

ORDINANCE NO. 2711

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING ORDINANCE NO. 2267; AMENDING AND RESTATING THE DEVELOPMENT AGREEMENT FOR PARK HIGHLANDS EAST BETWEEN THE CITY OF NORTH LAS VEGAS AND CRESCENT BAY DEVELOPMENT SERVICES; THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND CRESCENT BAY DEVELOPMENT, LLC ET AL FOR THE VILLAGES AT TULE SPRINGS (FORMERLY KNOWN AS PARK HIGHLANDS EAST) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, pursuant to Nevada Revised Statute section 278.0201, the City Council of the City of North Las Vegas enacted North Las Vegas Municipal Code section 15.56 providing for the utilization of development agreements to regulate land development within the incorporated boundaries of the City of North Las Vegas;

WHEREAS, on May 6, 2006, the City of North Las Vegas adopted Ordinance Number 2267 which acted to approve and adopt that certain Development Agreement by and between the City of North Las Vegas and November 2005 Land Investors, L.L.C./DRHI, Inc., for the development that is commonly known as Park Highlands;

WHEREAS, subsequent to the passage of Ordinance Number 2267, the ownership of the land controlled by the Original Development Agreement changed, and the land subject to the Original Development Agreement was sold to seven (7) different owners (the "Current Landowners").

WHEREAS, on April 16, 2014, the Current Landowners represented to City Council that they wanted to move forward with the terms of the Original Development Agreement; however, the Current Landowners and the City believes that the development should be divided into Park Highlands West and Park Highlands East as the Aliante Master Planned Community naturally divides both developments.

WHEREAS, on June 18, 2014, the City of North Las Vegas adopted Ordinance Number 2673, amending Ordinance Number 2267 which acted to amend and restate that certain Development Agreement for Park Highlands East between the City of North Las Vegas and Crescent Bay Development Services.

WHEREAS, the current landowners of the land commonly known as Park Highlands East desire to enter into a Second Amended and Restated Development Agreement for the Villages at Tule Springs (formerly known as Park Highlands East) (the "Second Amended and Restated Development Agreement"); with the City.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES ORDAIN

SECTION 1: The Second Amended and Restated Development Agreement negotiated between the City of North Las Vegas and Crescent Bay Development Services, LLC et al provides for the development of that certain property for the purposes of residential, commercial, office and public uses. The Second Amended and Restated Development Agreement and all other accompanying exhibits describe and specify the agreement for the development of the property, including description of the property, duration of the agreement, permitted uses, density and intensity of the permitted land uses, maximum heights and sized of proposed buildings, and provisions for the dedication of portions of the property for public use. The City Council hereby approves and adopts the Second Amended and Restated Development Agreement and all other accompanying exhibits and incorporates the same by reference herein. The Second Amended and Restated Development Agreement and all other accompanying exhibits are attached hereto as Exhibit “A”.

SECTION 2: Except as otherwise provided in the Second Amended and Restated Development Agreement and all other accompanying exhibits, all ordinances, resolutions, and regulations applicable to that certain property which is the subject of the Second Amended and Restated Development Agreement and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the Second Amended and Restated Development Agreement is approved and as amended from time to time.

SECTION 3: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the North Las Vegas City Attorney’s Office as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect remaining provisions of this ordinance.

SECTION 5: REPEALER. All ordinances, parts of ordinances or chapters, sections or paragraphs contained in the North Las Vegas Municipal Code in conflict herewith are hereby repealed.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED ON THE 20TH DAY OF MAY, 2015.

AYES: Mayor Lee, Mayor Pro Tempore Wood, Council Members Goynes-Brown, Wagner and Barron

NAYS: (None)

ABSTAIN: (None)

ABSENT: (None)

APPROVED:

/s/ John J. Lee
JOHN J. LEE, MAYOR

ATTEST:

/s/ Barbara A. Andolina
BARBARA A. ANDOLINA, CITY CLERK