

Summary - An ordinance creating the City of Las Vegas, Nevada, Special Improvement District No. 613 (Sunstone Phases III and IV), ratifying action taken by City officers toward the creation of such District, and providing other matters related thereto.

BILL NO. 2024-3

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 613 (SUNSTONE PHASES III AND IV); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT, DRAINAGE PROJECT, AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council (the “Council”) of the City of Las Vegas, Nevada (the “City”), deems it necessary to create the City of Las Vegas, Nevada, Special Improvement District No. 613 (Sunstone Phases III and IV) (the “District”) for the purpose of acquiring and improving a street project, storm sewer project, sanitary sewer project, drainage project, and water project (collectively, the “Project”), and to defray the entire cost and expense of the Project by special assessments, according to benefits levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, pursuant to Chapter 271 of the Nevada Revised Statutes (“NRS”) and all laws amendatory thereof and supplemental thereto (the “Act”), there has previously been presented to the Council a written petition from Northland LLC, a Delaware limited liability company (the “Developer”), requesting the City to initiate the formation of the District and the acquisition and improvement of the Project and to issue bonds and levy assessments and requesting the City to proceed with certain actions required by the Act; and

WHEREAS, the City and the Developer have entered into a Development and Financing Agreement dated as of February 7, 2024 (the “Financing Agreement”), for the acquisition and improvement of the Project that contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Developer is the owner of 100% of the assessable property comprising the District; and

WHEREAS, the Council and the officers of the City have done or caused to be done all things necessary and preliminary to the creation of the District, including but not limited to the filing by the City Engineer with the City Clerk of an accurate estimate of cost, full and detailed plans and specifications which comply with NRS 271.710(3)(b), an assessment plat and map and an assessment roll, and the Council now desires to authorize the Project by this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA, DOES ORDAIN:

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 613 Creation Ordinance" (this "Ordinance").

Section 2. There shall be, and hereby is, created in the City an improvement district designated as the "City of Las Vegas, Nevada, Special Improvement District No. 613 (Sunstone Phases III and IV)" for the purpose of acquiring and improving the Project, as more particularly described below. The Council, pursuant to NRS 271.325(1), has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 3. The Project, which is hereby ordered to be acquired and improved, shall be as shown on the full and detailed plans and specifications for the District filed with the City Clerk. The kind and location of the Project (without mentioning minor details) is as follows:

The Project consists of the acquisition and construction of certain improvements within and without the District to include, without limitation, streets, sanitary sewers, storm sewers, drainage improvements, and water mains, in, along, and adjacent to the property described in this Section 3, and all appurtenances and incidentals necessary, useful or desirable, including real and other property therefor, which is more particularly described (with all segment lengths to be current approximations subject to minor adjustment) as set forth below:

Project 1: Moccasin 16" Water

This project consists of 105 linear feet of 10" DIP water main, 10 linear feet of 12" water main as well as 3,065 linear feet of 16" water main. The project runs north on Moccasin Road between Skye Village Road and Sunbridge Point Way. The project also includes one fire hydrant, flanges, gate valves, blow offs, tees, test stations and related appurtenances.

This project has an estimated construction cost of \$834,935, with a special improvement district eligible cost of \$960,175. Based on the net assessable acreage between the City's Special Improvement District No. 611 ("SID No. 611") and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$478,167 (which includes soft costs).**

Project 2: Moccasin Storm Drain

This project consists of drainage improvements within Log Cabin Way between US 95 and North Skye Canyon Park Drive, and North Skye Canyon Park Drive between Moccasin Road and Log Cabin Way. The project includes construction of reinforced concrete boxes ("RCB's") and reinforced concrete piping ("RCP's") of various sizes, storm drain manholes, storm drain structures, a catch basin west of U.S. 95, trenching & backfill, together with appurtenances and appurtenant work. Costs also include 5,955 square yards of Asphalt Concrete ("AC") Pavement.

This project has an estimated construction cost of \$12,731,045, with a special improvement district eligible cost of \$14,640,702. Based on the net assessable acreage between SID No. 611 and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$7,291,069 (which includes soft costs).**

Project 3: 36" Water Transmission Main

This project consists of main water transmission improvements along Sunbridge Point Way, Log Cabin Way and Skye Canyon Park Dr. The project includes approximately 5,800 linear feet of 36" multi-layer composite piping ("MLTCP"), construction of valve vault structures with internal piping and approximately 5,800 linear feet of fiber optic conduit. Costs also include blow offs, air valves, access manholes, fiber optic vaults, valved outlets and test stations.

