

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 CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1435 SHALL BE DONE.

WHEREAS, the City Council of the City of Las Vegas (the "City Council" and the "City", respectively, herein), in the County of Clark and State of Nevada, pursuant to Chapter 271 of the Nevada Revised Statutes, and all laws that are supplemental thereto, has directed the City Engineer of the City (the "City Engineer" herein) to file with the City Clerk, who is also the Clerk of the City Council (the "City Clerk" herein), in conjunction with a total project that will include the construction and installation along Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) of street paving (86 feet in width in that portion of the right-of-way of said Washington Avenue that is 100 feet wide and 66 feet in width in that portion of the right-of-way of said Washington Avenue that is 80 feet wide); a raised median island or a two-way center left turn lane, or a combination thereof; traffic control devices; curbs and gutters; sidewalks; streetlights; driveway approaches; and drainage facilities (the "Project" herein), certain preliminary plans, assessment plats, typical sections of certain contemplated improvements, preliminary estimates of the costs and estimates of the maximum benefits that will inure from such improvements to the respective assessable lots and parcels of



property that will be benefited thereby, all in connection with the proposed construction and installation, by way of a special improvement district that consists of six (6) separate and distinct assessment units, of certain public improvements along certain streets within certain areas of the City, such improvements being more specifically described as follows:

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

Providing for the installation of curbs and gutters along Washington Avenue, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. II,

Providing for the installation of sidewalks along Washington Avenue, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. III,

Providing for the installation of a street lighting system and all facilities that are incidental thereto along Washington Avenue, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. IV,

Providing for the installation of residential driveway approaches along Washington Avenue, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. V, and

Providing for the installation of commercial driveway approaches along Washington Avenue, and portions thereof, as is

more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. VI; and

WHEREAS, the City Engineer, on the 15th day of July, 1992, filed in the Office of the City Clerk, in connection with such improvements and with the City's proposed "City of Las Vegas, Nevada, Special Improvement District No. 1435" (the "District" herein), 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 constructing and installing such improvements;

B. Preliminary estimates of the total cost of each type of construction, such estimates having been made in a lump sum or by unit prices, including without limitation the advertising, appraising, engineering, legal and printing expenses in connection therewith and such other costs and expenses as in the judgment of the City Engineer are necessary or appropriate to the completion of the proposed work of improvement and the payment of the cost thereof;

C. Assessment plats that show the areas that are proposed to be assessed and the amount of the estimated costs that is proposed to be assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived from such improvements by, each assessable lot or parcel of property within each assessment unit of the District, such estimates as have heretofore been designated by the City Council

having been computed, for the respective assessment units, on the bases that are set forth in Section 2 of this Resolution; and

D. The City Engineer's report with respect to benefits which sets forth the City Engineer's conclusions concerning the benefits that will be derived from such improvements by the respective assessable lots and parcels of property and the proper method of assessment; and

WHEREAS, an equitable adjustment shall be made for any assessment that is levied against any irregular lot or parcel of property in order that assessments that are levied according to the benefits that will be derived from such improvements by the respective lots and parcels will be equal and uniform; and

WHEREAS, the City Council has examined such plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the costs and estimates of the maximum benefits that have been so filed with the City Clerk and the City Engineer's report with respect to such 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 15th day of July, 1992, that the City Council shall, and hereby does, accept such plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of the costs and the amount of such estimated costs that is proposed to be assessed against, and the estimated amount of the maximum benefits that are anticipated

will be derived from such improvements by, each assessable lot or parcel of property in the respective assessment units of the District; and

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

SECTION 1. Those improvements, at an estimated cost of \$4,816,161.00, of which an estimated \$546,722.00 is proposed to be assessed against and paid by the assessable lots and parcels of property within the several assessment units of the District, including engineering, legal and incidental expenses, all as the same are more particularly hereinafter set forth and are described in the plans that are herein accepted, reference to which is hereby made, and are available for public examination at the Office of the City Clerk, shall be constructed and installed.

