

Summary - an ordinance modifying certain subprojects within Special Improvement District No. 128 (The Summerlin Centre) and approving a third amendment to the Agreement for the Design, Financing and Construction of the Summerlin Centre Infrastructure in Clark County, Nevada for Special Improvement District 128 executed in connection therewith.

**BILL NO. \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE MODIFYING CERTAIN SUBPROJECTS  
WITHIN SPECIAL IMPROVEMENT DISTRICT NO. 128  
(THE SUMMERLIN CENTRE) AND APPROVING A  
THIRD AMENDMENT TO THE AGREEMENT FOR THE  
DESIGN, FINANCING AND CONSTRUCTION OF THE  
SUMMERLIN CENTRE INFRASTRUCTURE IN CLARK  
COUNTY, NEVADA FOR SPECIAL IMPROVEMENT  
DISTRICT 128 EXECUTED IN CONNECTION  
THEREWITH; PROVIDING FOR THE ADOPTION OF  
THIS ORDINANCE AS IF AN EMERGENCY EXISTS; AND  
PROVIDING THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Board of County Commissioners (the “Board”) of Clark County, Nevada (the “County”), has heretofore created the Clark County, Nevada, Special Improvement District No. 128 (The Summerlin Centre) (the “District”) pursuant to Ordinance Nos. 2536 and 2562 adopted by the Board on December 5, 2000 and February 6, 2001 (collectively, the “Creation Ordinance”); and

**WHEREAS**, pursuant to the Creation Ordinance and Ordinance No. 2566, the Board authorized the levy of assessments and the construction of certain public improvements within the District; and

**WHEREAS**, the County previously entered into an Agreement for the Design, Financing, and Construction of the Summerlin Centre Infrastructure in Clark County, Nevada for Special Improvement District 128 dated September 19, 2000 (the “Original Financing Agreement”), with Howard Hughes Properties, Inc., a Nevada corporation (the “Developer”), relating to the design, construction and financing of certain of such public improvements within the District, as amended by a First Amendment to Agreement for the Design, Financing, and Construction of the Summerlin Centre Infrastructure in Clark County, Nevada for Special Improvement District 128 dated April 3, 2001 (the “First Amendment”), and as amended by a Second Amendment to Agreement for the Design, Financing, and Construction of the Summerlin

Centre Infrastructure in Clark County, Nevada for Special Improvement District 128 dated April 5, 2005 (the “Second Amendment,” and together with the Original Financing Agreement and First Amendment, the “Financing Agreement”); and

**WHEREAS**, the Developer has requested that the Subproject Descriptions and Purchase Prices set forth in Exhibit C to the Financing Agreement be modified to reflect the completion of certain subprojects, the elimination of certain projects, and cost revisions to certain other subprojects; and

**WHEREAS**, NRS 271.6405(2) permits the Board to make changes or additions to a project previously ordered within a special improvement district; and

**WHEREAS**, in connection with any proposed modification to a project within a special improvement district, NRS 271.641 requires the County’s Engineer to prepare and file with the Board a report showing, to the extent applicable:

- (i) the proposed modification of project;
- (ii) if the modified portion of the project is, as modified, functionally equivalent to that portion of the project before modification, a statement to that effect;
- (iii) the estimated cost of the project, as modified;
- (iv) the amount of maximum special benefits estimated to be derived from the project, as modified, by each tract in the District;
- (v) the modification, if any, of the assessment on each tract in the improvement district resulting from the modification of the project;
- (vi) the modification, if any, of the assessment installments and the due dates of the assessment installments;
- (vii) a revised map showing the location of the project, as modified; and
- (viii) if the assessments on each tract in the improvement district are proposed to be modified, an assessment plat with the modified assessments, apportioned based on the project, as modified; and
- (ix) a determination that the modification of the project will not cause the assessment on any tract in the District to exceed the estimated maximum special benefits to be derived by such tract from the project;

and

**WHEREAS**, Harris & Associates, Las Vegas, Nevada, which is acting as the County's Engineer for this purpose, has prepared the Modified Engineer's Report attached hereto as Schedule I (the "Engineer's Report"), which sets forth, to the extent applicable, all of the foregoing requirements; and

**WHEREAS**, the Board has examined the Engineer's Report so filed with the County Clerk and has found, and does hereby declare the same to be, satisfactory in all respects; and

**WHEREAS**, there has been placed on file with the County Clerk (the "Clerk") the proposed form of a Third Amendment to the Agreement for the Design, Financing, and Construction of the Summerlin Centre Infrastructure in Clark County, Nevada for Special Improvement District 128 (the "Third Amendment to the Financing Agreement").

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA, DO ORDAIN:**

Section 1. The Board has examined the Engineer's Report and hereby ratifies its preparation by the Engineer. The Board hereby accepts the Engineer's Report, including, without limitation, the proposed modifications to the subprojects within the District set forth in Table 2 to the Engineer's Report.

Section 2. Pursuant to NRS 271.6415, the Board hereby finds, determines and declares as follows:

(a) the public convenience and necessity require the modifications to set forth in the Engineer's Report;

(b) the Engineer's Report states that the subprojects within the District, as modified in the manner set forth in Table 2 to the Engineer's Report, are functionally equivalent to the subprojects that existed within the District before the modification;

(c) the estimated cost of the subprojects, as modified, is not greater than the original cost of such subprojects; and

(d) the aggregate amount of the assessments on the tracts in the District remains the same.

Section 3. Pursuant to NRS 271.6415, and in reliance on the Engineer's Report, the Board hereby modifies the subprojects within the District in the manner described in

the Engineer's Report. The Creation Ordinance is hereby deemed to be modified to the extent necessary to reflect the modifications set forth in the Engineer's Report.

Section 4. The Third Amendment to the Financing Agreement is hereby approved in substantially the form on file with the County Clerk, with only such changes therein as are not inconsistent herewith and are approved by the officer of the County executing the same. The Chairman of the Board is hereby authorized to enter into, execute and deliver the Third Amendment to the Financing Agreement, and the execution and delivery of the same shall constitute conclusive evidence of the County's approval thereof in accordance with the terms hereof.

Section 5. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District are ratified, approved and confirmed.

Section 6. The officers of the County are directed to effectuate the provisions of this Ordinance.

Section 7. All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this Ordinance shall not affect any remaining provisions hereof.

Section 9. Pursuant to NRS 271.6415 and NRS 271.710, this Ordinance may be adopted as if an emergency exists. Consequently, final action shall be taken immediately, and this ordinance shall be in effect from and after its publication by title and collateral statement as herein provided.

Section 10. After this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by its title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of the ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions, pursuant to NRS 244.100, and all laws thereunto enabling, such publication to be in substantially the following form:

(Form of Publication)

**BILL NO. \_\_\_\_\_**  
**ORDINANCE NO. \_\_\_\_\_**  
**(of Clark County, Nevada)**

**AN ORDINANCE MODIFYING CERTAIN SUBPROJECTS  
WITHIN SPECIAL IMPROVEMENT DISTRICT NO. 128  
(THE SUMMERLIN CENTRE) AND APPROVING A  
THIRD AMENDMENT TO THE AGREEMENT FOR THE  
DESIGN, FINANCING AND CONSTRUCTION OF THE  
SUMMERLIN CENTRE INFRASTRUCTURE IN CLARK  
COUNTY, NEVADA FOR SPECIAL IMPROVEMENT  
DISTRICT 128 EXECUTED IN CONNECTION  
THEREWITH; PROVIDING FOR THE ADOPTION OF  
THIS ORDINANCE AS IF AN EMERGENCY EXISTS; AND  
PROVIDING THE EFFECTIVE DATE THEREOF.**

**PUBLIC NOTICE IS HEREBY GIVEN** that typewritten copies of the above-numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Clark County, Nevada, in the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada; and that the ordinance was proposed by Commissioner \_\_\_\_\_ on April \_\_, 2025, and was passed at the same regular meeting on April \_\_, 2025, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Tick Segerblom  
William McCurdy II  
Michael Naft  
Marilyn Kirkpatrick  
April Becker  
Justin Jones  
James B. Gibson

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent and  
Not Voting:

\_\_\_\_\_  
\_\_\_\_\_

This ordinance shall be in full force and effect from and after April \_\_, 2025, i.e., the date of the second publication of the ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Clark County, Nevada, has caused this ordinance to be published by title only.

DATED this April \_\_, 2025.

(SEAL)

/s/     Tick Segerblom      
Chairman, Board of County Commissioners

Attest:

/s/     Lynn Marie Goya      
County Clerk

(End of Form of Publication)

Proposed on April 15, 2025.

Proposed by Commissioner \_\_\_\_\_.

Passed April 15, 2025.

Aye:

Tick Segerblom  
William McCurdy II  
Michael Naft  
Marilyn Kirkpatrick  
April Becker  
Justin Jones  
James B. Gibson

Nays:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent:

\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

Attest:

\_\_\_\_\_  
Tick Segerblom, Chairman  
Board of County Commissioners  
Clark County, Nevada

\_\_\_\_\_  
Lynn Marie Goya, County Clerk

This ordinance shall be in full force and effect from and after the \_\_\_\_ day of the month of \_\_\_\_\_ of the year 2025, i.e., the date of the second publication of the ordinance by its title only.

[Signature page for Ordinance,  
page 7 of 7, excluding Clerk's certificate]

SCHEDULE I

[ATTACH ENGINEER'S REPORT]



STATE OF NEVADA        )  
                                      ) SS.  
CLARK COUNTY            )

I, Lynn Marie Goya, the duly elected, qualified and/or acting County Clerk of Clark County (the “County”), Nevada, and ex officio Clerk of its Board of County Commissioners (the “Board”), do hereby certify:

1. The foregoing pages are a true and correct copy of an ordinance (the “Ordinance”) introduced, passed and adopted by the Board as if an emergency existed at a regular meeting of the Board held on April \_\_, 2025. A quorum of the Board was in attendance at the meeting.

2. The adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted by an affirmative vote of at least two-thirds of the members of the Board at the regular meeting of the Board on April 15, 2025 as follows:

Those Voting Aye:

Tick Segerblom  
William McCurdy II  
Michael Naft  
Marilyn Kirkpatrick  
April Becker  
Justin Jones  
James B. Gibson

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

Those Abstaining:

\_\_\_\_\_  
\_\_\_\_\_

3. The members of the Board were present at such meeting and voted on the passage of the Ordinance as set forth above.

4. The Ordinance was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the Clerk and recorded in the minutes of the Board.

5. All members of the Board were given due and proper notice of the meeting. Public notice of such meeting was given and such meeting was held and conducted in

full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpt from the agenda for the meeting relating to the Ordinance, as posted at least 3 working days in advance of the meeting on the County's website, the State of Nevada's official website and at the Board's office is attached as Exhibit A.

6. 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 Board. 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.

7. Upon request, the Board 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 Board for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

8. The ordinance was published twice by title only in the Las Vegas Review-Journal, a newspaper published and of general circulation in the County, an affidavit of publication of the ordinance being attached hereto as Exhibit B.

**IN WITNESS WHEREOF**, I have hereunto set my hand on April \_\_, 2025.

\_\_\_\_\_  
Lynn Marie Goya, County Clerk

EXHIBIT A

(Attach Copy of Notice of April \_\_, 2025, Meeting)

EXHIBIT B

(Attach Affidavit of Publication of Ordinance)