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Debbie Conway  
Clark County Recorder

Type of Document:

**Lakemoor Canyon Redevelopment Area Statement of Institution  
of Redevelopment Plan, Lakemoor Canyon Redevelopment Plan,  
and Ordinance No. 2804 of the City Council of City of  
Henderson, Nevada**

Recording Requested By:

City of Henderson

Return to:

City of Henderson Redevelopment Agency  
240 Water Street  
PO Box 95050  
Henderson, NV 89009-5050

This page added to provide additional information required by NRS 111.312 Sections 1-2 (Additional recording fees applies).

The cover page must be typed or printed clearly in black ink only.

RECORDED AT REQUEST OF AND  
WHEN RECORDED MAIL TO:  
Henderson Redevelopment Agency  
240 Water Street  
Henderson, Nevada 89009  
Attn: Michelle Romero

STATEMENT OF INSTITUTION  
OF REDEVELOPMENT PLAN

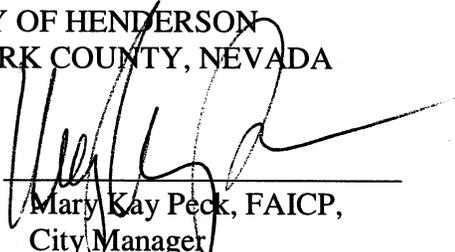
NOTICE is hereby given that a Redevelopment Plan for the Lakemoor Canyon Redevelopment Project Area ("Redevelopment Plan") (attached hereto as Attachment No. 1) has been adopted by the City Council of the City of Henderson, Nevada, pursuant to Nevada Revised Statutes 279.586 and Ordinance No. 2804 adopted on February 17, 2009 (attached hereto as Attachment No. 2).

The Lakemoor Redevelopment Project Area ("Project Area") that is subject of the Redevelopment Plan is situated in Clark County, State of Nevada. The Project Area is more particularly described in Exhibits A and B of the attached Redevelopment Plan.

This Statement is made and filed pursuant to Nevada Revised Statutes 279.603.

Dated: February 17, 2009

CITY OF HENDERSON  
CLARK COUNTY, NEVADA

By: 

Mary Kay Peck, FAICP,  
City Manager

ATTEST:

By: 

Monica Martinez Simmons, MMC  
City Clerk

**ATTACHMENT 1:  
Lakemoor Canyon Redevelopment Plan**

**REDEVELOPMENT PLAN**

**FOR THE**

**LAKEMOOR CANYON**  
**REDEVELOPMENT AREA**

Prepared by the

**CITY OF HENDERSON REDEVELOPMENT AGENCY**

Adopted on February 17, 2009 by Ordinance No. 2804

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Exhibit A	Legal Description of the Redevelopment Area Boundaries
Exhibit B	Redevelopment Area Map
Exhibit C	Redevelopment Land Uses Map

# REDEVELOPMENT PLAN FOR THE LAKEMOOR CANYON REDEVELOPMENT AREA

## I. INTRODUCTION

This Redevelopment Plan (this “**Plan**”) is for the Lakemoor Canyon Redevelopment Area (the “**Redevelopment Area**”) in the City of Henderson (the “**City**”), Clark County (the “**County**”), State of Nevada. This Plan consists of the text, the Legal Description of the Redevelopment Area Boundaries (Exhibit A), the Redevelopment Area Map (Exhibit B), and the Redevelopment Land Uses Map (Exhibit C).

This Plan was prepared by the City of Henderson Redevelopment Agency (the “**Agency**”) pursuant to the Community Redevelopment Law of the State of Nevada, Nevada Revised Statutes (the “**NRS**”) 279.382 to 279.685, inclusive (the “**Community Redevelopment Law**”). Unless otherwise designated, all statutory references in this Plan are to the Community Redevelopment Law.

As described in this Plan, the proposed redevelopment of the Redevelopment Area conforms to the Comprehensive Plan of the City (the “**Comprehensive Plan**”), as adopted by the City Council of the City (the “**City Council**”) currently in effect and as it may be amended in the future from time to time, The Comprehensive Plan is hereby incorporated as if fully set forth in this Plan.

This Plan is based upon the Preliminary Plan formulated and adopted by the City of Henderson Planning Commission (the “**Planning Commission**”) on November 20, 2008, and accepted by Agency Resolution on November 25, 2008.

This Plan provides the Agency with powers, duties and obligations to implement and further the programs generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Redevelopment Area. This Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation and revitalization of any area within the Redevelopment Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Redevelopment Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects and programs will be established and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions.

## **II. DESCRIPTION OF THE REDEVELOPMENT AREA**

The legal description of the Redevelopment Area Boundaries is attached as Exhibit A. A map of the Redevelopment Area is attached as Exhibit B.

The Redevelopment Area is located approximately five miles northeast of downtown Henderson and is comprised of 18 parcels totaling approximately 1,259 acres owned by private and public entities. Lake Mead Parkway between Golda Way and Pyrenees Court delineates almost the entire northern boundary of the Redevelopment Area with a small portion of the Redevelopment Area located north of Lake Mead Parkway as depicted on the map. The southern boundary of the Redevelopment Area is delineated by the southern boundary of Sections 34 and 35 of Township 21S, Range 63E, M.D.M. in Clark County.

Almost the entire eastern boundary of the Redevelopment Area is delineated by the eastern boundary of section 26, Township 21S that extends south of Lake Mead Parkway and the eastern boundary of section 35 of Township 21S; two small segments of Redevelopment Area protrude into section 36 of Township 21S. The western boundary of the Redevelopment Area is delineated by a portion of the western boundary of section 34, Township 21S extending south from Lake Mead Parkway and Golda Way.

## **III. REDEVELOPMENT PLAN GOALS**

In general, the goals and objectives of the redevelopment programs for the Redevelopment Area are as follows:

- a. Eliminate and prevent of the spread of blight and deterioration through the conservation, rehabilitation and redevelopment of the Redevelopment Area in accordance with this Plan, the Comprehensive Plan, and City codes and ordinances.
- b. Create an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles appropriate for the Redevelopment Area.
- c. Control unplanned growth through revitalization activities and new development that meets the needs of the Redevelopment Area, the City and its citizens.
- d. Retain existing businesses and attract new businesses to Redevelopment Area locations designated for business activity.
- e. Promote economic development of environmentally sound commercial and light industrial uses.

- f. Encourage investment by the private sector in the development and redevelopment of the Redevelopment Area.
- g. Encourage cooperation and participation of property owners, businesses residents, community organizations and public agencies in the revitalization of the Redevelopment Area.
- h. Improve pedestrian and vehicular circulation in the Redevelopment Area through the assembly of land into parcels suitable for modern, integrated development.
- i. Provide infrastructure, open space, parking and community facilities that enhance neighborhood quality and foster economic and neighborhood vitality.
- j. Eliminate and mitigate environmental hazards within the Redevelopment Area.

## **IV. PROPOSED REDEVELOPMENT ACTIONS**

### **4.1 GENERAL**

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Redevelopment Area by:

- a. acquiring, installing, developing, constructing, reconstructing, redesigning, planning, replanning, or reusing streets, curbs, gutters, sidewalks, medians and crossings, parking facilities, utilities, traffic control devices, flood control facilities and other public improvements and public facilities;
- b. clearing, altering, remodeling, improving, modernizing, rehabilitating, or reconstructing buildings, structures and improvements;
- c. providing for open space, recreation, habitat reserve, and drainage corridors;
- d. facilitating the development or redevelopment of land for residential and business purposes and uses consistent with this Plan;
- e. acquiring real or personal property by purchase, lease, gift, grant, request, devise or any other lawful means, including eminent domain to the extent permitted by law;
- f. combining parcels and properties where and when necessary;
- g. preparing building sites and constructing necessary infrastructure;

- h. managing property owned or acquired by the Agency;
- i. disposing of property including, without limitation, the lease or sale of land at a value determined by the Agency for reuse in accordance with this Plan;
- j. establishing controls, restrictions or covenants running with the land, to ensure that property within the Redevelopment Area will continue to be used in accordance with this Plan;
- k. if applicable, vacating or abandoning streets, alleys, and other thoroughfares, as necessary, and dedicating other areas for public purposes consistent with the objectives of this Plan;
- l. applying for and utilizing grants, loans and any other assistance from federal or state governments, or other sources;
- m. taking actions the Agency determines are necessary and consistent with state, federal and local laws to remediate hazardous substances on, under or from property within the Redevelopment Area, to remove hazardous waste from property or to reclaim property affected by historical mining and related processing operations within the Redevelopment Area;
- n. working with Nevada Division of Environmental Protection, other governmental agencies, and owners of real property located within the Redevelopment Area to secure the negotiation and implementation of agreements as necessary for the reclamation and remediation of environmental contamination and other hazardous conditions associated with property located within the Redevelopment Area;
- o. from time to time preparing and carrying out plans for the improvement, rehabilitation, and redevelopment of blighted areas and creating a variety of economic development programs, to help build a stronger economic base within the Redevelopment Area;
- p. adopting specific design guidelines for projects to ensure a consistent design theme, which will guide rehabilitation and new development;
- q. rehabilitating, preserving, developing and constructing affordable housing in compliance with state law; and
- r. any and all other actions authorized directly or by implication pursuant to any statute or other legal authority permitting the Agency to eliminate blight; prevent the recurrence of blight; and improve the economic base of the Redevelopment Area.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all powers provided in this Plan and all powers now or hereafter permitted by law.

## 4.2 PARTICIPATION OPPORTUNITIES; EXTENSION OF PREFERENCES FOR RE-ENTRY WITHIN THE REDEVELOPMENT AREA

### 4.2.1 Opportunities for Owners and Business Tenants

Owners of real property within the Redevelopment Area will be extended reasonable opportunities to participate in the redevelopment of their property in conformity with this Plan and the owner participation rules adopted by the Agency.

An owner may participate in the redevelopment of property either by retaining all or portions of its property or retaining all or portions of such property and acquiring additional property or initiating new development in accordance with the goals and objectives contemplated in this Plan.

An owner may seek assistance from the Agency for redeveloping its property and the Agency may provide assistance in the redevelopment of such property if the owner agrees to participate in the redevelopment of the property in conformity with this Plan.

Where a property includes a building in good condition, but with an existing use that does not conform to the provisions of this Plan, the Agency may elect not to acquire such property provided that such use is generally compatible with the permitted uses in the area in which the building is located. In order to remain in the Redevelopment Area with a nonconforming use, the owner must agree to the imposition of reasonable restrictions as are necessary to protect the integrity of permitted uses in the remainder of the Redevelopment Area.

The final decision concerning acquisition of any property by the Agency, will be based upon the conditions existing at the time of purchase or when the Agency enters into an owner participation agreement.

### 4.2.2 Rules for Participation Opportunities, Priorities and Preferences

In order to provide opportunities to owners to participate in the redevelopment of the Redevelopment Area and to extend reasonable preferences to businesses to re-enter into business within the Redevelopment Area, the Agency will promulgate rules for participation by owners and the extension of preferences to business for re-entry within the Redevelopment Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; service to the community of a participant's proposal; and the participant's financial

capacity, development experience and ability to develop the property in conformity with this Plan and any other applicable criteria.