SECTION 2. Such estimated costs and estimated amount of maximum benefits shall be apportioned among the respective assessment units of the District as follows:

<u>Assessment Unit No.</u>	<u>Estimated Costs</u>	<u>Estimated Amount of Maximum Benefits *</u>
I	\$154,704.00	\$204,983.00
II	38,897.00	51,539.00
III	156,141.00	206,887.00
IV	189,991.00	251,738.00
V	3,842.00	5,091.00
VI	3,147.00	4,170.00
Total Assessable	\$546,722.00	Total Benefits \$724,408.00
Other Improvements	4,269,439.00	
Total Project	\$4,816,161.00	

* 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 that are anticipated will be derived therefrom, or both, that is 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 that are proposed to be assessed shall be assessed against all of the assessable lots and parcels of property that are benefited, proportionately to the benefits that each such lot or parcel receives, and shall be assessed against the assessable lots and parcels of property that abut such 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 that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the frontage of such lot or parcel that abuts, and is benefited by, the improvement bears to the total of the frontage of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied

against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. II (Curbs and Gutters)

Such estimates shall be computed on a lineal foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, the improvement bears to the total of the number of lineal feet of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. III (Sidewalks)

Such estimates shall be computed on a lineal foot basis, i.e., on the basis that each lot or parcel of property that is to

be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, the improvement bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. IV (Street Lighting)

Such estimates shall be computed on a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being installed, and is benefited by such improvement, bears to the total of the frontage of all of the assessable

properties that abut the street along which the improvement is being installed, and are benefited by such 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such sublot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. V (Residential Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property that is served by, and is to be assessed for, any improvement that is constructed and installed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number and length of the driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the driveway approaches that are installed to serve all of the assessable properties in the assessment unit.

ASSESSMENT UNIT NO. VI (Commercial Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property that is served by, and is to be assessed in the assessment unit for, Option A Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option A Driveway Approaches in the proportion that the number and length of the Option A Driveway Approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the Option A Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit and on the basis that each lot or parcel of property that is served by, and is to be assessed in the assessment unit for, Option B Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option B Driveway Approaches in the proportion that the square footage of the Option B Driveway Approaches that are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option B Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit.

In each assessment unit, an equitable adjustment will be made for any assessment that is levied upon any irregular lot or parcel of property in order that the assessments that are levied according to the benefits that will be derived from such improvements by the respective lots and parcels will be equal and uniform. The portion of the costs that is proposed to be

assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived from such improvements by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat. Regardless of the basis that is used for apportioning the assessments, 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 the streets that are proposed to be so improved and the properties that are proposed to be so assessed (i.e., all of such assessment units) shall be designated as "City of Las Vegas, Nevada, Special Improvement District No. 1435".

SECTION 4. On Wednesday, the 19th day of August, 1992, 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 such date and time at the Office of the City Clerk at said City Hall, the owner or owners of any lot or parcel of property that is proposed 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 the City Council at such time and place and be heard as to the propriety and advisability of constructing and installing such improvements, as to the cost thereof, as to the proposed method of payment therefor and as to the amount thereof that is proposed to be assessed against, and the estimated amount of the

maximum benefits that are anticipated will be derived from such improvements by, the respective lots and parcels of property that abut the improvements that are proposed to be so constructed and installed. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, which notice shall be served by the City Clerk by mailing a copy thereof, 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 a portion of the cost of constructing and installing such improvements, the 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 the 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 such hearing. Proof of such mailing and posting shall be made by the affidavit of the City Clerk or of the City Engineer, as the case may be, such proof to be filed with the 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 the 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 the City Clerk. Such notice shall be, substantially, in the following form:

NOTICE OF HEARING ON THE IMPROVEMENT OF CERTAIN STREETS AND ALLEYS, AND PARTS THEREOF, AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1435.

