

RESOLUTION NO. 3749
Assessment Roll – LID CO21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, DETERMINING THE COST OF THE PROJECT TO BE PAID BY THE ASSESSABLE PROPERTY IN THE CITY OF HENDERSON, NEVADA, LOCAL IMPROVEMENT DISTRICT NO. CO21, RATIFYING THE ENGINEER'S REPORT AND THE ASSESSMENT ROLL THEREFOR, SETTING A TIME AND PLACE FOR A HEARING CONCERNING SAID ASSESSMENT ROLL, PROVIDING FOR NOTICE OF SAID HEARING AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

- WHEREAS, the City Council (the "City Council") of the City of Henderson, Nevada (the "City"), pursuant to the Consolidated Local Improvements Law (the "Act"), being Chapter 271 of the Nevada Revised Statutes ("NRS"), on March 16, 2004, adopted a Resolution approving and ratifying a preliminary engineer's report, dated March 16, 2004 (the "Preliminary Engineer's Report"), prepared by Gomez Consulting Group, Inc. (the "Assessment Engineer"), containing, among other things, preliminary plans for a Street Project, a Sanitary Sewer Project and a Water Project, all as defined in the Act (collectively, the "Project"), the cost of which is to be defrayed in part by the levy of special assessments (the "Assessments") pursuant to the Act, and an assessment plat for the geographical area within the City in which is located the Project and each tract to be assessed therefore, such geographical area to be designated City of Henderson, Nevada, Local Improvement District No. CO21 (the "District");
- WHEREAS, pursuant to a Resolution, adopted on March 16, 2004 (the "Provisional Order Resolution"), the City Council, among other things, provisionally ordered that the Project be improved pursuant to the Act;
- WHEREAS, at a hearing held on April 20, 2004, which hearing was duly noticed in accordance with the Act, the City Council read and considered all written complaints, protests and objections, heard all persons desiring to be heard in person and considered the arguments, if any, and any other relevant material put forth as to the propriety and advisability of improving the Project;
- WHEREAS, pursuant to a Resolution, adopted on April 20, 2004, the City Council, among other things, determined that public convenience and necessity required the creation of the District and that the creation of the District was economically sound and feasible;
- WHEREAS, pursuant to Ordinance No. 2246, adopted by the City Council on May 4, 2004, the City Council, among other things, created the District, provided that the extent of the District, the kind and location of each part of the Project and the amount of the total cost of the Project to be defrayed by the Assessments and the method of levying the Assessments shall be as prescribed in the

Preliminary Engineer's Report and provided that the construction work for the Project shall be done by independent contract;

WHEREAS, said independent contract has been made and the improvement of the Project has been completed;

WHEREAS, at the request of the Public Works Department of the City, the Assessment Engineer has prepared a final engineer's report for the District, dated April 1, 2008 (the "Engineer's Report");

WHEREAS, in accordance with NRS 271.357, the City Council has established a procedure to allow a person whose property will be included within the boundaries of the District to apply for a hardship determination;

WHEREAS, no such application for hardship determination has been received; and

WHEREAS, the City Council desires to determine the cost of the Project to be paid by the assessable property in the District, to ratify the Engineer's Report and the assessment roll for the District and to take certain other actions in connection with the Project and the District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HENDERSON DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER as follows:

Section 1. The cost of the Project, including incidental expenses, to be paid by the assessable property in the District shall be as determined in the Engineer's Report, and the City Council hereby ratifies the Engineer's Report and such determination of cost contained therein.

Section 2. The Assessment Engineer has reported to the City Council the assessment roll for the Project (the "Assessment Roll"), containing, among other things, the name of each last-known owner of each tract to be assessed and a description of each tract to be assessed and the amount of the proposed assessment thereon, apportioned on the basis for assessments stated in the Provisional Order Resolution. Said report of the Assessment Engineer has been signed by the Assessment Engineer, the form of certificate prescribed by NRS 271.375 has been endorsed on the Assessment Roll and the Assessment Roll has been filed in the office of the City Clerk and numbered. The City Council hereby ratifies the Assessment Roll in the form reported to the City Council.

Section 3. The City Clerk shall furnish to the Assessment Engineer a copy of this Resolution, a copy of the ratified Engineer's Report and a copy of the ratified Assessment Roll.

Section 4. The City Council hereby fixes Tuesday, May 6, 2008, at 7:00 p.m., or as soon thereafter as the City Council may reach the matter, at 240 Water Street, City

Council Chambers, Henderson, Nevada, as the time and place when and where complaints, protests and objections made in writing or verbally concerning the Assessment Roll, by the owner of any tract or any person interested, will be heard.

Section 5. Notice of said hearing shall be substantially in the form set forth in Exhibit A hereto, which form of notice is hereby approved by the City Council.

The City Clerk shall give notice of said hearing by publication in the *Henderson Home News* once each week for three consecutive weeks by three weekly insertions, the first publication being at least 15 days prior to the date of said hearing. It shall not be necessary that three calendar weeks intervene between the first publication and the last publication, but not less than 14 days shall intervene between the first publication and the last publication. Proof of such publication shall be by affidavit of the publisher, which shall be filed with the City Clerk.

The City Clerk, or any deputy thereof, shall also give notice of said hearing by registered or certified mail addressed to the last known owner or owners of each tract being assessed or other designated person at his or their last-known address or addresses by deposit, at least 20 days prior to said hearing, in the United States mails, postage prepaid as first-class mail. The names and addresses of such property owners shall be obtained from the records of the County Assessor of Clark County or from such other source or sources as the City Clerk deems reliable. Proof of such mailing shall be by affidavit of the City Clerk, or any deputy mailing said notice.

Proof of publication and proof of mailing shall be maintained in the records of the City at least until all the assessments appertaining to the Project have been paid in full, or any claim is barred by a statute of limitations.

Section 6. The City Council and the officers of the City be, and they hereby are, authorized and directed to execute and deliver any and all documents and instruments and to do or cause to be done all acts and things necessary or appropriate to effectuate the provisions of this Resolution.

Section 7. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council and the officers of the City in furtherance of the Project and the District be, and the same hereby are, ratified, approved and confirmed.


Section 8. All resolutions of the City Council, or parts thereof, that are inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 9. This Resolution shall take effect immediately upon its adoption and approval.

PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF APRIL 2008, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.


Those voting aye: James B. Gibson, Mayor
Councilmembers:
Arthur "Andy" Hafen
Jack Clark
Steven D. Kirk
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: None



James B. Gibson, Mayor

ATTEST:



Monica M. Simmons, CMC, City Clerk