

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. 428 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, in conjunction with a total project that will include the removal of the existing defective street paving on those certain streets that are identified in the Notice of Hearing that is provided for in Section 4 of this Resolution, the replacement thereof with new street paving that meets said City's current design standards and the installation of streetlights along such streets (the "Project" herein), certain preliminary plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the cost of installing the portion of the Project the costs of which will be assessed against, and estimates of the maximum benefits that will be derived from such portion by, the assessable lots and parcels of property in such special improvement district, which portion shall consist of the installation of streetlights and appurtenances along such streets, and portions thereof, within said City as is more specifically described in said Notice of hearing; and

WHEREAS, the City Engineer, on the 3rd day of April, 1991, filed at the office of said City Clerk, in connection with such improvements and with said City's proposed Las Vegas,



Nevada, Special Improvement District No. 428, the following:

A. Preliminary plans that show 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 cost of such improvements;

B. Preliminary estimates of the total cost of each type of construction, such estimates being made in a lump sum or by unit prices, and, further, including in such 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 appropriate to the completion of such work of improvement and the payment of the cost thereof;

C. Assessment plats that show the areas that are to be assessed and the amount of the estimated cost that is to be assessed against, and the amount of the maximum benefit that is estimated to be derived from such improvements by, each lot or parcel of property within said Special Improvement District, such estimates as have heretofore been designated by said City Council being computed on the basis that is 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 that are to be derived from such improvements and the proper method of assessment; and

WHEREAS, an equitable adjustment will be made for any assessment that is to be levied against any irregular lot or parcel, so that the assessments according to benefits will be

equal and uniform; and

WHEREAS, said City Council has examined such plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the cost 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 3rd day of April, 1991, that said City Council shall, and hereby does, accept such plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the cost and the amount of such estimated cost that is to be assessed against, and the amount of the maximum benefit that is estimated to be derived from such improvements by, each lot or parcel of property within 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 \$940,084.00, of which an estimated \$83,812.00 will be assessed against and paid by the assessable lots and parcels of property within said proposed Special Improvement District, including engineering, legal and incidental expenses, all as is more particularly hereinafter set forth and described in such plans that are 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. Such estimated cost, and the estimated amount of the maximum benefits that will be derived, in the aggregate, by all of the assessable lots and parcels of property within said Special Improvement District from such improvements, are \$83,812.00 and \$92,193.00, respectively,

The amounts that are to be assessed shall be made upon all of the assessable lots and parcels of property that are benefited, proportionately to the benefits that are received, and shall be assessed against the properties that abut the street along which such improvements are installed upon a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed shall be assessed a portion of the aggregate dollar amount that is being levied against the entire Special Improvement District in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being installed bears to the frontage of all of the assessable properties in said District that abut the street along which the improvement is being installed.

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

SECTION 3. The area that encompasses such streets that

are to be so improved and the properties that are proposed to be assessed shall be designated "Las Vegas, Nevada, Special Improvement District No. 428."

SECTION 4. On Wednesday, the 1st day of May, 1991, at the hour of 2:00 o'clock p.m., in Rooms 201 and 202 of the Cashman Field Center, 850 Las Vegas Boulevard North, Las Vegas, Nevada, or at any time prior to such date and time at the Office of said City Clerk at the Las Vegas City Hall, the owner or owners of the lots and parcels of property that are to be assessed, any other person who is 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 such 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 that is to be assessed against, and the amount of the maximum benefits that are estimated to be derived from such improvements by, the respective lots and parcels of property that are 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 said Special Improvement District 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 that appear on the local property assessment rolls for general (ad valorem) taxes that are on file

in the Office of the County Assessor of Clark County, Nevada, wherein such 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 said Special Improvement District at least twenty (20) days prior to such 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 that is 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 that is 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. Such 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. 428

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. 428, 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, as a part of a total project that will include the removal of the existing street paving in those certain streets that are hereinafter identified, the replacement thereof with new street paving that meets said City's current design standards and the installation of streetlights along such streets (the "Project" herein), streetlights and appurtenances shall be installed along the following streets, and portions thereof, to wit:

WENGERT AVENUE: Along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th street (50 feet wide);

SWEENEY AVENUE: Along both sides thereof from a point that is approximately 25 feet east of the centerline of 8th Street (50 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

GRIFFITH AVENUE: Along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th street (50 feet wide);

BRACKEN AVENUE: Along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th street (50 feet wide);

10TH STREET: Along both sides thereof from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 25 feet north of the centerline of Sweeney Avenue (50 feet wide) and from a point that is approximately 25 feet south of the centerline of said Sweeney Avenue southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide); and

11TH STREET: Along both sides thereof from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide),

Except as is shown on the plans and specifications, as the same have been filed in the Office of the City Clerk of said City, the improvements shall consist of the installation of 100 watt high pressure sodium vapor luminaires, steel lighting standards on concrete bases and underground circuits.

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

It is anticipated that, of the \$940,084.00 that is the total estimated cost of the Project, an estimated \$83,812.00

shall be apportioned among, assessed against and paid by the assessable lots and parcels of property within said proposed Special Improvement District and that such lots and parcels will derive benefits from such improvements in the estimated aggregate amount of \$92,193.00.

The amounts that are to be assessed shall be made upon all of the assessable lots and parcels of property that are benefited, proportionately to the benefits that are received, and shall be assessed against the properties that abut such improvements upon a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed shall be assessed a portion of the aggregate dollar amount that is being levied against the entire Special Improvement District in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being installed bears to the frontage of all of the assessable properties in said District that abut the street along which the improvement is being installed.

