FIRST AMENDMENT

BILL NO. 2006-70

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LEGAL DESCRIPTION AND MAP DESCRIBING AND DEPICTING THE BOUNDARIES OF THE PEDESTRIAN MALL TO REFLECT CERTAIN STREET VACATION ACTIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends the legal description and map describing and depicting the boundaries of the Pedestrian Mall to reflect certain street vacation actions.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The legal description and the boundaries of the area constituting and comprising the Pedestrian Mall, as described in Chapters 11.68 and 11.68A of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are as set forth respectively in Exhibits A and B, which are attached to and incorporated into this Ordinance.

SECTION 2: Title 11, Chapter 68, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.040: (A) The following area constituting and comprising the Pedestrian Mall is legally described in Exhibit A attached to Ordinance No. [3941,] _____, which is codified in this Chapter and adopted herein as a part of this Chapter.

(B) The area legally described in Subsection (A) of this Section is indicated on the map attached as Exhibit B to Ordinance No. [3941,] _____, which is codified in this Chapter and adopted herein as a part of this Chapter.

SECTION 3: Title 11, Chapter 68A, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68A.040: (A) The following area constituting and comprising the Pedestrian Mall is legally described in Exhibit A attached to Ordinance No. [5046,] _____, which is codified in this Chapter and adopted herein as a part of this Chapter.

(B) The area legally described in Subsection (A) of this Section is indicated on the

map attached as Exhibit B to Ordinance No. [5046,] _____, which is codified in this Chapter and adopted herein as a part of this Chapter.

SECTION 4: Following the adoption of this Ordinance, the City Clerk is authorized and directed to insert into the blanks appearing in Sections 2 and 3 of this Ordinance the ordinance number that has been assigned to this Ordinance.

SECTION 5: Any reference in the Las Vegas Municipal Code to Ordinance Nos. 3941 and 5046 as sources of the description of the boundaries of the Pedestrian Mall shall be deemed to refer to the description contained in this Ordinance, and the codifier is authorized and directed to substitute the number of this Ordinance for any such reference.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 1-4-07
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2006, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2007, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

EXHIBIT "A"
FREMONT STREET EXPERIENCE
CLARK'S LAS VEGAS TOWNSITE
A.P.N. 139-34-199-, 299, 599- & 699- (020-400- & 020-410-)

Those portions of the North Half (N 1/2) of Section 34, Township 20 South, Range 61 East, M.D.M., in the city of Las Vegas, County of Clark, State of Nevada, being those portions of CLARK'S LAS VEGAS TOWNSITE as shown on the plat thereof on file in Book 1 of Plats, Page 37 of Clark County, Nevada Records, described as follows:

The Right-of-Way of FREMONT STREET (80 feet wide) from the Southeasterly Right-of-Way line of MAIN STREET (80 feet wide) to the Northwesterly Right-of-Way line of LAS VEGAS BOULEVARD (formerly FIFTH STREET, 80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE.

The Right-of-Way of FIRST STREET (80 feet wide) from a line that is parallel with and distant approximately 130 feet Southwesterly from the Southwesterly Right-of-Way line of OGDEN AVENUE (80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE to a line that is parallel with and distant 40 feet Northeasterly from the centerline of the PEDESTRIAN MALL (formerly FREMONT STREET 80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE.

EXCEPT THEREFROM that portion of the FIRST STREET cul-de-sac, lying Northeasterly of said PEDESTRIAN MALL, the cul-de-sac exception will include the curb, gutter and street paving only as existing until such time that new curb, gutter and street paving is constructed in the future.

The Right-of-Way of CASINO CENTER BOULEVARD (formerly SECOND STREET, 80 feet wide) from a line that is parallel with and distant 170 feet Northeasterly from the centerline of the PEDESTRIAN MALL (formerly FREMONT STREET 80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE to a line that is parallel with and distant 170 feet Southwesterly from said centerline of the PEDESTRAIN MALL.

The Right-of-Way of THIRD STREET (80 feet wide) from the Southwesterly Right-of-Way line of OGDEN AVENUE (80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE to a line that is parallel with and distant 170 feet Southwesterly from the centerline of the PEDESTRIAN MALL (formerly FREMONT STREET 80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE.

EXHIBIT "A"
FREMONT STREET EXPERIENCE
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Together with that portion of said THIRD STREET from said Southwesterly Right-of-Way line of OGDEN AVENUE to the existing Southwesterly back of curb of said OGDEN AVENUE, said existing back of curb lying 9.5 feet, more or less, Northeasterly from said Southwesterly Right-of-Way line.

