

R E S O L U T I O N

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT THE WORK OF IMPROVEMENT OF CERTAIN STREETS AND ALLEYS, AND PARTS THEREOF, WITH INTERSECTIONS, WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 489 SHALL BE DONE:

WHEREAS, the City Council of the City of Las Vegas, in the County of Clark and State of Nevada, pursuant to Chapter 271 of the Nevada Revised Statutes, and all laws supplemental thereto, has directed the City Engineer to file with the City Clerk, who is also the Clerk of said City Council, certain preliminary plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of costs and estimates of maximum benefits, all in connection with the proposed installation of certain improvements along certain streets within certain areas of said City, said improvements being more specifically described as follows:

Providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving Helen Avenue and portions thereof as is more particularly described in the Notice of Hearing that is provided for in Section 4 of this Resolution as ASSESSMENT UNIT NO. I, and

Providing for the installation of driveway approaches along Helen Avenue and portions thereof as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II; and

WHEREAS, the City Engineer, on the 5th day of September, 1990, filed at the office of said City Clerk, in connection with said improvements and with said City's proposed Las Vegas, Nevada, Special Improvement District No. 489 the following:



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A. Preliminary plans showing typical sections of the contemplated improvements, the type or types of material, together with the approximate thickness and width of each, and preliminary estimates of the costs of such improvements;

B. Preliminary estimates of the total cost of each type of construction, said estimates being made in a lump sum or by unit prices, and, further, including in said estimates, without limiting the generality of the foregoing, the advertising, appraising, engineering, printing and such other expenses as in the judgment of said City Engineer are necessary or essential to the completion of such work of improvement and the payment of the costs thereof;

C. Assessment plats showing the areas to be assessed and the amount of estimated costs to be assessed against, and the amount of the maximum benefits estimated to be derived from such improvements by, each lot or parcel of property within each assessment unit of said Special Improvement District, such estimates as heretofore designated by said City Council being computed, for the respective assessment units, on the bases set forth in Section 2 of this Resolution; and

D. Said City Engineer's report with respect to benefits which sets forth said City Engineer's conclusions concerning the benefits to be derived from such improvements and the proper method of assessment; and

WHEREAS, an equitable adjustment will be made for any assessment to be levied against any irregular lot or parcel, so that assessments according to benefits will be equal and uniform; and

WHEREAS, said City Council has examined said plans, assessment plats, typical sections of contemplated improvements, preliminary estimates of costs and estimates of maximum benefits, so filed with said City Clerk and said City Engineer's report with respect to benefits and has found, and hereby does declare, all of the same to be satisfactory in all respects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, at this regular meeting thereof that is being held on this 19th day of September, 1990, that said City Council shall, and hereby does, accept said plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the costs and the amount of such estimated costs to be assessed against, and the amount of the maximum benefits estimated to be derived from such improvements by, each lot or parcel of property in the respective assessment units of said Special Improvement District.

BE IT FURTHER RESOLVED that said City Council shall, and hereby does, PROVISIONALLY ORDER THAT:

SECTION 1. Those improvements, at an estimated cost of \$60,905.00, including engineering, legal and incidental expenses, all as is more particularly hereinafter set forth and described in said plans herein accepted, reference to which is hereby made and which are available for public examination at the Office of the City Clerk of said City, shall be installed.

SECTION 2. Said estimated cost shall be apportioned among the respective assessment units of the proposed Special Improvement District as follows:

<u>Assessment Unit No.</u>	<u>Estimated Costs</u>	<u>Estimated Amount of Maximum Benefits *</u>
I	\$57,029.00	\$69,990.00
II	<u>3,876.00</u>	<u>4,757.00</u>
Total Assessable	\$60,905.00	Total Benefits \$74,747.00

* The actual costs of constructing and installing the improvement in any individual assessment unit may exceed the estimated cost for such improvement, or the estimated amount of the maximum benefits to be derived therefrom, or both, stated above, but in no event shall the aggregate assessment that is levied against any lot or parcel of property for all of the assessment units exceed the aggregate amount of the estimates of the maximum benefits to such lot or parcel by virtue of the construction and installation of the improvements in all of the assessment units.

