

ORDINANCE NO. 2432
(EASTSIDE REDEVELOPMENT AREA)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, APPROVING AND ADOPTING A REDEVELOPMENT PLAN FOR
THE EASTSIDE REDEVELOPMENT AREA.

- WHEREAS, The City Council of the City of Henderson ("City Council") has received from the City of Henderson Redevelopment Agency ("Agency") the proposed Redevelopment Plan ("Redevelopment Plan") for the Eastside Redevelopment Area ("Redevelopment Area"), a copy of which is on file with the City of Henderson Clerk's Office at 240 Water Street, Henderson, NV 89015, together with the Agency's Report to City Council in accordance with the requirements of Section 279.578(2) of the Community Redevelopment Law. The Agency recommended the Redevelopment Plan and the Report to Council, which includes information regarding the reasons for selection of the Redevelopment Area, a description of the physical, social and economic conditions existing in the Redevelopment Area, a description of the proposed method of financing the Redevelopment Plan in sufficient detail so that the City Council may determine the economic feasibility of the Redevelopment Plan, a method or plan for the relocation of persons and families temporarily or permanently displaced from housing facilities in the Redevelopment Area, an analysis of the Preliminary Plan, and the report and recommendation of the Planning Commission of the City of Henderson ("Planning Commission"), to the City Council on December 13, 2005.
- WHEREAS, In accordance with Section 279.570(1) of the Community Redevelopment Law , the Redevelopment Plan was submitted to the Planning Commission for its report and recommendation and for its conformity to the City's Comprehensive Plan, and on October 13, 2005, the Planning Commission made its report and recommendation on the Redevelopment Plan, finding that the Redevelopment Plan is consistent with and in conformity to the City's Comprehensive Plan, and recommending the adoption of the Redevelopment Plan. The Planning Commission's report and recommendation was filed with the Agency and has been included in the Report to City Council;
- WHEREAS, Pursuant to Section 279.566 of the Community Redevelopment Law, on December 13, 2005, the Agency approved and adopted the Rules Governing Participation and Assistance by Property Owners in the Eastside Redevelopment Area, and made such Rules available at the City of Henderson Clerk's Office for public inspection by all interested persons;
- WHEREAS, Pursuant to Section 279.580(1) of the Community Redevelopment Law, on January 17, 2006, the City Council held a public hearing in the City Council Chambers, located at 240 Water Street, Henderson, Nevada, concerning the adoption of the Redevelopment Plan;
- WHEREAS, Notice of the January 17, 2006 hearing was published and mailed in accordance with the Section 279.580 of the Community Redevelopment Law; specifically, notice of the hearing was given by publication for not less than once a week for four successive weeks in a newspaper of general circulation published in Clark County, and copies of the notice of the hearing were mailed at least four weeks

before the hearing to the last known owner of each parcel of land in the Redevelopment Area at his last known address as shown by the records of the Clark County Assessor's Office;

WHEREAS, The City Council has reviewed the report and recommendation of the Planning Commission, the Agency's Report to City Council, and the Redevelopment Plan; and has considered and evaluated the report and recommendation of the Planning Commission, the Report to City Council including among other things the method of financing the Redevelopment Plan, the Redevelopment Plan and its economic feasibility, and all evidence and testimony for or against the adoption of the Redevelopment Plan;

WHEREAS, At least ten (10) days before the adoption of this Ordinance, notice of the filing of the Ordinance with the City Clerk was published once in a newspaper qualified pursuant to the provisions of Chapter 238 of Nevada Revised Statutes and published in the City. The date of adoption of this Ordinance is within thirty (30) days after the date of such publication.

NOW THEREFORE, the City Council of the City of Henderson does hereby ordain as follows:

SECTION 1. The purposes and intent of the City Council regarding the Redevelopment Area is to accomplish to the greatest feasible extent the following:

- A. The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Comprehensive Plan, this Plan and local codes and ordinances;
- B. The achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of this Plan;
- C. The control of unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens;
- D. The retention of as many existing businesses as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area;
- E. The encouragement of investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment;
- F. The encouragement of maximum participation of residents, business persons, property owners, and community organizations in the redevelopment of the Redevelopment Area; and

- G. The replanning, redesigning and redeveloping of areas which are stagnant or improperly used.

SECTION 2. The map and legal description of the land within the boundaries of the Redevelopment Area attached as Exhibit A and Exhibit B to the Redevelopment Plan are hereby incorporated into this Ordinance as Exhibit A, containing 1 page, and Exhibit B, containing 10 pages, and made a part hereof.

SECTION 3. The City Council hereby finds and determines that:

- A. The Redevelopment Area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law. This finding is based upon the following conditions which characterize the Redevelopment Area:
 - 1. The existence of buildings or structures, used or intended to be used for residential, commercial industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality juvenile delinquency or crime due to the faulty arrangement of the interior and spacing of buildings, inadequate provisions for ventilation, light, sanitation, open spaces and recreational facilities, age, obsolescence, deterioration, dilapidation, and mixed character or shifting of uses;
 - 2. Economic dislocation, deterioration or and disuse;
 - 3. The existence of inadequate streets, open spaces facilities, and utilities;
 - 4. The prevalence of depreciated values, impaired investment and social and economic maladjustment to such an extent that the capacity to pay taxes is substantially reduced and tax receipts are inadequate for the cost of public services rendered;
 - 5. A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare; and
 - 6. The environmental contamination of buildings or property.
- B. The Redevelopment Plan would redevelop the Redevelopment Area in conformity with the Community Redevelopment Law and is in the interests of the peace, health, safety and welfare of the City. This finding is supported by the fact that redevelopment of the Redevelopment Area, including the planning, development, replanning, redesign, clearance, reconstruction, rehabilitation and other efforts and activities described in Section 279.408 of the Community Redevelopment Law, will implement the objectives of the Community Redevelopment Law by aiding in the elimination of conditions of blight and providing for higher economic and more beneficial use of underutilized land.

- C. The Redevelopment Plan conforms to the City's Comprehensive Plan. This finding is based on the report and recommendation and findings of the Planning Commission, which are included with the Report to City Council, and is the result of independent review and consideration by the City Council of such factors as the provisions of the Redevelopment Plan regarding land uses and development requirements and their designation of the uses and requirements provided for in the Comprehensive Plan and local codes and ordinances.
- D. The condemnation of real property is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law. This finding is based on the provisions of the Redevelopment Plan which parallel the provisions of Section 279.471 of the Community Redevelopment Law, the recognition that any payment for property to be acquired will be made as required by law, and the need to ensure that the goals and objectives of the Redevelopment Plan will be carried out and to prevent the recurrence of blight in the Redevelopment Area.
- E. It is not anticipated that the Redevelopment Plan will result in the temporary or permanent displacement of any occupants of housing in the Redevelopment Area. However, if the Redevelopment Plan results in the temporary or permanent displacement of any occupants of housing in the Redevelopment Area, adequate permanent housing is or will be made available in the City for displaced occupants of the Redevelopment Area at rents comparable to those in the City at the time of displacement. This finding is based on the provisions of the Redevelopment Plan providing that relocation assistance and benefits will be provided as required by law.
- F. All areas included in the Redevelopment Area are contiguous. This finding is based on the map of the Redevelopment Area attached as an Exhibit to the Redevelopment Plan.
- G. The inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part. This finding is based on the fact that the boundaries of the Redevelopment Area were chosen as a unified and consistent whole to include lands that are underutilized because of blighting influences and land uses and conditions that significantly contribute to blight, as described in the Report to City Council, and whose inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan.
- H. Adequate provisions have been made for payment of the principal of and interest on any bonds that may be issued by the Redevelopment Agency. This finding is based on the proposed method of financing the Redevelopment Plan included in the Redevelopment Plan and the Report to

City Council and the provisions of the Community Redevelopment Law which would apply to the issuance of any bonds by the Agency.

- I. The adoption and carrying out of the Redevelopment Plan is economically feasible. This finding is based upon the information contained in the Report to City Council and the Redevelopment Plan regarding the proposed method of financing the Redevelopment Plan.

SECTION 4. In accordance with Section 279.439 of the Community Redevelopment Law and the provisions of the Redevelopment Plan, the Redevelopment Plan, and any amendments to the Redevelopment Plan, shall terminate thirty (30) years after the date on which the Redevelopment Plan is adopted.

SECTION 5. The Redevelopment Plan, including all maps, legal descriptions, and other documents incorporated therein by reference and attached thereto, having been duly reviewed and considered, is hereby incorporated into this Ordinance as Exhibit A, containing 26 pages, and made a part hereof, and, as so incorporated, is hereby approved, adopted and designated as the official "Redevelopment Plan for the Eastside Redevelopment Area."

SECTION 6. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, the City Council hereby (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Redevelopment Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Redevelopment Plan.

SECTION 7. Pursuant to Section 279.602 of the Community Redevelopment Law, upon filing of this Ordinance with the City Clerk, the City Clerk is hereby directed to send a copy of this Ordinance to the Redevelopment Agency, whereupon the Redevelopment Agency is vested with the responsibility of carrying out the Redevelopment Plan.

SECTION 8. Pursuant to Section 279.603(1) of the Community Redevelopment Law, after the adoption of this Ordinance, the City Clerk, on behalf of the City Council, is hereby authorized and directed to file with the County Recorder a description of the land within the Redevelopment Area and a statement that proceedings for redevelopment of the Redevelopment Area have been instituted. The City Clerk is also authorized and directed to record with the County Recorder a copy of this Ordinance and the Redevelopment Plan.

SECTION 9. Pursuant to Section 279.603(2) of the Community Redevelopment Law, within thirty (30) days after the adoption of this Ordinance, the City Clerk is authorized and directed to transmit a copy of the description and statement recorded pursuant to Section 8 hereof (with any exhibits thereto), a copy of this Ordinance, and a map or plat indicating the boundaries of the Redevelopment Area to: the auditor and tax assessor of the County, the officer who performs the functions of auditor or assessor for any taxing agency which, in levying or collecting its taxes, does not use the County assessment roll or does not collect its taxes through the County, and the governing body of each of the taxing agencies which levies taxes upon any property in the Redevelopment Area.

