

R E S O L U T I O N

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2
3 A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT THE
4 WORK OF IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF WITHIN
5 THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT
6 NO. 444 SHALL BE DONE.

7 WHEREAS, the Board of Commissioners of the City of
8 Las Vegas, in the County of Clark and State of Nevada, has di-
9 rected the City Engineer to file with the City Clerk, who is also
10 the Clerk of said Board of Commissioners, certain preliminary
11 estimates of costs, and estimates of maximum benefits; all in
12 connection with the installation of street improvements within
13 that certain area of said City hereinafter described; all pursuant
14 to Chapter 271 of Nevada Revised Statutes, and all laws supple-
15 mental thereto; and

16 WHEREAS, the City Engineer, on the 15th day of April,
17 1983 filed at the Office of the Clerk of said City and of said
18 Board of Commissioners, in connection with said improvements and
19 with its proposed Las Vegas, Nevada, Special Improvement Dis-
20 trict No. 444 the following:

21 A. Preliminary plans showing typical sections of the
22 contemplated improvements, the type or types of material, and
23 preliminary estimates of the costs of such improvements;

24 B. Preliminary estimates of the total cost of each
25 type of construction, said estimates being made in a lump sum or
26 by unit prices, and, further, including in said estimates without
27 limiting the generality of the foregoing, the advertising, ap-
28 praising, engineering, printing, and such other expenses as in
29 the judgment of said Engineer are necessary or essential to the
30 completion of such work of improvement, and the payment of the
31 costs thereof;

32 C. Assessment plats showing the areas to be assessed
and the amount of maximum benefits estimated to be assessed against



1 each lot or parcel of property in the assessment district, such
2 estimates being computed on an area basis, as heretofore desig-
3 nated by said Board of Commissioners; provided that an equitable
4 adjustment will be made for assessments to be levied against any
5 irregular lots or parcels, so that assessments according to
6 benefits will be equal and uniform; and

7 WHEREAS, the Board of Commissioners has examined said
8 plans, assessment plats, typical sections of contemplated im-
9 provements, preliminary estimates of costs, and estimates of
10 maximum benefits, so filed with said Clerk, and has found, and
11 does hereby declare the same to be satisfactory in all respects;

12 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COM-
13 MISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, at a regular meeting
14 thereof held on the 20th day of April, 1983 at 10:00 o'clock A.M.,
15 that the Board of Commissioners shall and hereby does accept said
16 plans, assessment plats, typical sections of contemplated im-
17 provements, preliminary estimates of costs, and the estimates of
18 maximum benefits to be assessed against each tract or parcel of
19 land in the assessment areas.

20 BE IT FURTHER RESOLVED that said Board of Commissioners
21 shall, and hereby does, PROVISIONALLY ORDER THAT:

22 SECTION 1. That street improvements shall be installed
23 within that certain area of the City hereinafter described, all
24 as more particularly hereinafter set forth and as described in
25 said plans herein accepted, reference to which is hereby made
26 and which are available for public examination at the Office of
27 said City Clerk, and at a total estimated cost of \$183,579.56 in-
28 cluding engineering, legal and incidental expenses.

29 SECTION 2. The amounts to be assessed shall be made
30 upon all lots and parcels of property benefitted, proportionately
31 to the benefits received and shall be assessed against the property
32 abutting said improvements on an area basis, i.e., on the basis

1 that each lot or parcel of property to be assessed in each such
2 assessment unit shall be assessed a portion of the aggregate
3 dollar amount being levied against that particular entire assess-
4 ment in the proportion that the area of said lot or parcel bears
5 to the area of all the assessable property in such assessment
6 unit, provided that the depth of a lot or parcel in excess of 100
7 feet from the frontage facing the improvements shall not be con-
8 sidered in computing the area of such lot or parcel; provided
9 that in each assessment unit an equitable adjustment will be made
10 for assessments levied against any irregular lots or parcels,
11 so that the assessments according to benefits are equal and uni-
12 form. The portion of the costs to be assessed against, and the
13 maximum benefits estimated to be conferred upon each lot or parcel
14 of property shall be as stated in the aforesaid assessment plat.

15 Regardless of the basis used by apportioning assessments,
16 in case of wedge or "V" or other irregularly shaped tracts, an
17 amount apportioned thereto shall be in proportion to the special
18 benefits to be derived.