This project has an estimated construction cost of \$2,322,101, with a special improvement district eligible cost of \$2,670,416. Based on the net assessable acreage between SID No. 611 and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$1,329,867 (which includes soft costs).**

Project 4: Log Cabin Road

This project consists of roadway construction of Log Cabin Way between North Skye Canyon Park Drive and Skye Pointe Drive. The project includes approximately 24,000 cubic yards of excavation, approximately 36,000 square yards of grading and AC pavement, approximately 55,000 square feet of sidewalks, approximately 15,000 linear feet of Type “L” & “A” curbs, 27 street lights, approximately 2,000 linear feet of storm drain RCP’s of various sizes and approximately 5,100 linear feet of 12” water main piping. The project also includes, sidewalk ramps, striping, street signs, survey monuments, pullboxes, vaults, conduit, storm drain manholes, drop inlets, fire hydrants and sewer manholes.

This project has an estimated construction cost of \$6,512,197, with a special improvement district eligible cost of \$7,489,027. Based on the net assessable acreage between SID No. 611 and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$3,729,535 (which includes soft costs).**

Project 5: Skye Canyon Park Dr. (Phase 1)

This project consists of roadway construction of a segment of North Skye Canyon Park Drive between Moccasin Road and Iron Mountain Road. The project includes approximately 12,300 cubic yards of excavation, approximately 15,700 square yards of grading and AC pavement, approximately 20,200 square feet of sidewalks, approximately 2,500 linear feet of Type “L” curbs, 15 street lights, approximately 1,600 linear feet of storm drain RCP’s of various sizes, approximately 1,400 linear feet of 12” water main piping and 1,500 linear feet of sewer piping of various sizes. The project also includes, sidewalk ramps, striping, street signs, survey monuments, pullboxes, vaults, conduit, storm drain manholes, drop inlets, fire hydrants and sewer manholes.

This project has an estimated construction cost of \$3,217,257, with a special improvement district eligible cost of \$3,699,846. Based on the net assessable acreage between SID No. 611 District and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$1,842,523 (which includes soft costs).**

Project 6: O’Hare Road

This project consists of roadway construction of O’Hare Road between Log Cabin Way and North Skye Canyon Park Drive. The project includes approximately 11,800 cubic yards of excavation, approximately 13,500 square yards of grading and AC pavement, approximately 46,000 square feet of sidewalks, approximately 6,400 linear feet of Type “L” & “A” curbs, 21 street lights, approximately 1,900 linear feet of storm drain RCP’s of various sizes, approximately 4,200 linear feet of water main piping of various sizes and 2,700 linear feet of sewer piping of various sizes. The project also includes, sidewalk ramps, striping, street signs, survey monuments, pullboxes, vaults, conduit, storm drain manholes, drop inlets and sewer manholes.

This project has an estimated construction cost of \$3,976,775, with a special improvement district eligible cost of \$4,573,291. Based on the net assessable acreage between SID No. 611 and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$2,277.499 (which includes soft costs).**

Contingent Project 7: Sunbridge Point Way

This project consists of roadway construction of Sunbridge Point Way between Log Cabin Way and Moccasin Road. The project includes approximately 11,800 cubic yards of excavation, approximately 19,045 square yards of grading and AC pavement, approximately 39,208 square feet of sidewalks, approximately 11,742 linear feet of Type "L" & "A" curbs, 21 street lights, approximately 4,955 linear feet of storm drain RCP's of various sizes, approximately 4,200 linear feet of water main piping of various sizes and 1,657 linear feet of sewer piping of various sizes. The project also includes, sidewalk ramps, striping, street signs, survey monuments, pullboxes, vaults, conduit, storm drain manholes, drop inlets and sewer manholes.

This project has an estimated construction cost of \$6,175,981, with a special improvement district eligible cost of \$7,102,378. Based on the net assessable acreage between SID No. 611 and the District, the split of such costs would be 50.2% for SID No. 611 and 49.8% for the District. **Consequently, this project has a District eligible cost of \$3,536,984 (which includes soft costs). This project is contingent and will only be a District eligible to the extent described in the Financing Agreement.**

The boundaries of the District, including the parcels to be assessed, are legally described as follows:

SID DESCRIPTION

- Parcels 5 and 7 of Parent Final Map of Sunstone, a common interest community, as shown by map thereof on File in Book 161 of Plats, Page 40 in the Office of the County Recorder, Clark County, Nevada.
- Sunstone Parcel G Unit 1 as recorded in Book 170 of Plats, Page 30 in the Office of the County Recorder, Clark County Nevada.
- Parcel 2 of Parcel Map as recorded in Book 126 of Plats, Page 98 in the Office of the County Recorder, Clark County, Nevada.
- Parcel 3 at Sunstone Phase 3 as recorded in Book 169 of Plats, Page 54 in the Office of the County Recorder, Clark County, Nevada.
- Parcel 3 of Parcel Map as recorded in Book 126 of Plats, Page 97 in the Office of the County Recorder, Clark County, Nevada.