SECTION 10. Pursuant to Section 279.6035 of the Community Redevelopment Law, after the adoption of this Ordinance, the City Clerk is authorized and directed to notify the City's Building Department of the adoption of the Redevelopment Plan, and the Building Department shall, during the effective period of the Redevelopment Plan, advise all applicants for building permits in the Redevelopment Area that the site for which a permit is sought is within a redevelopment area.

SECTION 11. If any part of this Ordinance or the Redevelopment Plan which it approves and adopts is held to be invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance or of the Redevelopment Plan, and the City Council hereby declares that that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan without such invalid part.

SECTION 12. The City Clerk shall attest to the passage of this Ordinance. Within seven (7) days after adoption of this Ordinance, the City Clerk shall cause this Ordinance to be published once 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 Nevada Revised Statutes and published in the City. This Ordinance shall be in full force and effect immediately upon such publication.

SECTION 13. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 14. All ordinances, or parts of ordinances, sections, subsection, 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.

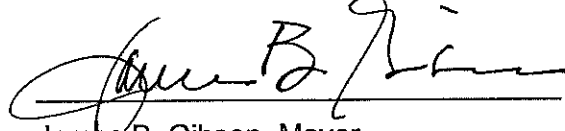
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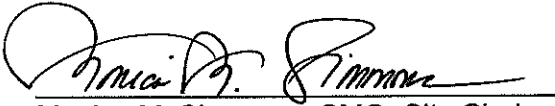
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SECTION 15. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on February 9, 2006 in the Henderson Home News.

PASSED, ADOPTED, AND APPROVED THIS 7th DAY OF FEBRUARY 2006.


James B. Gibson, Mayor

ATTEST:


Monica M. Simmons, CMC, City Clerk

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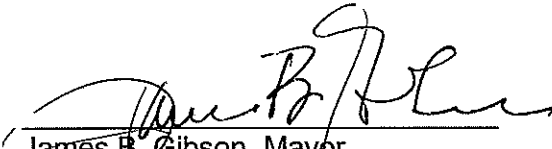
The above and foregoing Ordinance was first proposed and read in title to the City Council on January 17, 2006, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

Thereafter on February 7, 2006, 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 7, 2006, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:	James B. Gibson, Mayor
	Councilmembers:
	Jack Clark
	Steven D. Kirk
	Arthur "Andy" Hafen

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


James B. Gibson, Mayor

ATTEST:

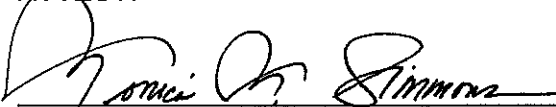

Monica M. Simmons, CMC, City Clerk

EXHIBIT A

**CITY OF HENDERSON REDEVELOPMENT AGENCY
REDEVELOPMENT PLAN
FOR THE EASTSIDE REDEVELOPMENT AREA**

Adopted by Ordinance No. _____, on _____

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Section 1. INTRODUCTION

This document is the Redevelopment Plan (this "Plan") for the Eastside Redevelopment Area (the "Redevelopment Area") which is located in the territorial jurisdiction of the City of Henderson (the "City"), State of Nevada. This Plan consists of text (Sections 1 through 13), the Redevelopment Area Boundary Map (attached hereto as Exhibit A, the "Map"), and the Redevelopment Area Legal Description (attached hereto as Exhibit B). The Redevelopment Area includes all properties within the boundaries shown on the Map.

This Plan has been prepared pursuant to Nevada Revised Statutes (NRS) 279.382 through 279.685 (the "Community Redevelopment Law") of the State of Nevada, which provides for the exercise of redevelopment authority by a redevelopment agency. Unless otherwise provided in this Plan, the definitions of general terms contained in the Community Redevelopment Law govern the construction of this Plan. All statutory references hereinafter shall be to the Community Redevelopment Law unless otherwise designated.

Implementation of this Plan by the City and the City of Henderson Redevelopment Agency (the "Agency") is governed by the provisions contained in this Plan and any implementation agreement(s) entered into in accordance with Section 12 of this Plan.

This Plan is in accord with the provisions of the Community Redevelopment Law in effect at the time of its adoption. The provisions of the Community Redevelopment Law may be changed from time to time and in the event any changes to the Community Redevelopment Law affect any of the requirements of this Plan, the requirements of this Plan so affected shall be superseded, to the extent necessary, by such changes.

The proposed redevelopment of the Redevelopment Area as described in this Plan conforms to the Comprehensive Plan for the City as applicable and as applied in accord with City of Henderson codes and ordinances.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the Redevelopment Area. This Plan does not present a specific project proposal or establish priorities for specific projects for the redevelopment, rehabilitation, and revitalization of any particular area within the Redevelopment Area. Instead, this Plan presents a process and a basic framework within which specific development plans will be presented, priorities for specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

In general, the goals and objectives of the redevelopment program in the Redevelopment Area are as follows:

1. The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Comprehensive Plan, this Plan and local codes and ordinances.
2. The achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of this Plan.
3. The control of unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens.
4. The retention of as many existing businesses as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
5. The encouragement of investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
6. The encouragement of maximum participation of residents, business persons, property owners, and community organizations in the redevelopment of the Redevelopment Area.
7. The replanning, redesigning and redeveloping of areas which are stagnant or improperly used.

Section 2. BLIGHT FACTORS WITHIN REDEVELOPMENT AREA

Redevelopment of the Redevelopment Area pursuant to this Plan and the above goals and objectives will attain the purposes of the Community Redevelopment Law by alleviating varying forms of blight, including mitigation of the following conditions:

1. The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of one or more of the following factors:
 - a. Defective design and character of physical construction.

- b. Faulty arrangement of the interior and spacing of buildings.
 - c. Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities.
 - d. Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses.
- 2. An economic dislocation, deterioration or disuse.
 - 3. The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.
 - 4. The existence of inadequate streets, open spaces and utilities.
 - 5. Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is substantially reduced and tax receipts are inadequate for the cost of public services rendered.
 - 6. A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.
 - 7. The environmental contamination of buildings or property.

Section 3. GENERAL DEFINITIONS

The following definitions are used in this Plan unless otherwise indicated by the text:

“Agency” means the City of Henderson Redevelopment Agency, Nevada.

“City” means the City of Henderson, Nevada.

“City Council” means the City Council of the City.

“Redevelopment Area” means the area included within the boundaries of the Eastside Redevelopment Area, as established by this Plan and as depicted and described in the Exhibits attached hereto.

“Community Redevelopment Law” means the Community Redevelopment Law of the State of Nevada (Nevada Revised Statutes 279.382 to 279.685).

“State” means the State of Nevada.

“Clark County” means Clark County, Nevada.

“Plan” means this Redevelopment Plan for the Eastside Redevelopment Area.

SECTION 4. REDEVELOPMENT AREA BOUNDARY MAP AND LEGAL DESCRIPTION

The boundaries of the Redevelopment Area are shown on the Redevelopment Area Boundary Map attached hereto as Exhibit A and are described in the Redevelopment Area Legal Description attached hereto as Exhibit B. This Plan establishes the Redevelopment Area.

Section 5. PROPOSED REDEVELOPMENT ACTIVITIES

A. General. The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and to strengthen the economic base of the Redevelopment Area and the City, by providing for:

1. participation in the redevelopment process by owners of properties located in the Redevelopment Area, consistent with this Plan and rules adopted by the Agency;
2. the acquisition of real property;
3. the management of property under the ownership and control of the Agency;
4. relocation assistance to persons and businesses displaced by Agency action as required by law;
5. demolition or removal of structures and improvements on land owned by the Agency and development of such land as building sites;
6. the funding for installation, construction, expansion, addition, replacement or reconstruction of streets, utilities, and other public facilities and improvements and constructing such improvements as authorized by law;
7. disposition of Agency property for uses in accordance with this Plan;
8. redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
9. rehabilitation of structures and improvements;
10. rehabilitation, development or construction of low income housing within the Redevelopment Area and the City, and;
11. the provision of retention of controls and establishment of restrictions or covenants running with the land on property sold or leased by the Agency so that property will continue to be used in accordance with this Plan.

In the accomplishment of these activities, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted or provided for by law, which powers are not expressly limited by this Plan.

B. Owner Participation Opportunities

1. Owner Participation. Owners of real property within the Redevelopment Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Redevelopment Area if such owners agree to participate in such redevelopment in conformity with this Plan and the owner participation rules adopted by the Agency. Owners do not, however, have an absolute right to retain ownership of property located in the Redevelopment Area.

In appropriate circumstances where such action would foster the goals and objectives contemplated by this Plan, an owner may participate in the redevelopment of property either by retaining all or portions of his or her property or retaining all or portions of such property and acquiring additional property or initiating new development.

An owner may seek assistance from the Agency for redeveloping his or her property and the Agency may provide assistance in the redevelopment of property to an owner if the owner agrees to participate in the redevelopment of the property in conformity with this Plan.

Where a property includes a building in good condition, but with an existing use that does not conform to the provisions of this Plan, the Agency may elect not to acquire such property provided that such use is generally compatible with the permitted uses in the area in which the building is located. In order to remain in the Redevelopment Area with a nonconforming use, the owner must agree to the imposition of such reasonable restrictions as are necessary to protect the integrity of permitted uses in the remainder of the Redevelopment Area.

The final decision concerning acquisition of real property by the Agency, if any, will be based upon the conditions existing at the time the Agency purchases property or enters into participation agreements.

Participation opportunities shall necessarily be subject to and limited by factors including but not limited to the following:

- a) The elimination or modification of land uses;
- b) The construction, vacation, widening, opening and/or other alteration or realignment of streets and public rights-of-way;
- c) The ability of participants to finance acquisition and construction activities and complete proposed improvements, developments and/or rehabilitations;
- d) The ability and experience of potential participants to undertake and complete the proposed rehabilitation or development ;

- e) The construction, expansion, removal or relocation of public utilities and public facilities;
- f) The proposed land uses for redevelopment of the Redevelopment Area;
- g) Intensification of certain land uses;
- h) Any reduction in the total number of individual parcels in the Redevelopment Area;
- i) Any change in the size of individual parcels in the Redevelopment Area to accommodate development contemplated by the Redevelopment Plan;
- j) The construction or expansion of public improvements and facilities; and the necessity to assemble areas for such;
- k) Any change in the orientation and character of the Redevelopment Area;
- l) The necessity to assemble areas for public and/or private development;
- m) The requirements of the Redevelopment Plan and applicable rules, regulations, and ordinances of the City of Henderson;
- n) Any design guidelines adopted by the Agency pursuant to the Redevelopment Plan;
- o) The feasibility of the potential participant's proposal;
- p) Appropriateness of the type of business or activity within the proposed premises or at the proposed location;
- q) The extent to which suitable relocation or re-entry accommodations exist or are rehabilitated or developed within the Redevelopment Area; and
- r) The preservation and/or rehabilitation of existing buildings which have historical and/or architectural qualities.

