R-34-94

R E S O L U T I O N

A RESOLUTION RELATING TO PROPOSED CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1446 AND ACCEPTING THE CITY ENGINEER'S REPORT ON BENEFITS IN CONNECTION THEREWITH.

WHEREAS, the City Council of the City of Las Vegas (the "City Council" and the "City", respectively, herein), in the County of Clark and State of Nevada, pursuant to Chapter 271 of the Nevada Revised Statutes, and all laws that are supplemental thereto, has directed the City Engineer of the City (the "City Engineer" herein) to file with the City Clerk of the City, who is also the Clerk of the City Council (the "City Clerk" herein), certain documents, including without limitation a report with respect to the benefits that are anticipated will inure to certain assessable lots and parcels of property by virtue of the construction and installation of certain proposed improvements along certain streets within certain areas of the City, in connection with the proposed creation of "City of Las Vegas, Nevada, Special Improvement District No. 1446" (the "District" herein), consisting of eighteen (18) separate and distinct assessment units, for the purposes of providing for the grading, gravelling, macadamizing, paving, including street intersections, draining and otherwise improving of, and the construction of curbs and gutters, sidewalks, street lighting systems, residential driveway approaches, commercial driveway approaches and cross gutters along, those certain streets and portions thereof, within the City, that are identified in Section 1 of that certain Resolution that was duly passed, adopted and approved by the City Council on the 2nd day of March, 1993, as

ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. XVIII, inclusive (the "Improvement" 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 the Improvement by the respective lots and parcels that are proposed to be so assessed; and

WHEREAS, the City Engineer, on the 16th day of March, 1994, filed with the City Clerk his report with respect to such benefits that is entitled "Engineer's Report to the City Council on Benefits, City of Las Vegas, Nevada, Special Improvement District No. 1446"; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at this regular meeting thereof that is being held on this 16th day of March, 1994, as follows:

SECTION 1. That that certain document that is entitled "Engineer's Report to the City Council on Benefits, City of Las Vegas, Nevada, Special Improvement District No. 1446", a copy of which is attached as Exhibit "A" hereto, be, and the same hereby is, accepted.

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

PASSED, ADOPTED AND APPROVED this 16th day of March, 1994.

JAN LAVERTY JONES, Mayor

rs
3-21-94

ATTEST:

KATHLEEN M. TIGHE, City Clerk

STATE OF NEVADA )
) ss.
COUNTY OF CLARK )

ENGINEER'S REPORT TO THE CITY COUNCIL ON BENEFITS
CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT
DISTRICT NO. 1446

Pursuant to that certain Resolution of the City Council (the "City Council" herein) of the City of Las Vegas, in the County of Clark and State of Nevada, that was duly adopted on the 2nd day of March, 1994, and relates to the construction, installation and acquisition of a street paving, curb and gutter, sidewalk, street lighting, residential and commercial driveway approach and cross gutter improvement project (the "Project" herein) within the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1446" (the "District" herein), the following report is hereby submitted for the City Council's consideration.

1. The undersigned, by and through the members of his staff who have countersigned this Report, has visited the sites of the several assessment units of the District (i.e., looked at the location of the proposed improvement in each of the individual assessment units of the District and at the area that is proposed to be included within the boundaries of each unit).

2. With the preliminary plans and plats in hand, those staff members studied each and every assessable lot and parcel of property that is to be included within the District, special attention having been given to the contour, size and shape of the individual lots and parcels that were so studied as well as the location, in relation to each such lot or parcel, of the

improvement that is proposed to be constructed and installed in the assessment unit in which such lot or parcel is situate.

Soil conditions were noted throughout the District. Other factors that were considered include: Health and safety (including fire protection); the ability to subdivide certain of such lots or parcels; the drainage patterns in the area; the continuity of the existing improvements; the ability to connect to and use the proposed improvements; the existing development; the approved private development that will occur in the near future; the ease of construction; the public convenience or inconvenience; and the sales prices of similar lots or parcels of property that are served by similar street paving, curb and gutter, sidewalk, street lighting, residential and commercial driveway approach and cross gutter improvements.

3. With the information that was so obtained, and using the unit prices that are normally paid at this time for similar improvements, the following methods, among others, for apportioning the benefits and assessments that relate to the proposed improvements were considered: The front foot method; the zone method; the area method; and the unit lot method. Numerous tests were made, applying each method to lots and parcels of different size, shape and location and to the possible sizes, shapes and locations of such lots and parcels if the subdivision of the property (consistent with existing land use regulations) varies from that which is presently in existence.

