R-0916A-1992

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. 1409 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), 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 eight (8) 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 the grading, gravelling, macadamizing, paving, including street intersections, and otherwise improving of those certain streets and portions thereof, within the City, that are more particularly described in the notice of hearing that is provided for in Section 4 of this Resolution (the "Project" herein); and

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WHEREAS, the City Engineer, on the 16th day of September, 1992, filed in the Office of the City Clerk, in connection with the proposed Project and with the City's proposed "City of Las Vegas, Nevada, Special Improvement District No. 1409" (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, except where adequate street paving presently exists, the proposed Project, such estimates having been made in a lump sum or by unit prices, including without limitation the costs that are attendant to the installation, removal or relocation, or any combination thereof, of any and all utilities and any and all appurtenances that is related thereto, the advertising, appraising, engineering 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 Project in accordance with the plats, diagrams and plans of the work and of the localities that are proposed to be so improved, as the same are on file in the Office of the City Clerk, and the payment of the cost thereof;

B. 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, in ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. VI, inclusive, and ASSESSMENT UNIT NO. VIII, on a front foot basis and, in ASSESSMENT UNIT NO. VII, on an area basis, all as is more particularly explained in Section 2 of this Resolution; and

C. 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 the Project by the respective assessable lots and parcels of property within each assessment unit of the District 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 the Project 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 16th day of September, 1992, 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 the Project by, each assessable lot or parcel of property within 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. The proposed Project, as the same is more particularly hereinafter identified and is 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. The costs of constructing and installing the proposed Project, including without limitation the engineering, legal and incidental expenses, are estimated to be in the aggregate amount of $431,658.00, and the maximum benefits that are anticipated will inure to all of the lots and parcels of property within the District upon the completion of the Project are estimated to be in the aggregate amount of $571,947.00, apportioned among the several assessment units of the District as follows:

Assessment Unit No.	Estimated Costs	Estimated Amount of Maximum Benefits
I	$89,821.00	$119,013.00
II	19,350.00	25,639.00
III	60,183.00	79,742.00
IV	37,929.00	50,256.00
V	56,071.00	74,294.00
VI	67,630.00	89,610.00
VII	86,808.00	115,021.00
VIII	13,866.00	18,372.00
TOTALS	$431,658.00	$571,947.00

The amount of such costs 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 the Project in ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. VI, inclusive, and ASSESSMENT UNIT NO. VIII on a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the respective assessment units shall be assessed a portion of the aggregate dollar amount that is being levied against that entire assessment unit in the proportion that the frontage of such lot or parcel that abuts, and is benefited by, the Project bears to the frontage of all of the assessable properties that abut, and are benefited by, the Project in such assessment unit (provided, however, that, if any such lot or parcel is divided, after the date of the hearing as to the propriety and advisability of constructing and installing the Project but prior to the date on which the assessments are levied by ordinance, pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be apportioned among such sublots or

subparcels on an area basis, i.e., on the basis that each such sublot or subparcel shall be assessed a portion of the aggregate dollar amount that is being levied against the entire lot or parcel in the proportion that the area of such sublot or subparcel bears to the aggregate area of the entire lot or parcel) and in ASSESSMENT UNIT VII on an area basis, i.e., on the basis that each lot or parcel of property that is to be assessed in said assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against that entire assessment unit in the proportion that the area of such lot or parcel that abuts, and is benefited by, the Improvement bears to the aggregate area of all of the assessable properties that abut, and are benefited by, the Improvement in such assessment unit, and, if any such lot or parcel is divided, after the date of the hearing as to the propriety and advisability of making such improvement but prior to the date on which the assessments are levied by ordinance, pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be further apportioned among such sublots or subparcels on an area basis in the manner as aforesaid.

The cost of paving street intersections shall be included in the total costs that are proposed to be levied in the respective assessments units and shall be assessed against the respective assessable lots and parcels of property in each assessment unit on the aforesaid front foot or area basis, as the case may be.

In each assessment unit, 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 within a particular assessment unit according to the benefits that will be derived from the Project by the respective lots and parcels in that 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 the Project by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat. Regardless of the basis that is used for apportioning the assessments, in the case of a 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 areas that encompass 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. 1409".