2. Participation Agreements. The Agency may require that, as a condition of retaining ownership of property and participating in redevelopment, each owner or participant shall enter into a binding written participation agreement with the Agency by which the participant agrees to rehabilitate, develop or use the property in conformance with this Plan and to be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. In such agreements, participants who retain real property may be required to sign and join in the recordation of such documents as required by law necessary to make the provisions of this Plan and such participation

agreement applicable to their properties. The rights of (a) participant under an approved participation agreement may or may not, at the Agency's option, be transferable upon sale or other disposition of the property.

If an owner fails to participate in the redevelopment under a participation agreement, the Agency shall have the right to acquire the subject property for redevelopment by any legal means permitted under the law and the provisions of this Plan. If so provided in the participation agreement, the price of such acquisition will be the property's fair market value at the time of execution of the participation agreement. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Redevelopment Area.

3. Implementing Rules. The provisions of paragraphs A through D of this Section 5 shall be implemented according to the rules adopted by the Agency prior to the adoption of this Plan, and as the same may be from time to time amended by the Agency. Where there is a conflict between the participation provisions in this Plan and such rules adopted by the Agency, the Plan shall prevail.

C. Property Acquisition.

1. Acquisition of Real Property. The Agency may acquire, but is not required to acquire, any real property located in the Redevelopment Area by purchase, lease, option, gift, grant, bequest, devise, or eminent domain as authorized by law.

The Agency may exercise the power of eminent domain to acquire property that is less than 40 acres for a redevelopment project if:

- a. The property sought to be acquired is necessary to carry out this Plan;
- b. The Agency has adopted a resolution that includes a written finding that a condition of blight exists for each individual parcel of property to be acquired, or if the property is not blighted, the Agency has adopted a resolution that includes a written finding that a condition of blight exists for at least two-thirds of the property within the Redevelopment Area at the time the Redevelopment Area was created;
- c. The Agency has adopted a resolution of necessity that complies with the requirements of the Community Redevelopment Law Section 279.471 subsection 2; and
- d. The Agency has made every reasonable effort to negotiate the purchase of the property pursuant to Section 3 of NRS Chapter 279 (AB 143).
- e. No property zoned and used for single family residential use shall be taken by eminent domain unless the property is dilapidated, abandoned or vacant.

The Agency may exercise the power of eminent domain to acquire a parcel of property or a group of contiguous parcels of property that is more than 40 acres in area for the purpose of open-space use in a redevelopment project if:

- a. The property sought to be acquired conforms to the objectives of this Plan;
- b. The Agency has found that each acre of the property is necessary for the purpose of open-space use and will be devoted for open-space use for not less than 50 years;
- c. The Agency has made good faith efforts to negotiate the purchase of the property by providing the owner of the property a written offer of compensation that includes a copy of the appraisal report upon which the offer for compensation is based, a description of the nature of the intended use of each property and the specific reasons for the necessity of acquiring each acre of the property for the purpose of open-space use and a detailed description of the intended and beneficial use of water rights if water rights appurtenant to the property are to be acquired; and
- d. The Agency attempted to engage in such good faith negotiations at least once per calendar month for a period of not less than 24 months.

The Agency may exercise the power of eminent domain to acquire a parcel of property upon which a business is located for a redevelopment project. However the owner of the business located on the property shall be compensated for loss of goodwill, as defined in Section 4 of Chapter 423, Statutes of Nevada 2005, at page 1787, (The Legal Division of the Legislative Counsel Bureau will assign this law to a specific section in Chapter 37 of the NRS in early 2006), if:

- a. The acquisition causes the business to be dissolved and the business cannot be relocated for reasons beyond the control of the owner, including, without limitation, the unavailability of a new franchise or when the value of the business is inextricably tied to the unique location of the property being acquired; and
- b. The owner of the business has a property interest in the property acquired.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

Without the consent of the owner, the Agency shall not acquire property retained by an owner participant pursuant to a participation agreement if the owner fully performs under the agreement. The Agency shall not, without the consent of an owner, acquire real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization, or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner

fails or refuses to participate in the Plan by executing or fulfilling the obligations of a participation agreement.

2. Acquisition of Personal Property. Generally, personal property may not be acquired by the Agency. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Redevelopment Area by any lawful means. The Agency may also acquire by gift, purchase, lease or eminent domain any personal property in connection with real property acquired by the Agency.

D. Property Management. The Agency is authorized to manage and control all real property owned, acquired or leased by it. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

E. Relocation of Persons (Including Individuals and Families), Business Concerns And Others Displaced By The Project.

1. Assistance in Finding Other Locations. The Agency shall assist all persons (including individuals and families), business concerns, and others displaced by Agency action in the Redevelopment Area in finding other locations and facilities as may be required by law. In order to carry out this Plan with a minimum of hardship to persons (including individuals and families), business concerns, and others, if any, displaced from their respective places of residence or business, the Agency shall assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, which are otherwise suitable to their respective needs, as may be required by law.

2. Relocation Benefits. The Agency shall provide relocation assistance to persons, business concerns, and others displaced by Agency action in the Redevelopment Area and shall make relocation payments as may be required by law. Such relocation payments shall be made pursuant to Chapter 342 of Nevada Revised Statutes and the rules adopted by the Agency pursuant thereto and as such rules may be amended from time to time.

The Agency shall provide assistance for relocation and shall make all of the payments required by Nevada Revised Statutes Chapter 342 and the regulations adopted by the Director of the Department of Transportation pursuant thereto for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

F. Payments to Taxing Agencies In Lieu of Taxes. The Agency may in any year during which it owns property in the Redevelopment Area pay directly to the City, Clark County, or other district, including, but not limited to, a school district or other

public corporation for whose benefit a tax would have been levied upon the Agency-owned property had it not been exempt, an amount of money in lieu of taxes.

G. Demolition, Clearance, Public Improvements, Building and Site Preparation.

1. Demolition and Clearance. The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property owned or acquired by it in the Redevelopment Area as necessary to carry out the purposes of this Plan.

2. Public Improvements. The Agency may fund all or part of the cost of the public improvements, facilities and utilities (within or outside the Redevelopment Area) necessary to carry out this Plan, and as may be authorized by law and this Plan. Such public improvements, facilities and utilities include, but are not limited to, the following: (1) over- and under-passes; (2) sewers; (3) storm drains; (4) electrical, natural gas, telephone and water distribution systems; (5) parks and plazas; (6) playgrounds; (7) parking and transportation facilities; (8) landscaped areas; (9) street and circulation improvements; (10) flood control improvements and facilities; and (11) other public facilities serving the needs of Redevelopment Area occupants or benefiting the Redevelopment Area or carrying out the purposes of this Plan.

3. Preparation of Building Sites. The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Redevelopment Area owned or acquired by the Agency.

H. Property Disposition and Development.

1. Real Property Disposition and Development. For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by lease or sale without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in Clark County.

A lease or sale by the Agency of real property acquired by it in the Redevelopment Area shall be conditioned on the redevelopment and use of the property in conformity with this Plan.

Except as otherwise provided in Section 279.486 of the Community Redevelopment Law, all real property acquired by the Agency in the Redevelopment Area shall be sold or leased, except property conveyed by it to the community. Any

sale or lease may be for an amount at less than fair market value if necessary to effectuate the purposes of this Plan. Real property may also be conveyed by the Agency to the City, and, where beneficial to the Redevelopment Area, to any other public body without charge or for an amount at less than fair market value.

All purchasers or lessees of property from the Agency may be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan, including without limitation the provisions of an employment plan or a contract approved for a redevelopment project.

The Agency may, as it determines to be appropriate, require that a proposal for a redevelopment project include an employment plan which includes:

- (a) A description of the existing opportunities for employment within the Redevelopment Area;
- (b) A projection of the effect that the redevelopment project will have on opportunities for employment within the Redevelopment Area, and;
- (c) A description of the manner in which an employer relocating his business into the Redevelopment Area plans to employ persons living within the area of operation who are:
 - (1) Economically disadvantaged;
 - (2) Physically handicapped;
 - (3) Members of racial minorities;
 - (4) Veterans; or
 - (5) Women.

During the period of development in the Redevelopment Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Redevelopment Area is proceeding in accordance with development documents and time schedules.

2. Disposition and Development Documents. The Agency shall reserve powers and controls in disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is expeditiously carried out pursuant to this Plan.

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or

conveyed by the Agency, as well as all property subject to participation and development agreements, shall be made subject to the provisions of this Plan and other conditions imposed by the Agency by leases, deeds, contracts, and agreements. The Agency may provide in an agreement to sell real property that the obligations of the purchaser are covenants and conditions running with the land, the breach of which will cause the fee title to revert to the Agency. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of Clark County.

3. Development Financing by the Agency or Other Public Bodies or Entities.

The Agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the Redevelopment Area. Before the legislative body may give its consent, it shall determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or there improvements are available.

Those determinations by the Agency and the legislative body are final and conclusive.

If the value of the land or the cost of the construction of the building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the Agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the Agency under that contract constitutes an indebtedness of the Agency which may be payable out of taxes levied and allocated to the Agency under paragraph (b) of subsection 1 of Community Redevelopment Law Section 279.676, or out of any other available money.

4. Development Plans. All development plans (whether public or private) shall be processed in the manner provided by applicable City codes. All development in the Redevelopment Area must conform to City design review procedures, which may include Agency comment on the proposal's conformity with the Redevelopment Plan.

5. Personal Property Disposition. For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

1. Cooperation with Public Bodies. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

1. Dedicate, sell, convey or lease any of its property to the Agency.

2. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects.

3. Furnish, dedicate, close, pave, install, grade, re-grade, plan or re-plan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.