19 SECTION 3. The area comprising said streets to be
20 improved and said property to be assessed (i.e., all of said
21 assessment units), shall be designated "Las Vegas, Nevada, Special
22 Improvement District No. 444."

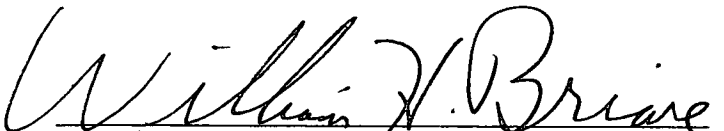
23 SECTION 4. On Wednesday, the 18th day of May, 1983,
24 at the hour of 2:00 o'clock P.M., at the Commission Chambers
25 in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, or any
26 time prior to said date and time at the Office of the City Clerk
27 in City Hall in said City, the owners of the property to be
28 assessed, or any other person interested therein, may file written
29 protests or objections, and may appear before the Board of Com-
30 missioners at said time and place and be heard as to the propriety
31 of making such improvements, as to the cost thereof, as to the
32 manner of payment therefor, and as to the amount thereof to be

1 assessed against the property to be so improved. Twenty (20)
2 day's notice in writing of such time and place shall be given
3 to such property owners, which shall be served by the City Clerk
4 by mailing a copy of such notice, postage prepaid, as first-class
5 mail, to the last known address of each last known owner of pro-
6 perty within each assessment unit whose property will be assessed
7 for the costs of such improvements, such names and addresses of
8 such property owners being those appearing on the local property
9 assessment rolls for (ad valorem) taxes on file in the Office of
10 the County Assessor of Clark County, Nevada, wherein said property
11 is located. Notice shall also be given by the City Engineer by
12 posting a copy of such notice in three public places at or near
13 the site of the proposed work in each assessment unit at least
14 twenty (20) days prior to said hearing. Proof of such mailing
15 and posting shall be made by the affidavit of the City Clerk or
16 of the City Engineer as the case may be, such proof to be filed
17 with the City Clerk; provided, however, that the fact that the
18 person to whom any such notice is addressed does not receive the
19 same shall not invalidate or affect the legality of the notice
20 given thereby and shall not invalidate or affect the legality
21 of any assessment nor any other of the proceedings hereunder.
22 Notice of the time and place of such hearing shall also be given
23 by publishing a copy of such notice in the Las Vegas Review
24 Journal a newspaper published in the City of Las Vegas, Nevada,
25 and of general circulation in said City of Las Vegas, once each
26 week for three consecutive weeks, by three weekly insertions, the
27 first publication to be at least fifteen (15) days prior to the
28 date of the protest hearing. Not less than fourteen (14) days
29 shall intervene between the first publication and the last publi-
30 cation. Such service by publication shall be verified by the
31 affidavit of the publisher and filed with said City Clerk. Said
32 notice shall be in the form as indicated in Exhibit "B", attached

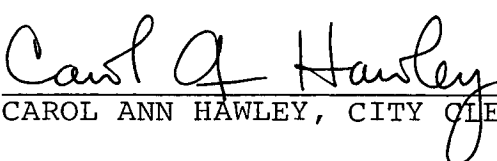
1 hereto and by reference made a part hereof.

2 SECTION 5. That the City Clerk and the City Engineer
3 are hereby authorized to advertise at least once a week for three
4 consecutive weeks by three weekly insertions in the Las Vegas
5 Review Journal a newspaper of general circulation in the City of
6 Las Vegas; provided that not less than fourteen (14) days shall
7 intervene between the first publication and the last publication;
8 provided that the last publication shall be at least five (5) days
9 prior to the receipt of bids; and provided that no contract shall
10 be awarded until after the aforesaid hearing and until after
11 the creation of said District by ordinance.

12 INTRODUCED, PASSED, AND ADOPTED this 20th day of April,
13 1983.

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16 WILLIAM H. BRIARE, MAYOR
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19 ATTEST:

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22 CAROL ANN HAWLEY, CITY CLERK
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1 NOTICE OF HEARING ON THE IMPROVEMENT OF CERTAIN STREETS AND PARTS
2 THEREOF AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED LAS VEGAS,
3 NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 444.

