

R E S O L U T I O N

1
2 A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT THE
3 WORK OF IMPROVEMENT OF CERTAIN STREETS AND ALLEYS, AND PARTS
4 THEREOF, WITH INTERSECTIONS, WITHIN THE PROPOSED LAS VEGAS,
5 NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 497 SHALL BE DONE:

6 WHEREAS, the City Council of the City of Las Vegas, in
7 the County of Clark and State of Nevada, pursuant to Chapter 271,
8 Nevada Revised Statutes, and all laws supplemental thereto, has
9 directed the City Engineer to file with the City Clerk, who is
10 also the Clerk of said City Council, in conjunction with a total
11 project that will include the installation of four travel lanes;
12 a two-way center left turn lane; two safety (parking) lanes,
13 curbs and gutters, street lights, traffic delineation, facilities
14 for future traffic control devices and drainage facilities (the
15 "Project" herein), certain preliminary plans, assessment plats,
16 typical sections of the contemplated improvements, preliminary
17 estimates of costs and estimates of maximum benefits, all in con-
18 nection with the proposed improvement of Durango Drive, and por-
19 tions thereof, by grading, gravelling, macadamizing, paving,
20 including street intersections, draining and otherwise improving,
21 including without limitation the installation of curbs and gut-
22 ters, street lights, traffic delineation and facilities for
23 future traffic control devices along, the same, all as is more
24 particularly described in the notice that is provided for in
25 Section 4 of this Resolution; and

26 WHEREAS, the City Engineer, on the 1st day of March,
27 1989, filed at the office of said City Clerk, in connection with
28 said improvements and with said City's proposed Las Vegas,
29 Nevada, Special Improvement District No. 497 the following:

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



1 B. Preliminary estimates of the total cost of each type
2 of construction, said estimates being made in a lump sum or by
3 unit prices, and, further, including in said estimates, without
4 limiting the generality of the foregoing, the advertising,
5 appraising, engineering, printing and such other expenses as in
6 the judgment of said City Engineer are necessary or essential to
7 the completion of such work of improvement and the payment of the
8 costs thereof.

9 C. Assessment plats showing the areas to be assessed
10 and the amount of maximum benefits estimated to be assessed
11 against each lot or parcel of property within said Special
12 Improvement District, such estimates as heretofore designated by
13 said City Council being computed on the basis that is set forth
14 in Section 2 of this Resolution; and

15 WHEREAS, an equitable adjustment will be made for any
16 assessment to be levied against any irregular lot or parcel, so
17 that assessments according to benefits will be equal and uniform;
18 and

19 WHEREAS, said City Council has examined said plans,
20 assessment plats, typical sections of contemplated improvements,
21 preliminary estimates of costs and estimates of maximum benefits,
22 so filed with said City Clerk, and has found, and hereby does
23 declare, the same to be satisfactory in all respects; and

24 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
25 THE CITY OF LAS VEGAS, NEVADA, at a regular meeting thereof held
26 on the 1st day of March, 1989, that said City Council shall, and
27 hereby does, accept said plans, assessment plats, typical sec-
28 tions of contemplated improvements, preliminary estimates of
29 costs and estimates of maximum benefits to be assessed against
30 each lot or parcel of property in said Special Improvement
31 District.

32 BE IT FURTHER RESOLVED that said City Council shall, and

1 hereby does, PROVISIONALLY ORDER THAT:

2 SECTION 1. Those improvements, at an estimated cost of
3 \$1,867,631.00, of which an estimated \$1,043,083.00 will be
4 assessed against the assessable lots or parcels of property
5 within the proposed Special Improvement District, including engi-
6 neering, legal and incidental expenses, all as more particularly
7 hereinafter set forth and described in said plans herein
8 accepted, reference to which is hereby made and which are
9 available for public examination at the Office of the City Clerk
10 of said City, shall be installed.

