**CLARK COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

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<th>Issue: Interlocal Contract with the Board of Regents of the University of Nevada System</th>
<th>Back-up:</th>
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<td>Petitioner: Robert N. Broadbent, Director of Aviation</td>
<td>Clerk Ref.:</td>
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**Recommendation:**

That the Board of County Commissioners authorize the Director of Aviation to enter into an interlocal contract between Clark County and the Board of Regents of the University of Nevada System (UNLV) to implement construction restrictions and standards for new construction on UNLV property generally located near the Thomas and Mack Center and to relocate the UNLV track.

**FISCAL IMPACT:**

Funds are available in the airport budget.

**BACKGROUND:**

On August 17, 1993, the Board held a Public Hearing and agreed to the purchase of the Paradise Elementary School from the Clark County School District. The negotiations have resulted in a proposed interlocal agreement between Clark County and the School District to allow the County to purchase the property for $7,500,000.00. The School District, in turn, has agreed to forfeit any requirements for the County to soundproof Helen Cannon Junior High or the Southern Nevada Vocational-Technical Schools. And, unless approved by Clark County, the School District has also agreed not to construct any new schools within McCarran International Airport's 60 LDN noise contour (Cooperative Management Agreement Area with the Bureau of Land Management).

Subsequently, Clark County and the University of Nevada, Las Vegas (UNLV) have resolved to enter into an interlocal contract where the Clark County Department of Aviation will pay the costs involved in the relocation and functional replacement of the UNLV track facility. The UNLV track will be relocated to a suitable location on UNLV property to enable the School District to construct a replacement elementary school on that site.

In exchange for this, UNLV has agreed to comply and implement construction restrictions and standards for new construction on UNLV property that lies within McCarran International Airport's Airport Environments Overlay District (AEOD), and complies with Federal Aviation Regulation (FAR) Part 150.

This item was approved by the UNLV Board of Regents on October 4, 1996.

Respectfully submitted,

DONALD L. SHALMY
County Manager

AUTHORIZED AS RECOMMENDED

Cleared for Agenda

Agenda Item # 44
January 14, 1997

McCarran International Airport
P. O. Box 11005
Las Vegas, NV 89111-1005

ATTN: Jacob Snow

RE: Interlocal Contract

Dear Jacob:

Attached please find an executed copy of the Interlocal Agreement between the University of Nevada, Las Vegas and Clark County concerning Paradise Elementary School.

We will process the contract for consultant services for the track relocation, and will keep you informed of our progress.

We look forward to working with you on this project.

Thank you.

Sincerely,

[Signature]

John Amend
Associate Vice President for Administration

cc: Norval Pohl, Vice President for Finance and Administration

Enc.
INTERLOCAL CONTRACT

This Interlocal Contract is made pursuant to NRS 277.180 and entered into this 15th day of October, 1996, by and between the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Las Vegas (UNLV), and Clark County, Nevada, a political subdivision of the State of Nevada (COUNTY).

WITNESSETH

WHEREAS, COUNTY has a requirement to ensure land use compatibility in and around McCarran International Airport;

WHEREAS, the Paradise Elementary School is located within a high noise area (AE-70) and according to Federal Aviation Administration (FAA) and Clark County land use guidelines, the noise level associated with this area is incompatible with schools that are not provided with proper noise attenuation; and

WHEREAS, COUNTY, due to the high noise level and the traffic congestion that results from the school zone on Swenson St. and Tropicana Ave., has plans to purchase the Paradise Elementary School from the Clark County School District (CCSD); and

WHEREAS, COUNTY and UNLV have previously cooperated in compatible land use planning for property in and around the Thomas & Mack Center, and the FAA has approved a new noise mitigation measure as part of the Part 150 Noise Compatibility Program for McCarran International Airport wherein COUNTY and UNLV have agreed to cooperate in future land use planning decisions; and
WHEREAS, UNLV desires to enhance educational opportunities by providing a way for students in the College of Education to interact with actual elementary school students, teachers, and administrators in a laboratory environment; and