Participation opportunities may be subject to and limited by such factors as:

- a. the elimination or modification of land uses;
- b. the construction, vacation, widening, opening, or other alteration or realignment of streets and public rights-of-way;
- c. the ability of participants to finance and oversee acquisition and construction activities and to complete proposed improvements, development, or rehabilitation within specified time frames;
- d. the ability of participants to finance and implement all necessary and required reclamation and remediation activities to address environmental contamination and other hazardous conditions within the Redevelopment Area, pursuant to agreements administered by the Nevada Division of Environmental Protection or other governmental agencies;
- e. the construction, expansion, removal, or relocation of public utilities, public facilities and improvements;
- f. the proposed land uses for redevelopment of the Redevelopment Area;
- g. the intensification of specified land uses;
- h. any reduction in the total number of individual parcels in the Redevelopment Area;
- i. any change in size of individual parcels in the Redevelopment Area to accommodate development contemplated by this Plan;
- j. any change in the orientation and character of the Redevelopment Area;
- k. the necessity to assemble areas for public or private development in accordance with this Plan;
- l. the requirements of the Community Redevelopment Law, this Plan, and all applicable rules, regulations and ordinances of the City;
- m. any design guidelines adopted by the Agency in accordance with the Redevelopment Plan;
- n. the feasibility of a participant's proposal;

- o. the desirability of land assemblage within the Redevelopment Area in order to create efficient and marketable Parcels;
- p. market conditions affecting the proposed use;
- q. the appropriateness of the type of proposed use;
- r. the preservation and rehabilitation of existing structures with recognized historical or architectural significance;
- s. the extent to which suitable re-entry or relocation accommodations exist or will exist in the redevelopment Area;
- t. the contribution by the proposed development of owner's property to the tax base of the City;
- u. the impact of a participant's proposal on the Redevelopment Area and its environment; and
- v. whether a participant's proposal for redevelopment, evaluated as a whole, is in the best interest of the public.

#### 4.2.3 Agreements for Participation in Redevelopment

The Agency may require that each owner or participant enter into an agreement with the Agency by which the participant agrees to rehabilitate or develop, use and maintain the property in conformance with this Plan. Participants who enter into such agreements may be required to sign and join in the recordation of any documents that may be necessary to make the provisions of this Plan applicable to their properties. The rights of a participant under an approved agreement may or may not, at the Agency's option, be transferable upon sale or other disposition of the property

This Plan is applicable to all non-federal public and private property in the Redevelopment Area whether or not a participant enters into an agreement with the Agency. Federal lands in the Redevelopment Area will be subject to this Plan upon the conveyance of title to such lands out of federal ownership.

The Agency may, in its sole and absolute discretion, determine that certain property within the Redevelopment Area presently meets the requirements of this Plan, and the property owner will be permitted to remain as a conforming owner without an agreement with the Agency provided such owner continues to operate, use and maintain the real property within the requirements of this Plan. A conforming owner may be required by the Agency to enter into an agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property in accordance with this Plan; or (2) acquire additional property within the Redevelopment Area.

#### 4.3 COOPERATION WITH PUBLIC BODIES

For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

- a. dedicate, sell, convey or lease any of its property to the Agency;
- b. cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects;
- c. furnish, dedicate, close, pave, install, grade, re-grade, plan or re-plan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;
- d. plan or re-plan, zone or rezone, or designate or redesignate land uses for any part of such area and make any legal exceptions from building regulations and ordinances;
- e. enter into agreements with the federal government with respect to action to be taken by a public body pursuant to any of the powers granted by the Community Redevelopment Law; or
- f. purchase or legally invest in any of the bonds of the Agency and exercise all of the rights of any holder of Agency bonds.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property within the Redevelopment Area.

The Agency may impose planning and design controls contemplated by this Plan on public bodies to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency is authorized to assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements that are or would be of benefit to the Redevelopment Area.

#### 4.4 PROPERTY ACQUISITION

##### 4.4.1 Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property by gift, grant, bequest, devise, exchange, lease, or purchase, including eminent domain to the extent permitted by law.

In order to eliminate the blighted conditions in the Redevelopment Area and to implement the objectives of this Plan, it is in the public interest and it is necessary to authorize the Agency to use the power of eminent domain when necessary to acquire non-residential property in the Redevelopment Area which cannot be acquired by gift, grant, bequest, devise, exchange, purchase or any other lawful method.

The Agency may not acquire property retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency may acquire property on which an existing building is to be continued on its present site and in its present form and use if the building requires structural alteration, improvement, modernization, or rehabilitation. The Agency may also acquire property where the site, or lot on which the building is situated, requires modification in size, shape, or use, or it is necessary to impose any of the controls, limitations, restrictions, and requirements of this Plan on the property.

The Agency is not legally authorized to acquire property at the time owned by public bodies without the consent of the public body.

##### 4.4.2 Personal Property

Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Redevelopment Area by any lawful means. The Agency may also acquire personal property by gift, grant, exchange, purchase, lease, option, bequest, devise or eminent domain in connection with the acquisition of real property.

#### 4.5 PROPERTY MANAGEMENT

The Agency is authorized to manage and control all property that it owns, or leases. The Agency may rent or lease property that it owns to another party pending disposition of said property for redevelopment pursuant to policies adopted by the Agency. Subject to the limits of the Community Redevelopment Law, the Agency may insure, rent, maintain, operate, repair and clear any property it owns as necessary to effect disposition of the property.

#### 4.6 PAYMENTS TO TAXING AGENCIES IN LIEU OF TAXES

The Agency may, in any year during which it owns property in the Redevelopment Area, pay directly to the City, Clark County, or other taxing agency, including, but not limited to, a school district or other public corporation for whose benefit a tax would have been levied upon the Agency-owned property had it not been exempt, an amount of money in lieu of taxes.

#### 4.7 RELOCATION OF PERSONS AND BUSINESSES DISPLACED BY AGENCY ACTION

##### 4.7.1 Assistance in Finding Other Locations

The Agency shall assist all persons (including individuals and families), business concerns, and others displaced by Agency action in the Redevelopment Area in finding other locations and facilities as may be required by law. In order to carry out this Plan with a minimum of hardship to persons (including individuals and families), business concerns, and others, if any, displaced from their respective place of residence or business, the Agency shall as may be required by law, assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, which are otherwise suitable to their respective needs.

##### 4.7.2 Relocation Benefits and Assistance

The Agency shall provide, or shall cause to be provided, relocation assistance to persons, business concerns, and others displaced by Agency action in the Redevelopment Area and shall make relocation payments as may be required by law. Any relocation payments will be made as required under Chapter 342 of Nevada Revised Statutes, the applicable regulations adopted by the Director of the Department of Transportation, and the rules adopted by the Agency pursuant thereto, as each may be amended from time to time.

#### 4.8 DEMOLITION, CLEARANCE, PUBLIC IMPROVEMENTS, SITE PREPARATION AND REMOVAL OF HAZARDOUS WASTE

##### 4.8.1 Demolition and Clearance

For property acquired by the Agency or pursuant to an agreement with the owner of property, the Agency is authorized to demolish, clear or move buildings, structures, and other improvements from such property as necessary to carry out the purposes of this Plan.

#### 4.8.2 Public Improvements

To the extent permitted by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Redevelopment Area) necessary to carry out the purposes of this Plan or that will be beneficial to the Redevelopment Area. These public improvements include, but are not limited to: over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, schools, libraries, civic, cultural and recreational facilities, and other public facilities that benefit the Redevelopment Area or further the purposes of this Plan.

#### 4.8.3 Preparation of Building Sites

The Agency may develop or cause to develop as a building site any real property it owns or acquires.

#### 4.8.4 Response to Environmental Conditions

The Agency may take any actions that the Agency determines are necessary and that are consistent with state and federal laws to secure the remediation of environmental contamination and other hazardous conditions on, under, or from property within the Redevelopment Area, as well as the reclamation of property within the Redevelopment Area that is affected by historical mining and related processing operations. Such actions may include, without limitation, entering into, or requiring participants to enter into, agreements with the Nevada Division of Environmental Protection or other governmental agencies as necessary for the reclamation and remediation of such conditions associated with such property.

### 4.9 PROPERTY DISPOSITION AND DEVELOPMENT

#### 4.9.1 General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise dispose of any interest in real or personal property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease or sale without public bidding, but only after a public hearing, notice of which must be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in Clark County

Lease or sale of real property acquired by the Agency is conditioned on the redevelopment and use of the property in conformity with this Plan.

All real property acquired by the Agency in the Redevelopment Area is required to be sold or leased, except property conveyed by the community to the Agency or properly approved for public uses. Any sale or lease may be for an amount at less than fair market value if necessary to effectuate the purposes of this Plan. Real property may also be conveyed by the Agency to the City, and, where beneficial to the Redevelopment Area, to any other public body without charge or for an amount at less than fair market value.

All purchasers or lessees of property from the Agency are obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan, including without limitation the provisions of an employment plan or contract for a redevelopment project which includes:

- a. a description of the existing opportunities for employment within the Redevelopment Area;
- b. a projection of the effect that the project will have on opportunities for employment within the Redevelopment Area, and;
- c. a description of the manner in which an employer relocating his business into the Redevelopment Area plans to employ persons living within the area of operation who are:
  - (1) economically disadvantaged;
  - (2) physically handicapped;
  - (3) members of racial minorities;
  - (4) veterans; or
  - (5) women.

During the life of this Plan, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Redevelopment Area is proceeding in accordance with development documents and time schedules.

#### 4.9.2 Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation or development agreements, is subject to the provisions of this Plan and other conditions imposed by the Agency by leases, deeds, contracts and agreements.

The Agency reserves such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements and declarations of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, powers of termination and rights of reentry, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, will be recorded in the office of the Clark County Recorder.

#### 4.9.3 Development Financing by the Agency or Other Public Bodies or Entities

The Agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement that is publicly or privately owned and located within or without the Redevelopment Area. Before the City Council may give its consent, it must determine that:

- a. the buildings, facilities, structures or other improvements are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and
- b. no other reasonable means of financing those buildings, facilities, structures or there improvements are available.

Those determinations by the Agency and the City Council are final and conclusive.

If the value of the land or the cost of the construction of the building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the City or other governmental entity, the Agency may enter into a contract with that City or governmental entity under which it agrees to reimburse the City or governmental entity for all or part of the value of that land or the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the Agency under a contract for the purpose of reimbursing a governmental entity constitutes an indebtedness of the Agency that may be paid from taxes levied and allocated to the Agency pursuant to Chapter 279.676 (b)(1) of the Community Redevelopment Law, or from any other available money.

#### 4.9.4 Development Plans

All development plans (whether public or private) must be processed in the manner provided by applicable City ordinances, resolutions and codes. All development

in the Redevelopment Area must conform to City design review procedures, which may include Agency comment on the development plan's conformity with this Plan and other adopted guidelines and plans.

#### 4.9.5 Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property that is owned by the Agency.

#### 4.10 PROVISION OF LOW- AND MODERATE-INCOME HOUSING

If required under the Community Redevelopment Law, the Agency will use tax increment funds from the Redevelopment Area for the purpose of increasing, improving and preserving the supply of low- and moderate-income housing in the community.

#### 4.11 PROMOTION OF REDEVELOPMENT

The Agency may engage in any activity authorized by this Plan and applicable law to promote redevelopment of the Redevelopment Area by private redevelopers and other public agencies. In addition, to encourage and support redevelopment by private redevelopers and other public agencies, the Agency may engage or assist in marketing, outreach, dissemination of public information, public events, and other activities promoting the Redevelopment Area.

