

ORDINANCE NO. 386

AN ORDINANCE AUTHORIZING AND DIRECTING THE EX-OFFICIO CITY ASSESSOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, TO LEVY A SPECIAL ASSESSMENT TO DEFRAY THE COSTS OF MAKING CERTAIN IMPROVEMENTS IN THE CITY OF LAS VEGAS, BY INSTALLING COMPLETE STREET LIGHTING UNITS WITH PARKWAY CABLE AND ORNAMENTAL STANDARDS ALONG CERTAIN STREETS AND PORTION OF STREETS IN SAID CITY; THE COST AND EXPENSES THEREOF SHALL BE PAID ENTIRELY BY THIS SPECIAL ASSESSMENT UPON ALL THE LOTS INCLUDED WITHIN THE SPECIAL ASSESSMENT DISTRICT AS CREATED BY ORDINANCE NO. 318 HEREBY ESTABLISHED ACCORDING TO THE BENEFITS, EXCEPT WHERE, BY THE CHARTER OF THE CITY OF LAS VEGAS, CERTAIN PORTIONS THEREOF ARE REQUIRED TO BE PAID FROM THE GENERAL FUND OF THE CITY OF LAS VEGAS; SUCH COSTS AND ESTIMATES THEREOF ARE ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LAS VEGAS, DESCRIBING DEFINITELY THE LOCATION OF THE SAID IMPROVEMENTS, STATING THE AMOUNT OF THE SAID ASSESSMENT AND DESIGNATING THE LOCALITY CONSTITUTING THE DISTRICT TO BE ASSESSED ACCORDING TO THE BENEFITS, AND OTHER MATTERS RELATING THERETO.

The Board of Commissioners of the City of Las Vegas, Nevada, do ordain as follows:

Section 1. For the purpose of defraying the costs of making certain improvements in the City of Las Vegas by installing complete street lighting units with parkway cable and ornamental standards, in, over, and along all the streets embraced within those subdivisions in the City of Las Vegas, known as Biltmore Addition, Biltmore Addition Annex No. 1, and Biltmore Addition Annex No. 2.

The Ex-Officio City Assessor of the City of Las Vegas is hereby empowered, authorized, and directed to make forthwith a special assessment in the total amount of Eighteen Thousand Two Hundred Sixty-Three Dollars Ninety-Four Cents (\$18,263.94), and to levy such assessment according to the benefits, against the owners and upon the taxable lots and premises embraced within the special assessment district created by Ordinance No. 318 of the City of Las Vegas, Nevada.

Section 2. The cost and expense of making the improvements shall be paid by special assessment to be made according to the benefits, upon the taxable lots and premises situated in the special assessment districts created by Ordinance No. 318, and composing the following lands:

All taxable lots and premises included within and constituting the subdivision known as Biltmore Addition to the City of Las Vegas, Nevada, as shown on a plat thereof on file in the office of the Recorder of Clark County, Nevada, in Book 2 of Plats, on page 33.

All the taxable lots and premises included within and constituting the subdivision known as Biltmore Addition Annex No. 1 to Las Vegas, Nevada, as shown on a plat thereof on file in the office of the Recorder of Clark County, Nevada, in Book 2 of Plats, on Page 40,

All the taxable lots and premises included within and constituting the subdivision known as Biltmore Addition Annex No. 2, to the City of Las Vegas, Nevada, as shown on a plat thereof on file in the office of the Recorder of Clark County, Nevada, in Book 2 of Plats, on Page 40,

That certain parcel of land contiguous to the Biltmore Addition to the City of Las Vegas, Nevada, and fronting on the southerly side of Bonanza Road from the easterly line of North Main Street to the westerly line of Biltmore Addition to the City of Las Vegas, Nevada,

except where by the Charter of the City of Las Vegas certain portions thereof are required to be paid from the General Fund of the City of Las Vegas.

CITY CLERK'S FILE

Section 3. In no case shall the amount of any special assessment upon any such lot or premises exceed 50% of the value of such lot or premises as shown upon the latest tax list or assessment roll for State and County taxation, but such cost in excess of 50% shall be borne by the City of Las Vegas and paid out of the General Fund.

