

Summary - An ordinance creating the City of Las Vegas, Nevada, Special Improvement District No. 818 (Summerlin Village 27), ratifying action taken by City officers toward the creation of such District, and providing other matters related thereto.

BILL NO. 2024-35

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 818 (SUMMERLIN VILLAGE 27); 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. 818 (Summerlin Village 27) (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 The Howard Hughes Company, 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 October 2, 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. 818 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. 818 (Summerlin Village 27)" 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** - Regional Village 27 Parcel E Boundary Drainage Channel – Rough Grading and Storm Drain Improvements. This project consists of rough grading and storm drain improvements of the Village 27 Parcel M & E Boundary Drainage Channel on the western side of Village 27 and located within Parcel DC-2 and outfalls to the Debris Basin. This project has a total construction cost of \$5,755,331, with a District eligible 15% soft cost of \$863,300. The District's eligible cost is 100% of the total cost of \$6,618,631.
- **Project 2** - Regional Village 27 Debris Basin and Outlet – Rough Grading and Storm Drain Improvements. This project consists of rough grading and storm drain improvements of the Village 27 Debris Basin and Outlet on the western side of Village 27, located within the northern portion of Parcel DC-2, and outfalls to east into the Village 27 COS-1 RCB Dissipator. This project has a total construction cost of \$7,030,541, with a District eligible 15% soft cost of \$1,054,581. The District's eligible cost is 100% of the total cost of \$8,085,122.
- **Project 3** - Regional Village 27 COS-1 RCB Dissipator – Rough Grade and Storm Drain Improvements. This project consists of rough grading, and storm drain improvements for the Regional Village 27 COS-1 RCB Storm Drain and Dissipator that runs from the east side of Village 27 starting at the Debris Basin outfall and runs east to COS-1 and the Village 27 eastern boundary. This project has a total construction cost of \$13,631,966, with a District eligible 15% soft cost of \$2,044,795. The District's eligible cost is 100% of the total cost of \$15,676,761.
- **Project 4A** - Village 27 Park Drift Trail, Sunset Run, Calico Bend – Road Grading, Sewer, Storm Drain, Water and Pavement Improvements. This project consists of rough grading, sewer, water, storm drain and pavement improvements of the Village 27 Park Drift Trail (Lake Mead Boulevard to Sunset Run Drive), Sunset Run Drive (Lake Mead Boulevard to Park Drift Trail), and Calico Bend Drive (Lake Mead Boulevard to Sunset Run Drive). This work includes the rough grading for the pedestrian access and utility corridor areas on both sides of the roadway improvements. This project has a total construction cost of \$3,913,500, with a District eligible 15% soft cost of \$587,025. The District's eligible cost is 100% of the total cost of \$4,500,525.
- **Project 4B** - Village 27 Park Drift Trail, Sunset Run, Calico Bend – Street Lights Improvements. This project consists of street lights and pavement for the Village 27 Park Drift Trail (Lake Mead Boulevard to Sunset Run Drive), Sunset Run Drive (Lake Mead Boulevard to Park Drift Trail), and Calico Bend Drive (Lake Mead Boulevard to Sunset Run Drive). This project has a total construction cost of \$1,000,636, with a District eligible 15% soft cost of \$150,095. The District's eligible cost is 100% of the total cost of \$1,150,731.
- **Project 5A** - Village 27 Park Drift Trail, Sunset Run to Lake Mead East – Road Grading, Sewer, Storm Drain, Water and Pavement Improvements. This project consists of rough grading, sewer, water, storm drain and pavement improvements of the Village 27 Park Drift Trail from Sunset Run Drive to the eastern connection with Lake Mead Boulevard. This work includes the rough grading for the pedestrian access and utility corridor areas on both sides of the roadway improvements. This project has a total construction cost of

\$10,852,136, with a District eligible 15% soft cost of \$1,627,820. The District's eligible cost is 100% of the total cost of \$12,479,956.

- **Project 5B** - Village 27 Park Drift Trail, Sunset Run to Lake Mead East – Street Lights Improvements. This project consists of street lights and pavement for the Village 27 Park Drift Trail from Sunset Run Drive to the eastern connection with Lake Mead Boulevard. This project has a total construction cost of \$1,257,874, with a District eligible 15% soft cost of \$188,681. The District's eligible cost is 100% of the total cost of \$1,446,555.

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

SID DESCRIPTION

The land referred to herein below is situated in the County of Clark, State of Nevada, and described as follows:

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 3 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 173 OF PLATS, PAGE 2, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 169 OF PLATS, PAGE 38, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPTING THEREFROM ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 PARCEL M PHASE 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 172 OF PLATS, PAGE 9, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 2 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 172 OF PLATS, PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 PARCEL M PHASE 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 172 OF PLATS, PAGE 9, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

PARCEL 4 AS SHOWN BY MAP THEREOF ON FILE IN FILE 126 OF PARCEL MAPS, PAGE 16, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPTING THEREFROM FROM PARCEL 4 THE FOLLOWING:

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 3 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 173 OF PLATS, PAGE 2, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 169 OF PLATS, PAGE 38, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 UNIT 2 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 172 OF PLATS, PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

AND

ALL OF THE REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THE FINAL MAP OF SUMMERLIN WEST VILLAGE 27 PARCEL M PHASE 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 172 OF PLATS, PAGE 9, IN THE OFFICE OF THE COUNTY RECORDER OF 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 \$37,990,000 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. 2024-35

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 818 (SUMMERLIN VILLAGE 27); 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 October 2, 2024, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas to be held on October 16, 2024.

/s/ DR. 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. 818 (SUMMERLIN VILLAGE 27); 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 October 2, 2024, and was passed at the meeting held on October 16, 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 October 20, 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 October 16, 2024.

/s/ CAROLYN G. GOODMAN
Mayor

Attest:

/s/ DR. 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:

DR. LUANN D. HOLMES, MMC,
City Clerk

Approved as to Form:



CRISLOVE IGELEKE, Deputy City Attorney

CAO
CAI
APPROVED

This Ordinance shall be in full force and effect from and after October 20, 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 October 2, 2024 and finally adopted and approved on October 16, 2024.

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

Mayor:

Council members:

Carolyn G. Goodman
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 October 2, 2024, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on October 16, 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 October 16, 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 October 2, 2024 and October 16, 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 October 16, 2024.

(SEAL)

DR. LUANN D. HOLMES, MMC, City Clerk

EXHIBIT A

(Attach Copy of Notice of October 2, 2024 Meeting)

EXHIBIT B

(Attach Copy of Notice of October 16, 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)