4 NOTICE IS HEREBY GIVEN to the property owners within
5 the proposed Las Vegas, Nevada, Special Improvement District
6 No. 444, and to all interested persons that:

7 The Board of Commissioners of the City of Las Vegas,
8 Nevada, has provisionally ordered that street improvements shall
9 be installed within that certain area of the City hereinafter
10 described, all as more particularly set forth:

11 Unit I

12 The improvements include the installation of a nine
13 foot wide parking lane on both sides of Pecos Drive from Charleston
14 Boulevard to Owens Avenue in conjunction with the installation of
15 four driving lanes, median islands or left turn lanes, drainage
16 facilities, traffic signals, a bridge crossing at Washington
17 Avenue, and other work to be paid for with funds other than the
18 levy of assessments, to include the necessary installation,
19 removal and relocation of any and all utilities and appurtenances
20 that are necessary to complete same as more particularly shown
21 on the plats, diagrams and plans of the work and the locality as
22 filed in the Office of the City Clerk.

23 Unit II

24 The improvements include the installation of standard
25 "L" type curbs and gutters, along both sides of Pecos Drive from
26 Charleston Boulevard to Owens Avenue, except where adequate
27 improvements have been installed, in conjunction with the install-
28 ation of four driving lanes, median islands or left turn lanes,
29 drainage facilities, traffic signals, a bridge crossing at Wash-
30 ington Avenue, and other work to be paid for with funds other than
31 the levy of assessments, to include the necessary installation,
32 removal and relocation of any and all utilities and appurtenances



1 that are necessary to complete same as more particularly shown on
2 the plats, diagrams and plans of the work and the locality as
3 filed in the Office of the City Clerk.

4 Unit III

5 The improvements include the installation of standard
6 concrete sidewalks, six feet in width, along both sides of Pecos
7 Drive from Charleston Boulevard to Owens Avenue, except where
8 adequate improvements have previously been installed, in conjunc-
9 tion with the installation of four driving lanes, median islands
10 or left turn lanes, drainage facilities, traffic signals, a bridge
11 crossing at Washington Avenue, and other work to be paid for with
12 funds other than the levy of assessments, to include the necessary
13 installation, removal and relocation of any and all utilities and
14 appurtenances that are necessary to complete same as more particu-
15 larly shown on the plats, diagrams and plans of the work and the
16 locality as filed in the Office of the City Clerk.

17 Unit IV

18 The improvements include the installation of street
19 lighting, consisting of high pressure sodium luminaires and steel
20 lighting standards on concrete foundations with underground
21 wiring, along both sides of Pecos Drive from Charleston Boulevard
22 to Owens Avenue, except where adequate improvements have previous-
23 ly been installed, in conjunction with the installation of four
24 driving lanes, median islands or left turn lanes, drainage facili-
25 ties, traffic signals, a bridge crossing at Washington Avenue, and
26 other work to be paid for with funds other than the levy of assess-
27 ments, to include the necessary installation, removal and reloca-
28 tion of any and all utilities and appurtenances that are necessary
29 to complete same as more particularly shown on the plats, diagrams
30 and plans of the work and the locality as filed in the Office of
31 the City Clerk.

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Unit V

The improvements include the installation of sewer laterals from existing sewer mains to the front property line adjacent to vacant properties, along both sides of Pecos Drive from Charleston Boulevard to Owens Avenue, except where it is more assessable to another main other than the Pecos Drive main, in conjunction with the installation of four driving lanes, median islands or left turn lanes, drainage facilities, traffic signals, a bridge crossing at Washington Avenue, and other work to be paid for with funds other than the levy of assessments, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are necessary to complete same as more particularly shown on the plats, diagrams and plans of the work and the locality as filed in the Office of the City Clerk.

All of the plats, diagrams and plans on file in the Office of the City Clerk are deemed by the City Engineer and the City to be essential to the construction of said improvements.

It is estimated that said estimated total cost shall be apportioned as follows:

<u>Assessment Unit No.</u>	<u>Total Cost</u>	<u>Estimated Amount of Special Assessments</u>
I	\$ 53,466.47	\$ 53,466.47
II	18,360.92	18,360.92
III	49,307.17	49,307.17
IV	60,030.00	60,030.00
V	2,415.00	2,415.00
Other Street Work	<u>3,084,645.74</u>	<u>0</u>
TOTAL	\$3,268,225.30	\$183,579.56

The amounts to be assessed shall be made upon all lots and parcels of property benefitted, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i.e., on the basis that each lot or parcel of property to be assessed in each such assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assess-

ment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel, provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or "V" or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits derived.

