

R E S O L U T I O N

RESOLUTION DECLARING THE NECESSITY FOR, AND ECONOMIC FEASIBILITY OF, CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 462.

WHEREAS, the City of Las Vegas, in the County of Clark and State of Nevada, has taken requisite legal action preliminary to the creation of the Special Improvement District No. 462 (the "District" herein), consisting of two (2) separate and distinct assessment units for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving of Verde Way and portions thereof as is more particularly described in the Notice of Hearing that is provided for in Section 4 of that certain Resolution that was passed, adopted and approved in connection with the District on the 7th day of November, 1990 (the "Provisional Order Resolution" herein), as ASSESSMENT UNIT NO. I and the installation of driveway approaches along Verde Way and portions thereof as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II (the "Project" herein) and of defraying the entire cost and expense thereof by special assessments, according to benefits, against the taxable lots and parcels of property within each assessment unit of the District, all in accordance with the provisions of Chapter 271 of the Nevada Revised Statutes that provide therefor; and

WHEREAS, the City Engineer of said City (the "Engineer" herein) has presented to the City Council of said City the following documents:

(A) An accurate estimate of the total cost of the Project for the District, including in said estimate the incidental expenses that are attributable thereto;

(B) Full and detailed plans and specifications for the construction of the Project, with construction drawings, showing typical sections of the contemplated improvements for the District;



(C) A map and assessment plat showing the location of each portion of the Project and the property to be assessed; and

(D) The Engineer's report on benefits in which the Engineer sets forth his conclusions concerning the benefits to be derived from the District and the proper method of assessment, which said report and benefits was accepted by said City Council at its meeting that was held on Wednesday, the 19th day of September, 1990; and

WHEREAS, pursuant to Chapter 271 of the Nevada Revised Statutes and the Provisional Order Resolution, said City Council declared its determination to create the District for the purpose of making such improvements within each assessment unit thereof, describing in the Provisional Order Resolution the improvements, stating therein that the entire expense thereof shall be paid by special assessments and that such assessments are to be made according to the benefits, designating therein, by apt description, the boundaries of the District, including the lands to be so assessed, and definitely locating therein the improvements to be made within each assessment unit of the District; and

WHEREAS, pursuant to the Provisional order Resolution, said City Council directed the City Clerk of said City to give notice of the estimates of the expense of the improvements, of the plats and diagrams that were theretofore filed and of the time and place of the public hearing thereon, and said notice was given in the manner that is specified by the laws of the State of Nevada and in accordance with the directions that are contained in the Provisional Order Resolution; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform all interested parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, at such public hearing, which was held on the 5th day of December, 1990, protests were presented to the creation of the District that represented the majority of the

frontage that is to be assessed for the cost of the street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. I thereof; and

WHEREAS, the notice of such public hearing advised the owner or owners of each lot or parcel of property to be assessed for the cost of such street paving, any other person who may be interested in any thereof and any tenant of any mobile home park that is located on any such lot or parcel that, since not more than 1,320 feet, including intersections, remain unimproved with street paving in Verde Way between the street paving improvements that have already been made to two streets that intersect the said Verde Way, to wit, Jones Boulevard and Leon Avenue, the City Council may, pursuant to NRS 271.305(7)(b)(2), order the construction and installation of such street paving in ASSESSMENT UNIT NO. I, in which event the construction and installation of the street paving shall not be stayed, defeated or prevented by written complaints, protests or objections thereto; and

WHEREAS, said City Council has reviewed all of the documents that are described in the second recital of this Resolution, has found the same to be satisfactory and has considered the fact that protests that represented the majority of the frontage that is to be assessed for such street paving were presented at such public hearing; and

WHEREAS, said City Council, pursuant to NRS 271.305(7)(b)(2), has determined, and by this Resolution does so determine, that the construction and installation of such street paving shall not be stayed, defeated or prevented notwithstanding such majority protest.

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 December, 1990, that said City Council has found, determined and declared, and does hereby find, determine and declare, that:

SECTION 1: Notwithstanding the fact that protests that represent the majority of the frontage to be assessed for the


cost of the improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. I of the District have been presented, the construction and installation of such improvement should not be stayed, defeated or prevented, and therefore, pursuant to NRS 271.305(7)(b)(2), each of such protests be, and the same hereby is, overruled and finally passed upon by said City Council.

SECTION 2: The estimated net cost to said City of the Project, including all necessary expenses which either have been or will be incurred in connection with the District, is \$57,711.00 and, based upon all of the foregoing:

(A) The public convenience and necessity require the creation of Special Improvement District No. 462;

(B) The creation of Special Improvement District No. 462 is economically sound and feasible.

PASSED, ADOPTED AND APPROVED this 19th day of December, 1990.

  
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RON LURIE, Mayor OK 12-26-90 RAW

ATTEST:

  
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KATHLEEN M. TIGHE, City Clerk

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CITY COUNCIL MINUTE  
MEETING OF

DECEMBER 19, 1990

**AGENDA**

*City of Las Vegas*

CITY COUNCIL  
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE  
PHONE 386-6011

ITEM	ACTION
<p>V. <u>ROY A. WOOFER - CITY ATTORNEY</u></p>	
<p>A. Appeal of Work Card Denial:</p> <p>Ms. Virginia Kendrid 1602 Putnam Drive, #2 North Las Vegas, NV 89030</p>	
<p>B. Resolution Declaring Necessity For, and Economic Feasibility of, Creating Las Vegas, Nevada, Special Improvement District No. 462 (Verde Way Between Jones Boulevard and Leon Avenue)</p>	<p>ADOPTED</p>

TO:  
The City Council

FROM:  
Roy A. Woolfer  
City Attorney

SUBJECT:  
Resolution Declaring Necessity for, and Economic Feasibility of, Creating Special Improvement District No. 462 (Verde Way between Jones Boulevard and Leon Avenue)

PURPOSE/BACKGROUND

S.I.D. NO.: 462

STEP: Resolution declaring necessity for, and economic feasibility of, creating district

IMPROVEMENTS: The installation of street paving and driveway approaches

LOCATION: Along both sides of Verde Way from Jones Boulevard to Leon Avenue

NOTE: At the public hearing with respect to creating this district, protests were presented to the creation of the district that represented the majority of the frontage that is to be assessed for costs of the street paving. However, NRS 271.305(7)(b)(2) authorizes the City Council to overrule a majority protest to a street paving project in a situation in which distance between existing sections of street paving does not exceed 1,320 feet, the situation that exists in this instance. By adopting the resolution that is attached, the City Council will be overruling such protests and ordering the staff to proceed with the district.

FISCAL IMPACT

The estimated costs in the amount of \$57,711.00 that the City will incur in installing the improvements in Special Improvement District No. 462 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.