

RESOLUTION NO. R-26-2000

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1472 - DURANGO DRIVE (LONE MOUNTAIN ROAD TO TROPICAL PARKWAY)

Summary: Protest Disposal Resolution

WHEREAS, the Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively), in the County of Clark and State of Nevada, pursuant to a resolution heretofore adopted, provisionally ordered the acquisition of a Street Project, Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") within the Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) (hereinafter the "District"); and

WHEREAS, pursuant to the resolution, the City Clerk gave notice of the time and place of hearings thereon, in the manner specified by law; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, July 30, 1999, or to appear before the City Council on Wednesday, August 4, 1999, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefor, and as to the amount thereof to be assessed against the property for the Project; and

WHEREAS, the City Council has now considered each and every written protest and objection and all oral protests and objections made at the hearing, and the City Council finds that each and every oral protest or objection is without sufficient merit and is overruled and denied.

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

Section 1. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District No. 1472 Protest Disposal Resolution" (hereinafter the "Resolution").

Section 2. The City Council has determined and does hereby determine, that one-half or more of the total cost of each of the improvements in the District shall be paid with moneys derived from sources other than the levy of special assessments and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of NRS 271.306 (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

Section 3. The City Council determines that each and every protest and objection filed or otherwise made is without sufficient merit, and that the same is overruled and finally passed on by the City Council.

Section 4. The City Council has determined, and does hereby determine, that it is advisable to acquire the Project, as provided by the Special Improvement District No. 1472 Provisional Order Resolution and to proceed with the District.

Section 5. Any person who filed, and did not withdraw a written complaint, protest or objection shall have the right within 30 days after the City Council passes on the complaint, protest or objection by adoption of this Resolution, to commence an action or suit in any court of competent jurisdiction to correct or set aside the determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits are perpetually barred.

Section 6. The City Engineer and the City Engineering Department are requested and directed to prepare, in the manner required by law, and to present to the City Council:

- (a) A revised and detailed estimate of the total cost of the District, including each of the incidental costs, if necessary;
- (b) Full and detailed final plans and specifications for the Project, if necessary;
- (c) A revised map and a revised assessment plat, if necessary; and
- (d) A revised and supplemental Report to the City Council on Benefits, if necessary.

Section 7. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway).
- (b) The creation of the District is economically sound and feasible.

- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 8. All action, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) including, but not limited to, the giving of the mailed, posted, and published notice of the hearing be, and the same hereby are, ratified, approved and confirmed.

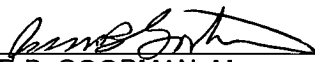
Section 9. The officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

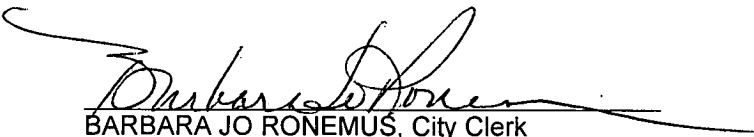
Section 11. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 12. The City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED AND APPROVED February 16, 2000.

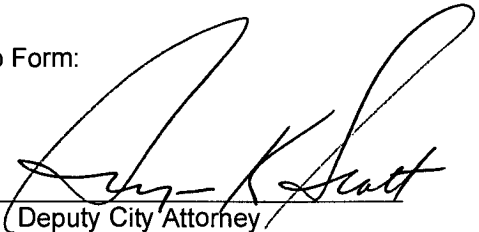
  
OSCAR B. GOODMAN, Mayor

Attest:

  
BARBARA JO RONEMUS, City Clerk

Approved as to Form:

1/26/00  
Date

  
(Deputy City Attorney)