

ORDINANCE NO. 3706
(Annexation of 2.5 Acres – Pollock and Dale)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXTENDING THE CITY LIMITS OF THE CITY BY ANNEXING THERETO APPROXIMATELY 2.5 ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTHEAST OF POLLOCK DRIVE AND DALE AVENUE IN SECTION 10, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D.M., CONSISTING OF APN NOS. 191-10-701-001 AND 191-10-701-002 (INCLUDING ADJACENT ROADWAYS – 191-10-799-002) AND APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF HENDERSON AND THE 1981 WILNER FAMILY TRUST, WITH RESPECT TO THE ANNEXATION OF SUCH PROPERTY.

WHEREAS, Nevada Revised Statutes (“NRS”) Section 268.597 authorizes a city to annex territory that meets the requirements of subsection 2 of NRS 268.580 if all owners of record of individual lots or parcels of land within the area to be annexed sign a petition requesting the governing body to annex the territory to the city; and

WHEREAS, the City Council of the City of Henderson, Nevada has received one (1) petition (the “Petition”) requesting annexation of certain real property consisting of approximately 2.5 acres when aggregated with adjacent right-of-way pursuant to NRS 268.595, and more particularly described on Exhibit A, consisting of two (2) pages, which is by reference incorporated herein and made part of this Ordinance (the “Annexation Area”); and

WHEREAS, the Petition was signed and submitted to the City Council by the 1981 Wilner Family Trust (“Owner”), which is the owner of record of all of the property situated within the Annexation Area as of the initiation of the Petition; and

WHEREAS, the Annexation Area meets the requirements of NRS 268.580(2) in that (a) it was contiguous to the City’s boundaries at the time of institution of annexation proceedings; (b) not less than one-eighth of the aggregate external boundaries of the Annexation Area are contiguous to the boundaries of the City; (c) no part of the Annexation Area is included within the boundaries of another incorporated city as those boundaries existed on July 1, 1983; and (d) no part of the Annexation Area is included within the boundaries of any unincorporated town as those boundaries existed on July 1, 1983; and

WHEREAS, the City of Henderson and Owner have negotiated an Annexation Agreement with respect to the annexation of the Property, in the form set forth on Exhibit B, attached hereto, containing 18 pages (the “Annexation Agreement”); and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

- SECTION 1. Pursuant to NRS 268.597, the Annexation Area is hereby annexed to and made a part of the City of Henderson, Nevada, as of the Effective Date upon the date immediately following the recording of a certified copy of this Ordinance, with a map of the Annexation Area, in the office of the Clark County Recorder pursuant to NRS 268.600.
- SECTION 2. The City shall not be required to pay for the extension of municipal services to the territory annexed, but intends that municipal services shall be extended at the expense of the property owners and according to demand, need and benefit of the respective property owners, and in accordance with the City's Charter, Henderson Municipal Code and City policy. The City will furnish police and fire protection and maintenance of any duly installed, approved and accepted utilities, streets, and public recreation facilities, in the Annexation Area.
- SECTION 3. City staff are hereby instructed as follows: (1) pursuant to NRS 268.600, the City Clerk shall file a certified copy of this Ordinance, with a map of the Annexation Area, with the State of Nevada Department of Taxation; (2) pursuant to Section 2.100(1) of the City Charter, the City Clerk shall publish this Ordinance by title together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS; and further, (3) pursuant to NRS 268.600, Public Works shall record a certified copy of this Ordinance, with a map of the Annexation Area, in the office of the Clark County Recorder.
- SECTION 4. That from and completion of those requirements set forth in Section 3 of this Ordinance, the Annexation Area and all property therein shall be a part of the City of Henderson, Nevada, shall be subject to all debts, laws, ordinances and regulations currently or hereafter in force in the City of Henderson, Nevada, and shall be entitled to the same privileges and benefits as are afforded to all properties within the City of Henderson, Nevada.
- SECTION 5. The Annexation Agreement set forth on Exhibit B attached hereto is hereby approved.
- SECTION 6. This Ordinance shall be effective upon its publication in accordance with Section 2.100(4) of the City Charter.
- SECTION 7. Pursuant to NRS 268.596(4), the effective date of the annexation is July 10, 2020 (the "Effective Date").

PASSED, ADOPTED, AND APPROVED THIS 7TH DAY OF JULY, 2020.



Debra March

Debra March, Mayor

ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 16, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on July 7, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Special Meeting with a do-pass recommendation. At the Special Meeting of the Henderson City Council held July 7, 2020, the Ordinance was read in title and adopted by the following roll call vote:

CERTIFIED COPY	
The document(s) to which this certificate is/are attached, represent a full, true, and correct copy of the original(s) on file and of record in this office.	
Date	<i>July 8, 2020</i>
SIGNATURE <i>April Parra</i> Admin. Deputy City Clerk	
PRINTED NAME AND TITLE City of Henderson, Office of the City Clerk 240 Water Street Henderson, Nevada 89015	

Those voting aye:

- Debra March, Mayor
- Councilmembers:
- John F. Marz
- Dan K. Shaw
- Dan H. Stewart

- Those voting nay: None
- Those abstaining: None
- Those absent: Michelle Romero



Debra March

Debra March, Mayor

ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in *blue italics and underlined*.

ANNEXATION MAP

191-10-210-001
SOUTH 15 AMIGO DEV 3 LLC

191-10-201-008
MARINA PLON TRUST

MARINA PLON TR
191-10-201-009 to 012

191-10-601-011
PSCUSIF SOUTH 15 LLC



SCALE:
1" = 200'



ANNEXATION MAP
2.5 ACRES

CHAPARRAL ROAD

DALE AVENUE

191-10-301-005
TOP OF THE
BOARDWALK LLC

191-10-301-006
AUGUST DAME LLC

191-10-301-007
MARK LEFKOWITZ
ETAL

191-10-301-008
MACCORMICK
TRUST

POLLOCK DRIVE

191-10-701-001
WILNER FAMILY
TRUST

191-10-701-002
WILNER FAMILY
TRUST

191-10-701-003
PEDRO HERRERA

191-10-701-004
DARDASHIT TR

191-10-301-013
ODYSSEY TIER LAND LLC

191-10-701-016
USA

FILE NAME: \Survey\Legals\Annexation\WestHenderson.dwg

SHEET 2 OF 2

CITY OF HENDERSON—SURVEY DIVISION
240 WATER STREET
HENDERSON, NV 89015
702-267-1300

EXHIBIT A
APN 191-10-701-001, -002
PTN OF NE 1/4, SEC. 10, T23S, R61E