

R-62-93
R E S O L U T I O N

A RESOLUTION DECLARING THE NECESSITY FOR, AND ECONOMIC FEASIBILITY OF, CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1413.

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, has taken the requisite legal action that is preliminary to the creation of the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1413" (the "District" herein), consisting of twelve (12) 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, including street intersections, that are identified with particularity in the notice of hearing (the "Notice of Hearing" herein) that is provided for in Section 4 of the Provisional Order Resolution that was duly passed, adopted and approved by the City Council on the 5th day of May, 1993, as ASSESSMENT UNIT NO. I, the installation of curbs and gutters along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. II, the installation of sidewalks along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. III, the installation of a street lighting system and all facilities that are incidental thereto along that certain street, and portions thereof, that is identified with particularity in the Notice of



Hearing as ASSESSMENT UNIT NO. IV, the installation of commercial driveway approaches along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. V, the installation of residential driveway approaches along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. VI, the installation of an alley driveway approach along a portion of that certain street that is identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. VII, the installation of potable water laterals along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. VIII, the installation of sanitary sewer laterals along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. IX, the installation of a sanitary sewer collection main along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. X, the grading, gravelling, macadamizing, paving, draining and otherwise improving of, and the installation of curbs and gutters, sidewalks and commercial and residential driveway approaches along, that certain street, and portions thereof, that is identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. XI and the grading, gravelling, macadamizing, paving, draining and otherwise improving of, and the installation of curbs and gutters, sidewalks and commercial and residential driveway approaches

along, that certain street, and portions thereof, that is identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. XII (the "Project" herein), 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, all in accordance with the provisions of Chapter 271 of the Nevada Revised Statutes ("Chapter 271" herein) that provide therefor; and

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

(A) An accurate estimate of the total cost of the Project, including in such estimate an estimate of the expenses that are anticipated will be incidental and attributable thereto;

(B) Full and detailed plans and specifications for the construction of the Project, together with construction drawings that show typical sections of the improvements that are proposed to be included in the Project;

(C) A map and assessment plat that shows the location of each portion of the Project and the property that is proposed to be assessed; and

(D) The City Engineer's report with respect to benefits in which the City Engineer sets forth his conclusions concerning the benefits that will be derived by the

respective assessable lots and parcels of property in the District from such improvements and the proper method of assessment, which said report with respect to benefits was accepted by the City Council at its meeting that was held on Wednesday, the 5th day of May, 1993; and

WHEREAS, pursuant to Chapter 271, the City Council, in the Resolution, declared its determination to create the District for the purpose of constructing and installing such improvements within the respective assessment units thereof, described the improvements that are proposed to be constructed and installed in the respective units, stated that the entire cost and expense thereof shall be paid by special assessments and that such assessments are to be levied according to the benefits that will be derived by the respective assessable lots and parcels of property from such improvements, designated, by apt description, the District, including the lots and parcels that are to be so assessed and described with particularity the location at which the improvement that is proposed to be constructed and installed within each assessment unit of the District is to be so constructed and installed; and

WHEREAS, pursuant to the Resolution, the City Council directed the City Clerk of the City (the "City Clerk" herein) to give notice that the estimates of the cost and expense of constructing and installing the Project and the plats and diagrams in connection therewith had theretofore been filed in her office and of the time, date and place of a public hearing as to the propriety and advisability of constructing and installing

the Project, and the City Clerk has, by way of the Notice of Hearing, given the required notice of such filing and public hearing in the manner and for the period that is specified in Chapter 271 and in accordance with the directions that are contained in the Resolution; and

WHEREAS, the manner of giving the Notice of Hearing by mail, publication and posting was reasonably calculated to inform all of the parties who are interested in the District of the proceedings that concern the same which might directly and adversely affect their legally protected interests; and

WHEREAS, at such public hearing, which was held on Wednesday, the 2nd day of June, 1993, two written protests or objections, representing those certain lots or parcels of property that are identified by the Clark County, Nevada, County Assessor's parcel numbers as Parcels 200-030-100-012 and 200-030-110-074 ("Parcel 200-030-100-012" and "Parcel 200-030-110-074", respectively, herein), and three oral protests or objections (two of which represented said Parcel 200-030-100-012 and said Parcel 200-030-110-074, and the third of which represented that certain lot or parcel of property that is so identified as Parcel 200-030-110-081 ("Parcel 200-030-110-081" herein), representing, in the aggregate, 1,017 lineal feet, or approximately 23%, of the 4,367 lineal feet that will abut, and will be benefited by, the proposed improvements, were presented to the creation of the District and to the construction and installation, in the several assessment units thereof, of the improvements that are proposed to be constructed

and installed in the respective assessment units; and

WHEREAS, the City Council has reviewed all of the documents that are described above, has found the same, in all respects, to be satisfactory and has considered each of such protests and objections;

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 1st day of September, 1993, that the City Council has found, determined and declared, and does hereby find, determine and declare:

SECTION 1. That the written and oral protest and objection that was presented on behalf of Parcel 200-030-100-012 has merit, as it relates to the improvements that were proposed to be constructed and installed adjacent to said Parcel along Trent Avenue and as it relates to the sidewalk that was proposed to be constructed and installed adjacent to said Parcel along Cory Place by way of ASSESSMENT UNIT NO. III, and the same is hereby allowed to that extent, that the improvements that were proposed to be constructed and installed adjacent to said Parcel 200-030-100-012 along Trent Avenue be, and the same hereby are, deleted from the several assessment units of the District and the sidewalk that was proposed to be constructed and installed adjacent to said Parcel along Cory Place be, and the same hereby is, deleted from ASSESSMENT UNIT NO. III, that the oral protest and objection that was presented on behalf of Parcel 200-030-110-081 has merit, as it relates to the sidewalk that was proposed to be constructed and installed adjacent to said Parcel along Alpine

Street by way of ASSESSMENT UNIT NO. III, and the same is hereby allowed to that extent, that the sidewalk that was proposed to be constructed and installed adjacent to said Parcel 200-030-110-081 along Alpine Street be, and the same hereby is, deleted from ASSESSMENT UNIT NO. III and that the preliminary assessment roll for the District be, and the same is hereby ordered to be, revised in order to eliminate from the costs that are proposed to be assessed in connection with each of said Assessment Units the costs that are attributable to such deletions.

SECTION 2. That the written and oral protest and objection that was presented on behalf of Parcel 200-030-110-074 to the creation of the District and to the construction and installation of the proposed improvements in the several Assessment Units thereof, the written and oral protest and objection that was presented on behalf of Parcel 200-030-100-012 and the oral protest and objection that was presented on behalf of Parcel 200-030-110-081, except to the extent that the protests and objections on behalf of said Parcel 200-030-100-012 and said Parcel 200-030-110-081 have heretofore, in Section 1 hereof, been allowed, representing, in the aggregate, less 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, ASSESSMENT UNIT NO. IV and ASSESSMENT UNIT NO. X and for the street paving improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. XI and ASSESSMENT UNIT NO. XII, representing, in the aggregate, less than one-half of the lineal footage that is proposed to be

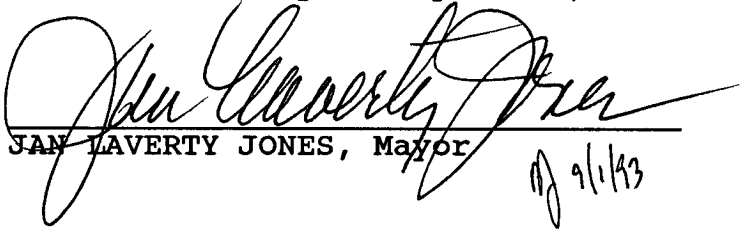
assessed for improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. II and ASSESSMENT UNIT NO. III and for the curbs and gutter and sidewalk improvements that are proposed to be constructed and installed in ASSESSMENT UNIT NO. XI and ASSESSMENT UNIT NO. XII and representing lots or parcels of property that are proposed to be assessed, in the aggregate, for less than one-half of the costs and expenses of installing the improvements that are proposed to be installed in ASSESSMENT UNIT VIII and ASSESSMENT UNIT IX, are without merit and that each of such protests and objections should be, and they hereby are, overruled and finally passed upon by the City Council.

SECTION 3. That the estimated net cost to the City of the Project, including all of the necessary expenses that either have been or will be incurred in connection with the District, is \$671,995.00 and, based upon all of the foregoing:

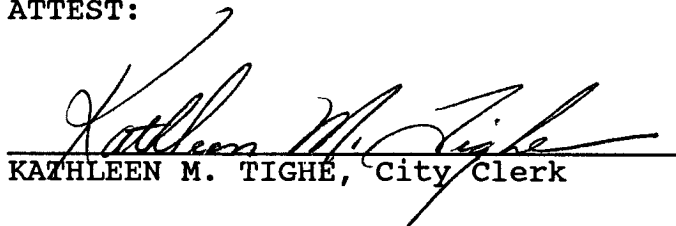
(A) The public convenience and necessity require the creation of Special Improvement District No. 1413; and

(B) The creation of Special Improvement District No. 1413 is economically sound and feasible.

PASSED, ADOPTED AND APPROVED this 1st day of September, 1993.


JAN LAVERTY JONES, Mayor *9/1/93*

ATTEST:


KATHLEEN M. TIGHE, City Clerk