Section 4. The District shall constitute one construction unit with the projects and subprojects described in Section 3. All of the costs of the Project will be defrayed by assessments. The assessments, levied in the principal amount not to exceed \$18,220,000 plus interest thereon, shall be payable in semiannual installments at the office of the City Treasurer on the dates and in the amounts set forth in the assessment ordinance related to the District hereafter adopted by the Council.

Section 5. All actions, proceedings and matters previously taken, had and done by the Council and the officers of the City (not inconsistent with the provisions of this Ordinance), concerning the District and the Project, including but not limited to the performing of all prerequisites to the creation of the District, the entering into of the Financing Agreement, the acquisition and improvement of the Project, the determination of the specially benefited property therein, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 6. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds for the Project.

Section 7. Immediately upon the final adoption of this Ordinance, the Council shall, and hereby directs the City Clerk to, file in the office of the County Recorder of Clark County, Nevada, a certified copy of the list of the tracts to be assessed, as shown on the final assessment plat and map. Notwithstanding the foregoing, neither the failure to record such list nor any defect or omission in such list regarding any tract to be included in the District shall affect the validity of any assessment, the lien for the payment thereof or the priority of that lien.

Section 8. If bonds are issued for the Project, the Engineer is hereby authorized to approve all requests by the Developer for payment by the City for the acquisition of each subproject described in the Financing Agreement, subject to and in accordance with the applicable provisions of the Financing Agreement. Upon such approval, the City Treasurer is hereby authorized to make such payments to the Developer, without the necessity of any further authorization or approval by the Council.

Section 9. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, previously repealed.

Section 10. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. 2024-3

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 613 (SUNSTONE PHASES III AND IV); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT, DRAINAGE PROJECT, AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 495 S. Main Street, Las Vegas, Nevada, and that such Ordinance was proposed February 7, 2024, and will be considered for adoption at a regular meeting of the City Council of the City of Las Vegas to be held on February 21, 2024.

/s/ LUANN D. HOLMES, MMC,
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

Section 11. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 613 (SUNSTONE PHASES III AND IV); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT, DRAINAGE PROJECT, AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that such Ordinance was proposed on February 7, 2024, and was passed at the meeting held on February 21, 2024, by the following vote of the City Council:

Those Voting Aye:	_____
Those Voting Nay:	_____
Those Absent:	_____

This Ordinance shall be in full force and effect from and after February 25, 2024, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this February 21, 2024.

/s/ CAROLYN G. GOODMAN
Mayor

Attest:

/s/ LUANN D. HOLMES, MMC
City Clerk

(End of Form of Publication of Adoption of Ordinance)

Section 12. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

CAROLYN G. GOODMAN, Mayor

(SEAL)

Attest:

LUANN D. HOLMES, MMC,
City Clerk

Approved as to Form:



CRISLOVE IGELEKE, Deputy City Attorney

This Ordinance shall be in full force and effect from and after February 25, 2024, i.e., the date after the publication of such ordinance by its title.

STATE OF NEVADA)
)
COUNTY OF CLARK :ss.
)
CITY OF LAS VEGAS)

I am the duly chosen and qualified City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on February 7, 2024 and finally adopted and approved on February 21, 2024.

2. The following members of the Council were present at the February 7, 2024, Council meeting:

Mayor:	Carolyn G. Goodman
Council members:	Brian Knudsen
	Victoria Seaman
	Olivia Diaz
	Francis Allen-Palenske
	Cedric Crear
	Nancy E. Brune

Those Absent:

3. The foregoing Ordinance was first proposed and read by title to the City Council on February 7, 2024, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on February 21, 2024, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the February 21, 2024 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Mayor:

Council members:

Carolyn G. Goodman

Brian Knudsen

Victoria Seaman

Olivia Diaz

Francis Allen-Palenske

Cedric Crear

Nancy E. Brune

Those Voting Nay:

Those Absent:

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as the City Clerk, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meeting.

6. Public notice of the February 7, 2024 and February 21, 2024 meetings of the City Council was given and such meetings were held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notices of meeting and excerpt from the agendas for the meeting relating to the Ordinance, as posted at least 3 working days in advance of each meeting on the City's website, the State of Nevada's official website and at the City Council's office are attached as Exhibits A and B, respectively.

7. A copy of the notice was transmitted by mail or electronic mail to each person, if any, who has requested notice of the meetings of the City Council. Such notice, if mailed, was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

8. Upon request, the City Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or resolution which will be discussed at the public meeting, and any other supporting materials provided to the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

9. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand on this February 21, 2024.

LUANN D. HOLMES, MMC, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of February 7, 2024 Meeting)

EXHIBIT B

(Attach Copy of Notice of February 21, 2024 Meeting)

EXHIBIT C

**(Attach Affidavit of Publication of
Notice of Deposit of the Ordinance)**

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)