

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. 1440 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), as a portion of the total project that will include the removal of the existing defective street paving and curbs and gutters in those certain streets, and portions thereof, that are identified in the notice of hearing (the "Notice of Hearing" herein) that is provided for in Section 4 of this Resolution, the replacement thereof with new street paving and curbs and gutters that meet the City's current design standards and the installation of streetlights and appurtenances along such streets (the "Project" herein), certain preliminary plans, assessment plats, typical sections of certain contemplated improvements, preliminary estimates of the cost of installing the portion of the Project the costs of which will be assessed against, and estimates of the maximum benefits that will inure from such portion to, the respective assessable lots and parcels of property that will be benefited thereby, which portion shall consist of the



installation, by way of a special improvement district of streetlights and appurtenances along such streets within that certain area of the City that is more specifically described in the Notice of Hearing; and

WHEREAS, the City Engineer, on the 17th day of November, 1993, filed in the Office of the City Clerk, in connection with the installation of such streetlights and appurtenances and with the City's proposed "City of Las Vegas, Nevada, Special Improvement District No. 1440" (the "District" herein), the following:

A. Preliminary plans that show typical sections of the contemplated street lighting improvements, the type or types of material, together with the approximate thickness and width of each, and preliminary estimates of the cost of installing such improvements;

B. Preliminary estimates of the total cost of installing such improvements, 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. An assessment plat that shows the area that is 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 the District, such estimates as have heretofore been designated by the City Council having been computed on the basis that is 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 in the District and the proper method of assessment; and

WHEREAS, an equitable adjustment shall be made for any assessment that is levied upon any irregular lot or parcel of property in order that assessments that are levied according to the benefits that will be derived from such street lighting 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 street lighting 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 17th day of November, 1993, that the City Council shall, and hereby does, accept such plans,

assessment plats, typical sections of the contemplated street lighting 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 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 \$753,320.00, of which an estimated \$128,320.00, including engineering, legal and incidental expenses, will be assessed against and paid by the assessable lots and parcels of property in the District, 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 the estimated amount of the maximum benefits that will inure to the assessable lots and parcels of property in the District from such street lighting improvements, are, in the aggregate, \$128,320.00 and \$170,024.00, respectively.

The amounts that are proposed to be assessed shall be assessed against all of the assessable lots and parcels of property that are benefited by such street lighting improvements proportionately to the benefits that each such lot or parcel

receives therefrom and shall be assessed against each such lot or parcel that abuts any of the streets along which such street lighting improvements are being installed on a unit lot basis, i.e., on the basis that each lot or parcel of property that is to be assessed shall be assessed an equal portion of the aggregate dollar amount that is being levied against the entire District.

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 street lighting 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. If the literal application of the determination to apportion the benefits and assessments that relate to such improvements on a unit lot basis, whether initially or upon the subsequent division into sublots or subparcels of any lot or parcel of property that is subject to the initial assessment, would result in an unfair or inequitable assessment against any 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 shall be designated as "City of Las

Vegas, Nevada, Special Improvement District No. 1440".

SECTION 4. On Wednesday, the 15th 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 installing such street lighting 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 any of the streets along which such improvements are proposed to be so 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 in the District whose lot or parcel of property will be assessed for a portion of the cost of 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 in the District 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. 1440.

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. 1440" (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 portion of the total project that will include the removal of the existing defective street paving and curbs and gutters in those certain streets, and portions thereof, that are hereinafter identified, the replacement thereof with new street paving and curbs and gutters that meet the City's current design standards and the installation of streetlights and appurtenances along such streets (the "Project" herein). Such street lighting improvements shall be installed along the following streets, and portions thereof, within the following areas of the City, to wit:

10TH STREET (60 feet wide): Along both sides thereof from the south right-of-way line of Charleston Boulevard (100 feet wide) southerly to the centerline of Franklin Avenue (60 feet wide);

FRANKLIN AVENUE (60 feet wide): Along both sides thereof from the centerline of 6th Street (50 feet wide) easterly to the

west right-of-way line of Maryland Parkway (120 feet wide);

NORMAN AVENUE (50 feet wide): Along both sides thereof from the centerline of 10th Street (60 feet wide) easterly to the west right-of-way line of Maryland Parkway (120 feet wide);

JESSICA AVENUE (50 feet wide): Along both sides thereof from the centerline of Francis Avenue (60 feet wide) easterly to the west right-of-way line of Maryland Parkway (120 feet wide);

YUCCA AVENUE (50 feet wide): Along both sides thereof from the centerline of 10th Street (60 feet wide) easterly to the centerline of Francis Avenue (50 feet wide); and

FRANCIS AVENUE (60 feet wide to Jessica Avenue and 50 feet wide east of Jessica Avenue): Along both sides thereof from the centerline of 10th Street (60 feet wide) easterly to the centerline of Jessica Avenue (50 feet wide) and continuing from the centerline of said Jessica Avenue easterly to the west right-of-way line of Maryland Parkway (120 feet wide).

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 street lighting improvements shall consist of the installation of 100 watt high pressure sodium vapor luminaires, street lighting standards on concrete bases and underground circuits.

All of the plats, diagrams and plans that are on file in the Office of the City Clerk with respect to such street lighting improvements are deemed by the City Engineer of the City and by the City to be essential to the installation thereof.

It is anticipated that, of the \$753,320.00 that is the total estimated cost of the Project, an estimated \$128,320.00 shall be apportioned among, assessed against and paid by the assessable lots and parcels of property in the District and that such lots and parcels will derive benefits from such improvements in the estimated aggregate amount of \$170,024.00.

The amounts that are proposed to be assessed shall be assessed against all of the assessable lots and parcels of property that are benefited by such street lighting improvements proportionately to the benefits that each such lot or parcel receives therefrom and shall be assessed against each such lot or parcel that abuts any of the streets along which such street lighting improvements are being installed on a unit lot basis, i.e., on the basis that each lot or parcel of property that is to be assessed shall be assessed an equal portion of the aggregate dollar amount that is being levied against the entire District.

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 street lighting 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. If the literal application of the determination to apportion the benefits and

assessments that relate to such improvements on a unit lot basis, whether initially or upon the subsequent division into sublots or subparcels of any lot or parcel of property that is subject to the initial assessment, would result in an unfair or inequitable assessment against any 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 in the District which the City Council proposes to have so improved are described as 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, Township 21 South, Range 61 East, M.D.M., that abuts 10th Street (60 feet wide) along either side thereof from the centerline of Charleston Boulevard (100 feet wide) southerly to the centerline of Franklin Avenue (60 feet wide), Franklin Avenue (60 feet wide) along either side thereof from the centerline of 6th Street (50 feet wide) easterly to the west right-of-way line of Maryland Parkway (120 feet wide), Norman Avenue (50 feet wide) along either side thereof from the centerline of said 10th Street easterly to the west right-of-way line of said Maryland Parkway, Jessica Avenue (50 feet wide) along either side thereof from the centerline of Francis Avenue (60 feet wide) easterly to the west right-of-way line of said Maryland Parkway, Yucca Avenue (50 feet wide) along either side thereof from the centerline of said 10th Street easterly to the centerline of Francis Avenue (50 feet wide) or Francis Avenue (60 feet wide to Jessica Avenue and 50 feet wide

east of Jessica Avenue), along either side thereof from the centerline of said 10th Street easterly to the centerline of said Jessica Avenue and continuing from the centerline of said Jessica Avenue easterly to the west right-of-way line of said Maryland Parkway.

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 street lighting improvements by each such lot or parcel 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 15th 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 installing such street lighting 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 any of the streets along which the improvements are proposed to be so 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 street lighting improvements that are proposed to be installed in the District shall file written protests or objections thereto, such improvements shall not be 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 installation of such street lighting improvements, in which event the installation of such improvements, at the option of the City Council, shall not be stayed, defeated or prevented by written complaints, protests or objections thereto.

After such hearing, the City Council will make a determination as to the advisability of so installing such street lighting improvements, will determine the kind and character thereof 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 six (6) 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.

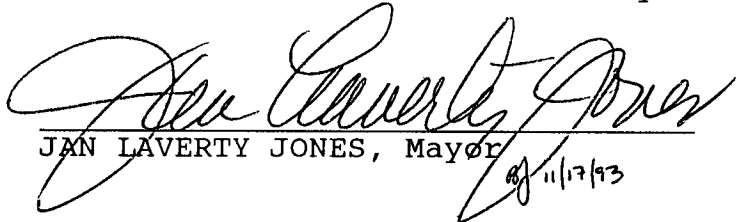
By order of the City Council of the City of Las Vegas,
Nevada.

Dated this 17th day of November, 1993.

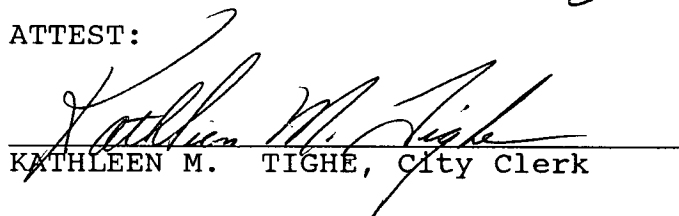

KATHLEEN M. TIGHE, City Clerk

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 17th day of November, 1993.


JAN LAVERTY JONES, Mayor
11/17/93

ATTEST:


KATHLEEN M. TIGHE, City Clerk