

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. 1445 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 consist of the removal of the existing defective street paving on Industrial Road (80 feet wide) and New York Avenue (50 feet wide), and portions of each, and the replacement thereof with new street paving that meets the City's current design standards and the construction and installation of curbs and gutters; sidewalks; residential driveway approaches; commercial driveway approaches; streetlights; 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 five (5) 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 construction and installation of curbs and gutters along those certain streets, and portions thereof, that are identified with particularity 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 construction and installation of sidewalks along those certain streets, and portions thereof, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. II,

Providing for the construction and 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. III,

Providing for the construction and 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. IV and

Providing for the installation of a streetlighting system and all facilities that are incidental thereto along those certain streets, and portions, that are identified with particularity in the Notice of Hearing as ASSESSMENT UNIT NO. V; and

WHEREAS, the City Engineer, on the 3rd day of November, 1993, 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. 1445" (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 3rd day of November, 1993, 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 \$319,891.00, 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<br/>of Maximum<br/>Benefits *</u> |
|----------------------------|------------------------|-------------------------------------------------------|
| I                          | \$ 3,039.00            | \$ 4,027.00                                           |
| II                         | 103,755.00             | 137,475.00                                            |
| III                        | 15,119.00              | 20,033.00                                             |
| IV                         | 3,305.00               | 4,379.00                                              |
| V                          | 194,673.00             | 257,942.00                                            |
| Total Assessable           | <u>\$319,891.00</u>    | Total Benefits <u>\$423,856.00</u>                    |
| Other Improvements         | 382,390.00             |                                                       |
| Total Project              | <u>\$702,281.00</u>    |                                                       |

\* 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 (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.

ASSESSMENT UNIT NO. II (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.

ASSESSMENT UNIT NO. III (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. IV (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 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. V (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.

For the purpose of determining the methods for the apportionment and assessment of the costs and expenses of constructing and installing such improvements, it has been assumed that each lot or parcel of property that is proposed to be assessed in the respective assessment units is a rectangular lot that is 25 feet wide and 130 feet deep and has frontage along only one of the streets that are proposed to be improved by way of the District. However, regardless of the basis that is used for apportioning the assessments in each assessment unit, an equitable adjustment shall be made for an assessment that is levied upon any lot or parcel of property in ASSESSMENT UNIT NO. V that has a frontage that abuts such improvements that is more or less than 25 feet or has a depth of more or less than 130 feet, or both, against any lot or parcel in ASSESSMENT UNIT NO. I, ASSESSMENT UNIT NO. II or ASSESSMENT UNIT NO. V that has frontage along any 2 of the streets that are improved by way of the District or against any wedge, "V" or other irregularly shaped lot or parcel, or any combination of such circumstances, in order that the assessments that are levied according to the benefits that will be derived from the improvement that is constructed and installed in such assessment unit 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, and 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. 1445".

SECTION 4. On Wednesday, the 1st day of December, 1993, 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. 1445.

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. 1445" (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 a part of a total project that will consist of the removal of the existing defective street paving on Industrial Road (80 feet wide) and New York Avenue (50 feet wide), and portions of each, and the replacement thereof with new street paving that meets the City's current design standards and the construction and installation of curbs and gutters; sidewalks; residential driveway approaches; commercial driveway approaches; streetlights; 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 (Curbs and Gutters)

The improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. I shall consist of the construction and installation of standard concrete "L" type curbs and gutters along those certain streets and portions thereof,

within the City, that are more particularly described as follows:

INDUSTRIAL ROAD:

The proposed curbs and gutters in Industrial Road (80 feet wide) shall be constructed and installed along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide); and

BOSTON AVENUE:

The proposed curbs and gutters in Boston Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide),

except where adequate improvements have previously been installed, together with the necessary installation, removal or relocation, or any combination thereof, 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 localities that are to be so improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. II (Sidewalks)

The improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. II shall consist of the construction and installation of standard concrete sidewalks along those certain streets and portions thereof, within the City, that are more particularly described as follows:

INDUSTRIAL ROAD:

The proposed sidewalks in Industrial Road (80 feet wide) shall be constructed and installed along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide);

NEW YORK AVENUE:

The proposed sidewalks in New York Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

BOSTON AVENUE:

The proposed sidewalks in Boston Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

PHILADELPHIA AVENUE:

The proposed sidewalks in Philadelphia Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Fairfield Avenue (50 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

CHICAGO AVENUE:

The proposed sidewalks in Chicago Avenue (50 feet wide) shall be constructed and installed along either

side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide); and

FAIRFIELD AVENUE:

The proposed sidewalks in Fairfield Avenue (80 feet wide) shall be constructed and installed along either side thereof from the centerline of New York Avenue (50 feet wide) southerly to the centerline of Boston Avenue (50 feet wide),

COMMERCE STREET:

The proposed sidewalks in Commerce Street (40 feet wide) shall be constructed and installed along either side thereof from the centerline of New York Avenue (50 feet wide) southerly to the centerline of St. Louis Avenue (50 feet wide),

except where adequate improvements have previously been installed, together with the necessary installation, removal or relocation, or any combination thereof, 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 localities that are to be so improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. III (Residential Driveway Approaches)

The improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. III shall consist of the construction and installation of standard concrete residential driveway approaches along those certain streets and portions

thereof, within the City, that are more particularly described as follows:

NEW YORK AVENUE:

The proposed residential driveway approaches in New York Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

BOSTON AVENUE:

The proposed residential driveway approaches in Boston Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

CHICAGO AVENUE:

The proposed residential driveway approaches in Chicago Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide); and

FAIRFIELD AVENUE:

The proposed residential driveway approaches in Fairfield Avenue (80 feet wide) shall be constructed and installed along either side thereof from the centerline of New York Avenue (50 feet wide) southerly to the centerline of Boston Avenue (50 feet wide),

except where adequate improvements have previously been

installed, together with the necessary installation, removal or relocation, or any combination thereof, 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 localities that are to be so improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. IV (Commercial Driveway Approaches)

The improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IV shall consist of the construction and installation of standard concrete commercial driveway approaches along those certain streets and portions thereof, within the City, that are more particularly described as follows:

INDUSTRIAL ROAD:

The proposed commercial driveway approaches in Industrial Road (80 feet wide) shall be constructed and installed along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide); and

COMMERCE STREET:

The proposed commercial driveway approaches in Commerce Street (40 feet wide) shall be constructed and installed along either side thereof from the centerline of New York Avenue (50 feet wide) southerly to the centerline of St. Louis Avenue (50 feet wide),  
except where adequate improvements have previously been installed, together with the necessary installation, removal or

relocation, or any combination thereof, 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 localities that are to be so improved as filed in the Office of the City Clerk.

ASSESSMENT UNIT NO. V (Street Lighting)

The improvement that is proposed to be installed in ASSESSMENT UNIT NO. V shall consist of the installation of streetlights and any and all appurtenances along those certain streets and portions thereof, within the City, that are more particularly described as follows:

INDUSTRIAL ROAD:

The proposed street lighting system in Industrial Road (80 feet wide) shall be constructed and installed along the east side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide);

BOSTON AVENUE:

The proposed street lighting system in Boston Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

ST. LOUIS AVENUE:

The proposed street lighting system in St. Louis Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of

Industrial Road (80 feet wide) easterly to a point that is approximately 500 feet east of the centerline of said Industrial Road;

CHICAGO AVENUE:

The proposed street lighting system in Chicago Avenue (50 feet wide) shall be constructed and installed along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide);

FAIRFIELD AVENUE:

The proposed street lighting system in Fairfield Avenue (60 feet wide) shall be constructed and installed along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of New York Avenue (50 feet wide);

NORTH BRIDGE LANE:

The proposed street lighting system in North Bridge Lane (40 feet wide) shall be constructed and installed along the north side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Tam Drive (50 feet wide); and

