

ORDINANCE NO. 3660
(Annexation of 11.5 Acres – Lake Mead Northeast)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXTENDING THE CITY LIMITS OF THE CITY BY ANNEXING THERETO APPROXIMATELY 11.5 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHEAST OF LAKE MEAD PARKWAY AT VAN WAGENEN STREET IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CONSISTING OF APN 178-13-601-002 (INCLUDING ADJACENT ROADWAYS - 178-13-699-001) AND APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF HENDERSON, AND NEVADA ENVIRONMENTAL RESPONSE TRUST, BY AND THROUGH LE PETOMANE XXVII, INC., NOT INDIVIDUALLY BUT SOLELY IN ITS REPRESENTATIVE CAPACITY AS TRUSTEE OF THE NEVADA ENVIRONMENTAL RESPONSE TRUST WITH RESPECT TO THE ANNEXATION OF SUCH PROPERTY.

- WHEREAS, Nevada Revised Statutes (“NRS”) Section 268.597 authorizes a city to annex territory that meets the requirements of subsection 2 of NRS 268.580 if all owners of record of individual lots or parcels of land within the area to be annexed sign a petition requesting the governing body to annex the territory to the city; and
- WHEREAS, the City Council of the City of Henderson, Nevada has received one (1) petition (the “Petition”) requesting annexation of certain real property consisting of approximately 11.5 acres when aggregated with adjacent right-of-way pursuant to NRS 268.595, and more particularly described on Exhibit A, consisting of two (2) pages, which is by reference incorporated herein and made part of this Ordinance (the “Annexation Area”); and
- WHEREAS, the Petition was signed and submitted to the City Council by Nevada Environmental Response Trust, by and through Le Petomane XXVII, Inc., not Individually but Solely in its representative capacity as Trustee of the Nevada Environmental Response Trust (“Owner”), which is the owner of record of all of the property situated within the Annexation Area as of the initiation of the Petition; and
- WHEREAS, the Annexation Area meets 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 are 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
- WHEREAS, the City of Henderson and Owner have negotiated an Annexation Agreement with respect to the annexation of the Property, in the form set forth on Exhibit B, attached hereto, containing nineteen (19) pages (the “Annexation Agreement”); and

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

- SECTION 1. Pursuant to NRS 268.597, the Annexation Area is hereby annexed to and made a part of the City of Henderson, Nevada, effective upon the date immediately following the recording of a certified copy of this Ordinance, with a map of the Annexation Area, in the office of the Clark County Recorder pursuant to NRS 268.600.
- 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 any duly installed, approved and accepted utilities, streets, and public recreation facilities, in the Annexation Area.
- SECTION 3. 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 a map of the Annexation Area, with the State of Nevada Department of Taxation; (2) pursuant to Section 2.100(1) of the City Charter, the City Clerk shall publish this Ordinance by title together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS; and further, (3) pursuant to NRS 268.600, Public Works shall record a certified copy of this Ordinance, with a map of the Annexation Area, in the office of the Clark County Recorder.
- SECTION 4. That from and 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. The Annexation Agreement set forth on Exhibit B attached hereto is hereby approved.
- SECTION 6. This Ordinance shall be effective upon its publication in accordance with Section 2.100(4) of the City Charter.

SECTION 7. Pursuant to NRS 268.596 (4), the effective date of the annexation is February 11, 2020.

SECTION 8. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 9. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 10. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on February 7, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on January 21, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on February 4, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held February 4, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

Those voting nay: None
Those abstaining: None
Those absent: None

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk