, Health Code, Nuisance Code, Fire Code, Plumbing Code, Electrical Code and International Mechanical Code as more specifically outlined in the Notice and Orders attached hereto as Exhibit "1" from January 23, 2007 to May 16, 2007.

I agree to pay the \$129,120.00 to the City of Las Vegas, Nevada, Department of Finance and Business Services at 400 Stewart Avenue, Las Vegas, Nevada, 89101, in four (4) equal installment payments of THIRTY-TWO THOUSAND TWO HUNDRED AND EIGHTY AND 0/100 DOLLARS (\$32,280.00) with the first payment due on June 1, 2007, and the three additional payments to be made on July 2, 2007, August 1, 2007 and September 4, 2007 respectively. I understand and agree that should default occur in making any of the above-referenced equal payments according to the schedule set forth above that legal action will be taken against me under this Confession of Judgment for the entire balance due and owing of \$199,120.00.

Dale P. Scott
SIGNATURE

800 W. Bonanza
CURRENT RESIDENCE

(702) 631-0381
TELEPHONE NUMBER

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing to assess inspection/reinspection fees and civil penalties located at 1001 W. McWilliams Avenue. PROPERTY OWNER: MOULIN ROUGE PROPERTIES – Ward 5 (Williams)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$50,080.00

Funding Source: General Fund

Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The units within the subject property were determined to be substandard, dangerous, and declared a public nuisance pursuant to the 1994 Uniform Housing Code. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken, the Department of Neighborhood Services assessed inspection/reinspection fees and civil penalties for each unit that failed an inspection. To date, there have been thirty three (33) units inspected at this location.

RECOMMENDATION:

That the City Council: 1. Assess the inspection/reinspection fees in the amount of \$18,780, plus civil penalties in the amount of \$31,300, for a total of \$50,080, and that the charges be filed and recorded.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of the Notice and Claim of Lien

Motion made by BRENDA J. WILLIAMS to Approve Items 86 and 87

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

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

CITY COUNCIL MEETING OF: MAY 16, 2007

Minutes:

See Item 86 for related backup and discussion.



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to assess inspection/reinspection fees and civil penalties located at 1001 W. McWilliams. PROPERTY OWNER: MOULIN ROUGE PROPERTIES LLC - Ward 5 (Williams)

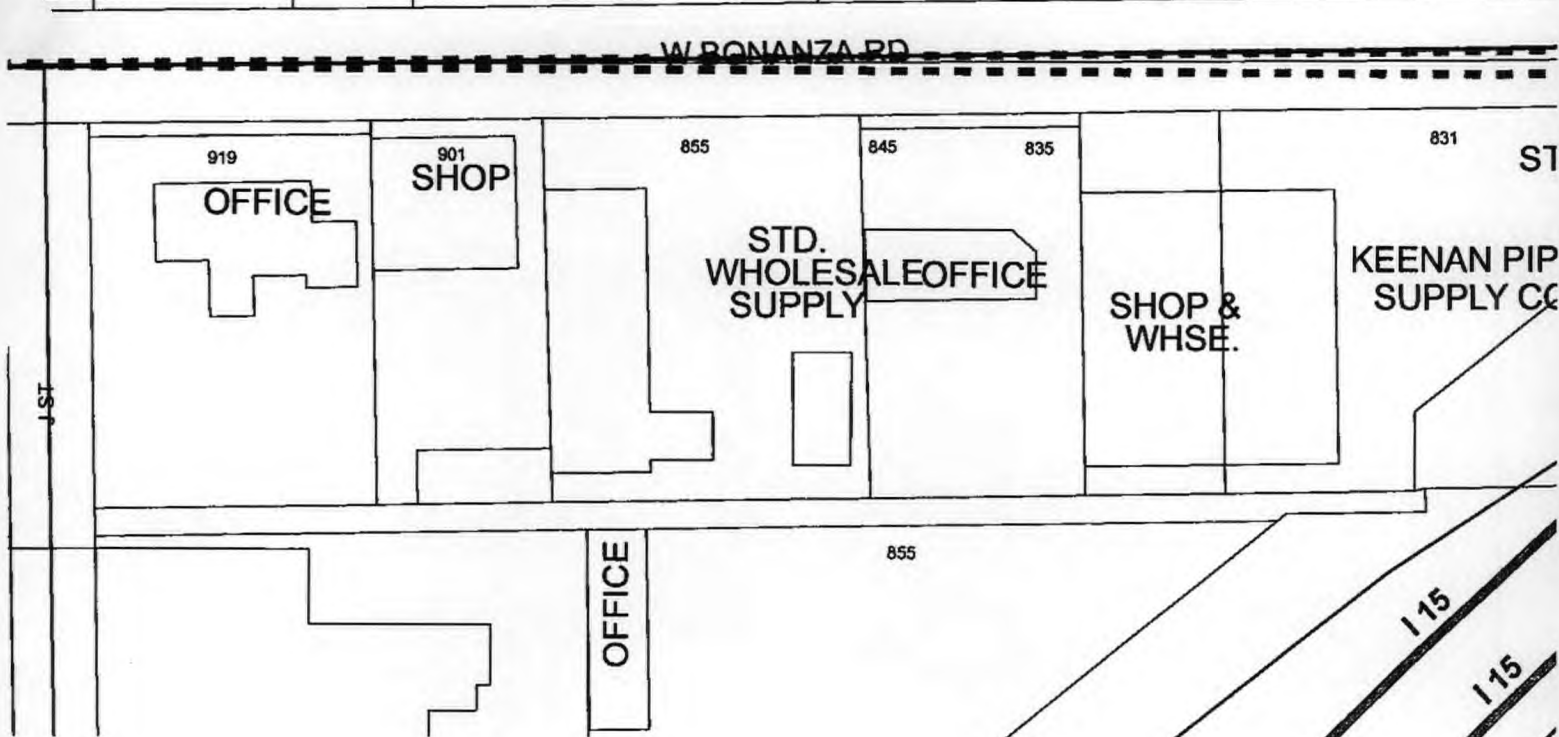
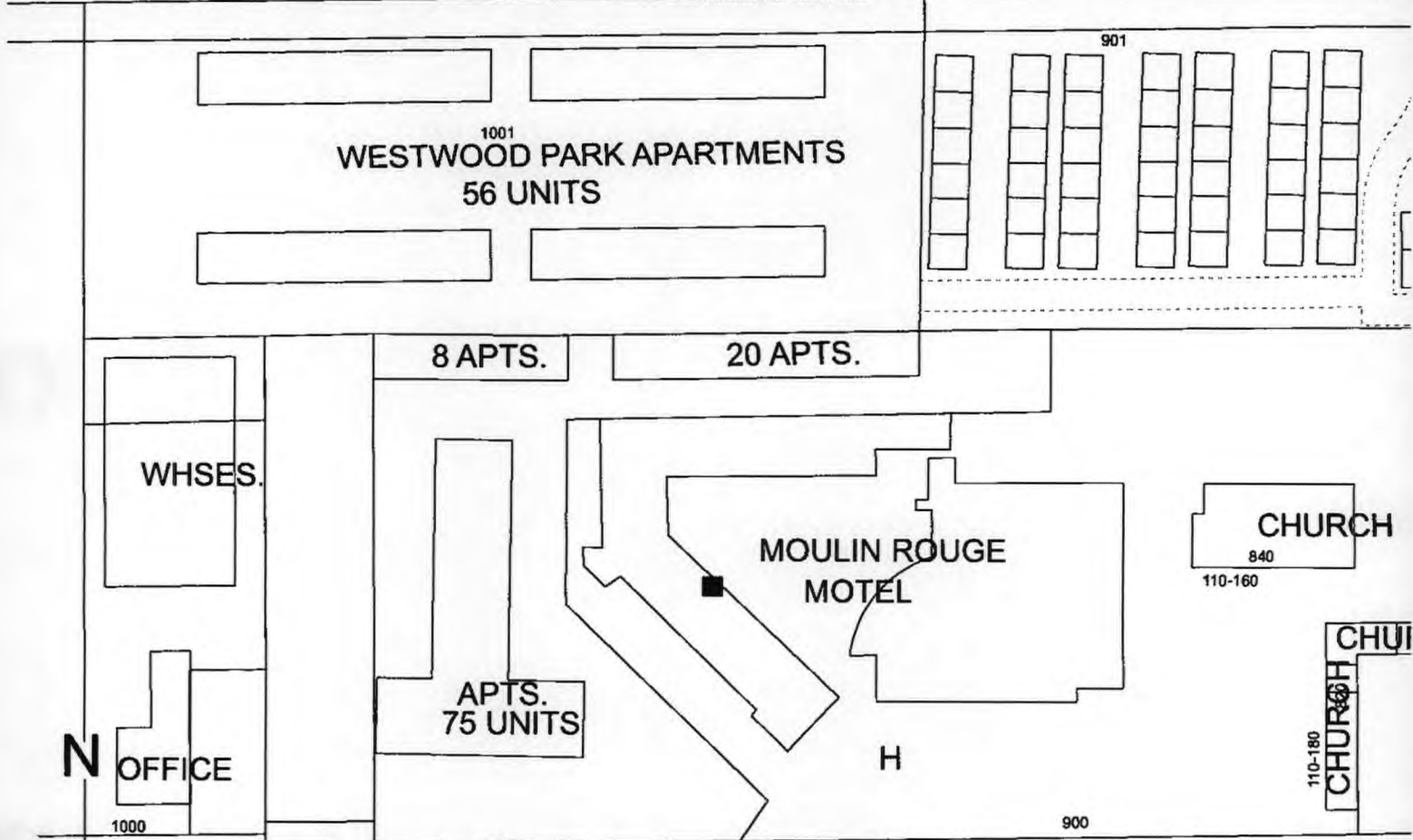
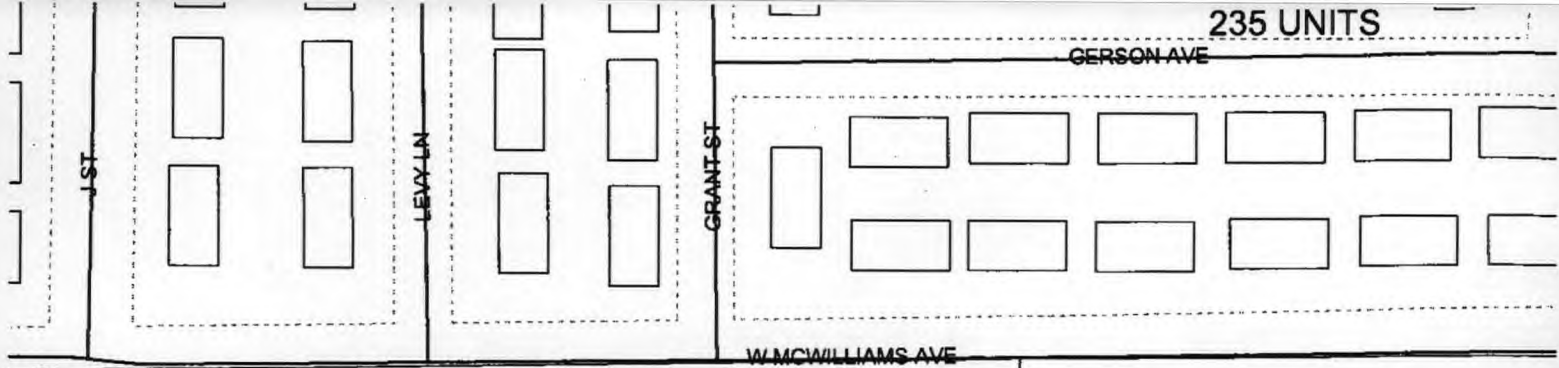
Inspection/reinspection fees assessed in the amount of \$18,780.00; plus civil penalties in the amount of 31,300.00, for a total of \$50,080.00.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Housing Code, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

ASSOCIATED DAILY CIVIL PENALTIES (COUNCIL'S DISCRETION):

In addition, at the Council's discretion, the Council may impose daily civil penalties from April 12, 2007 to May 16, 2007 (35 days) in the amount of \$35,000.00. This brings the total to \$85,080.00.



Memorandum

City of Las Vegas Neighborhood Services Department

To: Beverly Bridges, Acting City Clerk
From: Devin S. Smith, Manager – Neighborhood Response Division
CC: File
Date: May 3, 2007
Re: Report of Expenses for inspection/reinspection fees and civil penalties accrued for property located at 1001 W. McWilliams - Ward 5 (Williams)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 for "Uniform Housing", the Department of Neighborhood Services is submitting a list of inspection/reinspection fees and civil penalties incurred on the property.

DESERT BREEZE II

Amount Breakdown:	
Inspection/Reinspection Fees:	\$18,780.00
Civil Penalties:	\$31,300.00
TOTAL AMOUNT DUE:	\$50,080.00
Daily Civil Penalties (35 days @ 1,000/day = \$35,000.00) At the Council's discretion, the Council may impose daily civil penalties from April 12, 2007 to May 16, 2007.	(Not to exceed) \$85,080.00
OWNER OF RECORD:	MOULIN ROUGE PROPERTIES LLC
PROPERTY ABATED:	1001 W. MCWILLIAMS AVENUE
ASSESSOR PARCEL:	139-28-703-005
LEGAL DESCRIPTION:	PT NE4 SE4 SEC 28 20 61

DSS:ed



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON

LOIS TARKANIAN

STEVEN D. ROSS

BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
MAY 16, 2007**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, May 16, 2007 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property required Inspection/Reinspection Fees and incurred Civil Penalties on property located at **1001 W. MCWILLIAMS AVENUE**, legally described as **PT NE4 SE4 SEC 28 20 61**. Owner of record at time of abatement: **MOULIN ROUGE PROPERTIES – WARD 5 (WILLIAMS)**

The Director of Neighborhood Services certifies in the report that the sum of \$50,080.00 was expended (\$18,780.00 Inspection/Reinspection Fees and \$31,300.00 Civil Penalties).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

**BEVERLY K. BRIDGES, CMC
ACTING CITY CLERK**

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DB: 1001 W. McWilliams Avenue
Moulin Rouge Properties LLC
8100 W. Sahara Avenue #200
Las Vegas, Nevada 89117

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

CLERK

C. Date of Delivery

5/3/7

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0001 3041 0480

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Address: 1001 W MCWILLIAMS AVE

CLV

INSPECTION ENTIRE COMPLEX

Parcel(s)**Parcel:**

13928703005

Size:

3.56 ACRE

Subdivision Name:

PT NE4 SE4 SEC 28 20 61

Owner Information:

10-Aug-02	06-Apr-06	C B C FINANCIAL CORPORATION 708 CANYON GREENS DR; LAS VEGAS, NV 89144-0834
06-Apr-06	20-Apr-06	MOULIN ROUGE DEVELOPMENT CORP 800 W BONANZA RD; LAS VEGAS, NV 89106-3525
20-Apr-06	27-Apr-06	MOULIN ROUGE DEVELOPMENT CORP % GRAND PACIFIC FINANCING CORP 1255 CORPORATE CENTER DR #PH10; MONTEREY PARK, CA 91754-7615
27-Apr-06	20-Apr-07	MOULIN ROUGE DEVELOPMENT CORP % GRAND PACIFIC FINANCING CORP 1255 CORPORATE CENTER DR #PH10; MONTEREY PARK, CA 91754-7615
20-Apr-07		MOULIN ROUGE PROPERTIES L L C 8100 W SAHARA AVE #200; LAS VEGAS, NV 89117-1997

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
984323	Passed	Partial	1/29/2007	01/18/2007 9:00	01/18/2007 14:00	300
950429	Passed	Partial	1/29/2007	01/22/2007 9:00	01/22/2007 9:15	15
960066	Failed		3/7/2007	03/07/2007 8:00	03/07/2007 10:00	120
960066	Failed		3/14/2007	03/14/2007 8:00	03/14/2007 8:15	15
984323	Failed		3/21/2007	03/21/2007 15:00	03/21/2007 15:15	15
960066	Failed		3/28/2007	03/28/2007 9:00	03/28/2007 9:25	25
960066	Failed		4/4/2007	04/04/2007 9:30	04/04/2007 9:45	15
960066	Passed	Partial	4/11/2007	04/18/2007 9:00	04/18/2007 9:30	30
960066	No Action		5/9/2007			

Time in Minutes: 535

Violation Details

Violation	Violation DT:	Resolve DT:	Location:
A-BI KITCHEN	1/29/2007	1/22/2007	kitchen sink-both compartments
owner to have plumber unclog kitchen sink pipes			
A-BI BATHRMS	1/29/2007	1/22/2007	tub not draining
owner to unclog the tub piping system			

Log

Type:	Date:	Employee:	Min:
DIRECT	5/2/2007 5:00:00 PM	ANTHONY GUARINO	20

21)NUMEROUS E-MAILS FROM DB OWNERSHIP/MGMT AND NS MGMT. CONCERNING CURRENT OCCUPANCY.E-MAIL FROM DALE SCOTT/PROP OWNER STATES:44 OCCUPIED UNITS W/LISTED UNITS NUMBERS AND NAMES OF OCCUPANTS.

DIRECT	5/2/2007 5:00:00 PM	ANTHONY GUARINO	30
21)NOTICE WAS HAND DELIVERED AND MAILED TO ALL OWNERSHIP OF DB/MR THAT A INSPECTION WILL TAKE PLACE ON 5/9 0830HRS OF ALL OCCUPIED UNITS.I HANDED COPY TO GINGER/MGR ON SITE AND PAT SECRETARY AT 800 W BOANAZA. CB 5-9			
INSP	4/18/2007 9:00:00 AM	ANTHONY GUARINO	30
21)30)I STILL MAKE THE INSPECTION,IF ITS NOT TO CODE I HAVE TO FAIL THE INSP.INSPECTED UNITS-2086,2082-ALL REPAIRS MADE EXCEPT TUB-THEY ARE HIRING CONTRACTOR TO REFINISH.2078 NEEDS TUB REFINISH. NO FEE TODAY.CLV STAFF WILL DISCUSS FURTHER ACTION			
INSP	4/18/2007 9:00:00 AM	ANTHONY GUARINO	30
21)30)scheduled inspection date:had a brief meeting w/GINGER-MANAGER,GARY CORNWELL,CHAUNCY MOORE.WE DISCUSSED FEES-DB IS UPSET BECAUSE THEY FEEL THEY ARE BEING FEE'D FOR VACANT UNITS.I ADVISED IF UNIT IS OCCUPIED-EITHER LEGALLY OR ILLEGALLY (CONT)			
INSP	4/11/2007 9:00:00 AM	ANTHONY GUARINO	30
21)scheduled inspections-CALLED GARY CORNWALL,ADVISED I WAS ON SITE.LATER SPOKE TO ARNIE STALK,ADVISED BECUASE OF LACK OF REPAIRS,INSPECTIONS HAVE FAILED. CB 4-18			
INSP	4/4/2007 9:30:00 AM	ANTHONY GUARINO	15
21)WALKED UNITS REQUIRED PER LETTER DATED 3/5/07 TO BE UNDER REHAB-NO REPAIRS TAKING PLACE.SAME CONDITION AS ORIGINAL INSPECTION. WILL FAX AND MAIL NOTICE INDICATING INSPECTION FAILED-FEES/PENS ASSESSED THIS DAY. NEXT INSPECTION DATE 4/11			
FEE	4/2/2007 12:36:00 PM	JESSICA LARRAMENDY	0
JL) As of 4/2: 40 units billed at \$120; 30 units billed at \$330; 20 units billed at \$480 and 10 units billed at \$680.			
INSP	3/28/2007 9:26:00 AM	ANTHONY GUARINO	1
21)ARNIE ALSO STATED THEY HAVE A RELOCATION PLAN. ARNIE FAXED ME A COPY OF THE PLAN ALONG WITH A CURRENT OCCUPANCY REPORT.PER REPORT AS OF 3/29/07 DB 2 HAS 48 VACANT UNITS OUT OF 56. INSPECTION FAILED.ASSESS FEE			
INSP	3/28/2007 9:00:00 AM	ANTHONY GUARINO	25
21)UNIT INSPECTION AS REQUIRED PER LETTER SCHEDULE:WALKED AREA/UNITS.NO REPAIRS HAVE TAKEN PLACE AS REQUESTED.SPOKE TO GARY CORNWELL VIA TELE-HE ALSO STATED THEY HAVE NOT MADE ANY PROGRESS,I ALSO SPOKE TO ARNIE STALK.(CONT)			
INSP	3/27/2007 1:00:00 PM	GREGG GALLEGOS	0
31)complaint from unit1017 sewer backup & running throughout aptDB II-issued c/n Ginger-took pics w/date stamp-tmnt shifted to 2044 Bldg7-r/c 4/4/07-inspect w/ 21)20)& Devin Smith on site w/ Stanton Wilkerson-See Case #51696 for detail			
INSP	3/21/2007	GREGG GALLEGOS	0
31)21 out sick-drove complex to look for contractor repair activity-none observed-observed trash dumpsters throughout all empty-roll off by bldg 3 had personal trash w/referigerator and room furniture this inspection failed-3rd set of inspection			
INSP	3/21/2007	GREGG GALLEGOS	0
31)drove complex to look for contractor repair activity-none observed-observed trash dumpsters throughout all empty-roll off by bldg 3 had personal trash w/referigerator and room furniture			
INSP	3/14/2007 8:16:00 AM	ANTHONY GUARINO	1
21)FEE ASSESSED. WILL ISSUE NOTICE 3/15 EXPLAINING FEE ASSESSED CB 3-21 (SENT E MAIL TO ALL CONCERNED)			
INSP	3/14/2007 8:00:00 AM	ANTHONY GUARINO	15
21)2nd set of inspections for today:NO OWNERSHIP REPRESENTATIVES.SPOKE TO GARY CORNWELL(METRO DEVELOPMENT GROUP)SUPERINTENDENT.GARY STATED NO REPAIRS MADE.I WALKED PROPERTY-APPEARS NO REPAIRS ARE TAKING PLACE ANYWHERE ON THE PROPERTY.FAILED INSP.			
MEMO	3/14/2007	GREGG GALLEGOS	0
31)agreemnt made between 20),21),31) today that 21) is the main contact person to be sent out to property... in order to remove any confusion or have too many persons involved.			
INSP	3/7/2007 10:05:00 AM	ANTHONY GUARINO	5
21)I WILL RETURN 3/8 TO ISSUED ANOTHER NOTICE-FEES ASSESSED-UNIT 2017 TO REPAIRED AS REQUIRED BY N&O CB 3-14			
INSP	3/7/2007 10:02:00 AM	ANTHONY GUARINO	1
21)THEY HAVE NOT STARTED ANY REPAIRS.ALL PREVIOUS REPAIRS NEEDED REMAIN.ALL PARTIES AGREED THESE TENANTS SHOULD BE MOVED TO ANOTHER MORE HABITABLE UNIT.WE FOUND UNITS 1037,1039 TO BE VACANT AND HABITABLE.OWNERS WILL MOVE TENANTS FROM 1043 TO ONE OF THESE			
INSP	3/7/2007 8:00:00 AM	ANTHONY GUARINO	120
21)20)LISA MORRIS,SUSIE MARTINEZ-MET ON SITE W/GARY CORNWELL,CHAUNCY MOORE,DALE SCOTT,ARNIE,NEW REPS OF MOULIN ROUGE OWNERSHIP.INSPECTED FIRST GROUP OF UNITS ON RE-INSPECTION LIST.2017 IS ONLY OCCUPIED UNIT OUT OF THE GROUP.			

MEET	3/5/2007 3:01:00 PM	ANTHONY GUARINO	1
21)IF REPAIRS NOT MADE FEES WILL BE ASSESSED.A REPAIR SCHEDULE WAS GIVEN TO ALL PRESENFIRST UNITS TO BE INSPECTED ON 3/7.			
MEET	3/5/2007 2:00:00 PM	ANTHONY GUARINO	60
21)DS AND 21 MET WITH REPRESENTIVES OF MOULIN ROUGE CORP.(STAN WILKERSON,ARNOLD STALK,MIKE MCDONALD,RICK HENRY)WE EXPLAINED OUR POSTION AND WHAT NEEDS TO HAPPENS IN UPCOMING INSPECTIONS- LISTED OCCUPIED UNITS NEEDS TO BE REPAIRED BY DATES LISTED.			
MEET	3/5/2007 10:30:00 AM	JIM SHADRICK	105
Meeting held in NS office to address how we are going to go forward with the abatement/repairs/rehabilitation of all of the rental units at Desert Breezell as new owners are not performing well up to this date			
MEET	3/5/2007 10:30:00 AM	ANTHONY GUARINO	120
21)20,31,19,24,DS,LM-TALKED OVER GAME PLAN FOR DB 1&2.WE CREATED A REPAIR SCHEDULE FOR REPAIRS NEEDED ON OCCUPIED UNITS FROM ORIGINAL N&O.20 UNITS TO BE INSPECTED AT 1 WEEK INTERVALS STARTING 3/7,3/14,3/21,ETC. ANY FAILED INSPECTIONS WILL RESULT IN FEES			
INSP	2/26/2007	GREGG GALLEGOS	0
31)monitored DB II and found "Do Not Occupy" signs torn off and others covered with OSB plywood and still other apartments previously occupied now vacant with broken windows and holes in walls-apts described above were reposted/placarded for bldgs 3 & 4			
MEET	2/22/2007	GREGG GALLEGOS	0
31)Met Rick and Gary,superintendants on site to discuss repairs-found both not knowing what the N&O has or what schedule of repairs are needed			
MISC	2/9/2007 11:56:00 AM	JESSICA LARRAMENDY	0
JL) Rec'd green cert card back signed by K. Tobin.			
RECORD	2/9/2007 10:21:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated January 11, 2007 at Clark County. Recorded in Book: 20070209 Inst: 01141			
LETTER	1/30/2007 2:24:00 PM	JESSICA LARRAMENDY	0
JL) Mailed ltr to owner with new stipulations for new buyer correcting property violations. Ltr dated 1/30/07. Mailed certified and regular mail.			
RECORD	1/29/2007 2:44:00 PM	JESSICA LARRAMENDY	0
JL) Recorded release of N&O for document recorded on January 23, 2007. This release recorded in Book: 20070129 Inst: 02768.			
MEMO	1/24/2007	GREGG GALLEGOS	0
31)rehab permits issued see OTC 80340,80341,80343, 80344			
MISC	1/23/2007 11:33:00 AM	LAURA DEARMOND	0
REC'D CERT CARDS FROM MOULIN ROUGE DEV CORP, GRAND PACIFIC FINANCING CORP, CBC FINANCIAL			
RECORD	1/23/2007 10:46:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O to Make Repairs dated January 11, 2007 at Clark County. Recorded in Book: 20070123 Inst: 04914.			
INSP	1/22/2007 9:00:00 AM	JIM SHADRICK	12975
The owner finally got a plumber over on Saturday morning to unclog the kitchen sink and bathtub so that the tenants could use them as a normal function of the rental unit.Tenant said the entire line all the way to the main house line was stopped up			
INSP	1/18/2007 9:00:00 AM	LAURA DEARMOND	300
31) POSTED DO NOT OCCUPY ON THESE VACANT UNITS BLDG 4 1027, 2027, 2028, 1029, 2029, 1031, 2031, BLDG 3 1019, 2019, 2020, 2021, 1022, 2023, 1024, 2025			
NOTICE	1/17/2007 3:43:00 PM	LAURA DEARMOND	0
SENT N&O TO MAKE REPAIRS TO OWNER MOULIN ROUGE DEVELOPMENT CORP, GRAND PACIFIC FINANCING CORP, CBC FINANCIAL, RODERICK BICKERSTAFF			

Time in minutes:

13884

APN 139-28-703-005
Ref#02324-68

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **MOULIN ROUGE PROPERTIES LLC**
(Reputed Owner(s)) at time of abatement.

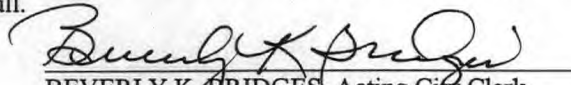
Assessor's Parcel No.: **139-28-703-005**
Commonly known as: **1001 WEST McWILLIAMS AVENUE**
Legal Description: **PT NE4 SE4 SEC 28 20 61**

On April 18, 2007, as provided in the Municipal Code, 9.04.020 and Section 202, the City of Las Vegas assessed inspection/reinspection fees and civil penalties on the following property after due notification.

Fees/penalties in the amount of \$50,080.00 were incurred after seven failed inspections.

The Las Vegas City Council, at a duly noticed public hearing held on May 16, 2007, ordered the above charges in the amount of \$50,080.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

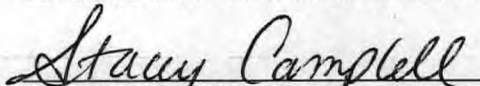

BEVERLY K. BRIDGES, Acting City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.


BEVERLY K. BRIDGES, Acting City Clerk

Subscribed and sworn to before me this 25th day of May, 2007


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing to consider the report of expenses to recover costs for abatement of nuisance and assess civil penalties located at 4319 Fulton Place. PROPERTY OWNER: KATHERINE M. PAOLA - Ward 1 (Tarkanian)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$21,039

Funding Source: General Fund

Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification.

RECOMMENDATION:

That the City Council approve the report of expenses in the amount of \$21,039. The charges be filed and recorded against the property, constituting a special assessment and lien, and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer. In addition, at the Council's discretion, the Council may impose daily civil penalties from July 7, 2006 to February 8, 2007 (214 days) in the amount of \$107,000.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

Motion made by LOIS TARKANIAN to Approve

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

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

CITY COUNCIL MEETING OF: MAY 16, 2007

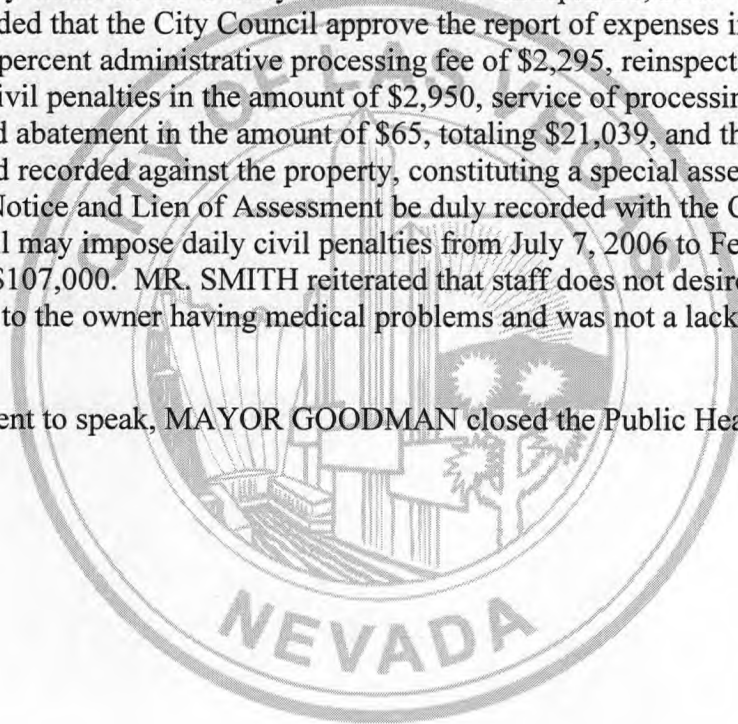
Minutes:

Video shown but not submitted.

MAYOR GOODMAN opened the Public Hearing by way of reading the item.

DEVIN SMITH, Manager of Neighborhood Response, indicated the condition of the property as a public hazard and attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken, nor an appeal filed, the Department of Neighborhood Services hired C.H. Construction, LLC to remove refuse, waste, a Dodge Ram Charger including the items in the vehicle, fence in the front yard, and the illegal unpermitted structures from the property, as well as repainting and repairing deteriorated wood eaves. To date, there have been 18 inspections conducted at this location. The value of the property based on the County Assessor's site on April 20, 2007 was zero. MR. SMITH recommended that the City Council approve the report of expenses in the amount of \$15,300, plus a 15 percent administrative processing fee of \$2,295, reinspection fees including late fees of \$429, civil penalties in the amount of \$2,950, service of processing fees for the City's motion of order and abatement in the amount of \$65, totaling \$21,039, and that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer. In addition, Council may impose daily civil penalties from July 7, 2006 to February 8, 2007 for 214 days, totaling \$107,000. MR. SMITH reiterated that staff does not desire to impose the daily civil penalties, due to the owner having medical problems and was not a lack of taking care of the issues.

Seeing no one present to speak, MAYOR GOODMAN closed the Public Hearing.



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

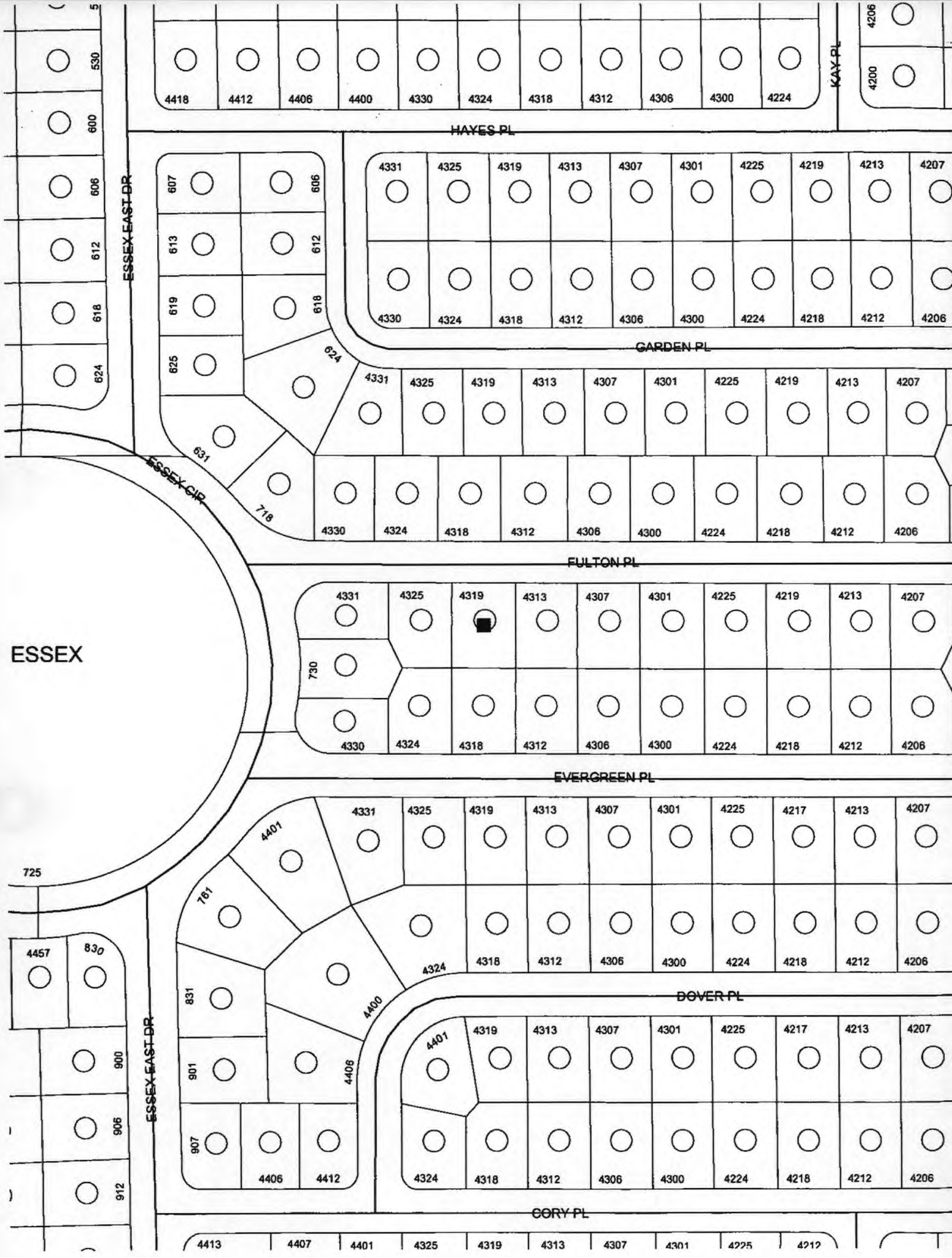
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance and assess civil penalties located at 4319 Fulton Place. PROPERTY OWNER: KATHERINE M. PAOLA – Ward 1 (Tarkanian)

C. H. Construction completed work on February 8, 2007 at a cost of \$15,300; \$429 in reinspection fees (w/late fees); Civil Penalties of \$2,950; service of process fees of the City's Motion for Order of Abatement in the amount of \$65, plus a 15% administrative processing fee, for a total of \$21,039.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.



ESSEX

ESSEX EAST DR

ESSEX CIR

ESSEX EAST DR

HAYES PL

GARDEN PL

FULTON PL

EVERGREEN PL

DOVER PL

CORY PL

KAY PL

4418 4412 4406 4400 4330 4324 4318 4312 4306 4300 4224

4206 4200

607 606 613 612 619 618 625 624

4331 4325 4319 4313 4307 4301 4225 4219 4213 4207
4330 4324 4318 4312 4306 4300 4224 4218 4212 4206

4331 4325 4319 4313 4307 4301 4225 4219 4213 4207
4330 4324 4318 4312 4306 4300 4224 4218 4212 4206

4331 4325 4319 4313 4307 4301 4225 4219 4213 4207
4330 4324 4318 4312 4306 4300 4224 4218 4212 4206

4331 4325 4319 4313 4307 4301 4225 4217 4213 4207
4330 4324 4318 4312 4306 4300 4224 4218 4212 4206

4319 4313 4307 4301 4225 4217 4213 4207
4324 4318 4312 4306 4300 4224 4218 4212 4206

4413 4407 4401 4325 4319 4313 4307 4301 4225 4212

Memorandum

City of Las Vegas Neighborhood Services Department

To: Beverly Bridges, Acting City Clerk
From: Devin S. Smith, Manager – Neighborhood Response Division
CC: File
Date: May 2, 2007
Re: Report of Expenses for the abatement of nuisance located at 4319 Fulton Place - Ward 1 (Tarkanian)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removal of refuse, waste, Dodge Ram Charger and items inside vehicle, fence in front yard and illegal unpermitted structures from property, as well as repainting and repairing deteriorated wood on eaves. The abatement was completed by C. H. Construction on February 8, 2007 at a cost of \$15,300.00, and for service of process fees of the City's Motion for Order of Abatement in the amount of \$65.00 for a total of 15,365.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:		
Remove Refuse/Waste		\$2,750.00
Paint structure, repair deteriorated wood on eaves		\$4,250.00
Remove Dodge Ram charger and items inside		\$400.00
Remove fence in front yard		\$400.00
Remove all illegal unpermitted structures		\$7,500.00
AMOUNT DUE:		\$15,300.00
Administrative Processing Fee:		\$2,295.00
Service of process fees of the City's Motion for Order of Abatement		\$65.00
Sub-Total:		\$17,660.00
Reinspection Fees (w/late fees):		\$429.00
Civil Penalties:		\$2,950.00
TOTAL AMOUNT DUE:		\$21,039.00
Daily Civil Penalties (214 days @ 500/day = \$107,000.00) At the Council's discretion, the Council may impose daily civil penalties from July 7, 2006 to February 8, 2007.	(Not to exceed)	\$128,039.00
OWNER OF RECORD:	KATHERINE M. PAOLA	
PROPERTY ABATED:	4319 FULTON PLACE	
ASSESSOR PARCEL:	139-31-313-021	
LEGAL DESCRIPTION:	HYDE PARK SUB #1	
	PLAT BOOK 3 PAGE 56	
	LOT 140 BLOCK 6	

DSS:ed

C.H. Construction, LLC
2505 Anthem Village Dr, Suite E-532
Henderson, NV 89052

Disclosure of Principals

The principals and partners of C.H. Construction, LLC and all persons and entities holding more than 1% interest in C.H. Construction, LLC or any principal of C.H. Construction, LLC are the following:

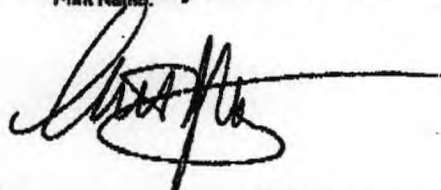
Full Name	Business Address	Business Phone
1. Christopher G. Harrison	2505 Anthem Village Dr. #532 Hend, NV 89052	702-850-9260
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

Continue list until full and complete disclosure is made.

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

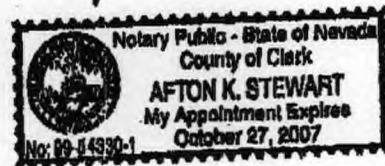
C.H. Construction, LLC

By: Christopher Harrison
Print Name:



STATE OF NEVADA)
COUNTY OF CLARK }

Subscribed and sworn to before me, a Notary Public,
on this 20th day of May, 2005.





Notary Public in and for Clark County,
State of Nevada



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
MAY 16, 2007**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, May 16, 2007 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing refuse, waste, Dodge Ram Charger and items inside vehicle, fence in front yard and illegal unpermitted structures from property, as well as repainting and repairing deteriorated wood on eaves on property located at **4319 FULTON PLACE**, legally described as **HYDE PARK SUB #1 PLAT BOOK 3 PAGE 56 LOT 140 BLOCK 6**. Owner of record at time of abatement: **KATHERINE M. PAOLA – WARD 1 (TARKANIAN)**

The Director of Neighborhood Services certifies in the report that the sum of \$21,039.00 was expended (\$15,300.00 for abatement by C. H. Construction; \$2,295.00 Administrative Processing Fee; \$65.00 Service of Process Fees; \$429.00 Reinspection Fees (with Late Fees); and \$2,950.00 Civil Penalties).

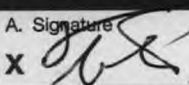
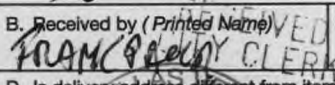
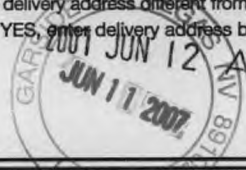
If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

**BEVERLY K. BRIDGES, CMC
ACTING CITY CLERK**

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X  ☐ Agent ☐ Addressee	
1. Article Addressed to: DB: 4319 Fulton Place Katherin M. Paola 4319 Fulton Place Las Vegas, Nevada 89107		B. Received by (Printed Name)  C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
			
		3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7005 3110 0001 3041 0503	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

Address: 4319 FULTON PL

CITZ

PER CC FAX:OCCUPANT SAW FIT TO CONSTRUCT A WOODEN FENCE TO HIDE ALL OF THE JUNK. THE FRONT LAWNS ARE FULL OF JUNK. YOU NAME IT ITS OUT THERE. ITS A HORRIBLE SITE IN THE NEIGHBORHOOD. A PERSON SHOULD NOT BE ALLOWED TO STORE TRASH BEHIND A WOODEN FENCE & ALL OVER THE FRONT OF THE HOUSE. PLEASE FOR ONCE & FOR ALL PLEASE ENFORCE THE CODES. THIS CAN'T BE ALLOWED TO CONTINUE. IS THIS WHAT I PAY TAXES FOR TO ALLOW A PERSON TO LIVE LIKE THIS? THANK YOU

Parcel(s)

Parcel: 13931313021 **Size:** 0.17 ACRE **Subdivision Name:** HYDE PARK SUB #1

Owner Information:

10-Aug-02 PAOLA KATHERINE M
4319 FULTON PL; LAS VEGAS, NV 89107-4152

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
960392	Failed			08/10/2006 13:00	08/10/2006 13:40	40
960392	Failed		3/16/2006	03/17/2006 14:00	03/17/2006 14:20	20
960392	Failed		4/17/2006	04/17/2006 12:00	04/17/2006 12:10	10
960392	Passed	Partial	4/26/2006	04/26/2006 11:10	04/26/2006 11:20	10
960392	Failed		5/4/2006	05/12/2006 7:00	05/12/2006 7:10	10
960392	Failed		6/8/2006	06/08/2006 9:20	06/08/2006 9:30	10
960392	Failed		6/15/2006	06/16/2006 11:00	06/16/2006 11:10	10
960392	Passed	Partial	6/21/2006	06/23/2006 7:30	06/23/2006 7:40	10
960392	Passed	Partial	6/27/2006	06/29/2006 8:55	06/29/2006 9:05	10
960392	Failed		7/11/2006	07/06/2006 11:30	07/06/2006 12:10	40
960392	Passed	Partial	7/25/2006	07/27/2006 7:50	07/27/2006 9:10	80
960392	Passed	Partial	9/8/2006	09/08/2006 8:50	09/08/2006 9:05	15
960392	Failed		10/13/2006	10/13/2006 9:20	10/13/2006 10:30	70
960392	Failed		10/19/2006	10/24/2006 14:00	10/24/2006 14:19	19
960392	Passed	Partial	11/28/2006	11/16/2006 15:30	11/16/2006 15:44	14
960392	Passed	Partial	3/1/2007	03/01/2007 12:50	03/01/2007 12:55	5
960392	Passed	Partial	3/20/2007	03/28/2007 9:10	03/28/2007 9:30	20
960392	Passed		4/4/2007	04/04/2007 9:30	04/04/2007 9:45	15
Time in Minutes:						408

Violation Details

Violation	Violation DT:	Resolve DT:	Location:
A-PERMIT REQ		4/4/2007	OBTAIN PERMITS FOR ALL FENCES ON PROP OR REMOVE
A-PAINTING		4/4/2007	FRONT YARD PERIMETER
REPAIR ANY DETERIORATED AREAS AND PAINT			

A-STORAGE

4/4/2007

AS ABOVE BUT NOT FOR DISCARD

A-REFUSE/WST 3/16/2006 4/4/2007 DISCARDED FURN, METALS, WOOD, DOORS
 REMOE FROM VIEW

Log

Type:	Date:	Employee:	Min:
LETTER	4/27/2007	ELIZABETH DOUGLAS	0
Sent owner Report of Expense Letter and Memo regular and certified mail. ED			
MISC	4/17/2007 8:00:00 AM	LAURA DEARMOND	0
SENT C H CONSTRUCTION LLC INVOICE \$15,300 TO FINANCE			
INSP	4/4/2007 9:30:00 AM	STEPHANIE DEMOLEAS	15
17 & 19) FRANK UNAVAILABLE FOR INSPECTION. FRONT YD REMAINS IN COMPLIANCE, PER 24 (VIA VERBAL FROM 19) WE ARE NOT PURSUING FURTHER ENFORCEMENT ON RESIDENCE INTERIOR OR REAR YARD VIOLATIONS AT THIS TIME IN REGARDS TO THIS CASE. CLOSE			
MISC	3/29/2007 2:26:00 PM	LAURA DEARMOND	0
GAVE INVOICE TO DEVIN FOR SIGNATURE			
INSP	3/28/2007 9:10:00 AM	STEPHANIE DEMOLEAS	1460
17) met on site W/frank and 19. FRANK MAKING MINIMAL PROGRESS, WE TOLD HIM ONE MORE WK BEFORE, CB 4/4			
FAX	3/15/2007 10:27:00 AM	SHIRLEY WARMOUTH	0
PER FAX: TRASH SURROUNDING THE OUTSIDE OF THE HOUSE.			
INSP	3/1/2007 12:50:00 PM	STEPHANIE DEMOLEAS	5
17) in COMPLIANCE, NO TRASH VISIBLE. S/C 3/20			
FAX	2/26/2007 7:22:00 AM	SHIRLEY WARMOUTH	0
PER FAX: OUTSIDE STORAGE, TRASH IN THE F/YD			
DIRECT	2/23/2007 1:53:00 PM	STEPHANIE DEMOLEAS	0
17) PER 19, CONTINUE TO MONITOR BOTH INTERIOR AND EXTERIOR OF PROP			
PHONE	2/13/2007 5:06:00 PM	STEPHANIE DEMOLEAS	0
17) CALLED AND L/M WITH FRANK THAT DUMP DONATION APPROVED FOR THIS FRI 2/16 TO BE PICKED UP 2/21. ALSO CALLED COUSIN TONY AND INFORMED HIM			
FEE	2/12/2007 2:51:00 PM	JESSICA LARRAMENDY	0
JL) Added line item for legal service on Frank Paola - \$65.00 - Numark Investigations, LLC - Inv ps07-12.			
VIDPST	2/12/2007 7:30:00 AM	VICKI OZUNA	15
19)Post Video completed.			
VIDPRE	2/5/2007 7:30:00 AM	VICKI OZUNA	15
19) Pre- Video completed.			
MEET	2/2/2007 8:28:00 AM	PAMELA HINES	75
24)MET W/2 REPS FROM HELP OF SO.NEV, MYRNA PILI & RON WATSON, THEY OFFERED FRANK MEDICAL ASSISTANCE & TEMP HOUSING (DURING CLEANUP).FRANK REFUSED. ADVISED FRANK CLEANUP TO BEGIN 2/5 @ 0800 & TO SET INTERIOR STORAGE OUTSIDE FOR REMOVAL.			
BIDA	2/2/2007 7:50:00 AM	LAURA DEARMOND	0
AWARDED TO C H CONSTRUCTION			
PHONE	1/31/2007 2:26:00 PM	STEPHANIE DEMOLEAS	0
17) RCVD CALL FROM NEIGHBOR: JOYCE EMANUEL 870-4489. SHE LIVES AT 4301 FULTON AND WANTED TO KNOW WHEN "JUNK YARD" WOULD BE CLEANED UP. TOLD HER IT WAS STILL W/THE COURT			
PHONE	1/30/2007 1:32:00 PM	STEPHANIE DEMOLEAS	0
17) s/w NEW COMPLAINANT, DAVE MCCALLUM, LIVES ON ESSEX, 858-8359, WANTED TO NOW WHEN WE WERE GOING TO ABATE			
MISC	1/25/2007 4:28:00 PM	STEPHANIE DEMOLEAS	0
17) BIDS WITH SUPERVISOR/MANAGER. AWAITING FINAL PAPERWORK AND AWARD			

BIDS	1/12/2007 8:03:00 AM	LAURA DEARMOND	0
FAXED REVISED BID TO CONTRACTORS			
COURT	1/11/2007 9:00:00 AM	STEPHANIE DEMOLEAS	90
17) JUDGE KERNS APPROVED MOTION FOR COURT ORDERED CLEANUP. CONTRACTORS MET ON SITE W/19, DSS AND CITY ATTY AT 1300 TO BID ON CLEANUP			
INSP	1/10/2007 8:50:00 AM	STEPHANIE DEMOLEAS	15
17) PIX, INADEQUATE IMPROVEMENT, STILL LG VOLUMES OF T/D ALL YDS, HEARING W/JUDGE KERNS SET FOR 1/11 AT 0930.			
BIDS	1/8/2007 3:09:00 PM	LAURA DEARMOND	0
FAXED BID TO CONTRACTORS, NEED TO MEET WITH #19 THURSDAY 1-11 AT 1PM TO BID, DUE BACK 1-12			
MISC	1/5/2007 5:08:00 PM	STEPHANIE DEMOLEAS	0
17) MOTION HEARING SCHEDULED FOR 9:30 AM ON 1/11, DEPT 5, JUDGE KERNS			
MISC	1/4/2007 8:00:00 AM	STEPHANIE DEMOLEAS	20
17) met with dan still's SECY, KELLI AND SIGNED AFFIDAVIT. SHE IS HANDING IN MOTION FOR ABATEMENT TODAY TO JUDGE KERNS. WE SHOULD HAVE UPDATE NEXT WK			
MISC	12/28/2006 9:30:00 AM	STEPHANIE DEMOLEAS	10
17) 19 DELIVERED COPIES OF N&O TO DAN STILL PER HIS REQUEST			
EMAIL	12/19/2006 7:34:00 AM	STEPHANIE DEMOLEAS	0
17) emailed CITY ATTY DAN STILL REQUESTING UPDATE FOR CLEANUP, CASE HAS BEEN WITH HIM SINCE 12/6 FOR THE PURPOSE OF ASKING JUDGE FOR CLEANUP			
FAX	12/12/2006 7:39:00 AM	SHIRLEY WARMOUTH	1
PER CLARK COUNTY FAX: TRASH ALL AROUND THE OUTSIDE PERIMETER OF THE HOUSE.			
MISC	12/7/2006 7:22:00 AM	STEPHANIE DEMOLEAS	0
17) case PRESENTLY WITH CITY ATTY DAN STILL FOR PURPOSE OF PETITIONING JUDGE FOR CLEANUP			
FAX	12/4/2006 9:51:00 AM	SHIRLEY WARMOUTH	5274721
PER FAX: TRASH ALL AROUND THE OUTSIDE PERIMETER OF THE HOUSE.			
MISC	12/1/2006 5:39:00 PM	ELIZABETH DOUGLAS	0
WEB COMPLAINT: A lot of junk in both the front and back yard.			
MISC	11/20/2006 8:17:00 AM	LAURA DEARMOND	0
CERT LETTER TO OWNER KATHERINE M PAOLA RETURNED UNCLAIMED UNABLE TO FORWARD, ATTACHED LETTER TO FILE			
RECORD	11/17/2006 2:20:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated November 16, 2006 at Clark County. Recorded in Book: 20061117 Inst: 02446.			
PHONE	11/17/2006 12:11:00 PM	SHIRLEY WARMOUTH	1
PER FAX: TRASH ALL AROUND THE OUTSIDE PERIMETER OF THE HOUSE.			
NOPOST	11/16/2006 3:30:00 PM	STEPHANIE DEMOLEAS	10
17) posted NEW N&O TO INCLUDE FIRE VIOLS. RESIDENT: PAOLA WOULD NOT RESPOND EVEN THOUGH DOOR OPEN AND I LEFT TEL MSG. TOOK NEW PIX, NO IMPROVEMENT. CB 11/28			
FAX	11/16/2006 8:13:00 AM	SHIRLEY WARMOUTH	1
PER FAX 11/8/06: TRASH ALL AROUND THE OUTSIDE PERIMETER OF THE HOUSE.			
NOTICE	11/16/2006 7:53:00 AM	LAURA DEARMOND	0
SENT NUISANCE N&O TO COMPLY TO OWNER KATHERINE M. PAOLA			
PHONE	11/1/2006 10:32:00 AM	KATHY STEWART	0
Received another complaint regard condition of property.			
INSP	10/24/2006 2:00:00 PM	STEPHANIE DEMOLEAS	17
17) pix, ASSESS FEE PLUS 2ND \$500 CIV PEN. DUMPSTER ON SITE BUT NEGLIBLE IMPROVEMENT AS T/D IS SO VOLUMINOUS. FRANK NOW STARTING TO STORE ITEMS ACROSS THE STREET AS OWNER OF 4320 RECENTLY DECEASED. NEW N&O PER CITY DAN STILL TO BE ISSUED. CB 11/01			
MISC	10/19/2006 8:09:00 AM	ELIZABETH DOUGLAS	0
WEB COMPL CONT: as this has become not only an attractive nuisance but a health and safety hazard for the surrounding neighbors.			

MISC	10/19/2006 8:09:00 AM	ELIZABETH DOUGLAS	0
WEB COMP CONT: which is visible from the street, appears to be just as full of trash and refuse as the front. This residence has literally become a junkyard and trash dump within the neighborhood. Please send someone to investigate immediately			
MISC	10/19/2006 8:08:00 AM	ELIZABETH DOUGLAS	0
WEB COMPL CONT: unsanitary situation for the neighbors. Additionally, there is an unlicensed trailer full of trash parked in front of the house as well as a truck with spider webs underneath full of trash parked in front of the house. The back yard,			
MISC	10/19/2006 8:07:00 AM	ELIZABETH DOUGLAS	0
WEB COMPL: At 4319 Fulton PLace, the entire front yard is littered with trash, refuse, junk and garbage. This property has become unsafe and unsanitary as it presents a breeding ground for rodents found in the nearby properties which has become an			
DIRECT	10/17/2006 7:24:00 AM	STEPHANIE DEMOLEAS	0
17) RCVD POSTIT FROM DEVIN STATING HE HAD SPOKEN WITH FRANK AND GAVE EXT TO 10/23. CASE STILL WITH CITY ATTY			
INSP	10/13/2006 9:20:00 AM	STEPHANIE DEMOLEAS	60
17) met on SITE WITH Occupant FRANK AND INSP 21 WHO DID VIEW. INSPECTION FAILED, THIS HAS \$500 CIV PEN. condition IS WORSE AND FRANK REFUSED ASSISTANCE OF RRT ABATEMENT FOR FY ITEMS. ALSO MET WITH COMPLAINANT DEBRA. VIDEO TO CA/ CB 10/19			
FAX	10/10/2006 11:46:00 AM	SHIRLEY WARMOUTH	1
PER FAX: TRASH ALL AROUND THE OUTSIDE PERIMETER OF THE HOUSE.			
PHONE	9/19/2006 3:55:00 PM	STEPHANIE DEMOLEAS	0
17) S/W ROBIN MUNIER AND 24, FRANK WANTS 30-DAY EXT. IT WAS AGREED THAT WE WOULD DO ONE FINAL CHECK ON 10/13/2006			
EMAIL	9/12/2006 2:21:00 PM	PAMELA HINES	2
24) EMAILED DAN STILL FOR STATUS ON ADMIN WARRRANT SO WE CAN PROCEED WITH CLEANUP. L/M ON HIS V/M ALSO.			
MISC	9/12/2006 7:58:00 AM	KATHY STEWART	0
Sent signed Certified Card from owner to #17 to file.			
INSP	9/8/2006 8:50:00 AM	STEPHANIE DEMOLEAS	15
17) CONDITION WORSE, SEE PIX, MET WITH OWNER, FRANK. HE WISHES TO APPEAR BEFORE JUDGE TO ASK THAT ABATEMENT BE STOPPED. TOLD HIM WE'D ADVISE AS TO WHEN HEARING WILL BE HELD, CB 9/20			
NOPOST	8/29/2006 10:30:00 AM	STEPHANIE DEMOLEAS	5
17) 10-DAY N&O HANDED TO OWNER: FRANK P			
NOTICE	8/28/2006 2:45:00 PM	KATHY STEWART	0
Sent Ten (10) Day Notice Before Abatement letter to owner. POST: 8/29. C/B: 9/8. Sent file to #17.			
BIDR	8/28/2006 8:45:00 AM	KATHY STEWART	0
Received bids from contractors (1) C&W Enterprises - \$2,800; (2) C.H. Construction-\$7,650.			
BIDS	8/22/2006 7:43:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bid due by COB, Friday, 8/25/06			
FAX	8/16/2006 11:17:00 AM	SHIRLEY WARMOUTH	1
FAX: VARIOUS AMOUNTS OF TRASH IN THE FRONT, SIDE AND B/YARD - LOOKS LIKE A JUNK YARD!			
INSP	8/10/2006 1:00:00 PM	STEPHANIE DEMOLEAS	40
17) met on SITE W/OWNER, FRANK AND FIRE INSPECTOR WILCOX, CONDITION WORSE, BOTH INSPECTIONS FAILED, CASEFILE TO 24 FOR CA MEET ON 8/11			
PHONE	7/27/2006 1:45:00 PM	STEPHANIE DEMOLEAS	0
17) s/w COMPLAINANT, DEBRA, 259-0927. WANTED UPDATE.			
INSP	7/27/2006 7:50:00 AM	STEPHANIE DEMOLEAS	80
17) met on site w/FIRE INSPECTOR SHERRI WILCOX, SHE DEEMED PROP AS FIRE HAZARD AND ISSUED NOTICE, SEE HANSEN ENTRY #70113. GAVE HIM 14 DAYS TO ABATE BOTH EXTERIOR, REAR YARD AND RESIDENCE INTERIOR.			
MISC	7/17/2006 9:10:00 AM	KATHY STEWART	0
Sent signed Certified Card from owner to #17 to file.			
RECORD	7/12/2006 1:58:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated July 10, 2006 at Clark County. Book: 20060712 Inst: 02526			
VOICE	7/12/2006 1:55:00 PM	PAMELA HINES	0
24)LEFT V/M MESSAGE RETURNING FRANK'S CALL. FRANK'S MESSAGE STATED HE IS CONTINUING TO HAVE PROBLEMS WITH FEET & LEGS, SEEKING MEDICAL ATTENTION, CAN'T CLEANUP FAST ENOUGH FOR OFFICER #17 & SHE CONTINUES TO ASSESS FEES.			

NOPOST	7/11/2006 3:10:00 PM	STEPHANIE DEMOLEAS	5
17) n&o (REVISED) POSTED, cb 7/21			
NOTICE	7/11/2006 7:10:00 AM	KATHY STEWART	0
Sent Revised Nuisance Notice & Order to Comply letter to owner. POST: 7/12. C/B: 7/24. Sent file to #17.			
MISC	7/7/2006 1:41:00 PM	STEPHANIE DEMOLEAS	0
17) rcvd 2 wit statements from NEIGHBORS, (ANTHONY AND DEBRA CORMACI, 259-0927) ALSO FAXED FORM TO WINDMILL REALTY, SUGAR SKALL AT 877-6258. HER TEL: 612-0624			
INSP	7/6/2006 11:30:00 AM	STEPHANIE DEMOLEAS	40
17) PIX, ASSESS PLUS \$500 CIV PEN. took pix of rear from ADJ NEIGHBOR VIEW, ALSO GAVE HER SEVERAL WITNESS STATEMENTS TO BE READY BY MON. QALSO REVISED N&O TO INCLUDE R/Y, CB 7/18			
DIRECT	7/3/2006 11:50:00 AM	PAMELA HINES	3
24)PLEASE SUBMIT FOR CONTRACTOR ABATEMENT. #17 & #19 WILL NEED TO PREPARE AN AFFIDAVIT FOR WARRANT TO CA'S OFFICE FOR OCCUPIED ABATEMENT.			
CIVPEN	6/30/2006 11:02:00 AM	JESSICA LARRAMENDY	0
JL) Billed \$300.00 civil penalty - Invoice 39249HN-330397			
INSP	6/29/2006 8:55:00 AM	STEPHANIE DEMOLEAS	10
17) i dont see any improvement, BUT FRANK MAINTAINS HE HAS REMOVED THE O/S BEHIND THE FENCE IN PREPARATION FOR FENCE REMOVAL. TALKED W/24 ASKED HER TO REVIEW S/C 7/11			
INSP	6/23/2006 7:30:00 AM	STEPHANIE DEMOLEAS	10
17) MET ON SITE W/frank, F/Y BASICALLY MAINTAINED BUT FENCE WITH O/S BEHIND IT NOT GONE. HE EXPLAINED HE WANTED TO DO IT HIMSELF AND ASKED MY TO RETURN ON TUES. IF NOT, HE WILL SIGN OFF. S/C 6/27			
PHONE	6/16/2006 1:57:00 PM	STEPHANIE DEMOLEAS	0
17) L/M WITH FRANK, EXPLAINED WE NEEDED TO COME UP W/SOLUTION AS NO IMPROVEMENT AND FEES ACCRUING. DUE TO HEALTH ISSUES HE IS UNABLE TO ABATE, SO WE ARE NOT MAKING PROGRESS AS HE IS UNWILLING TO ACCEPT AID			
INSP	6/16/2006 11:00:00 AM	STEPHANIE DEMOLEAS	10
17) pix, assess fee PLUS \$300 CIV PEN. NO CHANGE. O/S STILL IN FRONT YD, SOME VISIBLE, BALANCE HIDDEN BY NON-PERM FENCE. FRONT DOOR OPEN, BUT FRANK DID NOT COME OUT. TEL WAS BUSY ALSO, S/C 6/21			
CIVPEN	6/15/2006 1:59:00 PM	JESSICA LARRAMENDY	0
JL) Billed \$150 Civil Penalty - Invoice #39249HN-323842. Forwarded to Finance.			
VOICE	6/13/2006 9:12:00 AM	PAMELA HINES	5
24)LEFT MESS ON V/M TO RTN MY CALL AS I RTN'D HIS.PH# 870-3388			
INSP	6/8/2006 9:20:00 AM	STEPHANIE DEMOLEAS	10
17) PIX, ASSESS FEE PLUS \$150 CIV PEN. NO PERMIT OBTAIN AND FENCE W/STORAGE STILL IN F/Y, S/Y FENCE IS STILL FALLEN, CALLED FRANK WHO STATES HE'S STILL ILL, CB 6/15			
VOICE	6/8/2006 9:15:00 AM	PAMELA HINES	5
24)FRANK TAYLOR L/M THAT HE'S BEEN SICK, FEET FALLING OFF(?).			
MISC	6/5/2006 2:47:00 PM	KATHY STEWART	0
Sent Certified letter from owners, Return to Sender, Unclaimed, to #17 to file.			
PHONE	5/16/2006 2:41:00 PM	PAMELA HINES	7
24)FRANK PAOLA @ 870-3388 NEEDS 2 WK EXT BECAUSE HIS FEET ARE FALLING OFF. 2 WKS GRANTED FROM 5/25. CHANGE C/B TO 6/8 PLEASE. I KNOW IT WON'T MAKE ANY DIFFERENCE BUT IT SHOWS WE ARE SYMPATHETIC, NOT HEARTLESS.			
INSP	5/12/2006 7:00:00 AM	STEPHANIE DEMOLEAS	10
17) ASSESS FEE. F/Y FENCE NOT REMOVED, NO PERMIT OBTAINED. S/W MARIO, HE WISHES TO SPEAK TO MGMT, GAVE HIM TELS, TOLD HIM HE NEEDED TO REMOVE S/C 5/25			
INSP	4/26/2006 11:10:00 AM	STEPHANIE DEMOLEAS	10
17) good cleanup of f/y. ALSO POSTED CLV ABATEMENT W/LIEN FORM.EXT I WK FOR MARIO TO GET PERMITS FOR F/Y FENCES. CB 5/4			
INSP	4/25/2006 7:26:00 AM	STEPHANIE DEMOLEAS	1
17) RCVD SEVERAL CALLS FROM MARIO, WANTS 30-DAY EXT, BUT HAS BAD TRACK RECORD. LAST EXTS TO NO AVAIL. L/M THAT WE COULD OFFER HIM A DOC ALLOWING US TO BID THE JOB OUT ETC BUT HE WOULD NEED TO S/W 24			
INSP	4/17/2006 12:00:00 PM	STEPHANIE DEMOLEAS	10
17) PIX, ASSESS FEE. NO IMPROVEMENT, MET W/MARIO, EXPLAINED HE NEEDED TO CLEANUP OR LET CLV ABATE CB 4/26			

RECORD	4/13/2006 2:57:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated April 4, 2006 at Clark County. Book: 20060413 Inst: 03844			
NOPOST	4/5/2006 9:10:00 AM	STEPHANIE DEMOLEAS	5
17) posted on site			
NOTICE	4/4/2006 2:17:00 PM	KATHY STEWART	0
Sent Nuisance Notice & Order to Comply letter to owner. POST: 4/5. C/B: 4/17. Sent file to #17			
NOREQ	3/24/2006 3:10:00 PM	STEPHANIE DEMOLEAS	10
17) TO 24 WITH PIX			
INSP	3/17/2006 2:00:00 PM	STEPHANIE DEMOLEAS	20
17) COMP RCVD THRU COUNTY. CALLED NEIGHBOR ASSOC TO REQUEST WIT STATEMENTS AS THIS RESIDENCE SOURCES OF MANY COMPLAINTS LAST FEW YEARS.			
CONTC	3/16/2006	STEPHANIE DEMOLEAS	0
17) FRANK PAOLA: 870-3388			

Time in minutes:

5276846

APN 139-31-313-021
Ref # 02422-74

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: KATHERINE M. PAOLA
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: 139-31-313-021
Commonly known as: 4319 FULTON PLACE
Legal Description: HYDE PARK SUB #1
PLAT BOOK 3 PAGE 56
LOT 140 BLOCK 6

On February 8, 2007, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$21,039.00 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on May 16, 2007, ordered the above charges in the amount of \$21,039.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

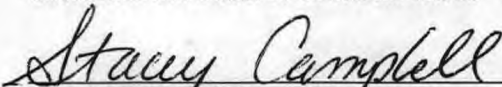

BEVERLY K. BRIDGES, Acting City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.


BEVERLY K. BRIDGES, Acting City Clerk

Subscribed and sworn to before me this 25th day of May, 2007


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - REZONING

EOT-20771 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC - Request for an Extension of Time of an approved Rezoning (Z-0018-01) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 3.6 acres at the northwest corner of Decatur Boulevard and Tropical Parkway (APN 125-25-601-022), Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for EOT-6798

Motion made by STEVEN D. ROSS to Hold in Abeyance Items 89 and 90 to 6/06/2007

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

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

Minutes:

COUNCILMAN REESE requested that Items 89 and 90 be pulled from Consent to allow for discussion.

JIM STROH, JSR Architect, 1955 Pama Lane, appeared on behalf of the applicant.

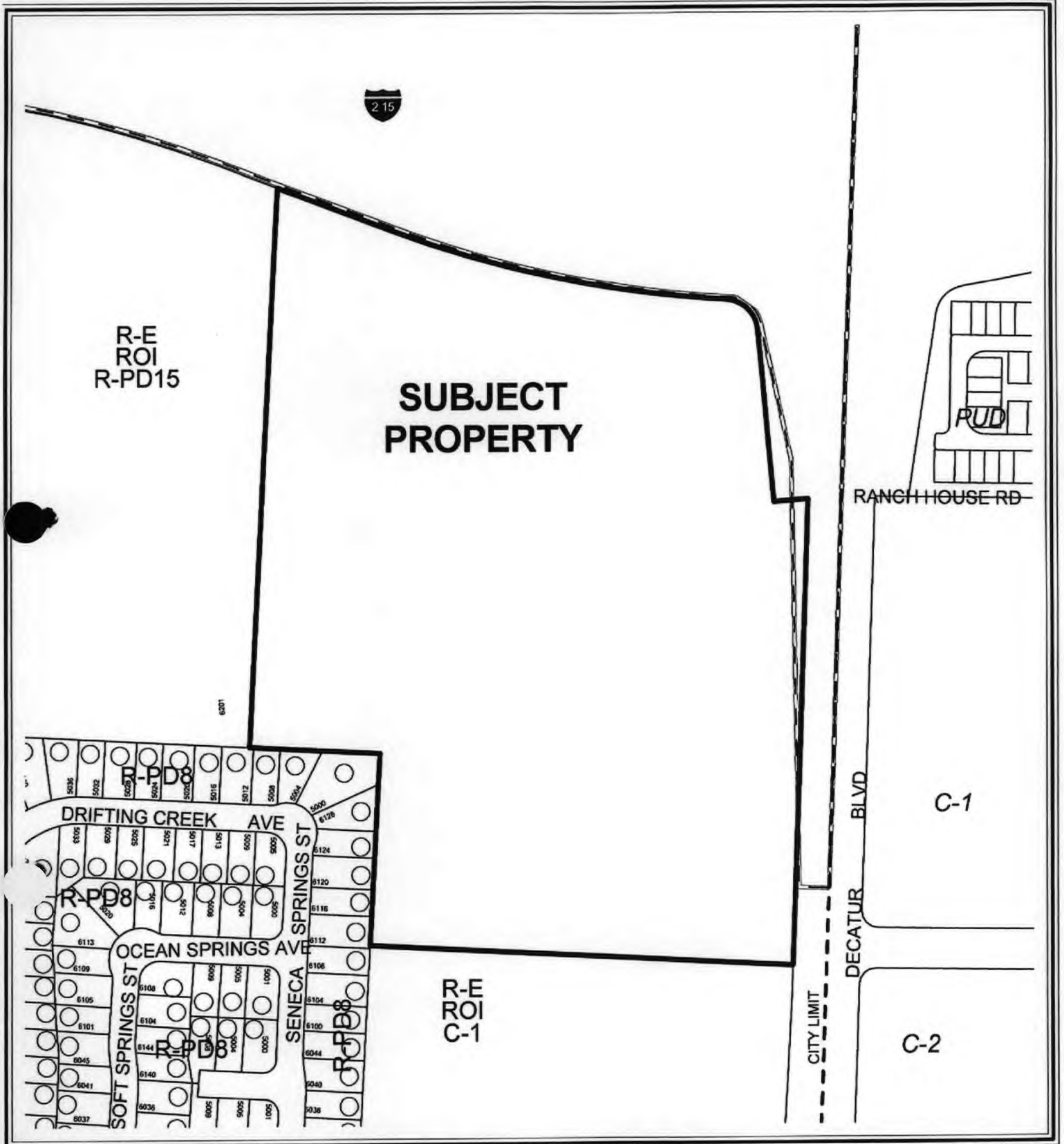
COUNCILMAN ROSS noted that this is the third request for an extension of time on this project, and residents are very much concerned about what is going on. His and the neighbors' previous requests were ignored, and they are still waiting to see viable development.

CITY COUNCIL MEETING OF: MAY 16, 2007

MR. STROH respectfully requested approving the extension of time request. Development has changed alongside the Beltway, and it has been very difficult in completing the project with those changes. The property is in escrow and should it not be approved, it would be detrimental for the applicant.

COUNCILMAN ROSS pointed out that this is a prime piece of property and would like for the applicant to review their proposal and design something that will work. With that, he suggested a two-week abeyance but urged the applicant to meet with him and keep the residents involved.





03060 Feet



CASE: EOT-20771

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)





AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-20771 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Rezoning (Z-0018-01) shall expire on June 6, 2008 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Rezoning (Z-0018-01) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Rezoning (Z-0018-01) from R-E (Residence Estates) to C-1 (Limited Commercial) on 3.6 acres at the northwest corner of Decatur Boulevard and Tropical Parkway.

This is the third extension of time request on the subject property. Since the original approval in 2001 the applicant has had an approved Tentative Map (TMP-3624), which has now expired. Additionally, in 2006 a new project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review, and a Variance. These applications were tabled and never approved. The applicant is now seeking to revert back to the original approvals. As it has been approximately six years since this project was first approved; therefore, a one year extension is deemed appropriate and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/97	The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval.

06/06/01 *	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z-0018-01) from a Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2)] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.
07/24/03	The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2)] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2)] for a proposed commercial development on this site.

Related Building Permits/Business Licenses

There are no permits or licenses related to this request.

Pre-Application Meeting

A pre-application meeting is not required, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Details of Application Request

Site Area

Net Acres	3.6
-----------	-----

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	215 Right of Way	215 Right of Way	215 Right of Way

South	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East	Undeveloped	North Las Vegas	North Las Vegas
West	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development – 15 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third extension of time request for the proposed project. In 2004 the applicant received an approved Tentative Map (TMP-3624) for the proposed project, which has now expired. In 2006 a different project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review and a Variance; however, this project was ultimately tabled and was never approved. Now the applicant is reverting back to the original approved project. As it has been nearly six years from the original approval date, progress needs to be made soon on the subject property. A one year extension of time is deemed appropriate for the applicant to show progress on the proposed project.

Conditions of approval from Z-0018-01:

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application shall be approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. Submit an appropriate Parcel Map to establish parcel boundaries between this site and the site adjacent to the west; such map shall record prior to development of this site.

4. Grant an access easement to extend the existing 60-foot access easement across this site to the westerly portion of APN#125-25-501-009, as created by the parcel map. Unless an alternate access is submitted to and approved by the City. Any such easement shall be granted on the required Parcel Map.
5. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. All required public sewer easements necessary to connect this site and the site to the west to the existing public sewer system shall be provided to the City prior to City approval of sewer construction plans, such easements shall be granted on the required Parcel Map.

FINDINGS

Approval of the original Rezoning (Z-0018-01) was granted on 06/06/01. This request for an extension of time with a one year limit is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-20771** APN: 125-25-601-022 & 023

Name of Property Owner: Decatur III LLC

Name of Applicant: James E. Stroh Architect, Inc.

Name of Representative: James E. Stroh Architect, Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes ☐ X No ☒

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

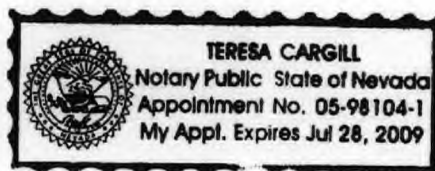
Signature of Property Owner: _____

Print Name: R. PAULIS NOURAFCHAN

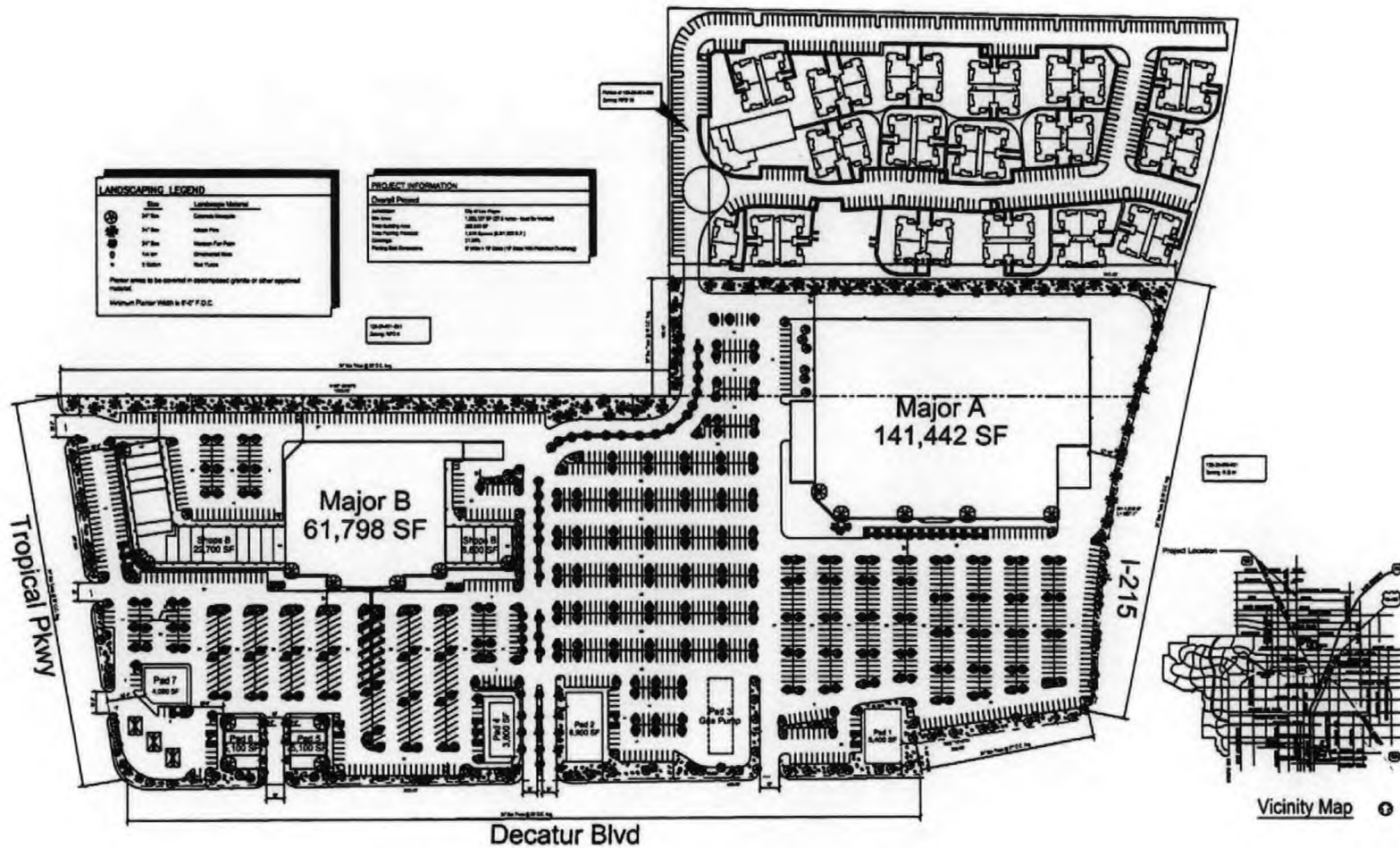
Subscribed and sworn before me

This 14th day of march, 2007

Teresa Carzill
Notary Public in and for said County and State



EOT-20771
05-16-07 CC



March 12, 2007

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Justification Letter for Decatur/Centennial Plaza
Extension of Time
Application: Z-0018-01, Z-0109-97(1), Z0110-97(2) and Z-0018-01(1)

To Whom It May Concern:

This is a request for an Extension of Time for an approximately 262,640 square foot retail center.

The project requires additional time because engineering and feasibility studies have taken longer than anticipated.

Please contact our office with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Stroh / E.C.", written over a horizontal line.

James E. Stroh,
President

EOT-20771
05-16-07 CC



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

July 26, 2005

Mr. R. Phillip Nourafchan
Decatur III, LLC
3075 East Flamingo Road, Suite 102A
Las Vegas, Nevada 89121

RE: EOT-6798 - EXTENSION OF TIME - REZONING
CITY COUNCIL MEETING OF JULY 20, 2005

Dear Applicant:

The City Council at a regular meeting held July 20, 2005 APPROVED the request for an Extension of Time of an approved Rezoning (Z-0018-01) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 3.6 acres adjacent to the south side of the northern Beltway alignment, approximately 630 feet west of Decatur Boulevard (a portion of APN 125-25-601-022). The Notice of Final Action was filed with the Las Vegas City Clerk on July 21, 2005. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on 06/06/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Rezoning (Z-0018-01) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

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

Mr. James Stroh
James E. Stroh Architect, Inc.
1955 Pama Lane

EOT-20771
05-16-07 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

EOT-20772 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC - Request for an Extension of Time of approved Site Development Plan Reviews [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2)] WHICH ALLOWED A PROPOSED 262,640 SQUARE FOOT RETAIL COMMERCIAL DEVELOPMENT on 27.6 acres at the northwest corner of Decatur Boulevard and Tropical Parkway (APN 125-25-601-022 and 023), R-E (Residential Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for EOT-6798

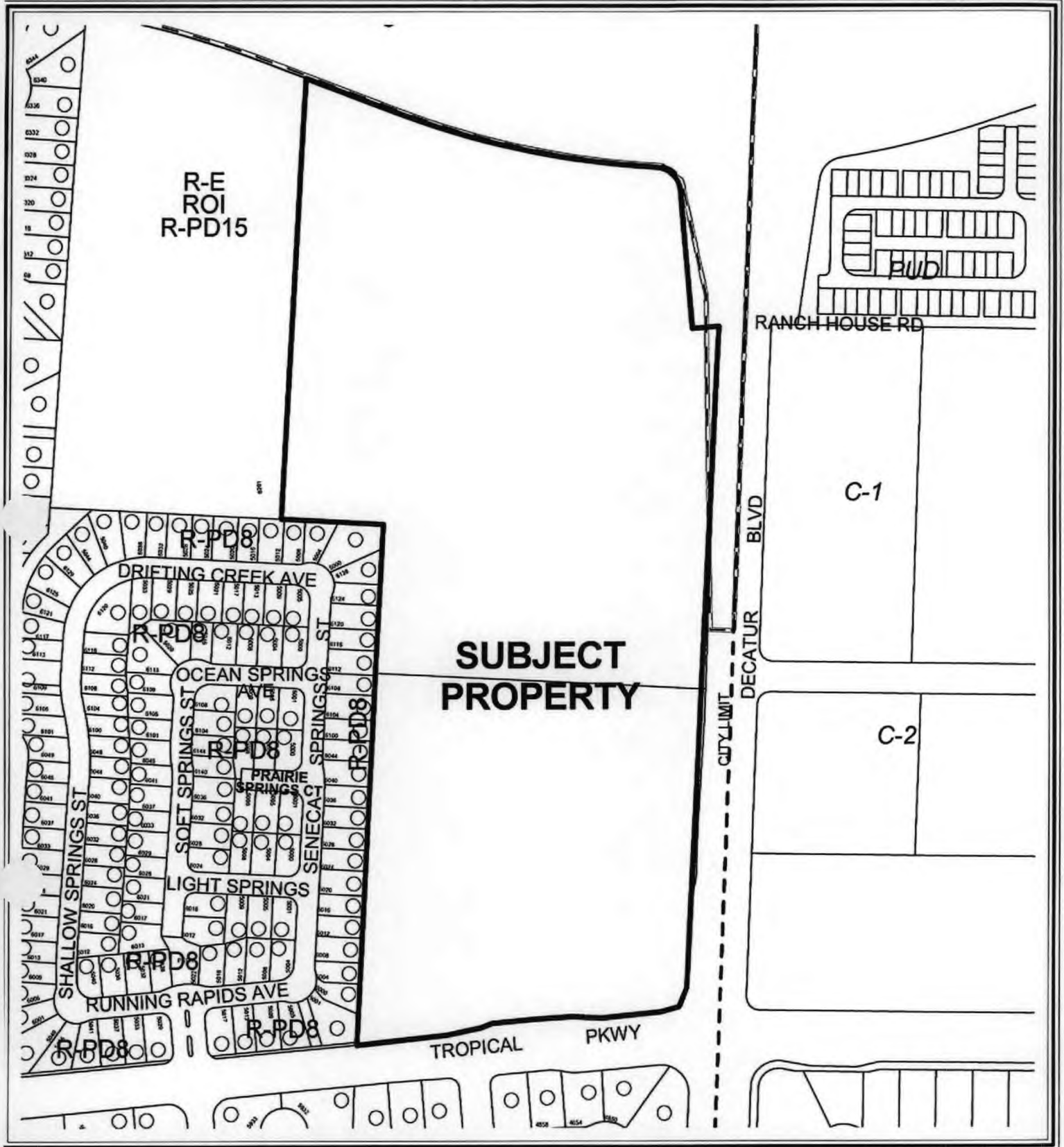
Motion made by STEVEN D. ROSS to Hold in Abeyance Items 89 and 90 to 6/06/2007

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

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

Minutes:

See Item 89 for related discussion.



CASE: EOT-20772

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

04080 Feet





04080 Feet



CASE: EOT-20772

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-20772 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review [Z-0018-01(1), Z-0109-97(1), and Z-0110-97(2)] shall expire on July 5, 2008 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0018-01(1), Z-0109-97(1), and Z-0110-97 (2)] and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of approved Site Development Plan Reviews [(Z-0018-01(1), Z-0109-97(1), and Z-0110-97(2)] which allowed a proposed 262,640 square foot retail commercial development on 27.6 acres at the northwest corner of Decatur Boulevard and Tropical Parkway.

This is the third extension of time request on the subject property. Since the original approval in 2001 the applicant has had an approved Tentative Map (TMP-3624), which has now expired. Additionally, in 2006 a new project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review, and a Variance. These applications were tabled and never approved. The applicant is now seeking to revert back to the original approvals. As it has been approximately six years since this project was first approved; therefore, a one year extension is deemed appropriate and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/97	The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval.
06/06/01 *	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z-0018-01) from a Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), and Z-0110-97(2)] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.

07/24/03	The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), and Z-0110-97(2))] for a proposed commercial development on this site.

Related Building Permits/Business Licenses

There are no permits or licenses related to this request.

Pre-Application Meeting

A pre-application meeting is not required, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Details of Application Request

Site Area

Net Acres	3.6
-----------	-----

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	215 Right of Way	215 Right of Way	215 Right of Way
South	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East	Undeveloped	North Las Vegas	North Las Vegas

West	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development – 15 Units per Acre)
------	-------------	--------------------------------	--

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third extension of time request for the proposed project. In 2004 the applicant received an approved Tentative Map (TMP-3624) for the proposed project, which has now expired. In 2006 a different project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review and a Variance; however, this project was ultimately tabled and was never approved. Now the applicant is reverting back to the original approved project. As it has been nearly six years from the original approval date, progress needs to be made soon on the subject property. A one year extension of time is deemed appropriate for the applicant to show progress on the proposed project.

FINDINGS

Approval of the original Site Development Plan Review [Z-0018-01(1), Z-0109-97(1), and Z-0110-97(2)] was granted on 07/05/01. This request for an extension of time with a one year limit is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

<u>NOTICES MAILED</u>	N/A
------------------------------	-----

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	0
------------------------	---



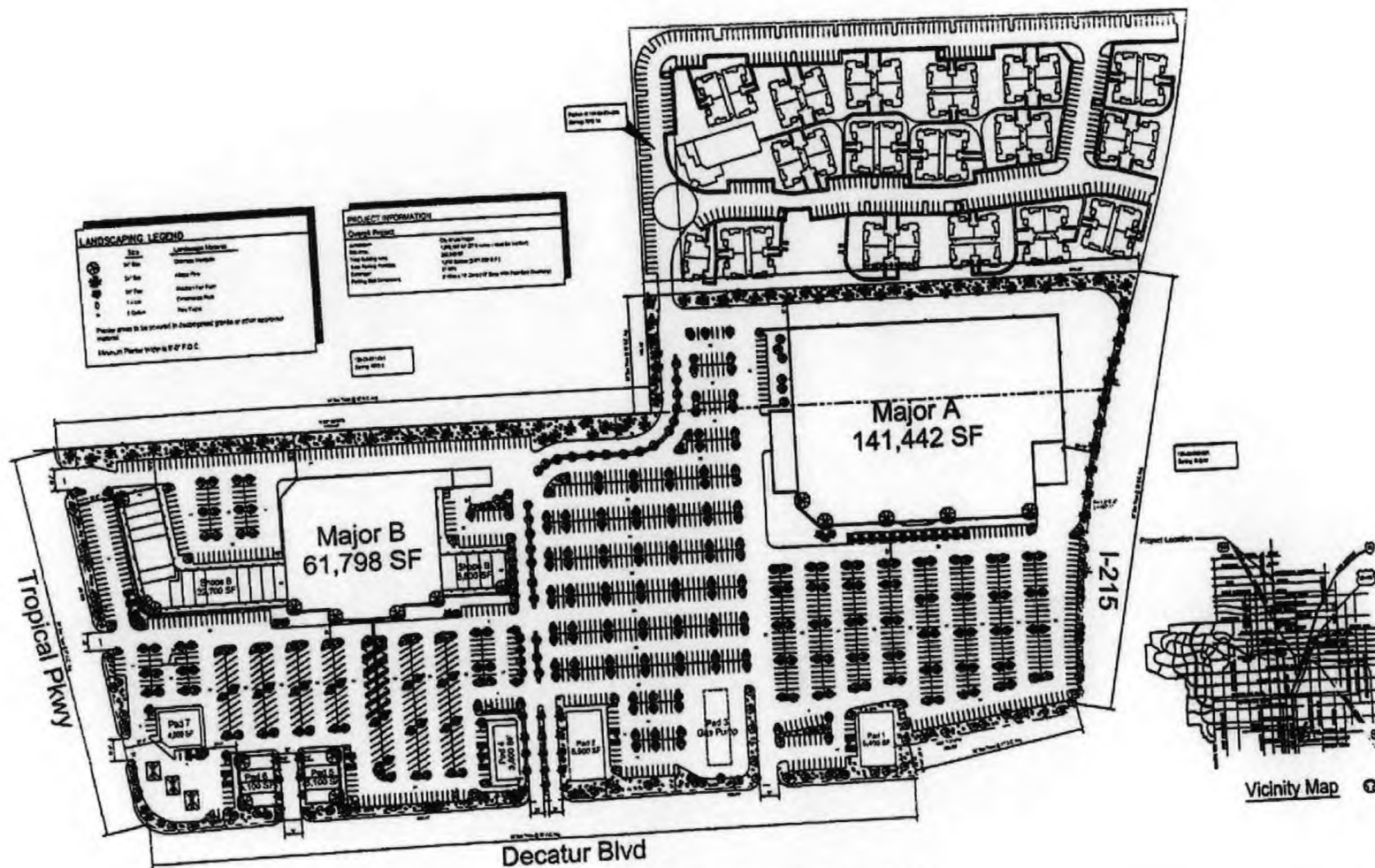
LANDSCAPING LEGEND

Symbol	Landscaping Material
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass
Symbol	Grass

Please refer to the project's landscape plan for details.

PROJECT INFORMATION

Project Name	Decatur Centennial Plaza
Client	Decatur County, Georgia
Architect	Decatur County, Georgia
Engineer	Decatur County, Georgia
Contractor	Decatur County, Georgia

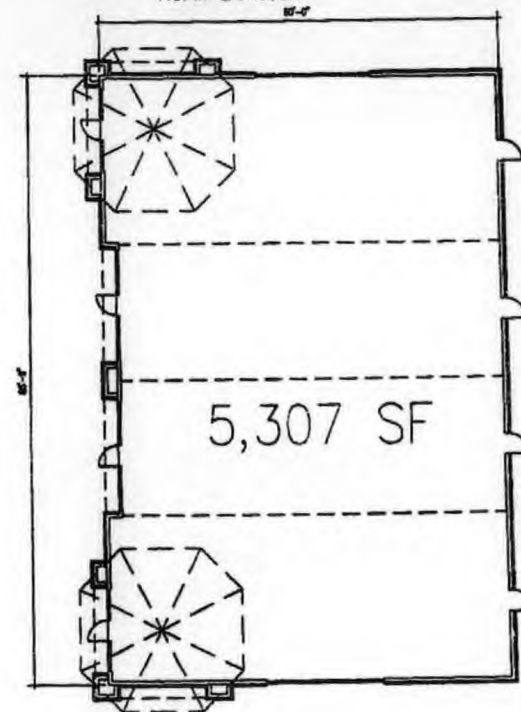
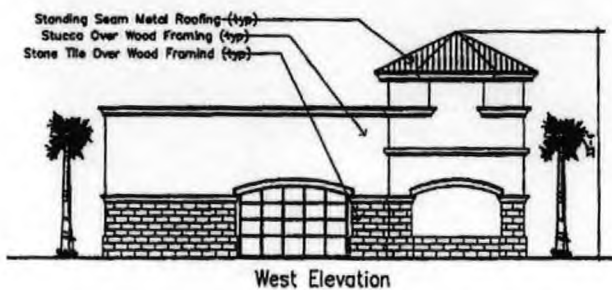
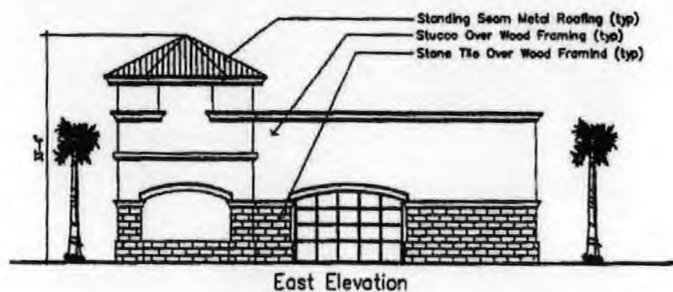
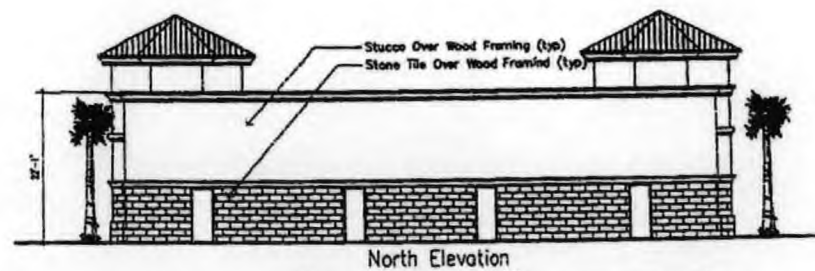
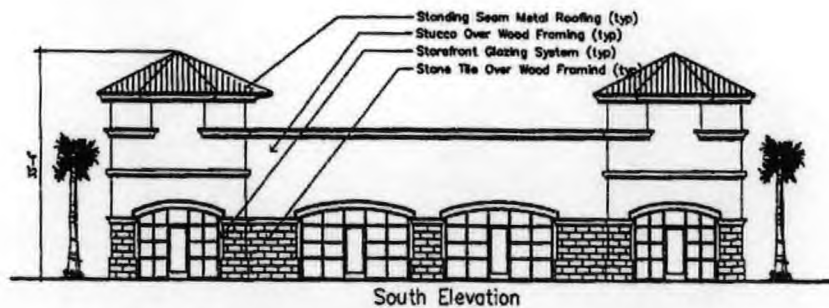


PRELIMINARY SITE/LANDSCAPING PLAN

Decatur Centennial Plaza

Decatur County, Georgia
 Decatur County, Georgia
 Decatur County, Georgia

EOT-20772
 05-16-07 CC



PRELIMINARY FLOOR PLAN/ELEVATIONS Typical Pad

PRO-001 REVISION: 01118

Decatur/Centennial Plaza

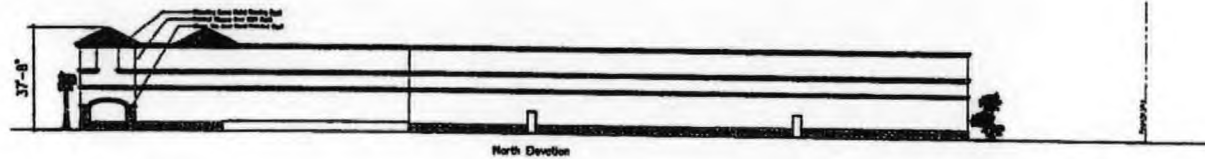
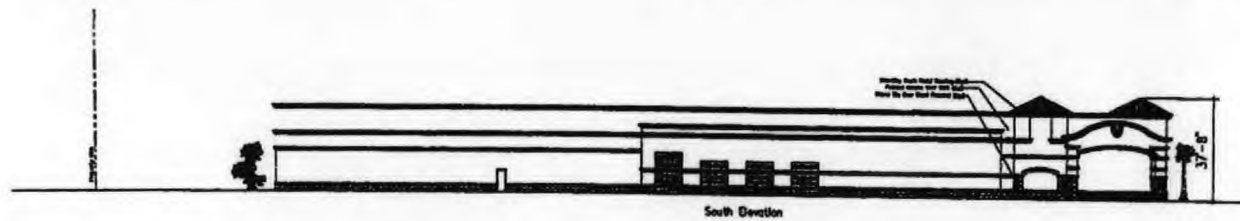
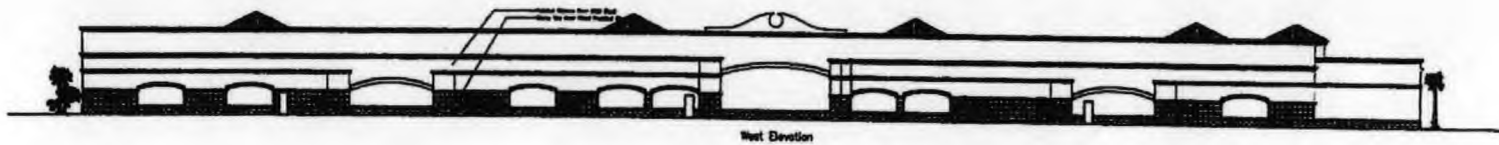
1" = 12' (1"=10' if THIS SHEET IS 18" X 24")



JAMES E. CRON, ARCHITECT, P.C.
1125 South Decatur, Suite 100, Decatur, Georgia 30030
PRO-001-100

These drawings, text, and specifications are prepared by the architect and are intended to be used by the contractor for the purpose of construction. The architect does not warrant the accuracy or completeness of these drawings, text, and specifications. The contractor is responsible for verifying the accuracy and completeness of these drawings, text, and specifications before construction.

EOT-20772
05-16-07 CC

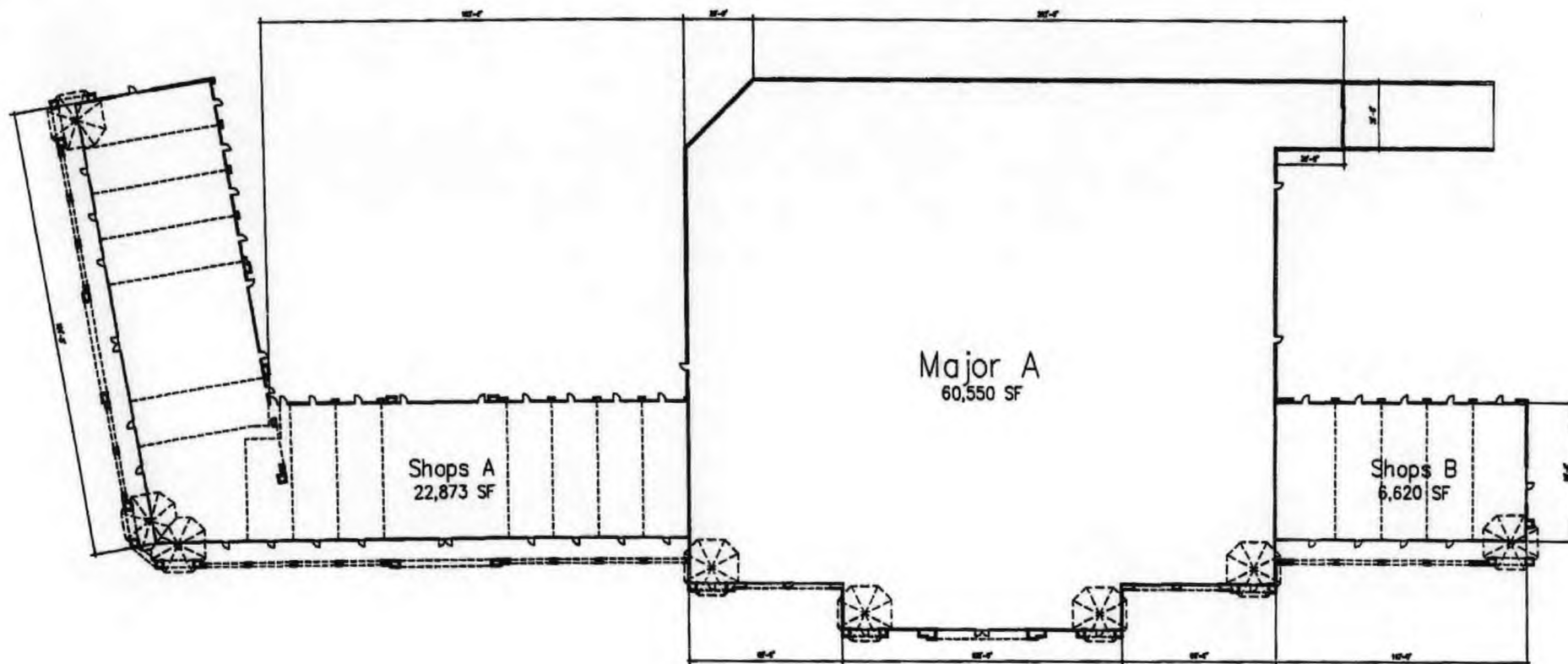


PRELIMINARY ELEVATION Major A

Noting Submittal for Steel Structure Details



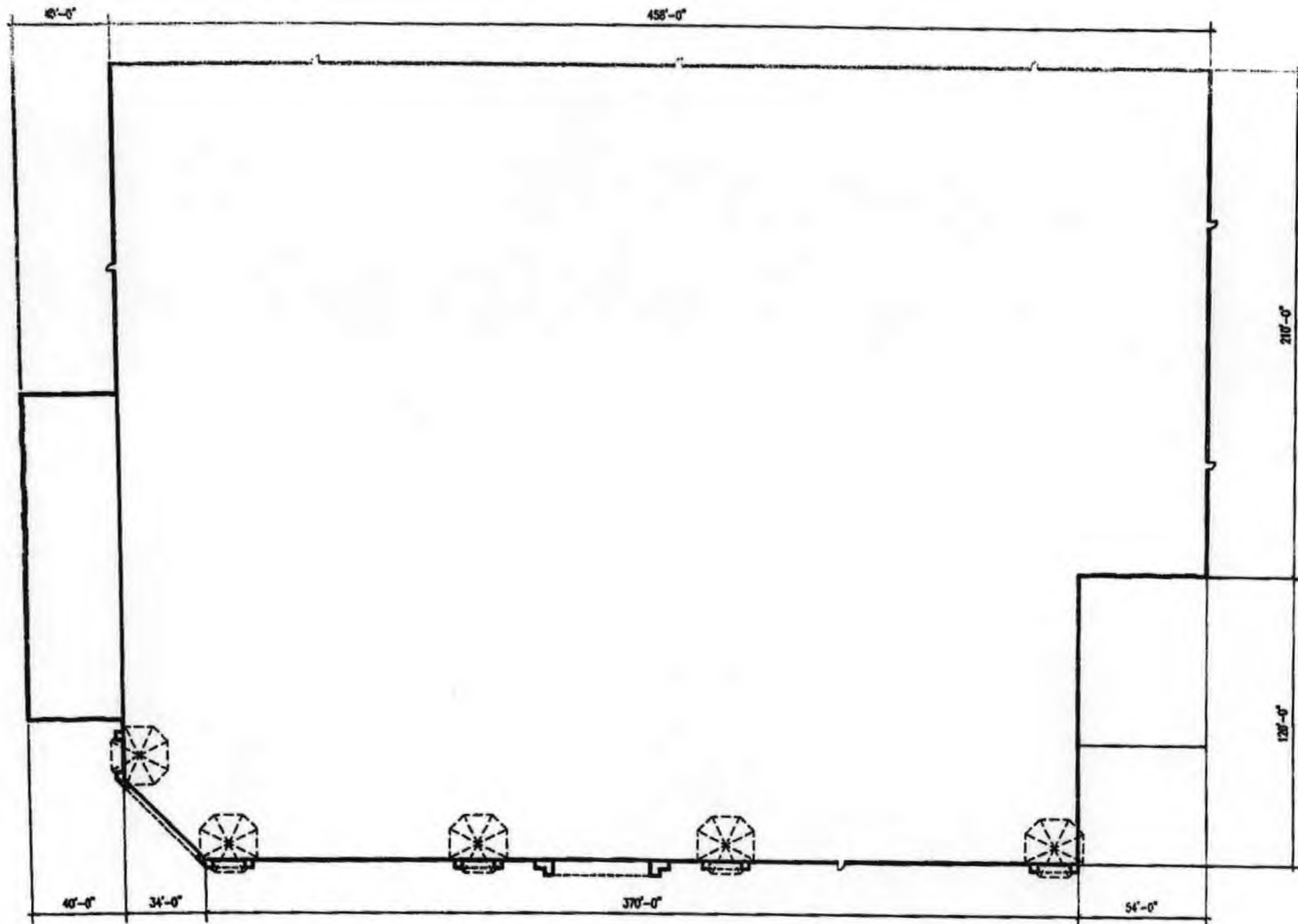
EOT-20772
05-16-07 CC



NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSTRUCT
BASED ON PRELIMINARY
DESIGN ONLY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
NOT FOR BIDDING
NOT FOR RECORD

JOHN E. HARRIS, ARCHITECT, INC.
1000 South Main Street, Suite 1000, New Orleans, Louisiana 70112
(504) 581-1100

EOT-20772
05-16-07 CC



PRELIMINARY FLOOR PLAN Major A 141,442 SF

Decatur/Centennial Plaza



JOSEPH C. SMITH, ARCHITECT, INC.
1000 North Decatur, Suite 1, Lenox, Georgia 30243
(770) 432-1111

EOT-20772
05-16-07 CC

March 12, 2007

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Justification Letter for Decatur/Centennial Plaza
Extension of Time
Application: Z-0018-01, Z-0109-97(1), Z0110-97(2) and Z-0018-01(1)

To Whom It May Concern:

This is a request for an Extension of Time for an approximately 262,640 square foot retail center.

The project requires additional time because engineering and feasibility studies have taken longer than anticipated.

Please contact our office with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jim Stroh / e.b.". The signature is written in a cursive, flowing style.

James E. Stroh,
President

EOT-20772
05-16-07 CC



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

July 26, 2005

Mr. R. Phillip Nourafchan
Decatur III, LLC
3075 East Flamingo Road, Suite 102A
Las Vegas, Nevada 89121

RE: EOT-6798 - EXTENSION OF TIME - REZONING
CITY COUNCIL MEETING OF JULY 20, 2005

Dear Applicant:

The City Council at a regular meeting held July 20, 2005 APPROVED the request for an Extension of Time of an approved Rezoning (Z-0018-01) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 3.6 acres adjacent to the south side of the northern Beltway alignment, approximately 630 feet west of Decatur Boulevard (a portion of APN 125-25-601-022). The Notice of Final Action was filed with the Las Vegas City Clerk on July 21, 2005. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on 06/06/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Rezoning (Z-0018-01) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

Sincerely,

A handwritten signature in cursive script that reads "Lean Coleman".

Lean Coleman
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. James Stroh
James E. Stroh Architect, Inc.
1955 Pama Lane
Las Vegas, Nevada 89119

EOT-20772
05-16-07 CC

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

VOICE 702.229.6011
TTY 702.386.9108

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

EOT-21097 - APPLICANT/OWNER: LAKE EAST PARTNERS, LLC - Request for an Extension of Time of an approved Site Development Plan Review (SDR-6058) FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 20.00 acres at 3001 Lake East Drive (APNs 163-08-701-001 and 163-08-603-001), R-PD23 (Residential Planned Development - 23 Units per Acre) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

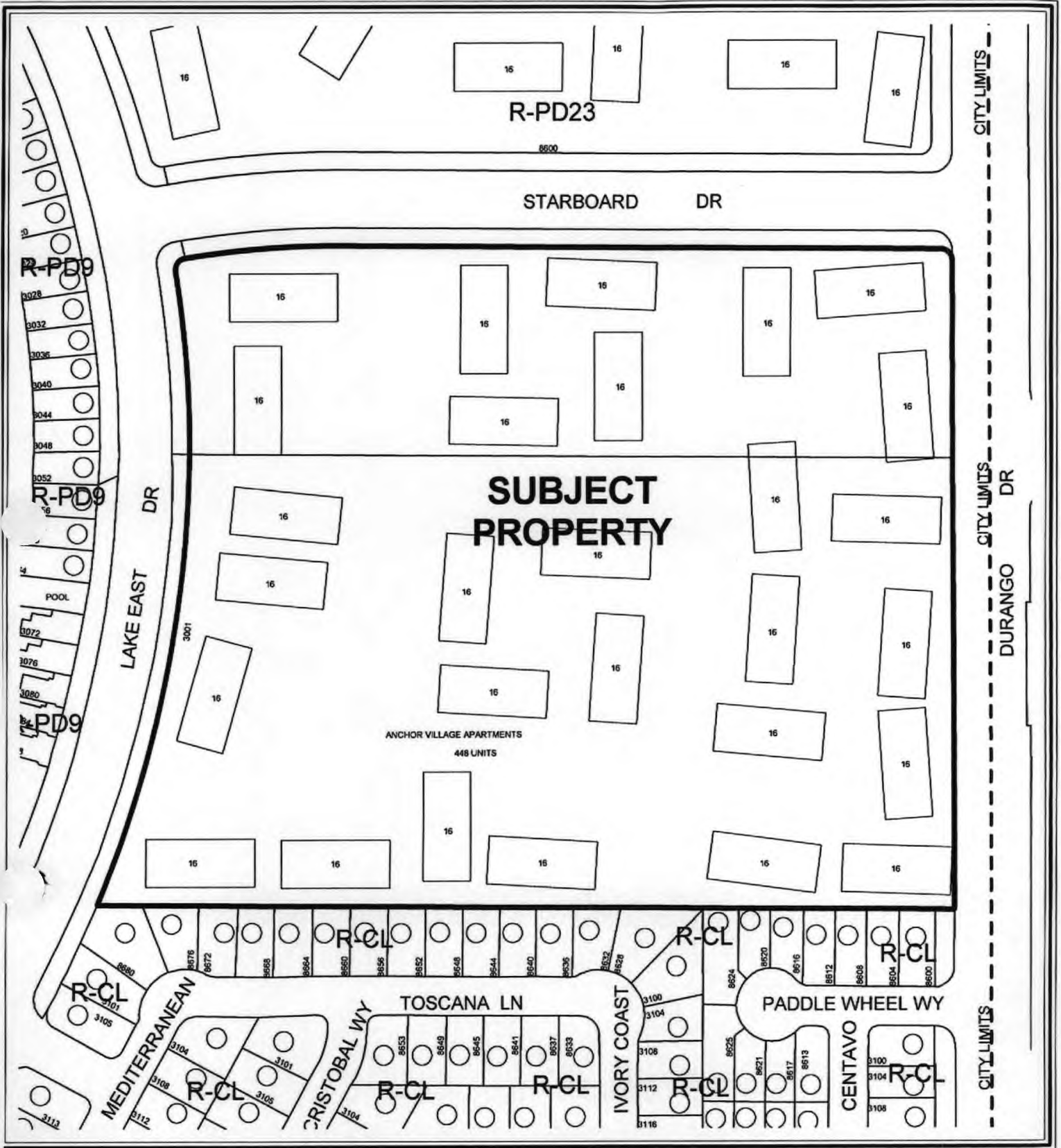
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SDR-6058

Motion made by GARY REESE to Approve Subject to Conditions Items 91 and 92

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

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



CASE: EOT-21097

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)



0 200 400 Feet

CASE: EOT-21097

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-21097 - APPLICANT/OWNER: LAKE EAST PARTNERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review (SDR-6058) shall expire on May 4, 2009 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-6058) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Site Development Plan Review (SDR-6058) for the proposed conversion of an existing 448 unit apartment project to a condominium development on 20.00 acres at 3001 Lake East Drive.

This is the first extension of time request for the proposed project. The applicant has shown progress on the project. There is an approved Tentative Map (TMP-6164) and a Final Map (FMP-19975) has been submitted to staff. Given the progress on the proposed project, approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/06/85	The City Council approved a Rezoning from N-U (Non-Urban) under Resolution of Intent to R-PD23 (Residential Planned Development – 23 units per acre), R-PD7 (Residential Planned Development – 7 units per acre) and C-1 (Limited Commercial) to R-PD23 (Residential Planned Development – 23 units per acre) on the subject site as part of a larger request (Z-0004-85). The Planning Commission and staff recommended approval.
05/04/05 *	The City Council approved a request for a Site Development Plan Review (SDR-6058) for the proposed conversion of an existing 448 unit apartment project to a condominium development on 20.00 acres at 3001 Lake East Drive. The Planning Commission recommended approval. Staff recommended denial.
05/12/05	The Planning Commission approved a request for a Tentative Map (TMP-6164) for a condominium development on 20 acres at 3001 Lake East Drive. Staff recommended approval.
02/15/07	A Final Map (FMP-19975) was submitted to staff.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is required, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	20.00

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	M (Medium Density Residential)	R-PD23 (Residential Planned Development – 23 Units per Acre)
North	Apartments	H (High Density Residential)	R-PD23 (Residential Planned Development – 23 Units per Acre)
South	Single family Residential	ML (Medium-Low Density Residential)	R-CL (Single Family-Compact Lot)
East	Commercial	Clark County	Clark County
West	Single family Residential	ML (Medium-Low Density Residential) MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development – 9 Units per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
The Lakes	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first extension of time for the proposed project. The applicant has made progress on the project. This progress includes an approved Tentative Map (TMP-6164). Additionally, a Final Map (FMP-19975) has been submitted to staff. This Final Map has not recorded and; therefore, the applicant is requesting an extension of time. Given the progress that has been shown this request is deemed appropriate and approval is recommended.

Conditions of approval from SDR-21097:

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0004-85) and subsequent site-related actions, except as amended by conditions herein.

3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt, subject to approval of the Planning and Development Department.
7. The number of trees shall be provided to meet code, subject to approval of the Planning and Development Department.
8. The chain link fence around the recreation area shall be replaced with wrought iron or tubular steel fencing, subject to review and approval by the Planning and Development Department.
9. Grant a Traffic Signal Chord Easement on the southwest corner of Durango Drive and Starboard Drive.
10. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to recordation of a map for this site.
11. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

13. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

FINDINGS

Approval of the original Site Development Plan Review (SDR-6058) was granted on 05/04/05. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-21097** APN: 163-08-603-001 / 163-08-701-001

Name of Property Owner: Lake East Partners, LLC

Name of Applicant: Lake East Partners, LLC

Name of Representative: Steve Hartunian

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

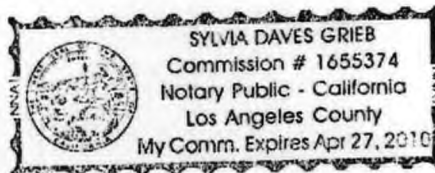
Signature of Property Owner: *Steve Hartunian*, *Mayor Member of Lake East Partners*

Print Name: Steve Hartunian

Subscribed and sworn before me

This 31 day of March, 2007

Sylvia Daves Grieb
Notary Public in and for said County and State



Baughman & Turner, Inc.

Consulting Engineers & Land Surveyors

1210 HINSON ST.
LAS VEGAS, NEVADA 89102-1604

PHONE (702) 870-8771
FAX (702) 878-2695

April 04, 2007

C L V Planning & Development Department

731 S. Fourth Street
Las Vegas, NV 89101

**Re: APN 163-08-603-001 / 163-08-701-001 Sunset Breeze @ the
Lakes Condominiums**

To Whom It May Concern,

Please let this letter serve as justification for a Site Development Plan Review (SDR 6058) Extension of Time for a condominium conversion. The project called "Sunset Breeze @ the Lakes Condominiums" consists of 28 apartment buildings (448 units) along with several incidental buildings (office/leasing, recreation etc.) on 20.00 acres located at 3001 Lake East Drive. This project has an approved Tentative Map (TMP 6164) on it. The Final Map (FMP19976) has been reviewed by all of the City of Las Vegas Departments. We are in the process of re-submitting the Final Map back to the City of Las Vegas Survey Department at this time therefore an Extension of Time is needed because the Site Development Plan Review will expire on May 08, 2007.

The approval of this application will not have a negative effect on either the environment or general public. Should you have any questions, please do not hesitate to call.

Sincerely,
Baughman & Turner, Inc.



Gil Nockowitz,
Director of Processing

**EOT-21097
05-16-07 CC**



May 5, 2005

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY

MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

Mr. Roy Hearrean
Starboard, LLC
5000 East Spring Mountain Street, Suite #780
Long Beach, California 90815

RE: SDR-6058 - SITE DEVELOPMENT PLAN REVIEW (Sunset)
CITY COUNCIL MEETING OF MAY 4, 2005

Dear Mr. Hearrean:

The City Council at a regular meeting held May 4, 2005 APPROVED the request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 20.00 acres at 3001 Lake East Drive (APNs 163-08-701-001 and 163-08-603-001), R-PD23 (Residential Planned Development - 23 units per acre) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 5, 2005. This approval is subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0004-85) and subsequent site-related actions, except as amended by conditions herein.
3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that

EOT-21097
05-16-07 CC

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05
CIV 7/09

all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt to meet code standards and maintained, subject to approval of the Planning and Development Department.
7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.
8. The chain link fence around the recreation area shall be replaced with wrought iron or tubular steel fencing, subject to review and approval by the Planning and Development Department.

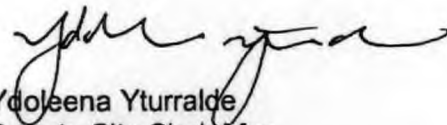
Public Works

9. Grant a Traffic Signal Chord Easement on the southwest corner of Durango Drive and Starboard Drive.
10. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to recordation of a map for this site.
11. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
13. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.

Mr. Roy Hearrean
SDR-6058 – Page Three
May 5, 2005

14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

Sincerely,



Ydoleena Yturralde
Deputy City Clerk for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Morgan
Integrity Engineering
2480 East Tompkins Avenue, Suite #232
Las Vegas, Nevada 89121

EOT-21097
05-16-07 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

EOT-21098 - APPLICANT/OWNER: LAKE STARBOARD PARTNERS, LLC - Request for an Extension of Time of an approved Site Development Plan Review (SDR-6057) FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 19.68 acres at 8600 Starboard Drive (APN 163-08-601-005), R-PD23 (Residential Planned Development - 23 Units per Acre) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

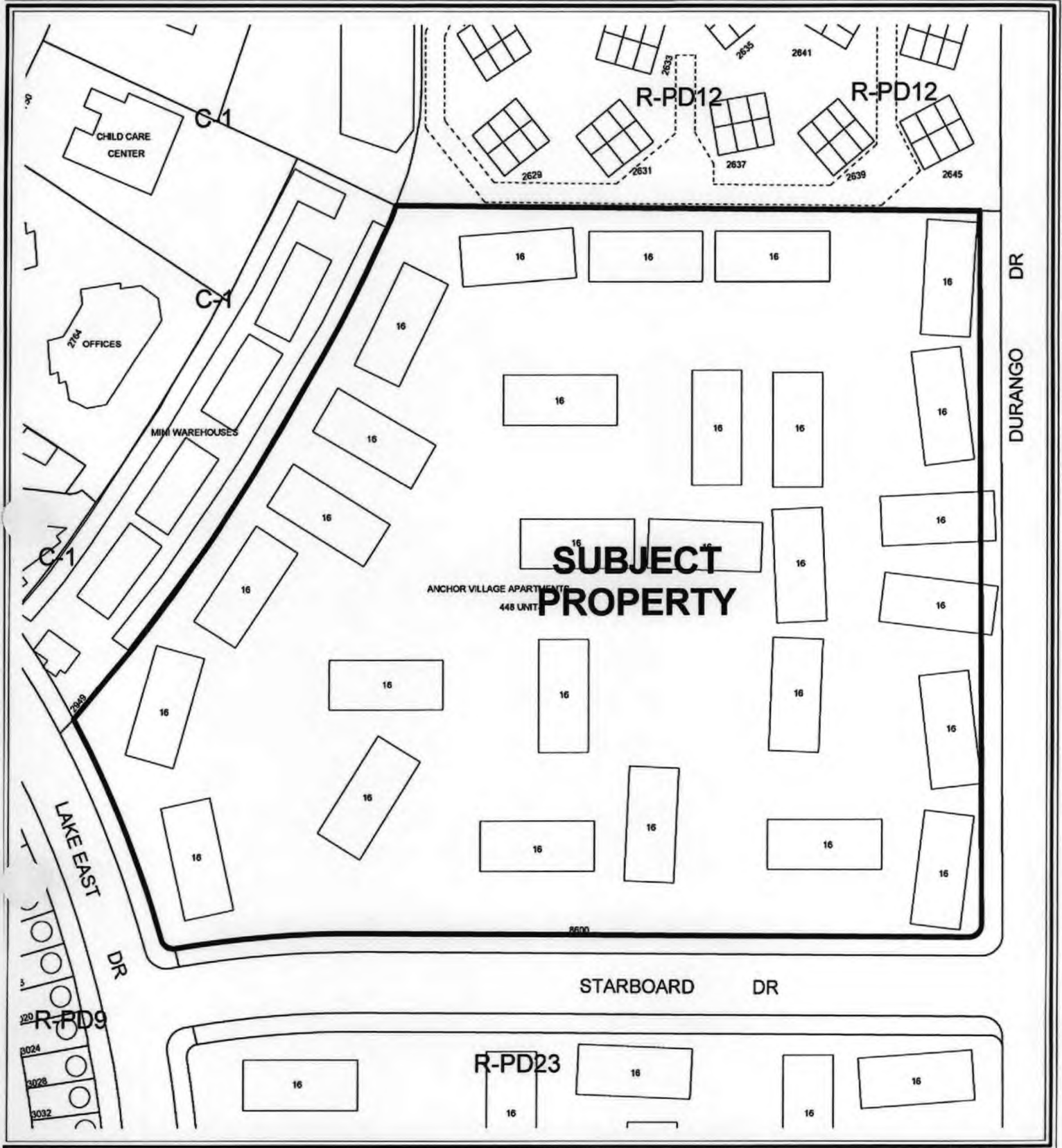
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SDR-6057

Motion made by GARY REESE to Approve Subject to Conditions Items 91 and 92

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

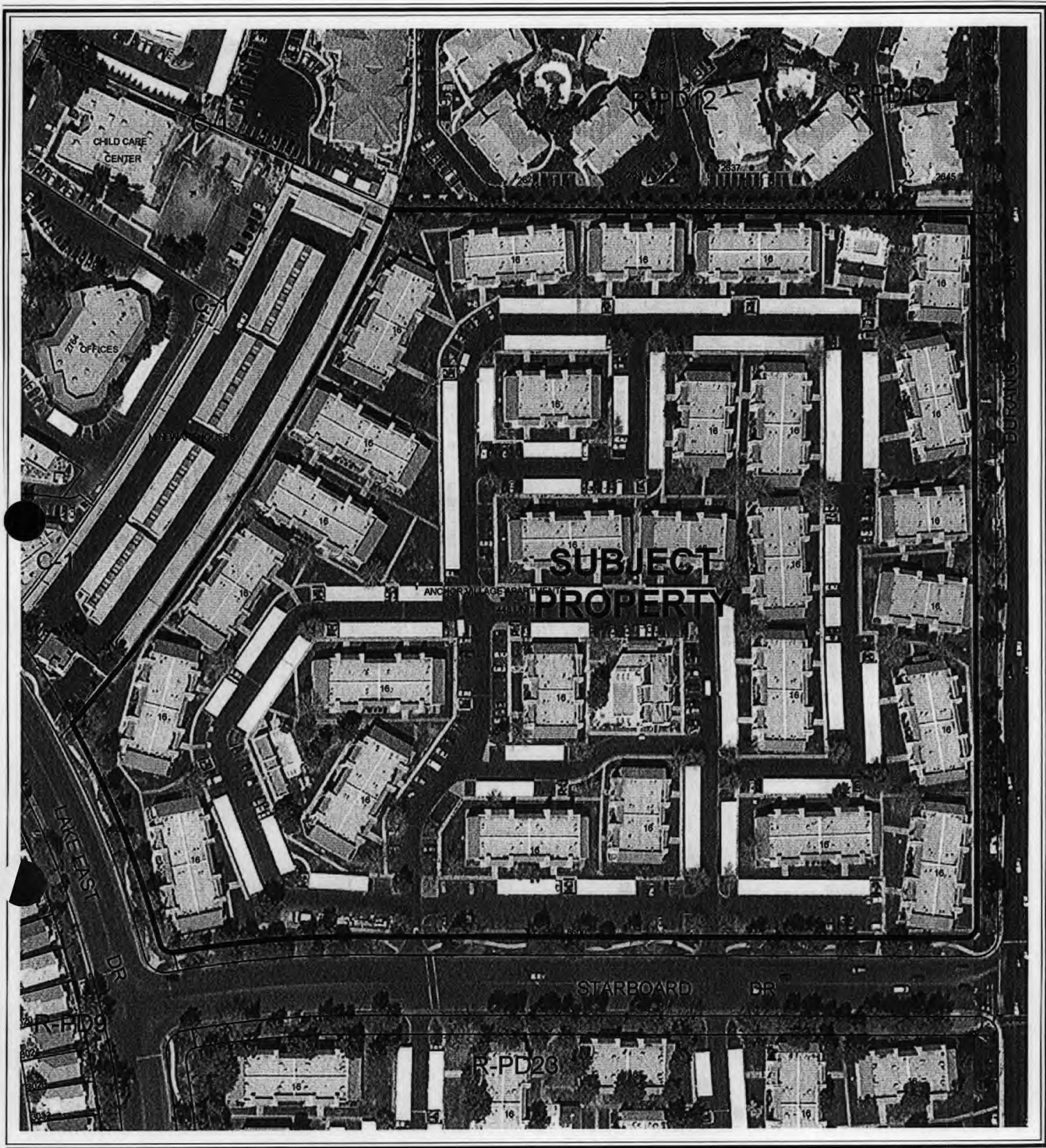
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: EOT-21098

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)



0 3060 Feet



CASE: EOT-21098

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-21098 - APPLICANT/OWNER: LAKE STARBOARD PARTNERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review (SDR-6057) shall expire on May 4, 2009 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-6057) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Site Development Plan Review (SDR-6057) for the proposed conversion of an existing 448 unit apartment project to a condominium development on 19.68 acres at 8600 Starboard Drive.

This is the first extension of time request for the proposed project. The applicant has shown progress on the project. There is an approved Tentative Map (TMP-6165) and a Final Map (FMP-19974) has been submitted to staff. Given the progress on the proposed project, approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/02/86	The City Council approved a Rezoning (Z-0024-86) from N-U (Non-Urban) under Resolution of Intent to R-PD23 (Residential Planned Development – 23 units per acre) and P-R (Professional Office and Parking) to R-PD23 (Residential Planned Development – 23 units per acre) on the subject site. The Planning Commission and staff recommended approval.
05/04/05 *	The City Council approved a Site Development Plan Review (SDR-6057) for the conversion of an existing 448-unit apartment project to a condominium development on 19.68 acres. The Planning Commission recommended approval, while staff recommended denial.
05/12/05	The Planning Commission approved a request for a Tentative Map (TMP-6165) for a condominium development on 19.68 acres at 8600 Starboard Drive.
02/15/07	A Final Map (FMP-19974) was submitted to staff.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	19.68

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	H (High Density Residential)	R-PD23 (Residential Planned Development – 23 Units per Acre)
North	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
South	Apartments	M (Medium Density Residential)	R-PD23 (Residential Planned Development – 23 Units per Acre)
East	Condominiums	Clark County	Clark County
	Undeveloped		
West	Mini-Warehouse	SC (Service Commercial)	C-1 (Limited Commercial)
	Single family Residential	ML (Medium-Low Density Residential)	R-PD9 (Residential Planned Development – 9 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
The Lakes	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first extension of time for the proposed project. The applicant has made progress on the project. This progress includes an approved Tentative Map (TMP-6165). Additionally, a Final Map (FMP-19974) has been submitted to staff. This Final Map has not recorded and; therefore, the applicant is requesting an extension of time. Given the progress that has been shown this request is deemed appropriate and approval is recommended.

Conditions of approval from SDR-6057:

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0024-86) and subsequent site-related actions, except as amended by conditions herein.

3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt, subject to approval of the Planning and Development Department.
7. The number of trees shall be provided to meet code, subject to approval of the Planning and Development Department.
8. Grant a Traffic Signal Chord Easement on the northwest corner of Durango Drive and Starboard Drive.
9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to recordation of a map for this site.
10. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
11. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.

13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.
14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

FINDINGS

Approval of the original Site Development Plan Review (SDR-6057) was granted on 05/04/05. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-21098 APN: 163-08-601-005

Name of Property Owner: Lake Starboard Partners, LLC

Name of Applicant: Lake Starboard Partners, LLC

Name of Representative: Steve Hartunian

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

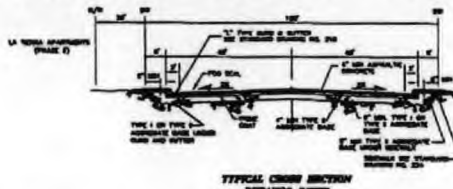
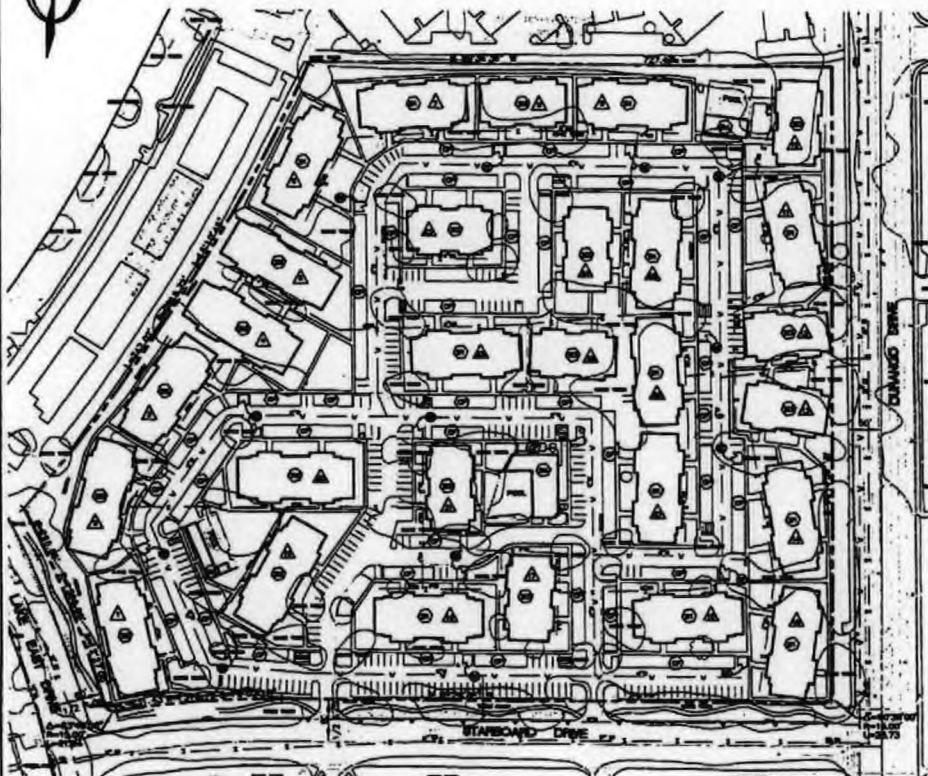
Signature of Property Owner: _____

Print Name: Steve Hartunian

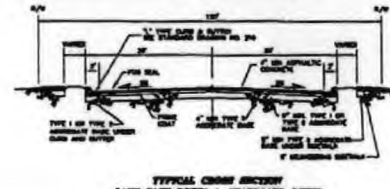
Subscribed and sworn before me

This 31 day of March, 2007
Sylvia Daves Grieb
Notary Public in and for said County and State



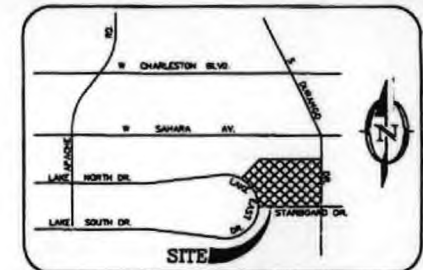


TYPICAL CROSS SECTION



**TYPICAL CROSS SECTION
LARGE EAST DRIVE & STANDARD DRIVE**

2575



VICINITY MAP

[illegible]

EOT-21098
05-16-07 CC

RECEIVED
APR 5 2007

Baughman & Turner, Inc.

Consulting Engineers & Land Surveyors

1210 HINSON ST.
LAS VEGAS, NEVADA 89102-1604

PHONE (702) 870-8771
FAX (702) 878-2695

April 04, 2007

C L V Planning & Development Department

731 S. Fourth Street
Las Vegas, NV 89101

**Re: APN 163-08-601-005 Sunrise Meadows @ the Lakes
Condominiums**

To Whom It May Concern,

Please let this letter serve as justification for a Site Development Plan Review (SDR 6057) Extension of Time for a condominium conversion. The project called "Sunrise Meadows @ the Lakes Condominiums" consists of 28 apartment buildings (448 units) along with several incidental buildings (office/leasing, recreation etc.) on 19.68 acres located at 8600 Starboard Drive. This project has an approved Tentative Map (TMP 6165) on it. The Final Map (FMP19974) has been reviewed by all of the City of Las Vegas Departments. We are in the process of re-submitting the Final Map back to the City of Las Vegas Survey Department at this time therefore an Extension of Time is needed because the Site Development Plan Review will expire on May 08, 2007.

The approval of this application will not have a negative effect on either the environment or general public. Should you have any questions, please do not hesitate to call.

Sincerely,
Baughman & Turner, Inc.



Gil Nockowitz,
Director of Processing

**EOT-21098
05-16-07 CC**



May 5, 2005

Mr. Roy Hearrean
Starboard, LLC
5000 East Spring Mountain Street, Suite #780
Long Beach, California 90815

RE: SDR-6057 - SITE DEVELOPMENT PLAN REVIEW (*Sunrise*)
CITY COUNCIL MEETING OF MAY 4, 2005

Dear Mr. Hearrean:

The City Council at a regular meeting held May 4, 2005 APPROVED the request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 19.68 acres at 8600 Starboard Drive (APN 163-08-601-005), R-PD23 (Residential Planned Development - 23 units per acre) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 5, 2005. This approval is subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0024-86) and subsequent site-related actions, except as amended by conditions herein.
3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VANCE WEEKLY

MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

EOT-21098
05-16-07 CC

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05

all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt to meet code standards and maintained, subject to approval of the Planning and Development Department.
7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.

Public Works

8. Grant a Traffic Signal Chord Easement on the northwest corner of Durango Drive and Starboard Drive.
9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to recordation of a map for this site.
10. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
11. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.
13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.

EOT-21098
05-16-07 CC

Mr. Roy Hearrean
SDR-6057 – Page Three
May 5, 2005

14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

Sincerely,



Yvonne Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Morgan
Integrity Engineering
2480 East Tompkins Avenue, Suite #232
Las Vegas, Nevada 89121

EOT-21098
05-16-07 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

MASTER PLAN OF STREETS AND HIGHWAYS

MSH-21013 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend the Master Plan of Streets and Highways TO SELECT THE NORTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT KNOWN AS MOUNTAINS EDGE PARKWAY AS THE PERMANENT ALIGNMENT ON THE MASTER PLAN OF STREETS AND HIGHWAYS AND TO REMOVE THE SOUTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT FROM THE MASTER PLAN OF STREETS AND HIGHWAYS BETWEEN GRAND TETON ROAD AND FORT APACHE ROAD, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City of Las Vegas Engineering Report
5. Justification Letter
6. Submitted at meeting – PowerPoint presentations by Jorge Cervantes and Sam So, list of meetings by Jennifer Taylor, memorandum by Deputy City Attorney James Lewis regarding Amendment to the Master Plan of Streets and Highways
7. Submitted after meeting – Letter by Moran & Associates
8. Verbatim Transcript

Motion made by STEVEN D. ROSS to Approve Subject to Conditions

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

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

CITY COUNCIL MEETING OF: MAY 16, 2007

Minutes:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

UNIDENTIFIED MALE SPEAKER IN THE AUDIENCE

CHARLIE KAJKOWSKI, Public Works

JORGE CERVANTES, Public Works

STEVE WOLFSON, Councilman

STEVEN D. ROSS, Councilman

SAM SO, Consultant, Parsons Brinkerhoff

JIM LEWIS, Deputy City Attorney

JOHN MORAN JR., Attorney, Moran and Associates, 630 South Fourth Street

JEFF SILVER, Attorney, Gordon and Silver Ltd., 3960 Howard Hughes Parkway

LARRY BROWN, Councilman

WILLIAM STODDARD, JR., 801 South Rancho Drive, Building D

ALEX McKYTON, 9033 Big Plantation Avenue

EILEEN McKYTON, 9033 Big Plantation Avenue

WENDY HEMMINGWAY-WARM, 8920 Pine Mission Avenue

BOB MORANTO, 3360 West Starview

UNIDENTIFIED MALE SPEAKER

CHARLES LAMB, 1096 East Sahara Avenue

TED RUSSELL, Las Vegas resident

ROBERT GROESBECK, 5820 South Pecos Road

JENNIFER TAYLOR, 8158 Hawk Clan Court

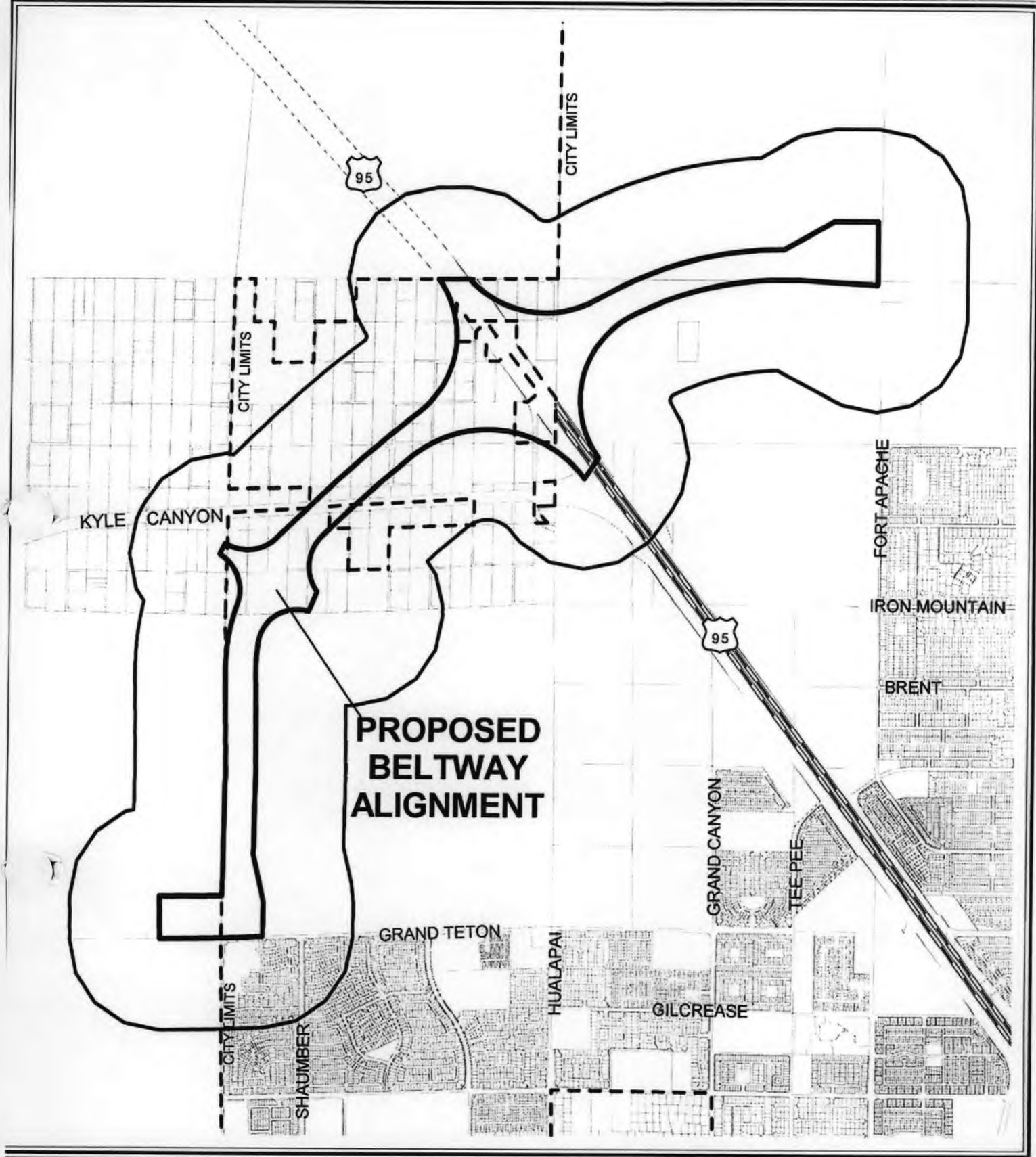
TOM McGOWAN, Las Vegas resident

CARLOS POLIAK

GARY REESE, Councilman

MARK FIORENTINO

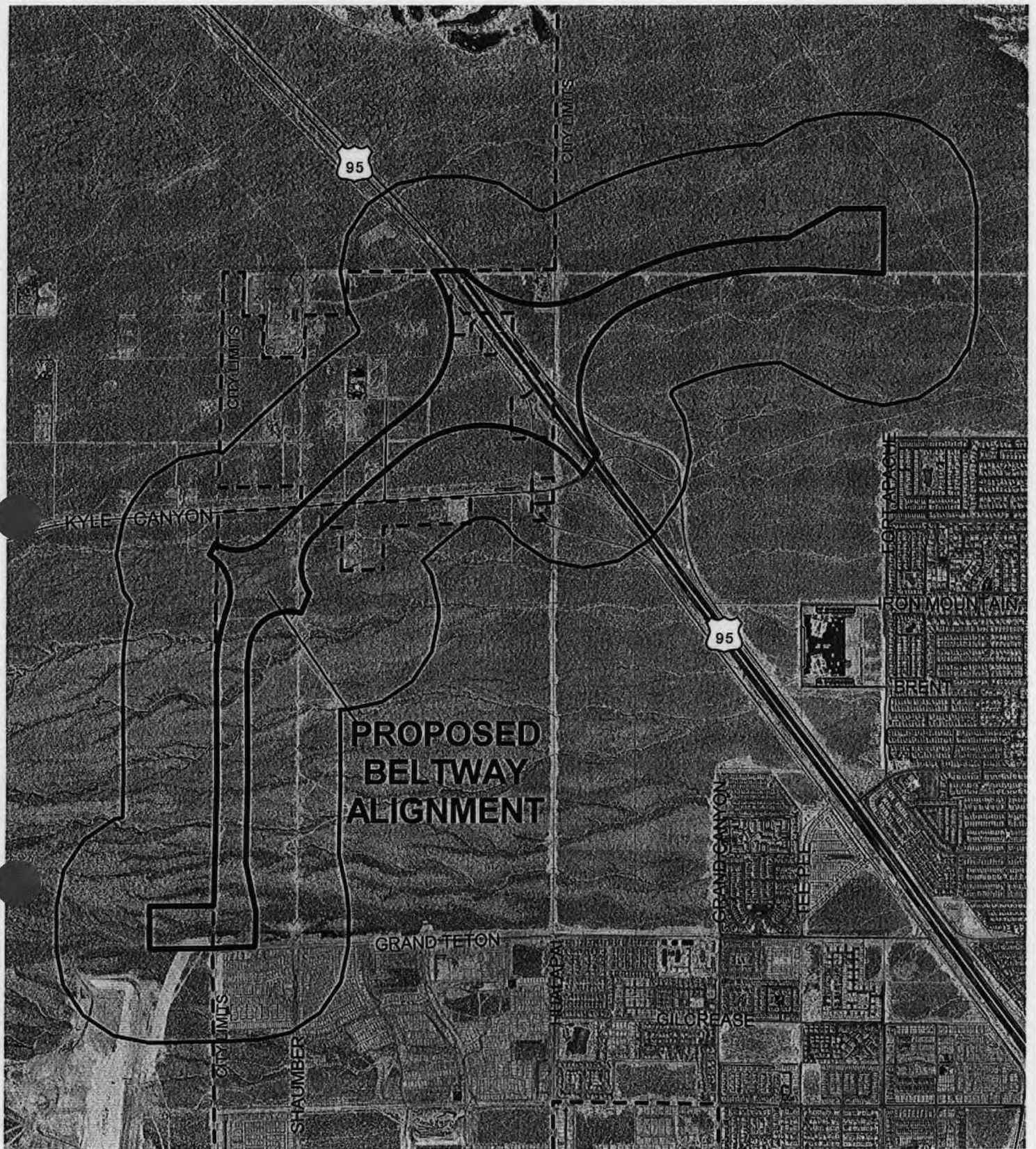
ELIZABETH FRETWELL, Deputy City Manager



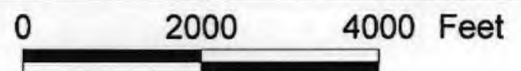
CASE: **MSH-21013**
RADIUS: 1500 FT

0 2000 4000 Feet





CASE: **MSH-21013**
RADIUS: 1500 FT



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: MSH-21013 - APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. City Staff is empowered to modify this application, if necessary, for technical concerns or other related review actions provided current City of Las Vegas requirements are still complied with and the intent of the submitted Master Plan of Streets and Highways is satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is to amend the Master Plan of Streets and Highways to remove the southerly alignment of the Mountain Edge Parkway between Grand Teton and Fort Apache and make the current North Alternative Alignment the Recommended Alignment of the Mountain Edge Parkway.

EXECUTIVE SUMMARY

A workshop of state and local entities identified the need for a multimodal transportation facility to accommodate growth of the north portion of the Las Vegas Valley. The Master Plan of Streets and Highways was amended to include a corridor for this facility, known as the Mountain Edge Parkway. City staff identified an alternative alignment for the facility that would be evaluated by an outside consultant. The engineering analysis by Parsons Brinckerhoff Quade & Douglas, Inc. (PB) was recently completed which shows that the north alternative is superior to the south alignment based on cost, utility corridor, land-use, transportation geometrics, air quality and flood control factors. Approval of this item will delete the southern alignment between Grand Teton Drive and Fort Apache Road and will identify the north alternative as the recommended alignment.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 01/27/03 | First day of a two-day workshop sponsored by the City of Las Vegas and including all major public entities with interests in the northwest to discuss transportation issues in the northwest. |
| 03/03/03 | Second phase of a workshop at which the essential alignments and roadway widths for master planned streets were worked out, and the Northwest Consensus Map was produced. All involved entities agreed to recommend approval. |
| 07/16/03 | Clark County Board of Commissioners adopted the Northwest Consensus Map as the "Revised Transportation Element to the Clark County Master Plan". |
| 09/03/03 | The Las Vegas City Council unanimously approved the Northwest Consensus Map. |

- 02/18/04 The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-3453) to update the circulation system for the Centennial Hills Sector. The Planning Commission recommended approval.
- 06/22/06 The Planning Commission approved an amendment to the Master Plan of Streets and Highways (MSH-13365) to add an alternate alignment for a freeway/expressway, known as Mountain Edge Parkway. There were 6 protests received at the Planning Commission meeting.
- 07/19/06 The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-13365) to add an alternate alignment for a freeway/expressway, known as Mountain Edge Parkway.
- 04/26/07 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #85/fs).

B) Pre-Application Meeting

Because this is a city-initiated application, a pre-application meeting was not held.

C) Neighborhood Meetings

- The city of Las Vegas held an informational open house on June 7, 2006 at the Mountain Crest Community Center to discuss the addition of the north alignment. Approximately 42 people attended. City Public Works staff also attended the Ward 6 Information Fair at Thompson Elementary School on November 2, 2006 where the two alignments of the Mountain Edge Parkway were presented. No other neighborhood meetings were held for the current application as it is to remove the south alignment.

ANALYSIS & FINDINGS

In 2003, state and local agencies participated in a charrette to focus on the anticipated transportation needs of the northern portion of the Las Vegas Valley. The entities reached consensus that a multimodal transportation corridor would be needed to accommodate growth in the area. The charrette resulted in the production of a roadway plan called the "Northwest Consensus Map". Representatives from all participating jurisdictions agreed to bring the Consensus Map before their respective governing boards for adoption.

The City Council adopted the Consensus Map (MSH-3453) for the Centennial Hills sector of the city of Las Vegas on February 18, 2004. That amendment to the Master Plan of Streets and Highways included an alignment for a multimodal transportation corridor, referred to as the Mountain Edge Parkway. The purpose of the corridor is to preserve land for future infrastructure use, provide multimodal transportation access in the north Las Vegas Valley, enhance opportunities to meet long-range mobility needs, and promote integrated transportation and land use decision making.

A technical analysis completed by PB has revealed that the northern alignment between Grand Teton Drive and Fort Apache Road is preferred over the southern alignment for the following reasons:

- The existing alignment would be over \$100 million more costly to construct than the North Alignment due to additional braided ramps, bridges, and associated right-of-way along US95.
- North Alternative meets AASHTO/FHWA interchange spacing requirement of 1 mile separation between the future Horse Interchange and the Mountain Edge Parkway/US95 system to system interchange. The existing alignment only allows for approximately one half mile spacing between the two interchanges.
- The North Alternative offers a more efficient connection for Kyle Canyon Road to Mountain Edge Parkway.
- Public works infrastructure including roadway, drainage and trails, along with existing Nevada Power infrastructure and future transit can be provided in the North Alternative, thus minimizing overall land requirements for utilities and infrastructure.
- The North Alternative will provide flood protection to about 320 acres of additional land.
- The North Alternative will minimize sound and visual impacts to future residential neighborhoods.
- The North Alternative provides a buffer area between development and the Red Rock Conservation Area to the west.
- The North Alternative allows for a more cohesive land-use within the Kyle Canyon Gateway property.
- The North Alternative maximizes the use of trails along existing arroyos.

Approval of this application will remove the southern alignment from the Master Plan of Streets and Highways and identify the north alternative as the recommended alignment between Grand Teton Drive and Fort Apache Road.

NOTICES MAILED 81 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **MSH-21013** APN: Various

Name of Property Owner: _____

Name of Applicant: City of Las Vegas

Name of Representative: Randy L. Fultz

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

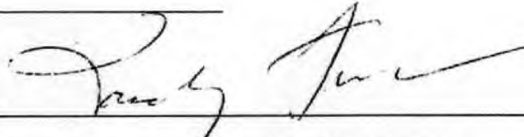
_____ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

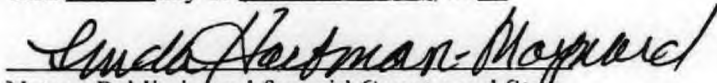
APN: _____

Signature of Property Owner: 

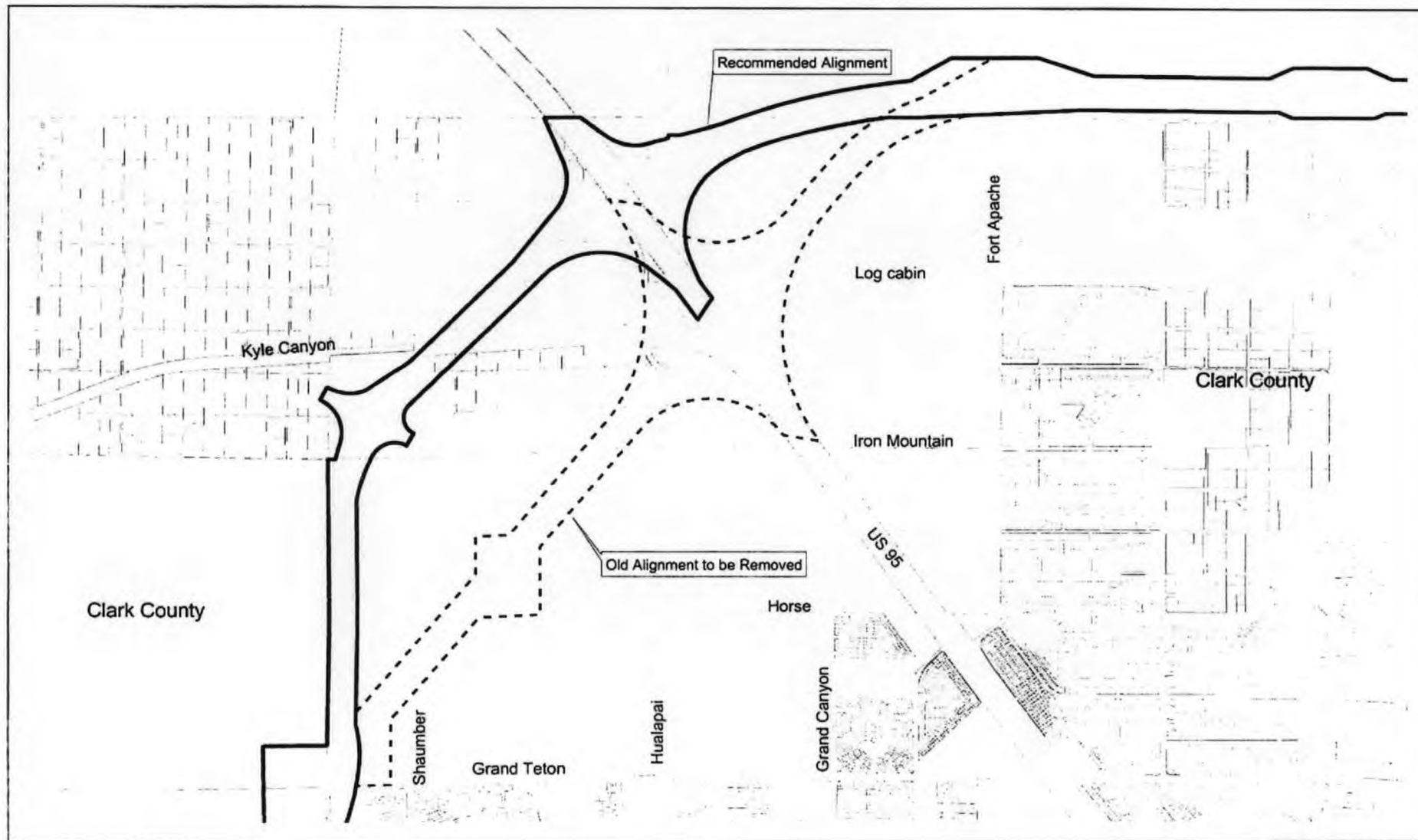
Print Name: Randy L. Fultz

Subscribed and sworn before me

This 4th day of APRIL, 2007


Notary Public in and for said County and State





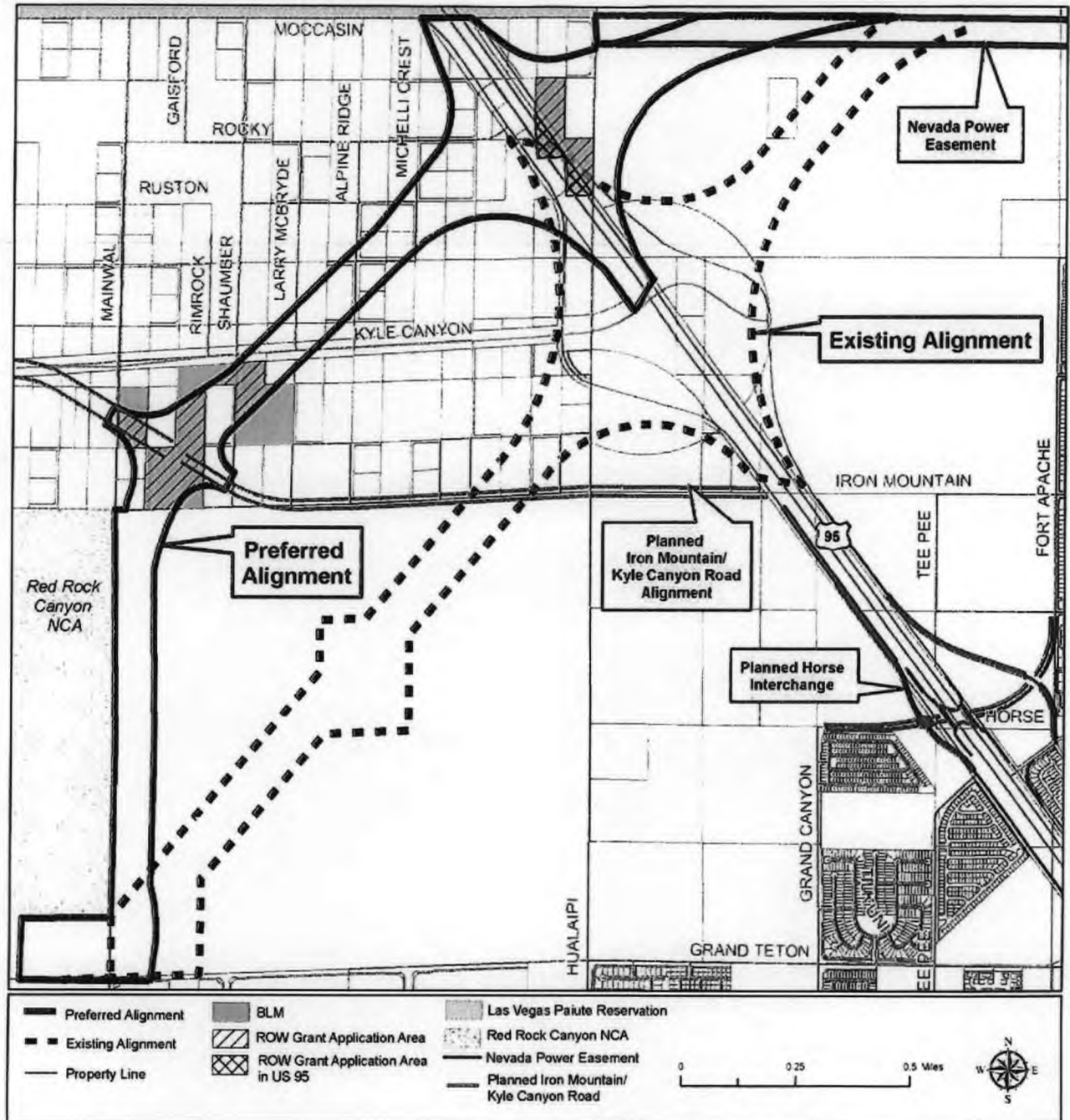
CASE: MSH-21013 RADIUS: SPECIAL 0.3 0.15 0 0.3 0.6 Miles



RECEIVED
APR 03 2007

MPSH-21013
04/26/07 PC

Figure 1 - Alignment Alternatives



On July 19th 2006, the City of Las Vegas amended the Master Plan of Streets and Highways to include an alternative alignment to the north of the Existing Alignment. This alternative was added to allow the City to study potential benefits of the new alignment.

MSH-21013

04/26/07 PC

Engineering Report

Mountain Edge Parkway & Interchange

Las Vegas, Clark County, Nevada

Submitted to:
City of Las Vegas



MSH-21013
04/26/07 PC

April 2007

**Comparative Analysis
For the North Alignment and Existing Alignment of the
Mountain Edge Parkway
Master Plan of Streets and Highway Amendment**

1. Purpose

The purpose of this report is to analyze and compare the two alternative alignments for the Mountain Edge Parkway in the northwest City of Las Vegas, crossing U.S. 95. As discussed in this report, there are a number of land use, environmental, socioeconomic, noise, capital cost, and engineering reasons that make the North Alignment, described in this report as the Preferred Alignment, the more effective and efficient alignment for the Mountain Edge Parkway. The locations of the Preferred Alignment and Existing Alignment are shown in Figure 1.

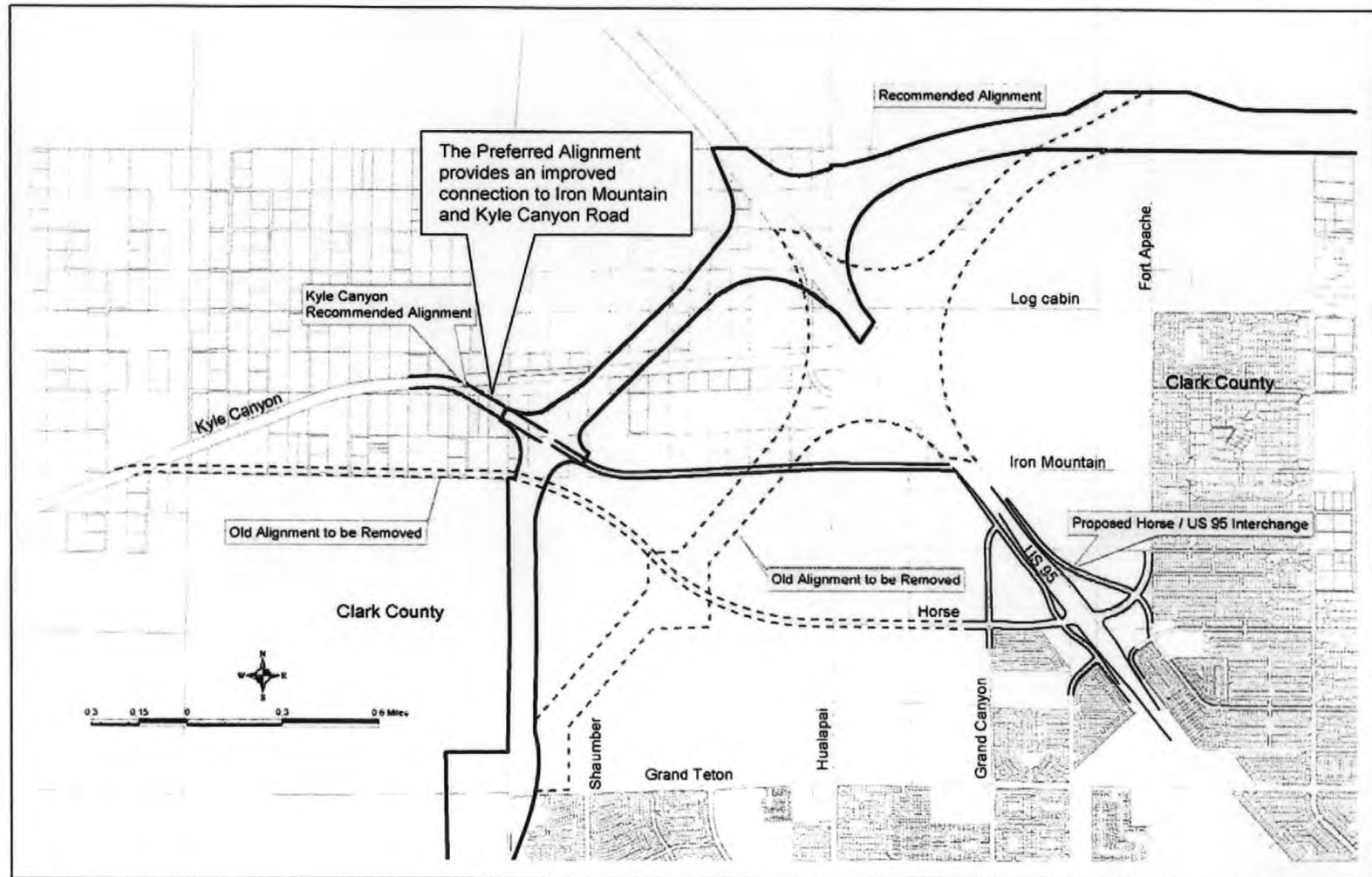
2. Background

Rapid population growth has occurred and is expected to continue in the northwest Las Vegas Valley. According to the *City of Las Vegas Master Plan 2020*, the City's population is expected to increase from approximately 478,000 in 2000 to as much as 800,000 by the year 2020. Based on current trends, over 96 percent of this projected growth is expected to occur in the west and northwest areas of the City, including the vicinity of the Mountain Edge Parkway corridor.

The connection between Clark County 215 and U.S. 95 to be provided by the Mountain Edge Parkway would serve immediate and long-term travel demand in the northern Las Vegas Valley. The Kyle Canyon Gateway Master Planned Community (KCG) is to be located in the immediate vicinity of U.S. 95 north of Grand Teton Road. This proposed community would include mixed use development and high average residential housing densities of approximately 11 units per acre. The resultant traffic from this development would greatly add to the existing congestion along U.S. 95 in the area. The KCG is representative of the region's trend in higher housing unit density and integrated residential and commercial development.

In 2003, the City of Las Vegas, City of North Las Vegas, Clark County, Nevada Department of Transportation (NDOT), and the Regional Transportation Commission of Southern Nevada (RTC) participated in a charrette to address the anticipated transportation needs of the northern Las Vegas Valley. The entities reached consensus that reservation of a multi-modal transportation corridor, such as the Mountain Edge Parkway, would be needed to accommodate anticipated growth. The group also identified a need to expand the region's roadway network to serve development that would occur within the BLM disposal boundary. This planning framework was adopted by the City of Las Vegas and was incorporated into the Master Plan for Streets and Highway on February 18th 2004 and Clark County Transportation Element of the Comprehensive Plan on July 16th 2003. The RTC also adopted the Mountain Edge Parkway into the Regional Transportation Plan to address long term regional travel demand needs.

Figure 2 – Regional Roadway Connectivity



MSH-21013

04/26/07 PC
 Comparative Analysis of Alternatives

3. Engineering and Environmental Factors

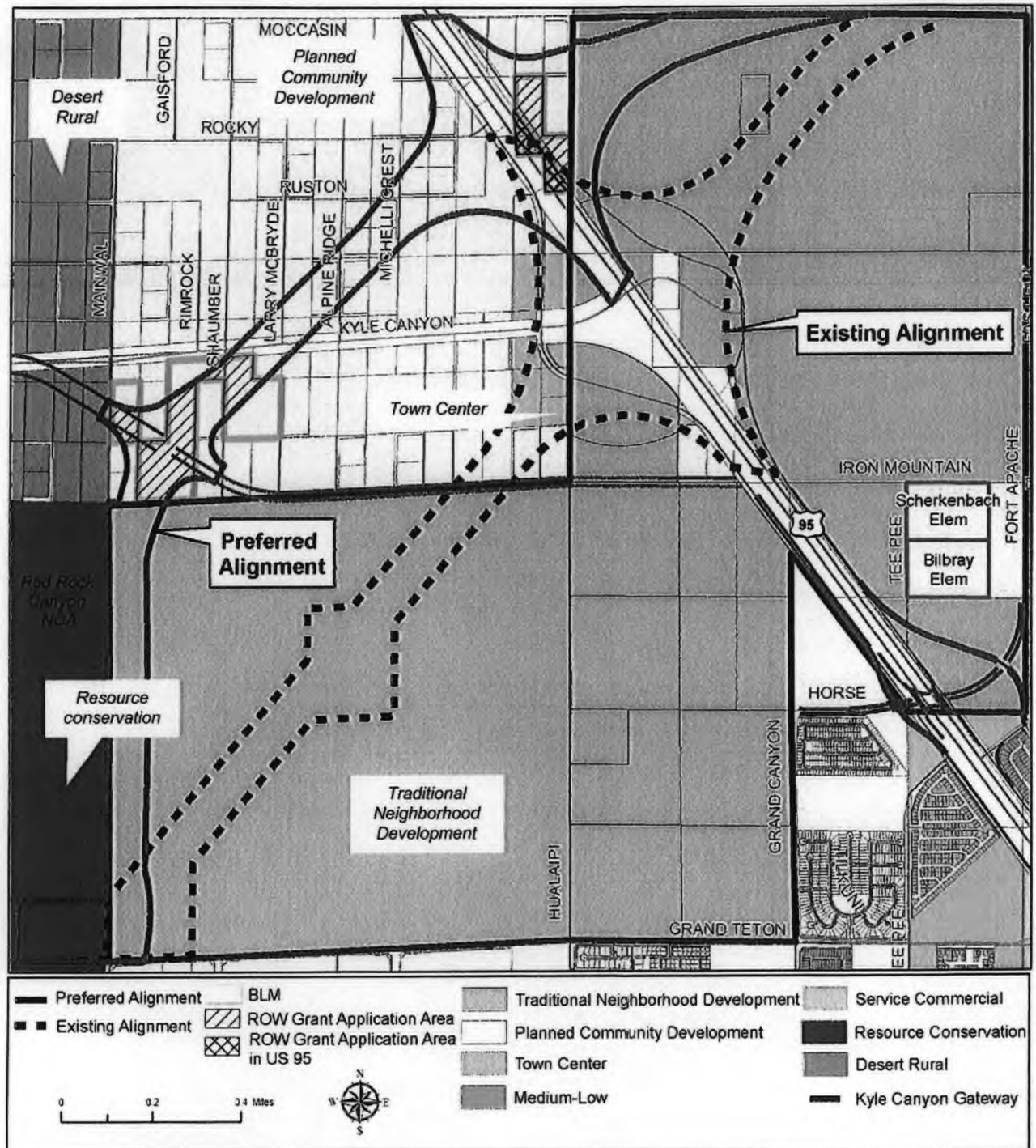
An analysis was completed to compare the two design alternatives based on the following design factors: geometry, construction cost, land use, socioeconomics, and environmental issues (air quality, flood control, and noise/visual resources).

Geometrics

Both alignments have similar characteristics. They have the same number of lanes and provide the same vehicle capacity. From an engineering perspective, the Preferred Alignment offers several advantages over the Existing Alignment, as described below:

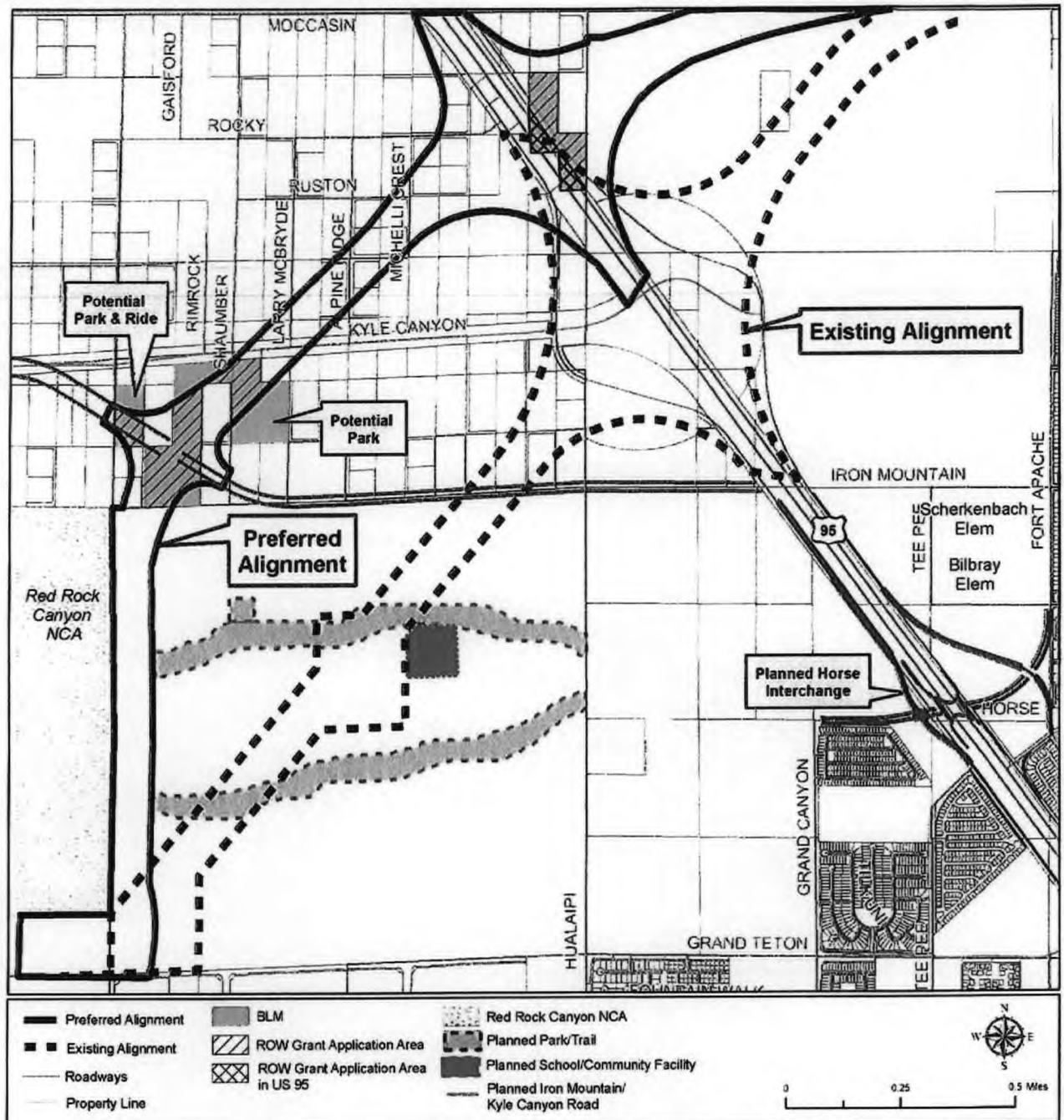
- The City of Las Vegas is currently designing a new interchange at U.S. 95 and Horse Drive. Under the Existing Alignment, the interchange spacing between Horse Drive and the Mountain Edge Parkway would be approximately one-half mile, which is less than the one mile AASHTO/FHWA standard for interchange spacing. Braided ramps between Horse Drive and the Mountain Edge Parkway would be required to separate the on and off ramp movements via additional bridge structures and elevated roadways. Additional right-of-way would be required to accommodate braided ramps between these two locations. By moving the Mountain Edge Parkway/U.S. 95 system-to-system interchange to the north, the use of braided ramps is avoided.
- The Preferred Alignment is perpendicular to U.S. 95. This perpendicular connection will result in slightly smaller interchange foot print thereby reducing the right-of-way requirements for the system-to-system interchange.
- The Preferred Alignment reduces the length of bridge spans for the system-to-system connectors, which reduces the construction cost of the bridges.
- The Preferred Alignment provides improved transportation patterns through a direct connection from Kyle Canyon Road to the Mountain Edge Parkway and Iron Mountain Road (see Figure 2).

Figure 3 - Planned Land Use



MSH-21013
04/26/07 PC

Figure 4 - Community Facilities



MSH-21013
04/26/07 PC

Conceptual Construction Cost Estimate

The conceptual cost estimates for the Mountain Edge Parkway compare the cost of developing the system-to-system interchange on the Preferred Alignment to construction costs for the Existing Alignment. Overall, the total cost for the U.S. 95 /Mountain Edge Parkway Interchange for the Preferred Alignment is \$317 million. The system-to-system interchange within the Existing Alignment is estimated at \$426 million, in 2020 dollars. This assumes an escalation rate of 4% per year. The reason for this cost difference is that the Preferred Alignment interchange footprint is smaller than the Existing Alignment and does not require the use of braided ramps, additional bridges, or bridge widening. The Existing Alignment's Bureau of Land Management right-of-way grant does not include enough land to accommodate braided ramps between the Horse Drive and Mountain Edge Parkway interchange with U.S. 95. Therefore, the purchase of right-of-way would be needed along this segment for the Existing Alignment interchange to accommodate braided ramps. This right of way would be purchased at fair market value.

Land Use

The Preferred Alignment brings a number of land use benefits. Specifically, it offers an opportunity to ensure an optimal land use plan for the KCG area. Under the Existing Alignment, the planned residential and mixed-use development at KCG would be bisected by a transportation corridor that is 550 feet wide (see Figure 3). The Preferred Alignment circumvents the edges of the KCG and allows for the development of more mixed uses, higher densities, pedestrian connections, trails, and amenities that can serve the internal transportation needs of the community.

Because the Mountain Edge Parkway includes provisions for the development of transit and pedestrian trails, and park-and-ride facility, the new alignment means that more efficient connections can be created between the KCG and future regional transit service. A higher level of transit connectivity will prove extremely valuable over the long term as the Las Vegas Valley continues to develop regional transit connections supporting regional travel demands.

The Preferred Alignment allows for two miles of trails along existing arroyos in KCG. This translates to over 24 acres of land being set aside for trails and preservation of natural areas that would be bisected by the Existing Alignment. As shown in Figure 4, the Preferred Alignment ensures that the planned parks and linear trail system in KCG can be developed without noise, visual, and access impacts from a highway facility. The linear park would be bisected by the Existing Alignment, which would reduce their attractiveness for recreation users. A school/community center is also planned in close proximity to the Existing Alignment. The Preferred Alignment is adjacent to the Red Rock National Conservation Area provides a buffer and improved trail access.

The Preferred Alignment would be compatible with City of Las Vegas land use and transportation planning objectives to develop the area as a cohesive neighborhood. It would minimize adverse impacts to planned residential areas and would support future commercial development. It would also support City of Las Vegas plans for other public

uses adjacent to the Preferred Alignment, including a park and ride, recreational park, and trail system. It would provide a utility corridor and would provide for flood control, multi-use trails, transit, and would also incorporate an existing 100 foot power easement into the Mountain Edge Parkway Corridor. This would minimize impacts to land needed for infrastructure and provide regional flood control protection to an additional 320 acres of land.

Use of the Existing Alignment would result in a facility that is not compatible with current land use plans and would have adverse impacts on planned residential neighborhoods due to its close proximity to housing units.

Socioeconomic Factors

The northwest Las Vegas Valley is experiencing strong population growth that is expected to continue through the year 2030. The traffic analysis zones (TAZs) that fall within the study area are bounded by the City of Las Vegas boundary to the west, Moccasin Road to the north, Durango Road to the east, and Grand Teton Drive to the south. Within this area, the 2000 population reported by the U.S. Census was 1,559. The 2006 RTC population estimates increased to almost 16,000 and continued growth to over 48,000 residents is projected by 2030. Employment is expected to increase from 965 in 2006 to 6,339 in 2030. A summary population trends reflected by RTC and U.S. Census data is shown in Table 1. This formerly undeveloped area is undergoing a rapid transformation into an urbanized community. Similarly, the population of the urbanized Las Vegas Valley is expected to increase almost 80 percent from 1.8 million to 3.2 million between 2006 and 2030. Employment is projected to increase from 864,213 to over 1.5 million during the same period. It should be noted that population forecasts for the Las Vegas Valley have historically substantially underestimated population growth. Ultimate build-out potential for this area of the northwest Las Vegas Valley and for the metro region as a whole is substantially higher, as documented in the *Mountain Edge Parkway Feasibility Study*.

The Preferred Alignment will allow for a more orderly development of residential, commercial, and other employment based land uses that will generate income, jobs, and tax revenues from property and retail sales activity. The Existing Alignment would not allow for optimal land development and would therefore reduce the socioeconomic benefits that the KCG master planned community will generate for the City.

Table 1: Study Area Population and Employment Growth

	2000*	2006**	2030**
Population	1,559	15,924	48,056
Employment	-	965	6,339

*Source: U.S. Census, 2000

** Source: RTC Population Forecasts, 2006.

MSH-21013
04/26/07 PC

4 Conclusion

The relocation of the Mountain Edge Parkway corridor from the Existing Alignment to the Preferred Alignment is recommended based upon the engineering, capital cost, land use, socioeconomics, and environmental factors. The new alignment offers the opportunity to develop a system-to-system interchange that is less costly, provides for substantially fewer land use conflicts, and will promote more efficient land use patterns that are environmentally and economically sustainable. A summary of the comparison of alignments is provided in Table 2.

Table 2: Issues Summary

Issue	Preferred Alignment	Existing alignment
Geometrics	• 1 mile spacing to Horse Interchange (meeting AASHTO/FHWA standard) • Perpendicular approach to US 95 • Smaller interchange footprint and shorter bridge spans • Improved connection for Iron Mountain Road and Kyle Canyon Road	• ½ mile spacing to Horse Interchange (not meeting AASHTO/FHWA standard) • Skewed approach to US 95 • Larger interchange footprint and longer bridge spans
Capital Costs	• \$317 million for US 95 interchange	• \$426 million for US 95 interchange • Longer bridge spans • Additional ROW needed to accommodate braided ramps and bridge spans
Land Use	• Promotes residential and mixed use development in Kyle Canyon Gateway (KCG) • Promotes trails and parks / community facilities in KCG • Provides are for a park-and-ride for transit • Provides integrated utility corridor • Compatible with City land use plans	• Bisects residential and mixed uses planned for KCG • Bisects trails and impacts parks / community facilities in KCG • No park-and-ride for transit • Incompatible with City land use plans
Socioeconomic	• Supports residential population and employment growth	• Precludes optimal development of KCG
Air Quality	• Conforms to SIP • Air quality benefits realized sooner due to lower cost and less complex design	• Conforms to SIP • Air quality benefits delayed due to higher cost and more complex design • Capital cost may delay other transportation improvements
Flood Control	• Provides flood protection for an additional 320 acres	• Approximately \$10 million in additional costs for flood control facilities
Noise and Visual	• No sound walls would be required due to distance from residences	• Sound walls would block views of Red Rock National Conservation Area

MSH-21013

04/26/07 PC

Environmental Factors

The Preferred Alignment provides additional environmental benefits as compared to the Existing Alignment. This section reviews the air quality, flood control, noise, and visual resource advantages of the Preferred Alignment.

Air Quality

The Mountain Edge Parkway is included in the RTC's Regional Transportation Plan (RTP). The RTP conforms to the Carbon Monoxide and Pm_{10} State Implementation Plans (SIP). This means that the development of the Mountain Edge Parkway will contribute to improvements in regional air quality.

The Preferred Alignment is likely to be constructed sooner than the Existing Alignment because of its lower construction cost. Therefore, the air quality benefits that the Mountain Edge Parkway will provide at a regional level would occur sooner under the Preferred Alignment than the Existing Alignment. On the other hand, the increased cost of developing the Existing Alignment means that it is likely that the project may be delayed. The resultant delay will defer the regional air quality benefits and force the region to seek other ways to gain the air quality benefits that would be needed to maintain conformity with the CO and PM_{10} SIPs.

Flood Control

Flood control facilities would be included in the design of the Mountain Edge Parkway, with the Preferred Alignment providing flood protection for an additional 320 acres compared to the Existing Alignment. Design of the interchanges would include drainage facilities to perpetuate the stormwater runoff safely downstream. Because the Existing Alignment divides part of the KCG section into two 320 acre half sections, additional stormwater and drainage facilities would be required. City of Las Vegas estimates indicate that this would be an additional \$10 million cost attributable to the Existing Alignment.

Noise and Visual Impacts

The Preferred Alignment avoids the need to construct visually obstructive sound walls that would be required along both sides of the Existing Alignment. The Preferred Alignment, which would be adjacent to the Red Rock National Conservation Area, would maximize views to the west by providing a buffer next to this sensitive resource. The buffer would eliminate the need for sound barriers along the west side of the roadway that would otherwise obstruct views.

MSH-21013

04/26/07 PC

ACKNOWLEDGEMENTS

The City of Las Vegas

Key personnel include:

- Betsy Fretwell, Deputy City Manager
- Charlie Kajkowski, Director of Public Works
- Jorge Cervantes, Deputy Director/City Engineer
- Randy Fultz, Assistant City Engineer
- Tom Perrigo, Deputy Director of Planning and Development
- Greg McDermott, Project Manager
- Connie Diso, Project Engineer
- Mary Wulff, Right-of-way Agent

Parsons Brinckerhoff, Inc.

James Marrs, P.E.
Engineering Manager

B.S. in Civil Engineering and 19 years of engineering experience.

Lee Gibson, AICP
Planning Manager

Master of Urban and Regional Planning, 24 years experience in transportation planning and management.

Bryan Davis
Deputy Project Manager

B.S. in Landscape Architecture, 39 years experience in transportation planning management and NEPA compliance.

Amy McAbee-Cummings, AICP
Environmental Planner

B.A. in History and Master of Community Planning with 7 years of experience in urban and regional planning, transit planning, and environmental planning.

Massoud Javid, PE, PhD
Travel Demand Forecasting Manager

PhD in Civil and Environmental Engineering, 20 years experience transportation and traffic engineering.

Lorenzo Sanchez
GIS

GIS and CAD training courses, 12 years experience in advanced GIS applications

Marc Reisman
Transportation Planner

BMB in Music Business Administration, 11 years experience in transportation planning and program management.

James Hamilton, AICP
Senior Environmental Planner

B.A. in Political Science, M.A. in Political Science, and Master of Urban Planning with 10 years of experience in transportation and land use planning, socioeconomics, and environmental justice.

MSH-21013
04/26/07 PC

Scott Scruggs,
Sr. Supervising Engineer

B.S. in Civil Engineering with 24 years of experience in design and analysis of streets and highways, freeways, traffic engineering, and transit projects.

Becky Blatnica, AICP
Community and Environmental Planner

B.A. in History and Geography and Master of Community and Regional Planning with 6 years of experience in community and environmental planning.

MBP Consulting

Mary Peters
Environmental Planner

J.D. Law, B.S. Fisheries and Wildlife Biology with 19 years of experience in environmental planning.

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Civil Engineer under the laws of the State of Nevada.

Signature: _____

Name: James Marrs, P.E.

Date: April 1, 2007 Reg. No.: 015841 Expiration Date: July 31, 2007



MSH-21013
04/26/07 PC



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
WARD 5 (VACANT)

DOUGLAS A. SELBY
CITY MANAGER

April 4, 2007

Doug Rankin, Planning Manager
City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

RE: MASTER PLAN OF STREETS AND HIGHWAYS AMENDMENT FOR
THE MOUNTAIN EDGE PARKWAY

Dear Mr. Rankin:

On July 19, 2006 the City Council approved an amendment to the Master Plan of Streets and Highways (MSH 13365) to add an alternative Freeway/Expressway alignment for the Mountain Edge Parkway. This alternative was added so that City staff could explore in more detail the feasibility and benefits of the new freeway alignment with the BLM. The City's consultant, Parsons Brinckerhoff Quade & Douglas, Inc. (PB) has recently completed the analysis for the northern and southern alignments. The report recommends adopting the northern alignment due to superior cost, utility corridor, land-use, transportation geometrics, transportation efficiency, safety, and operations benefits versus the existing southern alignment.

It is our request that the current southern alignment of the Mountain Edge Parkway between Grand Teton Drive and Fort Apache Road be removed from the Master Plan of Streets & Highways and the northern alignment be identified as the recommended alignment.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy L. Fultz".

Randy L. Fultz, P.E.
Assistant City Engineer
Public Works Department

cc: Charlie Kajkowski, Jr. P.E. – Director
Jorge Cervantes, P.E. – Deputy Director
Bart Anderson, P.E. – Engineering Project Manager

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

MSH-21013
04/26/07 PC

MOUNTAIN EDGE PARKWAY



SOUTHERN ALIGNMENT

BLM

EXISTING	245
PROPOSED	20

PRIVATE LAND
TO BE ACQUIRED

	34
TOTAL ACREAGE =	299

NORTHERN ALIGNMENT

BLM

EXISTING	0
PROPOSED	83

PRIVATE LAND
TO BE ACQUIRED

	33
--	----

FOCUS LAND

SECTION 1	50
-----------	----

KYLE CANYON GATEWAY	105
------------------------	-----

PROVIDENCE	6
------------	---

FOCUS TOTAL =	161
----------------------	------------

TOTAL ACREAGE =	277
------------------------	------------

Submitted to City Council
Date 5/16/07
Item #493

	SOUTHERN ALIGNMENT	NORTHERN ALIGNMENT
BLM EXISTING ROW	245 acres	0 acres
BLM PROPOSED ROW	20 acres	83 acres
PRIVATE LANDS TO BE ACQUIRED	34 acres	33 acres
FOCUS LANDS		
SECTION 1		50 acres
KYLE CANYON GATEWAY		105 acres
PROVIDENCE		6 acres
FOCUS SUB-TOTAL	0 acres	<u>161 acres</u>
TOTAL LAND NEEDED FOR BELTWAY	299 acres	277 acres

SUMMARY OF COSTS

	SOUTHERN ALIGNMENT	NORTHERN ALIGNMENT
IRON MOUNTAIN RD (ADDITIONAL COST)	\$10,000,000	\$0
FLOOD CONTROL (ADDITIONAL COST)	\$10,000,000	\$0
SOUND WALLS (ADDITIONAL COST)	\$2,000,000	\$0
US95/MEP INTERCHANGE (TOTAL COST)	\$426,000,000	\$317,000,000
ADDITIONAL 0.39 CENTERLINE MILES (ADDITIONAL COST)	\$0	\$5,000,000
TOTAL COST	\$448,000,000	\$322,000,000

TOTAL SAVINGS OF NORTHERN ALIGNMENT
\$126,000,000

SUMMARY OF BENEFITS OF NORTHERN ALIGNMENT

FOCUS BENEFITS

- 1) 84 acres of land.**

CITY BENEFITS

- 1) Infrastructure Savings of \$126,000,000.**
- 2) No sound walls needed along Red Rock Conservation Area which preserves vista views.**
- 3) Meets AASHTO standards for interchange spacing.
(No federal waiver required)**
- 4) Preserves connectivity of natural arroyos for parks and trails.**
- 5) Provides buffer to Red Rock Conservation Area.**
- 6) Allows for community plan that emphasizes walkability, connectivity, open space, and recreation.**

Mountain Edge Parkway Amendment of the Master Plan of Streets and Highways *MSH-21013*

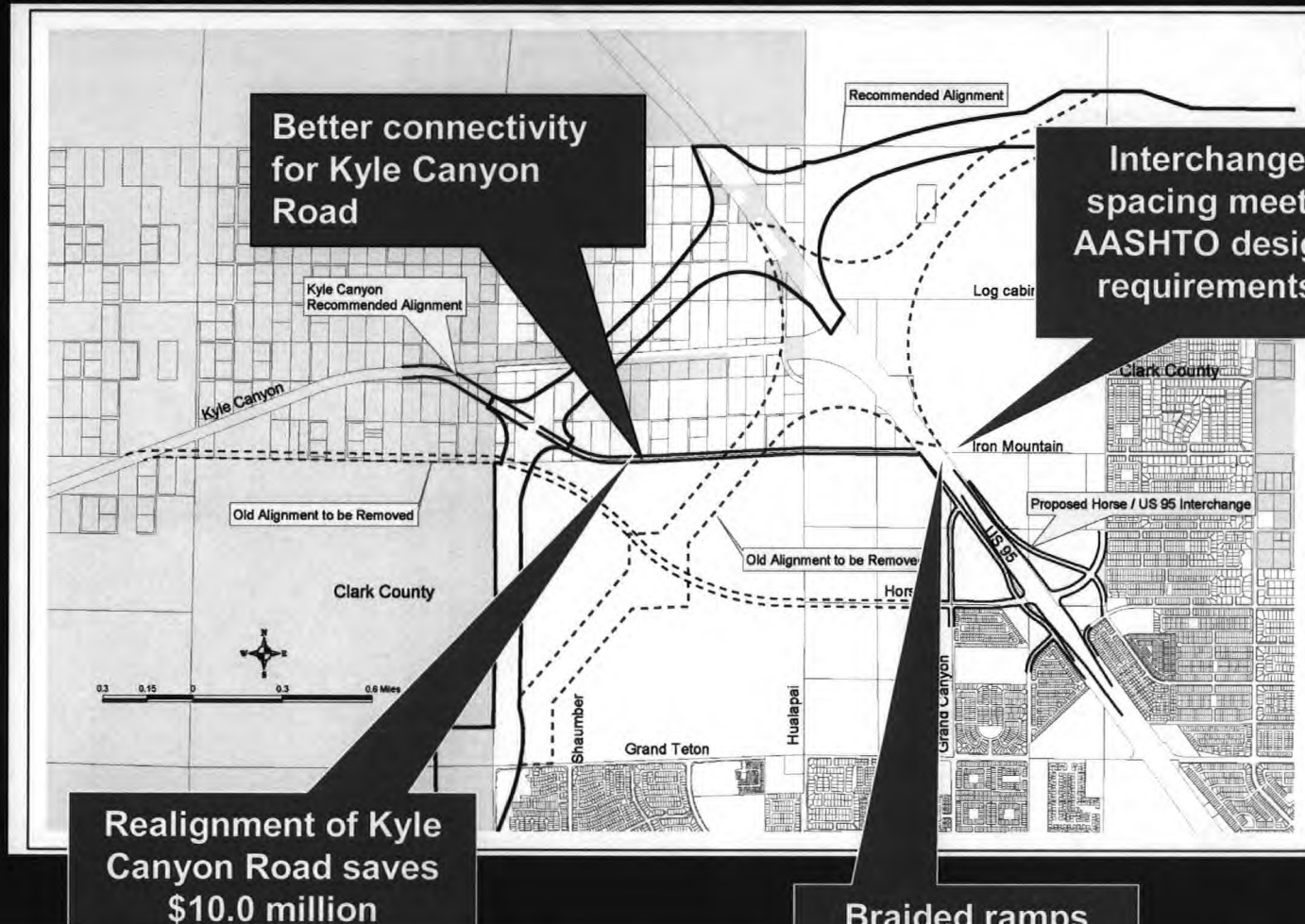
Presentation to the

City of Las Vegas
City Council
May 16, 2007

COMPARE MEP ALTERNATIVE ALIGNMENTS

- Engineering/Environmental
 - Geometric
 - Construction Cost
 - Land Use
 - Socioeconomic Factors
 - Air Quality
 - Flood Control
 - Noise and Visual Impacts

PREFERRED ALIGNMENT DESIGN ADVANTAGES



PREFERRED ALIGNMENT DESIGN ADVANTAGES

- Improved spacing that complies with AASHTO/FHWA requirements
- Perpendicular approach to U.S. 95
- Improved connections to Iron Mountain Road and Kyle Canyon Road
- Saves \$10.0 million in road funds

COST COMPARISON

- Preferred alignment = \$317 million
- Existing alignment = \$426 million
- Cost difference attributable to:
 - Longer bridge spans
 - Right-of-way and construction for braided ramps

COMMUNITY IMPACT COMPARISON



Land Use



Public Facilities

SOCIOECONOMIC COMPARISON

■ Preferred Alignment

- Supports residential and employment growth
- Improves community tax base

■ Existing Alignment

- Precludes optimal development
- Limits growth in employment

ENVIRONMENTAL COMPARISON

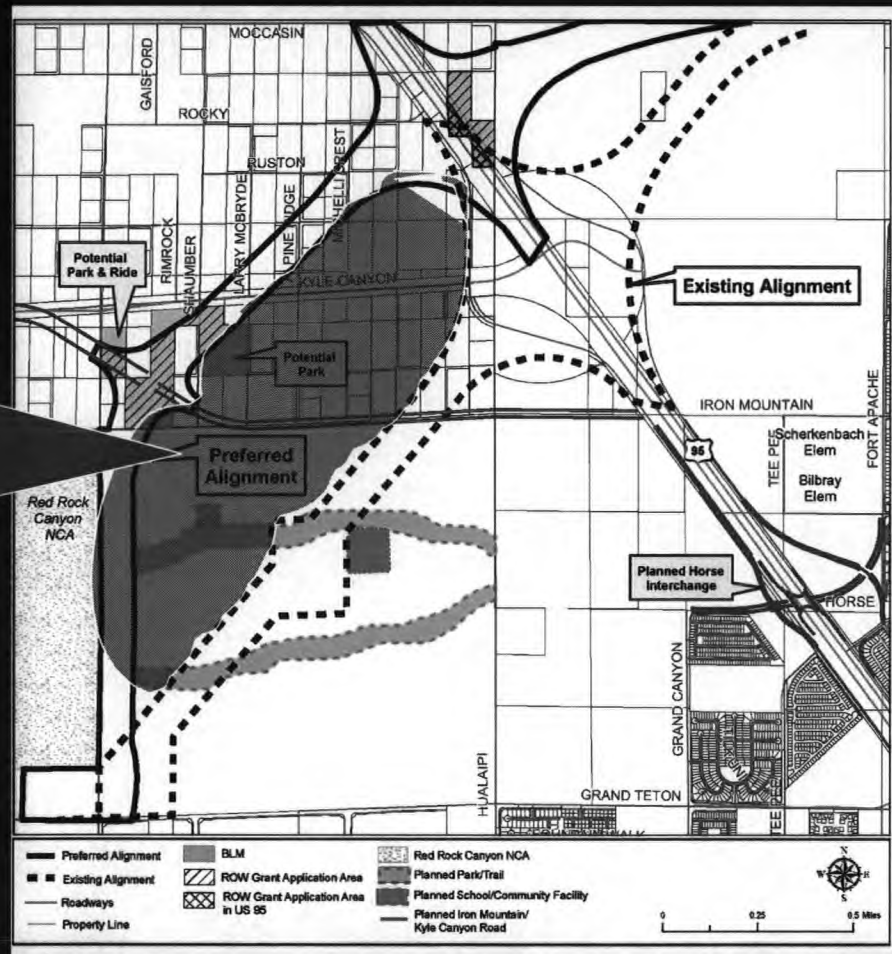
■ Air Quality

- Preferred alignment meets air quality attainment status
- Existing alignment delays air quality attainment status



FLOOD CONTROL COMPARISON

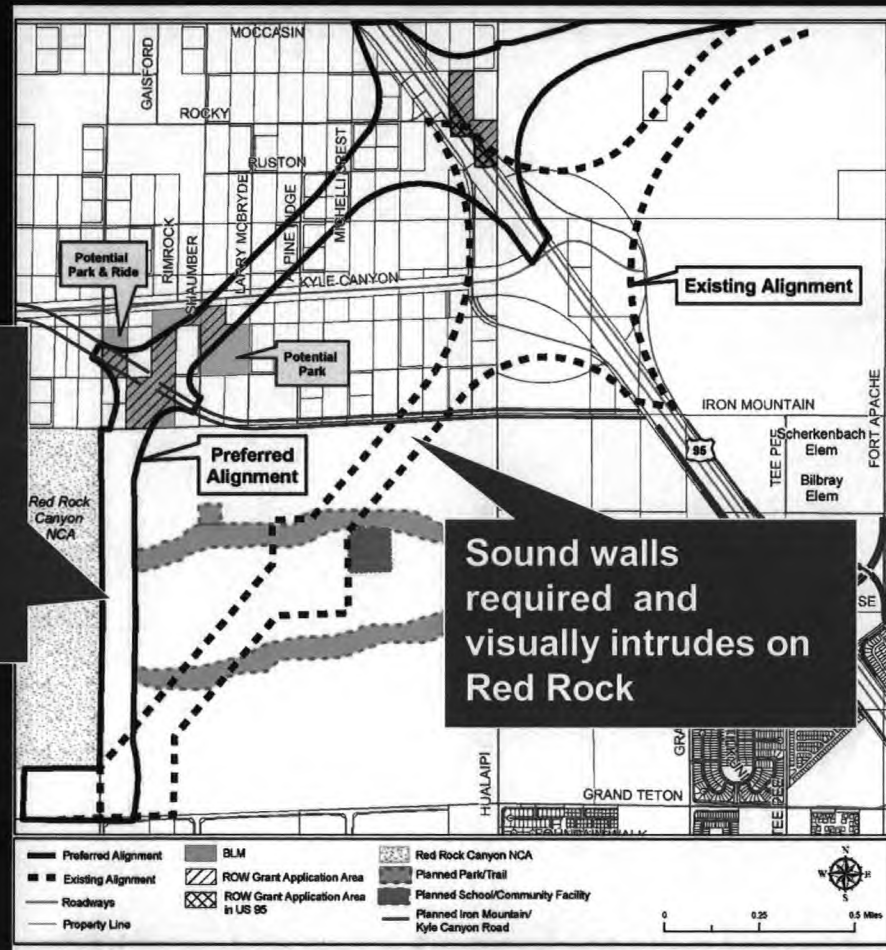
Preferred alignment protects 320 additional acres from flooding; saving \$10.0 million in cost.



VISUAL-NOISE COMPARISON

Minimizes the need for sound walls and preserves views of Red Rock

Sound walls required and visually intrudes on Red Rock



From Todd Schwartz:

Attached is history of this project and meetings they held.

Only one actual neighborhood meeting was publicly announced to the residents in the area, and held on 12/5/06. Myself, Eileen, & Wendy were there. One to two dozen homeowners were there and everyone was concerned about the density and about the area South of the school.

I believe that this shows they did not have really any meetings recently, to specifically go over their final plans. At a Ward 6 Fair there are a lot of things going on, and a project this size had one 8-foot table, with a bunch of things cramed on it. Not very effective for neighborhood awareness and communication.

What about the first fair that the developer attended back at the beginning of 2006. At that time they had no development map, just the zoning map showing the boundaries. At that meeting Todd signed up to be informed of meetings and be invited to meetings to give his input. They had a signup sheet for people.

Original GPA to Create TND – City of Las Vegas

10-04-2005 Neighborhood Meeting
10-20-2005 Planning Commission
11-16-2005 City Council

Kyle Canyon GPA to change from PCD to TND

10-03-2005 Neighborhood Meeting
10-20-2005 Planning Commission
11-16-2005 Abeyed from City Council
12-21-2005 City Council

TND Ordinance – City of Las Vegas

12-21-2005 Recommending
01-03-2006 Planning Commission
01-18-2006 City Council

11-02-2006 Councilman Ross Information Fair (*Thompson Elementary School*)
11-02-2006 Lower Kyle Canyon Citizens Advisory Committee (*Mountain Crest*)
11-16-2006 Mount Charleston Town Board Presentation (*Mt. Charleston Old Town Library*)
12-05-2006 Kyle Canyon Neighborhood Meeting (*Cadwallader Middle School*)
04-19-2007 Councilman Ross Information Fair (*Lied Middle School*)

Notices sent out to all residents to find out about development & projects in the area.

Submitted at City Council

Date *5/16/07* Item *93*

To: Mayor Oscar Goodman
Mayor Pro-Tem Gary Reese
Councilman Larry Brown
Councilman Steve Wolfson
Councilwoman Lois Tarkanian
Councilman Steven Ross
Interim Councilwoman Brenda J. Williams
Brad Jerbic, City Attorney
From: James B. Lewis, Deputy City Attorney
Re: MSH-21013-Amendment of the Master Plan of Streets and Highways to Select
the Northern Alternative Freeway Alignment for Mountain's Edge Parkway
Date: May 16, 2007

Issue Presented:

- I. Does positive action to approve the MSH-21013 effect a "taking" of property by the City of Las Vegas?
- II. Does positive action to approve MSH-21013 and to approve of DIR-21605 (KAG Development Agreement) effect a "taking" of property by the City of Las Vegas?

Brief Answer:

- I. No. There is long-standing settled law that unequivocally states that any amendment to a master plan (such as our Master Plan of Streets and Highways) by a governing body is not considered a "taking" for purposes of the Fifth Amendment to the United States Constitution.
- II. No. The action on the Master Plan Amendment together with the Development Agreement does not effect an acquisition of property from a private landowner to give to another private landowner for private purposes. These actions, taken together, would not be considered a "taking" for purposes of the Fifth Amendment to the United States Constitution.

Analysis:

- I. Does positive action to approve the MSH-21013 effect a "taking" of property by the City of Las Vegas?

There exists settled law on the question as to whether a municipality's action to adopt or amend a master plan effects a "taking" of property under the Fifth Amendment to the United States Constitution. The answer is no.

"The adoption of a general plan for the future development of an area, indicating potential public use of privately owned land, does not amount to inverse condemnation of that land; such activities by government officials are no more than planning and do not affect the owner's interest." American Jurisprudence, Eminent Domain Sec. 744; See also, HFH, Ltd. v. Superior Court, 15 Cal.3d 508, 518, 542 P.2d 237, 244 (Cal. 1975); Rancho La Costa v. County of San Diego, 111 Cal. App. 3d 54, 168 Cal. Rptr. 491 (4th Dist. 1980).

Submitted at City Council

Date 5/16/07 Item 93

III. Does positive action to approve MSH-21013 and the approval of DIR-21605 (KAG Development Agreement) effect a "taking" of property by the City of Las Vegas?

One might argue (unreasonably) that when one reviews positive action on MSH-21013 and positive action on DIR-21605 (KAG Development Agreement) that together these items effect a "taking" pursuant to the Fifth Amendment of the to the United States Constitution as a private developer, KAG, will not be as burdened (160 acres) by the proposed Northern Beltway as it was to be burdened by the existing beltway (245 acres).

This argument is unreasonable for three reasons.

First, the Development Agreement merely reflects whatever action is taken by the City Council pursuant to MSH-21013. The Development Agreement generally states that the Parties (City and Developer) agree that if a beltway is constructed that affects the developer's property, then the Parties agree that the Northern Alignment proposed for approval by MSH-21013 is the proper alignment. This language does no more to effect a taking than does an approval of MSH-21013. Since the approval of the MSH, under settled law is not a "taking," then any action approving the Development Agreement language "agreeing upon" the path of a possible future alignment is not a "taking" either.

Second, an argument that the approval of MSH-21013 and the Development Agreement is tantamount to a "taking" because the Developer receives a "benefit" of 85 developable acres is not based upon the law, but the "perception" of unfairness. It is true that the Developer will be burdened by less acreage of a future beltway, if constructed. The "perception" that this is unfair to the city taxpayer, in this case, is not reality.

While the Developer will be burdened by the proposed northern alignment about 85 acres less than pursuant to the current southern alignment, the Developer has purchased and is dedicating to the City 56 acres within the proposed Northern Beltway alignment pursuant to the Development Agreement. The City is also receiving many additional benefits pursuant to the terms of the Development Agreement, including, but not limited to: additional park and green space, residential fire sprinkling, and payment of monies toward a fire station and a police substation. In addition, the City's own study which compared the two alignments (north and south) show a net savings of 129 million dollars to the taxpayers if the northern alignment is chosen.

Last, the City is not authorizing the acquisition of any privately-owned land pursuant to action taken on MSH-21013 or DIR-21605, the Development Agreement. These actions merely set the stage for the possibility of a future beltway that would follow the proposed northern beltway.

In no way does action taken on MSH-21013 or DIR-21605 "take" land from one private party and "give" it to another private party for private purposes. There is no acquisition of land by the City and a subsequent transfer of such land to any private party.

MA MORAN & ASSOCIATES
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

RECEIVED
CITY CLERK

JOHN T. MORAN, JR.
JILL M. LYNNE
LEW BRANDON, JR.
JEFFERY A. BENDAVID
J.T. MORAN III

PROFESSIONAL CORPORATIONS

2007 MAY 17 A 11: 39

June 7, 2006

Nevada Department of Transportation
Las Vegas
123 E. Washington Avenue
Las Vegas, Nevada 89101

RE: MY CLIENTS RANCHO DRIVE LLC/KYLE CANYON/MOUNTAINS
EDGE PARKWAY

To Whom It May Concern:

This correspondence shall serve to confirm that I represent Rancho Drive LLC. My clients were in escrow to sell their property totaling approximately 8.8 acres under Assessor Parcel #APN126-01-302-003, 126-02-301-014, 126-01-301-006 located in the County of Clark State of Nevada. The purchase price for the property exceeded Five Million Two Hundred and Eighty Thousand Dollars. Recently it was brought to my attention that NDOT was changing the original plan for Mountains Edge Parkway to a north alignment 400 feet wide that would take most of my clients' property. Naturally the buyer based on this terminated the proposed escrow and sale. I enclose a copy of the Kyle Canyon original plan, as well as the north alignment prepared by G.C. Wallace Inc., which depicts your contemplated change. It is of interest that under your new north alignment which deviates from the original plan and goes through my clients property would be taken and the buyer Kyle Acquisition Group LLC picks up a substantial amount of additional property to the detriment of my client seller Rancho Drive LLC. We have never received any notification by NDOT or anyone else about this proposed change and obvious future taking.

By this correspondence I ask you to review the enclosed map and this proposal by NDOT for validity and have your representative get back in touch with me to explain exactly what NDOT's proposal is as it relates to this north alignment proposed change, as well as the consequential taking of my clients property by same. Looking forward to your reply. I remain,

Very truly yours,

John T. Moran, Jr.
John T. Moran, Jr.

JTM/hgf
Enclosure

cc: Rancho Drive LLC
Lynette Chappell
Harvey Gettleson
Randy O'Connor

Submitted after City Council
Date 5/17/07 Item # 93

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

**PUBLIC HEARING – APPLICANT/OWNER: CIY OF LAS VEGAS – REQUEST TO
AMEND THE MASTER PLAN OF STREETS AND HIGHWAYS TO SELECT THE
NORTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT KNOWN AS
MOUNTAINS EDGE PARKWAY AS THE PERMANENT ALIGNMENT ON THE
MASTER PLAN OF STREETS AND HIGHWAYS AND TO REMOVE THE
SOUTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT FROM THE
MASTER PLAN OF STREETS AND HIGHWAYS BETWEEN GRAND TETON ROAD
AND FORT APACHE ROAD, WARD 6 (ROSS)**

APPEARANCES:

OSCAR GOODMAN, Mayor
UNIDENTIFIED MALE IN THE AUDIENCE
CHARLIE KAJKOWSKI, Public Works
JORGE CERVANTES, Public Works
STEVE WOLFSON, Councilman
STEVEN D. ROSS, Councilman
SAM SO, Consultant, Parsons Brinkerhoff
JIM LEWIS, Deputy City Attorney
JOHN MORAN JR., Attorney, Moran and Associates, 630 South Fourth Street
JEFF SILVER, Attorney, Gordon and Silver Ltd., 3960 Howard Hughes Parkway
LARRY BROWN, Councilman
WILLIAM STODDARD, JR., 801 South Rancho Drive, Building D
ALEX McKYTON, 9033 Big Plantation Avenue
EILEEN McKYTON, 9033 Big Plantation Avenue
WENDY HEMMINGWAY-WARM, 8920 Pine Mission Avenue
BOB MORANTO, 3360 West Starview
UNIDENTIFIED MALE SPEAKER
CHARLES LAMB, 1096 East Sahara Avenue
TED RUSSELL, Las Vegas resident

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

30 ROBERT GROESBECK, 5820 South Pecos Road
31 JENNIFER TAYLOR, 8158 Hawk Clan Court
32 TOM McGOWAN, Las Vegas resident
33 CARLOS POLIAK
34 GARY REESE, Councilman
35 MARK FIORENTINO
36 ELIZABETH FRETWELL, Deputy City Manager
37
38 1 hour and 40 minutes
39
40 Typed by: Angela Crolli/Carmel Viado
41 Proofed by: Lean Coleman/Vicky Darling

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

42 **MAYOR GOODMAN**

43 Okay. Item 93 is MSH-2-1-0-1-3. It's gonna be a Public Hearing. The applicant/owner is City
44 of Las Vegas. Request to amend the Master Plan of Streets and Highways to select the northern
45 alternative freeway/expressway alignment known as Mountains Edge Parkway as a permanent
46 alignment on the Master Plan of Streets and Highways and to remove the southern alternative
47 freeway/expressway alignment from the Master Plan of Streets and Highways between Grand
48 Teton Road and Fort Apache Road in Ward 6. The Planning Commission and staff recommend
49 approval. This is going to be a Public Hearing, which I now declare open.

50 Now, this particular item is succeeded by Items Number 94 and 95. We'll consider them after
51 we have a review of Item Number 93. Mr. Kajkowski, you wanna lead off? Let me ask you this
52 folks, we've gotta a packed audience here today. Are, would you, by a show of hands show me if
53 anybody is here on this item that I just read. Okay. All right, fine. I'm just trying to – figure out
54 how we divide the time up here. Is the crowd here for any one particular item, does anybody
55 know?

56

57 **UNIDENTIFIED MALE IN THE AUDIENCE**

58 Ninety-four, ninety-five.

59

60 **MAYOR GOODMAN**

61 Say it again, please.

62

63 **UNIDENTIFIED MALE IN THE AUDIENCE**

64 Ninety-four and ninety-five.

65

66 **MAYOR GOODMAN**

67 You think most of the folks are here for that?

68

69 **UNIDENTIFIED MALE IN THE AUDIENCE**

70 One sixty-one.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

71 **MAYOR GOODMAN**

72 All right. I'm sorry I asked. I – was trying (inaudible) case for everybody, and I – apologize. I
73 will make it as difficult as I can. Okay. Mr. Kajkowski.

74

75 **CHARLIE KAJKOWSKI**

76 Good afternoon, Mayor and Council. Today I have, we – want to make a brief presentation. To
77 lead off our presentations, I have Jorge Cervantes, our City Engineer and he will be followed by
78 our consultant, Parson Brinkerhoff, Sam So. With that, Jorge?

79

80 **MAYOR GOODMAN**

81 Okay.

82

83 **CHARLIE KAJKOWSKI**

84 We need the overhead.

85

86 **MAYOR GOODMAN**

87 Please.

88

89 **JORGE CERVANTES**

90 Good afternoon, Mayor and Council.

91

92 **MAYOR GOODMAN**

93 Good afternoon.

94

95 **JORGE CERVANTES**

96 Jorge Cervantes, Department of Public Works. July of last year we brought before you a request
97 to modify the Master Plan Streets and Highways to add a northern alternate alignment to that
98 plan to give us an opportunity to explore that alignment to see if there was any benefit to look in
99 a different alignment. Since then we've hired the consulting firm of Parson Brinkerhoff to do

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

100 that analysis for us. And we're here today to present the results of the analysis and make a
101 recommendation alignment. But before we get into the results of that analysis, I'd like to just go
102 real quickly over some of the impacts that both alignments have to land around that area.

103 If we look at the overhead, we see the bottom alignment, the current alignment shown in yellow
104 and the proposed northern alignment just above that, shown in multiple colors. And what this
105 map shows, it's the color-coding of different land ownerships. If we see under the southern
106 alignment, we see in yellow, is land that we have today where we have a roadway grant from
107 BLM for the current alignment at that right-of-way. Within that same alignment, you see in
08 green, land that is privately held that we would have to acquire as part of this project when we
109 move forward, if we move forward. Under the northern alignment, we see multiple different
110 ownerships. We see, first of all, in yellow, pieces that are BLM land that we would make an
111 application for, similar as we did in the southern alignment for a transportation grant. We see in
112 green, what are privately held parcels, and I'd like to point that between the north parcel and the
113 south parcel, we have about an equivalent amount of private land that's held out there. And then
114 we see in pink, part of land that the Focus Development Group would be providing to the City in
115 exchange for the relinquishments of our grant on the south side.

116 To go over some of those acreage on this land, if you look at the southern alignment, there's two
17 hundred and forty-five acres of existing BLM land we have grant on. Under the northern
118 alignment, we currently have no BLM land. BLM land that we put in a grant application for in
119 the southern alignment would be for about 20 acres. Under the northern alignment we'd make an
120 application for 83 acres. If we look at the privately held land that we would need as part of this
121 roadway alignment, either one, under the southern alignment we would need 34 acres, where
122 under the northern alignment we would need 33 acres. And then if we look at the Focus held
123 land that we would need for the southern alignment, we wouldn't need anything today since we
124 have a grant there already. Under the northern alignment, from Section one, and just to give you
125 an idea where Section one is, under Section one they would give us 50 acres, I think, per County
126 hold, under the existing Kyle Canyon gateway development.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

127 **MAYOR GOODMAN**

128 When –, excuse me, when you say they, you're talking about Focus?

129

130 **JORGE CERVANTES**

131 That's correct.

132

133 **MAYOR GOODMAN**

134 Okay. Why – don't we refer to them by name rather than by pronoun –

35

136 **JORGE CERVANTES**

137 Okay.

138

139 **MAYOR GOODMAN**

140 – so, I'd appreciate that.

141

142 **JORGE CERVANTES**

143 No problem. Under the northern alignment, from Section one land, Focus would give us fifty
44 acres that they hold. Under the Kyle Canyon Gateway, they would dedicate a hundred and five
145 acres to provide the new alignment. And under their Providence Development, they would
146 provide us six acres from the southern alignment. So, the total land needed for the Beltway
147 under the southern alignment would be two hundred and ninety-nine acres. Under the northern
148 alignment, it would be two hundred and seventy-seven acres.

149 If we look at some of the costs that are associated with both alignments, we see that under the
150 southern alignment we would need additional cost of, for (inaudible) the Iron Mountain Road
151 realignment of about ten million dollars. Under the – northern alignment, we wouldn't need
152 that, and not that there isn't a cost to it, but this just additional cost beyond one alignment versus
153 the other. For our flood control protection, there's an additional cost of about ten million dollars
154 and when we get to the technical session, a lot of these costs would be explained in detail where
155 those numbers are coming from. There would be an additional cost of about ten million dollars

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

156 under the southern alignment versus the northern alignment. Similar for sound walls, there
157 would be an additional cost of about two million dollars under the southern alignment versus the
158 northern alignment. And then for the actual construction of the US95 Mountain Edge Parkway
159 system to system interchange, there's a cost differential of four hundred and twenty-six versus
160 three hundred and seventeen. And again, our technical analysis report will explain why that
161 additional cost. So, if we look at it from the cost savings, one alignment versus the other, we
162 find that the southern alignment will have a construction cost of four hundred forty-eight million
163 dollars versus three hundred and twenty-two million dollars, for a potential savings of about a
64 hundred and twenty-six million dollars for the northern alignment.

165

166 **MAYOR GOODMAN**

167 And that's a savings to our taxpayers?

168

169 **JORGE CERVANTES**

170 That's a savings to the taxpayers, correct.

171

172 **MAYOR GOODMAN**

73 All right.

174

175 **JORGE CERVANTES**

176 If we look just to the summary of the two alignments, under the northern alignment, there is a
177 benefit to the Focus that they pick up 84 additional acres that could be developed for whatever
178 that development is. Benefits to the City, it certainly is to the taxpayers, it's an infrastructure
179 saving of about a hundred and (inaudible) million dollars, and there's additional benefits, that
180 again, I think, I'll let the technical analyst go over, represented here, as well as (inaudible) and
181 more of what we vision as part of this development of being a walkable, sustainable community.
182 And so with that, I'd like to introduce Sam So from Parsons Brinkerhoff to give a report of the
183 analysis of the technical benefits.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

184 **COUNCILMAN WOLFSON**

185 Mayor Goodman, may I ask a question before we move to the next presentation?

186

187 **MAYOR GOODMAN**

188 Certainly.

189

190 **COUNCILMAN WOLFSON**

191 If we can go back to that, that's with Councilman Ross' permission.

92

193 **COUNCILMAN ROSS**

194 (Inaudible)

195

196 **COUNCILMAN WOLFSON**

197 If you can go back to your last chart. The 84 acres of land, that, those acres are identified as of
198 today, correct? We know which 84 acres, do we not?

199

200 **JORGE CERVANTES**

201 That's correct, we do.

202

203 **COUNCILMAN WOLFSON**

204 And if we were to put a fair market value on that land today, what would you guesstimate that
205 would be?

206

207 **JORGE CERVANTES**

208 If – we assume a cost of acreage up there at about half a million dollars an acre, you're looking at
209 about 42 million dollar cost for that.

210

211 **COUNCILMAN WOLFSON**

212 Thank you.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

213 **MAYOR GOODMAN**

214 Yes, Sir.

215

216 **SAM SO**

217 Mr. Mayor, Council members, good afternoon, Sam So, Parsons Brinkerhoff. I'd like to give
218 you, the findings of our technical presentation, in terms of the analysis between the northern
219 alignment and the southern alignment.

220

221 **JORGE CERVANTES**

222 If we get the PowerPoint presentation?

223

224 **SAM SO**

225 Our analysis focuses on a number of items, including engineering as well as environmental
226 issues. We focused on the geometry of the two interchange alignments, construction costs, land
227 use, socioeconomics, air quality, flood control facilities, noise and visual impacts. Let me go
228 over the brief summary of these findings.

229 In terms of the alignment, what we see in terms of the comparison between the southern
230 alignment and the northern alignment, one of the things that we provide with the northern
231 alignment is, we've moved the alignment closer to Moccasin and away from Grand Teton and
232 from Iron Mountain. One of the things that we do is, we provide better continuity between the
233 Kyle Canyon and tying directly into Iron Mountain, which provides for a cost-savings being
234 reflected previously. Mr. Cervantes indicated about a ten million dollar roadway savings. This is
235 a shorter roadway versus the dash roadway that you see in the southern alignment. So, that
236 provide that ten million dollar savings. Additionally, one of the impacts relative to the
237 interchange itself, the system interchange between Mountain Edge Parkway and US95 is that,
238 one of the criteria from the Federal Highway Administration is looking at interchange spacing.
239 There is a proposed future interchange, at Horse interchange, the separation distance between the
240 Horse Interchange and the new system interchange is a little tighter, it's less than a mile, which
241 would require fairly expensive highway grading. What that does is really, it provides for the safe

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

242 operation of weeding, for ingress and egress from the freeway to the arterial system. So, what
243 you end up doing is, you separate the roadways by bridges and by adding these additional bridges
244 and additional roadways, that creates some additional complication.

245 I'll go over some of the findings of why you do have some improvements from the physical
246 perspective. In terms of the cost comparison, in looking at the overall program cost, for the
247 preferred or northern alignment, it's roughly three hundred and seventeen million dollars in the
248 year twenty-twenty dollars. The existing alignment, the southern alignment is four hundred and
249 twenty-six million dollars, and yet that's a saving of approximately a hundred and nine million
50 dollars. And largely that's attributable to the cost of inflation, it's for the longer bridges that you
251 have on the southern alignment versus the – northern alignment. The northern alignment you
252 cross at a better perpendicular angle. The southern alignment is a skewed angle, so your bridges
253 are longer and cost more. There also is an additional right-of-way acquisition for that braided
254 ramp. So, that would also provide an additional 18 acres that contributes to this differential cost
255 between the preferred northern alignment versus the southern alignment.

256 In terms of the community impacts, the southern alignment really impacts the Town Center, and
257 in that – is (inaudible) concept that is really vital for the northwest. Moving it further to the
258 north, to the sou, on preferred alignment, it's much more compatible from that perspective. We
59 talked about, previously, the compatibility of the roadways tying in, but also this provides for
260 better utilization of the park lands. In terms of the southern alignment on that right view, you see
261 some green horizontal lines, those are proposed at arroyos and bikeway trail system. As you see
262 in the dash line for the southern alignment, the, that transportation corridor would bisect these
263 arroyos and trails. Again, by shifting further to the north, we create a better compatibility, in
264 terms of future land use. Mr. Mayor, you have a comment?

265

266 **MAYOR GOODMAN**

267 No, no, I'm sorry. I will have a comment, but –

268

269 **SAM SO**

270 Very good.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

271 **MAYOR GOODMAN**

272 That's fine.

273

274 **SAM SO**

275 I will continue.

276

277 **MAYOR GOODMAN**

278 Did my thinking show that much?

79

280 **SAM SO**

281 Maybe I'm reading too much into you, Sir.

282

283 **MAYOR GOODMAN**

284 No, it's unbelievable, I was thinking for the first time in a couple of weeks. And it's amazing
285 you could read it that way. Good.

286

287 **SAM SO**

88 And I'm having a little difficulty with the clicker here. So, there we go. In terms of getting this,
289 recapping that socioeconomic issue, it does, the preferred alignment, again the northern
290 alignment, does provide for a greater residential employment growth, it provides for a greater
291 community tax base. The existing alignment again, because you see the disruption between the
292 parks system and trail system, it does have some limits, as well as it provides for some impact so
293 potential of the future employment growth.

294 Environmental comparisons; in terms of the overall two system interchanges on, either the
295 preferred alignment or the southern alignment, ultimately when they are fully constructed they
296 will provide the same environmental benefit. However, because of the one hundred and nine
297 million dollar differential in cost, we anticipate that the southern alignment may cause phasing of
298 the full system interchange, which means that the air quality benefits would not be achieved until
299 further years. But the ultimate interchange on other, on either alignment would provide,

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

300 ultimately the same environmental benefit. So, it really be the incremental and when you get to
301 those ultimate alignment.

302 Also the northern alignment would provide a better compatibility with future flood control. The
303 Beltway in itself could really serve and compatible with future flood control improvements;
304 again saving an additional ten million dollars, as seen by Mr. Cervantes' summary previously.
305 Because the northern alignment is through an area that really is beginning to emerge, the need for
306 sound walls is eliminated. Also you do provide for preservation of the vistas of the Red Rock
307 Canyon. So, again, there's some benefit to moving to the north and, I must be technolo,
08 technologically challenged with this specter here. Did I skip it? Is that the last one? I guess that
309 was the last one.

310

311 **MAYOR GOODMAN**

312 All right. Thank you, Mr. So.

313

314 **SAM SO**

315 Thank you, Mr. Mayor.

316

17 **MAYOR GOODMAN**

318 Mr. Cervantes?

319

320 **JORGE CERVANTES**

321 So – given the – analysis that was presented of the technical benefits to the City, it's our
322 recommendation that we move forward with making the northern alignment, the preferred
323 alignment and that we remove the southern alignment from the Master Plan of Streets and
324 Highways.

325

326 **MAYOR GOODMAN**

327 Okay. I – appreciate the presentation and I'll tell you where I'm coming from, and I do this with a
328 great deal of forethought. This transaction will affect the future of the northwest. It will have the

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

329 same kind of impact, if not a greater impact, on the development of the City of Las Vegas'
330 Summerlin is at. And it's a massive project. It's a project that's going to last over years and it's
331 going to be the subject of discussion as time goes on.

332 And I have to say this, when I was first elected, I came into City Hall and there was a debate
333 taking place, a debate which was ultimately lost and which has had far reaching ramifications
334 eight years later with a vote being taken by the public concerning eminent domain. The
335 legislature discussing eminent domain, groups being formed to define eminent domain and to, in
336 effect, address the (inaudible) decision out of the Supreme Court involving eminent domain and
37 the State of Connecticut. And what had happened here in the City is, when I came on board, I –
338 was embroiled, through no fault of my own, because I wasn't the elected official sitting in this
339 chair at the time that it was taking place, with Neonopolis and the taking of property from the
340 Pappas Family, a private entity, and given to the Neonopolis developers, who were another
341 private entity, and it was subject to a great deal of criticism and it really slowed down much of
342 what the City was doing. It was basically getting into a boxing ring and having ourselves beat up
343 day after day, after day by the local media, and maybe rightfully so, maybe not, but nevertheless
344 it was distracting.

345 So, there're – two areas that I would like to have addressed today, to, hopefully, to my
346 satisfaction before we go forward with this. And one is, whether or not this is eminent domain in
347 the sense that there is a taking from private persons to the benefit of other private persons. And
348 where I get into that issue is on the overview of summary of benefits of northern alignment with
349 the Focus' benefits, they'll receiving eighty-four acres of land worth forty-two million dollars,
350 whether that is a taking from private and giving to private, which this Council has taken the
351 position on, unwaveringly, that we're not going to engage in that kind of process. It's one thing
352 needing roads and taking property and paying fair market value for that property in order to
353 continue development. But I think, I know it's my philosophy, and I believe it's the philosophy
354 of all of us up here, that we're not going to engage in the taking of private property and giving it
355 to private property. The other, and this goes, and I'm not gonna hold anything back here, to the
356 allegations that somehow Billy Walters, and he's a friend of mine, and I make no bones about
357 that, somehow had sweetheart deals with the City of Las Vegas. And that was the subject of

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

358 some criticisms. So what I would like to hear is I'd like to hear the analysis, if you're able to
359 give it today, regarding eminent domain, private to private, and benefits there, and whether or not
360 this is a sweetheart deal for Focus.

361

362 **JORGE CERVANTES**

363 And – with that, Mayor, I'd like to defer to our legal counsel; he'll answer that for you.

364

365 **MAYOR GOODMAN**

66 Okay.

367

368 **JIM LEWIS**

369 Mr. Mayor, hello. Good afternoon, Council. My name is Jim Lewis. I'm with the City
370 Attorney's Office. I might ask first, Mayor, if you'd like to hear from the public with regards to
371 these issues because I know you will hear from some, or if you'd like to hear my presentation to
372 begin.

373

374 **MAYOR GOODMAN**

375 Well, I think it's fair that we hear from the public and then you would be able to put what they
376 say in context to address my concerns, and, I believe, the concerns of some others, (inaudible) all
377 the Council members, on those two issues.

378

379 **JIM LEWIS**

380 Thank you, Sir.

381

382 **MAYOR GOODMAN**

383 All right. Mr. Moran, did you want to be heard?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

384 **JOHN MORAN, JR.**

385 Yes, I did, Your Honor. Good afternoon Council, Mayor, John Moran, Jr., 630 South Fourth
386 Street, Moran Law Firm. Basically, speaking, I'm going to keep this as short as I can. I'm here
387 today to represent a client that has property that would be adversely impacted, if in fact, a
388 northern alignment went forward. I've already had occasion to speak most of the, to the Council
389 and – therefore, I'm not going take a lot of time up here today to repeat a lot of the things that I
390 said. But I do have to make a record for our client, and I would appreciate the courtesies of the
391 Council in allowing me to do that.

92

393 **MAYOR GOODMAN**

394 Certainly.

395

396 **JOHN MORAN, JR.**

397 First of all, my clients, and if I can have the overhead here, I don't know if this will show on
398 here, but here – we go with the proposed north alignment right here.

399

400 **MAYOR GOODMAN**

01 It's not – on there yet. It's not on the overhead yet.

402

403 **JOHN MORAN, JR.**

404 Okay.

405

406 **MAYOR GOODMAN**

407 There it is.

408

409 **JOHN MORAN, JR.**

410 All right. In any event, this – here is the Mountain Edge Parkway and as you can see, Mr. Mayor
411 and Council, this is the proposed alternative right here. This is the north alternative that we
412 oppose, which is before you today. My clients' property is approximately 10 acres, right here

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

413 that this new alternative would go right through the middle of. I – think you can all see this. My
414 – clients bought this property in 1979, so they're not land speculators. They've had this a long
415 time; they've held it a long time.

416 My law firm got involved in this when my clients brought to my attention, and basically they
417 have been approached by a group to acquire that property, and they were offered and the
418 negotiations were about five point four million. That offer evaporated, was followed by another
419 one that was in writing to the tune of five point two/eight million dollars for this property. That
420 was pulled off the table as well because of the fact that the proposed alternative, which did not
21 affect my clients, then this discussion started in '06 that there was going to be a new alignment
422 that would go through the middle of the property and, naturally, the prospective buyers for that
423 amount weren't interested in buying a piece of property that had a new freeway going through the
424 middle of it.

425 Now, I had correspond, and I'm asking you, like I said, I'm going to shorten this up, 'cause
426 there's a lot of other people with other important issues. But I wanted to make sure that the
427 record reflects that back on June 7th, we wrote a letter to NDOT. I had previously sent that letter
428 out to the Council, as copies have been introduced to the Planning and – other hearings, that
429 basically set forth the fact that we were very concerned about the status of this. And in light of
30 the Focus Group that had originally acquired property from the BLM right here that had a
431 freeway going through it, and now was proposing to have this moved to the City onto our
432 property freeing up the Focus Group property. That letter was June 7th to the Nevada
433 Department of Transportation as well.

434

435 **MAYOR GOODMAN**

436 What year?

437

438 **JOHN MORAN, JR.**

439 Of – '06, June 7th of '06, I wrote to the Nevada Department of Transportation and laid this out. I
440 received a letter back from them, that's previously been introduced to the record, on June 27th
441 that basically NDOT told us that, in so many words, doesn't matter because there's no federal

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

442 funds to do that. I corresponded, Mr. Mayor, with you and the City Council again on July 17th,
443 two thousand and six, and again, pointed out and sent a letter to you and the Council that we've
444 discussed that basically set forth our position.

445 One point that I – wanted to point out is the fact that, this here, if I can go back over this
446 document here, this is a Kyle Canyon Acquisition document. This is the, where the freeway is
447 now, where's proposed to go, these are their documents, their – information. This is Kyle
448 Canyon by Kyle Canyon Acquisition Group, and what it basically says is, it gives a chart how
449 many acres they get if this proposed freeway system is moved and taken through somebody else's
450 location and not theirs, opening up their whole development without having the burden. So,
451 what it shows here is that they're gonna pick approximately seventy-three acres, I know they said
452 today seventy-seven, and that's going to be a windfall for them. And, you know, that's fine, but
453 we don't believe that it's proper to move those, that freeway system onto other private property
454 owners, which as you can see here, there's a lot of 'em in this area that have been there a long
455 time, and then free up a piece of BLM land that was acquired and move that onto other people's
456 property. We – think that that's a taking, that constitutes a taking. I had contacted Margo
457 Wheeler by correspondence and also telephonically recently, and I pointed out to her that I was
458 concerned because of the fact that there was a price, two prices that had been offered this
459 property that were pulled off the table. And that at the end of the day when the developmental
460 agreement is signed, that it would obligate the City to buy out those private people with taxpayer
461 monies to satisfy the movement of that off of Focus Group's property onto the private owners.
462 Having said that, all these are in the record. I'm not gonna continue to go on with it, but that I
463 am strongly opposing the taking of private property. Even if the City decided in the future that it
464 was not going to go or was going to scrub this proposed north alignment that goes through my
465 clients' property, until that determination was made, it would be very difficult for my clients'
466 property to be sold to anybody, because nobody's going to buy a piece of property that has a
467 proposed freeway going through the middle of it. That would constitute a taking, that would
468 constitute a negative impact because nobody's going to buy a piece of property that now becomes
469 subject to a different freeway access and – basically allowing Focus to go ahead and do their

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

470 project, which I'm sure it'll be probably beautiful, but not to the detriment of my clients. Thank
471 you.

472

473 **MAYOR GOODMAN**

474 Thank you very much. Mr. Silver?

475

476 **JEFF SILVER**

477 Thank you, Your Honor and members of the Council. My name is Jeff Silver, 3960 Howard
78 Hughes Parkway. I represent two clients in this matter. There are others, of course. I'm going to
479 refer to them as the Beltway Boys because, although they didn't start out wanting to be the
480 Beltway Boys, they're in the middle of this Beltway now, as you can see in the red. One client is
481 under an overpass and the other client is right in the middle of the centerline.

482 The – reason that we are here today is because there have been some, a series of hearings
483 conducted in two thousand and one to two thousand and four where the County, the State, the
484 City, NDOT all got together with BLM and so on, and talked about the development of a piece of
485 BLM land. And it was agreed at that time, after those hearings that this southern alignment was
486 the preferred alignment for that property. At that time everyone had an expectation that that's
487 where the Beltway was going to go, and the reason why it was there is because it affected very
488 few property owners, other than the BLM. And the BLM was later contacted, after that fact, to
489 free up that property to allow it to be sold and – at that time that the City agreed that there would
490 be an annexation of that particular parcel.

491 In two thousand and five, in February, that property was sold in a BLM auction and the buyer
492 was Focus. They paid two hundred and ninety-eight thousand dollars and some change for the
493 property, for each acre.

494

495 **MAYOR GOODMAN**

496 Two hundred and ninety-eight million.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

497 **JEFF SILVER**

498 Excuse me, two hundred and ninety-eight thousand per acre.

499

500 **MAYOR GOODMAN**

501 Oh, per acre.

502

503 **JEFF SILVER**

504 And at that time, the reason why they paid two hundred and ninety-eight thousand dollars an
05 acre, which I understand, based upon some other information that I read, where the City of Las
506 Vegas, the average acreage price was approximately five hundred and seven hundred thousand
507 dollars an acre, is because it was burdened by the southern beltway alignment that had previously
508 been placed there in – hearings that took place, I guess, in years previously. Those hearings that
509 took place were well documented, open hearings.

510 Now, there's an old saying that says, what's good for the goose is good for the gander, and I
511 suppose there's a lot of good things about that particular project to be able to design a master
512 plan development from a clean slate. The inverse of that, perhaps using the word inverse
513 condemnation of that is, what's bad for the goose is even worse for the gander, because what we
14 have here is a situation where this property is being unburdened by this alignment and is now
515 being burdened by these poor, unsuspecting homeowners who bought these parcels, 10, 15, 20
516 years ago. And as you'll hear from other people today, you expected to utilize those properties
517 either for their retirement savings or otherwise to make a substantial sum of money. These
518 aren't, for the most part, flippers. These are people who held this for a long period of time who
519 had much greater insight than I did, in terms of buying property in the City of Las Vegas.

520 So, what is happening here is, this development gets the benefit of moving this freeway to these
521 guys over here who thought that they were free and clear from any of those issues. Now, will
522 this property be land banked, and that's, I think, a major question that has to be answered here
523 because, Mayor, what we've heard from the City Attorney up until now is, this does not
524 constitute a condemnation. This is only a plan. This is a, an illusion. This is only proposed, so
525 you can go on with your business, go on with your lives, there's nothing to see here. Go get

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

yourself a use permit. Go build on your property. Do whatever you wanna do. Well, the fact of the matter is, is that in the real world that can't be done when you have a published alignment in a Master Street and Highway Plan that originally only affected the Focus Group and now affects a number of private property owners.

Now, you – asked for some information regarding the legalities. I've done some research on this, and the general rule is that the approval of the Master Plan alone does not entitle the property owner the compensation for inverse condemnation, this is what Mr. Lewis is going to tell you, unless, unless the Municipality's action are indicative of an unequivocal intention to take. Number two, significantly interfere with the use and enjoyment of property or number three, end up significantly depreciating the value of the property. And that's exactly what, I think, we have here.

MAYOR GOODMAN

Do you have a citation for it?

JEFF SILVER

Yes, the case on that is, *People v. Jones*, 22 Cal 3d 1-44, it's a 19-78 case. Now, what are the indications of an unequivocal intention to take, of course, that was – discussed in the Carson Street matter with Mr. Pappas. In that case the City entered into a condemnation order; that's certainly is unequivocal. And what Mr. Lewis will tell you is that there isn't any unequivocal, equivocable (sic) intention to take the property until we actually let a contract out for the construction of the road.

Now, what happens in the mean time? I noticed that in the par, Parson's Brinkerhoff studies they're referring to purchases in the twenty-twenty range. Well, twenty-twenty is seven year, twenty-twenty is – thirteen years from now. So, what – the Parson's Brinkerhoff study is saying is that, you guys are going to be saddled with this Master Streets and Highway Plan on your property, where you're in the middle of the centerline or under an overpass until 2020 when we think we might be able to finance this thing and take your dough, and take your property and give you the dough. We have no other buyers, no other possibilities of acquiring, selling this property

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

555 until now. So, that, I think, is an unequivocal taking, land banking is significant interference
556 with the use and enjoyment of this property.

557 Now, the last point I wanna make on the legal side is that, the Kelo decision you referenced
558 earlier. Of course the Kelo decision was not a favorable decision for private landowners because
559 what the decision held is that in that particular case, the city government did have the right to
560 take a piece of private property and turn it over to the – benefit of another private developer.
561 And the purposes behind that, obviously is, we increase the tax base, we have efficient urban
562 planning and –

63

564 **MAYOR GOODMAN**

565 It was redevelopment.

566

567 **JEFF SILVER**

568 – the –

569

570 **MAYOR GOODMAN**

571 It was a redevelopment.

72

573 **JEFF SILVER**

574 It was a redevelopment issue, of course. So, in this particular case, do we – exactly meet those
575 kinds of terms. I know that the – political people in this community has chewed the idea of
576 taking private property for private purposes. That's not their intent because we're out west and
577 we – believe in the man's home is his castle, but in this particular case, the Justice that was the
578 swing vote on it, Justice Kennedy, did make a comment about how perhaps the court would view
579 future takings of this nature. And what Justice Kennedy said was he strongly implied that there
580 would be a more demanding standard of review applied to that sub set of economic development
581 takings where there is, quote, a plausible accusation of impermissible favoritism to private
582 parties. And that accusation, according to Justice Kennedy should be treated as a serious one and
583 the trial court should review it as if – it did have merit.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

584 I mean, that was the second part of your question is, do – we have a sweetheart deal here? Well,
585 the only thing I can say is that, this development has been on-going for a year and nine months or
586 more. When you look at your development agreement, it had everything down to a ness
587 eyebrow. They were talking about the – fire sprinklers in the building.

588

589 **MAYOR GOODMAN**

590 Well, that's a big deal.

591

92 **JEFF SILVER**

593 It is a very big deal, but it shows you the minutia to which this agreement has been negotiated
594 without the input of the general public and without any conversation, apparently, about whether
595 this road was even gonna be there. For a year and nine months the City staff has been negotiating
596 with this developer, talking about a parcel of land as if it did not have this road interfering with
597 that development. And I think that for that – reason alone, there certainly is a bias on behalf of
598 the City not to examine two alternate alternatives. Did Parsons Brinkerhoff look at this thing in
599 some kind of an impartial and independent way or were they instructed to find a reason, any
600 reason, socioeconomic, environmental, flood control, you name it, to justify giving this property
'01 away to this developer. Now, in July, and I'm gonna finish up real quickly, because I know my
602 time –

603

604 **MAYOR GOODMAN**

605 No, that's fine.

606

607 **JEFF SILVER**

608 – is short.

609

610 **MAYOR GOODMAN**

611 No problem.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

612 **JEFF SILVER**

613 This – matter was heard in July of two thousand and six before this Council, and I listened to that
614 hearing. What happened at that hearing was, we talked about the, that we were going to explore
615 in more detail the feasibility of this new alignment. In May of two thousand and six they have,
616 they had a workshop in North Las Vegas and they talked about the possibility of this alignment
617 coming on. And at that time the City said, well, we have money –

618

619 **MAYOR GOODMAN**

620 Which City?

621

622 **JEFF SILVER**

623 The City of Las Vegas.

624

625 **MAYOR GOODMAN**

626 Okay, but you said the workshop was in North Las Vegas?

627

628 **JEFF SILVER**

629 I believe so, because this, I think this parcel affects North Las Vegas. I might be mistaken.

630

631 **MAYOR GOODMAN**

632 All right.

633

634 **JEFF SILVER**

635 So, at that time a representative of the City, Mr. Fultz, who's our Traffic Chief, said that there
636 was money in the budget to buy out these land holders, and everyone said okay, as long as I know
637 there is an excess strategy for me, I think it's okay. Well, let's hear what they have to say. But
638 what – we find out now is that in Mr. Moran's conversation with NDOT and the City is that there
639 isn't any money to buy, to build this road or to buy out these property owners. And in essence
640 these people are going to be forced to land bank.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

641 Now, the comments that were made at this July hearing was, we are not gonna decide whether or
642 not landowners can sell or whether there is a condemnation. There's gonna be full public
643 comment later. Well, is this the later because there hasn't been any public input on that northern
644 alignment beltway plan, except at the Planning Commission two weeks ago and right here, right
645 now.

646

647 **MAYOR GOODMAN**

648 And that's something I'm gonna wanna ask about because I received e-mails from folks in the last
649 two days saying that there were no public hearings. I've been told by City staff there were
650 multiple public hearings. So, I wanna get to the bottom of that too.

651

652 **JEFF SILVER**

653 Okay.

654

655 **MAYOR GOODMAN**

656 Good.

657

658 **JEFF SILVER**

659 You know, we didn't –

660

661 **MAYOR GOODMAN**

662 Mr. Lewis, you'll fill me in on that too? Not now, when you get up; public hearings.

663

664 **JIM LEWIS**

665 Certainly, we will – do so.

666

667 **JEFF SILVER**

668 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

669 **MAYOR GOODMAN**

670 All right. That's very important –

671

672 **JEFF SILVER**

673 I – believe Your Honor stated that we were a long way down the line, back in July of two
674 thousand and six. Your – comment was that we can tell them, at that time, whether to jump in
675 the lake or whether or not we're gonna go for this deal. I think though, you know, it was a
676 euphemism you used. So I'm saying, let's look at what happened. How coincidental that thirty-
677 four acres were gonna have to be taken of private property under the old plan and thirty-four
678 acres are gonna be taken under the new plan, of private property. Is that just a coincidence or did
679 Focus buy some property knowing that they were gonna have to do a swap, a horse trade, and
680 then stop buying property when an, the, equal the amount of property that they thought would
681 have to be bought – under the old plan. Yet at the same time they're picking up property that's
682 worth anywhere from five hundred thousand dollars an acre to six, seven hundred thousand
683 dollars an acre. And it seems to me that if Focus wants this deal, they need to go, approach all
684 these private owners now, buy the property and don't make us land bank it. Thank you.

685

686 **MAYOR GOODMAN**

687 All right. Thank you.

688

689

690 **COUNCILMAN BROWN**

691 Your Honor, may I ask Mr. Silver –

692

693 **MAYOR GOODMAN**

694 Yeah. Sure. Yes, Sir.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

695 **COUNCILMAN BROWN**

696 – a question? Comment first. The – thirteen-year differential, regardless of what alignment
697 we're talking about, I don't, that doesn't bother me at all. We, I think we approved the US 95
698 expansion in 19-95 and thirteen years later we – think it's gonna be finished. So the thirteen-year
699 issue is actually proactive from a streets and highways standpoint, probably the most proactive
700 we've been and, if I'm not mistaken, the original charettes on this outer beltway happened years
701 ago. But let me ask you this because I – appreciate what you have spoken about. What
702 differentiates, and separate from your clients or Focus or the City, what would differentiate the
03 34 acre private ownership under the existing alignment versus the proposed alignment?
704 Wouldn't – they be able to come in and – speak to some of the same issues as you're speaking
705 to?

706

707 **JEFF SILVER**

708 Well, I think the differentiation, from – my perspective, is that these people here who are private
709 property owners and I don't know who they are, whether they're Focus or whether they're
710 somebody else. They had three years of hearings from two thousand and one to two thousand
711 and four to voice their concern about a BLM property adjacent to them having an alignment
`12 through it. On the other hand, my client who has intentions to sell property and to Mr. Moran's
713 client who actually got into contract with Focus and then had them renege on their deal, we only
714 had two weeks. We've had two weeks. That's the difference.

715

716 **COUNCILMAN BROWN**

717 Thank you.

718

719 **JEFF SILVER**

720 Thank you.

721

722 **MAYOR GOODMAN**

723 Mr. Silver, do you have that Jones case with you or a synopsis of it that you're able to provide?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

724 **JEFF SILVER**

725 No, I did – not bring it with me, but I certainly could provide –

726

727 **MAYOR GOODMAN**

728 Can you provide those standards? I'd – like to see those three standards if I can get those.

729

730 **JEFF SILVER**

731 I'll give you a copy of my notes.

32

733 **MAYOR GOODMAN**

734 I'd be happy to get those.

735

736 **JEFF SILVER**

737 All right.

738

739 **MAYOR GOODMAN**

740 If you'd hand 'em to the Clerk, I don't want to invade –

'41

742 **JEFF SILVER**

743 Can I get 'em back because I don't wanna necessarily want to–

744

745 **MAYOR GOODMAN**

746 Absolutely not.

747

748 **JEFF SILVER**

749 – having it flying around.

750

751 **MAYOR GOODMAN**

752 Once we get something, we don't give it back.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

753 **JEFF SILVER**

754 Thank you. I don't, I'm not asking that it be made – a part of the record.

755

756 **MAYOR GOODMAN**

757 No, it's not made part of the record. I just want it for my review.

758

759 **JEFF SILVER**

760 Okay.

61

762 **MAYOR GOODMAN**

763 I'll give it back to you after the hearing.

764

765 **JEFF SILVER**

766 It does discuss pro and con in there and I have no problem with your –

767

768 **MAYOR GOODMAN**

769 Well, I don't – want to invade your work product. I just wanted those standards. If – you'd like

770 to –

771

772 **JEFF SILVER**

773 All right. Let me – excise that.

774

775 **MAYOR GOODMAN**

776 Fine. That's fair.

777

778 **JEFF SILVER**

779 Thank you.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

780 **MAYOR GOODMAN**

781 Thank you.

782

783 **JEFF SILVER**

784 It's a good thing you're a lawyer and you understand why –

785

786 **MAYOR GOODMAN**

787 I do understand. Believe me.

88

789 **JEFF SILVER**

790 Thank you.

791

792 **MAYOR GOODMAN**

793 Yes, Sir. Did you wanna speak –

794

795 **WILLIAM STODDARD, JR.**

796 Yes, Sir.

'97

798 **MAYOR GOODMAN**

799 – to the project? Okay. Please identify yourself for the record and tell us who you're
800 representing.

801

802 **WILLIAM STODDARD, JR.**

803 You bet. William Stoddard, Jr., 801 South Rancho Drive, Building D, Las Vegas, Nevada,
804 89106. I represent two of the property owners affected by this matter who are the Tomcat LLC
805 and the Moccasin and 95 LLC which own the two properties that are highlighted here in yellow.
806 And those are, for the record, Assessor's Parcel Numbers 1-2-6 dash O-1 dash 5-O-2 dash O-O-2
807 and O-O-3. I think that the concerns of my clients are pretty clear from taking a quick look at the
808 map. As you can see, the proposed realignment will run right through the middle of their

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

809 property, leaving two things. Number one, it will, you know, obviously, take half of their
810 property, leaving an unuse (sic), a completely unusable remnant to the north, also land-locking
811 that property so that there's no means of access to that property. And so the concerns that my
812 clients expressed to me and wanted me to make a record of here today are that, you know,
813 obviously, in light of this proposed realignment, there is going to be a significant amount of
814 difficulty with them using their property, accessing their property. And obvious, with respect to
815 any proposed sale of the property, my clients echo the concerns that have been voiced by Mistrs
816 (sic) Moran and Mr. Silver. And just to be brief, I guess, the issue that I would like to hear
817 addressed from the City Attorney with respect to this matter are the matters, are the questions
818 that have been raised, which include, number one, how in the world are we going to deal as a
819 City Council with prospective land use applications for properties such as ours which are directly
820 and immediately affected and directly in the middle of this proposed interchange. If we come in
821 for a Special Use Permit or a land development application, are we actually going to be able to
822 develop this property in light of the fact that we know that this is going on, if indeed this issue is
823 approved, number one. And the other issue is, how do we sell this property? How do we market
824 this property? Obviously issues that have been encountered by other of the people that have
825 been, that have spoken here. And so I'd just like to express those concerns and make that record.
826 Thank you very much.

827

828 **MAYOR GOODMAN**

829 Thank you. I appreciate that. Yes, sir.

830

831 **ALEX McKYTON**

832 Alex McKyton, 9033 Big Plantation Avenue. It's up in the northwest. I am opposed to having
833 the alignment changed. It's been with the City. It should be kept. Thank you.

834

835 **MAYOR GOODMAN**

836 All right. Thank you very much for coming down. Yes, Ma'am.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

837 **EILEEN McKYTON**

838 My name's Eileen McKyton, his wife. 9033 Big Plantation Avenue, Spring Mountain Ranch.
839 And I am opposed to changing the alignment. The Focus Group bought the land that way. They
840 should keep it that way. I see no reason to give them the advantage of making their property
841 worth much more than it was when they bought it, just by realigning it and hurting other
842 neighbors.

843

844 **MAYOR GOODMAN**

845 Thank you, ma'am. Yes, ma'am.

846

847 **WENDY HEMMINGWAY-WARM**

848 Hi. My name's Wendy Hemmingway-Warm and I live at 8920 Pine Mission Avenue in the
849 Spring Mountain Ranch subdivision. I moved here to this area about a year ago and I asked my
850 realtor, what's going on in my neighborhood. Is this all open space? Is this, you know, I wanted
851 to be away. I wanted to be near open space. I moved here from outside of Aspen, Colorado and
852 I lived on the highway that goes up to Aspen, 20 miles away. It was pretty nice. The highway
853 gets noisy but, personally, I'd rather live near a highway than near density of housing and
854 apartment complex and that so forth. I would personally rather have the highway stay where it
855 was planned and, therefore, do not, for you not to infringe upon the property rights of others. I
856 just wanna be heard.

857

858 **MAYOR GOODMAN**

859 'Kay. You had that opportunity. Thank you.

860

861 **WENDY HEMMINGWAY-WARM**

862 Oh, wait – and also the only time I was aware of a public meeting about this whole development
863 was in December of 2006.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

864 **MAYOR GOODMAN**

865 And how did you become aware of that?

866

867 **WENDY HEMMINGWAY-WARM**

868 I became aware of that because I recently got on the board of my homeowners' association. I
869 was voted in, in December, and I was made aware of it from the president of the board. And
870 there was a newsletter circulated in our subdivision. And that is the only reason I was made
871 aware of what is going on in my community 'cause I live just outside of the 1000 foot radius for
72 public notification.

873

874 **MAYOR GOODMAN**

875 'Kay. Thank you.

876

877 **BOB MORANTO**

878 Bob Moranto, 3360 West Starview. I own this piece right here. I got one question. Is there
879 gonna be a sound wall on the north side of the highway or those people that live out there SOL?

880

81 **MAYOR GOODMAN**

882 I was under the impression –

883

884 **BOB MORANTO**

885 Do you know?

886

887 **MAYOR GOODMAN**

888 I was under the impression that on that side there would not be a sound wall.

889

890 **BOB MORANTO**

891 So they won't have no sound wall?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

892 **MAYOR GOODMAN**

893 That was my impression.

894

895 **BOB MORANTO**

896 If – they're, another question. If they're so concerned about –

897

898 **MAYOR GOODMAN**

899 Correct me if I'm wrong. Am I wrong, Mr. Cervantes? I thought on the north side, there's no –

00

901 **UNIDENTIFIED MALE SPEAKER**

902 Correct.

903

904 **JORGE CERVANTES**

905 Mayor, there would be sound walls where there were, we showed the cost savings of the sound

906 walls whereas adjacent to the Red Rock Conservation Area where there would be no

907 development. It's only adjacent to any development there would be sound walls to mitigate that.

908

09 **MAYOR GOODMAN**

910 I see that.

911

912 **BOB MORANTO**

913 Which is right here?

914

915

916 **JORGE CERVANTES**

917 That's correct.

918

919 **BOB MORANTO**

920 Okay. But the highway's turning right here anyway, right?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

921 **JORGE CERVANTES**

922 No – it's here.

923

924 **BOB MORANTO**

925 It's turning straight. Okay.

926

927 **JIM LEWIS**

928 Look, Mr. Mayor, if I – may say one thing –

29

930 **MAYOR GOODMAN**

931 Yeah.

932

933 **JIM LEWIS**

934 – to clarify this. There – is no project now for this northern alignment, so we don't know
935 whether or not there would be sound walls. What I'm hearing from our Public Works
936 Department is generally speaking, in, when we have alignments such as this, there would be
937 sound walls on both sides of the road.

38

939 **MAYOR GOODMAN**

940 That's correct.

941

942 **JIM LEWIS**

943 But it's important for us to understand that there is none, there is no project right now on the
944 table. I just wanna make that clear for the Board.

945

946 **BOB MORANTO**

947 My other question is if the road does go right here –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

948 **MAYOR GOODMAN**

949 That's an issue, isn't it?

950

951 **BOB MORANTO**

952 – because of the skew and all this property's owned by one person –

953

954 **MAYOR GOODMAN**

955 Do that again, please. I – was thinking again. I shouldn't think. Could – you say that again?

956

957 **BOB MORANTO**

958 You ready? If they're gonna save a 100 million dollars by the angle of this northern alignment

959 and Focus owns all this property, why don't they just skew that the same way and save a 100

960 million dollars for the City? Or is that not possible, either? See I'm against the prop, the road

961 going through my property. I bought it back in '79.

962

963 **MAYOR GOODMAN**

964 We appreciate this.

965

966 **BOB MORANTO**

967 You know, in '89, I was going to sell it and I brought the contract over to my dad, had him look

968 at it. I was only thirty-four at the time. He goes, why you selling it. He says, I said, because I'm

969 a triple my money, you know. He says, why don't you wait 'til you retire. It's gonna be worth a

970 lot more money. And you don't need the money right now, which, you know, I did not sell it.

971 I'm not ready to retire right now. Thank you.

972

973 **MAYOR GOODMAN**

974 Okay. Thank you.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

975 **CHARLES LAMB**

976 Good afternoon, Mr. Mayor, Council. My name is Charles Lamb. I'm 1096 East Sahara. My
977 family has a property which gonna be impacted by the proposed freeway and highway here. I
978 have voiced my opposition to the proposed northern alternative at the Planning Commission, so
979 as I reiterated today, at your Council here, just for – the sake of it. I – know that once the
980 highway impact (sic) my property, then I would be in limbo, that, you know, I cannot do anything
981 with the property for the next ten years or so, as I understood from Mr. Silver. So that's what,
982 you know, I'm worried about. And also, I got, commend your speech at the, before the
83 presentation here regarding the taking of private property and give it to another private owner.
984 That's what my concern is. Thank you.

985

986 **MAYOR GOODMAN**

987 Thank you for coming down. Yes, sir.

988

989 **TED RUSSELL**

990 Good afternoon, Mr. Mayor, Council. My name is Ted Russell. I'm a resident of Las Vegas. On
991 the basis of what Your Honor submitted as our experience with eminent domain, the questions
92 that you posed, I have to say that I'm entirely in favor and agreement with the logic and the
993 pragmatics, the legalities of the attorneys. I should have brought my glasses. I agree with Mr.
994 Moran, Mr. Silver, Mr. Steed and Mr. Stoddard. It's, there's a sense that those people who did
995 buy these properties where the, on the southern basis, the BLM land, all of a sudden this – I see
996 what Focus is doing. I'm against what Focus is doing. Thank you.

997

998 **MAYOR GOODMAN**

999 Thank you for coming down. Yes, Sir.

1000

1001 **ROBERT GROESBECK**

1002 Thank you, Your Honor, Councilmembers. Robert Groesbeck, 5820 South Pecos Avenue. And
1003 I'll be very brief, Your Honor. I – would like to incorporate Mr. Moran's, Mr. Silver's, Mr.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1004 Stoddard's records into my comments. Just briefly, our position may be a little more unique than
1005 what we've heard previously today. We've actually had an application pending in Clark County.
1006 And we have a proposed use. We're – kinda, the northern alignment certainly takes our property
1007 and if I may –

1008

1009 **MAYOR GOODMAN**

1010 Where is your property?

1011

1012 **ROBERT GROESBECK**

1013 Right in this vicinity, Your Honor.

1014

1015 **MAYOR GOODMAN**

1016 All right.

1017

1018 **ROBERT GROESBECK**

1019 And for the record, I represent the Carolina (inaudible) Trust and, you know, it's our position, it's
1020 been our position that the current Kyle Canyon roadway is – conducive to commercial
1021 development out there. And as I said, we've made application before the County. We pulled that
1022 back, in fact, we were instructed by the County to work with the City in light of the annexation
1023 that's proposed for this parcel and others. And our concern is simply this and – I think Mr. Silver
1024 hit it right on the head and – Councilman Brown doesn't have a lot of concerns over that, but the
1025 – timeframe here, looking out thirteen years in the future, that has a dramatic impact on our
1026 ability to move this forward. We just want the opportunity to be heard on an application. We'd
1027 like to build our facility. We think it's conducive to the area. I – commend Focus on what they
1028 want to do out there. I think it's gonna be a wonderful amenity for the entire city. It's just, I –
1029 think we are rushing to judgment, so to speak. This is a fairly new idea, this alignment is – very
1030 new to us and we'd like some time to study that. And – if I may, Your Honor, if you could direct
1031 the staff, I just got a couple questions. One is there were some comments as to valuation. I –
1032 heard the number five hundred thousand an acre. And I don't know where that number came

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1033 from. I'd certainly appreciate if staff could clarify that into the record. I, I've seen parcels much
1034 further to the west that are in five hundred thousand acre range. Parcels down here adjacent to 95
1035 now, I'm seeing numbers from seven hundred and fifty thousand, well over to a million an acre.
1036 And I, I'd be real curious where we're getting that number. Having personally been down the
1037 condemnation road before for clients, it's not a pleasant road to go down. And we're hopeful
1038 that the Council will look at this in the big picture and not rush to judgment and allow us to put
1039 our property to its highest and best use.

1040

1041 **COUNCILMAN BROWN**

1042 Your Honor.

1043

1044 **MAYOR GOODMAN**

1045 Good. Excuse me. Councilman.

1046

1047 **COUNCILMAN BROWN**

1048 Mr. Groesbeck, you can clarify your comment about my comments to Mr. Silver, but to Mr.
1049 Silver, he was enlightening me not only in last week's briefing but this morning's, so I don't
1050 know where your comment's coming from. Where – is your property?

1051

1052 **ROBERT GROESBECK**

1053 We're right over Oso Buco –

1054

1055 **COUNCILMAN BROWN**

1056 Would you point it out on this map?

1057

1058 **ROBERT GROESBECK**

1059 Right in this area.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1060 **COUNCILMAN BROWN**

1061 So you – may be impacted by either alignment.

1062

1063 **ROBERT GROESBECK**

1064 Well, Councilman, and certainly I didn't mean to misterconstrue (sic) your comments, but no. I

1065 – don't know if we'd be, may, because the way we look at this. I haven't seen a survey or an

1066 engineer diagram of this take, the proposed take, but under either alternative, under this northern

1067 alignment, it looks like it would certainly take more than half our property. That would be a full

68 take, at least the way we look at it.

1069

1070 **COUNCILMAN BROWN**

1071 Thank you.

1072

1073 **MAYOR GOODMAN**

1074 All right.

1075

1076 **ROBERT GROESBECK**

77 Thank you.

1078

1079 **MAYOR GOODMAN**

1080 Where do we, I think that's a fair question. Where do we come up with the 500,000 an acre

1081 valuation? Where was that number derived from? No.

1082

1083 **CHARLIE KAJKOWSKI**

1084 The – Focus purchase was, as you heard, two, two hundred ninety-eight, two hundred ninety-

1085 eight thousand an acre. We – were just taking a guess. We –

1086

1087 **MAYOR GOODMAN**

1088 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1089 **CHARLIE KAJKOWSKI**

1090 We haven't done any appraisals.

1091

1092 **MAYOR GOODMAN**

1093 That's a fair answer. That's fair. Yes, Ma'am.

1094

1095 **JENNIFER TAYLOR**

1096 Mr. Mayor, members of Council, I know, Mr. Mayor, you asked about the, my name is Jennifer

97 Taylor and I live at 81-58 Hawk Clan Court. I know you asked about the neighborhood meeting
1098 issue and unfortunately, Todd Schwartz, who is the president of the Spring Mountain HOA
1099 which includes 1600 homes, could not be here today. It's the middle of his work day and it's –

1100

1101 **MAYOR GOODMAN**

1102 I got an –

1103

1104 **JENNIFER TAYLOR**

1105 – a very busy time.

06

1107 **MAYOR GOODMAN**

1108 I got an email from him.

1109

1110 **JENNIFER TAYLOR**

1111 Okay. Were you, I wanted to just provide you then with this list of meetings that was held and
1112 the sequence in which requests were, applications were made to Planning Commission and
1113 Council and though, and the coordination of those with neighborhood meetings. Some of this
1114 information came from Councilman Ross' Office, just to confirm what Mr. Schwartz understood
1115 which was that there were very few actual public meetings, very little actual notice to the public,
1116 and that some of the final details and plans for the Kyle Canyon Master Plan Community were
1117 not actually made available to the public until so far into the process that we only actually saw

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1118 the development agreement as members of the public last, late last week. I don't know if you
1119 want to have copies of these for the record. I brought up two.

1120

1121 **MAYOR GOODMAN**

1122 You sure should. If you'd be kind enough to give 'em to our Clerk. Thank you. Appreciate it.

1123

1124 **JENNIFER TAYLOR**

1125 And I just wanted to, since that was a question, I just wanted to bring those up.

1126

1127 **MAYOR GOODMAN**

1128 I appreciate that.

1129

1130 **JENNIFER TAYLOR**

1131 And I think that you can review them and see that there were really only a few actual public
1132 meetings and Mr. Schwartz, I'm sure, told you in his email that at one of the public meetings he
1133 went to, one of the fairs, that he went to, he actually did sign up with Focus Group to receive
1134 notification and updates to the project and had never received any information through, from that
1135 time through Planning Commission on April 26th. Thank you.

1136

1137 **MAYOR GOODMAN**

1138 Okay. Thank you.

1139

1140 **TOM McGOWAN**

1141 Tom McGowan, Las Vegas resident. I respectfully recommend that you do your homework at
1142 home, that you ensure timely and full open public disclosure. And when you get here, do your
1143 job in an efficient and effective manner, in a lot less time, instead of using it as a publicity forum.

1144

1145 **MAYOR GOODMAN**

1146 Anybody else have any public input at this point?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1147 **CARLOS POLIAK**

1148 This is not pertaining to the Focus Group. It's a separate issue. Am I allowed to –

1149

1150 **MAYOR GOODMAN**

1151 You have to give us your name.

1152

1153 **CARLOS POLIAK**

1154 – address it?

55

1156 **MAYOR GOODMAN**

1157 What's your name?

1158

1159 **CARLOS POLIAK**

1160 My name's Poliak. It's a little off of my dramatics but, citizens, Nevadans, Councilmembers,

1161 lend me your ears. Please listen. I have sacrificed a day's pay, a pound of flesh. My name is

1162 Poliak. Acknowledge you have had a very tiring schedule. With all due consideration, I shall be

1163 succinct. The purpose of my attendance is to balance the firing line, to rest the assault of

64 sleepwalking critics, nitpicking your intent to introduce a revamped noise ordinance more

1165 tailored to the current needs –

1166

1167 **MAYOR GOODMAN**

1168 No – this is not agenda-ed (sic) at this time.

1169

1170 **CARLOS POLIAK**

1171 No.

1172

1173 **MAYOR GOODMAN**

1174 You'll have to have a seat.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1175 **CARLOS POLIAK**

1176 Oh, it's not the agenda at this time.

1177

1178 **MAYOR GOODMAN**

1179 No.

1180

1181 **CARLOS POLIAK**

1182 I thought it was a new introduction of an agenda.

183

1184 **MAYOR GOODMAN**

1185 No. You'll have to have a seat. Yeah, you'll be able to speak at public comment or at the end.

1186

1187 **CARLOS POLIAK**

1188 Okay. I wasn't aware of that. I hope I haven't distracted you or –

1189

1190 **MAYOR GOODMAN**

1191 No, not at all.

192

1193 **CARLOS POLIAK**

1194 – embarrassed you.

1195

1196 **MAYOR GOODMAN**

1197 Not at all.

1198

1199 **CARLOS POLIAK**

1200 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1201 **MAYOR GOODMAN**

1202 All right. Anybody else like to be heard? And that's on this issue, of course. All right. Seeing
1203 none, we'll close the public hearing then. Mr. Lewis.

1204

1205 **JIM LEWIS**

1206 Thank you, Mr. Mayor. Charlie Kajkowski, the Public Works Director's indicated that he would
1207 like to take a few minutes of your time to explain the Master Plan Amendment process and what
1208 it is we usually do here in the City with regard to Master Plan Amendments. I think it might be
09 helpful, in light of some things that you've heard, with regard to what the process is here, with
1210 regard to the street and highway network we have in the City of Las Vegas. So I would just ask
1211 that you take two minutes –

1212

1213 **MAYOR GOODMAN**

1214 All right.

1215

1216 **JIM LEWIS**

1217 – for Mr. Kajkowski.