WHEREAS, UNLV is willing to provide the land for the relocation of the school and;

WHEREAS, COUNTY, the CCSD and UNLV desire to maximize use of public facilities to reduce costs and provide more and better services to the community, while providing for development that is compatible with airport and aircraft noise levels; and

WHEREAS, in light of the aircraft noise problem, COUNTY, CCSD and UNLV have resolved to relocate the Paradise Elementary School from its current site to a new location on UNLV property;

WHEREAS, COUNTY has enacted an Airport Environ Overlay District to ensure future development of the present site of Paradise Elementary School is compatible with the Airport; and

WHEREAS, UNLV, under its enabling legislation, does not have to comply with the COUNTY'S Airport Environ Overlay District and, therefore, has previously proposed to construct incompatible developments within the Overlay District's boundaries; and

WHEREAS, UNLV is willing to implement construction restrictions and standards within the COUNTY'S Airport Environ Overlay District;

NOW, THEREFORE, in consideration of the following, the parties agree as follows:

1. Each party represents that it is authorized by law to perform the services, activities and undertakings which it agrees to assume under this agreement.

2. UNLV agrees that all future development of UNLV property inside the AE-70 will comply with certain construction restrictions and standards within the Airport Environ Overlay
District as of September 1, 1996, in an area generally bounded by Flamingo Road on the north, Tropicana Avenue on the south; a line running north and south along the eastern edge of the Thomas & Mack Center (not including the Thomas and Mack Center), between Tropicana Avenue and Flamingo Road as the eastern boundary; and Paradise Road on the west. In this area UNLV will; a) prohibit the construction of residential housing units in that portion of the above defined area south of Harmon Avenue; b) incorporate appropriate sound attenuation standards that reduce the exterior to interior noise levels in any new construction; and c) limit the height of new construction in the area to 100 feet above the surrounding grade with that height limit increasing by no more than one foot for every 50 feet going north from the UNLV Thomas and Mack Center.

3. COUNTY and UNLV agree to cooperate with each other to promote a mutually beneficial relationship whereby property currently owned or obtained in the future by UNLV can be developed for uses which are compatible with the Airport Environments Overlay District restrictions and the aircraft noise environment.

4. COUNTY agrees to work with UNLV to identify COUNTY property administered and controlled by the Department of Aviation which could be available for a long-term lease to UNLV for uses which are compatible with the Airport Environments Overlay District restrictions and the aircraft noise environment.

5. COUNTY intends to enter into a separate agreement with CCSD concerning attenuation of airport-related noise which affects certain school district properties. Such separate agreement will include the purchase by COUNTY of the Paradise Elementary School.
6. In the event COUNTY and CCSD enter into such an agreement, UNLV agrees to enter into its own, separate agreement with CCSD wherein UNLV will agree to permit CCSD to build a new, larger elementary school on UNLV property upon the property currently used as the track facility.

7. In consideration of UNLV's agreement to comply with paragraph 2 as outlined above, COUNTY agrees to negotiate in good faith with UNLV for the reuse and redevelopment of the current Paradise Elementary School site at the southeast corner of Tropicana Ave. and Swenson St. Further, in the event the separate agreements with CCSD, described in Paragraphs 5 and 6, above, are entered into, and the new elementary school is placed where the UNLV track facility is currently located, COUNTY agrees to pay UNLV the costs involved in the relocation and functional replacement of the UNLV track to a suitable location on UNLV property.

IN WITNESS HEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

Attest:
Loretta Bowman, County Clerk
By: [Signature]

CLARK COUNTY, NEVADA
By: [Signature]
Director of Aviation

Date: ______________________

Approved as to form:
Stewart Bell, District Attorney
By: [Signature]
(Deputy)

BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA on behalf of the UNIVERSITY OF NEVADA, LAS VEGAS
By: [Signature]
Richard S. Jarvis, Chancellor
Date: 11/12/97

UNIVERSITY OF NEVADA, LAS VEGAS
By: [Signature]
Carol C. Harter, President
Date: 12/3/96