RESOLUTION NO. R-50-2001

RESOLUTION CONSENTING TO CERTAIN UNDERTAKINGS OF THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY IN CONNECTION WITH THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH WLVD, LLC FOR THE DEVELOPMENT OF PROPERTY COMMONLY KNOWN AS "SITE PARCEL B" LOCATED AT THE SOUTHWEST CORNER OF OWENS AVENUE AND "H" STREET

WHEREAS, the City of Las Vegas Redevelopment Agency (the "Agency") adopted on March 5, 1986, that plan of redevelopment entitled, to-wit: the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area pursuant to Ordinance 3218, which Redevelopment Plan has been subsequently amended on February 3, 1988, by Ordinance 3339; April 11, 1992, by Ordinance 3637 and on November 4, 1996, by Ordinance 4036 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan identifies and designates an area within the corporate boundaries of the City of Las Vegas (the "Redevelopment Area") as in need of redevelopment in order to eliminate the environmental deficiencies and blight existing therein; and

WHEREAS, the Agency is the owner of vacant parcels of land located on the southwest corner of Owens Avenue between "H" and "J" Streets, in Las Vegas, Nevada, and which parcels are commonly known as "Site Parcel B," APN 139-28-503-005 and APN 139-28-503-017 (the "Site"); and

WHEREAS, the City Council of the City of Las Vegas has considered the findings that the development of buildings, facilities, structures or other improvements to be located at the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located, which findings are attached as Exhibit "A" to this Resolution; and

WHEREAS, the City Council of the City of Las Vegas has considered the findings that no other reasonable means of financing the buildings, facilities, structures or other improvements on the Site are available, which findings are attached as Exhibit "A" to this Resolution; and

WHEREAS, the City Council of the City of Las Vegas has considered the undertakings of the Agency in connection with the Disposition and Development Agreement (the "Agreement"), the form of the Agreement being on file with the Agency, which provides for the conveyance of the Site to WLVD, LLC for the development and expansion of a commercial retail center commonly known as Westland Plaza (the "Project"), all as more fully set forth in the Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Las Vegas hereby finds and determines that the development of buildings, facilities, structures or other improvements on the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby finds and determines there are no reasonable means of financing those buildings, facilities, structural or other improvements on the Site; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby consents to the undertakings of the Agency in connection with the Agreement with WLVD, LLC for the Project concerning the development on the Site.

PASSED, ADOPTED AND APPROVED this 18th day of April, 2001.

CITY OF LAS VEGAS

By: Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

ATTEST:

Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

J. Pontiacello 4/10/01
Date

EXHIBIT "A"
WLVD, LLC
WESTLAND PLAZA
SITE PARCEL "B"

The staff of the Redevelopment Agency has negotiated a Disposition and Development Agreement with the WLVD, LLC. The WLVD is a Limited Liability company comprised of Nucleus Investments, Inc, Nucleus Associates, CDC, and KSJ Development Company. The developer will develop the 11.14 acres adjacent to the existing Westland Plaza also known as Vons shopping center. The developer will build a minimum of 75,000 square feet of commercial retail shops.

The Agency's contribution to the development is the 11.15 acres of land located on Owens Avenue between "H" and "J" Streets.

Staff feels that this project is in conformance with the redevelopment plan because it meets the following criteria:

- **It eliminates environmental deficiencies and blight in the redevelopment area as well as deletion of inadequate land utilization.**

The project will be developed on 11 acres of undeveloped land. This project will add a new look to the site and will provide continuity with the existing shopping center.

- **It strengthens retail, office and other commercial and residential functions in the redevelopment area.**

This project will help revitalize an area that has not experienced a proportionate amount of economic growth. Therefore, civic pride and property values have suffered accordingly. This project will stimulate more economic interest in the area.

- **The strengthening and diversification of the economic base within the redevelopment area and community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth**

The project will not only provide continued diversification to the area, but will also stimulate future growth.

- **No other reasonable means of financing those buildings, structures, facilities or other improvements are available.**

The Redevelopment Agency will contribute the land to the developer free and clear of all structures and environmental concerns. The land contribution has been deemed necessary due the unwillingness of lending institutions to finance the total project. Because of the low residential density and the perception of the area, financing has been difficult to obtain. Redevelopment participation is required to make this project move forward.

EXHIBIT "A"
WLVD, LLC
WESTLAND PLAZA
SITE PARCEL "B"
(Continued)

- **And finally, it conforms to the orderly development of the redevelopment area.**

The project will provide commercial development in a continued effort to establish this area as the "town center" designated by the City of Las Vegas in the West Las Vegas Plan.

WLVD, LLC have assembled the tenant interests needed to complete the development of this site. Staff recommends approval of the Development and Disposition Agreement.

AGENDA MEMO

CITY COUNCIL MEETING OF: April 18, 2001
DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
ITEM DESCRIPTION: DDA FOR WLVD, LLC

The following are the major points of the agreement between The City of Las Vegas Redevelopment Agency and WLVD, LLC:

- The site consists of 11.1 acres
- The site appraises for $3.155 Million
- Minimum Square Footage of Development – 75,000
- Site will be donated for $1.00
- Developer will remit $30,000 for Good Faith Deposit
- Developer will submit Firm and Binding Evidence of Financing within 30 days of execution of the DDA.
- Both parties will pay escrow fees equally. Agency shall pay that portion of the premium for CLTA owner's policy of title insurance with a liability limit of $1,000,000 One Million dollars. Developers shall pay any difference remaining.
- Construction will commence within 120 days after closing.
- Construction will be completed within fourteen (14) months.
- Other than the transfer of title to Urban America upon Certificate of Completion or the express written consent of the Agency, the site cannot be sold for a period of Ten (10) years. Any such transfer, sale, or assignment will result in the payment of Three Million One Hundred Fifty Five Thousand Dollars and 00/100 ($3,155,000.00). The developer acknowledges that this amount represents the appraised value of the property.
- No provision of the Escrow instructions shall extend any closing date or provide any party with a grace period.
- Disclosure of all parties attached.

Submitted at City Council
Date 4/18/01 Item #93