11 SECTION 2. Said estimated cost shall be apportioned
12 among the respective lots and parcels of property benefitted,
13 proportionately to the benefits received, and shall be assessed
14 against the property abutting said improvements upon a front foot
15 basis, i.e., on the basis that each lot or parcel of property to
16 be assessed in the assessment unit shall be assessed a portion of
17 the aggregate dollar amount being levied against the entire
18 assessment unit in the proportion that the frontage of said lot
19 or parcel which abuts the improvement, or, in the case of the
20 street lights, which abuts the street along which the improvement
21 is being installed, bears to the frontage of all assessable
22 property abutting the improvement, or abutting such street, as
23 the case may be, in the proposed Special Improvement District.
24 The cost of acquiring the necessary rights-of-way which are
25 required to construct the improvement and the cost of paving
26 street intersections shall be included in the total costs being
27 levied in said District and shall be assessed against each
28 assessable lot or parcel of property within said District upon
29 aforesaid front foot basis.

30 An equitable adjustment will be made for any assessment
31 levied against any irregular lot or parcel, so that the assess-
32 ments according to benefits are equal and uniform. The portion

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

8 SECTION 3. The area of Durango Drive that is proposed
9 to be improved and the property that is proposed to be assessed
10 shall be designated "Las Vegas, Nevada, Special Improvement
11 District No. 497."

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

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

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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. 497.

4 NOTICE IS HEREBY GIVEN to the property owners within the
5 proposed Las Vegas, Nevada, Special Improvement District No. 497
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 will consist of
9 the installation of four travel lanes; a two-way center left turn
10 lane; two safety (parking) lanes, curbs and gutters, street
11 lights, traffic delineation, facilities for future traffic
12 control devices and drainage facilities (the "Project" herein) be
13 installed along Durango Drive and that the costs of a portion of
14 the Project be assessed against the assessable property in said
15 Special Improvement District, i.e., the costs of that portion
16 that consists of the installation of a pavement section forty-two
17 feet in width, standard "L" type curbs and gutters, street lights
18 and appurtenances, traffic delineation and facilities for future
19 traffic control devices along both sides of, and drainage facilities
20 in, Durango Drive (100 feet wide) from a point approximately
21 80 feet north of the centerline of Charleston Boulevard (100 feet
22 wide) northerly to a point approximately 4,127 feet north of said
23 centerline, except where adequate improvements have previously
24 been installed, together with the acquisition, by purchase, the
25 exercise of said City's power of eminent domain or otherwise, of
26 all of the necessary rights-of-way that may be required in order
27 to construct such improvements and the necessary installation,
28 removal and relocation of any and all utilities and appurtenances
29 that are deemed necessary in order to complete the same, as is
30 more particularly shown on the plats, diagrams and plans of the
31 work and the locality to be improved that are on file in the
32 Office of the City Clerk. The costs that will be assessed
against the assessable property for the drainage facilities shall

1 be equivalent to the costs that would be incurred in installing a
2 nominal drainage system that consists of a 24 inch reinforced
3 concrete pipe with 18 inch lateral feed pipes, curb drop inlets
4 and necessary manholes.

5 Except as shown on the plans and specifications as filed
6 in the Office of the City Clerk of said City, the improvements
7 are more particularly described as follows:

8 STREET PAVING

9 The street paving shall consist of 3 inches of asphaltic
10 concrete pavement (including fog seal and prime coat) over 4
11 inches of Type II aggregate base; together with the acquisition,
12 by purchase, the exercise of said City's power of eminent domain
13 or otherwise, of all of the necessary rights-of-way that are
14 required to construct such improvement and the installation,
15 removal and relocation of any and all utilities and any and all
16 appurtenances which are deemed necessary to complete same, as
17 more particularly shown by the plats, diagrams and plans of the
18 work and of the locality to be improved that are on file with
19 said City Clerk.

20 CURBS AND GUTTERS

21 The curbs and gutters shall be standard Portland cement
22 "L" type over 6 inches of Type II aggregate base; together with
23 the installation, removal and relocation of any and all utilities
24 and any and all appurtenances which are deemed necessary to
25 complete same, as more particularly shown by the plats, diagrams
26 and plans of the work and of the locality to be improved that are
27 on file with said City Clerk.

28 STREET LIGHTING

29 The street lighting system shall consist of 250 watt
30 high pressure sodium vapor luminaires, steel lighting standards
31 on concrete bases and underground circuits; together with the
32 installation, removal and relocation of any and all utilities and

1 any and all appurtenances which are deemed necessary to complete
2 same, as more particularly shown by the plats, diagrams and plans
3 of the work and of the locality to be improved that are on file
4 with said City Clerk.

5 DRAINAGE FACILITIES

6 The drainage facilities shall consist of 72 inch and 84
7 inch reinforced concrete pipe with 18 inch lateral feed pipes,
8 drop inlets and necessary manholes (but only the costs thereof
9 that are estimated by said City to be equivalent to the costs
10 that would be incurred in the installation of a nominal drainage
11 system that consists of a 24 inch reinforced concrete pipe with
12 18 inch lateral feed pipes, drop inlets and necessary manholes
13 will be assessed against the assessable lots or parcels of pro-
14 perty within said Special Improvement District); together with
15 the installation, removal and relocation of any and all utilities
16 and any and all appurtenances which are deemed necessary to
17 complete same, as more particularly shown by the plats, diagrams
18 and plans of the work and of the locality to be improved that are
19 on file with said City Clerk.

20 TRAFFIC DELINEATION AND FACILITIES FOR FUTURE
21 TRAFFIC CONTROL DEVICES

22 The traffic delineation and the facilities for the
23 future traffic control devices shall consist of speed signs,
24 painting of crosswalks (at the intersection of Durango Drive with
25 Alta Drive), buttons for traffic delineation, barricading of cer-
26 tain intersecting streets, pull boxes and underground conduit;
27 together with the installation, removal and relocation of any and
28 all utilities and any and all appurtenances which are deemed
29 necessary to complete same, as more particularly shown by the
30 plats, diagrams and plans of the work and of the locality to be
31 improved that are on file with said City Clerk.

32 All of the plats, diagrams and plans on file in the

1 Office of said City Clerk with respect to said described improve-
2 ments are deemed by the City Engineer of said City and by said
3 City to be essential to the construction of said improvements.

4 It is anticipated that, of the \$1,867,631.00 that is
5 estimated as the total cost of the Project, an estimated
6 \$1,043,083.00 shall be apportioned among the respective lots and
7 parcels of property benefitted, proportionately to the benefits
8 received and shall be assessed against the property abutting said
9 improvements upon a front foot basis, i.e., on the basis that
10 each lot or parcel of property to be assessed in the assessment
11 unit shall be assessed a portion of the aggregate dollar amount
12 being levied against the entire assessment unit in the proportion
13 that the frontage of said lot or parcel which abuts the improve-
14 ment, or, in the case of the street lights, which abuts the
15 street along which the improvement is being installed, bears to
16 the frontage of all assessable property abutting the improvement,
17 or abutting such street, as the case may be, in the proposed
18 Special Improvement District. The cost of acquiring the
19 necessary rights-of-way which are required to construct the
20 improvement and the cost of paving street intersections shall be
21 included in the total costs being levied in said District and
22 shall be assessed against each assessable lot or parcel of
23 property within said District upon aforesaid front foot basis.

24 An equitable adjustment will be made for any assessment
25 levied against any irregular lot or parcel, so that the
26 assessments according to benefits are equal and uniform. The
27 portion of the costs to be assessed against, and the maximum
28 amount of benefits estimated to be conferred upon, each lot or
29 parcel of property shall be as stated in the aforesaid assessment
30 plat.

31 Regardless of the basis used for apportioning the
32 assessments, in the case of a wedge, "V" or other irregularly

1 shaped lot or parcel, the amount apportioned thereto shall be in
2 proportion to the special benefits derived thereby.