### **V. USES PERMITTED IN THE REDEVELOPMENT AREA**

#### 5.1 REDEVELOPMENT LAND USES MAP

The "Redevelopment Land Uses Map" attached hereto as Exhibit C and incorporated herein by reference, illustrates the location of the Redevelopment Area boundaries, streets within the Redevelopment Area, and the major land uses authorized within the Redevelopment Area by the Comprehensive Plan. It is the intention of this Plan that the land uses permitted within the Redevelopment Area be consistent with the Comprehensive Plan, as it currently exists, as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions and other laws. From time to time the City will update and revise the Comprehensive Plan.

#### 5.2 MAJOR LAND USE DESIGNATIONS

The proposed redevelopment of the Redevelopment Area as described in this Plan conforms to the Comprehensive Plan of the City currently in effect and as it may be amended in the future from time to time. The major land uses permitted within the Redevelopment Area will include residential uses, commercial uses, industrial uses, public uses, open space and recreational uses.

## 5.3 OTHER LAND USES

### 5.3.1 Public Street Layout, Rights-of-Way and Easements

The major public thoroughfare within the Redevelopment Area is State Route 147, also known as Lake Mead Boulevard.

The layout of streets in the Redevelopment Area as they now exist is shown in the Map. Additional public streets, alleys and easements may be created in the Redevelopment Area as needed for proper use and development. Existing streets and alleys may be abandoned, closed or modified as necessary for proper use and development. It is anticipated that development may entail vacation or realignment of certain streets, alleys, and other rights-of-way.

Any changes in the existing street layout must be in accord with the Comprehensive Plan, the objectives of this Plan, and the City's design standards, as applicable; will be effectuated in the manner prescribed by state and local law, and guided by the following criteria:

- a. a balance of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with similar needs of existing developments proposed or potentially proposed to remain. Such balancing will take into consideration the rights of existing owners under the participation rules adopted by the Agency for the Redevelopment Area, and any executed participation agreements in accordance with such rules;
- b. the requirements imposed by such factors as topography, traffic safety and aesthetics;
- c. the potential need to serve not only the Redevelopment Area and new or existing developments, but to also serve areas outside the Redevelopment Area by providing convenient, efficient vehicular access and movement; and
- d. the potential need or desire to accommodate the facilities or equipment for public transportation.

The public rights-of-way may be used for vehicular or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained, amended or created.

### 5.3.2 Other Public, Semi-Public, Institutional and Non-profit Uses

Consistent with the Comprehensive Plan, the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or

nonprofit uses within the Redevelopment Area, including without limitation, park and recreational facilities, schools, child care facilities, libraries, educational, fraternal, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way and facilities of other similar associations or organizations. All such uses must conform to the applicable provisions of this Plan. The Agency may impose such other reasonable requirements or restrictions as may be necessary to enhance the development and revitalization of the Redevelopment Area.

### 5.3.3 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Redevelopment Area for interim uses that are not in conformity with the uses permitted in this Plan. Any interim use must conform to all applicable City codes.

### 5.3.4 Conforming Properties

The Agency may, in its sole and absolute discretion, determine that certain real properties within the Redevelopment Area meet the requirements of this Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without an owner participation agreement with the Agency, provided such owners continue to operate, use, and maintain the real properties within the requirements of this Plan.

An owner of a conforming property may be required by the Agency to enter into an owner participation agreement with the Agency in the event that such owner desires to construct any additional improvements or substantially alter or modify existing structures on any of the “conforming” real property or acquire additional property within the Redevelopment Area.

### 5.3.5 Non-conforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Redevelopment Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Redevelopment Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Redevelopment Area where, in the determination of the Agency, such improvements would be compatible with surrounding uses and development is permitted under applicable City codes.

## 5.4 GENERAL CONTROLS AND LIMITATIONS

All real property within the Redevelopment Area is hereby made subject to the controls and requirements of this Plan. No real property may be developed, rehabilitated, or otherwise changed after the effective date of the ordinance adopting this Plan, except in conformance with the provisions of this Plan.

### 5.4.1 Construction

All construction in the Redevelopment Area must comply with all applicable state and local laws and codes in effect from time to time. In addition, the Agency may adopt specific performance and development standards to control and direct redevelopment activities in the Redevelopment Area.

### 5.4.2 Rehabilitation and Retention of Properties

Any existing structure within the Redevelopment Area approved by the Agency for retention and rehabilitation must be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

### 5.4.3 Limitation on the Number of Buildings

The approximate number of buildings in the Redevelopment Area may not exceed the number of buildings permitted under the Comprehensive Plan.

### 5.4.4 Number of Dwelling Units

The number of dwelling units permitted in the Redevelopment Area may not exceed the maximum number of dwelling units allowed under the densities permitted under the Comprehensive Plan.

### 5.4.5 Limitation on Type, Size, and Height of Buildings

Except as otherwise set forth in this Plan, the type, size, and height of buildings will be in accordance with applicable federal, state, and local statutes, ordinances, and regulations, including without limitation the Comprehensive Plan and City codes.

### 5.4.6 Landscaping, Light, Air, and Privacy

Landscaping will be provided to enhance open spaces in the Redevelopment Area and create a high-quality aesthetic environment. Sufficient space must be maintained between buildings in all areas to provide adequate light, air, and privacy.

#### 5.4.7 Signs

All signs must conform to City sign ordinances and other requirements as they now exist or are hereafter amended.

#### 5.4.8 Utilities

The Agency will require that all utilities are placed underground whenever physically and economically feasible.

#### 5.4.9 Incompatible Uses

The Agency will not permit any use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, would be incompatible with the surrounding areas or structures in any part of the Redevelopment Area.

#### 5.4.10 Non-discrimination and Non-segregation

No discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry is permitted in the sale lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Redevelopment Area.

### 5.5 BUILDING PERMITS

From the date of adoption of this Plan, the City cannot issue a building permit for the rehabilitation or construction of any new building or any addition, construction, moving, conversion or alteration to an existing building within the Redevelopment Area unless the application for such permit is in conformance with the provisions of this Plan and all other City requirements.

## **VI. METHODS FOR FINANCING THE PROJECT**

### 6.1 GENERAL DESCRIPTION OF FINANCING METHODS

The Agency is authorized to finance activities within the Redevelopment Area and carry out the purpose of this Plan with tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, owner participant or developer loans, participation in development, or with financial assistance from Clark County, the City, the State, the federal government, or any other available source, public or private. In carrying out the purpose of this Plan, the Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness. The principal and interest on Agency indebtedness may be paid from tax increment or any other funds available to the Agency. For survey and planning purposes, the Agency is authorized to receive and expend advances and loans received from Clark County, the City or any other available

source, public or private, until adequate tax increment or other funds are available or sufficiently assured to repay the advances and loans. The City and Clark County, as they are able and authorized, may also supply additional assistance through the issuance of bonds, making of loans and grants, and delivery of in-kind assistance. In addition, to finance activities in the Redevelopment Area or to carry out this Plan, the Agency may use all monies received from any source as permitted by law.

Tax increment financing, as authorized by Section 6 of this Plan, is intended as a source of financing in combination with other sources of financing that may be available to fund specific activities within the Redevelopment Area.

## 6.2 TAX INCREMENT FUNDS

After the effective date of the ordinance approving this Plan, all taxes levied upon taxable property within the Redevelopment Area, by or for the benefit of the State, Clark County, the City, or any other district or public corporation (hereinafter sometimes called "taxing agencies"), will be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, approving this Plan, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in the Redevelopment Area on the effective date of the ordinances, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of Clark County last equalized on the effective date of the ordinance, approving this Plan, must be used in determining the assessed valuation of the taxable property in the Redevelopment Area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

2. Except as otherwise provided in paragraphs 3 and 4 below and state law, that portion of the levied taxes each year in excess of the amount set forth in paragraph 1 above, must be allocated to and when collected must be paid into a special fund of the Agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the Agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in the Redevelopment Area exceeds the total assessed value of the taxable property in the Redevelopment Area as shown by the last equalized assessment roll referred to in

paragraph 1 above, all of the taxes levied and collected upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies. When this Plan is terminated pursuant to state law and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

4. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

In any fiscal year, the total revenue paid to the Agency must not exceed an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by ten (10) percent of the total assessed valuation of the City.

If the revenue paid to the Agency must be limited pursuant to the immediately above paragraph and the Agency has more than one redevelopment area, the Agency shall determine the allocation to each redevelopment area. Any revenue which would be allocated to the Agency but for the provisions of this paragraph must be paid into the funds of the respective taxing agencies.

For the purposes of this Section, the assessment roll last equalized before the effective date of the ordinance approving this Plan is the assessment roll in existence on March 15th immediately preceding the effective date of the ordinance.

This Section 6.2 shall be construed to fully implement the provisions of Section 279.676 of the Community Redevelopment Law.

### 6.3 AGENCY BONDS

The Agency is authorized to issue bonds from time to time to finance all or any part of activities in the Redevelopment Area.

Neither the members of the Agency, Agency staff, nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

Unless the full faith and credit of a community is pledged, the bonds and other obligations of the Agency are not a debt of the City, the State or any of its political subdivisions and neither the City, the State nor any of its political subdivisions is liable on them, nor in any event will the bonds or obligations be payable out of any funds or properties other than those of the Agency, as stated on the face of each bond or other obligation. Unless the full faith and credit of a community is pledged, the bonds do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

#### **6.4 OTHER LOANS AND GRANTS**

Any other loans, grants, guarantees, or financial assistance from the United States, the State, or any other public or private source will be utilized if available as appropriate in carrying out activities in the Redevelopment Area. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

#### **6.5 TIME LIMIT ON ISSUING SECURITIES OR INDEBTEDNESS**

Securities must not be issued and no indebtedness may be incurred in any other manner, by or on behalf of the Agency, to finance, in whole or in part, this Plan after March 19, 2029. The Agency may, as an exception, enter into leases or incur indebtedness at any time before the termination of this Plan if the leases are terminated and the indebtedness is fully repaid no later than the termination of the Plan. The maturity date of any securities which are refunded must not extend beyond the date of termination of the Plan.

Any securities issued by or on behalf of the Agency to finance, in whole or in part, redevelopment pursuant to the Community Redevelopment Law Sections 279.619 to 279.626, inclusive, and 279.634 to 279.672, inclusive, must mature and be fully paid, including any interest thereon, before the termination of this Plan.

### **VII. ACTIONS BY THE CITY**

The City may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City may include, but are not limited to, the following:

a. institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, in the Redevelopment Area. Such action by the City may include the requirement of abandonment, removal, and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that

nothing in this Plan requires the cost of the abandonment, removal, and relocation be borne by others than those legally required to bear such costs;

b. institution and completion of proceedings necessary for changes and improvements in private and publicly-owned utilities within or affecting the Redevelopment Area;

c. revision or adoption of City zoning ordinance(s), specific plan(s), or the Comprehensive Plan as appropriate within the Redevelopment Area to permit the land uses and development authorized by or necessary or desired to carry out this Plan;

d. imposition wherever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Redevelopment Area to ensure their proper development and use;

e. execution of statutory development agreements where necessary and appropriate to facilitate developments approved by the Agency;

f. provisions for administrative enforcement of this Plan by the City, after completion of any redevelopment project;

g. provisions of services and facilities and the various officials, offices and departments of the City for the Agency's purposes under this Plan;

h. the dedication, sale, conveyance or lease of any real property owned by the City to the Agency without consideration paid by the Agency and without the need to place such real property owned by the City up for public bid prior to transferring title of said real property to Agency;

i. provision of financial assistance in accordance with Section 6 of this Plan or as authorized by law;

j. the undertaking and completing of any other proceedings necessary to carry out activities in the Redevelopment Area; and

k. performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Redevelopment Area to be commenced and carried to completion without unnecessary delays.

The foregoing actions to be taken by the City may involve financial outlays by the City, but do not constitute a commitment to make such outlays.

## **VIII. ADMINISTRATION AND ENFORCEMENT**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, will be performed by either the Agency or the City.

Without limitation on the powers conferred on the City or Agency by statute or law, the provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Redevelopment Area may be enforced by such owners.

## **IX. DURATION OF PLAN**

The provisions of this Plan and any amendments hereto will be effective and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty (30) years after the date on which this Plan is adopted unless otherwise amended or extended as permitted by law.

## **X. PROCEDURE FOR AMENDMENT**

This Plan may be amended pursuant to the requirements and procedures set forth in the Community Redevelopment Law.

This Plan is to be liberally construed and not interpreted as a limitation on the powers of the Agency. Notwithstanding any provision in this Plan to the contrary, the Agency may hereby utilize all powers of a redevelopment agency pursuant to the Community Redevelopment Law and all other applicable laws, as the same now exist or may hereafter be amended or adopted.

## **XI COOPERATION AGREEMENT(S)**

The Agency and the City may enter into any agreement(s) between them which they deem necessary to implement the provisions of this Plan. Such agreements relate only to the implementation of this Plan and do not revise, change or modify any of the provisions, requirements or limitations of this Plan.

## **XII. SEVERABILITY**

If any term, provision or authorization of this Plan is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Plan will continue in full force and effect unless an essential purpose of this Plan is defeated by such invalidity or unenforceability. In the event that any portion of the Redevelopment Area is determined to have been invalidly or incorrectly included in the Redevelopment Area that is the subject of this Plan, that portion of the Redevelopment Area will be deemed severable from the remainder of the Redevelopment Area and the remainder of the Redevelopment Area will remain fully subject to the provisions of this Plan.

## EXHIBIT A

### LEGAL DESCRIPTION FOR LAKEMOOR CANYON REDEVELOPMENT AREA

Portions of Sections 26, 34, 35 and 36 of Township 21 South, Range 63 East, M.D.M., Clark County, Nevada, more particularly described as follows:

**Beginning** at the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 26; Thence North  $02^{\circ}01'57''$  East along the east line of said Section 26, a distance of 4,982.38 feet to the southerly boundary of that certain area Annexed into the City of Henderson per Ordinance No. 2064; Thence along the northerly boundary of the said Annexed area the following twenty-five (25) courses;

- 1) South  $17^{\circ}55'57''$  West, a distance of 574.84 feet to the beginning of a 3,250.00 foot radius curve, concave northwesterly;
- 2) Southwesterly along said curve to the right, an arc length of 663.92 feet through a central angle of  $11^{\circ}42'16''$ ;
- 3) South  $29^{\circ}38'13''$  West, a distance of 2,802.52 feet to the beginning of a 1,950.00 foot radius curve, concave northwesterly;
- 4) Southwesterly along said curve to the right, an arc length of 544.56 feet through a central angle of  $16^{\circ}00'02''$ ;
- 5) South  $81^{\circ}56'40''$  West, a distance of 143.72 feet;
- 6) North  $32^{\circ}01'18''$  West, a distance of 291.79 feet;
- 7) South  $64^{\circ}14'41''$  West, a distance of 598.17 feet;
- 8) South  $81^{\circ}07'42''$  West, a distance of 651.88 feet;
- 9) South  $31^{\circ}57'18''$  East, a distance of 565.94 feet;
- 10) South  $70^{\circ}05'46''$  West, a distance of 811.96 feet;
- 11) South  $89^{\circ}40'35''$  West, a distance of 567.19 feet;
- 12) South  $31^{\circ}59'27''$  East, a distance of 197.67 feet to a point on a 10,050.00 foot radius curve, concave southeasterly, to which point a radial line bears North  $21^{\circ}21'05''$  West;
- 13) Southwesterly along said curve to the left, an arc length of 925.89 feet through a central angle of  $05^{\circ}16'43''$ ;
- 14) South  $63^{\circ}22'12''$  West, a distance of 1646.69 feet;
- 15) North  $32^{\circ}02'48''$  West, a distance of 150.67 feet;
- 16) North  $25^{\circ}25'59''$  East, a distance of 166.32 feet;
- 17) North  $09^{\circ}30'31''$  East, a distance of 206.53 feet;
- 18) North  $60^{\circ}13'14''$  West, a distance of 199.33 feet;
- 19) North  $73^{\circ}05'52''$  West, a distance of 251.71 feet;
- 20) South  $38^{\circ}59'37''$  West, a distance of 95.77 feet;
- 21) South  $21^{\circ}44'00''$  East, a distance of 454.92 feet;
- 22) South  $45^{\circ}20'13''$  East, a distance of 122.12 feet to the beginning of a 10,200.00 foot radius curve, concave southerly, to which beginning a radial line bears North  $26^{\circ}37'48''$  West;
- 23) Thence southwesterly along said curve to the left, an arc length of 775.89 feet, through a central angle of  $4^{\circ}21'30''$ ;

- 24) Thence South 59°00'42" West, a distance of 2389.20 feet to the beginning of a 3,800.00 foot curve, concave northwesterly;
- 25) Thence southwesterly along said curve to the right, an arc length of 813.13 feet, through a central angle of 12°15'37" to a point on the west line of the Southwest Quarter (SW ¼) of said Section 34;

Thence South 04°21'47" East along the said Southwest Quarter (SW ¼), a distance of 2,386.17 feet to the southwest corner of said Section 34; Thence North 88°55'24" East along the south line of said Section 34, a distance of 5,353.67 feet to the southwest corner of said Section 35; Thence South 89°35'53" East along the south line of said Section 35, a distance of 2,506.02 feet to the South One-Quarter (S ¼) of said Section 35; Thence continuing along the said south line, North 89°08'07" East, a distance of 2,464.44 feet to the southeast corner of said Section 35; Thence North 01°28'45" West along the east line of said Section 35, a distance of 1,843.61 feet; Thence departing said east line, North 81°24'29" East, a distance of 400.06 feet; Thence North 19°05'31" West, a distance of 500.00 feet; Thence North 81°24'29" East, a distance of 305.11 feet; Thence North 19°05'31" West, a distance of 1,500.00 feet; Thence South 81°24'29" West, a distance of 95.31 feet to a point on the said east line of Section 35; Thence North 01°28'45" West along the said east line, a distance of 42.18 feet; Thence departing said east line, North 48°54'53" East, a distance of 397.63 feet; Thence North 31°36'13" West, a distance of 610.42 feet to a point on the said east line of Section 35; Thence North 01°28'46" West along the said east line, a distance of 700.96 feet to the **Point of Beginning**.

Containing 1259 acres, more or less.

Basis of Bearing: North 02°01'57" East, being the east line of Section 26, Township 21 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada as shown on Book 121 of Plats, Page 50, Clark County, Nevada Recorder's Office.

Prepared by:  
Robert L. Carrington, PLS/WRS  
City Surveyor  
City of Henderson  
240 Water Street-MS 131  
PO Box 95050  
Henderson, NV 89009-5050

**EXHIBIT B**

**REDEVELOPMENT AREA MAP**

Redevelopment Area Map  
On file in the City of Henderson Clerk's Office

**EXHIBIT C**

**REDEVELOPMENT LAND USES MAP**

Redevelopment Land Uses Map  
On file in the City of Henderson Clerk's Office

**ATTACHMENT 2:**  
**Henderson City Council Ordinance Adopting Lakemoor Canyon Redevelopment Plan**

ORDINANCE NO. 2804  
(Redevelopment Plan for Lakemoor Canyon)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,  
NEVADA, APPROVING AND ADOPTING A REDEVELOPMENT PLAN FOR  
THE LAKEMOOR CANYON REDEVELOPMENT AREA.

- WHEREAS, The City Council of the City of Henderson ("City Council") has received from the City of Henderson Redevelopment Agency ("Agency") the proposed Redevelopment Plan ("Redevelopment Plan") for the Lakemoor Canyon Redevelopment Area ("Redevelopment Area"), a copy of which is on file with the City of Henderson Clerk's Office at 240 Water Street, Henderson, NV 89015, together with the Agency's Report to City Council in accordance with the requirements of Section 279.578(2) of the Community Redevelopment Law. The Agency recommended the Redevelopment Plan and the Report to Council, which includes information regarding the reasons for selection of the Redevelopment Area, a description of the physical, social and economic conditions existing in the Redevelopment Area, a description of the proposed method of financing the Redevelopment Plan in sufficient detail so that the City Council may determine the economic feasibility of the Redevelopment Plan, a method or plan for the relocation of persons and families temporarily or permanently displaced from housing facilities in the Redevelopment Area, an analysis of the Preliminary Plan, and the report and recommendation of the Planning Commission of the City of Henderson ("Planning Commission"), to the City Council of January 15, 2009; and
- WHEREAS, In accordance with Section 279.570(1) of the Community Redevelopment Law, the Redevelopment Plan was submitted to the Planning Commission for its report and recommendation and for its conformity to the City's Comprehensive Plan, and on December 18, 2009, the Planning Commission made its report and recommendation on the Redevelopment Plan, finding that the Redevelopment Plan is consistent with and in conformity to the City's Comprehensive Plan, and recommending the adoption of the Redevelopment Plan. The Planning Commission's report and recommendation was filed with the Agency and has been included in the Report to City Council; and
- WHEREAS, Pursuant to Section 279.566 of the Community Redevelopment Law, on January 20, 2009, the Agency approved and adopted the Rules Governing Participation and Assistance by Property Owners in the Lakemoor Canyon Redevelopment Area, and made such Rules available at the City of Henderson Clerk's Office for public inspection by all interested persons; and
- WHEREAS, Pursuant to Section 279.580(1) of the Community Redevelopment Law, on February 3, 2009, the City Council held a public hearing in the City Council Chambers, located at 240 Water Street, Henderson, Nevada, concerning the adoption of the Redevelopment Plan; and

WHEREAS, Notice of the February 3, 2009 hearing was published and mailed in accordance with the Section 279.580 of the Community Redevelopment Law; specifically, notice of the hearing was given by publication for not less than once a week for four successive weeks in a newspaper of general circulation published in Clark County, and copies of the notice of the hearing were mailed at least four weeks before the hearing to the last known owner of each parcel of land in the Redevelopment Area at his last known address as shown by the records of the Clark County Assessor's Office; and

WHEREAS, The City Council has reviewed the report and recommendation of the Planning Commission, the Agency's Report to City Council, and the Redevelopment Plan; and has considered and evaluated the report and recommendation of the Planning Commission, the Report to City Council including among other things the method of financing the Redevelopment Plan, the Redevelopment Plan and its economic feasibility, and all evidence and testimony for or against the adoption of the Redevelopment Plan; and

WHEREAS, At least ten (10) days before the adoption of this Ordinance, notice of the filing of the Ordinance with the City Clerk was published once in a newspaper qualified pursuant to the provisions of Chapter 238 of Nevada Revised Statutes and published in the City. The date of adoption of this Ordinance is within thirty (30) days after the date of such publication.

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

SECTION 1. The purposes and intent of the City Council regarding the Redevelopment Area is to accomplish to the greatest feasible extent the following:

- A. The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Comprehensive Plan, this Plan and local codes and ordinances;
- B. The achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of this Plan;
- C. The control of unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens;
- D. The retention of as many existing businesses as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area;

- E. The encouragement of investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment;
- F. The encouragement of maximum participation of residents, business persons, property owners, and community organizations in the redevelopment of the Redevelopment Area; and
- G. The replanning, redesigning and redeveloping of areas that are stagnant or improperly used.

SECTION 2. The map and legal description of the land within the boundaries of the Redevelopment Area attached as Exhibit A and Exhibit B to the Redevelopment Plan are hereby incorporated into this Ordinance and made a part hereof.

SECTION 3. The City Council hereby finds and determines that:

- A. The Redevelopment Area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law. This finding is based upon the following conditions that characterize the Redevelopment Area:
  - 1. The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of one or more of the following factors: (i) defective design and character of physical construction; (ii) faulty arrangement of the interior and spacing of buildings; (iii) inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities; or (iv) age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses;
  - 2. Economic dislocation, deterioration or and disuse;
  - 3. The existence of inadequate streets, open spaces facilities, and utilities;
  - 4. Lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare;
  - 5. The environmental contamination of buildings or property; and
  - 6. The existence of an abandoned.

- B. The Redevelopment Plan would redevelop the Redevelopment Area in conformity with the Community Redevelopment Law and is in the interests of the peace, health, safety and welfare of the City. This finding is supported by the fact that redevelopment of the Redevelopment Area, including the planning, development, replanning, redesign, clearance, reconstruction, rehabilitation and other efforts and activities described in Section 279.408 of the Community Redevelopment Law, will implement the objectives of the Community Redevelopment Law by aiding in the elimination of conditions of blight and providing for higher economic and more beneficial use of underutilized land.
- C. The Redevelopment Plan conforms to the City's Comprehensive Plan. This finding is based on the report and recommendation and findings of the Planning Commission, which are included with the Report to City Council, and is the result of independent review and consideration by the City Council of such factors as the provisions of the Redevelopment Plan regarding land uses and development requirements and their designation of the uses and requirements provided for in the Comprehensive Plan and local codes and ordinances.
- D. The condemnation of real property is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law. This finding is based on the provisions of the Redevelopment Plan which parallel the provisions of Section 279.471 of the Community Redevelopment Law, the recognition that any payment for property to be acquired will be made as required by law, and the need to ensure that the goals and objectives of the Redevelopment Plan will be carried out and to prevent the recurrence of blight in the Redevelopment Area.
- E. It is not anticipated that the Redevelopment Plan will result in the temporary or permanent displacement of any occupants of housing in the Redevelopment Area. However, if the Redevelopment Plan results in the temporary or permanent displacement of any occupants of housing in the Redevelopment Area, adequate permanent housing is or will be made available in the City for displaced occupants of the Redevelopment Area at rents comparable to those in the City at the time of displacement. This finding is based on the provisions of the Redevelopment Plan providing that relocation assistance and benefits will be provided as required by law.
- F. All areas included in the Redevelopment Area are contiguous. This finding is based on the map of the Redevelopment Area attached as an Exhibit to the Redevelopment Plan.

- G. The inclusion of any lands, buildings or improvements that are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area and to accomplish the objectives and benefits of the Redevelopment Plan. This finding is based on the fact that the boundaries of the Redevelopment Area were chosen as a unified and consistent whole to include lands that are underutilized because of blighting influences and land uses and conditions that significantly contribute to blight, as described in the Report to City Council.
- H. Adequate provisions have been made for payment of the principal of and interest on any bonds that may be issued by the Redevelopment Agency. This finding is based on the proposed method of financing the Redevelopment Plan included in the Redevelopment Plan and the Report to City Council and the provisions of the Community Redevelopment Law that apply to the issuance of any bonds by the Agency.
- I. The adoption and carrying out of the Redevelopment Plan is economically feasible. This finding is based upon the information contained in the Report to City Council and the Redevelopment Plan regarding the proposed method of financing the Redevelopment Plan.

SECTION 4. In accordance with Section 279.439 of the Community Redevelopment Law, as may be amended from time to time, and the provisions of the Redevelopment Plan, the Redevelopment Plan, and any amendments to the Redevelopment Plan, shall terminate thirty (30) years after the date on which the Redevelopment Plan is adopted.

SECTION 5. The Redevelopment Plan, including all maps, legal descriptions, and other documents incorporated therein by reference and attached thereto, having been duly reviewed and considered, is hereby incorporated into this Ordinance as Exhibit 1, containing 27 pages plus exhibits, and made a part hereof, and, as so incorporated, is hereby approved, adopted and designated as the official "Redevelopment Plan for the Lakemoor Canyon Redevelopment Area."

SECTION 6. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, the City Council hereby (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Redevelopment Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Redevelopment Plan.

- SECTION 7. Pursuant to Section 279.602 of the Community Redevelopment Law, upon filing of this Ordinance with the City Clerk, the City Clerk is hereby directed to send a copy of this Ordinance to the Redevelopment Agency, whereupon the Redevelopment Agency is vested with the responsibility of carrying out the Redevelopment Plan.
- SECTION 8. Pursuant to Section 279.603(1) of the Community Redevelopment Law, after the adoption of this Ordinance, the City Clerk, on behalf of the City Council, is hereby authorized and directed to file with the County Recorder a description of the land within the Redevelopment Area and a statement that proceedings for redevelopment of the Redevelopment Area have been instituted. The City Clerk is also authorized and directed to record with the County Recorder a copy of this Ordinance and the Redevelopment Plan.
- SECTION 9. Pursuant to Section 279.603(2) of the Community Redevelopment Law, within thirty (30) days after the adoption of this Ordinance, the City Clerk is authorized and directed to transmit a copy of the description and statement recorded pursuant to Section 8 hereof (with any exhibits thereto), a copy of this Ordinance, and a map or plat indicating the boundaries of the Redevelopment Area to: the auditor and tax assessor of the County, the officer who performs the functions of auditor or assessor for any taxing agency which, in levying or collecting its taxes, does not use the County assessment roll or does not collect its taxes through the County, and the governing body of each of the taxing agencies which levies taxes upon any property in the Redevelopment Area.
- SECTION 10. Pursuant to Section 279.6035 of the Community Redevelopment Law, after the adoption of this Ordinance, the City Clerk is authorized and directed to notify the City's Building Department of the adoption of the Redevelopment Plan, and the Building Department shall, during the effective period of the Redevelopment Plan, advise all applicants for building permits in the Redevelopment Area that the site for which a permit is sought is within a redevelopment area.
- SECTION 11. If any part of this Ordinance or the Redevelopment Plan which it approves and adopts is held to be invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance or of the Redevelopment Plan, and the City Council hereby declares that that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan without such invalid part.

SECTION 12. The City Clerk shall attest to the passage of this Ordinance. Within seven (7) days after adoption of this Ordinance, the City Clerk shall cause this Ordinance to be published once 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 Nevada Revised Statutes and published in the City. This Ordinance shall be in full force and effect immediately upon such publication.

SECTION 13. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 14. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 15. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on February 19<sup>th</sup>, 2009 in the Henderson Home News.

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PASSED, ADOPTED, AND APPROVED THIS 17<sup>th</sup> DAY OF FEBRUARY, 2009.

  
Gerri Schroder, Mayor Pro Tem

ATTEST:

  
Monica Martinez Simmons, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on February 3, 2009, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on February 17, 2009, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held February 17, 2009, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Pro Tem Gerri Schroder  
Councilmembers:  
Arthur “Andy” Hafen  
Steven D. Kirk

Those voting nay: None  
Those abstaining: None  
Those absent: Mayor James B. Gibson  
Jack Clark

  
Gerri Schroder, Mayor Pro Tem

ATTEST:

  
Monica Martinez Simmons, MMC, City Clerk

**REDEVELOPMENT PLAN**  
**FOR THE**  
**LAKEMOOR CANYON**  
**REDEVELOPMENT AREA**

Prepared by the

CITY OF HENDERSON REDEVELOPMENT AGENCY

Adopted on February 17, 2008 by Ordinance No. 2804

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**REDEVELOPMENT PLAN  
FOR THE  
LAKEMOOR CANYON REDEVELOPMENT AREA**

**I. INTRODUCTION**

This Redevelopment Plan (this "**Plan**") is for the Lakemoor Canyon Redevelopment Area (the "**Redevelopment Area**") in the City of Henderson (the "**City**"), Clark County (the "**County**"), State of Nevada. This Plan consists of the text, the Legal Description of the Redevelopment Area Boundaries (Exhibit A), the Redevelopment Area Map (Exhibit B), and the Redevelopment Land Uses Map (Exhibit C).

This Plan was prepared by the City of Henderson Redevelopment Agency (the "**Agency**") pursuant to the Community Redevelopment Law of the State of Nevada, Nevada Revised Statutes (the "**NRS**") 279.382 to 279.685, inclusive (the "**Community Redevelopment Law**"). Unless otherwise designated, all statutory references in this Plan are to the Community Redevelopment Law.

As described in this Plan, the proposed redevelopment of the Redevelopment Area conforms to the Comprehensive Plan of the City (the "**Comprehensive Plan**"), as adopted by the City Council of the City (the "**City Council**") currently in effect and as it may be amended in the future from time to time. The Comprehensive Plan is hereby incorporated as if fully set forth in this Plan.

This Plan is based upon the Preliminary Plan formulated and adopted by the City of Henderson Planning Commission (the "**Planning Commission**") on November 20, 2008, and accepted by Agency Resolution on November 25, 2008.

This Plan provides the Agency with powers, duties and obligations to implement and further the programs generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Redevelopment Area. This Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation and revitalization of any area within the Redevelopment Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Redevelopment Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects and programs will be established and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions.

## II. DESCRIPTION OF THE REDEVELOPMENT AREA

The legal description of the Redevelopment Area Boundaries is attached as Exhibit A. A map of the Redevelopment Area is attached as Exhibit B.

The Redevelopment Area is located approximately five miles northeast of downtown Henderson and is comprised of 18 parcels totaling approximately 1,259 acres owned by private and public entities. Lake Mead Parkway between Golda Way and Pyrenees Court delineates almost the entire northern boundary of the Redevelopment Area with a small portion of the Redevelopment Area located north of Lake Mead Parkway as depicted on the map. The southern boundary of the Redevelopment Area is delineated by the southern boundary of Sections 34 and 35 of Township 21S, Range 63E, M.D.M. in Clark County.

Almost the entire eastern boundary of the Redevelopment Area is delineated by the eastern boundary of section 26, Township 21S that extends south of Lake Mead Parkway and the eastern boundary of section 35 of Township 21S; two small segments of Redevelopment Area protrude into section 36 of Township 21S. The western boundary of the Redevelopment Area is delineated by a portion of the western boundary of section 34, Township 21S extending south from Lake Mead Parkway and Golda Way.

## III. REDEVELOPMENT PLAN GOALS

In general, the goals and objectives of the redevelopment programs for the Redevelopment Area are as follows:

- a. Eliminate and prevent the spread of blight and deterioration through the conservation, rehabilitation and redevelopment of the Redevelopment Area in accordance with this Plan, the Comprehensive Plan, and City codes and ordinances.
- b. Create an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles appropriate for the Redevelopment Area.
- c. Control unplanned growth through revitalization activities and new development that meets the needs of the Redevelopment Area, the City and its citizens.
- d. Retain existing businesses and attract new businesses to Redevelopment Area locations designated for business activity.
- e. Promote economic development of environmentally sound commercial and light industrial uses.

- f. Encourage investment by the private sector in the development and redevelopment of the Redevelopment Area.
- g. Encourage cooperation and participation of property owners, businesses residents, community organizations and public agencies in the revitalization of the Redevelopment Area.
- h. Improve pedestrian and vehicular circulation in the Redevelopment Area through the assembly of land into parcels suitable for modern, integrated development.
- i. Provide infrastructure, open space, parking and community facilities that enhance neighborhood quality and foster economic and neighborhood vitality.
- j. Eliminate and mitigate environmental hazards within the Redevelopment Area.

#### **IV. PROPOSED REDEVELOPMENT ACTIONS**

##### **4.1 GENERAL**

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Redevelopment Area by:

- a. acquiring, installing, developing, constructing, reconstructing, redesigning, planning, replanning, or reusing streets, curbs, gutters, sidewalks, medians and crossings, parking facilities, utilities, traffic control devices, flood control facilities and other public improvements and public facilities;
- b. clearing, altering, remodeling, improving, modernizing, rehabilitating, or reconstructing buildings, structures and improvements;
- c. providing for open space, recreation, habitat reserve, and drainage corridors;
- d. facilitating the development or redevelopment of land for residential and business purposes and uses consistent with this Plan;
- e. acquiring real or personal property by purchase, lease, gift, grant, request, devise or any other lawful means, including eminent domain to the extent permitted by law;
- f. combining parcels and properties where and when necessary;
- g. preparing building sites and constructing necessary infrastructure;

- h. managing property owned or acquired by the Agency;
- i. disposing of property including, without limitation, the lease or sale of land at a value determined by the Agency for reuse in accordance with this Plan;
- j. establishing controls, restrictions or covenants running with the land, to ensure that property within the Redevelopment Area will continue to be used in accordance with this Plan;
- k. if applicable, vacating or abandoning streets, alleys, and other thoroughfares, as necessary, and dedicating other areas for public purposes consistent with the objectives of this Plan;
- l. applying for and utilizing grants, loans and any other assistance from federal or state governments, or other sources;
- m. taking actions the Agency determines are necessary and consistent with state, federal and local laws to remediate hazardous substances on, under or from property within the Redevelopment Area, to remove hazardous waste from property or to reclaim property affected by historical mining and related processing operations within the Redevelopment Area;
- n. working with Nevada Division of Environmental Protection, other governmental agencies, and owners of real property located within the Redevelopment Area to secure the negotiation and implementation of agreements as necessary for the reclamation and remediation of environmental contamination and other hazardous conditions associated with property located within the Redevelopment Area;
- o. from time to time preparing and carrying out plans for the improvement, rehabilitation, and redevelopment of blighted areas and creating a variety of economic development programs, to help build a stronger economic base within the Redevelopment Area;
- p. adopting specific design guidelines for projects to ensure a consistent design theme, which will guide rehabilitation and new development;
- q. rehabilitating, preserving, developing and constructing affordable housing in compliance with state law; and
- r. any and all other actions authorized directly or by implication pursuant to any statute or other legal authority permitting the Agency to eliminate blight; prevent the recurrence of blight; and improve the economic base of the Redevelopment Area.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all powers provided in this Plan and all powers now or hereafter permitted by law.

4.2 PARTICIPATION OPPORTUNITIES; EXTENSION OF PREFERENCES FOR RE-ENTRY WITHIN THE REDEVELOPMENT AREA

4.2.1 Opportunities for Owners and Business Tenants

Owners of real property within the Redevelopment Area will be extended reasonable opportunities to participate in the redevelopment of their property in conformity with this Plan and the owner participation rules adopted by the Agency.

An owner may participate in the redevelopment of property either by retaining all or portions of its property or retaining all or portions of such property and acquiring additional property or initiating new development in accordance with the goals and objectives contemplated in this Plan.

An owner may seek assistance from the Agency for redeveloping its property and the Agency may provide assistance in the redevelopment of such property if the owner agrees to participate in the redevelopment of the property in conformity with this Plan.

Where a property includes a building in good condition, but with an existing use that does not conform to the provisions of this Plan, the Agency may elect not to acquire such property provided that such use is generally compatible with the permitted uses in the area in which the building is located. In order to remain in the Redevelopment Area with a nonconforming use, the owner must agree to the imposition of reasonable restrictions as are necessary to protect the integrity of permitted uses in the remainder of the Redevelopment Area.

The final decision concerning acquisition of any property by the Agency, will be based upon the conditions existing at the time of purchase or when the Agency enters into an owner participation agreement.

4.2.2 Rules for Participation Opportunities, Priorities and Preferences

In order to provide opportunities to owners to participate in the redevelopment of the Redevelopment Area and to extend reasonable preferences to businesses to re-enter into business within the Redevelopment Area, the Agency will promulgate rules for participation by owners and the extension of preferences to business for re-entry within the Redevelopment Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; service to the community of a participant's proposal; and the participant's financial

capacity, development experience and ability to develop the property in conformity with this Plan and any other applicable criteria.

Participation opportunities may be subject to and limited by such factors as:

- a. the elimination or modification of land uses;
- b. the construction, vacation, widening, opening, or other alteration or realignment of streets and public rights-of-way;
- c. the ability of participants to finance and oversee acquisition and construction activities and to complete proposed improvements, development, or rehabilitation within specified time frames;
- d. the ability of participants to finance and implement all necessary and required reclamation and remediation activities to address environmental contamination and other hazardous conditions within the Redevelopment Area, pursuant to agreements administered by the Nevada Division of Environmental Protection or other governmental agencies;
- e. the construction, expansion, removal, or relocation of public utilities, public facilities and improvements;
- f. the proposed land uses for redevelopment of the Redevelopment Area;
- g. the intensification of specified land uses;
- h. any reduction in the total number of individual parcels in the Redevelopment Area;
- i. any change in size of individual parcels in the Redevelopment Area to accommodate development contemplated by this Plan;
- j. any change in the orientation and character of the Redevelopment Area;
- k. the necessity to assemble areas for public or private development in accordance with this Plan;
- l. the requirements of the Community Redevelopment Law, this Plan, and all applicable rules, regulations and ordinances of the City;
- m. any design guidelines adopted by the Agency in accordance with the Redevelopment Plan;
- n. the feasibility of a participant's proposal;

- o. the desirability of land assemblage within the Redevelopment Area in order to create efficient and marketable Parcels;
- p. market conditions affecting the proposed use;
- q. the appropriateness of the type of proposed use;
- r. the preservation and rehabilitation of existing structures with recognized historical or architectural significance;
- s. the extent to which suitable re-entry or relocation accommodations exist or will exist in the redevelopment Area;
- t. the contribution by the proposed development of owner's property to the tax base of the City;
- u. the impact of a participant's proposal on the Redevelopment Area and its environment; and
- v. whether a participant's proposal for redevelopment, evaluated as a whole, is in the best interest of the public.

**4.2.3 Agreements for Participation in Redevelopment**

The Agency may require that each owner or participant enter into an agreement with the Agency by which the participant agrees to rehabilitate or develop, use and maintain the property in conformance with this Plan. Participants who enter into such agreements may be required to sign and join in the recordation of any documents that may be necessary to make the provisions of this Plan applicable to their properties. The rights of a participant under an approved agreement may or may not, at the Agency's option, be transferable upon sale or other disposition of the property

This Plan is applicable to all non-federal public and private property in the Redevelopment Area whether or not a participant enters into an agreement with the Agency. Federal lands in the Redevelopment Area will be subject to this Plan upon the conveyance of title to such lands out of federal ownership.

The Agency may, in its sole and absolute discretion, determine that certain property within the Redevelopment Area presently meets the requirements of this Plan, and the property owner will be permitted to remain as a conforming owner without an agreement with the Agency provided such owner continues to operate, use and maintain the real property within the requirements of this Plan. A conforming owner may be required by the Agency to enter into an agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property in accordance with this Plan; or (2) acquire additional property within the Redevelopment Area.

4.3 COOPERATION WITH PUBLIC BODIES

For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

- a. dedicate, sell, convey or lease any of its property to the Agency;
- b. cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects;
- c. furnish, dedicate, close, pave, install, grade, re-grade, plan or re-plan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;
- d. plan or re-plan, zone or rezone, or designate or redesignate land uses for any part of such area and make any legal exceptions from building regulations and ordinances;
- e. enter into agreements with the federal government with respect to action to be taken by a public body pursuant to any of the powers granted by the Community Redevelopment Law; or
- f. purchase or legally invest in any of the bonds of the Agency and exercise all of the rights of any holder of Agency bonds.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property within the Redevelopment Area.

The Agency may impose planning and design controls contemplated by this Plan on public bodies to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency is authorized to assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements that are or would be of benefit to the Redevelopment Area.

4.4 PROPERTY ACQUISITION

4.4.1 Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property by gift, grant, bequest, devise, exchange, lease, or purchase, including eminent domain to the extent permitted by law.

In order to eliminate the blighted conditions in the Redevelopment Area and to implement the objectives of this Plan, it is in the public interest and it is necessary to authorize the Agency to use the power of eminent domain when necessary to acquire non-residential property in the Redevelopment Area which cannot be acquired by gift, grant, bequest, devise, exchange, purchase or any other lawful method.

The Agency may not acquire property retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency may acquire property on which an existing building is to be continued on its present site and in its present form and use if the building requires structural alteration, improvement, modernization, or rehabilitation. The Agency may also acquire property where the site, or lot on which the building is situated, requires modification in size, shape, or use, or it is necessary to impose any of the controls, limitations, restrictions, and requirements of this Plan on the property.

The Agency is not legally authorized to acquire property at the time owned by public bodies without the consent of the public body.

4.4.2 Personal Property

Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Redevelopment Area by any lawful means. The Agency may also acquire personal property by gift, grant, exchange, purchase, lease, option, bequest, devise or eminent domain in connection with the acquisition of real property.

4.5 PROPERTY MANAGEMENT

The Agency is authorized to manage and control all property that it owns, or leases. The Agency may rent or lease property that it owns to another party pending disposition of said property for redevelopment pursuant to policies adopted by the Agency. Subject to the limits of the Community Redevelopment Law, the Agency may insure, rent, maintain, operate, repair and clear any property it owns as necessary to effect disposition of the property.

4.6 PAYMENTS TO TAXING AGENCIES IN LIEU OF TAXES

The Agency may, in any year during which it owns property in the Redevelopment Area, pay directly to the City, Clark County, or other taxing agency, including, but not limited to, a school district or other public corporation for whose benefit a tax would have been levied upon the Agency-owned property had it not been exempt, an amount of money in lieu of taxes.

4.7 RELOCATION OF PERSONS AND BUSINESSES DISPLACED BY AGENCY ACTION

4.7.1 Assistance in Finding Other Locations

The Agency shall assist all persons (including individuals and families), business concerns, and others displaced by Agency action in the Redevelopment Area in finding other locations and facilities as may be required by law. In order to carry out this Plan with a minimum of hardship to persons (including individuals and families), business concerns, and others, if any, displaced from their respective place of residence or business, the Agency shall as may be required by law, assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, which are otherwise suitable to their respective needs.

4.7.2 Relocation Benefits and Assistance

The Agency shall provide, or shall cause to be provided, relocation assistance to persons, business concerns, and others displaced by Agency action in the Redevelopment Area and shall make relocation payments as may be required by law. Any relocation payments will be made as required under Chapter 342 of Nevada Revised Statutes, the applicable regulations adopted by the Director of the Department of Transportation, and the rules adopted by the Agency pursuant thereto, as each may be amended from time to time.

4.8 DEMOLITION, CLEARANCE, PUBLIC IMPROVEMENTS, SITE PREPARATION AND REMOVAL OF HAZARDOUS WASTE

4.8.1 Demolition and Clearance

For property acquired by the Agency or pursuant to an agreement with the owner of property, the Agency is authorized to demolish, clear or move buildings, structures, and other improvements from such property as necessary to carry out the purposes of this Plan.

