

ORDINANCE NO. 3864
(DEV-2021008443 - Amendment to the Cadence Development Agreement (LandWell 2200))

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, ADOPTING THE SECOND AMENDMENT TO THE LANDWELL 2200 (CADENCE) DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HENDERSON AND LANDWELL COMPANY, L.P., TO REVISE SECTION 4.15 TO INCLUDE A NEW PROVISION FOR CONSTRUCTION AND COST-SHARING OF A NEW WASTEWATER LIFT STATION TO SERVE VILLAGES A AND C AND EXISTING DEVELOPMENT WEST OF CADENCE, AND TO PROVIDE FOR THE POTENTIAL COMBINATION OF RESERVOIRS 1780 AND 1877 WITH A COST-SHARING PROVISION FOR A PLANNED COMMUNITY ON 2200 ACRES, GENERALLY LOCATED NORTHEAST OF BOULDER HIGHWAY AND LAKE MEAD PARKWAY, IN THE EASTSIDE REDEVELOPMENT AND CADENCE PLANNING AREAS.

WHEREAS, pursuant to Nevada Revised Statutes Chapter 278.0201, the City Council of the City of Henderson (the "Council") enacted Henderson Municipal Code Section 19.6.10, providing for the utilization of development agreements to regulate land development within the incorporated boundaries of the City of Henderson; and

WHEREAS, the Council is authorized under its Charter and the general laws of the State of Nevada to enact ordinances and to enter into agreements to promote and safeguard the health, safety and welfare of its citizens; and

WHEREAS, the City and LandWell Company, L.P., entered into that certain Development Agreement dated October 2, 2007, and recorded October 10, 2007, as Document 20071010-0002129 ("Original Development Agreement") in the Official Records of Clark County, Nevada ("Official Records"), as amended by that certain First Amendment to Development Agreement dated November 15, 2011, and recorded April 24, 2012, as Document 201204240001504 ("First Amendment") in Official Records, modified by those certain major modifications dated June 2, 2015, and bearing Ordinance No. 3269 (DEV-15-500134) and that certain major modification dated February 4, 2020, and recorded in the Official Records as Instrument No. 20200716-0000708 (collectively, the "Major Modifications"), and further modified by those certain minor modifications dated February 9, 2009; February 12, 2015; November 27, 2012; January 23, 2014; August 4, 2014; October 8, 2014; January 14, 2015; January 19, 2016; May 31, 2016; October 3, 2016; July 25, 2017; December 4, 2017; December 18, 2017; January 18, 2018; December 3, 2018; November 4, 2019; November 26, 2019; and August 25, 2021 (collectively, the "Minor Modifications"), as amended or modified (the Original Development Agreement, the First Amendment the Major Modifications, and the Minor Modifications, collectively, the "Development Agreement") to set forth their mutual understanding with respect to the development of certain real property; and

WHEREAS, the Second Amendment to the LandWell 2200 (Cadence) Development Agreement is necessary to amend the Development Agreement to: (i) add a cost-sharing provision for a new wastewater lift station to Section 4.15 of the Development Agreement, and (ii) add a cost-sharing provision for a new reservoir to Section 4.15 of the Development Agreement; and

WHEREAS the City and LandWell Company, L.P., desire to amend the Development Agreement to set forth their mutual understanding with respect to the orderly development of the Cadence master planned community; and

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

SECTION 1. The City Council hereby approves and adopts the Second Amendment to the LandWell 2200 (Cadence) Development Agreement, including accompanying exhibits attached to such documents, and incorporates the same by reference herein. The Second Amendment to the LandWell 2200 (Cadence) Development Agreement, including all attachments, is attached hereto as Exhibit 1, consisting of eight (8) pages. All attachments and exhibits referenced in such documents are attached as stated or on file with the City of Henderson, City Clerk's Office.

SECTION 2. The effective date of approval of this Ordinance shall be the date the Second Amendment to the LandWell 2200 (Cadence) Development Agreement is recorded in the Office of the County Recorder, Clark County, Nevada.

SECTION 3. 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 4. 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 5. 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 April 22, 2022, in the Las Vegas Review-Journal, at which time it will become effective.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

PASSED, ADOPTED, AND APPROVED THIS 19TH DAY OF APRIL, 2022.

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on April 5, 2022, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on April 19, 2022, 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 April 19, 2022, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

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

Those voting nay: None
Those abstaining: None
Those absent: Michelle Romero

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

Exhibit 1
The Second Amendment to the LandWell 2200 (Cadence) Development Agreement