

R E S O L U T I O N

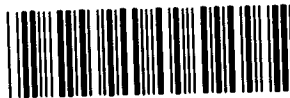
A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT THE WORK OF IMPROVEMENT OF CERTAIN STREETS AND ALLEYS, AND PARTS THEREOF, WITH INTERSECTIONS, WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 496 SHALL BE DONE:

WHEREAS, the City Council of the City of Las Vegas, in the County of Clark and State of Nevada, pursuant to Chapter 271, Nevada Revised Statutes, and all laws supplemental thereto, has directed the City Engineer to file with the City Clerk, who is also the Clerk of said City Council, in conjunction with a total project that will include the installation of four travel lanes; a two-way center left turn lane; two safety (parking) lanes; traffic control devices; street lights; sidewalks; curbs and gutters; driveway approaches; and drainage facilities (the "Project" herein), certain preliminary plans, assessment plats, typical sections of the contemplated improvements, preliminary estimates of costs and estimates of maximum benefits, all in connection with the proposed installation of certain improvements along certain streets within certain areas of said City, said improvements being more specifically described as follows:

Providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving, including the installation of street lights along, Cheyenne Avenue and portions thereof as more particularly described in the notice that is provided for in Section 4 of this Resolution as ASSESSMENT UNIT NO. I,

Providing for the installation of sidewalks and curbs and gutters along Cheyenne Avenue and portions thereof as more particularly described in the notice that is provided for in Section 4 of this Resolution as ASSESSMENT UNIT NO. II, and

Providing for the installation of commercial driveway approaches along Cheyenne Avenue and portions thereof as more particularly described in the notice that is provided for in Section 4 of this Resolution as ASSESSMENT UNIT NO. III; and



1 WHEREAS, the City Engineer, on the 1st day of March,
2 1989, filed at the office of said City Clerk, in connection with
3 said improvements and with said City's proposed Las Vegas,
4 Nevada, Special Improvement District No. 496 the following:

5 A. Preliminary plans showing typical sections of the
6 contemplated improvements, the type or types of material,
7 together with the approximate thickness and width, and prelimi-
8 nary estimates of the costs of such improvements.

9 B. Preliminary estimates of the total cost of each type
10 of construction, said estimates being made in a lump sum or by
11 unit prices, and, further, including in said estimates, without
12 limiting the generality of the foregoing, the advertising,
13 appraising, engineering, printing and such other expenses as in
14 the judgment of said City Engineer are necessary or essential to
15 the completion of such work of improvement and the payment of the
16 costs thereof.

17 C. Assessment plats showing the areas to be assessed
18 and the amount of maximum benefits estimated to be assessed
19 against each lot or parcel of property within each assessment
20 unit of said Special Improvement District, such estimates as
21 heretofore designated by said City Council being computed, for
22 the respective assessment units, on the bases set forth in
23 Section 2 of this Resolution; and

24 WHEREAS, an equitable adjustment will be made for any
25 assessment to be levied against any irregular lot or parcel, so
26 that assessments according to benefits will be equal and uniform;
27 and

28 WHEREAS, said City Council has examined said plans,
29 assessment plats, typical sections of contemplated improvements,
30 preliminary estimates of costs and estimates of maximum benefits,
31 so filed with said City Clerk, and has found, and hereby does
32 declare, the same to be satisfactory in all respects; and

1 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
2 THE CITY OF LAS VEGAS, NEVADA, at a regular meeting thereof held
3 on the 1st day of March, 1989, that said City Council shall, and
4 hereby does, accept said plans, assessment plats, typical sec-
5 tions of contemplated improvements, preliminary estimates of
6 costs and estimates of maximum benefits to be assessed against
7 each lot or parcel of property in the respective assessment units
8 of said Special Improvement District.

9 BE IT FURTHER RESOLVED that said City Council shall, and
10 hereby does, PROVISIONALLY ORDER THAT:

11 SECTION 1. Those improvements, at an estimated cost of
12 \$5,784,952.00, of which an estimated \$87,225.00 will be assessed
13 against the assessable lots or parcels of property within the
14 several assessment units of said proposed Special Improvement
15 District, including engineering, legal and incidental expenses,
16 all as more particularly hereinafter set forth and described in
17 said plans herein accepted, reference to which is hereby made and
18 which are available for public examination at the Office of the
19 City Clerk of said City, shall be installed.

