



HENDERSON CITY COUNCIL AGENDA ITEM

COMMITTEE MEETING DATE	Date: June 21, 2010	ITEM NO. <small>(City Clerk's Office Only)</small>	C-001
SUBJECT	Bill No. 2560 - An ordinance of the of the City Council of the City of Henderson, Nevada annexing of approximately 32.94 acres, adjacent to the west boundaries of the City, located in Sections 8 and 9, Township 23 South, Range 61 East, M.D.M., and providing other matters properly relating thereto.		
PETITIONER	Monica Martinez Simmons, MMC, City Clerk		
RECOMMENDATION	That the Council refer Bill No. 2560 to the Regular Meeting with a do-pass recommendation.		

FISCAL IMPACT:

No Impact
 Budgeted funds available
 Augmentation required

CMTS Number(s):

Funding Source, Amount, and Account Number(s) to be charged:

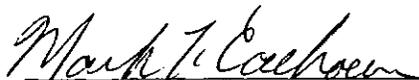
BACKGROUND / DISCUSSION:

The City has received one (1) application (petition) from the private property owners and one no objection letter from the United States Bureau of Land Management for annexation of the 32.94 acres. The property complies with the requirements of NRS 268.580 and NRS 268.597.1(a). Annexation of this property into the City of Henderson will permit the City to review and approve any development that may be proposed thereon. However, approval of the annexation does not constitute endorsement of any proposed development.

RECOMMENDED MOTION: I move that Bill No. 2560 be referred to the Regular Meeting with a do-pass recommendation.


 Monica Martinez Simmons, MMC
 City Clerk


 Elizabeth Macias Quillin
 City Attorney


 Mark T. Calhoun, P.E.
 City Manager


 Richard A. Derrick
 Acting Finance Director

**AGENDA ITEM
INCLUDE WITH EACH AGENDA ITEM**

SUBJECT

Bill No. 2560 - An ordinance of the of the City Council of the City of Henderson, Nevada annexing of approximately 32.94 acres, adjacent to the west boundaries of the City, located in Sections 8 and 9, Township 23 South, Range 61 East, M.D.M., and providing other matters properly relating thereto.

Continued Background/Discussion:

Supporting Documentation: List all materials attached as backup with this agenda item (e.g., contracts, correspondence, exhibits, applications, etc.). All backup material must be submitted with agenda item in accordance with the deadline schedule.

Ordinance

Exhibit A – Annexation description – 1 page

Exhibit B – Annexation map – 1 page

Business Impact Statement – 2 pages

Staff Contact Name and Number Regarding this Item: Jonathon Nunes 267-1416

Agenda/Action Letter Recipients: Identify the name(s) and address(es) of the petitioner, applicant, and other parties that an agenda or action letter will be sent to:

Name	Address
GM Kim, LLC / Frekapel II, LLC	2460 Professional Court #120, Las Vegas, NV 89128-0832
IM Wolf / Alexander Dawson, Inc.	2460 Professional Court #120, Las Vegas, NV 89128-0832
Rhythm & Blues, LLC	2460 Professional Court #120, Las Vegas, NV 89128-0832
USA % Mary Jo Rugwell, Bureau of Land Management	4701 N. Torrey Pines Drive, Las Vegas, NV 89130-2130

Document Signatures. Indicate who will be responsible for routing the documents for signature after Council approval:

Department Contact Name/Number:

(Please list the name and number of the staff member responsible)

City Clerk

(The original document(s) requiring signature, plus one copy, must be submitted with the agenda item in accordance with the deadline schedule)

Presentations. Staff presentation items, including scripts, must be submitted with the agenda items in accordance with the deadline schedule.

Indicate resources required at Council Meeting:

VCR/DVD

Software Presentation

Other:

Note: It is recommended that presentation resources be tested prior to the Council Meeting by the presenter. Contact the City Clerk's Office at 267-1400 for assistance with the audiovisual equipment.

Suggested Keywords for Document Searches

Affects APN: Portion of 191-08-599-005; 191-09-101-001, 002, 004, 005, 007, 018

ORDINANCE NO.