NOTICE IS HEREBY GIVEN to the owner or owners of each lot or parcel of property within the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1435" (the "District" herein), to 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 (the "City Council" and the "City", respectively, herein), has provisionally ordered that, as part of a total project that will include the construction and installation along Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) of street paving (86 feet in width in that portion of the right-of-way of said Washington Avenue that is 100 feet wide and 66 feet in width in that portion of the right-of-way of said Washington Avenue that is 80 feet wide); a raised median island or a two-way center left turn lane, or a combination thereof; traffic control devices; curbs and gutters; sidewalks; streetlights; driveway approaches; and drainage facilities (the "Project" herein), certain improvements be installed along those certain streets within those certain areas of the City that are hereinafter more particularly described as follows:

ASSESSMENT UNIT NO. I (Street Paving)

The portion of the Project the costs of which will be assessed against the assessable lots and parcels of property in ASSESSMENT UNIT NO. I shall consist of the construction and installation of street paving 8 feet in width (or, in the case of any portion of said street that is adjacent to a lot or parcel of property the development of which was approved by said City Council subject to the construction and installation by the owner or owners thereof of full half-street improvements, 43 feet in width if such lot or parcel is adjacent to that portion of the right-of-way of said Washington Avenue that is 100 feet wide and 33 feet in width if such lot or parcel is adjacent to that portion of the right-of-way of said Washington Avenue that is 80 feet wide) along either side of Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. II (Curbs and Gutters)

The portion of the Project the costs of which will be assessed against the assessable lots and parcels of property in ASSESSMENT UNIT NO. II shall consist of the construction and installation of Class B concrete "L" type curbs and gutters along either side of Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. III (Sidewalks)

The portion of the Project the costs of which will be assessed against the assessable lots and parcels of property in ASSESSMENT UNIT NO. III shall consist of the construction and installation of Class B concrete sidewalks 5 feet in width along the north side of Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the

centerline of Sandhill Road (80 feet wide) easterly to the west right-of-way line of Lamb Boulevard (100 feet wide) and along either side of said Washington Avenue from the east right-of-way line of said Lamb Boulevard easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. IV (Street Lighting)

The portion of the Project the costs of which will be assessed against the assessable lots and parcels of property in ASSESSMENT UNIT NO. IV shall consist of the installation of streetlights and any and all appurtenances along either side of Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more

particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. V (Residential Driveway Approaches)

The portion of the Project the costs of which will be assessed against the assessable lots and parcels of property in ASSESSMENT UNIT NO. V shall consist of the construction and installation of standard residential driveway approaches along either side of Washington Boulevard (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. VI (Commercial Driveway Approaches)

The portion of the Project the costs of which will be assessed against assessable lots and parcels assessable property in ASSESSMENT UNIT NO. VI shall consist of the construction and installation of one of two types, as the particular type is selected by the owner or owners of the individual lot or parcel

of property that will be served thereby, of commercial driveway approaches along either side of Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) and portions thereof, within the City, from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 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 to be necessary in order to complete the same, as is more particularly shown on the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

Except as is shown on the plans and specifications, as the same have been filed in the Office of the City Clerk of the City (the "City Clerk" herein), such improvements are more particularly described as follows:

ASSESSMENT UNIT NO. I (Street Paving)

The street paving shall consist of fog seal over 4 inches of asphaltic concrete pavement, a prime coat, 4 inches of Type II aggregate base and 9 inches of Type I or Type II aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the

City Clerk.

ASSESSMENT UNIT NO. II (Curbs and Gutters)

The curbs and gutters shall be Class B concrete "L" type over 6 inches of Type II aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. III (Sidewalks)

The sidewalks shall consist of 4 inches of Class B concrete slabs over 5 inches of Type II aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. IV (Street Lighting)

The street lighting system shall consist of 250 watt high pressure sodium vapor luminaires, steel lighting standards on concrete bases and underground circuits; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. V (Residential Driveway Approaches)

The residential driveway approaches shall consist of 6 inches of Class B concrete over 6 inches of Type II aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. VI (Commercial Driveway Approaches)