4. Plan or re-plan, zone or rezone, or designate or redesignate land uses for any part of such area and make any legal exceptions from building regulations and ordinances.

5. Enter into agreements with the federal government respecting action to be taken by such public body pursuant to any of the powers granted by the Community Redevelopment Law. Such agreements may extend over any period, notwithstanding any law to the contrary.

6. Purchase or legally invest in any of the bonds of the Agency and exercise all of the rights of any holder of such bonds.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Redevelopment Area.

Section 6. LAND USES AND DEVELOPMENT REQUIREMENTS

A. Redevelopment Area Map and Major Redevelopment Area Land Uses. The Map illustrates the location of the Redevelopment Area boundary, identifies the major streets within the Redevelopment Area, and designates the land uses authorized within the Redevelopment Area by the City's current Comprehensive Plan. The City will

from time to time update and revise its Comprehensive Plan. It is the intention of this Plan that the land uses to be permitted within the Redevelopment Area shall be as provided within the City's Comprehensive Plan as it currently exists or as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions and other laws. The major land uses authorized within the Redevelopment Area by the Comprehensive Plan are described below. Other uses may be authorized from time to time by Comprehensive Plan and amendments.

B. Major Land Uses. Major land uses permitted within the Redevelopment Area include:

- Residential Uses
- Commercial Uses
- Industrial Uses
- Public Uses
- Open Space/Recreational Uses

The areas shown on the Map for the foregoing uses may be used for any of the various kinds of uses specified for or permitted within such areas by the Comprehensive Plan, as it currently exists or as it may be amended from time to time.

C. Other Land Uses.

1. Public Rights-of-Way and Streets. Major public streets within the Redevelopment Area are generally described as follows:

- Boulder Highway;
- Burkholder Boulevard;
- Burns Road;
- East Lake Mead Parkway;
- Gibson Road;
- Ivy Street;
- North Major Avenue;
- North Pueblo Boulevard;
- Pabco Road;
- US 95, and;
- West Warm Springs Road.

The layout of streets in the Redevelopment Area as they now exist is shown in the Map. Additional public streets, alleys and easements may be created in the Redevelopment Area as needed for proper use and/or development. Existing streets and alleys may be abandoned, closed or modified as necessary for proper use and/or

development. It is anticipated that development may entail vacation and/or realignment of certain streets, alleys, and other rights-of-way.

Any changes in the existing street layout shall be in accord with the Comprehensive Plan, as appropriate, the objectives of this Plan, and the City's design standards, as applicable; and shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

(a) A balance of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with similar needs of existing developments proposed or potentially proposed to remain. Such balancing shall take into consideration the rights of existing owners under the participation rules adopted by the Agency for the Redevelopment Area, and any participation agreements executed thereunder;

(b) The requirements imposed by such factors as topography, traffic safety and aesthetics;

(c) The potential need to serve not only the Redevelopment Area and new or existing developments, but to also serve areas outside the Redevelopment Area by providing convenient, efficient vehicular access and movement; and

(d) The potential need or desire to accommodate the facilities and/or equipment of mass transportation modes.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained, amended or created.

2. Other Public, Semi-Public, Institutional and Non-Profit Uses. The Redevelopment Area may include public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way, and facilities of other similar associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved and as permitted under the Comprehensive Plan. Property to be used for public purposes in the Redevelopment Area is also designated and described in the Comprehensive Plan as it now exists or may be amended from time to time.

D. Conforming Properties. Without the consent of the owner, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use. The Agency may enter into an agreement with the owner that so provides. If an existing building requires structural alteration,

improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan, the Agency may acquire such property if the owner refuses to enter into a participation agreement or fails to redevelop the property or otherwise carryout the provisions of such agreement.

E. Interim Uses. Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Redevelopment Area for interim uses not in conformity with the uses permitted in this Plan. Such interim use shall conform to all applicable City codes.

F. Non-Conforming Uses. The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Redevelopment Area, and abatement of such uses is not required by applicable City codes. The owner of such a property may be required to enter into a participation agreement, to record a covenant of restrictions against the property, and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and uses in the Redevelopment Area.

The Agency may authorize additions, alterations, repairs or other improvements in the Redevelopment Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Redevelopment Area where, in the determination of the Agency, such improvements would be compatible with surrounding Redevelopment Area uses and development and are permitted under applicable City codes.

G. General Controls and Limitations. All real property in the Redevelopment Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the effective date of the ordinance adopting this Plan, except in conformance with the provisions of this Plan.

1. Construction. All construction in the Redevelopment Area shall comply with all applicable state and local laws in effect from time to time.

2. Limitation on the Number of Buildings. The number of buildings in the Redevelopment Area shall not exceed the number of buildings permitted under the Comprehensive Plan.

3. Number of Dwelling Units. The number of dwelling units in the Redevelopment Area shall not exceed the maximum number allowed under the

densities permitted under the Comprehensive Plan as implemented and applied by local codes and ordinances.

4. Limitations on Type, Size and Height of Buildings. Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by the applicable federal, state and local statutes and ordinances.

5. Open Spaces, Landscaping, Light, Air and Privacy. The approximate amount of open space to be provided in the Redevelopment Area is the total of all area which will be in public rights-of-way, public grounds, spaces around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Redevelopment Area to ensure optimum use of living plant material.

Park and open space in the Redevelopment Area is also designated in the Comprehensive Plan as it now exists or may be amended from time to time. In all areas, sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

6. Signs. All signs shall conform to City requirements, as appropriate. Design of all proposed new signs shall be submitted prior to installation to the City for review and approval.

7. Utilities. Utilities shall be placed underground whenever physically possible and economically feasible.

8. Incompatible Uses. No use or structure which would, by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, be incompatible with the surrounding areas or structures shall be permitted in any part of the Redevelopment Area.

9. Subdivision of Parcels. No parcels in the Redevelopment Area, including any parcel retained by a participant, shall be consolidated, subdivided or re-subdivided without the approval of the appropriate public body.

10. Minor Variations. If authorized by ordinance, the Agency may grant minor deviations from the land use requirements established within a zoning district without a hearing. In so doing, the Agency must comply with the provisions of said ordinance as they pertain to Nevada Revised Statutes Section 278.319. An applicant for a minor deviation must obtain the written consent of the owner of any real property that would be affected by the deviation. The Agency shall ensure that the deviation will not impair the purpose of this Plan, the zoning district, or any applicable zoning regulations. The applicant or other aggrieved person may appeal the Agency's decision to the governing body.

H. Building Permits. No permit shall be issued for the construction of any new building or any addition, moving, conversion or alteration to an existing building in the Redevelopment Area from the effective date of the ordinance adopting this Plan until the application for such permit has been processed in the manner provided herein. Any permit that is issued hereunder must be in conformance with the provisions of this Plan.

The City may request that the Agency comment on an application for a building permit, in order to determine whether the application conforms to the requirements of this Plan. Agency review will be advisory only and will not control the City's approval or disapproval of an application.

I. Non-Discrimination and Non-Segregation. There shall be no discrimination or segregation based on race, color, sex, marital status, age, creed, religion, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property owned or acquired by the Agency.

SECTION 7. METHOD OF FINANCING THE REDEVELOPMENT PLAN

A. General Description of the Proposed Financing Method. The Agency is authorized to finance activities in the Redevelopment Area and carry out this Plan with tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, owner participant or developer loans, participation in development, or with financial assistance from Clark County, the City, the State, the federal government, or any other available source, public or private. The Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness in carrying out this Plan. The principal and interest on such indebtedness may be paid from tax increment or any other funds available to the Agency. The Agency is authorized to receive and expend advances and loans for survey and planning by Clark County, the City or any other available source, public or private, until adequate tax increment or other funds are available or sufficiently assured to repay the advances and loans and to permit borrowing adequate working capital from other sources. The City and Clark County, as they are able and authorized, may also supply additional assistance through issuance of bonds, loans and grants, and in-kind assistance. To finance activities in the Redevelopment Area or to carry out this Plan, the Agency may use all monies received from any source as permitted by law.

Tax increment financing, as authorized by Section 7 of this Plan, is intended as a source of financing in combination with other sources of financing that may be available for specific activities in the Redevelopment Area.

The Agency is authorized to finance this Plan by all means permitted by law. The analysis and description of the proposed method of financing the Redevelopment Plan is contained in the Agency's Report to City Council on the Redevelopment Plan which is

incorporated herein by this reference. The analysis provides sufficient detail to determine the economic feasibility of this Plan.

B. Tax Increment Funds. All taxes levied upon taxable property within the Redevelopment Area each year, by or for the benefit of the State, Clark County, the City, or any other district or public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance, approving this Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in the Redevelopment Area on the effective date of the ordinances, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of Clark County last equalized on the effective date of the ordinance, must be used in determining the assessed valuation of the taxable property in the Redevelopment Area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

2. Except as otherwise provided in paragraphs 3 and 4 below and Nevada Revised Statutes Section 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph 1 above, must be allocated to and when collected must be paid into a special fund of the Agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the Agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in the Redevelopment Area exceeds the total assessed value of the taxable property in the Redevelopment Area as shown by the last equalized assessment roll referred to in paragraph 1 above, all of the taxes levied and collected upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies. When this Plan is terminated pursuant to Nevada Revised Statutes Section 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Redevelopment Area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

4. That portion of the taxes in excess of the amount set forth in paragraph 1 above that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

In any fiscal year, the total revenue paid to the Agency must not exceed an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by ten (10) percent of the total assessed valuation of the City.

If the revenue paid to the Agency must be limited pursuant to the immediately above paragraph and the Agency has more than one redevelopment area, the Agency shall determine the allocation to each redevelopment area. Any revenue which would be allocated to the Agency but for the provisions of this paragraph must be paid into the funds of the respective taxing agencies.

For the purposes of this Section, the assessment roll last equalized before the effective date of the ordinance approving this Plan is the assessment roll in existence on March 15th immediately preceding the effective date of the ordinance.

This Paragraph B shall be construed to fully implement the provisions of Community Redevelopment Law Section 279.676.

C. Agency Bonds. The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of activities in the Redevelopment Area.

Neither the members of the Agency, Agency staff, nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

Unless the full faith and credit of a community is pledged, the bonds and other obligations of the Agency are not a debt of the City, the State or any of its political subdivisions and neither the City, the State nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. Unless the full faith and credit of a community is pledged, the

bonds do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

D. Time Limit on Issuing Securities or Establishing of Indebtedness.

Securities must not be issued and no indebtedness may be incurred in any other manner, by or on behalf of the Agency, to finance, in whole or in part, this Plan beyond twenty (20) years after the date on which this Plan is adopted. The Agency may, as an exception, enter into leases or incur indebtedness at any time before the termination of this Plan if the leases are terminated and the indebtedness is fully repaid no later than the termination of the Plan. The maturity date of any securities which are refunded must not extend beyond the date of termination of the Plan.

Any securities issued by or on behalf of the Agency to finance, in whole or in part, redevelopment pursuant to the Community Redevelopment Law Sections 279.620 to 279.626, inclusive, and 279.634 to 279.672, inclusive, must mature and be fully paid, including any interest thereon, before the termination of this Plan.

E. Other Loans and Grants. Any other loans, grants, guarantees, or financial assistance from the United States, the State, or any other public or private source will be utilized if available as appropriate in carrying out activities in the Redevelopment Area. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

SECTION 8. ACTIONS BY THE CITY.

The City may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City may include, but are not limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, in the Redevelopment Area. Such action by the City shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal, and relocation be borne by others than those legally required to bear such costs;

2. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned utilities within or affecting the Redevelopment Area;

3. Revision or adoption of the City zoning ordinance(s), specific plan(s), or the Comprehensive Plan as appropriate within the Redevelopment Area to permit the land uses and development authorized by or necessary or desired to carry out this Plan;

4. Imposition wherever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Redevelopment Area to ensure their proper development and use;

5. Execution of statutory development agreements where necessary and appropriate to facilitate developments approved by the Agency;

6. Provisions for administrative enforcement of this Plan by the City, as appropriate, after development;

7. Performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Redevelopment Area to be commenced and carried to completion without unnecessary delays;

8. Provisions of services and facilities and the various officials, offices and departments of the City for the Agency's purposes under this Plan;

9. The dedication, sale, conveyance or lease of any real property owned by the City to the Agency without consideration paid by the Agency and without the need to place such real property owned by the City up for public bid prior to transferring title of said real property to Agency;

10. Provision of financial assistance in accordance with Section 7 of this Plan or as authorized by law; and/or

11. The undertaking and completing of any other proceedings necessary to carry out activities in the Redevelopment Area.

The foregoing actions to be taken by the City may involve financial outlays by the City, but do not constitute a commitment to make such outlays.

SECTION 9. ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

Without limitation on the powers conferred on the City or Agency by statute or law, the provisions of this Plan or other documents entered into pursuant to this Plan

may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Redevelopment Area may be enforced by such owners.

Section 10. DURATION OF THIS PLAN

The provisions of this Plan and any amendments hereto shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty (30) years after the date on which this Plan is adopted. This Plan and any amendment hereto will terminate thirty (30) years after the date on which this Plan is adopted.

Section 11. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Community Redevelopment Law, or by any other procedure established by law.

Section 12. IMPLEMENTATION AGREEMENT(S)

The Agency and the City may enter into any agreement(s) between them which they deem necessary to implement the provisions of this Plan. Such agreements shall relate only to the implementation of this Plan and shall not revise, change or modify any of the provisions, requirements or limitations of this Plan.

Section 13. SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid, unenforceable, or unconstitutional, such decision shall not affect the validity and effectiveness of the remaining portion or portions of the Plan. In the event that any portion of the Redevelopment Area shall be determined to have been invalidly or incorrectly included in the Redevelopment Area that is the subject of this Plan, such portion of the Redevelopment Area shall be deemed severable from the remainder of the Redevelopment Area and the remainder of the Redevelopment Area shall remain fully subject to the provisions of this Plan.

The map displays the following streets and landmarks:

- Streets:** Russell Rd, Boulder Hwy, Sunset Rd, Warm Springs Rd, Gibson Rd, Wagoner St, Lakewood Pkwy, Wenden St, Hend St, Horizon Ridge Pkwy, Paseo Verde Pkwy, Wigwam Pkwy, Center St, Pueblo Blvd, New Port Dr, and Race Track.
- Facilities:** A large shaded area labeled "TIMET" is the central focus.
- Other Features:** A north arrow is in the lower-left. A dashed line indicates a boundary or route. The map shows a dense network of roads and some building footprints.

EXHIBIT B

REDEVELOPMENT AREA LEGAL DESCRIPTION

East Side Study Area Sub-Area 4-1

Explanation: This document is a boundary description of a Redevelopment Study Area. The bearings and distances shown are based on the Clark County Nevada Geographical Information System. This is not a Survey and is not intended to represent the actual boundary information of the below described property.

Portions of the Sections 34 and 35, Township 21 South, Range 62 East, M.D.M., Sections 1, 2, 3 and 12, Township 22 South, Range 62 East, M.D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Beginning at the intersection of the southwesterly right-of-way of Boulder Highway and the west line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 35; Thence along the said southwesterly right-of-way of Boulder Highway the following Eight (8) courses; (1) South $43^{\circ}00'56''$ East, 972.78 feet; (2) South $42^{\circ}35'01''$ East, 4,825.60 feet; (3) North $37^{\circ}33'03''$ East, 160.50 feet; (4) South $42^{\circ}39'50''$ East, 4,009.61 feet; (5) North $47^{\circ}59'08''$ East, 16.79 feet; (6) South $42^{\circ}28'51''$ East, 2,025.25 feet; (7) North $89^{\circ}06'02''$ West, 76.18 feet; (8) South $42^{\circ}45'06''$ East, 1,128.08 feet to a point that intersects the northerly right-of-way of Warm Springs Road; Thence along the said northerly right-of-way, South $76^{\circ}47'12''$ West, 221.53 feet to the beginning of a 1,149.91 foot radius curve, concave northerly; Thence westerly along said northerly right-of-way and curve to the right, 910.95 feet through a central angle of $45^{\circ}23'22''$; Thence North $57^{\circ}49'33''$ West along said northerly right-of-way, 385.67 feet; Thence departing said northerly right-of-way, North $09^{\circ}13'36''$ West, 535.73 feet to a point on the south line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 12; Thence along said south line, North $89^{\circ}55'14''$ West, 765.18 feet to the southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 12; Thence along the east line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 12, North $01^{\circ}01'02''$ East, 1,321.25 feet to the northeast corner of said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 12; Thence along the north line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 12, South $89^{\circ}23'53''$ West, 1,270.55 feet to the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 12; Thence along the east line of the Southwest Quarter (SW $\frac{1}{4}$) of the East Side Study Area
Sub-Area 4-1

Southwest Quarter (SW $\frac{1}{4}$) of said Section 1, North $01^{\circ}07'55''$ West, 1,300.26 feet to a point that intersects the southwesterly right-of-way of Athol Street; Thence North

41°40'24" West along the southwesterly right-of-way of said Athol Street, 39.50 feet to a point that intersects the north line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 1; Thence along the north line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 1, South 89°55'56" West, 1,251.08 feet to the northeast corner of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section 2; Thence along east line of said Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section 2, South 01°42'33" East, 1,346.31 feet to the southeast corner of the Southeast Quarter (SE ¼) of said Section 2; Thence along the south line of the Southeast Quarter (SE ¼) of said Section 2, South 89°40'34" West, 2,589.34 feet to the southeast corner of the Southwest Quarter (SW ¼) of said Section 2; Thence along the south line of the said Southwest Quarter (SW ¼) of Section 2, South 89°01'17" West, 2,052.60 feet to a point that intersects the easterly right-of-way of Interstate 515; Thence along the easterly right-of-way of said Interstate 515 the following Twenty (20) courses; (1) North 23°00'20" West, 53.74 feet; (2) North 26°07'07" West, 338.98 feet; (3) North 25°40'50" West, 513.37 feet; (4) North 24°56'48" West, 502.63 feet; (5) North 20° 49'31" West, 618.01 feet to the beginning of a 1,385.46 foot radius curve, concave easterly; (6) Thence northerly along said curve to the right, 568.59 feet through a central angle of 23°30'51";

(7) North 02°09'40" East, 146.19 feet to the beginning of a 48.73 foot radius curve, concave southeasterly; (8) Thence northeasterly along said curve to the right, 81.15 feet through a central angle of 95°25'32"; (9) North 88°29'33" East, 104.77 feet;

(10) North 01°18'27" West, 158.86 feet; (11) South 89°46'25" West, 99.62 feet to the beginning of a 43.13 foot radius curve, concave northeasterly; (12) Thence northwesterly along said curve to the right, 73.63 feet through a central angle of 97°49'12"; (13) North 00°00'00" East, 35.83 feet to the beginning of a 502.78 foot radius curve, concave westerly; (14) Thence northwesterly along said curve to the left, 444.83 feet through a central angle of 50°41'32"; (15) North 46°14'32" West, 873.34 feet to the beginning of a 2,889.25 foot radius curve, concave northeasterly; (16) Thence northwesterly along said curve to the right, 721.24 feet through a central angle of 14°18'10"; (17) North 28°03'49" West, 592.57 feet; (18) North 28°06'01" West, 380.54 feet; (19) North 26°35'27" West, 1,864.64 feet to the beginning of a 5,137.77 foot radius curve, concave southwesterly; (20) Thence

East Side Study Area

Sub-Area 4-1

northwesterly along said curve to the left, 555.28 feet through a central angle of 6°11'33"; Thence departing said easterly right of way, North 59°39'50" East along the southerly boundary of Central Christian Church property, 748.53 feet; Thence continuing along said Central Christian Church property, North 02°09'49" West, 170.57 feet to the northwest corner of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of said Section 34; Thence along the northerly line of said Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 34, South 89°22'22" East, 1,226.45 feet to the northwest corner of the Northeast Quarter (NE ¼) of the said

Southeast Quarter (SE ¼) of Section 34; Thence along the north line of the said Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 34, South 89°21'54" East, 1,226.26 feet to the northwest corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35; Thence along the west line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35, South 01°12'12" East, 1,319.89 feet to the southwest corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35; Thence along the south line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35, North 89°47'49" East, 1,221.97 feet to the southeast corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35; Thence along the west line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 35, North 00°23'51" West, 712.91 feet to the Point of Beginning.

Together with:

That portion of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35, Township 21 South, Rang 62 East, M.D.M., City of Henderson, Clark County, Nevada, lying northeasterly of the northeasterly right-of-way of Boulder Highway, more particularly described as follows:

Beginning at the northeast corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35, Thence South 00°26'32" West, 1,305.68 feet to the southeast corner of said Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35; Thence along the south line of the
East Side Study Area
Sub-Area 4-1

Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35, North 89°59'16" West, 18.66 feet to a point that intersect the northeasterly right-of-way of said Boulder Highway; Thence along the northeasterly right-of-way of said Boulder Highway, North 42°37'51" West, 1,780.08 feet to the northwest corner of said Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35; Thence along the north line of said Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section 35, South 89°48'48" East, 1,233.60 feet to the Point of Beginning.

Excepting therefrom all of the Public Street lying within the above described areas.

The bearings and distances of the above described areas are based on the Clark County, Nevada Geographical Information System. The area contains 919 acres, more or less.

East Side Study Area
Sub-Area 4-2

Explanation: This document is a boundary description of a Redevelopment Study Area. The bearings and distances shown are based on the Clark County Nevada Geographical Information System. This is not a Survey and is not intended to represent the actual boundary information of the below described property.

Portions of the Sections 36, Township 21 South, Range 62 East, M.D.M., Sections 1 & 2, Township 22 South, Range 62 East, Section 31, Township 21 South, Range 63 East and Section 6, Township 22 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Beginning at the northwest corner of said Section 1; Thence South 00°09'57" West along the east line of said Section 1, a distance of 343.41 feet; Thence departing said east line South 89°50'03" East, 375.00 feet; Thence South 00°09'57" West, 330.00 feet; Thence North 89°50'03" West, 375.00 feet to a point on the said east line; Thence South 00°09'57" West along said east line, 637.95 feet to the North One-Sixteenth Corner (N 1/16) of said Section 1; Thence continuing along said east line, South 00°10'58" West, 1354.05 feet to the East Quarter (E ¼) of said Section 1; Thence continuing along said east line, South 00°11'14" West, 1,324.04 feet to the South One-Sixteenth Corner (S 1/16) of said Section 1; Thence continuing along said east line, South 00°03'18" West, 1,306.44 feet to the southeast corner of said Section 1 and being the northeast corner of said Section 12; Thence along the east line of said Section 12; South 00°12'21" West, 1,314.39 feet to the North One-Sixteenth Corner (N 1/16) of said Section 12; Thence continuing along said east line, South 00°14'29" West, 841.06 feet to the intersection of the said east line and the northeasterly right-of-way of Boulder Highway; Thence along the said northeasterly right-of-way, North 42°46'08" West, 7,752.43 feet; Thence continuing along said northeasterly right-of-way, North 02°19'32" West, 72.76 feet; Thence continuing along said northeasterly right-of-way, North 42°33'45" West, 2,235.15 feet to the intersection of said northeasterly right-of-way and the north line of said Section 2; Thence along the

East Side Study Area
Sub-Area 4-2

said north line, North 89°40'33" East, 1,434.14 feet to the northwest corner of said Section 1; Thence along the north line of said Section 1, North 89°38'21" East, 2,014.21 feet; Thence departing said north line and along the boundary of the City of Henderson's Water Reclamation Facility the following seventeen (17) courses; (1) North 00°02'17" East, 2,185.38 feet; (2) South 89°50'12" West, 26.03 feet; (3) North 00°13'48" East, 233.86 feet; (4) North 17°08'10" West, 1,113.57 feet; (5) North 72°10'47" East, 1,101.62 feet; (6) North 48°11'23" East, 414.67 feet;

(7) South 65°17'23" East, 844.16 feet; (8) North 88°16'36" East, 1,544.57 feet to a point on the east line of said Section 36; (9) Thence North 88°29'19" East, 1,487.65 feet to a point on the easterly right-of-way of Aguila Road and being a point on a 970.09 foot radius curve, concave westerly, to which point a radial line bears South 80°43'49" East; (10) Thence continuing along said boundary, easterly right-of-way and curve to the right, 58.98 feet through a central angle of 3°29'01"; (11) Thence continuing along said boundary and easterly right-of-way, South 12°45'13" West, 1,487.65 feet to the beginning of a 1,041.66 foot radius curve, concave easterly; (12) Thence southerly along said boundary, easterly right-of-way and curve to the left, 649.26 feet through a central angle of 35°42'44" to a point of 2,030.00 foot radius compound curve, concave easterly, to which point a radial line bears South 66°56'44" West; (13) Thence southerly along said curve, 240.04 feet through a central angle of 6°46'30" to the beginning of a 1,970.00 foot radius reverse curve, concave westerly, to which point a radial line bears North 61°48'34" East; (14) Thence continuing along said boundary, easterly right-of-way and curve to the right, 476.71 feet through a central angle of 13°51'53"; (15) Thence continuing along said boundary and easterly right-of-way, South 14°19'33" East, 346.64 feet to the beginning of a 20.00 foot radius curve, compound northwesterly; (16) Thence continuing along said boundary and curve, 31.67 feet through a central angle of 90°43'40" to a point of 18,780.71 foot radius compound curve, concave northerly, to which point a radial line bears South 13°35'38" East and being on the northerly right-of-way of Athens Avenue; (17) Thence westerly along said boundary, northerly right-of-way and curve, 1,503.10 feet through a central angle of 4°35'08" to a point on the east line of said Section 36; Thence along said east line, South 00°24'43" East, 181.00 feet to the Point of Beginning.

Together with:

East Side Study Area
Sub-Area 4-2

Lots 1 and 2 of File 39 of Parcel Maps, Page 33 on file in the Office of the Clark County, Nevada Recorder.

Excepting therefrom all of the Public Street within the above described areas.

The bearings and distances of the above described areas are based on the Clark County, Nevada Geographical Information System. The area contains 1,010 acres, more or less.

East Side Study Area
Sub-Area 4-3

Explanation: This document is a boundary description of a Redevelopment Study Area. The bearings and distances shown are based on the Clark County Nevada Geographical Information System. This is not a Survey and is not intended to represent the actual boundary information of the below described property.

Portions of the Sections 5, 8 and 17, Township 22 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Beginning at the East One-Quarter corner (E $\frac{1}{4}$) of said Section 8; Thence along the south line of said Section 5, South 89°36'15" West, 152.37 feet; Thence departing said south line, South 00°16'02" East, 2,638.60 feet along the westerly right-of-way of Pueblo Blvd.; Thence continuing along the said westerly right-of-way, South 00°16'18" East, 1,981.29 feet to a point that intersects the northerly right-of-way of Burkholder Blvd.; Thence along said northerly right-of-way, South 89°28'21" West, 38.52 feet; Thence continuing along said northerly right-of-way, North 74°34'13" West, 1,176.01 feet; Thence continuing along said northerly right-of-way, North 74°36'35" West, 1,244.79 feet to point that intersects the centerline of Center Street; Thence along the centerline of said Center Street, South 00°23'59" East, 451.64 feet to point that intersects the centerline of Major Avenue; Thence along the centerline of said Major Avenue, South 25°04'36" West, 250.84 feet; Thence departing said centerline, South 72°38'46" East to a point on the easterly right-of-way of said Major Avenue; Thence along said easterly right-of-way, South 25°15'15" West, 1,860.50 feet; Thence departing said easterly right-of-way, North 42°45'57" West, 1,143.16 feet; Thence North 47°59'39" East, 447.23 feet to the northeasterly right-of-way of Harris Street; Thence along the said northerly right-of-way, North 42°45'33" West, 1,047.42 feet to a point that intersects the southeasterly right-of-way of Dondero Street; Thence along the said southeasterly right-of-way, North 47°14'09" East, 884.95 feet to a point that intersects the southwesterly right-of-way of McNeil Drive; Thence along the said southwesterly right-of-way, South 42°10'56" East, 232.21 feet; Thence departing said southeasterly right-of-way, North 90°00'00" East, 69.30 feet to the

East Side Study Area
Sub-Area 4-3

northeasterly right-of-way of said McNeil Drive; Thence along the said northeasterly right-of-way and southwesterly right-of-way of the 200 foot wide Nevada Power Easement, North 42°07'22" West, 1,755.06 feet; Thence departing said northeasterly right-of-way, North 46°39'18" East, 40.04 feet; Thence South 89°42'06" East, 206.88 feet to the northeasterly right-of-way of said Nevada Power Easement; Thence along said northeasterly right-of-way, North 43°13'22" East, 142.16 feet; Thence departing said northeasterly right-of-way; North 47°30'38" East, 794.55

feet; Thence North $42^{\circ}21'05''$ West, 819.44 feet to point on the easterly right-of-way of Lake Mead Drive, said point being on a 10,197.24 foot radius curve, concave northwesterly, to which point a radial line bears South $52^{\circ}42'18''$ East; Thence northerly along said easterly right-of-way and curve to the left; 1,439.60 feet through a central angle of $8^{\circ}05'20''$; Thence continuing along said easterly right-of-way, North $28^{\circ}27'10''$ East, 8,083.00 feet to a point that intersects the east line of said Section 5; Thence along said east line, South $00^{\circ}02'33''$ West, 4,239.25 feet to the northeast corner of said Section 8; Thence along the east line of said Section 8, South $00^{\circ}19'44''$ East, 2,631.82 feet to the Point of Beginning.

Excepting therefrom all of the Public Street within the above described areas.

The bearings and distances of the above described areas are based on the Clark County, Nevada Geographical Information System. The area contains 578 acres, more or less.

East Side Study Area
Sub-Area 4-4

Explanation: This document is a boundary description of a Redevelopment Study Area. The bearings and distances shown are based on the Clark County Nevada Geographical Information System. This is not a Survey and is not intended to represent the actual boundary information of the below described property.