#### 4.8.2 Public Improvements

To the extent permitted by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Redevelopment Area) necessary to carry out the purposes of this Plan or that will be beneficial to the Redevelopment Area. These public improvements include, but are not limited to: over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, schools, libraries, civic, cultural and recreational facilities, and other public facilities that benefit the Redevelopment Area or further the purposes of this Plan.

#### 4.8.3 Preparation of Building Sites

The Agency may develop or cause to develop as a building site any real property it owns or acquires.

#### 4.8.4 Response to Environmental Conditions

The Agency may take any actions that the Agency determines are necessary and that are consistent with state and federal laws to secure the remediation of environmental contamination and other hazardous conditions on, under, or from property within the Redevelopment Area, as well as the reclamation of property within the Redevelopment Area that is affected by historical mining and related processing operations. Such actions may include, without limitation, entering into, or requiring participants to enter into, agreements with the Nevada Division of Environmental Protection or other governmental agencies as necessary for the reclamation and remediation of such conditions associated with such property.

### 4.9 PROPERTY DISPOSITION AND DEVELOPMENT

#### 4.9.1 General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise dispose of any interest in real or personal property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease or sale without public bidding, but only after a public hearing, notice of which must be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in Clark County

Lease or sale of real property acquired by the Agency is conditioned on the redevelopment and use of the property in conformity with this Plan.

All real property acquired by the Agency in the Redevelopment Area is required to be sold or leased, except property conveyed by the community to the Agency or properly approved for public uses. Any sale or lease may be for an amount at less than fair market value if necessary to effectuate the purposes of this Plan. Real property may also be conveyed by the Agency to the City, and, where beneficial to the Redevelopment Area, to any other public body without charge or for an amount at less than fair market value.

All purchasers or lessees of property from the Agency are obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan, including without limitation the provisions of an employment plan or contract for a redevelopment project which includes:

- a. a description of the existing opportunities for employment within the Redevelopment Area;
- b. a projection of the effect that the project will have on opportunities for employment within the Redevelopment Area, and;
- c. a description of the manner in which an employer relocating his business into the Redevelopment Area plans to employ persons living within the area of operation who are:
  - (1) economically disadvantaged;
  - (2) physically handicapped;
  - (3) members of racial minorities;
  - (4) veterans; or
  - (5) women.

During the life of this Plan, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Redevelopment Area is proceeding in accordance with development documents and time schedules.

#### 4.9.2 Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation or development agreements, is subject to the provisions of this Plan and other conditions imposed by the Agency by leases, deeds, contracts and agreements.

The Agency reserves such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements and declarations of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, powers of termination and rights of reentry, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, will be recorded in the office of the Clark County Recorder.

#### 4.9.3 Development Financing by the Agency or Other Public Bodies or Entities

The Agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement that is publicly or privately owned and located within or without the Redevelopment Area. Before the City Council may give its consent, it must determine that:

- a. the buildings, facilities, structures or other improvements are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and
- b. no other reasonable means of financing those buildings, facilities, structures or their improvements are available.

Those determinations by the Agency and the City Council are final and conclusive.

If the value of the land or the cost of the construction of the building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the City or other governmental entity, the Agency may enter into a contract with that City or governmental entity under which it agrees to reimburse the City or governmental entity for all or part of the value of that land or the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the Agency under a contract for the purpose of reimbursing a governmental entity constitutes an indebtedness of the Agency that may be paid from taxes levied and allocated to the Agency pursuant to Chapter 279.676 (b)(1) of the Community Redevelopment Law, or from any other available money.

#### 4.9.4 Development Plans

All development plans (whether public or private) must be processed in the manner provided by applicable City ordinances, resolutions and codes. All development

in the Redevelopment Area must conform to City design review procedures, which may include Agency comment on the development plan's conformity with this Plan and other adopted guidelines and plans.

**4.9.5 Personal Property Disposition**

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property that is owned by the Agency.

**4.10 PROVISION OF LOW- AND MODERATE-INCOME HOUSING**

If required under the Community Redevelopment Law, the Agency will use tax increment funds from the Redevelopment Area for the purpose of increasing, improving and preserving the supply of low- and moderate-income housing in the community.

**4.11 PROMOTION OF REDEVELOPMENT**

The Agency may engage in any activity authorized by this Plan and applicable law to promote redevelopment of the Redevelopment Area by private developers and other public agencies. In addition, to encourage and support redevelopment by private developers and other public agencies, the Agency may engage or assist in marketing, outreach, dissemination of public information, public events, and other activities promoting the Redevelopment Area.

**V. USES PERMITTED IN THE REDEVELOPMENT AREA**

**5.1 REDEVELOPMENT LAND USES MAP**

The "Redevelopment Land Uses Map" attached hereto as Exhibit C and incorporated herein by reference, illustrates the location of the Redevelopment Area boundaries, streets within the Redevelopment Area, and the major land uses authorized within the Redevelopment Area by the Comprehensive Plan. It is the intention of this Plan that the land uses permitted within the Redevelopment Area be consistent with the Comprehensive Plan, as it currently exists, as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions and other laws. From time to time the City will update and revise the Comprehensive Plan.

**5.2 MAJOR LAND USE DESIGNATIONS**

The proposed redevelopment of the Redevelopment Area as described in this Plan conforms to the Comprehensive Plan of the City currently in effect and as it may be amended in the future from time to time. The major land uses permitted within the Redevelopment Area will include residential uses, commercial uses, industrial uses, public uses, open space and recreational uses.

5.3 OTHER LAND USES

5.3.1 Public Street Layout, Rights-of-Way and Easements

The major public thoroughfare within the Redevelopment Area is State Route 147, also known as Lake Mead Boulevard.

The layout of streets in the Redevelopment Area as they now exist is shown in the Map. Additional public streets, alleys and easements may be created in the Redevelopment Area as needed for proper use and development. Existing streets and alleys may be abandoned, closed or modified as necessary for proper use and development. It is anticipated that development may entail vacation or realignment of certain streets, alleys, and other rights-of-way.

Any changes in the existing street layout must be in accord with the Comprehensive Plan, the objectives of this Plan, and the City's design standards, as applicable; will be effectuated in the manner prescribed by state and local law, and guided by the following criteria:

- a. a balance of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with similar needs of existing developments proposed or potentially proposed to remain. Such balancing will take into consideration the rights of existing owners under the participation rules adopted by the Agency for the Redevelopment Area, and any executed participation agreements in accordance with such rules;
- b. the requirements imposed by such factors as topography, traffic safety and aesthetics;
- c. the potential need to serve not only the Redevelopment Area and new or existing developments, but to also serve areas outside the Redevelopment Area by providing convenient, efficient vehicular access and movement; and
- d. the potential need or desire to accommodate the facilities or equipment for public transportation.

The public rights-of-way may be used for vehicular or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained, amended or created.

5.3.2 Other Public, Semi-Public, Institutional and Non-profit Uses

Consistent with the Comprehensive Plan, the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or

nonprofit uses within the Redevelopment Area, including without limitation, park and recreational facilities, schools, child care facilities, libraries, educational, fraternal, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way and facilities of other similar associations or organizations. All such uses must conform to the applicable provisions of this Plan. The Agency may impose such other reasonable requirements or restrictions as may be necessary to enhance the development and revitalization of the Redevelopment Area.

#### 5.3.3 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Redevelopment Area for interim uses that are not in conformity with the uses permitted in this Plan. Any interim use must conform to all applicable City codes.

#### 5.3.4 Conforming Properties

The Agency may, in its sole and absolute discretion, determine that certain real properties within the Redevelopment Area meet the requirements of this Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without an owner participation agreement with the Agency, provided such owners continue to operate, use, and maintain the real properties within the requirements of this Plan.

An owner of a conforming property may be required by the Agency to enter into an owner participation agreement with the Agency in the event that such owner desires to construct any additional improvements or substantially alter or modify existing structures on any of the "conforming" real property or acquire additional property within the Redevelopment Area.

#### 5.3.5 Non-conforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Redevelopment Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Redevelopment Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Redevelopment Area where, in the determination of the Agency, such improvements would be compatible with surrounding uses and development is permitted under applicable City codes.

#### 5.4 GENERAL CONTROLS AND LIMITATIONS

All real property within the Redevelopment Area is hereby made subject to the controls and requirements of this Plan. No real property may be developed, rehabilitated, or otherwise changed after the effective date of the ordinance adopting this Plan, except in conformance with the provisions of this Plan.

##### 5.4.1 Construction

All construction in the Redevelopment Area must comply with all applicable state and local laws and codes in effect from time to time. In addition, the Agency may adopt specific performance and development standards to control and direct redevelopment activities in the Redevelopment Area.

##### 5.4.2 Rehabilitation and Retention of Properties

Any existing structure within the Redevelopment Area approved by the Agency for retention and rehabilitation must be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

##### 5.4.3 Limitation on the Number of Buildings

The approximate number of buildings in the Redevelopment Area may not exceed the number of buildings permitted under the Comprehensive Plan.

##### 5.4.4 Number of Dwelling Units

The number of dwelling units permitted in the Redevelopment Area may not exceed the maximum number of dwelling units allowed under the densities permitted under the Comprehensive Plan.

##### 5.4.5 Limitation on Type, Size, and Height of Buildings

Except as otherwise set forth in this Plan, the type, size, and height of buildings will be in accordance with applicable federal, state, and local statutes, ordinances, and regulations, including without limitation the Comprehensive Plan and City codes.

##### 5.4.6 Landscaping, Light, Air, and Privacy

Landscaping will be provided to enhance open spaces in the Redevelopment Area and create a high-quality aesthetic environment. Sufficient space must be maintained between buildings in all areas to provide adequate light, air, and privacy.

5.4.7 Signs

All signs must conform to City sign ordinances and other requirements as they now exist or are hereafter amended.

5.4.8 Utilities

The Agency will require that all utilities are placed underground whenever physically and economically feasible.

5.4.9 Incompatible Uses

The Agency will not permit any use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, would be incompatible with the surrounding areas or structures in any part of the Redevelopment Area.

5.4.10 Non-discrimination and Non-segregation

No discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry is permitted in the sale lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Redevelopment Area.

5.5 BUILDING PERMITS

From the date of adoption of this Plan, the City cannot issue a building permit for the rehabilitation or construction of any new building or any addition, construction, moving, conversion or alteration to an existing building within the Redevelopment Area unless the application for such permit is in conformance with the provisions of this Plan and all other City requirements.

**VI. METHODS FOR FINANCING THE PROJECT**

6.1 GENERAL DESCRIPTION OF FINANCING METHODS

The Agency is authorized to finance activities within the Redevelopment Area and carry out the purpose of this Plan with tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, owner participant or developer loans, participation in development, or with financial assistance from Clark County, the City, the State, the federal government, or any other available source, public or private. In carrying out the purpose of this Plan, the Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness. The principal and interest on Agency indebtedness may be paid from tax increment or any other funds available to the Agency. For survey and planning purposes, the Agency is authorized to receive and expend advances and loans received from Clark County, the City or any other available

source, public or private, until adequate tax increment or other funds are available or sufficiently assured to repay the advances and loans. The City and Clark County, as they are able and authorized, may also supply additional assistance through the issuance of bonds, making of loans and grants, and delivery of in-kind assistance. In addition, to finance activities in the Redevelopment Area or to carry out this Plan, the Agency may use all monies received from any source as permitted by law.

Tax increment financing, as authorized by Section 6 of this Plan, is intended as a source of financing in combination with other sources of financing that may be available to fund specific activities within the Redevelopment Area.

