

R-51-93
R E S O L U T I O N

A RESOLUTION RELATING TO PROPOSED CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1407 AND ACCEPTING THE CITY ENGINEER'S REPORT ON BENEFITS IN CONNECTION THEREWITH.

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 of the City, 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 of street paving 86 feet in width along Buffalo Drive, 66 feet in width along Alta Drive and Oakey Boulevard and 46 feet in width along Ducharme Avenue, O'Bannon Avenue, El Parque Avenue and Via Olivera Avenue; raised median islands or median access, or a combination thereof, according to the use of the adjacent properties; traffic control devices; curbs and gutters; sidewalks; streetlights; residential driveway approaches; commercial driveway approaches; sanitary sewer laterals; potable water laterals; a sanitary sewer collection main; and drainage facilities (the "Project" herein), certain documents, including without limitation a report with respect to the benefits that are anticipated will inure to certain assessable lots and parcels of property by virtue of the construction and installation of certain proposed improvements along certain streets within certain areas of the City, in



connection with the proposed creation of "City of Las Vegas, Nevada, Special Improvement District No. 1407" (the "District" herein), consisting of nine (9) separate and distinct assessment units, for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving of those certain streets, and portions thereof, that are identified with particularity in Section 1 of that certain Resolution that was duly passed, adopted and approved by the City Council on the 21st day of July, 1993 (the "Initial Resolution" herein), as ASSESSMENT UNIT NO. I, the installation of curbs and gutters along those certain streets, and portions thereof, that are identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. II, providing for the installation of sidewalks along those certain streets, and portions thereof, that are identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. III, providing for the installation of a street lighting system and all facilities that are incidental thereto along those certain streets, and portions thereof, that are identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. IV, providing for the installation of residential driveway approaches along those certain streets, and portions, that are identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. V, providing for the installation of commercial driveway approaches along those certain streets, and portions, thereof that are identified with particularity in Section 1 of the Initial Resolution as

ASSESSMENT UNIT NO. VI, providing for the installation of sanitary sewer laterals along that certain street, and portions thereof, that is identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. VII, providing for the installation of potable water laterals along that certain street, and portions thereof, that is identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. VIII and providing for the installation of a sanitary sewer collection main along that certain street, and portions thereof, that is identified with particularity in Section 1 of the Initial Resolution as ASSESSMENT UNIT NO. IX and of defraying the entire cost and expense thereof by special assessments against the assessable lots and parcels of property within each assessment unit of the District according to the benefits that will be derived from such improvements by the respective lots and parcels that are proposed to be so assessed; and

WHEREAS, the City Engineer, on the 18th day of August, 1993, filed with the City Clerk his report with respect to such benefits that is entitled "Engineer's Report to the City Council on Benefits, City of Las Vegas, Nevada, Special Improvement District No. 1407"; and

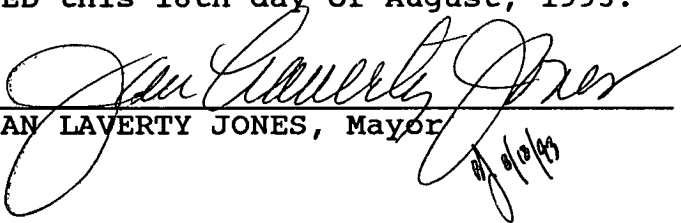
WHEREAS, the City Council has reviewed said Report and has found the same to be satisfactory;

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 18th day of August, 1993, as follows:

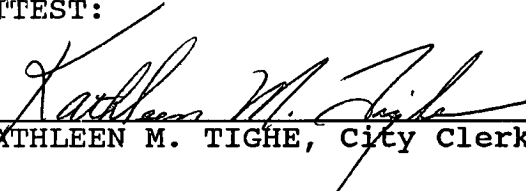
SECTION 1. That that certain document that is entitled "Engineer's Report to the City Council on Benefits, City of Las Vegas, Nevada, Special Improvement District No. 1407", a copy of which is attached as Exhibit "A" hereto, be, and the same hereby is, accepted.

SECTION 2. That all resolutions or parts thereof that are in conflict with the provisions of this Resolution be, and they hereby are, repealed.

PASSED, ADOPTED AND APPROVED this 18th day of August, 1993.


JAN LAVERTY JONES, Mayor

ATTEST:


KATHLEEN M. TIGHE, City Clerk

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. 1407

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 21st day of July, 1993, and relates to the construction, installation and acquisition of a street paving, curb and gutter, sidewalk, street lighting, residential and commercial driveway approach, sanitary sewer and potable water lateral and sanitary sewer collection main improvement project (the "Project" herein) within the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1407" (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

EXHIBIT "A"

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, residential and commercial driveway approach, sanitary sewer and potable water lateral and sanitary sewer collection main 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 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, ASSESSMENT UNIT NO. IV and ASSESSMENT UNIT NO. IX 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 constructed and 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 constructed and 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 bear 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 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 constructed and installed in ASSESSMENT UNIT NO. VI 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 square footage of the driveway approaches that are installed to serve such lot or parcel bears to the aggregate square footage of all 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, that apportioning the benefits and assessments that relate to the improvements that are proposed to be installed

in ASSESSMENT UNIT NO. VII 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 sanitary sewer laterals that are installed to serve such lot or parcel bears to the total number of sanitary sewer laterals 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 NO. VIII 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 potable water laterals that are installed to serve such lot or parcel bears to the total number of potable water laterals 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 also 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 18th day of August, 1993.

Respectfully submitted,

DENNIS ANDERSON, City Engineer

COUNTERSIGNED:

NANCY PAYAN, Supervisor, Special
Improvement Districts

JOHN O'CONNELL, Project Engineer

APPROVED:

RICHARD D. GOECKE, Director of
Public Works