

ORDINANCE NO. 3929
(DEV-20222011331 – Airport Five Mini Storage)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, APPROVING AND ADOPTING THAT CERTAIN STANDARD FORM DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HENDERSON AND AIRPORT FIVE, LLC, FOR AN INDUSTRIAL DEVELOPMENT CONSISTING OF 5.0 ACRES, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 191-10-501-003, GENERALLY LOCATED EAST OF RAIDERS WAY AND ADJACENT TO THE HENDERSON EXECUTIVE AIRPORT, IN THE WEST HENDERSON PLANNING AREA.

- WHEREAS, the City of Henderson, a municipal corporation and political subdivision of the State of Nevada (the "City"), is authorized under its Charter and the general laws of the State of Nevada to enact ordinances and enter into agreements to promote and safeguard the health, safety, and welfare of its citizens; and
- WHEREAS, pursuant to Nevada Revised Statutes Chapter 278.0201, the City Council of the City enacted Henderson Municipal Code Section 19.27.2 providing for the utilization of development agreements to regulate land development within the incorporated boundaries of the City of Henderson; and
- WHEREAS, the City and Airport Five, LLC ("Developer"), wish to enter into the attached Development Agreement – Airport Five Mini Storage (the "Development Agreement"), providing for the development of the property described therein (the "Property") in accordance with the above-described statute; and
- WHEREAS, Developer has submitted the necessary plans to the City for the development of an industrial development; and
- WHEREAS, the City and Developer desire to enter into the Development Agreement to set forth their mutual understanding with respect to the orderly development of the Property as an integrated development designed to provide services that will enhance the lives of all those who live, learn, work, and play in the city; and

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

- SECTION 1. The City Council hereby approves and adopts the Development Agreement, attached hereto as Exhibit 1, consisting of seventeen (17) pages. All attachments and exhibits referenced in such document are attached as stated.
- SECTION 2. The effective date of approval of this Ordinance shall be the date the 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 January 6, 2023, in the Las Vegas Review-Journal, at which time it will become effective.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in blue italics and underlined.

PASSED, ADOPTED, AND APPROVED THIS 3rd DAY OF JANUARY, 2023.

Michelle Romero, 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 December 6, 2022, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on January 3, 2023, 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 January 3, 2023, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor
Councilmembers:
Carrie Cox
Dan K. Shaw
Dan H. Stewart

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

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

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