

R E S O L U T I O N

A RESOLUTION ESTABLISHING THE RATE OF INTEREST PAYABLE ON THE DEFERRED INSTALLMENTS OF THE ASSESSMENTS IN CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 491 (CHARLESTON BOULEVARD); AND APPROVING, RATIFYING AND CONFIRMING ALL ACTION HERETOFORE TAKEN BY THE CITY OF LAS VEGAS IN CONNECTION WITH SAID DISTRICT.

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 (the "State" herein), has taken all of the requisite legal action that is preliminary to and in the creation of "City of Las Vegas, Nevada Special Improvement District No. 491 (Charleston Boulevard)" (the "District" herein), consisting of nine (9) separate and distinct assessment units, for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing (the "Notice of Hearing" herein) that is provided for in Section 4 of the Provisional Order Resolution that was passed, adopted and approved on the 1st day of November, 1989, as ASSESSMENT UNIT NO. I, the installation of curbs and gutters along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. II, the installation of sidewalks along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. III, the installation of landscaped areas along West Charleston Boulevard, and portions



thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. IV, the installation of a raised median island along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. V, the installation of a street lighting system and all facilities that are incidental thereto along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. VI, the installation of a water distribution main along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. VII, the installation of sanitary sewer laterals along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. VIII and the installation of commercial driveway approaches along West Charleston Boulevard, and portions thereof, as is more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. IX, and of defraying the entire cost and expense thereof by special assessments, according to the benefits that would be derived from such improvements by the respective assessable lots and parcels of property in the District, against such lots and parcels within in each assessment unit thereof, all in accordance with the Nevada Revised Statutes that provide therefor; and

WHEREAS, by Ordinance No. 3478 that was duly passed, adopted and approved on the 17th day of January, 1990, as said Ordinance was amended by Ordinance No. 3496 that was duly passed,

adopted and approved on the 4th day of April, 1990, the City Council created the District, ordered the construction and installation therein of the proposed local improvements (the "Project" herein) and determined to defray a portion of the entire cost and expense of the Project by special assessments, according to the benefits as aforesaid, against the respective assessable lots and parcels of property that would be benefited thereby; and

WHEREAS, by Ordinance No. 3610 that was duly passed, adopted and approved on the 6th of November, 1991 (the "Assessment Ordinance herein), the City Council levied upon and assessed against the assessable lots and parcels of property in the City that are situate within the respective assessment units of the District, being all of those lots and parcels that were specially benefited by such improvements in the corresponding assessment units and are described in the assessment roll for the District, as such roll was filed in the Office of the City Clerk of the City (the "City Clerk" herein) on the 4th day of September, 1991, and was validated and confirmed by that certain Resolution that was duly passed, adopted and approved by the City Council on the 16th day of October, 1991, the amounts and assessments that are shown in such roll, the same being apportioned, in ASSESSMENT UNIT NO. I, ASSESSMENT UNIT NO. IV, ASSESSMENT UNIT NO. V, ASSESSMENT UNIT NO. VI and ASSESSMENT UNIT NO. VII, on a front foot basis, in ASSESSMENT UNIT NO. II and ASSESSMENT UNIT NO. III, on a lineal foot basis, in ASSESSMENT UNIT NO. VIII, on the basis that each lot or parcel of

property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number of sewer laterals that are installed to serve such lot or parcel bears to the total number of sewer laterals that are installed to serve all of the assessable properties in the assessment unit and, in ASSESSMENT UNIT NO. IX, on the basis that each lot or parcel of property that is to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit in the proportion that the number and length of the driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the driveway approaches that are installed to serve all of the assessable properties in the assessment unit, all as is more particularly set forth in Section 4 of said Ordinance No. 3478, as said Section was amended by Section 3 of said Ordinance No. 3496; and

WHEREAS, Section 3 of the Assessment Ordinance provides that the assessments that remain unpaid at the expiration of the thirty (30) day cash payment period, as in said Section 3 provided, shall be payable in twenty (20) substantially equal semiannual installments of principal, with interest in all cases on the unpaid and deferred installments of the principal, from the effective date of the Assessment Ordinance, at a rate per annum that may not exceed by more than one percent (1%) the highest rate of interest that is borne by the special assessment bonds, if any, that the City may sell to finance the Project (the

effective rate on which may not exceed by more than three percent (3%) the "Index of Twenty Bonds" that was most recently published in Muniweek before the date on which the bids for the purchase of such bonds are received; and