20 SECTION 2. Said estimated cost shall be apportioned
21 among the respective assessment units of the proposed Special
22 Improvement District as follows:

	<u>Estimated Amount of Special Assessments</u>
23 ASSESSMENT UNIT NO. I	\$ 65,396.00
24 ASSESSMENT UNIT NO. II	21,829.00
25 ASSESSMENT UNIT NO. III	0.00
26 TOTAL ASSESSABLE	\$ 87,225.00
Other Street Improvements	\$5,697,727.00
27 TOTAL PROJECT COSTS:	\$5,784,952.00

28 The amounts to be assessed shall be made upon all lots
29 and parcels of property benefitted, proportionately to the bene-
30 fits received, and shall be assessed against the property
31 abutting said improvements on the following bases:

1 ASSESSMENT UNIT NO. I (Street Paving and Street Lights)

2 Such estimates shall be computed on a front foot basis,
3 i.e., on the basis that each lot or parcel of property to be
4 assessed shall be assessed a portion of the aggregate dollar
5 amount being levied against the entire assessment unit in the
6 proportion that the frontage of said lot or parcel which abuts
7 the improvement, or, in the case of the street lights, which
8 abuts the street along which the improvement is being installed
9 bears to the frontage of all assessable property abutting the
10 improvement, or abutting such streets, as the case may be, in the
11 assessment unit.

12 ASSESSMENT UNIT NO. II (Sidewalks and Curbs and Gutters)

13 Such estimates shall be computed on a linear foot basis,
14 i.e., on the basis that each lot or parcel of property to be
15 assessed in the assessment unit shall be assessed a portion of
16 the aggregate dollar amount being levied against the entire
17 assessment unit in the proportion that the number of linear feet
18 of said lot or parcel which abut the improvement bears to the
19 total number of linear feet of all assessable property abutting
20 the improvement in the assessment unit.

21 ASSESSMENT UNIT NO. III (Driveway Approaches)

22 Such estimates shall be computed on the basis that each
23 lot or parcel of property to be assessed in the assessment unit
24 for residential driveway approaches shall be assessed a portion
25 of the aggregate dollar amount being levied against the entire
26 assessment unit in the proportion that the number, length and
27 width of the driveway approaches installed to serve said lot or
28 parcel bears to the total number and aggregate length and width
29 of all of the driveway approaches installed to serve all
30 assessable property in the assessment unit.

31 In each assessment unit, an equitable adjustment will be
32 made for any assessment levied against any irregular lot or par-

1 cel, so that the assessments according to benefits are equal and
2 uniform. The portion of the costs to be assessed against, and
3 the maximum benefits estimated to be conferred upon, each lot or
4 parcel of property shall be as stated in the aforesaid assessment
5 plat. Regardless of the basis used for apportioning the
6 assessments, in the case of a wedge, "V" or other irregularly
7 shaped lot or parcel, the amount apportioned thereto shall be in
8 proportion to the special benefits to be derived thereby.

9 SECTION 3. The area comprising said streets to be
10 improved and said property to be assessed (i.e., all of said
11 assessment units), shall be designated "Las Vegas, Nevada,
12 Special Improvement District No. 496."

13 SECTION 4. On Wednesday, the 5th day of April, 1989, at
14 the hour of 2:00 o'clock p.m., at the Council Chambers in the Las
15 Vegas, Nevada, City Hall Complex, 400 East Stewart Avenue, Las
16 Vegas, Nevada, or at any time prior to said date and time at the
17 Office of said City Clerk at said City Hall, the owners of the
18 property to be assessed, or any other person interested in any
19 thereof, may file written protests or objections and may appear
20 before said City Council at said time and place and be heard as
21 to the propriety and advisability of making such improvements, as
22 to the cost thereof, as to the manner of payment therefor and as
23 to the amount thereof to be assessed against the property to be
24 so improved. Twenty (20) days' notice in writing of such time
25 and place shall be given to such property owners, which shall be
26 served by said City Clerk by mailing a copy of such notice,
27 postage prepaid as first-class mail, to the last known address of
28 each last known owner of property within each assessment unit
29 whose property will be assessed for the costs of such improve-
30 ments, such names and addresses of such property owners being
31 those appearing on the local property assessment rolls for
32 general (ad valorem) taxes on file in the Office of the County