COMMERCE STREET:

The proposed street lighting system in Commerce Street (80 feet wide) shall be constructed and installed along either side thereof from the centerline of Charleston Boulevard (100 feet wide) southerly to the centerline of Wyoming Avenue (100 feet wide),

except where adequate improvements have previously been installed, together with the necessary installation, removal or relocation, or any combination thereof, 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 localities that are to be so 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 (Curbs and Gutters)

The curbs and gutters shall be standard Portland cement 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. II (Sidewalks)

The sidewalks shall consist of 4 inches of standard Portland cement 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. III (Residential Driveway Approaches)

Each residential driveway approach shall consist of 6 inches of standard Portland cement 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. IV (Commercial Driveway Approaches)

Each commercial driveway approach shall consist of 6 inches of standard Portland cement Class B concrete that is reinforced with #4 rebar 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. V (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.

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 \$702,281.00 that is the total estimated cost of the Project, an estimated \$319,891.00 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<br/>of Maximum<br/>Benefits *</u> |
|----------------------------|------------------------|-------------------------------------------------------|
| I                          | \$ 3,039.00            | \$ 4,027.00                                           |
| II                         | 103,755.00             | 137,475.00                                            |
| III                        | 15,119.00              | 20,033.00                                             |
| IV                         | 3,305.00               | 4,379.00                                              |
| V                          | 194,673.00             | 257,942.00                                            |
| Total Assessable           | <u>\$319,891.00</u>    | Total Benefits <u>\$423,856.00</u>                    |
| Other Improvements         | 382,390.00             |                                                       |
| Total Project              | <u>\$702,281.00</u>    |                                                       |

- \* 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 (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.

ASSESSMENT UNIT NO. II (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.

ASSESSMENT UNIT NO. III (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. IV (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 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. V (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.

For the purpose of determining the methods for the apportionment and assessment of the costs and expenses of constructing and installing such improvements, it has been assumed that each lot or parcel of property that is proposed to be assessed in the respective assessment units is a rectangular lot that is 25 feet wide and 130 feet deep and has frontage along only one of the streets that are proposed to be improved by way of the District. However, regardless of the basis that is used for apportioning the assessments in each assessment unit, an equitable adjustment shall be made for an assessment that is levied upon any lot or parcel of property in ASSESSMENT UNIT NO. V that has a frontage that abuts such improvements that is more or less than 25 feet or has a depth of more or less than 130 feet, or both, against any lot or parcel in ASSESSMENT UNIT NO. I, ASSESSMENT UNIT NO. II or ASSESSMENT UNIT NO. V that has frontage along any 2 of the streets that are improved by way of the District or against any wedge, "V" or other irregularly shaped lot or parcel, or any combination of such circumstances, in order that the assessments that are levied according to the benefits that will be derived from the improvement that is

constructed and installed in such assessment unit 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, and 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 (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 3 or Section 4, Township 21 South, Range 61 East, M.D.M., that abuts Industrial Road (80 feet wide) along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide) or Boston Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of Commerce Street (40 feet wide).

ASSESSMENT UNIT NO. II (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 3 or Section 4, Township 21 South, Range 61 East, M.D.M., that abuts Industrial Road (80 feet wide) along either side thereof from the centerline of Wyoming Avenue

(100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide), New York Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of Commerce Street (40 feet wide), Boston Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of said Commerce Street, Philadelphia Avenue (50 feet wide) along either side thereof from the centerline of Fairfield Avenue (50 feet wide) easterly to the centerline of said Commerce Street, Chicago Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of said Commerce Street, Fairfield Avenue (80 feet wide) along either side thereof from the centerline of said New York Avenue southerly to the centerline of said Boston Avenue or Commerce Street (40 feet wide) along either side thereof from the centerline of said New York Avenue southerly to the centerline of St. Louis Avenue (50 feet wide).