(Annexation of 32.94 Acres ± - West Henderson North of St. Rose Parkway)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXTENDING THE CITY LIMITS OF THE CITY BY ANNEXING THERETO THE APPROXIMATELY 32.94 ACRES GENERALLY LOCATED NORTHEAST OF LAS VEGAS BOULEVARD AND ST. ROSE PARKWAY IN SECTIONS 8 AND 9, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D.M., AND OTHER MATTERS RELATING THERETO.

- WHEREAS, Nevada Revised Statutes ("NRS") Section 268.597(6) authorizes a city to annex territory following receipt of a petition signed by not less than seventy-five percent (75%) of owners of record of individual lots or parcels of land within the area to be annexed; and
- WHEREAS, Nevada Revised Statutes ("NRS") Section 268.597(6) authorizes a city to annex territory following receipt and acceptance of a written statement from a governmental entity indicating that the governmental entity owns the territory and does not object to the annexation of that territory by the governing body; and
- WHEREAS, the City Council of the City of Henderson, Nevada has received petitions requesting annexation from all of the owners of record of the individual lots or parcels of land situated within the area to be annexed and one written statement from a governmental entity not objecting to the annexation of public lands situated in the area to be annexed (the "Petitions"), collectively consisting of approximately 32.94 acres and more particularly described on Exhibit A, consisting of one (1) page, and graphically depicted on Exhibit B, consisting of one (1) page, which are, by reference incorporated herein and made part of this Ordinance, (the "Annexation Area"); and
- WHEREAS, the individual lots or parcels of the Annexation Area each meet the requirements of NRS 268.580(2) in that (a) it was contiguous to the City's boundaries at the time of institution of annexation proceedings; (b) not less than one-eighth of the aggregate external boundaries of the Annexation Area is contiguous to the boundaries of the City; (c) no part of the Annexation Area is included within the boundaries of another incorporated city as those boundaries existed on July 1, 1983; and (d) no part of the Annexation Area is included within the boundaries of any unincorporated town as those boundaries existed on July 1, 1983; and

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

- SECTION 1. That, pursuant to NRS 268.597, the Annexation Area is hereby annexed to and made a part of the City of Henderson, Nevada, effective upon completion of those requirements set forth in Section 3 following.
- SECTION 2. The City shall not be required to pay for the extension of municipal services to the territory annexed, but intends that municipal services shall be extended at the expense of the property owners and according to demand, need and benefit of the respective property owners, and in accordance with the City's Charter, Henderson Municipal Code and City policy. The City will furnish police and fire protection and maintenance of installed, approved and accepted utilities, streets, and public recreation facilities, in the Annexation Area.
- SECTION 3. That City staff are hereby instructed as follows: (1) pursuant to NRS 268.600, the City Clerk shall file a certified copy of this Ordinance with the State of Nevada Department of Taxation; (2) the City Clerk shall file a certified copy of this Ordinance with the Clark

County Election Department; (3) pursuant to Section 2.100(1) of the City Charter, the City Clerk shall publish in title this Ordinance in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS; and further, (4) pursuant to NRS 268.600, Public Works shall record a certified copy of this Ordinance, with a map of the Annexation Area attached thereto, in the office of the Clark County Recorder.

SECTION 4. That from and after completion of those requirements set forth in Section 3 of this ordinance, the Annexation Area and all property therein shall be a part of the City of Henderson, Nevada, shall be subject to all debts, laws, ordinances and regulations currently or hereafter in force in the City of Henderson, Nevada, and shall be entitled to the same privileges and benefits as are afforded to all properties within the City of Henderson, Nevada.

SECTION 5. Pursuant to NRS 268.596(4), the effective date of the annexation is July 28, 2010.

END OF ORDINANCE.

Annexation Map recorded in Surveys, File _____, Page _____, Clark County, Nevada Records.