## 6.2 TAX INCREMENT FUNDS

After the effective date of the ordinance approving this Plan, all taxes levied upon taxable property within the Redevelopment Area, by or for the benefit of the State, Clark County, the City, or any other district or public corporation (hereinafter sometimes called "taxing agencies"), will be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, approving this Plan, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in the Redevelopment Area on the effective date of the ordinances, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of Clark County last equalized on the effective date of the ordinance, approving this Plan, must be used in determining the assessed valuation of the taxable property in the Redevelopment Area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

2. Except as otherwise provided in paragraphs 3 and 4 below and state law, that portion of the levied taxes each year in excess of the amount set forth in paragraph 1 above, must be allocated to and when collected must be paid into a special fund of the Agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the Agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in the Redevelopment Area exceeds the total assessed value of the taxable property in the Redevelopment Area as shown by the last equalized assessment roll referred to in

paragraph 1 above, all of the taxes levied and collected upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies. When this Plan is terminated pursuant to state law and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

4. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

In any fiscal year, the total revenue paid to the Agency must not exceed an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by ten (10) percent of the total assessed valuation of the City.

If the revenue paid to the Agency must be limited pursuant to the immediately above paragraph and the Agency has more than one redevelopment area, the Agency shall determine the allocation to each redevelopment area. Any revenue which would be allocated to the Agency but for the provisions of this paragraph must be paid into the funds of the respective taxing agencies.

For the purposes of this Section, the assessment roll last equalized before the effective date of the ordinance approving this Plan is the assessment roll in existence on March 15th immediately preceding the effective date of the ordinance.

This Section 6.2 shall be construed to fully implement the provisions of Section 279.676 of the Community Redevelopment Law.

### 6.3 AGENCY BONDS

The Agency is authorized to issue bonds from time to time to finance all or any part of activities in the Redevelopment Area.

Neither the members of the Agency, Agency staff, nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

Unless the full faith and credit of a community is pledged, the bonds and other obligations of the Agency are not a debt of the City, the State or any of its political subdivisions and neither the City, the State nor any of its political subdivisions is liable on them, nor in any event will the bonds or obligations be payable out of any funds or properties other than those of the Agency, as stated on the face of each bond or other obligation. Unless the full faith and credit of a community is pledged, the bonds do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

#### 6.4 OTHER LOANS AND GRANTS

Any other loans, grants, guarantees, or financial assistance from the United States, the State, or any other public or private source will be utilized if available as appropriate in carrying out activities in the Redevelopment Area. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

#### 6.5 TIME LIMIT ON ISSUING SECURITIES OR INDEBTEDNESS

Securities must not be issued and no indebtedness may be incurred in any other manner, by or on behalf of the Agency, to finance, in whole or in part, this Plan after **March 19**, 2029. The Agency may, as an exception, enter into leases or incur indebtedness at any time before the termination of this Plan if the leases are terminated and the indebtedness is fully repaid no later than the termination of the Plan. The maturity date of any securities which are refunded must not extend beyond the date of termination of the Plan.

Any securities issued by or on behalf of the Agency to finance, in whole or in part, redevelopment pursuant to the Community Redevelopment Law Sections 279.619 to 279.626, inclusive, and 279.634 to 279.672, inclusive, must mature and be fully paid, including any interest thereon, before the termination of this Plan.

### VII. ACTIONS BY THE CITY

The City may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City may include, but are not limited to, the following:

a. institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, in the Redevelopment Area. Such action by the City may include the requirement of abandonment, removal, and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that

nothing in this Plan requires the cost of the abandonment, removal, and relocation be borne by others than those legally required to bear such costs;

- b. institution and completion of proceedings necessary for changes and improvements in private and publicly-owned utilities within or affecting the Redevelopment Area;
- c. revision or adoption of City zoning ordinance(s), specific plan(s), or the Comprehensive Plan as appropriate within the Redevelopment Area to permit the land uses and development authorized by or necessary or desired to carry out this Plan;
- d. imposition wherever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Redevelopment Area to ensure their proper development and use;
- e. execution of statutory development agreements where necessary and appropriate to facilitate developments approved by the Agency;
- f. provisions for administrative enforcement of this Plan by the City, after completion of any redevelopment project;
- g. provisions of services and facilities and the various officials, offices and departments of the City for the Agency's purposes under this Plan;
- h. the dedication, sale, conveyance or lease of any real property owned by the City to the Agency without consideration paid by the Agency and without the need to place such real property owned by the City up for public bid prior to transferring title of said real property to Agency;
- i. provision of financial assistance in accordance with Section 6 of this Plan or as authorized by law;
- j. the undertaking and completing of any other proceedings necessary to carry out activities in the Redevelopment Area; and
- k. performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Redevelopment Area to be commenced and carried to completion without unnecessary delays.

The foregoing actions to be taken by the City may involve financial outlays by the City, but do not constitute a commitment to make such outlays.

#### **VIII. ADMINISTRATION AND ENFORCEMENT**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, will be performed by either the Agency or the City.

Without limitation on the powers conferred on the City or Agency by statute or law, the provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Redevelopment Area may be enforced by such owners.

#### **IX. DURATION OF PLAN**

The provisions of this Plan and any amendments hereto will be effective and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty (30) years after the date on which this Plan is adopted unless otherwise amended or extended as permitted by law.

#### **X. PROCEDURE FOR AMENDMENT**

This Plan may be amended pursuant to the requirements and procedures set forth in the Community Redevelopment Law.

This Plan is to be liberally construed and not interpreted as a limitation on the powers of the Agency. Notwithstanding any provision in this Plan to the contrary, the Agency may hereby utilize all powers of a redevelopment agency pursuant to the Community Redevelopment Law and all other applicable laws, as the same now exist or may hereafter be amended or adopted.

#### **XI COOPERATION AGREEMENT(S)**

The Agency and the City may enter into any agreement(s) between them which they deem necessary to implement the provisions of this Plan. Such agreements relate only to the implementation of this Plan and do not revise, change or modify any of the provisions, requirements or limitations of this Plan.

## **XII. SEVERABILITY**

If any term, provision or authorization of this Plan is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Plan will continue in full force and effect unless an essential purpose of this Plan is defeated by such invalidity or unenforceability. In the event that any portion of the Redevelopment Area is determined to have been invalidly or incorrectly included in the Redevelopment Area that is the subject of this Plan, that portion of the Redevelopment Area will be deemed severable from the remainder of the Redevelopment Area and the remainder of the Redevelopment Area will remain fully subject to the provisions of this Plan.

**EXHIBIT A**

**LEGAL DESCRIPTION FOR LAKEMOOR CANYON REDEVELOPMENT AREA**

**LEGAL DESCRIPTION**

Portions of Sections 26, 34, 35 and 36 of Township 21 South, Range 63 East, M.D.M., Clark County, Nevada, more particularly described as follows:

**Beginning** at the Southeast Quarter (SE ¼) of said Section 26; Thence North 02°01'57" East along the east line of said Section 26, a distance of 4,982.38 feet to the southerly boundary of that certain area Annexed into the City of Henderson per Ordinance No. 2064; Thence along the northerly boundary of the said Annexed area the following twenty-five (25) courses;

- 1) South 17°55'57" West, a distance of 574.84 feet to the beginning of a 3,250.00 foot radius curve, concave northwesterly;
- 2) Southwesterly along said curve to the right, an arc length of 663.92 feet through a central angle of 11°42'16";
- 3) South 29°38'13" West, a distance of 2,802.52 feet to the beginning of a 1,950.00 foot radius curve, concave northwesterly;
- 4) Southwesterly along said curve to the right, an arc length of 544.56 feet through a central angle of 16°00'02";
- 5) South 81°56'40" West, a distance of 143.72 feet;
- 6) North 32°01'18" West, a distance of 291.79 feet;
- 7) South 64°14'41" West, a distance of 598.17 feet;
- 8) South 81°07'42" West, a distance of 651.88 feet;
- 9) South 31°57'18" East, a distance of 565.94 feet;
- 10) South 70°05'46" West, a distance of 811.96 feet;
- 11) South 89°40'35" West, a distance of 567.19 feet;
- 12) South 31°59'27" East, a distance of 197.67 feet to a point on a 10,050.00 foot radius curve, concave southeasterly, to which point a radial line bears North 21°21'05" West;
- 13) Southwesterly along said curve to the left, an arc length of 925.89 feet through a central angle of 05°16'43";
- 14) South 63°22'12" West, a distance of 1646.69 feet;
- 15) North 32°02'48" West, a distance of 150.67 feet;
- 16) North 25°25'59" East, a distance of 166.32 feet;
- 17) North 09°30'31" East, a distance of 206.53 feet;
- 18) North 60°13'14" West, a distance of 199.33 feet;
- 19) North 73°05'52" West, a distance of 251.71 feet;
- 20) South 38°59'37" West, a distance of 95.77 feet;
- 21) South 21°44'00" East, a distance of 454.92 feet;
- 22) South 45°20'13" East, a distance of 122.12 feet to the beginning of a 10,200.00 foot radius curve, concave southerly, to which beginning a radial line bears North 26°37'48" West;
- 23) Thence southwesterly along said curve to the left, an arc length of 775.89 feet, through a central angle of 4°21'30";
- 24) Thence South 59°00'42" West, a distance of 2389.20 feet to the beginning of a 3,800.00 foot curve, concave northwesterly;
- 25) Thence southwesterly along said curve to the right, an arc length of 813.13 feet, through a central angle of 12°15'37" to a point on the west line of the Southwest Quarter (SW ¼) of said Section 34;

Thence South 04°21'47" East along the said Southwest Quarter (SW ¼), a distance of 2,386.17 feet to the southwest corner of said Section 34; Thence North 88°55'24" East along the south line of said Section 34, a distance of 5,353.67 feet to the southwest corner of said Section 35; Thence South 89°35'53" East along the south line of said Section 35, a distance of 2,506.02 feet to the South One-Quarter (S ¼) of said Section 35; Thence continuing along the said south line, North 89°08'07" East, a distance of 2,464.44 feet to the southeast corner of said Section 35; Thence North 01°28'45" West along the east line of said Section 35, a distance of 1,843.61 feet; Thence departing said east line, North 81°24'29" East, a distance of 400.06 feet; Thence North 19°05'31" West, a distance of 500.00 feet; Thence North 81°24'29" East, a distance of 305.11 feet; Thence North 19°05'31" West, a distance of 1,500.00 feet; Thence South 81°24'29" West, a distance of 95.31 feet to a point on the said east line of Section 35; Thence North 01°28'45" West along the said east line, a distance of 42.18 feet; Thence departing said east line, North 48°54'53" East, a distance of 397.63 feet; Thence North 31°36'13" West, a distance of 610.42 feet to a point on the said east line of Section 35; Thence North 01°28'46" West along the said east line, a distance of 700.96 feet to the **Point of Beginning**.

Containing 1259 acres, more or less.

Basis of Bearing: North 02°01'57" East, being the east line of Section 26, Township 21 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada as shown on Book 121 of Plats, Page 50, Clark County, Nevada Recorder's Office.

Prepared by:  
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240 Water Street-MS C 131  
PO Box 95050  
Henderson, NV 89009-5050

**EXHIBIT B**

**REDEVELOPMENT AREA MAP**

Redevelopment Area Map  
On file in the City of Henderson Clerk's Office

**EXHIBIT C**

**REDEVELOPMENT LAND USES MAP**

Redevelopment Land Uses Map  
On file in the City of Henderson Clerk's Office