1218

1219 **MAYOR GOODMAN**

1220 Mr. Kajkowski.

1221

1222 **CHARLIE KAJKOWSKI**

1223 Well, not so much about the process but only to point out that on the Master Plan of Streets and
1224 Highways, we have many, many roads being proposed. It takes time to do – these projects. The
1225 current beltway, the 215, which is being built along the south, west and the north of the City was
1226 something that was studied early 90s. It – it's a difficult thing to put lines on a drawing and we
1227 want to be transparent and – show that to the public. And – then some of the downside is – that
1228 it does impact properties to the extent such as you heard some of the people speak today.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1229 On the other hand, if we draw lines on a map in a – enclosed room, we're – not being opened
1230 about it. We have, we're doing the right thing, in my opinion, planning – out these future
1231 alignments, the east beltway, I mean, the beltway as we have today is missing the east beltway
1232 because it's all built up. Had – this kind of activity been – worked on 10, 15, 20 years ago, we
1233 would have had a full beltway. It's fortunate that we did start this early in the – open, getting
1234 public comment. Much of the comments you have received today on this proposed alignment,
1235 we have had on the previous alignment. We've had projects in the City, such as the Eldo, El
1236 Durango Curve which didn't follow typical landlines and it went through people's backyards and
1237 –

1238

1239 **MAYOR GOODMAN**

1240 (Inaudible).

1241

1242 **CHARLIE KAJKOWSKI**

1243 – it – creates hardships, indeed. And we – try to mitigate those, but you – can't do projects like
1244 this without having some hiccups at, or hardships on people. And – we, through the public
1245 process, we hope to get comments, pick the right alternative, or recommend the right alternative
1246 to – the Council and then move forward at some later date. 2020 is not an unreal date. It just
1247 takes time to do an environmental documents, solidify the concepts and to get into right-of-way
1248 acquisition. Thank you.

1249

1250 **MAYOR GOODMAN**

1251 Thank you.

1252

1253 **JIM LEWIS**

1254 Mr. Mayor, Council, it appears there's no one else here so I'm just gonna have to – speak, so I'm
1255 gonna have to go ahead and move forward. We've heard from Mr. Moran, Mr. Silver, Mr.
1256 Stoddard, Mr. Groesbeck, Ms. Taylor and a number of other people today, regarding this issue. I
1257 wanna go back to the two things Mr. Count, Mr. Mayor, that you'd like to speak about. The first

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1258 is, is this taking? It, bottom line, if you approve this Master Plan Amendment, does this affect
1259 the taking under the laws of the United States Constitution or otherwise? There's a real simple
1260 answer to this one. It's no. There's two reasons the answer is no. Number one, the case law that
1261 Mr. Silver was referring to, this is case law that stretches from – East to West Coast. It is a
1262 standard that Master Plan Amendments by municipalities do not, are not a taking. They are not a
1263 taking. As – you might know, Mayor, with every law there are a few exceptions. In my
1264 experience as a land use lawyer, I will tell you that those exceptions are few and far between.
1265 This case, your Attorney's Office is telling you that we believe this would be like any of the other
66 general cases. This Master Plan Amendment would not be considered a taking by the general
1267 rule of law. It has been established –

1268

1269 **MAYOR GOODMAN**

1270 So is – the bottom line what you're telling us, that there is not an eminent domain issue, that
1271 there is no issue that we even consider private to private.

1272

1273 **JIM LEWIS**

1274 That's my second point, sir. Yes, the first point is the law says that Master Plan Amendments by
1275 municipalities are not a taking. Number two is this here, this transaction that would be before
1276 you today, the accompanying items, there, this – item nor the accompanying items authorize your
1277 staff to go out and take Mr. Silver's client's property, Mr. Moran's private property, Mr.
1278 Stoddard's client's private property, take it and then give it to another private property owner for
1279 a private use. We heard about the Kelo decision today. That's a United States Supreme Court
1280 decision that was widely discussed in the last, in 2006 as a danger for the common man. A
1281 danger, be careful of – governmental action. In that case, what you had is a redevelopment effort
1282 where a redevelopment agency acquired somebody's prop, a private person's property, and then
1283 gave it to another private property owner for private use. This is a Master Plan Amendment. All
1284 this is, is saying, you know what, this City believes it is best that the, let's just call it the northern
1285 alternative, is the best route for this future beltway. And we wanna let people know that that's
1286 the case, that from, if you were to approve this, if, from now on this is where we believe the

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1287 roadway should go, not this way. It's nothing more than that. This is a Master Plan Amendment.
1288 The – law says not a taking. And I wanna be short and sweet, to the point.
1289 I'll answer any questions you have but we've got one other issue, if I may. And that is Mr.
1290 Moran, Mr. Silver, others talk about, well, what about this seventy acres, what about this eighty-
1291 four acres, what about this benefit that is being bestowed upon a private party. Well, you know
1292 what, that, that's a policy discussion to have because the legal discussion is pretty easy. Since
1293 you're not authorizing the City to go take from one private party and give to another, you don't
1294 have a taking, because the law says Master Plan Amendments are not, do not constitute a taking.

95 The law is clear.

1296 Now the question for this Board is do the – policy, are the policy benefits equivalent, but, and, so
1297 what I might ask, if you'd like to hear more about – some of the policy benefits that – the City is
1298 going to be entitled to, you've heard from our Public Works Department about why they believe
1299 the northern alternative is the correct route. Our Planning folks, Mr. Tom Perrigo can come up
1300 here and talk to you about some of the planning advantages to the residents of the City and the
1301 City Council. And even the developer himself might be able to come up and talk to you about
1302 what it needs to expend, what money it paid, and why that eighty-four acres is not truly a benefit.
1303 So, hopefully, I wasn't too unclear and I'd like to take any questions if you have any.

94

1305 **MAYOR GOODMAN**

1306 All right. Councilman Brown.

1307

1308 **COUNCILMAN BROWN**

1309 Thank you. Mr. Lewis, if you can, separate from who owns what –

1310

1311 **JIM LEWIS**

1312 Yes, Sir.

1313

1314 **COUNCILMAN BROWN**

1315 If we are going to, especially for highway –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1316 **JIM LEWIS**

1317 Yes.

1318

1319 **COUNCILMAN BROWN**

1320 – condemn private property for that highway –

1321

1322 **JIM LEWIS**

1323 Yes.

24

1325 **COUNCILMAN BROWN**

1326 – how is that property appraised?

1327

1328 **JIM LEWIS**

1329 The – property is gonna be appraised at the fair market value of the property. So, for example,
1330 let's say someday we actually have a project for the northern beltway. We go through and we
1331 design it. At some point, we're gonna go into the acquisition phase. Today, for the record, I'm
1332 not saying that this action allows acquisition. I'm saying someday we might get into an
1333 acquisition phase. The day we go into acquisition, if we do, we're gonna sit down with these
1334 folks where we have to acquire the property, the green properties on this map. And we're gonna
1335 have arm-length negotiations with these folks. We may or may not come to a deal. If we don't
1336 come to a deal during our acquisition phase, if we get there, at that point, we will most likely use
1337 what municipalities and governmental agencies use the eminent domain power for, acquisition of
1338 land for roadways. And that's what we would be doing down the road.

1339

1340 **COUNCILMAN BROWN**

1341 Let's use a hypothetical. And – Mr. Kajkowski, if you could maybe shed some light on the
1342 Durango S-curve, that, very appropriate. But I forget which gentleman spoke at – one point he
1343 was thinking about selling his land, tripling his value, and that was ten years ago, whatever. If he
1344 sells it today, it, I guess the question is it – it's not gonna hurt the value because there's a

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1345 potential City roadway. It's gonna be based on whatever day he chooses to sell, the fair market
1346 value. It could triple from today. In ten years, it could stay the same, depending on what the
1347 market does. But –

1348

1349 **CHARLIE KAJKOWSKI**

1350 We –

1351

1352 **COUNCILMAN BROWN**

1353 – how do we determine that value?

1354

1355 **CHARLIE KAJKOWOSKI**

1356 We, what comes to mind here recently is the right-of-way acquisition for Discovery, where we
1357 were dealing with the property owners on the corner of Discovery and Martin Luther King, the
1358 one, the Cox building and the Walker building. And those properties that – street was never
1359 there. In a way, it kinda mimics this. It was never there. And then we – decided that as a City,
1360 would be good for access into the railroad property and enhance that – ability to get in and out.
1361 So we had a Master Plan Amendment, we put that road on the Master Plan and then we had
1362 project funds and started developing that project. We started negotiations. First, we contact, we
1363 – did appraisals. We contact the property owner and then offered them a sum of money for their
1364 right-of-way, identifying how much the impacts that it would – have on their property. The
1365 appraisal was based upon the – fair market value for that property as determined by an
1366 independent appraiser. Those parties in turn, I think it was the – owners of the Cox building that
1367 subsequently had their own appraisal. And as – it turns out, I believe that one is in court for a
1368 final determination of what the payment will be.

1369

1370 **MAYOR GOODMAN**

1371 You know, I – if I may, I'm a little, I'm more than a little, I'm concerned about the appraisal.
1372 The gentleman who did say that he could have sold it fifteen years ago, when he was talking
1373 about his piece of property fifteen years ago, there was no northern beltway proposed and his

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1374 property had an inherent value based on the fact that the only beltway was gonna be the southern
1375 one. Now, when we start hypothesizing that this is going to potentially be a northern beltway
1376 project and the southern beltway will be omitted, two things happen as far as I can see. One, the
1377 folks along the northern beltway their property is substantially diminished and the folks who
1378 have the land where the southern beltway goes, their property is substantially increased.

1379

1380 **JIM LEWIS**

1381 Mr. Mayor, may I respond to that.

1382

1383 **MAYOR GOODMAN**

1384 Sure.

1385

1386 **JIM LEWIS**

1387 The – answer is not necessarily.

1388

1389 **MAYOR GOODMAN**

1390 Okay.

1391

1392 **JIM LEWIS**

1393 The fact – of the matter is when we, when I talked about the arm's length negotiations, when –
1394 Charlie talked about getting an appraisal, what we do is we go out, I didn't want to get into the
1395 details of this but – I will. What happens is we go get the appraisal. The appraisal is based upon
1396 the highest and best use of the property.

1397

1398 **MAYOR GOODMAN**

1399 At what time?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1400 **JIM LEWIS**

1401 At – the time that – we’re gonna go and acquire the property, but we’re not, and Charlie, you’re
1402 gonna have to jump in here if I screw this up. But I, the highest and best use is not necessarily
1403 determined on the fact that this is going, this is on the Master Plan of Streets and Highways.
1404 What they will say is we came in, and this – tangentially answers the question for somebody out
1405 in the audience, but, and I think it was Mr. Stoddard, but we came in with an application for land
1406 use entitlement. We – applied. We got our comments back. And we were either approved or
1407 not for whatever development we wanted to put down there. They are going to argue, they’re
08 gonna argue that the property is worth that, the highest and best use, commercial, residential,
1409 otherwise. Is it – possible that the City may say, you know what, we don’t believe it’s worth that
1410 much, but that’s – how we start our negotiations. The – two sides will – come to a figure. We’re
1411 – gonna have appraisals. They might get their own. We’re gonna sit down with the appraisals.
1412 We’re gonna come, we’re gonna make a deal or we’re not. And then we’re gonna go and we’re
1413 gonna, if it gets to it, a court’s gonna decide what the fair market value –

1414

1415 **MAYOR GOODMAN**

1416 How –

1417

1418 **JIM LEWIS**

1419 – of a piece of property is.

1420

1421 **MAYOR GOODMAN**

1422 How about the issue as far as the southern beltway not being there and – the increase of the value
1423 of that property? Is that a windfall?

1424

1425 **JIM LEWIS**

1426 Is the, is this a windfall to Focus Property Group?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1427 **MAYOR GOODMAN**

1428 Right.

1429

1430 **JIM LEWIS**

1431 The answer is – no for – a few reasons. We believe it's no. The City believes it's no and we're
1432 gonna – talk about this. You heard from Public Works at – a minimum, we're talking about a
1433 hundred and twenty nine million dollar savings to the taxpayer if we choose the northern beltwell
1434 (sic) alternative. Number two, the Planning Department can talk to you about many of the things
35 that the City is receiving in return from the prop, Focus Property Group in our later item, the
1436 development agreement, because of the change to the alignment. There is a fire, we, I can get
1437 into some of it now, but there are fire sprinklers that wouldn't have otherwise been there. It's the
1438 first time we've ever had that in the – City of Las Vegas, sixteen thousand units sprinkled.
1439 We've got forty acres more of parks and open space than we would have otherwise had on a
1440 typical application. And one of the most important aspects of this is in 2004, this Board through
1441 resolution said, we want a new kind of community. We want a community that's walk-able,
1442 sustainable. We want – people to get outside and – go places. We don't want them to rely upon
1443 their cars. I will tell you that the planners and I should probably let Tom talk about this because
44 I'm not a planner by any stretch, but with this alt –, with this southern alignment, we can't really
1445 get you there as easily. It doesn't become as walk-able. So those are some of the benefits that –
1446 we get.

1447 Lastly, you can call the developer forward. The developer can explain to you that it has to, if the
1448 northern beltway happens, it's gonna have to purchase, using its own money, fifty-six acres of
1449 land up here in the northern beltway and give those to the City, free and clear. That's it. They're
1450 going to have to do other, their, they've got other costs associated with that transfer. But you
1451 know what, I'm probably not the guy that should be speaking for the developer. If you'd like to
1452 hear from the – developer, I'd ask you –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1453 **COUNCILMAN REESE**

1454 Let me –

1455

1456 **JIM LEWIS**

1457 – to have him come forward.

1458

1459 **MAYOR GOODMAN**

1460 All right.

.61

1462 **COUNCILMAN REESE**

1463 Let me talk to you first, though.

1464

1465 **JIM LEWIS**

1466 Yes, Sir.

1467

1468 **COUNCILMAN REESE**

1469 I'm kinda like the Mayor. I'm – a little bit confused myself.

'70

1471 **JIM LEWIS**

1472 Yes, Sir.

1473

1474 **COUNCILMAN REESE**

1475 I find, I've been sitting here trying to rationalize. Okay. My house backs up to Mojave. For
1476 some reason, there's proposed expansion of Mojave. They're gonna use the west side.

1477

1478 **JIM LEWIS**

1479 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1480 **COUNCILMAN REESE**

1481 Okay. I need to get, we – may not do that for ten years, though.

1482

1483 **JIM LEWIS**

1484 Okay.

1485

1486 **COUNCILMAN REESE**

1487 So all it is, is in the planning stages.

1488

1489 **JIM LEWIS**

1490 Yes.

1491

1492 **COUNCILMAN REESE**

1493 Okay. I get transferred out of town so I gotta sell my house. I have to disclose, now my house is
1494 appraised at a hundred thousand dollars.

1495

1496 **JIM LEWIS**

1497 Okay.

1498

1499 **COUNCILMAN REESE**

1500 So I have to disclose the fact that there may be an expansion and you may lose this house or part
1501 of this backyard in seven or eight years, ten years or whatever. So here you're gonna say, well,
1502 I'm gonna give you twenty thousand. I gotta leave town so my property is diminished. And so,
1503 all of a sudden, they decide, well, it's cheaper to buy the houses on the east side to expand. So
1504 now I can go back and sell my house for a hundred and fifty thousand. Does that make sense?

1505

1506 **MAYOR GOODMAN**

1507 Yeah.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1508 **JIM LEWIS**

1509 Well, I and, Councilman, I – understand your point. So do others, it seems. What we're talking
1510 about here, let, I kinda wanna bring this back and hopefully I'm answering your question by
1511 bringing it back to what it is we're here on, which is this Master Plan of Streets and Highways
1512 Amendment. Which one is more appropriate? Which one saves the taxpayers more money?
1513 Which one has the Public Works Department gone out, done an independent study, the – and so
1514 the decision with regard to the policy question as to whether this is a windfall or not rests upon
1515 that. And the – quick answer, Councilman Reese, or Mayor Pro Tem Reese, to your question, I
1516 suppose is if – your realtor disclosed a Master Plan, well, your realtor – would disclose a Master
1517 Plan Amendment, a Master Plan of Streets and Highways line that affects your property. That
1518 not only would affect your property but every property up and down your street, whatever that
1519 street may be, let's call it Mojave on the west side.

1520

1521 **COUNCILMAN REESE**

1522 Wait –

1523

1524 **JIM LEWIS**

1525 And so –

1526

1527 **COUNCILMAN REESE**

1528 But – wait. (inaudible) I've have to move.

1529

1530 **JIM LEWIS**

1531 Right.

1532

1533 **COUNCILMAN REESE**

1534 And those people, they're gonna sit there over ten years. They're gonna sit there for the next ten
1535 years. So when we have to come in and buy it and they're gonna get the appraised value, but I
1536 gotta leave.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1537 **JIM LEWIS**

1538 You are, well, when the appraisers are done, when the appraisals will be done, it'll be done on –
1539 all the –

1540

1541 **COUNCILMAN REESE**

1542 No –

1543

1544 **JIM LEWIS**

45 – the properties around you.

1546

1547 **COUNCILMAN REESE**

1548 No – what I'm saying is, I own this house. I gotta leave a year from now.

1549

1550 **JIM LEWIS**

1551 Right.

1552

1553 **COUNCILMAN REESE**

1554 So I put it up – for sale, but I gotta disclose the fact that there may be an encroachment coming in
1555 and taking my, taking some of my property.

1556

1557 **JIM LEWIS**

1558 Okay.

1559

1560 **COUNCILMAN REESE**

1561 So they're gonna say, well, it's – not gonna be worth anything so, we'll, so the other people that,
1562 my neighbors, they stay there, for the ten years, they're gonna receive the full benefit. My –
1563 property was – no road going through there. They haven't – increased the – size of the road yet,
1564 but I've still lost the value of my house because I had to move. I had a – depressed sale or
1565 whatever you wanna call it.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1566 **JIM LEWIS**

1567 Okay. Understand your point.

1568

1569 **MAYOR GOODMAN**

1570 All right. Mr. Fiorentino, I think it's your turn. Tell me why this isn't a sweetheart deal for your
1571 client.

1572

1573 **MARK FIORENTINO**

74 Good afternoon, Your Honor, Councilmen, members. You're sure you don't wanna make it
1575 Perrigo's turn? I'm just, I'm sorry. I'm Mark Fiorentino. I represent the master developer of the
1576 Kyle Canyon project. First, just to get the facts clear, that is not the equivalent of saying the
1577 Focus Property Group. The master developer of the Kyle Canyon project is a consortium of the
1578 Focus Property Group and eight preeminent homebuilders in the City, all names that you would
1579 recognize. I have been listening and I have made some notes. And I think I can, we need to
1580 make this simpler, I – think.

1581

1582 **MAYOR GOODMAN**

~83 I think so too.

1584

1585 **MARK FIORENTINO**

1586 There is no question that the issues that have been raised by the people who spoke and by the
1587 questions that you've asked, Mayor Pro Tem, and Councilman Brown has asked and the Mayor
1588 has asked, are absolutely legitimate questions and issues. When does a taking become a taking?
1589 And how much money are you gonna pay me if, in fact, it's become a taking. 'Kay. But they are
1590 irrelevant to the decision that is before you today because as Councilman Brown points that out,
1591 you have exactly those same issues no matter which alignment you adopt. Either alignment, you
1592 have, it affects private property owners. The people who are under the current alignment have
1593 the same concerns or they should have the concerns. Have you today taken my property and how

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1594 much should you pay me. All legitimate issues that have to be worked out but irrelevant to the
1595 question of which alignment is the best alignment under the public interest. 'Kay.

1596

1597 **COUNCILMAN WOLFSON**

1598 May I interrupt here one second?

1599

1600 **MAYOR GOODMAN**

1601 Yes.

1602

1603 **COUNCILMAN WOLFSON**

1604 One point.

1605

1606 **MAYOR GOODMAN**

1607 Councilman Wolfson.

1608

1609 **COUNCILMAN WOLFSON**

1610 I understand what you're saying except for one thing. When you talk about which alignment,
1611 that implies that a choice hasn't already been made. A choice has already been made. The
1612 southern alignment is on the books. The question is whether to change it to the northern
1613 alignment. So when – you say which alignment to go with, that almost presupposes that a choice
1614 hasn't been made, but a choice has been made. The question is do we choose the alternative.
1615 And a lot of the people, and I'm not saying where I'm going with this, but the people that are
1616 coming in here complaining are complaining because they relied on the southern alignment for
1617 years and years and years and now this northern alignment is being presented to them. So it's not
1618 like nothing's been chosen up 'til date, there has been a choice. It's the southern alignment
1619 unless we change it to the northern alignment or am I missing something?

1620

1621 **MAYOR GOODMAN**

1622 No, you're, that's right.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1623 **MARK FIORENTINO**

1624 Mayor, Councilman, that is only partially true. Okay.

1625

1626 **COUNCILMAN BROWN**

1627 Mr. Fiorentino –

1628

1629 **MARK FIORENTINO**

1630 First of all –

1631

1632 **COUNCILMAN BROWN**

1633 Excuse me.

1634

1635 **MARK FIORENTINO**

1636 I'm sorry.

1637

1638 **COUNCILMAN BROWN**

1639 Could I follow up to that because maybe in answering, you could help me out too. Let's suppose
1640 that there was no private property up here. It was all BLM and the southern alignment was there.

1641 The City comes in and evaluates the northern alignment. We wouldn't be having this discussion.

1642 It would be a hundred and twenty six million dollar savings to the taxpayer. We introduce the

1643 fact that there is private property ownership, that starts creating this value or impact on – those

1644 private property owners.

1645

1646 **MARK FIORENTINO**

1647 That's correct. You're –

1648

1649 **COUNCILMAN BROWN**

1650 Without the private property, it, it's a no-brainer. We're gonna save taxpayers a hundred and
1651 twenty six million and more.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1652 **MARK FIORENTINO**

1653 That's right.

1654

1655 **COUNCILMAN BROWN**

1656 So –

1657

1658 **MARK FIORENTINO**

1659 And in both alignments you have private property owners who are gonna be impacted. But what
1660 you said, I think, is only partially true and let me explain what I mean by. First, both alignments
1661 exist on your Master Plan today. This is, you did that by action almost a year ago, to add the
1662 second alignment as a study alternative. Okay. And the first alignment has not been on your
1663 Master Plan for years and years and years. The staff can correct me if I'm wrong. It's been on the
1664 Master Plan for about two years. 'Kay. It's relatively new as well. Of that two years, plus or
1665 minus, it might be slightly longer, almost a year of that, you've had both alignments on the
1666 Master Plan.

1667 The decision before you today is actually a pretty simple one. There's two, I suggest to you there
1668 are two questions you need to ask yourself today. The first is do you need an outer beltway at
1669 all? Do you need a regional roadway? As Councilman Brown points out, that's a fundamental
1670 question. The answer to that should be yes. You have four or five years' worth of studying
1671 going into whether a roadway, regardless of where you put it, is required. You have spent a lot of
1672 taxpayer dollars already doing traffic analysis, and impact studies, and charettes and public
1673 hearings. And they all lead to the conclusion that you need a regional roadway. 'Kay. So we
1674 shouldn't debate over that. Both alignments, either one, require roughly the same acquisition of
1675 private land.

1676 The second question you have before you today, so which alignment best serves the public
1677 interest. The public interest, forget about Kyle Canyon's interests, forget about Mr. Moran's
1678 client's interests for a second and everybody else who spoke. Forget, frankly, about the other
1679 people here, what their interest, what is best served in the public interest? Which alignment is
1680 best? Clearly we will submit to you and your staff already concluded that there is some public

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1681 benefit through the development of the Kyle Canyon Master Plan. You get more efficiency. You
1682 get better roadway networks. You get preservation of arroyos. You get a better overall
1683 community design. But again, I submit to you, you don't have to fall into that debate that,
1684 because it's, you don't even have to get that far. The study that you commissioned tells you that
1685 the northern alignment is safer and it's a hundred and twenty six million dollars cheaper to the
1686 taxpayers. That's why, if you're gonna move the alignment, you should move it, regardless of
1687 what – tangential benefits you get and you get substantial benefits from the development of the
1688 Kyle plan.

89 Now, on this whole financial windfall to the developers of Kyle Canyon, we gotta get some
1690 things straight here. First of all, there's no question that when you erase the yellow on our plan
1691 and you replace it with purple on our plan, we get more acres. 'Kay. I don't wanna debate over
1692 whether its eighty acres or seventy acres 'cause I and I'm gonna submit to you that's almost
1693 irrelevant. We get acreage back. Okay. It, getting that back, again, creates a better overall
1694 Master Plan so we get benefit from a better overall Master Plan. But to anyone to suggest that
1695 this alignment or – moving it to another alignment is being done for the financial benefit of the –
1696 Kyle people, that's just utterly silly, utter silliness. And let me explain to you why.
1697 First of all, of the eighty acres, only a portion of that developable. It's not like we can put
98 buildings on it. This exhibit probably shows it the best. A good portion of that yellow you're
1699 giving back is still utilized by right-of-way for the inter, the Kyle Canyon Interchange, for parks,
1700 that's what this green is, for parks and arroyo preservation. So we don't get eighty acres back.
1701 But let's just assume for a second that we did. And let's assume for a second that Mr.
1702 Kajkowski's number is right. It's worth half a million dollars an acre. So we get roughly a forty-
1703 million dollar benefit. Right. But we paid nearly eighty million dollars before you even get to
1704 our development agreement for the right to get that forty-million dollar benefit. We had to go out
1705 and acquire all of this land in here at our cost and we almost have two years' worth of interest
1706 carry on the project to make it work. So if that is a sweetheart deal for Focus, don't bring me
1707 anymore sweetheart deals where I gotta spend eighty million to get arguably forty million dollars
1708 in benefit back.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1709 The other thing that everybody needs to understand is those criteria that we tried, it was, it's just
1710 patently false for Mr. Silver to suggest to you that all this happened in a vacuum and all of the
1711 work that – your staff has put in over this, happened in a vacuum with no discussion of the outer
1712 beltway. That isn't true. We, you all, the City Council, adopted a resolution about what you
1713 wanted to see happen on the Kyle plan long before my client owned it. We weren't even in the
1714 picture. You established certain criteria. We said from day one some of those criteria conflict
1715 with this alignment. You're gonna, you, City are gonna have to choose which – you want us to
1716 do because you can't do them all.

17 That eighty acres that we get back, right, one more final point on a financial windfall is
1718 remember, it is subject to the obligations of our development agreement. Okay. So that eighty
1719 acres, when we develop it, it has to contribute to parks, fire stations, sprinkling, Metro
1720 substations and everything else. The land that we had to buy and give you didn't have those
1721 same obligations and they are substantial. Substantial. I wanna give you an example. Focus
1722 Property Group is developing Mountains Edge in Clark County, the – master-planned community
1723 Mountains Edge. Everybody, you have seen the obnoxious commercials about it. It is one of the
1724 most successful, fastest selling communities in the United States. Not in Las Vegas, in the
1725 United States. It is not being developed with the concepts embodied in the resolution that you
1726 adopted before we bought the land. It doesn't have the energy efficiency. It doesn't have the
1727 walk-ability (sic). It costs us three times per acre to develop a project like this than it does
1728 Mountains Edge. It is utter silliness to suggest we get a huge financial windfall from helping the
1729 City move to an alignment that is better overall for everybody in – the City, in the taxpayers, the
1730 people you represent.

1731 Now, I don't know if that answers your question, but unless you have further questions, that's
1732 really all I have to say on it.

1733

1734 **MAYOR GOODMAN**

1735 Well, it – helps, it helps me understand the issue. I – think you – framed it in a way that more
1736 meaningful; however, when the property was bought by the BLM, by the purchasers, be it Focus

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1737 or this conglomerate, the property was paid, you paid substantially less than you would have had
1738 the southern beltway not been there. Correct?

1739

1740 **MARK FIORENTINO**

1741 Can I, no. Can I address that?

1742

1743 **MAYOR GOODMAN**

1744 Please.

'45

1746 **MARK FIORENTINO**

1747 'Cause that is also absolutely inaccurate.

1748

1749 **MAYOR GOODMAN**

1750 Okay.

1751

1752 **MARK FIORENTINO**

1753 There was an appraisal done on this land, again, obviously before we owned it and before the
'54 auction. The, there was a public bidding process. It was very active and very competitive.

1755 Ultimately Focus and its partners won. They won at a price, something like three hundred
1756 million dollars above what the land was appraised for. 'Kay. So we paid way above and beyond.

1757 Now there's no question the appraisal took into account that this property would be burdened in
1758 some way by a roadway improvements, but it also took into a number of other assumptions that

1759 also turned out not to be true. For example, it assumed we would have two hundred more
1760 developable acres than we actually have. Why is that the case? Because your staff did a very

1761 good job in negotiating with us and making sure we, they got schools, and parks and open space.

1762 So we have less developable acres than the appraisal presumed and we still paid three hundred
1763 million dollars more than what the appraisal assumed. So we didn't get any windfall through the

1764 BLM process either.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1765 **MAYOR GOODMAN**

1766 All right. Well, these are – the issues that we have to determine and I'm – happy, not
1767 withstanding one or two comments that perhaps we're taking too much time. I'm happy that
1768 we're going through this process. I think this is a way to vet the issues so that we're not gonna
1769 have criticism in years to come and when we leave here. But we are trying to make the right
1770 decision as far as this is concerned. I think there are certain givens that the northern beltway
1771 certainly is of economic benefit to our constituents. I think that's a given. I, I'm concerned still
1772 about the – taking issue, but we have to rely on our City Attorney there. He says it's not a taking,
1773 certainly at this point in time. And as far as the windfall or the – sweetheart deal, based on the
1774 exchange that the City is getting in return for the developer doing all these things that we've
1775 heard about, making it into the kind of sustainable green community that the City envisions. I
1776 even have been told that you're gonna put in Lied commercial-type, Lied certified commercial
1777 properties, that we're gonna have at least one Lied-certified public building there and that, to me,
1778 is critical to what this City Council is trying to achieve. So I want you to say one more time, my
1779 attorney, that this is not an issue involving eminent domain.

1780

1781 **JIM LEWIS**

1782 Mr. Mayor.

1783

1784 **MAYOR GOODMAN**

1785 Yeah, I think we, okay. Good. Yesterday during our briefing, Councilman Wolfson asked that
1786 he, we receive in writing our City Attorney's position on these issues and you do, you have filed
1787 a brief where the first question was does position action to approve the, I'll exchange the MS, the
1788 MSH for the northern beltway effect a taking of property by the City of Las Vegas and your
1789 answer to that is no.

1790 The second question was does positive action to approve the taking, approve that northern
1791 beltway effect a – taking of the property by the City and your answer is no. So you stand by that?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1792 **JIM LEWIS**

1793 Yes, Mayor. I drafted this memo for the seven of you because I knew that that question would
1794 becoming to you. And I would be getting that question today before you. I think that it would be
1795 best if you placed that into the record –

1796

1797 **MAYOR GOODMAN**

1798 I'm going to.

1799

00 **JIM LEWIS**

1801 And if anybody has questions in the future, you – can rest assured the City Attorney's Office has
1802 given you – advice that this is not the City, if you took positive action on this MSH, you would
1803 not be authorizing the City to take private property from one individual and give it to another
1804 private individual for private use.

1805

1806 **MAYOR GOODMAN**

1807 Ms. Bridges, could you file this, please. All right.

1808

09 **MARK FIORENTINO**

1810 Your Honor, are you done with me? May I sit down?

1811

1812 **MAYOR GOODMAN**

1813 I don't know whether I'm done with you. Let me see. I'm done with you.

1814

1815 **MARK FIORENTINO**

1816 Thank you.

1817

1818 **MAYOR GOODMAN**

1819 Yes.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1820 **COUNCILMAN WOLFSON**

1821 Thank you, Mayor Goodman. I – just wanna make sure I understand something and I think you
1822 hit on it, Mr. Fiorentino. Whether it's the northern or southern beltway, as we're calling it, these
1823 are extensions to our current beltway. It's an additional arm, if you will, to help the traffic flow
1824 in this area of our Valley.

1825

1826 **MARK FIORENTINO**

1827 Yes.

28

1829 **COUNCILMAN WOLFSON**

1830 And that neither of these, well certainly not the northern, but the southern one, the one's that in
1831 yellow on our screen right now, wasn't even presented for consideration until just a short few
1832 years ago. Is that right?

1833

1834 **MARK FIORENTINO**

1835 Yeah. It, my estimation is about two years ago, but problem – Public Works will probably come
1836 up and say so. Approximately three years ago.

37

1838 **COUNCILMAN WOLFSON**

1839 Three years ago. So I guess my point is and – I mean this with the utmost respect to the property
1840 owners in this general area, people that bought the property in the seventies and eighties and even
1841 in the nineties can't say that they had a reasonable expectation about anything involving this
1842 extension to the beltway because this extension to the beltway wasn't even proposed until about
1843 three years ago.

1844

1845 **CHARLIE KAJKOWSKI**

1846 It was February 2004 –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1847 **COUNCILMAN WOLFSON**

1848 Well, that's three years ago, Charlie. Right?

1849

1850 **CHARLIE KAJKOWSKI**

1851 Yes.

1852

1853 **COUNCILMAN WOLFSON**

1854 Okay. So if somebody purchased property in O-5, thinking that, well, this southern extension
55 was gonna go into effect and now we're talking about a northern extension, it would be easier to
1856 understand their beef because, hey, this southern extension is going in but I'm up north, I'm not
1857 gonna be affected. Wait a minute, now we're talking about the northern, I can understand their
1858 displeasure. But persons that bought property many years before didn't have the same
1859 expectation because this so-called southern extension wasn't even presented until three years
1860 ago. Is that an accurate characterization of where we're at?

1861

1862 **MARK FIORENTINO**

1863 He said yes and I agree.

1864

1865 **COUNCILMAN WOLFSON**

1866 Okay. Thank you.

1867

1868 **MAYOR GOODMAN**

1869 All right. Now, one last question on my part. Ms. Fretwell who has been, I'm, and I'm not
1870 putting you on the seat, I'm – I just have to get the answer from you because you've been an
1871 integral member of the negotiating team which has worked out negotiations concerning what the
1872 City is going to receive and what the taxpayers are going to receive as a result of this. I, I'm just
1873 gonna ask you a bottom line question. In your opinion, and you've been through a lot of these as
1874 far as real property development's concerned, have you not?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1875 **ELIZABETH FRETWELL**

1876 Yes, Sir.

1877

1878 **MAYOR GOODMAN**

1879 Is – this a sweetheart deal for – the developer?

1880

1881 **ELIZABETH FRETWELL**

1882 I think we've negotiated a very fair deal that will benefit all the residents of the City of Las
83 Vegas. I don't think you can construe it as sweetheart.

1884

1885 **MAYOR GOODMAN**

1886 Fair enough. Okay. Thank you. Now, Councilman Ross, you've been sitting there quietly when
1887 this is your baby, so I'd love to hear from you.

1888

1889 **COUNCILMAN ROSS**

1890 I've been sitting here quietly all day, Your Honor.

1891

1892 **MAYOR GOODMAN**

1893 That's all right.

1894

1895 **COUNCILMAN ROSS**

1896 First of all, let me express my appreciation to the folks who came down today to – let us know
1897 how – you feel about this as we move on to the next items, I expect to hear from you again. I
1898 wanna express my sincere appreciation to our Public Works Director and City Engineer. When I
1899 had realized and Jorge Cervantes brought this to my attention, the significant impact in regards to
1900 taxpayer savings for realigning this. It – became something of – importance to me in regards to
1901 this taxpayer savings. Councilman Brown, is one twenty six, I think, is the dollar amount,
1902 another ten million dollars for – flood control improvements and – everyone knows when a dark

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1903 cloud comes over the northwest, someone's house is gonna get flooded, someone's yard is gonna
1904 get washed away. That's just how it is.

1905 After reviewing this with staff and, again, staff, you've done a fantastic job getting to this point.
1906 I appreciate the comments from – the public. I appreciate the comments from legal counsel,
1907 those – folks impacted by this but these numbers are absolutely moving. It is challenging for us,
1908 Your Honor and – Councilmembers, to make these difficult decisions for a growing city. I think
1909 Mr. Silver hit it on the head when he talked about a blank slate. I mean, that's a canvas waiting
1910 to be painted out there. This Council's vision and prior to – me being in this seat, was to – create
11 a community that's walk-able (sic), that's sustainable, that people can live, work and play in and
1912 to not get in their cars. And we'll address those issues in the upcoming items, but this is part of
1913 it.

1914 Mr. Kajkowski, our Public Works Director, prior to me coming to this office, had spent a few
1915 minutes with me and – Charlie, I appreciate that, but he showed me this great plan for the
1916 northwest. He showed me the many meetings that they had to – put this all together with many –
1917 of the stakeholders involved. He has a vision. We – we've gone through a couple of – meetings
1918 where we've recognized the City is freeway poor. Anybody been on US 95 or I-15 lately can
1919 probably attest to that. This is a significant – item for the future of this City. Your Honor,
1920 Councilmembers, our vote today and our votes on issues such as this affect years to come and
1921 generations to come. And that's why it's – important to understand how difficult this is. We
1922 certainly don't want to harm anyone economically. We certainly don't want to hurt anybody in
1923 any way, shape or form. When it comes to smart growth and thinking about the future ten,
1924 twenty years from now, and the generations to come, we have to make those decisions today. It's
1925 part of our challenge. It's part of our commitment and part of our calling to sit on this Council.
1926 So I appreciate everybody that's been involved up to this point to get here and appreciate the –
1927 public input.

1928 With that, Your Honor, I – can't express enough appreciation to my colleagues because I've been
1929 quiet because I've gone through this. I've asked the questions. And grateful to the City
1930 Manager's Office for putting this in the briefing so all of you could be involved, so you could

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1931 have an understanding of the progress, so you could have an understanding of the impact on the
1932 citizens of this City and what it means to the – future.

1933 With that, Your Honor, and after receiving all of the – testimony and – details, **I'm going to**
1934 **move to approve Agenda Item 93.**

1935

1936 **MAYOR GOODMAN**

1937 All right. Let's vote, please. Post. **(Motion carried UNANIMOUSLY.)** Motion carries.

1938 **(END OF DISCUSSION)**

39 /ac;cv/lc;vwd