The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits received, and shall be assessed against the property abutting said improvements on the following bases:

ASSESSMENT UNIT NO. I (Street Paving)

Such estimates shall be computed on a front foot basis, i.e., on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the frontage of said lot or parcel which abuts the improvement bears to the frontage of all assessable property abutting the improvement in the assessment unit; provided, however, that, if any such lot or parcel is divided after the date of the hearing as to the propriety and advisability of making such improvements, but prior to the date on which the assessments are levied by ordinance pursuant to NRS

271.390, into sublots or subparcels, the assessment against such lot or parcel shall be apportioned among such sublots or subparcels on an area basis, i.e., on the basis that each such sublot or subparcel shall be assessed a portion of the aggregate dollar amount being levied against the entire lot or parcel in the proportion that the area of said sublot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. II (Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the square footage of the driveway approach or approaches installed to serve said lot or parcel bears to the square footage of all of the driveway approaches installed to serve all assessable property in the assessment unit.

In each assessment unit, an equitable adjustment will be made for any assessment levied against any irregular lot or parcel so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum benefits estimated to be derived by, each lot or parcel of property shall be as stated in the aforesaid assessment plat. Regardless of the basis used for apportioning the assessments, in the case of a wedge, "V" or other irregularly shaped lot or parcel, the amount apportioned thereto shall be in proportion to the special benefits to be derived thereby.

SECTION 3. The area comprising said streets to be improved and said property to be assessed (i.e., all of said assessment units), shall be designated "Las Vegas, Nevada, Special Improvement District No. 489."

SECTION 4. On Wednesday, the 17th day of October, 1990, at the hour of 2:00 o'clock p.m., at the Council Chambers in the Las Vegas City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, or at any time prior to said date and time at the Office of said City Clerk at said City Hall, the owner or owners of the lots and parcels of property to be assessed, any other person interested in any thereof or any tenant of any mobile home park that is located on any of such lots or parcels may file a written protest or objection and may appear before said City Council at said time and place and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the proposed method of payment therefor and as to the amount thereof to be assessed against, and the amount of the maximum benefits estimated to be derived from such improvements by, the respective lots and parcels of property to be so improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, which shall be served by said City Clerk by mailing a copy of such notice, postage prepaid as first-class mail, to the last known address of each last known owner of each lot or parcel of property within each assessment unit whose lot or parcel of property will be assessed for the costs of such improvements, such names and addresses of such

property owners being those appearing on the local property assessment rolls for general (ad valorem) taxes on file in the Office of the County Assessor of Clark County, Nevada, wherein said property is located. Such notice shall also be given to each tenant of each mobile home park that is located on any of such lots or parcels and by said City Engineer's posting of a copy of such notice in three public places at or near the site of the proposed work within each assessment unit at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of said City Clerk or of said City Engineer, as the case may be, such proof to be filed with said City Clerk; provided, however, that the fact that the person to whom any such notice is addressed does not receive the same shall not invalidate or affect the legality of the notice given thereby and shall not invalidate or affect the legality of any assessment or of any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publishing a copy of such notice in the Las Vegas Review-Journal, a newspaper published and of general circulation within said City, once each week for three consecutive weeks, by three weekly insertions, the first such publication to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher of said newspaper and filed with said City Clerk. Said notice shall be in substantially the following form:

NOTICE OF HEARING ON THE IMPROVEMENT OF CERTAIN STREETS AND ALLEYS, AND PARTS THEREOF, AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 489

NOTICE IS HEREBY GIVEN to the owner or owners of each lot or parcel of property within the proposed Las Vegas, Nevada, Special Improvement District No. 489, each tenant of each mobile home park that is located on any of such lots or parcels and to all other interested persons that:

The City Council of the City of Las Vegas, Nevada, has provisionally ordered that certain improvements be installed along certain streets within those certain areas of said City that are hereinafter more specifically described as follows:

ASSESSMENT UNIT NO. I (Street Paving)

The improvement shall consist of the installation of a pavement section 14 feet in width on either side of the centerline of Helen Avenue (60 feet wide) and portions thereof from a point that is approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly the centerline of Alexander Road (50 feet wide), except where adequate improvements have previously been installed, together with the necessary installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is more is particularly shown on the plats, diagrams and plans of the work and of the locality to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. II (Driveway Approaches)

The improvement shall consist of the installation of asphaltic concrete driveway approaches along both sides of Helen Avenue (60 feet wide) and portions thereof from a point that is

approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly to the centerline of Alexander Road (50 feet wide), together with the necessary installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality to be improved as filed in the Office of the City Clerk.

Except as is shown on the plans and specifications as filed in the Office of the City Clerk of said City, the improvements are more particularly described as follows:

ASSESSMENT UNIT NO. I (Street Paving)

The street paving shall consist of 2 inches of asphaltic concrete pavement (including fog seal and prime coat) over 4 inches of Type II aggregate base and 6 inches (minimum) of Type I aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved as filed with said City Clerk.

ASSESSMENT UNIT NO. II (Driveway Approaches)

The driveway approaches shall consist of 2 inches of asphaltic concrete pavement (including fog seal and prime coat) over 4 inches of Type II aggregate base and 6 inches (minimum) of Type I aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is

more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved as filed with said City Clerk.

All of the plats, diagrams and plans on file in the Office of said City Clerk with respect to said described assessment units are deemed by the City Engineer of said City and by said City to be essential to the construction of said improvements.

It is anticipated that \$60,905.00 shall be apportioned among the several assessment units of said proposed Special Improvement District, and shall be assessed against the assessable lots and parcels of property within the respective assessment units, as follows:

<u>Assessment Unit No.</u>	<u>Estimated Costs</u>	<u>Estimated Amount of Maximum Benefits *</u>
I	\$57,029.00	\$69,990.00
II	<u>3,876.00</u>	<u>4,757.00</u>
Total	Assessable \$60,905.00	Total Benefits \$74,747.00

* The actual costs of constructing and installing the improvement in any individual assessment unit may exceed the estimated cost for such improvement, or the estimated amount of the maximum benefits to be derived therefrom, or both, stated above, but in no event shall the aggregate assessment that is levied against any lot or parcel of property for all of the assessment units exceed the aggregate amount of the estimates of the maximum benefits to such lot or parcel by virtue of the construction and installation of the improvements in all of the assessment units.

The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits received and shall be assessed against the property

abutting said improvements on the following bases:

ASSESSMENT UNIT NO. I (Street Paving)

Such estimates shall be computed on a front foot basis, i.e., on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the frontage of said lot or parcel which abuts the improvement bears to the frontage of all assessable property abutting the improvement in the assessment unit; provided, however, that, if any such lot or parcel is divided after the date of the hearing as to the propriety and advisability of making such improvements, but prior to the date on which the assessments are levied by ordinance pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be apportioned among such sublots or subparcels on an area basis, i.e., on the basis that each such subplot or subparcel shall be assessed a portion of the aggregate dollar amount being levied against the entire lot or parcel in the proportion that the area of said subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. II (Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the square footage of the driveway approach or approaches installed to serve said lot or parcel bears to the square footage of all of the driveway approaches installed to serve all

assessable property in the assessment unit.

In each assessment unit, an equitable adjustment will be made for any assessment levied against any irregular lot or parcel so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be derived from the proposed improvements by, each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used for apportioning the assessments, in the case of a wedge, "V" or other irregularly shaped lot or parcel, the amount apportioned thereto shall be in proportion to the special benefits derived thereby.

The areas to be assessed within the respective assessment units which said City Council proposes to so have improved are as follows:

ASSESSMENT UNIT NO. I (Street Paving)

Each lot or parcel of real property lying and being situate in the City of Las Vegas, in the County of Clark, State of Nevada, and being a portion of Section 12, Township 20 South, Range 60 East, M.D.M., which abuts Helen Avenue (60 feet wide), or portions thereof, along both sides thereof from a point that is approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly to the centerline of Alexander Road (50 feet wide).