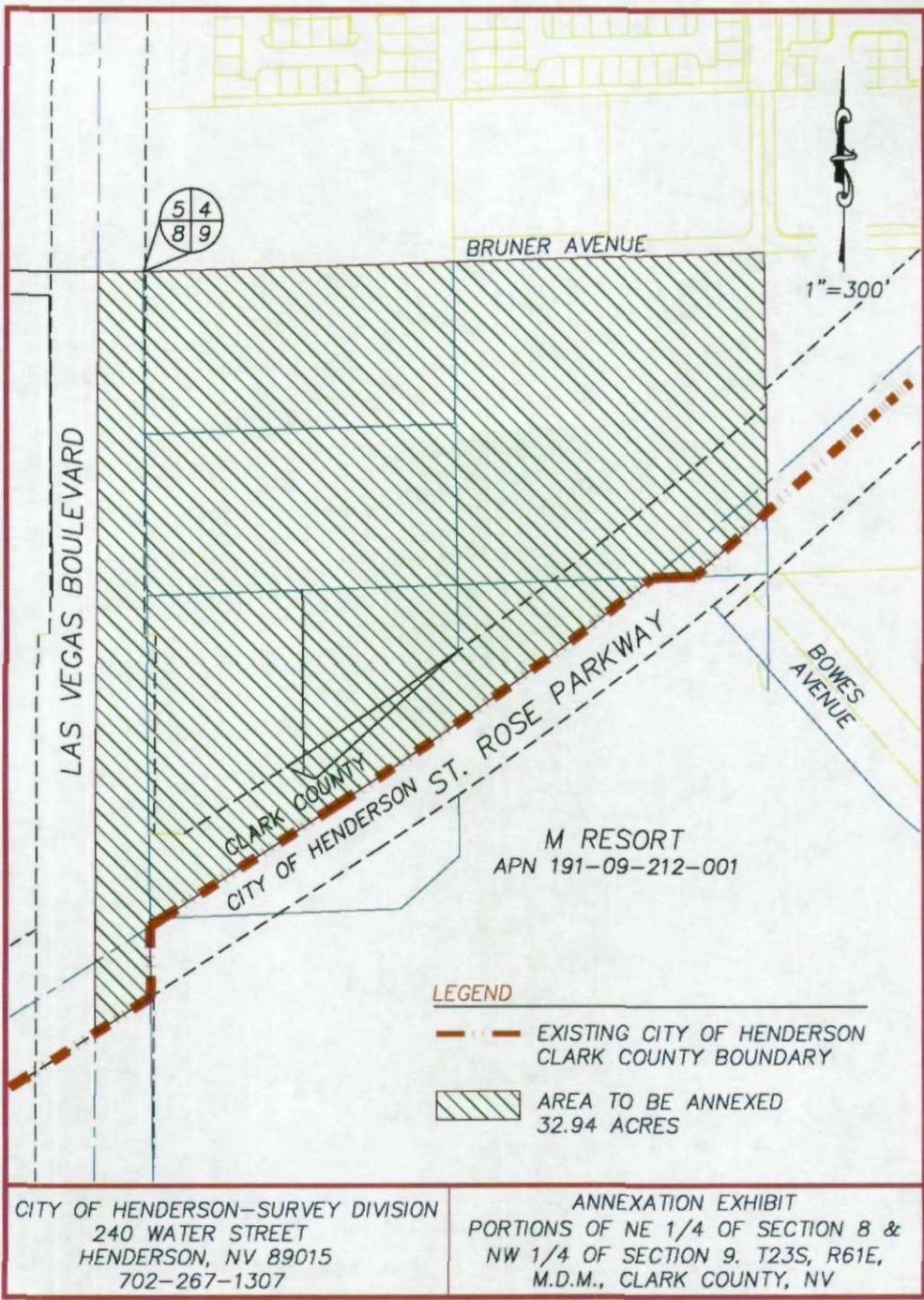
Exhibit A
Annexation Description

Portions of the Northeast Quarter (NE¼) of Section 8 and the Northwest Quarter (NW¼) of Section 9, Township 23 South, Range 61 East, M.D.M., Clark County, Nevada, more particularly described as follows;