SECTION 4. On Wednesday, the 21st day of October, 1992, 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 the proposed Project, 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 the Project by, the respective lots and parcels of property that abut the streets, and portions thereof, that are proposed to be so improved. 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 the Project, 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. 1409.

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. 1409" (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 certain improvements (the "Project" herein) 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 (Tonopah Drive, Goldring Avenue, Hastings Avenue and Palomino Lane)

TONOPAH DRIVE:

The street paving that is proposed to be constructed and installed in Tonopah Drive (60 feet wide) shall be from 14 to 22 feet in width and shall be constructed and installed along either side thereof from the centerline of Hastings Avenue (60 feet wide) northerly to the centerline of Pinto Lane (60 feet wide), except where adequate street paving is already in place.

GOLDRING AVENUE:

The street paving that is proposed to be constructed and installed in Goldring Avenue (60 feet wide) shall be 21 feet in

width and shall be constructed and installed along the south side thereof from the centerline of Tonopah Drive (60 feet wide) easterly to the centerline of Rose Street (60 feet wide), except where adequate street paving is already in place.

HASTINGS AVENUE:

The street paving that is proposed to be constructed and installed in Hastings Avenue (60 feet wide) shall be 14 feet in width and shall be constructed and installed along the north side thereof from the centerline of Tonopah Drive (60 feet wide) easterly to the centerline of Rose Street (60 feet wide), except where adequate street paving is already in place.

PALOMINO LANE:

The street paving that is proposed to be constructed and installed in Palomino Lane (60 feet wide) shall be 11 feet in width and shall be constructed and installed along the south side thereof from the centerline of Tonopah Drive (60 feet wide) westerly a distance of approximately 300 feet, except where adequate street paving is already in place.

ASSESSMENT UNIT NO. II (Willow Street and Alturas Avenue)

WILLOW STREET:

The street paving that is proposed to be constructed and installed in Willow Street (60 feet wide) shall be 15 feet in width and shall be constructed and installed along the east side thereof from the centerline of Alturas Avenue (60 feet wide) northerly to the centerline of Goldring Avenue (60 feet wide), except where adequate street paving is already in place.

ALTURAS AVENUE:

The street paving that is proposed to be constructed and installed in Alturas Avenue (60 feet wide) shall be 10 feet in width and shall be constructed and installed along the north side thereof from the centerline of Shadow Lane (60 feet wide) westerly a distance of approximately 175 feet, except where adequate street paving is already in place.

ASSESSMENT UNIT NO. III (Monroe Avenue)

The street paving that is proposed to be constructed and installed in Monroe Avenue (60 feet wide) shall be 23 feet in width and shall be constructed and installed along the north side thereof from the centerline of Marion Drive (80 feet wide) westerly to the centerline of Briarcreek Circle (51 feet wide), except where adequate street paving is already in place.

ASSESSMENT UNIT NO. IV (Marion Drive)

The street paving that is proposed to be constructed and installed in Marion Drive (80 feet wide) shall be 28 feet in width and shall be constructed and installed along the east side thereof from the centerline of Diamond Head Drive (60 feet wide) southerly to the centerline of the Cedar Avenue Flood Channel (60 feet wide), except where adequate street paving is already in place.

ASSESSMENT UNIT NO. V (Meadows Lane)

The street paving that is proposed to be constructed and installed in Meadows Lane (80 feet wide) shall be 21 feet in width and shall be constructed and installed along the south side thereof from a point that is approximately 748 feet west of the

centerline of Decatur Boulevard (120 feet wide) westerly a distance of approximately 721 feet, except where adequate street paving is already in place.

ASSESSMENT UNIT NO. VI (Regulus Avenue, Procyon Avenue and Capella Avenue)

REGULUS AVENUE:

The street paving that is proposed to be constructed and installed in Regulus Avenue (60 feet wide) shall be 23 feet in width and shall be constructed and installed along either side thereof from the centerline of Valley View Boulevard (100 feet wide) easterly to the centerline of Procyon Avenue (60 feet wide), except where adequate street paving is already in place.

PROCYON AVENUE:

The street paving that is proposed to be constructed and installed in Procyon Avenue (60 feet wide) shall be 23 feet in width and shall be constructed and installed along the west side thereof from the centerline of Capella Avenue (60 feet wide) southerly to the centerline of Regulus Avenue (60 feet wide), except where adequate street paving is already in place.

CAPELLA AVENUE:

The street paving that is proposed to be constructed and installed in Capella Avenue (60 feet wide) shall be 23 feet in width and shall be constructed and installed along either side thereof from the centerline of Procyon Avenue (60 feet wide) westerly a distance of approximately 242 feet, except where adequate street paving is already in place.

ASSESSMENT UNIT NO. VII (Searles Street, 22nd Street, 23rd Street and Hinkle Avenue)

SEARLES STREET:

The paving that is proposed to be constructed and installed in Searles Avenue (60 feet wide) shall be 16 feet in width and shall be constructed and installed along the north side thereof from the centerline of 23rd Street (60 feet wide) easterly to the centerline of Eastern Avenue (100 feet wide), except where adequate street paving is already in place.

22ND STREET:

The street paving that is proposed to be constructed and installed in 22nd Street (60 feet wide) shall be 21 feet in width and shall be constructed and installed along the east side thereof from the centerline of Searles Avenue (60 feet wide) northerly to the centerline of Hinkle Avenue (60 feet wide), except where adequate street paving is already in place.

23RD STREET:

The street paving that is proposed to be constructed and installed in 23rd Street (paved section to be 46 feet wide) shall be 18 feet in width (along the south side) and 13 feet in width (along the north side) and shall be constructed and installed in the respective widths along either side thereof from the centerline of Searles Avenue (60 feet wide) northerly to the centerline of Hinkle Avenue (60 feet wide), except where adequate street paving is already in place.

HINKLE AVENUE:

The street paving that is proposed to be constructed and

installed in Hinkle Avenue (paved section to be 46 feet wide) shall be from 14 to 22 feet in width and shall be constructed and installed along the south side thereof from the centerline of Eastern Avenue (100 feet wide) westerly to the centerline of 22nd Street (60 feet wide), except where adequate street paving in already in place.

ASSESSMENT UNIT NO. VIII (Diamond Head Drive)

The street paving that is proposed to be constructed and installed in Diamond Head Drive (60 feet wide) shall be 13 feet in width and shall be constructed and installed along the north side thereof from the centerline of Page Street (60 feet wide) easterly to the centerline of Marion Drive (80 feet wide), except where adequate street paving is already in place.

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 (the "Project" herein) are more particularly described as follows:

ASSESSMENT UNIT NO. I (Tonopah Drive, Goldring Avenue, Hastings Avenue and Palomino Lane)

The street paving that is proposed to be constructed and installed on each of the streets in ASSESSMENT UNIT NO. I shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the

locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. II (Willow Street and Alturas Avenue)

The street paving that is proposed to be constructed and installed on each of the streets in ASSESSMENT UNIT NO. II shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. III (Monroe Avenue)

The street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. III shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. IV (Marion Drive)

The street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IV shall consist of 4 inches of

plantmix bituminous surface over 13 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. V (Meadows Lane)

The street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. V shall consist of 4 inches of plantmix bituminous surface over 13 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. VI (Regulus Avenue, Procyon Avenue and Capella Avenue)

The street paving that is proposed to be constructed and installed on each of the streets in ASSESSMENT UNIT NO. VI shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the

locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. VII (Searles Avenue, 22nd Street, 23rd Street and Hinkle Avenue)

The street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. VII shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. VIII (Diamond Head Drive)

The street paving that is proposed to be constructed and installed in ASSESSMENT UNIT NO. VIII shall consist of 3 inches of plantmix bituminous surface over 10 inches of type II aggregate base; together with the installation, removal and 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 by the plats, diagrams and plans of the work and of the locality that is to be improved as the same are on file 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, and the streets that are proposed to be included

within each, are deemed by the City Engineer of the City and by the City to be essential to the construction and installation of the Project.

