

ORDINANCE NO. 4012
(DEV-2023013937 – Haas Automation Major Modification)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, ADOPTING A MAJOR MODIFICATION TO AN APPROVED DEVELOPMENT AGREEMENT TO AMEND THE EXISTING DEVELOPMENT AGREEMENT FOR HAAS AUTOMATION TO EXTEND THE PROJECT COMPLETION DATE AND OTHER MINOR MODIFICATIONS ON 165.2 ACRES GENERALLY LOCATED SOUTH OF LARSON LANE AND EAST AND WEST OF VIA INSPIRADA, IN THE WEST HENDERSON PLANNING AREA.

WHEREAS, pursuant to Nevada Revised Statute Chapter 278.0201, the City Council of the City of Henderson 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 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, the City and PEGH Nevada LLC, a Nevada limited liability company (“PEGH”), are currently parties to that certain Development Agreement recorded in the real property records of Clark County, Nevada (the “Official Records”) on November 19, 2019, as Instrument No. 20191119-0000050 (the “Development Agreement”), providing for development of the property subject thereto (the “Property”) in accordance with the above-described statute; and

WHEREAS, PEGH Nevada LLC has now requested a major modification to the Development Agreement to amend the existing Development Agreement for Haas Automation to extend the project completion date and other minor modifications; and

WHEREAS, the City of Henderson and PEGH Nevada LLC, desire to modify the Development Agreement to set forth their mutual understanding with respect to the orderly development of this 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 Major Modification to the Development Agreement, including accompanying exhibits attached to such documents, and incorporates the same by reference herein. The Major Modification to the Development Agreement, including all attachments, is attached hereto as Exhibit 1, consisting of 15 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 date of the Major Modification shall be the date of Council approval of this Ordinance. The effective date of the Major Modification shall be the date the Major Modification is recorded in the Official Records.
- 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 March 22, 2024, 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 19th DAY OF MARCH, 2024.

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 March 5, 2024, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on March 19, 2024, 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 March 19, 2024, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor

Councilmembers:

Carrie Cox

Jim Seebock

Dan H. Stewart

Dan K. Shaw

Those voting nay: None

Those abstaining: None

Those absent: None

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

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