3 The lots or parcels of property that are to be assessed
4 for the improvements which said City Council proposes to have so
5 installed shall be each lot or parcel of real property lying and
6 being situate in the City of Las Vegas, County of Clark, State
7 of Nevada, and being a portion of the East Half (E $\frac{1}{2}$) of Section
8 32 or the West Half (W $\frac{1}{2}$) of Section 33, Township 20 South, Range
9 60 East, M.D.M., which abuts Durango Drive (100 feet wide), or a
10 portion thereof, along both sides thereof from a point approxi-
11 mately 80 feet north of the centerline of Charleston Boulevard
12 (100 feet wide) northerly to a point approximately 4,127 feet
13 north of said centerline.

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

16 All persons interested are hereby advised that the
17 plans, plats, typical sections, preliminary estimates of the
18 total cost, the description of the property to be assessed, the
19 portion of the cost to be assessed thereagainst and the maximum
20 amount of benefits estimated to be conferred upon each lot or
21 parcel of property by said improvements are on file in the Office
22 of said City Clerk and may be inspected by any property owner or
23 other interested person during regular office hours.

24 On Wednesday, the 5th day of April, 1989, at 2:00
25 o'clock p.m., at the Council Chambers in the Las Vegas City Hall
26 Complex, 400 East Stewart Avenue, Las Vegas, Nevada, or at any
27 time prior to said date and time, at the Office of said City
28 Clerk at said City Hall, the owners of the property to be
29 assessed, or any other person interested in any thereof, may file
30 written protests or objections and may appear before said City
31 council at said time and place and be heard as to the propriety
32 and advisability of making such improvements, as to the costs

1 thereof, as to the manner of the payment therefor and as to the
2 amount thereof to be assessed against the property to be so
3 improved.

4 Said City Council requests that any property owner or
5 other interested person who wishes to make any protest or objec-
6 tion make such protest or objection in writing at the Office of
7 said City Clerk at least three days before the time set for such
8 hearing. Any person who files a written protest or objection
9 three days before the time of such hearing as aforesaid shall
10 have the right within thirty (30) days after said City Council
11 has finally passed upon such protest or objection to commence an
12 action or suit in any court of competent jurisdiction to correct
13 or set aside such determination, but thereafter all actions or
14 suits attacking the validity of the proceedings and the amount of
15 benefits shall be perpetually barred. If the owners of more than
16 one-half of the frontage to be assessed for said improvements
17 shall file written objections thereto, said improvements shall
18 not be installed.

19 After such hearing, said City Council shall make a
20 determination as to the advisability of so improving Durango
21 Drive, and parts thereof, shall determine the kind and character
22 of such improvements so to be made and shall enter into a
23 contract with the responsible bidder which submits the lowest bid
24 for the doing of such work and the furnishing of all necessary
25 materials, in response to a duly advertised invitation for
26 construction bids.

27 After the making of such contract, said City Council
28 shall determine what portion of the cost of such work, including
29 incidentals, shall be paid by the property specially benefitted,
30 and the assessments shall be levied in accordance with the laws
31 of the State of Nevada. In no event shall the assessments exceed
32 the estimated benefits to the property assessed. Said City

1 Council shall provide that the assessments may be payable without
2 interest or demand during a specified period, at the election of
3 the owner, or in twenty substantially equal semiannual
4 installments of principal. Said City Council shall also provide
5 the time and terms of payment of such assessments and the rate of
6 interest per annum upon deferred payments thereof, which rate
7 shall not exceed more than 3% of the Bond Buyers' Index of Twenty
8 Municipal Bonds which was most recently published before the date
9 on which the ordinance levying the assessments is adopted, and
10 shall fix penalties to be collected upon delinquent payments.

11 By order of the City Council of the City of Las Vegas,
12 Nevada.

13 Dated this 1st day of March, 1989.

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

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


RON LURIE, Mayor

14 ATTEST:

14
15 *Kathleen M. Tighe*
16 KATHLEEN M. TIGHE, City Clerk

3-2-89