1 Assessor of Clark County, Nevada, wherein said property is
2 located. Notice shall also be given by the City Engineer of said
3 City by posting a copy of such notice in three public places at
4 or near the site of the proposed work within each assessment unit
5 at least twenty (20) days prior to said hearing. Proof of such
6 mailing and posting shall be made by the affidavit of said City
7 Clerk or of said City Engineer, as the case may be, such proof to
8 be filed with said City Clerk; provided, however, that the fact
9 that the person to whom any such notice is addressed does not
10 receive the same shall not invalidate or affect the legality of
11 the notice given thereby and shall not invalidate or affect the
12 legality of any assessment nor any other of the proceedings
13 hereunder. Notice of the time and place of such hearing shall
14 also be given by publishing a copy of such notice in the Las
15 Vegas Review Journal, a newspaper published and of general cir-
16 culation within said City, once each week for three consecutive
17 weeks, by three weekly insertions, the first such publication to
18 be at least fifteen (15) days prior to the date of the protest
19 hearing. Not less than fourteen (14) days shall intervene
20 between the first publication and the last publication. Such
21 service by publication shall be verified by the affidavit of the
22 publisher of said newspaper and filed with said City Clerk. Said
23 notice shall be in substantially the following form:

1 NOTICE OF HEARING ON THE IMPROVEMENT OF CERTAIN STREETS AND
2 ALLEYS, AND PARTS THEREOF, AND PROPOSED ASSESSMENTS WITHIN THE
3 PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 496.

4 NOTICE IS HEREBY GIVEN to the property owners within the
5 proposed Las Vegas, Nevada, Special Improvement District No. 496
6 and to all other interested persons that:

7 The City Council of the City of Las Vegas, Nevada, has
8 provisionally ordered that certain improvements be installed
9 in conjunction with a total project that will include the
10 installation of four travel lanes; a two-way center left turn
11 lane; two safety (parking) lanes; traffic control devices; street
12 lights; sidewalks; curbs and gutters; driveway approaches; and
13 drainage facilities (the "Project" herein) along certain streets
14 within those certain areas of said City hereinafter more specifi-
15 cally described as follows:

16 ASSESSMENT UNIT NO. I (Street Paving and Street Lights)

17 The portion of the Project the costs of which will be
18 assessed against the assessable property in Assessment Unit No. I
19 shall consist of the installation of a pavement section 11.86
20 feet in width and street lights and appurtenances along the north
21 side of Cheyenne Avenue (100 feet wide) and portions thereof,
22 within said City, from a point approximately 76 feet east of the
23 centerline of Rancho Drive (125 feet wide) easterly to a point
24 approximately 1,317 feet east of said centerline, except where
25 adequate improvements have previously been installed, together
26 with the necessary installation, removal and relocation of any
27 and all utilities and appurtenances that are deemed necessary to
28 complete same, as more particularly shown on the plats, diagrams
29 and plans of the work and the locality to be improved that are on
30 file in the Office of the City Clerk.

31 ASSESSMENT UNIT NO. II (Sidewalks and Curbs and Gutters)

32 The portion of the Project the costs of which will be
assessed against the assessable property in Assessment Unit No.

1 II shall consist of the installation of standard concrete
2 sidewalks and standard "L" type curbs and gutters along the north
3 side of Cheyenne Avenue (100 feet wide) and portions thereof,
4 within said City, from a point approximately 76 feet east of the
5 centerline of Rancho Drive (125 feet wide) easterly to a point
6 approximately 1,317 feet east of said centerline, except where
7 adequate improvements have previously been installed, together
8 with the necessary installation, removal and relocation of any
9 and all utilities and appurtenances that are deemed necessary to
10 complete same, as more particularly shown on the plats, diagrams
11 and plans of the work and the locality to be improved that are on
12 file in the Office of the City Clerk.