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

The areas that are to be assessed within said proposed Special Improvement District which said City Council proposes to have so improved are as follows:

WENGERT AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Wengert Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

SWEENEY AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Sweeney Avenue, or portions thereof, along both sides thereof from a point that is approximately 25 feet east of the centerline of 8th Street (50 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

GRIFFITH AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Griffith Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

BRACKEN AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Bracken Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

10TH STREET: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts 10th Street, or portions thereof, along both sides therefrom from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 25 feet north of the centerline of Sweeney Avenue (50 feet wide) and from a point that is approximately 25 feet south of the centerline of said Sweeney Avenue southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide); and

11TH STREET: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts 11th Street, or portions thereof, along both sides thereof from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide).

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

All persons who are interested are hereby advised that the plans, plats, typical sections, preliminary estimates of the total cost, the description of the lots and parcels of property that are to be assessed, the portion of the cost that is to be assessed thereagainst and the maximum amount of the benefit that is estimated to be derived by each lot or parcel of property 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 1st day of May, 1991, at 2:00 o'clock p.m., in Rooms 201 and 202 of the Cashman Field Center, 850 Las Vegas Boulevard North, Las Vegas, Nevada, or at any time prior to said date and time, at the Office of said City Clerk on the 10th floor of the Las Vegas City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada 89101, the owner or owners of any of the lots or parcels of property that is to be assessed, any other person who is 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 such 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 the payment therefor and as to the amount thereof that is to be assessed against, and the amount of the maximum benefits that are estimated to be derived from such improvements by, the respective lots and parcels of property that are to be so improved.

Any owner of any of such lots or parcels, any other person who is 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 that is 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 THAT ARE 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 that is to be assessed for the streetlighting improvements that are to be installed in said Special Improvement District shall file written objections thereto, such improvements shall not be installed; provided, however, that, since one-half or more of the total cost of the entire Project will be paid for other than by levy of special assessments, the City Council may, pursuant to NRS 271.305(7)(b)(1), order the installation of the streetlights and appurtenances, in which event the installation of such improvements shall not be stayed, defeated or prevented by written complaints, protests and objections thereto.

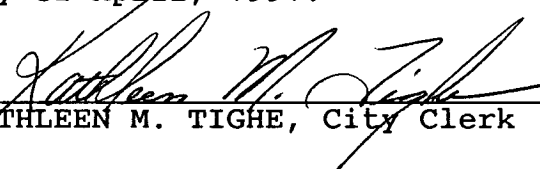
After such hearing, said City Council shall make a determination as to the advisability of installing such improvements, shall determine the kind and character thereof and shall enter into a contract with the bidder that submits the lowest responsive and responsible bid for the doing of such work and the furnishing of all of the 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 assessable lots and parcels of property that are specially benefited, and the assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall an assessment exceed the estimated maximum benefit to the lot or parcel of property against which it is assessed. Said City Council shall provide that each assessment may be payable without interest or demand during a specified

period, at the election of the owner or owners of the lot or parcel of property against which the same is assessed, or in twenty (20) 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 the deferred installments thereof, which rate shall not exceed by more than three percent (3%) the Index of Twenty Bonds that was most recently published before the date on which the ordinance that levies the assessments is adopted, and shall fix the penalties that are to be collected upon delinquent payments.


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

Dated this 3rd day of April, 1991.


KATHLEEN M. TIGHE, City Clerk

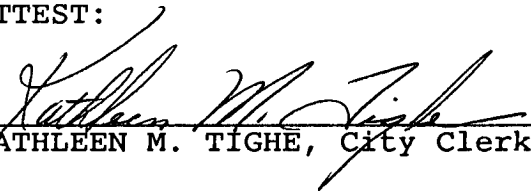
SECTION 5. That said City Clerk is hereby authorized to invite bids for doing the contemplated work by advertising the invitation for such bids at least once a week for three (3) consecutive weeks by three (3) weekly insertions in said Las Vegas Review-Journal; provided, however, that not less than fourteen (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 April 3, 1991.



RON LURIE, Mayor *OK 4.9.91 RAW*

ATTEST:



KATHLEEN M. TIGHE, City Clerk

CITY COUNCIL MINUTES

MEETING OF

APRIL 3, 1991

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>NOLEN - ADOPTED Resolution as recommended - Motion carried with Adamsen excused.</p>
<p>O. Approval of Resolution Making Provisional Order and Directing that Notice of Hearing Thereon be Given Re: Special Improvement District No. 428 (Huntridge Streetlights)</p>	<p>Staff to proceed</p> <p style="text-align: center;">****</p> <p>City Attorney Woofter stated everything is in order.</p>
<p>P. Renewal and Amendments to the Second Chance Adoption Center and Dewey Drop-Off Contract</p>	<p>NOTE: ACTION TAKEN IN AFTERNOON SESSION.</p> <p>ADAMSEN - ABEYANCE - UNANIMOUS</p> <p>4/17/91 Agenda</p> <p>PREVIOUS MOTION BY NOLEN TO TABLE THIS ITEM UNTIL THE END OF THE MEETING SO AMENDMENTS COULD BE REVIEWED CARRIED UNANIMOUSLY.</p> <p style="text-align: center;">****</p> <p>CITY ATTORNEY WOOFER stated that due to the short notice to the public, it would be appropriate to hold this item in abeyance.</p> <p>MARY HERO, President of Nevada Animal Foundation, appeared.</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. 428 (Huntridge Streetlights).

PURPOSE/BACKGROUND

S.I.D. NO.:	428
STEP:	Resolution making provisional order and directing that notice of hearing thereon be given.
IMPROVEMENTS:	The installation of streetlights.
LOCATION:	Along both sides of various streets in the Huntridge area.

FISCAL IMPACT

The costs, in the estimated amount of \$83,812.00, that the City will incur in installing the streetlights in Special Improvement District No. 428 will be advanced from the City's 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.