Portions of the Sections 36, Township 21 South, Range 62 East, M.D.M., Section 31, Township 21 South, Range 63 East and Sections 5, 6, 7 and 8, Township 22 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Beginning at the northwest corner of said Section 1; Thence South 00°09'57" West along the east line of said Section 1, a distance of 343.41 feet; Thence departing said east line South 89°50'03" East, 375.00 feet; Thence South 00°09'57" West, 330.00 feet; Thence North 89°50'03" West, 375.00 feet to a point on the said east line; Thence South 00°09'57" West along said east line, 637.95 feet to the North One-Sixteenth Corner (N 1/16) of said Section 1; Thence continuing along said east line, South 00°10'58" West, 1354.05 feet to the East Quarter (E ¼) of said Section 1; Thence continuing along said east line, South 00°11'14" West, 1,324.04 feet to the South One-Sixteenth Corner (S 1/16) of said Section 1; Thence continuing along said east line, South 00°03'18" West, 1,306.44 feet to the southeast corner of said Section 1 and being the northeast corner of said Section 12; Thence along the east line of said Section 12; South 00°12'21" West, 1,314.39 feet to the North One-Sixteenth Corner (N 1/16) of said Section 12; Thence continuing along said east line, South 00°14'29" West, 841.06 feet to the intersection of the said east line and the northeasterly right-of-way of Boulder Highway; Thence along the said northeasterly right-of-way, South 42°59'47" East, 2,728.66 feet; Thence departing said northeasterly right-of-way, North 47°48'43" East, 1,838.83 feet; Thence South 43°20'48" East, 425.97 feet; Thence North 46°58'16" East, 1,946.30 feet; Thence South 61°00'52" East, 42.24 feet; Thence North 47°12'59" East, 292.82 feet to a point that intersects the east line of the Northwest Quarter (NW ¼) of said Section 7; Thence along said east line, North

East Side Study Area
Sub-Area 4-4

00°16'36" West, 119.91 to a point that intersects the southerly right-of-way of Warm Springs Road; Thence along the said southerly right-of-way, North 89°21'15" East, 172.88 feet; Thence departing said southerly right-of-way, North 13°23'10" East, 103.07 feet to point on the northerly right-of-way of said Warm Springs Road; Thence along said northerly right-of-way, North 88°37'11" East, 40.85 feet to the beginning of a 1,250.00 foot radius curve, concave southerly; Thence continuing along said northerly right-of-way and curve to the right, 589.05 feet through a central angle of 27°00'00"; Thence continuing along said northerly right-of-way, South 63°03'38" East, 784.06 feet

to the beginning of a 20.18 foot radius curve, concave northerly; Thence northeasterly along said curve to the left, 34.91 feet through a central angle of 99°07'07" to a point on the northwesterly right-of-way of Lake Mead Drive; Thence along the said northwesterly right-of-way, North 28°37'02" East, 7,808.85 feet to a point that intersects the east line of said Section 5; Thence along the east line of Section 5, North 00°43'38" East, 443.77 feet to the northeast corner of said Section 5; Thence along the north line of said Section 5, South 89°28'05" West, 2,748.85 feet to the North One-Quarter (N ¼) of said Section 5; Thence continuing along said north line, South 88°46'01" West, 2,562.80 feet to the northeast corner of said Section 6; Thence along the north line of said Section 6, South 89°19'51" West, 1,413.32 feet; Thence departing said north line North 00°20'09" West, 267.85 feet along the east right-of-way of Burkholder Blvd. to the beginning of a 1,045.00 radius curve, concave westerly; Thence northerly along said curve and east right-of-way, 255.34 feet through a central angle of 14°00'00" ; Thence continuing along said right-of-way, North 15°42'10" West, 132.36 feet to the beginning of a 874.73 foot radius curve, concave easterly; Thence northerly along said curve and east right-of-way, 255.16 feet through a central angle of 16°43'08"; Thence continuing along said east right-of-way, North 00°11'08" West, 942.28 feet to the southeast corner of Lot 2 of File 39 of Parcel Maps, Page 33; Thence along the south line of said Lot 2, South 89°48'42" West, 2,129.86 feet to the southwest corner of said Lot 2; Thence along the westerly line of Lot 1 and 2 of said Parcel Map, North 12°40'58" East, 3,658.18 feet to point that intersects the north line of the Northwest Quarter (NW ¼) of said Section 31; Thence along the said north line, South 88°32'02" West, 2,277.38 feet to the northeast corner of said Section 36; Thence along the north line of the Northeast Quarter (NE ¼) of said Section 36, South 88°45'59" West, 2,633.25 feet to the northeast corner of the Northwest Quarter (NW ¼) of said East Side Study Area
Sub-Area 4-4

Section 36; Thence along said north line South 88°32'01" West, 2,523.80 feet to the northwest corner of said Northwest Quarter (NW ¼); Thence along the west line of said Northwest Quarter (NW ¼), South 00°09'04" West, 2,701.08 feet to the northwest corner of the Southwest Quarter (SW ¼) of said Section 36; Thence along the west line of said Southwest Quarter (SW ¼), South 01°00'31" West, 1,288.09 feet to the South One-Sixteenth Corner (S 1/16); Thence departing said west line, North 89°04'38" East, 1,896.55 feet to a point on the boundary of the City of Henderson's Water Reclamation Facility; Thence along the boundary of said Water Reclamation Facility the following Seventeen (17) courses;

- (1) North 00°08'46" East, 879.77 feet; (2) South 89°50'12" West, 26.03 feet;
- (3) North 00°13'48" East, 233.86 feet; (4) North 17°08'10" West, 1,113.57 feet;
- (5) North 72°10'47" East, 1,101.62 feet; (6) North 48°11'23" East, 414.67 feet;
- (7) South 65°17'23" East, 844.16 feet; (8) North 88°16'36" East, 1,544.57 feet to a point on the east line of said Section 36; (9) Thence North 88°29'19" East, 1,487.65 feet to a point on the easterly right-of-way of Aguila Road and being a point on a 970.09 foot radius curve, concave westerly, to which point a radial line bears South 80°43'49" East;

(10) Thence continuing along said boundary, easterly right-of-way and curve to the right, 58.98 feet through a central angle of $3^{\circ}29'01''$; (11) Thence continuing along said boundary and easterly right-of-way, South $12^{\circ}45'13''$ West, 1,487.65 feet to the beginning of a 1,041.66 foot radius curve, concave easterly; (12) Thence southerly along said boundary, easterly right-of-way and curve to the left, 649.26 feet through a central angle of $35^{\circ}42'44''$ to a point of 2,030.00 foot radius compound curve, concave easterly, to which point a radial line bears South $66^{\circ}56'44''$ West; (13) Thence southerly along said curve, 240.04 feet through a central angle of $6^{\circ}46'30''$ to the beginning of a 1,970.00 foot radius reverse curve, concave westerly, to which point a radial line bears North $61^{\circ}48'34''$ East; (14) Thence continuing along said boundary, easterly right-of-way and curve to the right, 476.71 feet through a central angle of $13^{\circ}51'53''$; (15) Thence continuing along said boundary and easterly right-of-way, South $14^{\circ}19'33''$ East, 346.64 feet to the beginning of a 20.00 foot radius curve, compound northwesterly; (16) Thence continuing along said boundary and curve, 31.67 feet through a central angle of $90^{\circ}43'40''$ to a point of 18,780.71 foot radius compound curve, concave northerly, to which point a radial line bears South $13^{\circ}35'38''$ East and being on the northerly right-of-way of Athens Avenue; (17) Thence westerly along said boundary, northerly right-of-way and curve, 1,503.10 feet through a central

East Side Study Area

Sub-Area 4-4

angle of $4^{\circ}35'08''$ to a point on the east line of said Section 36; Thence along said east line, South $00^{\circ}24'43''$ East, 181.00 feet to the Point of Beginning.

Excepting therefrom all of the Public Street within the above described areas.

The bearings and distances of the above described areas are based on the Clark County, Nevada Geographical Information System. The area contains 1,992 acres, more or less.

Prepared by: Robert L. Carrington, PLS, City of Henderson, Office of Property Management & Redevelopment,
240 Water Street, Henderson, Nevada 89015

RULES GOVERNING PARTICIPATION AND ASSISTANCE
BY PROPERTY OWNERS IN THE
EASTSIDE REDEVELOPMENT AREA

I. [§100] PURPOSE AND INTENT

These Rules Governing Participation and Assistance by Property Owners in the Eastside Redevelopment Area ("Rules") are adopted by the City of Henderson Redevelopment Agency (the "Agency") pursuant to the Nevada Community Redevelopment Law (Nevada Revised Statutes Chapter 279) in order to implement the provisions regarding participation by and assistance to property owners within the Eastside Redevelopment Area ("Redevelopment Area") as established by the Redevelopment Plan for the Redevelopment Area. These Rules set forth the procedures governing such participation.

It is the intention of the Agency to encourage and permit participation and assistance in the redevelopment of the Redevelopment Area by owners of real property to the maximum extent consistent with the objectives and requirements of the Redevelopment Plan.

II. [§200] DEFINITIONS

As used herein, the following definitions apply:

- (1) "Agency" means the City of Henderson Redevelopment Agency.
- (2) "Owner" means any person, persons, corporation, association, partnership or other entity holding title of record to real property in the Redevelopment Area on or after the date of adoption of the Redevelopment Plan by the City Council of the City of Henderson.
- (3) "Owner Participation Agreement" means an agreement entered into by an Owner with the Agency in accordance with the provisions of the Redevelopment Plan and these Rules.
- (4) "Redevelopment Area" means the area described in the "Legal Description of the Redevelopment Area Boundaries" (Exhibit B of the Redevelopment Plan) and shown on the "Redevelopment Plan Map" (Exhibit A of the Redevelopment Plan).
- (5) "Redevelopment Plan" means the Redevelopment Plan for the Eastside Redevelopment Area as adopted or later amended by the City Council of the City of Henderson.

III. [§300] ELIGIBILITY

Owners shall be eligible to participate and assist in the redevelopment of property within the Redevelopment Area in accordance with the provisions of the Redevelopment Plan, these Rules and the limitations herein described.

Participation opportunities are necessarily subject to and limited by factors such as the following:

- (1) The elimination or modification of land uses;
- (2) The construction, vacation, widening, opening and/or other alteration or realignment of streets and public rights-of-way;
- (3) The ability of participants to finance acquisition and construction activities and complete proposed improvements, developments and/or rehabilitations;
- (4) The ability and experience of potential participants to undertake and complete the proposed rehabilitation or development;
- (5) The construction, expansion, removal or relocation of public utilities and public facilities;
- (6) The proposed land uses for redevelopment of the Redevelopment Area;
- (7) Intensification of certain land uses;
- (8) Any reduction in the total number of individual parcels in the Redevelopment Area;
- (9) Any change in the size of individual parcels in the Redevelopment Area to accommodate development contemplated by the Redevelopment Plan;
- (10) The construction or expansion of public improvements and facilities; and the necessity to assemble areas for such;
- (11) Any change in the orientation and character of the Redevelopment Area;
- (12) The necessity to assemble areas for public and/or private development;
- (13) The requirements of the Redevelopment Plan and applicable rules, regulations, and ordinances of the City of Henderson;

- (14) Any design guidelines adopted by the Agency pursuant to the Redevelopment Plan;
- (15) The feasibility of the potential participant's proposal;
- (16) Appropriateness of the type of business or activity within the proposed premises or at the proposed location;
- (17) The extent to which suitable relocation or re-entry accommodations exist or are rehabilitated or developed within the Redevelopment Area; and
- (18) The preservation and/or rehabilitation of existing buildings which have historical and/or architectural qualities.

IV. [§400] TYPES OF PARTICIPATION

Subject to these Rules and the limitations set forth in Section 300 and this Section 400, Owners shall be given a reasonable opportunity to participate and assist in redevelopment by:

- (1) Retaining all or a portion of their properties and developing or improving such property for use in accordance with the Redevelopment Plan;
- (2) Acquiring adjacent or other properties within the Redevelopment Area and developing or improving such property for use in accordance with the Redevelopment Plan; or
- (3) Selling their properties to the Agency and purchasing other properties in the Redevelopment Area.

Within 30 days of being notified that its property may be acquired by the Agency or that the Agency wishes to pursue the redevelopment of the property, an Owner who wishes to participate and assist in the redevelopment of property within the Redevelopment Area must submit to the Agency a statement indicating its interest in submitting a proposal to redevelop the property. The Agency will then notify the Owner submitting a statement of interest of the time within which it must submit to the Agency a proposal to participate and assist in the redevelopment of the property. An Owner who wishes to participate in the redevelopment of property within the Redevelopment Area must then submit a proposal for the redevelopment of the property that conforms to the provisions of the Redevelopment Plan and demonstrates that the proposed project will meet the objectives of the Redevelopment Plan. Each redevelopment proposal shall specify the manner of participation and assistance sought to be

undertaken by the Owner and shall include a detailed description of the proposed project. A proposal shall also include a schedule for development and evidence of the Owner's ability to complete its participation in accordance with the Redevelopment Plan including a demonstration of its qualifications and its financial ability to carry out the proposed project. The Agency may also solicit and consider proposals from persons who are not Owners. An Owner's proposal will be considered along with any other proposals received.

A proposal may seek assistance from the Agency for redeveloping the property. The Agency may provide assistance in the redevelopment of property to an Owner if the Owner agrees to participate in the redevelopment of the property in conformity with the Redevelopment Plan.

If the Agency approves the Owner's proposal, the Owner shall be required to enter into an Owner Participation Agreement as provided for in Sections 600, 700 and 800. The Owner Participation Agreement will obligate the Owner to implement the proposal within a specified period of time and will contain provisions to ensure that the approved proposal will be fully implemented and that the property will be developed in accordance with the conditions, restrictions, rules and regulations of the Redevelopment Plan. The Agency may, based on its evaluation of the information available to it, and in its sole discretion, decline any offer of Owner participation, reject any proposals, resolve conflicting proposals between Owners, and resolve conflicting proposals between Owners and other potential developers.

Each proposal for participation and assistance shall be reviewed by the Agency specifically with respect to the following:

- (1) Conformity with the land use provisions of the Redevelopment Plan;
- (2) Compatibility with the standards, covenants, restrictions, conditions and controls of the Redevelopment Plan;
- (3) Compatibility with parcelization of the Redevelopment Area into sites adequate for redevelopment;
- (4) The participant's ability to finance the acquisition and development or improvement in accordance with the Redevelopment Plan;
- (5) The degree to which the proposal furthers the objectives of the Redevelopment Plan;
- (6) Assistance sought from the Agency and the estimated cost of any Agency involvement;

- (7) The development team's qualifications; and
- (8) The time schedule for completion of the proposed project.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the participants. Some of the factors to be considered in establishing these priorities and preferences may include:

- (1) A participant's length of occupancy in the area;
- (2) Accommodation of as many participants as possible;
- (3) Similarity of land use;
- (4) The necessity to assemble sites for integrated, modern development;
- (5) Conformity of a participant's proposal with the intent and objectives of the Redevelopment Plan; and
- (6) Service to the community of a participant's proposal.

V. [§500] CONFORMING OWNERS

The Agency may, in its sole and absolute discretion, determine that certain real property within the Redevelopment Area presently meets the requirements of the Redevelopment Plan, and the Owners of such property will be permitted to remain as conforming Owners without an Owner Participation Agreement with the Agency, provided such Owners continue to operate, use and maintain the real property within the requirements of the Redevelopment Plan.

In the event that any of the conforming Owners desire to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming, or (2) acquire additional property within the Redevelopment Area, then, in such event, such conforming Owners may be required by the Agency to enter into an Owner Participation Agreement with the Agency, as set forth in Sections 600, 700, and 800.

VI. [§600] OWNER PARTICIPATION AGREEMENTS

Owners wishing to develop or improve their properties within the Redevelopment Area may be required to enter into an Owner Participation Agreement with the Agency if the Agency determines it is necessary to impose upon such property any of the standards, restrictions or controls of the Redevelopment Plan. The Agreement may

require the participant to join in the recordation of such documents as the Agency may require in order to ensure the property will be developed and used in accordance with the Redevelopment Plan and the Owner Participation Agreement. An Owner Participation Agreement shall be effective only upon approval by the Agency.

VII. [§700] NOTICE TO OWNERS; TIME TO ENTER INTO OWNER PARTICIPATION AGREEMENT

If the Agency determines that an Owner of real property within the Redevelopment Area shall be required to enter into an Owner Participation Agreement as provided in Section 600, the Agency shall notify the Owner in writing of its intention to require an Owner Participation Agreement and shall provide the Owner with a copy of the proposed Owner Participation Agreement.

An Owner presented with an Owner Participation Agreement by the Agency must enter into the Agreement within a reasonable period of time as determined by the Agency. An Owner must submit proof of his qualifications, including financial responsibility, to carry out the terms and provisions of the Owner Participation Agreement.

VIII. [§800] CONTENTS OF OWNER PARTICIPATION AGREEMENTS

An Owner Participation Agreement shall obligate the Owner, his heirs, and successors and assigns, and tenants to devote the property to the uses specified in the Redevelopment Plan, abide by all provisions and conditions of the Redevelopment Plan for the period of time that the Redevelopment Plan is in force and effect, and comply with all the provisions of the Owner Participation Agreement according to their terms, duration and effect.

An Owner Participation Agreement may provide that if the Owner does not comply with the terms of the Agreement, the Agency, in addition to other remedies, may acquire such property or any interest therein by any lawful means, including eminent domain, as provided for in the Redevelopment Plan, for its fair market value as of the date of the Owner Participation Agreement, and the Agency may thereafter dispose of the property or interest so acquired in accordance with the Redevelopment Plan.

An Owner Participation Agreement shall contain such other terms and conditions which, in the discretion of the Agency, may be necessary to effectuate the purpose of the Redevelopment Plan.

IX. [§900] LIMITATIONS ON ACQUISITION OF PROPERTY BY THE AGENCY

The Agency shall not acquire real property to be retained and developed by an Owner pursuant to a fully executed Owner Participation Agreement if the Owner fully performs under the Agreement.

The Agency shall not acquire real property on which an existing building is to be continued on its present site under the Redevelopment Plan and in its present form and use without the consent of the Owner, unless:

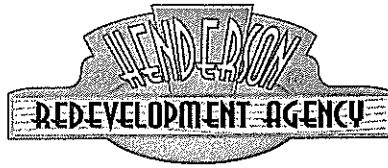
(1) Such building requires structural alteration, improvement, modernization or rehabilitation; or

(2) The site or lot on which the building is situated requires modification in size, shape or use; or

(3) It is necessary to impose upon such property any of the standards, controls, limitations, requirements or restrictions of the Redevelopment Plan, and the Owner fails or refuses to participate in redevelopment by executing an Owner Participation Agreement in accordance with the provisions of the Redevelopment Plan or fails to redevelop the property as provided in such Owner Participation Agreement.

X. [§1000] AMENDMENT OF RULES

These Rules may be modified or amended from time to time by the Agency at any regular or duly called special meeting, provided, however, that no such amendment shall retroactively impair the rights of Owners who have executed Owner Participation Agreements with the Agency in reliance upon these rules as presently constituted.



APN: 17801210043, et al

October 12, 2005

Ms. Frances Deane
Clark County Recorder
500 S. Grand Central Parkway
Las Vegas, Nevada 89106

Dear Ms. Deane:

The City of Henderson Redevelopment Agency is submitting this letter on behalf of the City of Henderson, NV and requests the Clark County Recorder record a description of the land within the proposed Eastside Redevelopment Area (the "Redevelopment Area"), pursuant to NRS 279.603(1). **Please note: the proposed area includes over 4300 parcels.**

The City of Henderson City Council instituted proceedings for the proposed Redevelopment Area on August 2, 2005 by designating the Redevelopment Area as an area to be evaluated for establishment of a redevelopment project. On September 13, 2005, the City of Henderson Planning Commission recommended boundaries of the proposed Redevelopment Area, formulated a Preliminary Plan for the Redevelopment Area and submitted the Preliminary Plan to the City of Henderson Redevelopment Agency.

City Council requests the recordation of both (1) the description of the land within the Redevelopment Area and (2) this letter stating that the redevelopment proceedings for the Redevelopment Area have been instituted.

Please contact me if you have any questions at (702) 267-1516. .

Sincerely,

Michelle Romero
Redevelopment Program Coordinator

/mr

Return to:
Michelle Romero
City of Henderson Redevelopment
Agency
240 Water Street, PO Box 95050,
Henderson, NV 89009-5050

Ordinance No. 2432
Eastside Redevelopment Area

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Attachments: Legal Descriptions