It is anticipated that the costs of constructing and installing the proposed Project, including without limitation the engineering, legal and incidental expenses, will be in the aggregate amount of $431,658.00, and the maximum benefits that will be derived from the Project by all of the lots and parcels of property within the District will be in the aggregate amount of $571,947.00, apportioned among the several assessment units of the District as follows:

Assessment Unit No.	Estimated Costs	Estimated Amount of Maximum Benefits
I	$89,821.00	$119,013.00
II	19,350.00	25,639.00
III	60,183.00	79,742.00
IV	37,929.00	50,256.00
V	56,071.00	74,294.00
VI	67,630.00	89,610.00
VII	86,808.00	115,021.00
VIII	13,866.00	18,372.00
TOTALS	$431,658.00	$571,947.00

The amount of such costs 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 the Project in ASSESSMENT UNIT NO. I TO ASSESSMENT UNIT NO. VI, inclusive, and ASSESSMENT UNIT NO. VIII on a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed in the respective assessment units shall be assessed a portion of the aggregate

dollar amount that is being levied against that entire assessment unit in the proportion that the frontage of such lot or parcel that abuts, and is benefited by, the Project bears to the frontage of all of the assessable properties that abut, and are benefited by, the Project in such assessment unit (provided, however, that, if any such lot or parcel is divided, after the date of the hearing as to the propriety and advisability of constructing and installing the Project but prior to the date on which the assessments are levied by ordinance, pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be apportioned among such sublots or subparcels on an area basis, i.e., on the basis that each such sublot or subparcel shall be assessed a portion of the aggregate dollar amount that is being levied against the entire lot or parcel in the proportion that the area of such sublot or subparcel bears to the aggregate area of the entire lot or parcel) and in ASSESSMENT UNIT VII on an area basis, i.e., on the basis that each lot or parcel of property that is to be assessed in said assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against that entire assessment unit in the proportion that the area of such lot or parcel that abuts, and is benefited by, the Improvement bears to the aggregate area of all of the assessable properties that abut, and are benefited by, the Improvement in such assessment unit, and, if any such lot or parcel is divided, after the date of the hearing as to the propriety and advisability of making such improvement but prior to the date on which the

assessments are levied by ordinance, pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be further apportioned among such sublots or subparcels on an area basis in the manner as aforesaid.

The cost of paving street intersections shall be included in the total costs that are proposed to be levied in the respective assessments units and shall be assessed against the respective assessable lots and parcels of property in each assessment unit on the aforesaid front foot or area basis, as the case may be.

In each assessment unit, 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 within a particular assessment unit according to the benefits that will be derived from the Project by the respective lots and parcels in that 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 the Project by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat. Regardless of the basis that is used for apportioning the assessments, in the case of a 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 within the respective assessment units which the City Council proposes to have so improved are as follows:

ASSESSMENT UNIT NO. I (Tonopah Drive,
Gold Ring Avenue, Hastings Avenue and Palomino Lane)

TONOPAH DRIVE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32 or Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Tonopah Drive (60 feet wide) in which adequate street paving does not presently exist, along either side thereof from the centerline of Hastings Avenue (60 feet wide) northerly to the centerline of Pinto Lane (60 feet wide).

GOLDRING AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Goldring Avenue (60 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Tonopah Drive (60 feet wide) easterly to the centerline of Rose Street (60 feet wide).

HASTINGS AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Hastings Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Tonopah

Drive (60 feet wide) easterly to the centerline of Rose Street (60 feet wide).

PALOMINO LANE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Palomino Lane (60 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Tonopah Drive (60 feet wide) westerly a distance of approximately 300 feet.

ASSESSMENT UNIT NO. II (Willow Street and Alturas Avenue)

WILLOW STREET:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Willow Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Alturas Avenue (60 feet wide) northerly to the centerline of Goldring Avenue (60 feet wide).

ALTURAS AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Alturas Avenue (60 feet wide) in which adequate street paving does not presently

exist, along the north side thereof from the centerline of Shadow Lane (60 feet wide) westerly a distance of approximately 175 feet.

ASSESSMENT UNIT NO. III (Monroe Avenue)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 29, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Monroe Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof form the centerline of Marion Drive (80 feet wide) westerly to the centerline of Briarcreek Circle (51 feet wide).