4. In view of the fact that each of the assessable lots and parcels of property within the District that are proposed to

be assessed for the improvements that are proposed to be constructed and installed will be able to be served by such improvements, the fact that such lots and parcels vary in size, the fact that some of such lots or parcels could be subdivided, the soil conditions that were encountered and the similarity of the benefits that will be derived from the Project by each of the assessable lots and parcels of property within the District, it was concluded by the undersigned that apportioning the benefits and assessments that relate to the improvements that are proposed to be constructed and installed in each of the assessment units on the following basis:

Each lot or parcel of property that will be assessed in any of the assessment units shall be assessed that portion of the aggregate dollar amount that is being levied against the particular entire assessment unit that is equal to the sum of the amounts that are determined in accordance with paragraphs (a) to (g), inclusive (or the sum of the amounts that are determined in accordance with such of such paragraphs as are applicable to the particular assessment unit), as follows:

(a) The costs and expenses that are incurred by the City in constructing and installing the street paving portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a front foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for street paving shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts, and is benefited by, such street paving bears to the frontage of all of the assessable properties that abut, and are benefited by, such street paving;

(b) The costs and expenses that are incurred by the City in constructing and installing the curb and gutter portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a lineal foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for curbs and gutters shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, such curbs and gutters bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, such curbs and gutters;

(c) The costs and expenses that are incurred by the City in constructing and installing the sidewalk portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a lineal foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for sidewalks shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, such sidewalks bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, such sidewalks;

(d) The costs and expenses that are incurred by the City in constructing and installing the street lighting portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut the streets along which such portion is installed, and are benefited by such portion, on a front foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for street lights shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts any of the streets along which such street lights are installed, and is benefited by such street lights, bears to the frontage of all of the assessable properties that abut the streets along which such street lights are installed, and are benefited by such street lights;

(e) The costs and expenses that are incurred by the City in constructing and installing the residential driveway approach portion of the Improvement shall be apportioned among the assessable lots and parcels of property that are served by, and are to be assessed for, one or more of such residential driveway approaches on the basis that each such lot or parcel shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number and length of the residential driveway approach or approaches that is or are installed to serve such lot or parcel bear to the total number and aggregate length of all of the residential driveway approaches that are installed to serve all of the assessable properties;

(f) The costs and expenses that are incurred by the City in constructing and installing the commercial driveway approach portion of the Improvement shall be apportioned among the assessable lots and parcels of property that are served by, and are to be assessed for, one or more of such commercial driveway approaches on the basis that each lot or parcel of property that is served by, and is to be assessed for, any Option A Driveway Approach, as that type of driveway approach is described in Section 2 of this Resolution, shall be assessed a portion of the aggregate dollar amount of the costs and expenses that the City incurs in constructing and installing the Option A Driveway Approaches in the proportion that the square footage of the Option A Driveway Approach or Approaches that is or are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option A Driveway Approaches that are installed to serve all of the assessable properties and on the basis that each lot or parcel of property that is served by, and is to be assessed for, any Option B Driveway Approach, as that type of driveway approach is described in Section 2 of this Resolution, shall be assessed a portion of the aggregate dollar amount of the costs and expenses that the City incurs in constructing and installing the Option B Driveway Approaches in the proportion that the square footage of the Option B Driveway Approach or Approaches that is or are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option B Driveway Approaches that are installed to serve all of the assessable properties; and

(g) The costs and expenses that are incurred by the City in constructing and installing the cross gutter portion of the Improvement (excluding those cross gutters that are incorporated into Option B Driveway Approaches) shall be apportioned among the assessable lots and parcels of property that abut the streets in which such portion is installed, and are benefited by such portion, on a front foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for cross gutters shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts any of the streets in which any cross gutter is installed, and is benefited by such cross gutter, bears to the frontage of all of the assessable properties that abut the streets in which such cross gutters are installed, and are benefited by such cross gutters

would be the fairest and most equitable method of apportioning such benefits and assessments.

5. It was also concluded that, if literal compliance with the basis of apportionment that is described above would result in an unfair or inequitable assessment against any particular lot or parcel of property, an equitable adjustment could clearly be made and would be made in order that the assessment against each such lot or parcel will conform accurately to the actual benefits that will be derived thereby.

6. The undersigned and his staff are generally familiar with the value that improvements, similar in nature to those that are proposed to be constructed and installed in each assessment unit of the District, add to the value of the property that is capable of being served by such improvements and are also generally familiar with the property values of the lots and parcels of property within the District and of properties that are similarly situated within the City and have improvements that are similar in nature to the proposed improvements. Additionally, the undersigned and his staff have also considered the extent to which the changes in the highest and best use and other factors might result in a deviation (either higher or lower) from the increase in the value of any particular lot or

parcel of property that is expected to result from the construction and installation of such improvements.

7. Based upon all of the foregoing, it is the opinion of the undersigned that the Project, upon the completion thereof, will, in fact, increase the value of the respective lots and parcels of property that are proposed to be assessed, as the same are set forth in the estimated maximum benefits list (the preliminary assessment roll), by at least the aggregate estimated maximum benefit amount that is set forth therein with respect to such lot or parcel. If the estimated assessment that is shown on such preliminary assessment roll with respect to any lot or parcel of property that is proposed to be assessed exceeds the estimated amount of the maximum benefit that is anticipated will inure to such lot or parcel by reason of the construction and installation of such improvements, such disparity will be eliminated by reducing the amount of such assessment following the City's receipt of the bids for such construction and

installation and after the actual costs and expenses thereof have been determined.

DATED this 16th day of March, 1994.

Respectfully submitted,

DENNIS ANDERSON, City Engineer

COUNTERSIGNED:

NANCY PAYAN, Supervisor, Special Improvement Districts

EDWARD C. NETTENSTROM, Project Engineer

APPROVED:

RICHARD D. GOECKE, Director of Public Works