The areas to be assessed within the assessment units which the Board proposes to so have improved are as follows:

Those parcels of land in the City of Las Vegas,
County of Clark, State of Nevada, described as
follows:

Those parcels of land adjoining Pecos Drive from Charleston Boulevard to Owens Avenue, to include those County tax parcels as listed or as may be subsequently divided or changed by the Office of the County Assessor as follows:

Unit I (Parking Lane)

020-670-015

060-200-001

060-290-001

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1 Unit II (Curb & Gutter)

2 020-770-002
3 020-670-015
4 060-200-001
5 060-290-001

6 Unit III (Sidewalks)

7 020-770-007
8 020-770-002
9 020-670-015
10 060-200-001
11 060-290-001

12 Unit IV (Street Lighting)

13 020-770-007
14 020-770-002
15 020-670-015
16 060-200-001
17 060-290-001

18 Unit V (Sewer Lateral)

19 060-200-001

20 The proposed improvements will result in no substantial
21 change in the existing street elevations or grades.

22 All persons interested are hereby advised that the plans,
23 plats, typical sections, preliminary estimates of the total cost,
24 the description of the property to be assessed, the portion of the
25 cost to be assessed thereagainst and the maximum amount of benefits
26 estimated to be conferred on each piece of property are on file
27 in the Office of the City Clerk and may be inspected by any pro-
28 perty owner, or other interested persons, during regular office
29 hours.

30 On Wednesday, the 18th day of May, 1983 at 2:00 o'clock
31 P.M., in the Commission Chambers at City Hall, 400 East Stewart
32 Avenue, in the City of Las Vegas, or at any time prior to said
date and time, at the Office of the City Clerk at City Hall, in
said City, the owners of the property to be assessed, or any
other persons interested therein, may file written protests or
objections, and may appear before the Board of Commissioners

1 at said time and place and be heard as to the propriety and ad-
2 visability of making such improvements, as to the costs thereof,
3 as to the manner of the payment therefor, and as to the amount
4 thereof to be assessed against the property to be so improved.

5 The Board of Commissioners requests that any property
6 owner or other interested persons wishing to make protest or ob-
7 jection, make such protest or objection in writing at the Office
8 of the City Clerk at least three days before the time set for
9 hearing as aforesaid. Those persons shall have the right within
10 thirty (30) days after the Board of Commissioners has finally
11 passed on such protest or objection to commence an action or suit
12 in any Court of competent jurisdiction to correct or set aside
13 such determination, but thereafter all actions or suits attacking
14 the validity of the proceedings and the amount of benefits shall
15 be perpetually barred. If the owners of more than one-half of
16 the area to be assessed for the improvements shall file written
17 objection thereto, the particular improvements shall not be ordered
18 installed, unless pursuant to NRS 271.305(7)(b)(1), the munici-
19 pality shall pay one-half or more of the total cost of the entire
20 project with funds derived from other than the levy of assessments,
21 in which event the Board of City Commissioners may order the
22 improvements installed in spite of more than 50% protest.

23 After such hearing, said Board of Commissioners shall
24 make a determination as to the advisability of so improving said
25 streets and parts thereof, shall determine the kind and character
26 of such improvements so to be made, and shall enter into a con-
27 tract with the responsible bidder submitting the lowest bid for
28 the doing of such work and the furnishing of all necessary materials,
29 in response to a duly advertised invitation for construction bids.

30 After the making of such contract, said Board of Com-
31 missioners shall determine what portion of the cost of such work,
32 including incidentals, shall be paid by the property specially

1 benefitted, and the assessments shall be levied in accordance with
2 the laws of the State of Nevada. In no event shall the assess-
3 ments exceed the estimated benefits to the property assessed.
4 The Board of Commissioners shall provide that the assessments
5 may be payable without interest or demand, at the election of the
6 owner, or in ten substantially equal annual installments of
7 principal. The Board of Commissioners shall also provide the time
8 and terms of payment of such assessments, and the rate of interest
9 per annum upon deferred payments thereof, which rate shall not
10 exceed by more than 1% the 'Bond Buyers's' Index of 20 Municipal
11 Bonds which was most recently published before the date on which
12 the ordinance levying the assessments is adopted, and shall fix
13 penalties to be collected upon delinquent payments.

14 By order of the Board of Commissioners of the City of
15 Las Vegas, Nevada.

16 Dated this 20th day of April, 1983.

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19 CAROL ANN HAWLEY, CITY CLERK
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