The commercial driveway approaches shall consist, as determined by the Traffic Engineer of the City pursuant to standards that have been approved by the City Council, of either 6 inches of Class B concrete that is reinforced with #4 rebar over 6 inches of Type II aggregate base (the "Option A Driveway Approaches" herein) or a radius driveway with a cross gutter, consisting of 6 inches of Class B concrete that is reinforced with #4 rebar over 6 inches of Type II aggregate base, and a sidewalk and access ramp for the handicapped, consisting of 4 inches of Class B concrete over 5 inches of Type II aggregate base (the "Option B Driveway Approaches" herein); together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

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

It is anticipated that, of the \$4,816,161.00 that is the total estimated cost of the Project, an estimated \$546,722.00 shall be apportioned among the several assessment units of the District and shall be assessed against and paid by 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	\$154,704.00	\$204,983.00
II	38,897.00	51,539.00
III	156,141.00	206,887.00
IV	189,991.00	251,738.00
V	3,842.00	5,091.00
VI	<u>3,147.00</u>	<u>4,170.00</u>
Total Assessable	\$546,722.00	Total Benefits \$724,408.00
Other Improvements	<u>4,269,439.00</u>	
Total Project	\$4,816,161.00	

* 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 that are anticipated will be derived therefrom, or both, that is 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 that are proposed to be assessed shall be assessed against all of the assessable lots and parcels of property that are benefited, proportionately to the benefits that

each such lot or parcel receives, and shall be assessed against the assessable lots and parcels of property that abut such 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 that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the frontage of such lot or parcel that abuts, and is benefited by, the improvement bears to the total of the frontage of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such sublot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. II (Curbs and Gutters)

Such estimates shall be computed on a lineal foot basis, i.e., on the basis that each lot or parcel of property that is to

be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, the improvement bears to the total of the number of lineal feet of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. III (Sidewalks)

Such estimates shall be computed on a lineal foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, the improvement bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. IV (Street Lighting)

Such estimates shall be computed on a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being installed, and is benefited by such improvement, bears to the total of the frontage of all of the assessable properties that abut the street along which the improvement is being installed, and are benefited by such 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 improvement 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 that is being levied against the entire lot or parcel in the proportion that the area of such sublot or subparcel bears to the aggregate area of the entire lot or parcel.

ASSESSMENT UNIT NO. V (Residential Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property that is served by, and is to be assessed for, any improvement that is constructed and installed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number and length of the driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the driveway approaches that are installed to serve all of the assessable properties in the assessment unit.

ASSESSMENT UNIT NO. VI (Commercial Driveway Approaches)

Such estimates shall be computed on the basis that each lot or parcel of property that is served by, and is to be assessed in the assessment unit for, Option A Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option A Driveway Approaches in the proportion that the number and length of the Option A Driveway Approaches that are installed to serve such lot

or parcel bears to the total number and aggregate length of all of the Option A Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit and on the basis that each lot or parcel of property that is served by, and is to be assessed in the assessment unit for, Option B Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option B Driveway Approaches in the proportion that the square footage of the Option B Driveway Approaches that are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option B Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit.

In each assessment unit, an equitable adjustment will be made for any assessment that is levied upon any irregular lot or parcel of property in order that the assessments that are levied according to the benefits that will be derived from such improvements by the respective lots and parcels will be equal and uniform. The portion of the costs that is proposed to be assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived from the proposed improvements by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat. Regardless of the basis that is used for apportioning the assessments, 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 proposed to be assessed within the respective assessment units which the City Council proposes to have so 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, County of Clark, State of Nevada, and being a portion of Section 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along either side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

ASSESSMENT UNIT NO. II (Curbs and Gutters)

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 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along either side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

ASSESSMENT UNIT NO. III (Sidewalks)

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 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along the north side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to the west right-of-way line of Lamb Boulevard (100 feet wide) and along either side thereof from the east right-of-way line of said Lamb Boulevard easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

ASSESSMENT UNIT NO. IV (Street Lighting)

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 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along either side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

ASSESSMENT UNIT NO. V (Residential Driveway Approaches)

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 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet

wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along either side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

ASSESSMENT UNIT NO. VI (Commercial Driveway Approaches)

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 29 or Section 30, Township 20 South, Range 62 East, M.D.M., that abuts Washington Avenue (100 feet wide between Sandhill Road and Marion Drive and 80 feet wide between Marion Drive and Nellis Boulevard) along either side thereof from a point that is approximately 62 feet east of the centerline of Sandhill Road (80 feet wide) easterly to a point that is approximately 83 feet west of the centerline of Nellis Boulevard (100 feet wide).

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

Each person who is interested is 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 proposed to be assessed, the portion of the cost that is proposed to be assessed thereagainst and the estimated amount of the maximum benefits that are anticipated will be derived from such improvements by each such lot or parcel with respect to the respective assessment units are on file in the Office of the City

Clerk and may be inspected by any property owner or other interested person during the regular office hours of that Office.

On Wednesday, the 19th day of August, 1992, 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 89101, or at any time prior to such date and time, at the Office of the City Clerk at said City Hall, the owner or owners of any lot or parcel of property that is proposed 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 the City Council at such time and place and be heard as to the propriety and advisability of constructing and installing such improvements, as to the cost thereof, as to the proposed method of the payment therefor and as to the amount thereof that is proposed to be assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived from such improvements by, the respective lots and parcels of property that abut the improvements that are proposed to be so constructed and installed. If any person wishes to object to the amount of the maximum benefits that are estimated will inure to his lot or parcel of property from the proposed improvements or to the legality of the proposed assessment thereagainst in any respect, such person is entitled to be represented at such hearing by counsel.

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 the City Clerk at least three (3) days before the time that is set for such hearing. In this connection, a person should object to the formation of the District in the manner as aforesaid if his or her support therefor is based upon a statement or representation concerning the 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 the 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 that attack the validity of the proceedings or the amount of benefits, or both, 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 COST THEREOF IS EXCESSIVE, (C) THE PROPOSED METHOD OF PAYMENT THEREFOR IS IMPROPER OR (D) THE AMOUNT OF THE ESTIMATED COSTS THAT ARE PROPOSED 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 ESTIMATED AMOUNT OF THE MAXIMUM BENEFITS THAT ARE ANTICIPATED WILL 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 proposed to be assessed for the improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. I or ASSESSMENT UNIT No. IV, or of more than one-half of the lineal footage that is proposed to be assessed for the improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. II or ASSESSMENT UNIT NO. III, shall file written protests or objections thereto, the particular improvement for that particular assessment unit shall not be constructed and installed; provided, however, that, since one-half or more of the total cost of the entire Project will be paid for other than by the levy of special assessments, the City Council may, pursuant to NRS 271.306(2)(a), order the construction and installation of the street paving in ASSESSMENT UNIT NO. I, the construction and installation of the curbs and gutters in ASSESSMENT UNIT NO. II, the construction and installation of the sidewalks in ASSESSMENT UNIT NO. III or the construction and installation of the street lighting system in ASSESSMENT UNIT NO. IV, or any combination thereof, in which event the construction and installation of such improvements shall not be stayed, defeated or prevented by written complaints, protests or objections thereto. The improvements that are to be constructed and installed in ASSESSMENT UNIT NO. V and ASSESSMENT UNIT NO. VI will be constructed and installed to serve each particular lot or parcel of property at the location and in the number, size and type as are specified by the owner thereof, and no such improvement will be constructed and installed to serve any such lot or parcel in either of said

assessment units without the approval of the owner thereof.

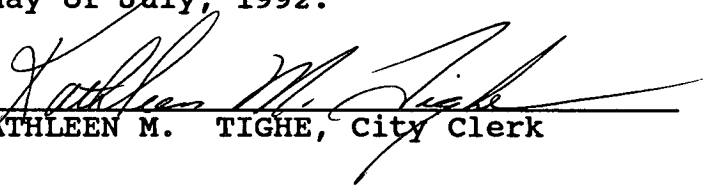
After such hearing, the City Council will make a determination as to the advisability of so improving such streets and portions thereof, will determine the kind and character of the improvements that are to be so constructed and installed and will enter into a contract with the bidder that submits the 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, the City Council will determine what portion of the cost of such work, including without limitation the expenses that are incidental thereto, will be assessed against the respective assessable lots and parcels of property that will be specially benefited thereby, and the assessments will be levied in accordance with the laws of the State of Nevada. In no event will an assessment exceed the estimated amount of the maximum benefits that are anticipated will be derived by the lot or parcel of property upon which the same is levied, and, in the event that the estimated assessment that is shown on the preliminary assessment roll that is on file in the Office of the City Clerk with respect to any lot or parcel of property that is proposed to be assessed exceeds the estimated amount of the maximum benefits that are anticipated will inure to such lot or parcel by reason of the construction and installation of such improvements, such disparity will be eliminated by reducing the amount of such assessment after the City Council has determined as aforesaid what portion of such costs and expenses

will be assessed against the respective assessable lots and parcels. The City Council will 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 it is assessed, or in twenty (20) substantially equal semiannual installments of principal. The City Council will also provide the time and terms for the payment of such assessments and for the rate of interest per annum that will be borne by 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 will 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 15th day of July, 1992.

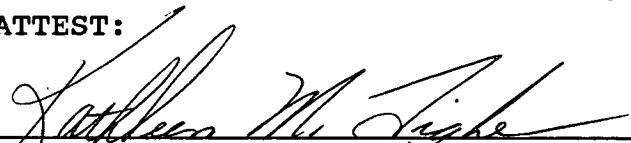

KATHLEEN M. TIGHE, City Clerk

SECTION 5. That the City Clerk be, and she hereby is, authorized, empowered and directed to invite bids for the performance of the work that is contemplated in this Resolution by advertising an 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 day on which the bids are to be received; and provided, further, that no contract shall be made or awarded until after the public hearing that is hereinabove provided for.

INTRODUCED, PASSED AND ADOPTED this 15th day of July, 1992.


JAN LAVERTY JONES, Mayor *OK 7-16-92 R*W*

ATTEST:


KATHLEEN M. TIGHE, City Clerk

new file

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

ENGINEER'S REPORT TO THE CITY COUNCIL ON BENEFITS
CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT
DISTRICT NO. 1435

Pursuant to that certain Resolution of the City Council (the "City Council" herein) of the City of Las Vegas, in the County of Clark and State of Nevada, that was duly adopted on the 1st day of July, 1992, and relates to the construction, installation and acquisition of a street paving, curbs and gutters, sidewalks, street lighting and driveways improvement project (the "Project" herein) within the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1435" (the "District" herein), the following report is hereby submitted for the City Council's consideration.

1. The undersigned, by and through the members of his staff who have countersigned this Report, has visited the site of the District (i.e., looked at the location of each of the proposed improvements and at the area that is proposed to be included within the boundaries of each individual assessment unit of the District).

2. With the preliminary plans and plats in hand, those staff members studied each and every assessable lot and parcel of property that is to be included within the District, special attention having been given to the contour, size and shape of the individual lots and parcels that were so studied as well as the location, in relation to each such lot or parcel, of each of the improvements that are proposed to be constructed and installed.



Soil conditions were noted throughout the District. Other factors that were considered include: Health and safety (including fire protection); the ability to subdivide certain of such lots or parcels; the drainage patterns in the area; the continuity of the existing improvements; the ability to connect to and use the proposed improvements; the existing development; the approved private development that will occur in the near future; the ease of construction; the public convenience or inconvenience; and the sales prices of similar lots or parcels of property that are served by similar street paving, curb and gutter, sidewalk, street lighting and driveway improvements.

3. With the information that was so obtained, and using the unit prices that are normally paid at this time for similar improvements, the following methods, among others, for apportioning the benefits and assessments that relate to the proposed improvements were considered: The front foot method; the zone method; the area method; and the unit lot method. Numerous tests were made, applying each method to lots and parcels of different size, shape and location and to the possible sizes, shapes and locations of such lots and parcels if the subdivision of the property (consistent with existing land use regulations) varies from that which is presently in existence.

4. In view of the fact that each of the assessable lots and parcels of property within the District will be able to be served by the improvements that are proposed to be constructed and installed, the fact that such lots and parcels vary in size, the fact that some of such lots or parcels could be subdivided,

the soil conditions that were encountered and the similarity of the benefits that will be derived from the Project by each of the assessable lots and parcels of property within the District, it was concluded by the undersigned that apportioning the benefits and assessments that relate to the improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. I and ASSESSMENT UNIT NO. IV on a front foot basis would be the fairest and most equitable method of apportioning such benefits and assessments, that apportioning the benefits and assessments that relate to the improvements that are proposed to be installed in ASSESSMENT UNIT NO. II and ASSESSMENT UNIT NO. III on a lineal foot basis would be the fairest and most equitable method of apportioning such benefits and assessments, that apportioning the benefits and assessments that relate to the improvements that are proposed to be installed in ASSESSMENT UNIT NO. V on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number and length of the driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of the driveway approaches that are installed to serve all of the assessable properties in the assessment unit would be the fairest and most equitable method of apportioning such benefits and assessments and that apportioning the benefits and assessments that relate to the improvements that are proposed to be installed in ASSESSMENT UNIT VI on the basis that each lot or parcel of property that is

to be assessed in the assessment unit for Option A Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option A Driveway Approaches in the proportion that the number and length of the Option A Driveway Approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the Option A Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit and on the basis that each lot or parcel of property that is to be assessed in the assessment unit for Option B Driveway Approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for Option B Driveway Approaches in the proportion that the square footage of the Option B Driveway Approaches that are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option B Driveway Approaches that are installed to serve all of the assessable properties in the assessment unit would be the fairest and most equitable method of apportioning such benefits and assessments.

5. It was also concluded that, if literal compliance with the bases of apportionment that are described above would result in an unfair or inequitable assessment against any particular lot or parcel of property, an equitable adjustment could clearly be made and would be made in order that the assessment against each such lot or parcel will conform accurately to the actual benefits that will be derived thereby.

6. The undersigned and his staff are generally familiar with the value that improvements, similar in nature to those that are proposed to be constructed and installed in each assessment unit of the District, add to the value of the property that is capable of being served by such improvements and are also generally familiar with the property values of the lots and parcels of property within the District and of properties that are similarly situated within the City and have improvements that are similar in nature to the proposed improvements. Additionally, the undersigned and his staff have considered the extent to which the changes in the highest and best use and other factors might result in a deviation (either higher or lower) from the increase in the value of any particular lot or parcel of property that is expected to result from the construction and installation of such improvements.

7. Based upon all of the foregoing, it is the opinion of the undersigned that the Project, upon the completion thereof, will, in fact, increase the value of the respective lots and parcels of property that are proposed to be assessed, as the same are set forth in the estimated maximum benefits list (the preliminary assessment roll), by at least the aggregate estimated maximum benefit amount that is set forth therein with respect to such lot or parcel. If the estimated assessment that is shown on such preliminary assessment roll with respect to any lot or parcel of property that is proposed to be assessed exceeds the estimated amount of the maximum benefit that is anticipated will inure to such lot or parcel by reason of the construction and

installation of such improvements, such disparity will be eliminated by reducing the amount of such assessment following the City's receipt of the bids for such construction and installation and after the actual costs and expenses thereof have been determined.

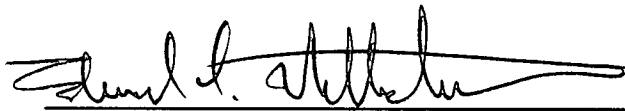
DATED this 15th day of July, 1992.

Respectfully submitted,


DENNIS ANDERSON, City Engineer

COUNTERSIGNED:


DARWIN BLISS, Special Improvement
Districts Coordinator


ED NETTENSTROM, Project Engineer

APPROVED:


RICHARD D. GOECKE, Director of
Public Works

