R-76-93

Summary - a resolution declaring the necessity of the creation of the Elkhorn Springs Special Improvement District No. 505, ordering the preparation of an assessment roll and approving the forms of a funding and construction agreement and an interlocal agreement.

A RESOLUTION DECLARING THE NECESSITY OF THE CREATION OF THE ELKHORN SPRINGS SPECIAL IMPROVEMENT DISTRICT NO. 505; ORDERING THE PREPARATION OF AN ASSESSMENT ROLL FOR SUCH DISTRICT; APPROVING THE FORMS OF A FUNDING AND CONSTRUCTION AGREEMENT AND AN INTERLOCAL AGREEMENT RELATING TO SUCH DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Las Vegas, Nevada (the "City") is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada; and

WHEREAS, pursuant to Chapter 271, Nevada Revised Statutes and all laws amendatory thereof and supplemental thereto (the "Act"), there has heretofore been presented to the City Council (the "Council") of the City a petition from Watt/Moradi Co., a California General Partnership (the "Partnership"), requesting the City to initiate the acquisition and improvement of the street, water, sanitary sewer, storm sewer, curb and gutter, and sidewalk project (the "Project") more specifically described in a Resolution adopted by the Council on September 1, 1993 with respect to the Elkhorn Springs Special Improvement District No. 505 (the "District"), to issue bonds and levy assessments and requesting the City to proceed with certain actions required by the Act; and

WHEREAS, the Partnership is the owner of 100% of the property to be located in the District (except for property owned by the City and except for State or other government or privately owned property on which easements will be acquired); and

WHEREAS, the City and the Partnership, pursuant to such petition, propose to enter into a contract for the acquisition and improvement of the Project which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the City Engineer and G & P Professional Consulting Group, consultants to the City for the Project (collectively, the "Engineer"), have presented to the Council the following documents:

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

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

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

; and

WHEREAS, the Council has reviewed the documents listed above and has found such documents to be satisfactory to the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA:

Section 1. Based upon the foregoing, the Council hereby finds and determines that (a) the public convenience and necessity require the creation of the Elkhorn Springs Special Improvement District No. 505 and (b) the creation of the Elkhorn Springs Special Improvement District No. 505 is economically sound and feasible.

Section 2. The Council has determined and does hereby declare that the estimated net cost to the City of the Project (including all necessary incidental expenses which either have been or will be incurred in connection with the District) is $9,565,000, all of which is to be assessed against the benefited lots, tracts and parcels of land in the District.

Section 3. The Engineer is hereby authorized, ordered and directed to make out and prepare an assessment roll for the District containing, among other things:

(a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known that the name is "unknown", and

(b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment to be levied thereon, apportioned upon the basis for assessments heretofore determined by the Council.

Section 4. Immediately upon the adoption of this resolution the City Clerk shall cause a copy of this resolution to be furnished to the Engineer. When the Engineer has made out and prepared the assessment roll pursuant to Section 3 of this resolution, it shall report the assessment roll to the Council and shall cause the same to be filed in the office of the City Clerk and numbered. The Engineer shall submit an executed certificate, which certificate, duly executed, shall accompany the assessment roll and be as follows:

(Form of Engineer's Certificate)

STATE OF NEVADA)
)
COUNTY OF CLARK)

To the City Council of the City of Las Vegas, Nevada:

I hereby certify and report that the foregoing is the assessment roll and assessments made by me for the purpose of paying that part of the cost which you decided should be paid and borne by special assessments for the City of Las Vegas, Nevada Elkhorn Springs Special Improvement District No. 505; that in making such assessments, I have, as near as may be, and according to my best judgment, conformed in all things to the provisions of Chapter 271 of NRS.

Dated at Las Vegas, Nevada this October 6, 1993.

G & P PROFESSIONAL CONSULTING GROUP

By ______________________________
Engineer

(End of form of Engineer's Certificate)

Section 5. The City shall enter into a contract for the acquisition and improvement of the Project in the form of the Funding and Construction Agreement dated as of October 1, 1993 (the "Funding Agreement") between the City and the Partnership presented to the Council at this meeting. The Mayor is hereby authorized and directed to execute and deliver the Funding Agreement and the City Clerk is hereby authorized and directed to affix the seal of the City to and to attest the Funding Agreement.

Section 6. The Director of Public Works of the City is hereby authorized to approve all requests for payment by the City for the acquisition of each subproject described in the Funding Agreement, subject to and in accordance with the applicable provisions of the Funding Agreement. Upon such approval, the City Treasurer is hereby authorized to make such payments to the Partnership, without the necessity of any further authorization or approval by the Council.

Section 7. The City shall enter into an Interlocal Agreement dated as of October 1, 1993 (the "Interlocal Agreement") with the Las Vegas Valley Water District for the operation and maintenance of certain portions of the Project in substantially the form presented to the Council at this meeting with only such changes therein, if any, as are not inconsistent herewith. The Mayor is hereby authorized and directed to execute and deliver the Interlocal Agreement and the City Clerk is hereby authorized and directed to affix the seal of the City to and to attest the Interlocal Agreement.

Section 8. The officers of the City are directed to take all action necessary to effectuate the provisions of this resolution.

Section 9. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Council and the officers of the City directed toward the District and the Project is ratified, approved and confirmed.

Section 10. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

Section 11. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 12. This resolution shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED this October 6, 1993.

____
VS Mayor
10-12-93

(SEAL)

Attest:

____
City Clerk

It was then moved that said resolution be now finally passed and adopted. No second being required by the rules of procedure of the Council and the question being upon the final passage and adoption of the resolution, the roll was called with the following result:

Those Voting Aye:	Jan Laverty Jones Bob Nolen Scott Higginson Frank Hawkins Jr.
Those Voting Nay:	None
Those Absent:	Arnie Adamsen

The presiding officer thereupon declared that at least a majority of the members of the Council having voted in favor thereof, said motion was carried and the resolution duly passed and adopted.

The foregoing resolution is to be approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the Clerk of the City and recorded in the journal of the Council, said record to be signed by said officers and properly sealed.

Thereupon, after considering other matters not concerning the foregoing matters, upon motion duly made and adopted, such meeting was adjourned.

Dated this October 6, 1993.

Jan Laverty Jones

VS Mayor

10-12-93

(SEAL)

Attest:

Kathleen M. Tighe

City Clerk