13 ASSESSMENT UNIT NO. III (Driveway Approaches)

14 The portion of the Project the costs of which will be
15 assessed against the assessable property in Assessment Unit No.
16 III shall consist of the installation of standard commercial
17 driveway approaches along both sides of Cheyenne Avenue (100 feet
18 wide) and portions thereof, within said City, from a point
19 approximately 76 feet east of the centerline of Rancho Drive (125
20 feet wide) easterly to a point approximately 1,317 feet east of
21 said centerline, except where adequate improvements have pre-
22 viously been installed, together with the necessary installation,
23 removal and relocation of any and all utilities and appurtenances
24 that are deemed necessary to complete same, as more particularly
25 shown on the plats, diagrams and plans of the work and the
26 locality to be improved that are on file in the Office of the
27 City Clerk.

28 Except as shown on the plans and specifications as filed
29 in the Office of the City Clerk of said City, the improvements
30 are more particularly described as follows:

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1 ASSESSMENT UNIT NO. I (Street Paving and Street Lights)

2 The street paving shall consist of 3/4 of an inch of
3 open grade over 7 inches of asphaltic concrete pavement
4 (including fog seal and tack coat), 4 inches of Type II aggregate
5 base and 14 inches of Type I aggregate base, and the street
6 lights shall consist of 250 watt high pressure sodium vapor lumi-
7 naires, steel lighting standards on concrete bases and under-
8 ground circuits; together with the installation, removal and
9 relocation of any and all utilities and any and all appurtenances
10 which are deemed necessary to complete same, as more particularly
11 shown by the plats, diagrams and plans of the work and of the
12 locality to be improved that are on file with said City Clerk.

13 ASSESSMENT UNIT NO. II (Sidewalks and Curbs and Gutters)

14 The sidewalks shall consist of 4 inch Portland cement
15 slabs over 5 inches of Type II aggregate base, and the curbs and
16 gutters shall consist of standard Portland cement "L" type over 6
17 inches of Type II aggregate base; together with the installation,
18 removal and relocation of any and all utilities and any and all
19 appurtenances which are deemed necessary to complete same, as
20 more particularly shown by the plats, diagrams and plans of the
21 work and of the locality to be improved that are on file with
22 said City Clerk.

23 ASSESSMENT UNIT NO. III (Driveway Approaches)

24 The driveway approaches shall consist of 6 inch Portland
25 cement slabs over 8 inches of Type II aggregate base reinforced
26 with #3 rebar; together with the installation, removal and relo-
27 cation of any and all utilities and any and all appurtenances
28 which are deemed necessary to complete same, as more particularly
29 shown by the plats, diagrams and plans of the work and of the
30 locality to be improved that are on file with said City Clerk.

31 All of the plats, diagrams and plans on file in the
32 Office of said City Clerk with respect to said described

1 assessment units are deemed by the City Engineer of said City and
2 by said City to be essential to the construction of said improve-
3 ments.

4 It is anticipated that, of the \$5,784,952.00 that is
5 estimated as the total costs of the Project, \$87,225.00 shall be
6 apportioned as follows:

	<u>Estimated Amount of Special Assessments</u>
7	
8 ASSESSMENT UNIT NO. I	\$ 65,396.00
9 ASSESSMENT UNIT NO. II	21,829.00
ASSESSMENT UNIT NO. III	0.00
10 TOTAL ASSESSABLE	\$ 87,225.00
Other Street Improvements	\$5,697,727.00
11 TOTAL PROJECT COSTS:	\$5,784,952.00

12 The amounts to be assessed shall be made upon all lots
13 and parcels of property benefitted, proportionately to the bene-
14 fits received and shall be assessed against the property abutting
15 said improvements on the following bases:

16 ASSESSMENT UNIT NO. I (Street Paving and Street Lights)

17 Such estimates shall be computed on a front foot basis,
18 i.e., on the basis that each lot or parcel of property to be
19 assessed shall be assessed a portion of the aggregate dollar
20 amount being levied against the entire assessment unit in the
21 proportion that the frontage of said lot or parcel which abuts
22 the improvement, or, in the case of the street lights, which
23 abuts the street along which the improvement is being installed
24 bears to the frontage of all assessable property abutting the
25 improvement, or abutting such streets, as the case may be, in the
26 assessment unit.