ASSESSMENT UNIT NO. II (Driveway Approaches)

Each lot or parcel of real property lying and being situate in the City of Las Vegas, in the County of Clark, State

of Nevada, and being a portion of Section 12, Township 20 South, Range 60 East, M.D.M., which abuts Helen Avenue (60 feet wide), or portions thereof, along both sides thereof from a point that is approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly to the centerline of Alexander Road (50 feet wide).

The proposed improvements will result in no substantial change in the existing street elevations or grades.

All persons interested are hereby advised that the plans, plats, typical sections, preliminary estimates of the total cost, the description of the property to be assessed, the portion of the cost to be assessed thereagainst and the maximum amount of the benefits estimated to be derived by each lot or parcel of property with respect to the respective assessment units are on file in the Office of said City Clerk and may be inspected by any property owner or other interested person during regular office hours.

On Wednesday, the 17th day of October, 1990, at 2:00 o'clock p.m., at the Council Chambers in the Las Vegas City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, or at any time prior to said date and time, at the Office of said City Clerk at said City Hall, the owner or owners of any of the lots or parcels of property to be assessed, any other person interested in any thereof or any tenant of any mobile home park that is located on any of such lots or parcels may file a written protest or objection and may appear before said City council at

said time and place and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the proposed method of the payment therefor and as to the amount thereof to be assessed against, and the amount of the maximum benefits estimated to be derived from such improvements by, the respective lots and parcels of property to be so improved.

Any owner of any of such lots or parcels, any other person interested in any thereof or any tenant of any mobile home park that is located on any of such lots or parcels who wishes to make any protest or objection must make such protest or objection in writing at the Office of said City Clerk at least three days before the time set for such hearing. In this connection, a person should object to the formation of said Special Improvement District in the manner as aforesaid if his or her support therefor is based upon a statement or representation concerning said District that is not contained in the language of this notice. Any person who files a written protest or objection three days before the time of such hearing as aforesaid shall have the right, within thirty (30) days after said City Council has finally passed upon such protest or objection, to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred.

NOTE: A PERSON'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT (A) THE MAKING OF SUCH IMPROVEMENTS IS IMPROPER OR ILL ADVISED, (B) THE COSTS THEREOF ARE EXCESSIVE, (C) THE PROPOSED METHOD OF PAYMENT THEREFOR IS

IMPROPER OR (D) THE AMOUNT OF THE ESTIMATED COSTS TO BE ASSESSED AGAINST THE LOT OR PARCEL OF PROPERTY THAT HE OR SHE OWNS OR IS OTHERWISE INTERESTED OR ON WHICH IS LOCATED A MOBILE HOME PARK OF WHICH HE OR SHE IS A TENANT, OR THE AMOUNT OF THE MAXIMUM BENEFITS ESTIMATED TO BE DERIVED BY SUCH LOT OR PARCEL FROM THE PROPOSED IMPROVEMENT THEREOF, OR BOTH, ARE EXCESSIVE WILL BE AT SUCH HEARING. NO SUCH PERSON WILL BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE IN SUPPORT OF HIS OR HER PROTEST OR OBJECTION IN ANY SUCH ACTION OR SUIT IN ANY COURT.

If the owners of more than one-half of the frontage to be assessed for the improvements to be installed in ASSESSMENT UNIT NO. I shall file written objections thereto, the improvements for that particular assessment unit shall not be installed. The improvements to be installed in ASSESSMENT UNIT NO. II will be installed to serve each particular lot or parcel at the location and in the number, length and width as specified by the owner thereof, and no such improvements will be installed to serve any lot or parcel without the approval of the owner thereof.