WHEREAS, the City Council, on the 18th day of December, 1991, received and accepted a bid for the purchase of the City of Las Vegas, Nevada, Special Improvement District No. 491 (Charleston Boulevard) Special Assessment, Local Improvement Bonds, Series January 1, 1992 (the "Bonds" herein), for the principal amount thereof and the interest that will accrue thereon from the date of the Bonds to the date of the delivery thereof and at the price and the interest rate that are set forth in such bid; and

WHEREAS, in accordance with such bid, taking into account that the interest rate that was indicated by the Index of Twenty Bonds that was so published on the 12th day of December, 1991, being the date on which said Index was most recently published before the date on which such bid was accepted, was SIX AND 71/100ths percent (6.71%) per annum, the highest rate of interest that can be borne by the Bonds, as the same is established and provided for in the ordinance that authorized the issuance of the Bonds and was duly passed, adopted and approved on the 18th day of December, 1991 (the "Bond Ordinance" herein), is NINE AND 71/100THS percent (9.71%) per annum; and

WHEREAS, the City Council has determined, and by this Resolution does so determine, that the appropriate rate of interest that is to be payable on the unpaid and deferred

installments of the assessments in the District shall be seven and 50/100ths percent (7.50%) per annum;

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 18th day of December, 1991, as follows:

Section 1. The rate of interest that is payable on the unpaid and deferred installments of the assessments in "City of Las Vegas, Nevada, Special Improvement District No. 491 (Charleston Boulevard)" shall be, and it hereby is, fixed at seven and 50/100ths percent (7.50%) per annum;

Section 2. The City Clerk be, and she hereby is, authorized, empowered and directed to deliver to the City Treasurer of the City (the "City Treasurer" herein) a notice that states that such unpaid and deferred installments of the assessments in the District shall bear interest at such rate and requests the City Treasurer to include, in the mailed or published notice that he makes pursuant to NRS 271.415(5), a statement to the effect that the installment of the assessments that is due on the 12th day of May, 1992, is payable on or before, and will be delinquent after, said date and to the effect that the interest in connection with such installment shall be payable at such rate. The City Treasurer be, and he hereby is, authorized, empowered and directed, and the same shall be his duty, to receive, collect and enforce the payment of each of the assessments that have been made and levied for the purpose of

defraying, in part, the costs and expenses of the Project, each of the installments of such assessments, all of the interest thereon at such rate and any penalty that may have accrued, in the manner and at the time or times that are specified in the Assessment Ordinance and to cause all of the monies that he receives therefrom to be deposited in the bond fund for the Bonds that is created by the Bond Ordinance.

Section 3. The officers and employees of the City be, and they hereby are, authorized, empowered and directed to take all action that may be necessary or appropriate in order to effectuate the provisions of this Resolution.

Section 4. All of the actions, proceedings, matters and things that have heretofore been taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the District, including without limitation the construction and installation of the Project therein, the performance of all of the prerequisites to the levying of the special assessments for the purpose of defraying, in part, the costs and expenses of the Project, to the fixing of the assessment lien upon each assessable lot or parcel of property within the District that is benefited by the Project and to the issuance and sale of the Bonds, be, and the same hereby are, in all respects, approved, ratified and confirmed.

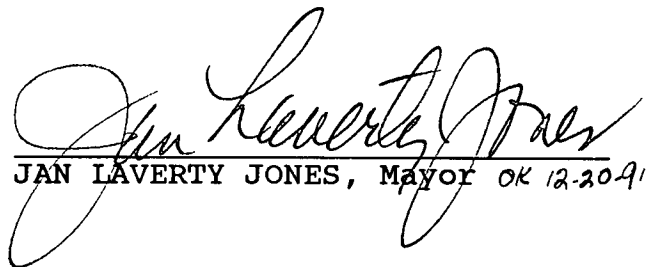
Section 5. If any section, paragraph, clause or other provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other

provision shall in no way affect any of the remaining provisions of this Resolution.

Section 6. All resolutions, or parts thereof, that are in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed in such a manner as to revive any resolution or part of any resolution that has heretofore been repealed.

Section 7. The City Council has determined, and by this Resolution does so determine, and does hereby declare that this Resolution shall become effective immediately upon its passage and approval in accordance with the law.

PASSED, ADOPTED AND APPROVED this 18th day of December, 1991.


JAN LAVERTY JONES, Mayor OK 12-20-91 RAW

ATTEST:


KATHLEEN M. TIGHE, City Clerk