27 ASSESSMENT UNIT NO. II (Sidewalks and Curbs and Gutters)

28 Such estimates shall be computed on a linear foot basis,
29 i.e., on the basis that each lot or parcel of property to be
30 assessed in the assessment unit shall be assessed a portion of
31 the aggregate dollar amount being levied against the entire
32

1 assessment unit in the proportion that the number of linear feet
2 of said lot or parcel which abut the improvement bears to the
3 total number of linear feet of all assessable property abutting
4 the improvement in the assessment unit.

5 ASSESSMENT UNIT NO. III (Driveway Approaches)

6 Such estimates shall be computed on the basis that each
7 lot or parcel of property to be assessed in the assessment unit
8 for residential driveway approaches shall be assessed a portion
9 of the aggregate dollar amount being levied against the entire
10 assessment unit in the proportion that the number, length and
11 width of the driveway approaches installed to serve said lot or
12 parcel bears to the total number and aggregate length and width
13 of all of the driveway approaches installed to serve all
14 assessable property in the assessment unit.

15 In each assessment unit, an equitable adjustment will be
16 made for any assessment levied against any irregular lot or par-
17 cel, so that the assessments according to benefits are equal and
18 uniform. The portion of the costs to be assessed against, and
19 the maximum amount of benefits estimated to be conferred upon,
20 each lot or parcel of property shall be as stated in the afore-
21 said assessment plat.

22 Regardless of the basis used for apportioning the
23 assessments, in the case of a wedge, "V" or other irregularly
24 shaped lot or parcel, the amount apportioned thereto shall be in
25 proportion to the special benefits derived thereby.

26 The areas to be assessed within the respective
27 assessment units which said City Council proposes to so have
28 improved are as follows:

29 ASSESSMENT UNIT NO. I (Street Paving and Street Lights)

30 Each lot or parcel of real property lying and being
31 situate in the City of Las Vegas, County of Clark, State of
32 Nevada, and being a portion of the South Half (S½) of Section 12,

1 Township 20 South, Range 60 East, M.D.M., which abuts Cheyenne
2 Avenue (100 feet wide), or portions thereof, along the north side
3 thereof from a point approximately 76 feet east of the center-
4 line of Rancho Drive (125 feet wide) easterly to a point approxi-
5 mately 1,317 feet east of said centerline.

6 ASSESSMENT UNIT NO. II (Sidewalks and Curbs and Gutters)

7 Each lot or parcel of real property lying and being
8 situate in the City of Las Vegas, County of Clark, State of
9 Nevada, and being a portion of the South Half (S½) of Section 12,
10 Township 20 South, Range 60 East, M.D.M., which abuts Cheyenne
11 Avenue (100 feet wide), or portions thereof, along the north side
12 thereof from a point approximately 76 feet east of the centerline
13 of Rancho Drive (125 feet wide) easterly to a point approximately
14 1,317 feet east of said centerline.

15 ASSESSMENT UNIT NO. III (Driveway Approaches)

16 Each lot or parcel of real property lying and being
17 situate in the City of Las Vegas, County of Clark, State of
18 Nevada, and being a portion of the South Half (S½) of Section 12,
19 Township 20 South, Range 60 East, M.D.M., which abuts Cheyenne
20 Avenue (100 feet wide), or portions thereof, along the north side
21 thereof from a point approximately 76 feet east of the centerline
22 of Rancho Drive (125 feet wide) easterly to a point approximately
23 1,317 feet east of said centerline.

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

26 All persons interested are hereby advised that the
27 plans, plats, typical sections, preliminary estimates of the
28 total cost, the description of the property to be assessed, the
29 portion of the cost to be assessed thereagainst and the maximum
30 amount of benefits estimated to be conferred upon each lot or
31 parcel of property with respect to the respective assessment
32 units are on file in the Office of said City Clerk and may be

1 inspected by any property owner or other interested person during
2 regular office hours.

3 On Wednesday, the 5th day of April, 1989, at 2:00
4 o'clock p.m., at the Council Chambers in the Las Vegas City Hall
5 Complex, 400 East Stewart Avenue, Las Vegas, Nevada, or at any
6 time prior to said date and time, at the Office of said City
7 Clerk at said City Hall, the owners of the property to be
8 assessed, or any other person interested in any thereof, may file
9 written protests or objections and may appear before said City
10 council at said time and place and be heard as to the propriety
11 and advisability of making such improvements, as to the costs
12 thereof, as to the manner of the payment therefor and as to the
13 amount thereof to be assessed against the property to be so
14 improved.

15 Said City Council requests that any property owner or
16 other interested person who wishes to make any protest or objec-
17 tion make such protest or objection in writing at the Office of
18 said City Clerk at least three days before the time set for such
19 hearing. Any person who files a written protest or objection
20 three days before the time of such hearing as aforesaid shall
21 have the right within thirty (30) days after said City Council
22 has finally passed upon such protest or objection to commence an
23 action or suit in any court of competent jurisdiction to correct
24 or set aside such determination, but thereafter all actions or
25 suits attacking the validity of the proceedings and the amount of
26 benefits shall be perpetually barred. If the owners of more than
27 one-half of the frontage to be assessed for the improvements to
28 be installed in Assessment Unit No. I or of more than one-half of
29 the linear footage to be assessed for the improvements to be
30 installed in Assessment Unit No. II shall file written objections
31 thereto, the particular improvement for that particular
32 assessment unit shall not be installed; provided, however, that,

1 since one-half or more of the total cost of the entire project
2 will be paid for other than by the levy of special assessments,
3 the City Council may, pursuant to NRS 271.305(7)(b)(1), order the
4 installation of the street paving and street lights in Assessment
5 Unit No. I or the installation of the sidewalks and the curbs and
6 gutters in Assessment Unit No. II, or both, in which event the
7 installation of such improvements shall not be stayed, defeated
8 or prevented by written complaints, protests and objections
9 thereto. The improvements to be installed in Assessment Unit No.
10 III will be installed to serve each particular lot or parcel at
11 the location and in the number and size as specified by the owner
12 thereof, and no such improvement will be installed to serve any
13 lot or parcel without the approval of the owner thereof.

14 After such hearing, said City Council shall make a
15 determination as to the advisability of so improving said streets
16 and parts thereof, shall determine the kind and character of such
17 improvements so to be made and shall enter into a contract with
18 the responsible bidder which submits the lowest bid for the doing
19 of such work and the furnishing of all necessary materials, in
20 response to a duly advertised invitation for construction bids.

21 After the making of such contract, said City Council
22 shall determine what portion of the cost of such work, including
23 incidentals, shall be paid by the property specially benefitted,
24 and the assessments shall be levied in accordance with the laws
25 of the State of Nevada. In no event shall the assessments exceed
26 the estimated benefits to the property assessed. Said City
27 Council shall provide that the assessments may be payable without
28 interest or demand during a specified period, at the election of
29 the owner, or in twenty substantially equal semiannual
30 installments of principal. Said City Council shall also provide
31 the time and terms of payment of such assessments and the rate of
32 interest per annum upon deferred payments thereof, which rate

1 shall not exceed more than 3% of the 'Bond Buyers' Index of
2 Twenty Municipal Bonds which was most recently published before
3 the date on which the ordinance levying the assessments is
4 adopted, and shall fix penalties to be collected upon delinquent
5 payments.

6 By order of the City Council of the City of Las Vegas,
7 Nevada.

8 Dated this 1st day of March, 1989.

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10 
KATHLEEN M. TIGHE, City Clerk

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1 SECTION 5. That said City Clerk is hereby authorized
2 to advertise for bids on the contemplated work by advertising at
3 least once a week for three (3) consecutive weeks by three (3)
4 weekly insertions in said Las Vegas Review Journal; provided that
5 not less than fourteen (14) days shall intervene between the
6 first publication and the last publication; provided that the
7 last publication shall be at least five (5) days prior to the
8 receipt of bids; and provided that no contract shall be made or
9 awarded until after the aforesaid hearing.

10 INTRODUCED, PASSED, AND ADOPTED this 1st day of March,
11 1989.



RON LURIE, Mayor

10 | ATTEST:

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KATHLEEN M. TIGHE, City Clerk

Approved
3-3-89