ASSESSMENT UNIT NO. III (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 3 or Section 4, Township 21 South, Range 61 East, M.D.M., that abuts New York Avenue (50 feet wide) along either side thereof from the centerline of Industrial Road (80 feet wide) easterly to the centerline of Commerce Street (40 feet wide), Boston Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of said Commerce Street, Chicago Avenue (50 feet

wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of said Commerce Street or Fairfield Avenue (80 feet wide) along either side thereof from the centerline of said New York Avenue southerly to the centerline of said Boston Avenue.

ASSESSMENT UNIT NO. IV (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 3 or Section 4, Township 21 South, Range 61 East, M.D.M., that abuts Industrial Road (80 feet wide) along either side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide) or Commerce Street (40 feet wide) along either side thereof from the centerline of New York Avenue (50 feet wide) southerly to the centerline of St. Louis Avenue (50 feet wide).

ASSESSMENT UNIT NO. V (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 3 or Section 4, Township 21 South, Range 61 East, M.D.M., that abuts Industrial Road (80 feet wide) along the east side thereof from the centerline of Wyoming Avenue (100 feet wide) southerly to the centerline of Sahara Avenue (150 feet wide), Boston Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of Commerce Street (40 feet wide), St. Louis Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly  $\pm$  500 feet, Chicago

Avenue (50 feet wide) along either side thereof from the centerline of said Industrial Road easterly to the centerline of said Commerce Street, Fairfield Avenue (60 feet wide) along either side thereof from the centerline of said Wyoming Avenue southerly to the centerline of New York Avenue (50 feet wide), North Bridge Lane (40 feet wide) along the north side thereof from the centerline of said Industrial Road easterly to the centerline of Tam Drive (50 feet wide) or Commerce Street (80 feet wide) along either side thereof from the centerline of Charleston Boulevard (100 feet wide) southerly to the centerline of said Wyoming Avenue.

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 1st day of December, 1993, 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 lineal footage 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. II or 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. V shall file written protests or objections to the improvements that are proposed to be constructed and installed in the respective assessment units, the particular improvement for that particular assessment unit shall not be constructed or installed; provided, however, that since one-half or more of the total cost of constructing and installing 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 curb and gutter improvements in ASSESSMENT UNIT NO. I, the construction and installation of the sidewalk improvements in ASSESSMENT UNIT NO. II or the construction and installation of the street lighting improvements in ASSESSMENT UNIT NO. V, or any combination thereof, in which event the construction and installation of such improvements, or any thereof, at the option of the City Council, 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. III and ASSESSMENT UNIT NO. IV will be constructed and installed to serve each particular lot or parcel of property at the location and in the number and length as are specified by the owner or owners thereof, and no such improvement will be constructed or installed to serve any such lot or parcel without the approval of the owner or owners 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.

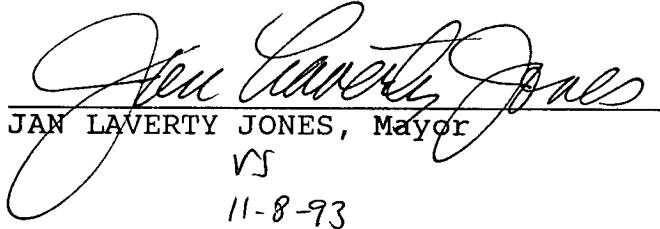
By order of the City Council of the City of Las Vegas,  
Nevada.

Dated this 3rd day of November, 1993.

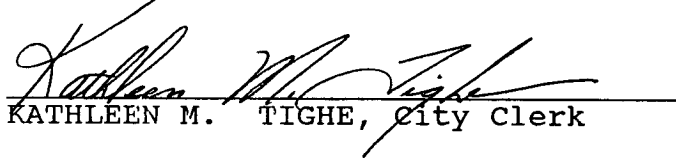
  
KATHLEEN M. TIGHE, City Clerk

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 3rd day of November, 1993.

  
JAN LAVERTY JONES, Mayor  
VS  
11-8-93

ATTEST:

  
KATHLEEN M. TIGHE, City Clerk