Section 4. The Ex-Officio City Assessor of the City of Las Vegas, Nevada, shall prepare an Assessment Roll in the manner provided by the Charter of the City of Las Vegas, Nevada, and shall assess each lot and parcel of land embraced within the aforementioned special assessment districts, such relative portion of the whole sum to be levied in said district as shall be proportionate to the estimate benefit resulting to such lot or parcel of land from the improvement.

Section 5. After the special Assessment Roll, as herein provided for, shall have been prepared and completed, the Ex-Officio City Assessor shall report the same to the Board of Commissioners of the City of Las Vegas, Nevada, and thereafter it shall be filed in the office of the City Clerk, and numbered, and the Board of Commissioners shall cause notice thereof to the persons whose names appear upon the Assessment Roll, and to all others interested therein, to be published for at least two weeks in some newspaper published in the City of Las Vegas, Nevada, of the time when the Board of Commissioners and the Ex-Officio City Assessor will meet to review the assessments, and any person, objecting to the assessments, may file his objections thereto with the City Clerk.

Section 6. At the time appointed for reviewing the assessments, the Board of Commissioners and the Ex-Officio City Assessor shall meet and give all persons interested an opportunity to be heard, and shall consider any and all objections that may be filed with the City Clerk, and then, or at some adjourned meeting, shall review the assessments and correct the same, and confirm it as corrected, or confirm it as reported, or annul it, and direct a new assessment to be made.

Section 7. When the assessments shall be confirmed as herein provided, it shall be final and conclusive. The City Clerk shall thereupon deliver to the County Assessor, acting Ex-Officio City Assessor, the Assessment Roll as confirmed by the Board of Commissioners, with his certificate of such confirmation, and of the date thereof. The County Assessor, acting Ex-Officio City Assessor, shall thereupon, without extra compensation, record such Assessment Roll in his office, and append thereto his certificate of the date of such recording, whereupon from said date all persons shall be deemed to have notice of the contents of such Assessment Roll, and it shall be prima facie evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of the assessment and Assessment Roll. After the Assessment Roll has been confirmed and recorded, the several amounts levied thereon shall become at once due and payable, and shall constitute and be a lien upon the respective lots and parcels of land, and improvements assessed, and shall be charged against the persons and proportions until paid.

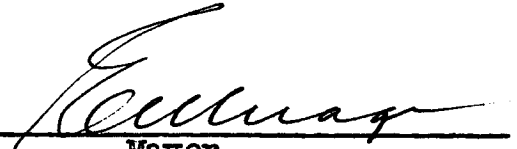
Section 8. All assessments, when due and payable, as in this Ordinance provided, shall be paid to the Tax Receiver of the City of Las Vegas, Nevada, and by that officer paid in to the General Fund of the City of Las Vegas.

Section 9. All costs and expenses incurred in the making of the improvement shall be charged to and paid out of General Fund.

Section 10. This Ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

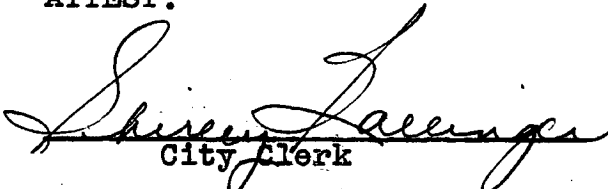
Section 11. The City Clerk and the Clerk of the Board of Commissioners of the City of Las Vegas, Nevada, is hereby authorized and directed to cause this Ordinance No. 386 to be published once a week for two consecutive weeks, immediately following its first reading and adoption, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas, Nevada.

APPROVED

  
\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

  
\_\_\_\_\_  
City Clerk

Las Vegas, Nevada.  
July 22, 1949.

To the Mayor and Board of City Commissioners,  
City of Las Vegas, Nevada.

Report of Commissioners Bunker and Peccole on proposed ordinance enabling the City to assess the Biltmore addition properties for street lighting system.

Committee reference July 9, 1949 - to investigate and report on proposed ordinance.

\* \* \* \* \*

Your committee is of the opinion that the ordinance as prepared is appropriate and that as a practical business matter it is the duty and obligation of the City Commission to enact it forthwith and then to see that it becomes operative in fact, through the proper channels, immediately thereafter.

Your committee is forced to make the following observations based upon information and data which came to its attention in the course of its investigation:

It has not been possible yet to ascertain the date upon which completion of this work was effected - the work order indicates July 7, 1948, the records or recollection of the City Manager's office indicate some date in 1947 and the records or recollection of the City Light Department Manager, which did the work, indicates another date in 1947. Perhaps this might not be felt important in the ultimate but it would seem to indicate some lack of coordination between the functioning bodies of the city which were involved in this project; then, again, a disparity of a year might make a considerable complication to many citizens of the affected area as hereinafter pointed out.

The work on this project was apparently duly authorized by Ordinance 318, enacted July 22, 1946 and it ultimately involved a considerable expenditure of labor, material and management, mainly on the part of the City Electric Department as witness by the final cost bill of \$18,263.94

This work was completed as above stated at an indeterminate date sometime between 1947 and 1948 or over a year or possibly over two years ago and it is now difficult for your committee to understand why assessment against the properties and subsequent collection of the amounts due have been so long deferred. In the interim many properties in the affected area have changed hands, some no doubt more than once, and in all such instances, it seems safe to assume, without notice by the purchasers of any outstanding charges for the work done in this project; it will no doubt be more difficult for these newer owners to understand why they are now being assessed for improvements created for one to two years prior to their acquisition of the properties.

The first and only indication of any affirmative action looking toward collection of these charges that your committee has been able to find was when the City Comptroller in September of 1948 referred the matter to the former City Attorney where the matter seems to have rested.

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CLERK'S  
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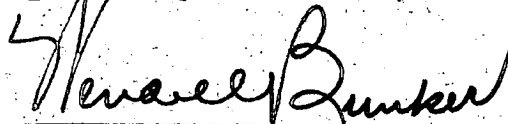
Considering the known fact that the City has been under great financial pressure during the period involved herein and without considering the inconvenience and possible injustice assessment at this late date may inflict, it seems strange, to your committee that an account receivable of such size should have been permitted to hang in suspension and inactive for so long a period without any effort at collection, and that it will cause a considerable disaffection on those now to be assessed.

It would seem that ordinary business diligence and practise should apply equally to municipal as to private management and the dictates of sound business practise would urge the thought that a serious laxity has heretofore existed in the prosecution of this important piece of City business. It seems to your committee that responsibility for this condition must be placed on those charged with the administration of the affairs of the city and this must primarily be the city commissioners, and under our form of administration, the city manager and if there be fault or dereliction these should be sought out to the end that repetition of these same conditions shall be eliminated as much as possible.

Since all of the matters referred to herein came to pass before the members of your committee took office it is with some reluctance that they make any recommendation herein, preferring perhaps, to have the matter decided even in its preliminary stages before the whole board; however, a sense of obligation and the urgency that this matter should be met and disposed of prompts the following recommendations:

1. That the proposed enabling ordinance be enacted and made operative with all due despatch, and,
2. That those who have been charged with the administration of this matter be required to explain, if now possible, why a matter of such apparent importance was allowed to drag along unattended for so long a period and that remedial practises be instituted forthwith in an attempt to prevent recurrence.

Respectfully submitted,

  
WENDELL BUNKER

  
WILLIAM PECCOLE

The above and foregoing Ordinance was first proposed and read by title to the Board of Commissioners on the 7<sup>th</sup> day of July, 1949, and referred to the following committee composed of Commissioners Bunker and Peccala for recommendation; thereafter the said committee reported favorably on said Ordinance on the 22<sup>nd</sup> day of July, 1949, which was the regular meeting of said Board of Commissioners; that at said regular meeting held on the 28<sup>th</sup> day of July, 1949, the proposed ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Bunker, Moore, Peccala  
and His Honor Mayor Cragin

Voting "Nay": None

Absent: Commissioner Whipple

APPROVED:

Callaway  
Mayor

ATTEST:

Shirley Lauringer  
City Clerk

**Legal Notices**

**ORDINANCE NO. 388**

AN ORDINANCE AUTHORIZING AND DIRECTING THE EX-OFFICIO CITY ASSESSOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, TO LEVY A SPECIAL ASSESSMENT TO DEFRAY THE COSTS OF MAKING CERTAIN IMPROVEMENTS IN THE CITY OF LAS VEGAS, BY INSTALLING COMPLETE STREET LIGHTING UNITS WITH PARKWAY CABLE AND ORNAMENTAL STANDARDS ALONG CERTAIN STREETS AND PORTION OF STREETS IN SAID CITY; THE COST AND EXPENSES THEREOF SHALL BE PAID ENTIRELY BY THIS SPECIAL ASSESSMENT UPON ALL THE LOTS INCLUDED WITHIN THE SPECIAL ASSESSMENT DISTRICT AS CREATED BY ORDINANCE NO. 318 HEREBY ESTABLISHED ACCORDING TO THE BENEFITS, EXCEPT WHERE, BY THE CHARTER OF THE CITY OF LAS VEGAS, CERTAIN PORTIONS THEREOF ARE REQUIRED TO BE PAID FROM THE GENERAL FUND OF THE CITY OF LAS VEGAS; SUCH COSTS AND ESTIMATES THEREOF ARE ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LAS VEGAS, DESCRIBING DEFINITELY THE LOCATION OF THE SAID IMPROVEMENTS, STATING THE AMOUNT OF THE SAID ASSESSMENT AND DESIGNATING THE LOCALITY CONSTITUTING THE DISTRICT TO BE ASSESSED ACCORDING TO THE BENEFITS, AND OTHER MATTERS RELATING THERETO.

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**AFFADAVIT OF PUBLICATION**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

*Dick Lochrie*, being first duly sworn,

deposes and says: That he is *foreman* of the LAS VEGAS EVENING REVIEW JOURNAL, a daily newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published

in said newspaper for a period of *2 times*  
from *July 28, 1949* to *August 4, 1949*

inclusive, being the issues of said newspaper for the following dates, to-wit:

*July 28; August 4, 1949*  
That said newspaper was regularly issued and circulated on each of the dates above named

Signed *Dick Lochrie*

Subscribed and sworn to before me this *4<sup>th</sup>* day of

*August, 1949*  
*R. J. Hallen*  
Notary Public in and for Clark County, Nevada.

My Commission Expires

*Jan. 12, 1951*

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in his office, and append thereto his certificate of the date of such recording, whereupon from said date all persons shall be deemed to have notice of the contents of such Assessment Roll, and it shall be prima facie evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of the assessment and Assessment Roll. After the Assessment Roll has been confirmed and recorded, the several amounts levied thereon shall become at once due and payable, and shall constitute and be a lien upon the respective lots and parcels of land, and improvements assessed, and shall be charged against the persons and proportions until paid.

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SECTION 9. All costs and expenses incurred in the making of the improvement shall be charged to and paid out of General Fund.

SECTION 10. This Ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 11. The City Clerk and the Clerk of the Board of Commissioners of the City of Las Vegas, Nevada, is hereby authorized and directed to cause this Ordinance No. 388 to be published once a week for two consecutive weeks, immediately following its first reading and adoption in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas, Nevada.

APPROVED s/ E. W. CRAGIN, Mayor.

ATTEST:  
s/ SHIRLEY BALLINGER, Clerk.

The above and foregoing Ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of July, 1949, and referred to the following committee composed of Commissioners Bunker and Peccole for recommendation; thereafter the said committee reported favorably on said Ordinance on the 22nd day of July, 1949, which was the regular meeting of said Board of Commissioners, that at said regular meeting held on the 22nd day of July, 1949, the proposed ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

VOTING: "Aye": Commissioners Bunker, Moore, Peccole and His Honor Mayor Cragin.

VOTING "Nay": None

ABSENT: Commissioner Whipple

APPROVED: E. W. Cragin Mayor

ATTEST:  
Shirley Ballinger,  
City Clerk,

July 28-a 4

July 26, 1949


TO: L. V. Review Journal - Att'n: CLASSIFIED

Subject: Publication of Ordinance No. 386

Please publish the attached Ordinance No. 386 on July 28 and August 4, 1949.

Kindly send two copies of the affidavit of publication at your earliest convenience.

Thanks,



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City Clerk