ASSESSMENT UNIT NO. IV (Marion Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Marion Drive (80 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Diamond Head Drive (60 feet wide) southerly to the centerline of the Cedar Avenue Flood Channel (60 feet wide).

ASSESSMENT UNIT NO. V (Meadows Lane)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 36, Township 20 South, Range 60 East, M.D.M., that abuts any portion of Meadows Lane (80 feet wide) in which adequate street paving does not presently exist, along the

south side thereof from a point that is approximately 748 feet west of the centerline of Decatur Boulevard (120 feet wide) westerly a distance of approximately 721 feet.

ASSESSMENT UNIT NO. VI (Regulus Avenue Procyon Avenue and Capella Avenue)

REGULUS AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 8, Township 21 South, Range 61 East, M.D.M., that abuts any portion of Regulus Avenue (60 feet wide) in which adequate street paving does not presently exist, along either side thereof from the centerline of Valley View Boulevard (100 feet wide) easterly to the centerline of Procyon Avenue (60 feet wide).

PROCYON AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 8, Township 21 South, Range 61 East, M.D.M., that abuts any portion of Procyon Avenue (60 feet wide) in which adequate street paving does not presently exist, along the west side thereof from the centerline of Capella Avenue (60 feet wide) southerly to the centerline of Regulus Avenue (60 feet wide).

CAPELLA AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 8, Township 21 South, Range

61 East, M.D.M., that abuts any portion of Capella Avenue (60 feet wide) in which adequate street paving does not presently exist, along either side thereof from the centerline of Procyon Avenue (60 feet wide) westerly a distance of approximately 242 feet.

ASSESSMENT UNIT NO. VII (Searles Avenue, 22nd Street, 23rd Street and Hinkle Avenue)

SEARLES AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 26, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Searles Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of 23rd Street (60 feet wide) easterly to the centerline of Eastern Avenue (100 feet wide).

22ND STREET:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 26, Township 20 South, Range 61 East, M.D.M., that abuts any portion of 22nd Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Searles Avenue (60 feet wide) northerly to the centerline of Hinkle Avenue (60 feet wide).

23RD STREET:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of

Nevada, and is a portion of Section 26, Township 20 South, Range 61 East, M.D.M., that abuts any portion of 23rd Street (paved section to be 46 feet wide) in which adequate street paving does not presently exist, along either side thereof from the centerline of Searles Avenue (60 feet wide) northerly to the centerline of Hinkle Avenue (60 feet wide).

HINKLE AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 26, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Hinkle Avenue (paved section to be 46 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Eastern Avenue (100 feet wide) westerly to the centerline of 22nd Street (60 feet wide).

ASSESSMENT UNIT NO. VIII (Diamond Head Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Diamond Head Drive (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Page Street (60 feet wide) easterly to the centerline of Marion Drive (80 feet wide).

The Project, upon its completion, 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 the Project 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 21st day of October, 1992, 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 the proposed Project, 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 the Project by, the respective lots and parcels of property that abut the streets, and portions thereof, that are proposed to be

so improved. If any person wishes to object to the amount of the maximum benefits that are anticipated will inure to his lot or parcel of property from the proposed Project 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 portion of the Project that is proposed to be constructed and installed in ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. VI, inclusive, or ASSESSMENT UNIT NO. VIII or of more than one-half of the area that is proposed to be assessed in ASSESSMENT UNIT NO. VII shall file written protests or objections thereto, the City Council may order the portion of the Project for that particular assessment unit not to be constructed and installed; provided, however, that since not more than 1,320 feet, including street intersections, remain unimproved with street paving between the street paving that presently exists in each of the streets in which the Project is proposed to be constructed and installed, the City Council may, pursuant to NRS 271.306(2)(b), order the construction and installation of the portion of the Project for any assessment unit, in which event the construction and installation of that portion 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 improving such streets and portions thereof, will determine the kind and character of

the street paving that is to be so constructed and installed in each of such streets 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 the Project, 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 ten (10) 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 16th day of September, 1992.

Kathleen M. Tighe

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 date 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 16th day of September, 1992.

JAN LAVERTY JONES, Mayor

OK
VS
9-18-92

ATTEST:

KATHLEEN M. TIGHE, City Clerk