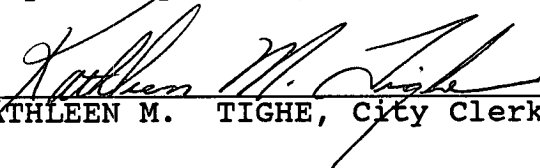
After such hearing, said City Council shall make a determination as to the advisability of so improving said streets and parts thereof, shall determine the kind and character of such improvements so to be made and shall enter into a contract with the bidder that submits the lowest responsive and responsible bid for the doing of such work and the furnishing of all necessary materials in response to a duly advertised invitation for construction bids.

After the making of such contract, said City Council shall determine what portion of the cost of such work, including incidentals, shall be assessed against the lots and parcels of

property specially benefited, and the assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum benefits to the property assessed. Said City Council shall provide that the assessments may be payable without interest or demand during a specified period, at the election of the owner, or in twenty substantially equal semiannual installments of principal. Said City Council shall also provide the time and terms of payment of such assessments and the rate of interest per annum upon deferred payments thereof, which rate shall not exceed by more than 3% the Index of Twenty Bonds that was most recently published before the date on which the ordinance levying the assessments is adopted, and shall fix the penalties to be collected upon delinquent payments.

By order of the City Council of the City of Las Vegas, Nevada.

Dated this 19th day of September, 1990.


KATHLEEN M. TIGHE, City Clerk

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SECTION 5. That said City Clerk is hereby authorized to invite bids on the contemplated work by advertising the invitation for such bids at least once a week for three (3) consecutive weeks by three (3) weekly insertions in said Las Vegas Review-Journal; provided, however, that not less than fourteen (14) days shall intervene between the first publication and the last publication; provided, further, that the last publication shall be at least five (5) days prior to the receipt of bids; and provided, further, that no contract shall be made or awarded until after the aforesaid hearing.


INTRODUCED, PASSED AND ADOPTED this 19th day of September, 1990.



RON LURIE, Mayor

OK
9-24-90
VS

ATTEST:



KATHLEEN M. TIGHE, City Clerk

PE

CITY COUNCIL MINUTES

MEETING OF

SEPTEMBER 19, 1990

AGENDA

City of Las Vegas

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	ACTION
<p>V. ROY A. WOOFER - CITY ATTORNEY (Cont.)</p>	
<p>D. Acceptance of City Engineer's Report on Benefits re: SID No. 489 (Helen Avenue Between Duncan Drive and Alexander Road)</p>	<p>HIGGINSON - ACCEPTED Report - UNANIMOUS Staff to proceed **** No discussion was held.</p>
<p>E. Approval of Resolution Making Provisional Order and Directing That Notice of Public Hearing Thereon Be Given Re: SID No. 489 (Helen Avenue Between Duncan Drive and Alexander Road)</p>	<p>HIGGINSON - ADOPTED Resolution and set public hearing date - UNANIMOUS 10/17/90 Agenda **** No discussion was held.</p>
<p>F. Approval of Resolution Accepting Bids Re: SID 492 (Lake Mead Boulevard Between Rancho Drive and Winwood Street)</p>	<p>HIGGINSON - ADOPTED Resolution UNANIMOUS Staff to proceed **** No discussion was held.</p>

TO:
The City Council

FROM:
Roy A. Woofter
City Attorney

SUBJECT: Resolution Making Provisional Order and Directing that Notice of Hearing Thereon Be Given re: Special Improvement District No. 489 (Helen Avenue between Duncan Drive and Alexander Road).

PURPOSE/BACKGROUND

S.I.D. NO.:	489
STEP:	Resolution making provisional order and directing that notice of hearing thereon be given.
IMPROVEMENTS:	The installation of street paving and driveway approaches.
LOCATION:	Along both sides of Helen Avenue from Duncan Drive to Alexander Road.

FISCAL IMPACT

The estimated costs in the amount of \$60,905.00 that the City will incur in installing the improvements in Special Improvement District No. 489 will be paid out of the Special Improvement District Revolving Fund and will be recovered over a 10 year period through the levy and collection of special assessments.

RECOMMENDATIONS

It is recommended that the City Council adopt this Resolution.