BEGINNING at the northwest corner of the said Northwest Quarter (NW¼) of Section 9; Thence North 88°08'51" East along the north line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 9, a distance of 1,318.84 feet to the West One-Sixteenth corner of said Section 9; Thence South 00°37'37" East along the east line of the said Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 9, a distance of 543.37 feet to the Nevada Department of Transportation "H" line of St. Rose Parkway; Thence South 48°18'18" West along the said "H" Line, a distance of 203.69 feet to a point on the South line of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 9; Thence along the said south line, South 87°57'37" West, a distance of 90.74 feet to a point on Nevada Department of Transportation "SR" line, the northerly boundary of the 2nd Amended Final Map of the M RESORT, recorded in Book 140 of Plats, Page 75 and being a point on a 8,202.08 foot radius curve, concave northwesterly, to which point a radial line bears South 38°21'30" East; Thence along said "SR" line and curve to the left, an arc length of 799.50 feet through a central angle of 05°35'06"; Thence continuing along said "SR" line and northerly boundary, South 57°13'36" West, a distance of 461.82 feet to a point on the south line of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 9; Thence along the south line and northerly boundary, South 87°46'23" West, a distance of 27.61 feet to the southwest corner of the said Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 9; Thence South 00°38'54" East along the west line of the said Northwest Quarter (NW¼) of Section 9 and west boundary of the said 2nd Amended Final Map of the M RESORT, a distance of 164.17 to a point that intersects the southerly right-of-way of said St. Rose Parkway; Thence departing said west line and west boundary and along the said westerly prolongation of the said southerly right-of-way, South 57°13'36" West, a distance of 141.16 feet to a point that intersects the centerline of Las Vegas Boulevard as described in the Resolution of Relinquishment of a Portion of State Highway Right-of-way, recorded in Book 20070111, Instrument No. 03775, Official Records, Clark County, Nevada; Thence North 00°13'32" East along the centerline of said Las Vegas Boulevard, a distance of 1,596.28 feet; Thence departing said centerline, South 89°46'28" East, a distance of 95.22 to the **POINT OF BEGINNING**.

Containing 32.94 acres, more or less.

Michael Kidd
City Surveyor
City of Henderson
240 Water Street
Henderson, NV 89009-5050



BUSINESS IMPACT STATEMENT

Title of Ordinance: An Ordinance of the City Council of the City of Henderson, Nevada, extending the city limits of the city by annexing thereto the approximately 32.94 acres generally located northeast of Las Vegas Boulevard and St. Rose Parkway in Sections 8 and 9, Township 23 South, Range 61 East, M.D.M., and other matters relating thereto.

Anticipated City Council Meeting Date: June 1, 2010

Initiating Department: Public Works Department

No. 1 Will this ordinance have a significant economic impact on businesses? Check one

_____ Yes (If Yes, proceed to No. 2)

 X No If No, explain:

This ordinance relates to annexation of vacant land.

Pursuant to NRS Chapter 237, the following information has been prepared and filed with the City Clerk's office located at 240 Water Street, Mail Stop 114, Henderson, Nevada 89015.

No. 2 Description of the subjects and issues involved.

No. 3 Notification was sent to the following entities: (Check all that apply)

- _____ Henderson Chamber of Commerce
- _____ Las Vegas Chamber of Commerce
- _____ Trade organizations/associations (Please list)

_____ Other (Please list)

_____ Posted on City Clerk Web Page

- No. 4 Summary of the comments gathered regarding the proposed ordinance (A more detailed summary of comments is available and on file in the City Clerk's office):
- No. 5 Estimated economic effect on businesses by the proposed ordinance:
- a. Explain the adverse and beneficial effects:
 - b. Explain the direct and indirect effects:
- No. 6 Describe the methods considered and/or used to reduce the impact of the ordinance:
- No. 7 Estimated cost of enforcement of the proposed rule:
- No. 8 Estimated revenues expected to be generated by the proposed ordinance and the manner in which the money is to be used:
- No. 9 Are the provisions of the proposed ordinance duplicative or more stringent than existing local, state, or federal standards?

_____ Yes

_____ No

If Yes, explain: