

ORDINANCE NO. 1427

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET, ALLEY AND SEWER IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 478; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS: ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID IMPROVEMENTS: DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Board of Commissioners of the City of Las Vegas, in the County of Clark, State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, provided for the grading, gravelling, macadamizing, paving, curbing, guttering, sidewalking, draining, otherwise improving, and installing of street lights along that certain portion of Jackson Avenue, with intersections, within said City, hereinafter described as Assessment Unit No. 1; the paving and otherwise improving that alley within that certain area of said City, hereinafter described as Assessment Unit No. 2; the grading, gravelling, macadamizing, paving, curbing, guttering, draining, otherwise improving, and installing of street lights along that portion of Algiers Road within said City hereinafter described as Assessment Unit No. 3; the installing of a sanitary sewer system consisting of sewer collection lines and all facilities incidental thereto, within that certain area of said City hereinafter described as Assessment Unit No. 4, all in accordance with the provisions of law relating thereto, the areas in which property shall be assessed being designated as "Las Vegas, Nevada, Special Assessment District No. 478," all in accordance with the statutes of the State of Nevada, and in particular with Chapter 271 of Nevada Revised Statutes, providing therefor; and

WHEREAS, pursuant to said proceedings and pursuant to notice duly and validly given, said Board of Commissioners, on the 15th day of November, 1967, received bids for the doing of the work therefor, and said City formally entered into contracts with C. M. Brown Construc-

tion Company of Las Vegas, Nevada for the improvements to be installed in Assessment Unit No. 1, Assessment Unit No. 2 and Assessment Unit No. 3; Acme Electric Company of Las Vegas, Nevada, for the improvements to be installed in Assessment Unit No. 3; and Nevada Pipe Line Construction Company of Las Vegas, Nevada, for the improvements to be installed in Assessment Unit No. 4; and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, that the total cost of such improvements, including advertising, appraising, engineering, legal, printing, interest on interim warrants and all other proper incidental costs in each unit of said Assessment District is as follows, to wit:

ASSESSMENT UNIT NO. 1	\$114,572.78
ASSESSMENT UNIT NO. 2	6,165.99
ASSESSMENT UNIT NO. 3	16,694.26
ASSESSMENT UNIT NO. 4	24,561.22

and

WHEREAS, no money is available from other sources to pay for a portion of the costs of said improvements in any of said Assessment Units; and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, that the following amounts shall be assessed against and be paid by the property specially benefited by the improvements in each Unit of said Assessment District, to wit:

ASSESSMENT UNIT NO. 1	\$114,572.78
ASSESSMENT UNIT NO. 2	2,800.00
ASSESSMENT UNIT NO. 3	15,173.00
ASSESSMENT UNIT NO. 4	20,684.00

and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, that there shall be assessed to each lot or parcel of property specially benefited its proportionate share of the costs and expenses being levied against the particular Assessment Unit in which such lot or parcel is situate, on the basis set forth in the

provisional order resolution passed and approved on the 7th day of June, 1967, and Ordinance No. 1297, the ordinance creating the District, duly passed, adopted and approved on the 18th day of October, 1967; and

WHEREAS, said assessments in no event exceed the estimated benefits to the property assessed nor that portion of the total costs of improvements payable in assessments as heretofore determined; and

WHEREAS, after the determination of the costs of such work to be paid by the property specially benefited, the City Engineer, pursuant to directions contained in the resolution of said Board of Commissioners duly passed, adopted and approved on the 4th day of June, 1969, prepared an assessment roll which contained, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on a front foot basis for Assessment Unit No. 1, Assessment Unit No. 2, and Assessment Unit No. 3, and apportioned on an area basis for Assessment Unit No. 4 as more particularly set forth in Section 4 of said Emergency Ordinance No. 1297; and

WHEREAS, said Board of Commissioners thereupon fixed a time and place, to wit, the 20th day of August, 1969, at 2:00 o'clock P.M. in the Commission Chambers of City Hall in said City, when all complaints, protests and objections by owners of such property, by any party interested in the regularity of the proceedings in making such assessments, and all parties aggrieved by such assessment, to said assessment roll, including, without limiting the generality of the foregoing, the regularity of the proceedings in making any assessment thereon, and the correctness of such assessment or the amount levied on any particular lot or parcel of property to be assessed, would be heard and considered by said Board of Commissioners; and

WHEREAS, said Board of Commissioners caused said assessment roll to be filed in the office of the Clerk of said City on the 18th day of June, 1969, and said Clerk, by publication in a newspaper and by mail, gave the requisite notice of the time and place of such hearing, of the filing of said assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing, and the waiver of any objection in the absense of such objection; and

WHEREAS, at the time and place so designated for the hearing of such objections, said Board of Commissioners met to hear and consider all objections so filed by any interested party, and thereafter, by resolution duly passed, adopted and approved on the 20th day of August, 1969, confirmed said assessment roll, and ordered said assessment roll to be filed in the office of, and endorsed by, the City Clerk of said City; and

WHEREAS, all protests and objections, both written and oral, were heard and considered by said Board of Commissioners and were found to be without merit and over-ruled; and

WHEREAS, it is incumbent upon said Board of Commissioners to provide herein when said assessments shall become due and delinquent, the rate of interest payable thereon, and the penalties payable after delinquency.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA DOES ORDAIN AS FOLLOWS:

SECTION 1: That all actions heretofore taken (not inconsistent with the provisions of this ordinance) by the City of Las Vegas and the officers and employees thereof directed toward the creation of Las Vegas, Nevada, Special Assessment District No. 478 and the grading, gravelling, macadamizing, paving, curbing, guttering, sidewalking, draining, otherwise improving, and installing of street lights along that certain portion of Jackson Avenue, with intersections, within said City, described as Assessment Unit No. 1, the paving and otherwise improving that alley within that certain area of said City, described as Assessment Unit No. 2; the grading, gravelling, macadamizing, paving, curbing, guttering, draining, otherwise improving, and installing of street lights along that portion of Algiers Road within said City described as Assessment Unit No. 3; the installing of a sanitary sewer system consisting of sewer collection lines and all facilities incidental thereto, within that certain area of said City described as Assessment Unit No. 4, and toward performing all prerequisites to levying special assessments and to fixing the assessment lien against

the various lots and parcels of property specially benefited by the improvements in each unit of said District, be, and the same hereby are, approved, ratified and confirmed.

Section 2. That for the purpose of paying the costs and expenses of the said improvements, there be, and there hereby are, levied and assessed against the lots and parcels of property in each assessment unit of said District, being all those lots and parcels specially benefited by said improvements in such assessment unit, in the City of Las Vegas, Clark County, Nevada, and described in the assessment roll for said District, as filed in the office of the City Clerk on the 18th day of June, 1969, and as validated and confirmed by resolution duly adopted by said Board of Commissioners on the 20th day of August, 1969, the amounts and assessments shown in said roll.

Section 3. That said assessments shall be due and payable at the office of the City Treasurer of the City of Las Vegas, Nevada, within thirty days after this ordinance becomes effective, without interest and without demand; provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable at the office of the County Treasurer of Clark County, Nevada, acting Ex-Officio City Treasurer and Tax Collector of the City of Las Vegas, in twenty substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this ordinance after passage and approval, at the rate of seven per centum (7%) per annum; provided, however, that in the ordinance authorizing the issuance of the bonds payable from the special assessments being levied hereby, and after the sale of said bonds, said Board of Commissioners may provide for a lower rate or rates of interest on said unpaid and deferred installments of principal, which said reduced rate or rates shall at no time be less than the interest rate (or the higher or highest interest rate, if more than one) borne by the special assessment bonds then outstanding, both principal and interest

being payable annually at the office of said County Treasurer of Clark County on the first day of July in each year, commencing the first day of July, 1971. Failure to pay any installment, whether of principal or interest, when due, shall ipso facto cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by either Clark County or the City of Las Vegas, and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of one per centum (1%) per month, until the day of sale or until paid, but at any time prior to the day of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with interest accruing thereon to the next interest payment date.

Section 4. That the amounts assessed as aforesaid shall be a lien upon said lots and parcels of property from the effective date of this ordinance, i.e., from the 25th day of May, 1970, co-equal with the lien of other taxes and prior and superior to all other liens, claims, encumbrances and titles. The sale of any such lot or parcel of property for general or other taxes shall not relieve such lot or parcel of property from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots and parcels of property assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 5. That in case any such lot or parcel of property so assessed is delinquent in the payment of such assessment or any installment of principal or interest, said Board of Commissioners shall forthwith cause the original purchasers of the bonds issued in connection with said District and any person, partnership and corporation hereafter designated in writing by said original purchasers or their successors, as representatives of the holder or holders of the bonds to be hereafter authorized to be issued by ordinance (such bond ordinance to designate definitely said original purchaser or purchasers) and the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last-

known address; and, if such delinquency shall not be paid within ten days after such notice shall have been given by deposit in the United States mail, then said assessment shall be enforced by the County Treasurer of Clark County and other officers of said County, as provided by law with the other taxes in the general assessment roll of said County, and in the same manner. Nothing herein shall be construed as preventing the City of Las Vegas from collecting any assessment by suit in the name of the governing body; and the assessment roll and the certified copy of this ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If said foreclosure be not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of said City. Any bondholder may also proceed against said City to protect and enforce the rights of the bondholders under this ordinance, by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal, or equitable remedy as such bondholder or bondholders may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the bonds and coupons then outstanding. The failure of the bondholders so to foreclose such delinquent assessments, or so to proceed against the City, or both, shall not relieve the City or any of its officers, agents or employees of any liability for its failure so to foreclose such delinquent assessments.

Section 6. That the City Clerk shall publish, as soon as reasonably possible, a notice in the Las Vegas Review-Journal, a newspaper which is an official newspaper, published daily for said City, once a week for two consecutive weeks, stating that said assessments have been levied and are due and payable. The Board of Commissioners hereby determines that the manner of giving notice herein provided for by publication is reasonably calculated to inform the interested parties of the proceedings concerning said District, which may directly and adversely affect their legally protected interests.

Section 7. That the City Clerk is hereby directed to deliver to the County Assessor of Clark County, Nevada, the Ex-Officio City Assessor for the City of Las Vegas, a copy of the final assessment roll, as confirmed by resolution duly passed, adopted and approved on the 20th day of August, 1969, containing a description of the lots and parcels of property being assessed, with the amount of

the assessment levied upon each, and the name of the owner of occupant thereof against whom the assessment was made; and said City Clerk is additionally directed to require the County Treasurer to collect the several sums so assessed, as a tax upon the several lots and parcels to which they were assessed.

Section 8. That the notice provided for in Section 6 of this ordinance shall be in substantially the following form:

NOTICE TO PROPERTY OWNERS
OF ASSESSMENTS FOR IMPROVEMENTS IN
LAS VEGAS, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. _____

NOTICE IS HEREBY GIVEN to property owners and other interested persons that, by Ordinance No. 1427, duly passed, adopted, signed and approved on the 8th day of October, 1969, there were levied and assessed against the lots and parcels of property specially benefited by the local improvements in what is commonly designated as "Las Vegas, Nevada, Special Assessment District No. 478", said lots and parcels being more specifically described in the assessment roll designated in said ordinance, the total costs and expenses of said improvements.

Said assessments shall be due and payable at the office of the City Treasurer of the City of Las Vegas, Nevada, on or before the 24th day of June, 1970, being thirty days after the effective date of said ordinance, i.e., the date of its second and final publication, without interest and without demand; provided that all such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within said thirty day period shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in such installments. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 25th day of May, 1970, i.e., the date of the second and final publication of said ordinance, at a rate or rates not exceeding seven per centum (7%) per annum, both principal and interest being payable annually at the office of the County Treasurer of Clark County, Nevada, on the first day of July in each year, commencing on the first day of July, 1971. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, at the City's option, and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of one per centum (1%) per month, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in

installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole or any annual installment of the unpaid principal, with interest accruing thereon to the next interest payment date.

The amounts assessed as aforesaid constitute a lien upon said lots and parcels of property from the 25th day of May, 1970, the effective date of said ordinance, which lien shall be co-equal with the lien of other taxes and prior and superior to all other liens, claims and titles. The sale of any such lot or parcel of property for general or other taxes shall not relieve such lot or parcel of property from such assessment or the lien therefor.

Dated this 18th day of May, 1970.

City Clerk

PASSED, ADOPTED, SIGNED AND APPROVED THIS 8th day of October,

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Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole
EDWINA M. COLE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 17th day of September, 1969, and referred to the following committee composed of Commissioners Howery and Thornley for recommendation; thereafter the said committee reported favorably on said ordinance on the 8th day of October, 1969, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Coblentz, Thornley, Howery and
Mayor Gragson

VOTING "NAY": none ABSENT Commissioner Corey

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole
EDWINA M. COLE, City Clerk