

Summary - A resolution confirming the assessment roll for Improvement District No. 126B Boulder Strip Maintenance.

RESOLUTION NO. _____

(of Clark County, Nevada)

A RESOLUTION CONCERNING CLARK COUNTY, NEVADA, IMPROVEMENT DISTRICT NO. 126B, BOULDER STRIP MAINTENANCE; OVERRULING COMPLAINTS, PROTESTS AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING ON THE ASSESSMENT ROLL FOR THE DISTRICT; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (the "Board") of the County of Clark (the "County"), in the State of Nevada, pursuant to an ordinance previously adopted (the "District Ordinance") created Clark County, Nevada, Improvement District No. 126B, Boulder Strip Maintenance (the "District") and ordered the maintenance of certain local improvements (the "Project") within the District; and

WHEREAS, the Board has previously determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the Board has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, in accordance with Nevada Revised Statutes ("NRS") 271.360 and 271.378, the Board previously determined and does hereby declare that the net cost to the County for the Project (including all necessary incidentals which either have been or will be incurred in connection with the Project) for fiscal year 2021-2022 is \$210,918.75, of which \$45,918.75 is available from other sources and \$165,000.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District that the Board has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, the Board by resolution previously adopted on April 20, 2021, directed the Director of Public Works of the County (the "Director"), with the assistance of the Clark County Department of Public Works, to make out a preliminary assessment roll for the District; and

WHEREAS, the Board together with the Director made out an assessment roll for the District, pursuant to NRS 271.360, which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known, stating that the name is

“unknown”; a description of each tract to be assessed; and the amount of the proposed assessment to be levied thereon. The Director has reported said assessment roll to the Board and, pursuant to NRS 271.375, the Director has filed the assessment roll with the County Clerk of the County (the “County Clerk”); and

WHEREAS, the Board by resolution previously adopted on April 20, 2021, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained in the assessment roll; and

WHEREAS, the County Clerk has, in accordance with the provisions of law relating thereto, including NRS 271.380, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections, pursuant to NRS 271.385, on Tuesday, May 18, 2021, at 10:00 a.m., at the Clark County Commission Chambers, Clark County Government Center, 500 South Grand Central Parkway, in Las Vegas, Nevada; and

WHEREAS, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the Board on May 18, 2021, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

<u>Parcel Number</u>	<u>Ownership</u>	<u>Revised Amount of Final Assessment</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

and

WHEREAS, pursuant to NRS 271.360 and Ordinance No. 1341, finally adopted December 3, 1991 (the “Hardship Ordinance”), the Board has considered all applications for hardship determinations and the recommendations of the Department of Social Services and hereby approves the following applications for hardship determination:

<u>Parcel Number</u>	<u>Ownership</u>	<u>Assessment</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

and

WHEREAS, the Board has determined, and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements to be acquired or maintained in the District, and only the property which is so specially benefited, is included on the assessment roll previously filed with the County Clerk on April 19, 2021; and

WHEREAS, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on May 18, 2021, on said assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "District No. 126B Assessment Protest Resolution" (herein the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, hereby are found to be without sufficient merit and are hereby overruled.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Director, and filed in the records of the office of the County Clerk on April 19, 2021, as hereinabove modified, revised, corrected and made de novo.

Section 4. All action, proceedings, matters and things previously taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the District, including, but not limited to, the execution of the maintenance contract, and the levy of assessments for that purpose, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 5. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

PASSED AND APPROVED May 18, 2021.

Marilyn Kirkpatrick, Chair
Board of County Commissioners
Clark County, Nevada

(SEAL)

Attest:

Lynn Marie Goya, County Clerk

The above Resolution has been reviewed by the Deputy District Attorney:


Laura Rehfeldt
Deputy District Attorney

[Signature page for District No. 126B Assessment Protest Resolution,
page 4 of 4, excluding Clerk's certificate]

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

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 a resolution (the "Resolution") passed and adopted by the Board at a meeting of the Board held on May 18, 2021.

2. The adoption of the Resolution was duly moved and seconded and the Resolution was adopted by an affirmative vote of a majority of the members of the Board as follows:

Those Voting Aye: James B. Gibson
Justin Jones
Marilyn Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft
Richard "Tick" Segerblom

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

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

4. The resolution was approved and authenticated by the signature of the Chairman 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 the meeting was given and the meeting was held and conducted in full compliance with the provisions of NRS 241.020 and, if applicable, State of Nevada Executive Department Declaration of Emergency Directive 006, as amended or extended. Unless such requirement was suspended by State of Nevada Executive Department Declaration of Emergency Directive 006, a copy of the notice of meeting was posted not later than 9:00 a.m. of the third working day before the

meeting at:

- (i) Principal Office
Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (ii) Winchester Park and Center
3130 South McLeod
Las Vegas, Nevada
- (iii) Paradise Park, Pool and Center
4775 McLeod Drive
Las Vegas, Nevada
- (iv) Desert Breeze Park and Community Center
8275 Spring Mountain Road
Las Vegas, Nevada

6. A copy of the notice was also posted on the County's website and the State of Nevada's official notice website not later than 9:00 a.m. of the third working day before the meeting.

7. A copy of the notice was mailed to each person, if any, who has requested notice of the meetings of the Board in the same manner in which notice is required to be mailed to a member 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.

8. Upon request, the Board provides at no charge, at least one copy of the agenda for its public meetings, any proposed 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.

9. A copy of the notice so given of the meeting of the Board held on May 18, 2021 is attached to this certificate as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this May 18, 2021.

(SEAL)

Lynn Marie Goya, County Clerk

EXHIBIT A
(Attach Copy of Posted Agenda)