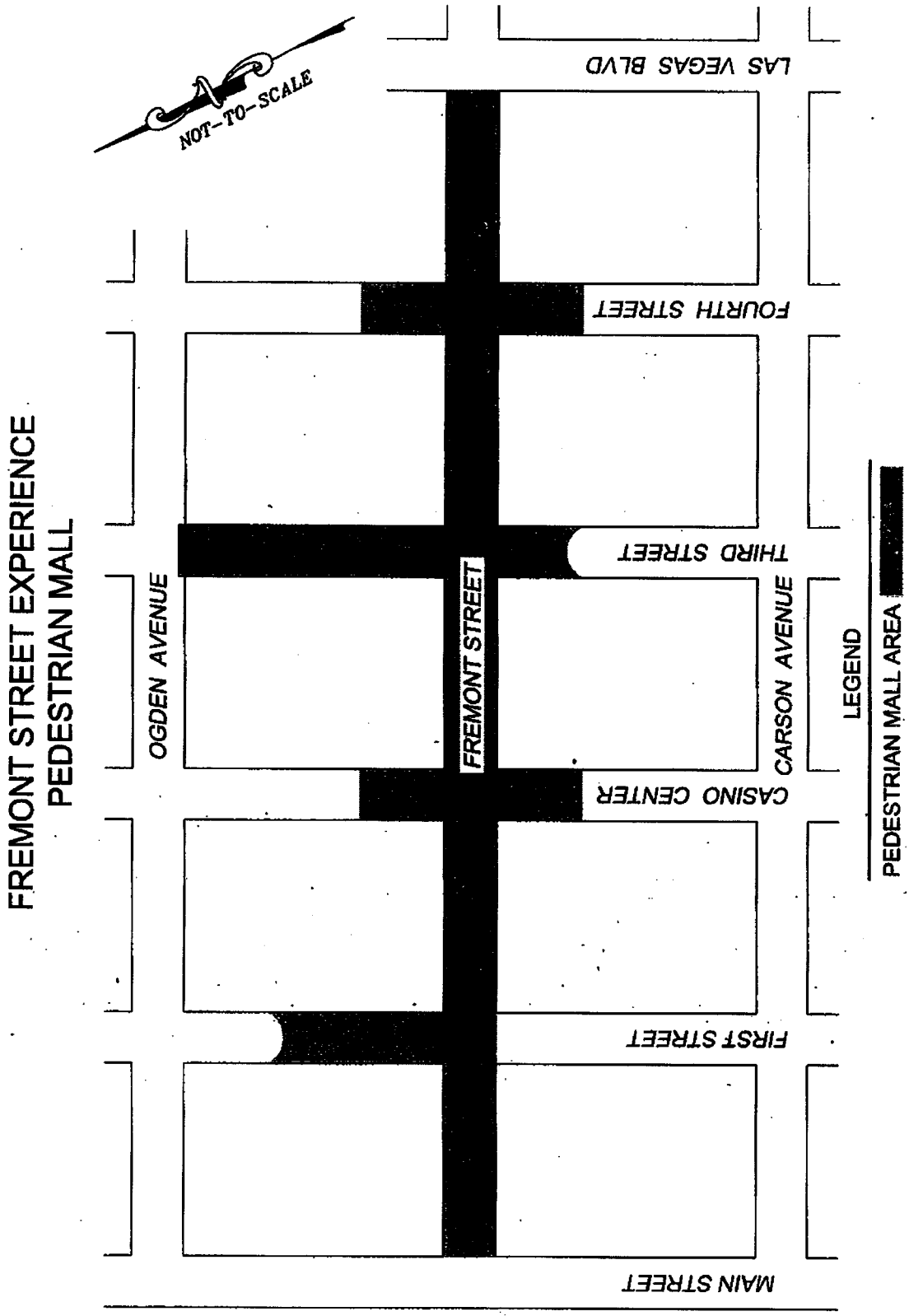
EXCEPT THEREFROM that portion of the THIRD STREET cul-de-sac, constructed Southwesterly of said PEDESTRIAN MALL, the cul-de-sac exception will include the curb, gutter and street paving only.

The Right-of-Way of FOURTH STREET (80 feet wide) from a line that is parallel with and distant 170 feet Northeasterly from the centerline of the PEDESTRIAN MALL (formerly FREMONT STREET, 80 feet wide) as shown on said plat of CLARK'S LAS VEGAS TOWNSITE to a line that is parallel with and distant 170 feet Southwesterly from said centerline of the PEDESTRIAN MALL.

RESERVING UNTO THE CITY OF LAS VEGAS all City owned utilities located within the above described Rights-of-Way, together with the rights of ingress and egress to maintain all existing City owned utility systems and the rights to add to, remove, repair or replace any City owned utility system.

City owned utility systems are to include but are not limited to: fire alarm, sewer, street light and traffic control systems.

EXHIBIT "B"


FREMONT STREET EXPERIENCE
PEDESTRIAN MALL
NOT-TO-SCALE
OGDEN AVENUE
FREMONT STREET
CARSON AVENUE
LAS VEGAS BLVD
FOURTH STREET
THIRD STREET
CASINO CENTER
FIRST STREET
MAIN STREET
LEGEND
PEDESTRIAN MALL AREA