

EMERGENCY ORDINANCE NO. 1268

AN EMERGENCY ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 474, ORDERING THE INSTALLATION OF A STREET LIGHTING SYSTEM ALONG CERTAIN STREETS AND PORTIONS THEREOF, ALL WITHIN THE CITY OF LAS VEGAS, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; PROVIDING FOR RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, The Board of Commissioners of the City of Las Vegas, Nevada, deems it necessary to create Las Vegas, Nevada, Special Assessment District No. 474, for the purpose of installing a street lighting system along those certain streets and portions thereof, all within the City of Las Vegas, described in the provisional order resolution, passed and approved on the 17th day of August, 1966, and to defray the entire cost and expense thereof by special assessments, according to benefits, against the taxable lots and premises in said District; and

WHEREAS, pursuant to Chapter 271 of Nevada Revised Statutes, and the aforesaid provisional order resolution, said Board of Commissioners declared its determination to create the District for the purpose of making said improvements, stating therein the improvements, that the entire expense thereof shall be paid by special assessment, that the assessment is to be made according to the benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made within said District, and that the area to be assessed in said District is to be divided into three (3) assessment "zones" in order to equate the assessments to be levied against the various lots and parcels of property to the benefits to be received thereby; and

WHEREAS, pursuant to said resolution, said Board of Commissioners directed the City Clerk of said City to give notice of the estimates of the expense of the improvement and plats and diagrams theretofore filed, and of the time and place of hearing thereon, and said notice was given in the manner specified by the laws of the State of Nevada and in accordance with the directions contained in said resolution; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, nine written protests and three oral protests were received with respect to said District, and said Board, having duly considered all of said protests, determined it to be in the best interest of the District, the City and the inhabitants thereof to create the district as theretofore proposed; and

WHEREAS, the owners of less than one-half of the area to be assessed in said District, or in each or any assessment "zone" thereof, filed written or oral objections; and

WHEREAS, said Board of Commissioners has done all things necessary and preliminary to the creation of said Las Vegas, Nevada, Special Assessment District No. 474, including, but not necessarily limited to, the filing with the City Clerk by the City Engineer of a revised and accurate estimate of cost, plans, assessment plat, specifications and map, and desires now to order such improvements and work by this emergency measure, the reasons for passage as an emergency measure being the grave threats to the public safety and morals posed by the conditions presently existing.

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

Section 1. That said Board of Commissioners has determined, and does hereby determine, that each and every protest and objection filed or otherwise made in connection with said Las Vegas, Nevada, Special Assessment District No. 474 (representing less than fifty per cent (50%) of the area to be assessed in said District, or in each or any individual assessment "zone" thereof) is without merit, and that the same be, and hereby is, overruled and finally passed upon by said Board.

Section 2. That there shall be, and hereby is, created an assessment district, for the purpose of installing a street lighting system along those certain streets and portions thereof, all within the City of Las Vegas, described in the provisional order resolution, passed and approved on the 17th day of August, 1966, said Assessment District to be called and designated Las Vegas, Nevada, Special Assessment District No. 474, to include and be the same as the areas designated in the aforesaid provisional order resolution, and said improvements be, and hereby are, ordered.

Section 3. That the character and location of the improvements and the boundaries of the District, shall be in all respects as set forth in the aforesaid provisional order resolution (except to the extent inconsistent herewith), as more particularly shown in the plats, diagrams, plans and specifications as filed in the City Clerk's office prior to the adoption of said provisional order resolution, and as since remaining on file therein.

The boundaries of the District, which include all the lots and parcels to be assessed, shall be more particularly described as follows:

Those portions of Clark's Las Vegas Townsite, South Addition, Boulder Addition, Beckley Subdivision and Park Place Addition, in the City of Las Vegas, County of Clark, State of Nevada, and being more particularly described as follows:

BEGINNING at a point on the center line of Charleston Boulevard 65 feet East of the center line of Main Street; thence North $3^{\circ} 19'$ East approximately 40 feet to a point on the North right of way line of Charleston Boulevard; thence North $27^{\circ} 45'$ East to a point confluent to the center line of Boulder Avenue and the West right of way line of First Street (80 feet wide); thence North $62^{\circ} 15'$ West, 70 feet to a point on the center line of Boulder Avenue; thence North $27^{\circ} 45'$ East 1440 feet, more or less to a point on the center line of Gass Avenue; thence North $62^{\circ} 15'$ West, 80 feet, more or less, to a point confluent to the center line of Gass Avenue and to the center line of the alley running Northeast-Southwest between Main and First Streets; thence North $27^{\circ} 15'$ East, 2310 feet, more or less, to a point in the center of the alley between Main and First Streets, 90 feet South of the center line of Bridger Avenue; thence South $62^{\circ} 15'$ East, 1335 feet, more or less, to a point on the center line of Fourth Street; thence South $27^{\circ} 45'$ West along the center line of Fourth Street, a distance of 875 feet, more or less, to the center line of Clark Avenue; thence South $62^{\circ} 15'$ East along the center line of Clark Avenue a distance of 190 feet to a point on the prolongation of the center line of the Northeast-Southwest alley between Fourth Street and Las Vegas Boulevard South; thence South $27^{\circ} 45'$ West a distance of 2685 feet, more or less, to a point 200 feet South of the center line of Charleston Boulevard midway between Fourth Street and Las Vegas Boulevard South; thence South $89^{\circ} 48'$ West 220 feet, more or less, to a point in the center line of Fourth Street; thence South $27^{\circ} 45'$ West along the center line of Fourth Street approximately 50 feet; thence North $62^{\circ} 45'$ West 62 feet to the Southwest corner of Lot 1 of Beckley Subdivision, as recorded in Book 2 of Plats, page 24, Clark County, Nevada; thence Northerly 92.7 feet to the Southeast corner of Lot 2, Beckley Subdivision; thence North $89^{\circ} 56'$ East 265 feet to the center line of the North-South alley between Beckley Subdivision and Boulder Addition, as recorded in Book 1 of Plats, page 52, Clark County, Nevada; thence South $3^{\circ} 19'$ West 105.3 feet to the center line of the East-West alley running parallel to Charleston Boulevard in Blocks 13 and 21 of Boulder Addition; thence Westerly along the center line of said alley 555 feet to a point on the center line of Casino Center Boulevard approximately 180 feet South of the center line of Charleston Boulevard; thence South 60 feet, more or less, along the center line of Casino Center Boulevard to the confluence of the center line of the East-West alley South of Charleston Boulevard between Main and Casino Center Boulevard; thence Westerly along the center line of said alley 315 feet, more or less, to a point 65 feet East of the center line of Main Street; thence North $3^{\circ} 19'$ East along the East boundary of Lot 1, Block 7, Boulder Addition 223.8 feet to the POINT OF BEGINNING.

Section 4. That said Board of Commissioners has determined, and does hereby determine, that in order properly to light the area to be so improved, certain of said streets will require a greater intensity of lighting than will others, thereby necessitating the division of the aforesaid area to be assessed into three (3) assessment "zones", in order to equate the assessments to be levied against the various lots and parcels of property in said District to the benefits to be received thereby, and it is hereby ordered that the aforesaid assessment area be, and hereby is, divided into three (3) assessment "zones", as follows: Assessment Zone A - all of those lots or parcels of property abutting the improvements to be installed along Charleston Boulevard; Assessment Zone B - all of those lots or parcels of property abutting the improvements to be installed along Casino Center Boulevard (Second Street) and Fourth Street; and Assessment Zone C - all of those lots or parcels of property abutting the improvements to be installed along all other streets to be improved under said District.

Section 5. The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits received and shall be assessed against the property abutting said improvements in each assessment "zone" on an area basis, i. e., on the basis that each lot or parcel of property to be assessed shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment "zone" in the proportion that the area of said lot or parcel bears to the area of all assessable property in such assessment "zone"; provided that an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform; and provided that public property shall be excluded from said total area, as heretofore determined by said Board of Commissioners. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessments, in case of wedge or V or other irregularly shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits to be derived.

Section 6. Except as shown on plans and specifications now on file in the Office of the City Clerk, the character of such improvements shall be more particularly as follows:

Mercury vapor luminaires, steel lighting standards on concrete bases, underground wiring series and/or multiple circuits and control cabinets, together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved now on file in the Office of the City Clerk.

Section 7. That all actions (not inconsistent with the provisions of this ordinance) heretofore taken by the City of Las Vegas, and the officers of said City, directed toward the construction and installation of the improvements within said Assessment District No. 474, toward the creation of said District, and toward levying and effecting special assessments to defray the cost thereof, be, and the same hereby are, ratified, approved and confirmed.

Section 8. That all by-laws, orders, resolutions and ordinances, or parts of by-laws, orders, resolutions and ordinances, in conflict with this ordinance, are hereby repealed.

Section 9. That if any one or more sections, sentences, clauses, or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.

Section 10. That by reason of the fact that the existing improvements in the City of Las Vegas are inadequate to meet the present and future needs of the City and its inhabitants and that it is necessary immediately to raise funds to install the hereinabove described improvements, therefore it is hereby declared that an emergency exists, and that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 11. That the City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its final reading and adoption, in the Las Vegas Review-Journal, a daily newspaper published in and of general circulation in said City, and this ordinance shall become effective immediately following the second publication thereof.

PASSED, ADOPTED AND APPROVED this 18th day of January, 1967.

/s/ Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:

/s/ Aleta E. Watson

~~EDWARD K. GRAGSON, City Clerk~~
Assistant City Clerk

VOTING "AYE": Commissioners Stewart, Mirabelli, Fountain, Whipple and Mayor Gragson

VOTING "NAY": None

ABSENT: None

APPROVED:

/s/ Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:

/s/ Aleta E. Watson

~~EDWARD K. GRAGSON, City Clerk~~
Assistant City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,)
COUNTY OF CLARK,)ss

LOUIE MIRATORE, being first duly sworn,
deposes and says that he is foreman for the Las Vegas
Review-Journal, a daily newspaper 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 TWO (2) insertions from
JANUARY 24, 1967 to JANUARY 31, 1967
inclusive, being the issue of said newspaper for the
following dates, to wit:

JANUARY 24, 31, 1967

That said newspaper was regularly issued and circulated
on each of the dates above named.

SIGNED

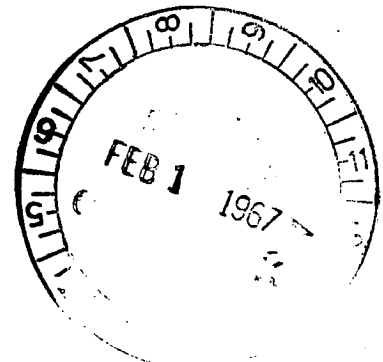
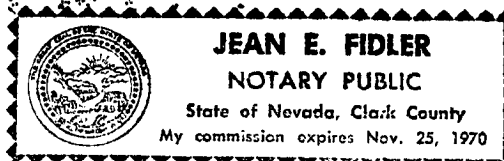
L. Miratore
LOUIE MIRATORE

Subscribed and sworn to before me this 31st day
of JANUARY, 19 67.

Jean E. Fidler

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

My commission expires



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WHEREAS, pursuant to said resolution, said Board of Commissioners directed the City Clerk of said City to give notice of the estimates of the expense of the improvement and plans and diagrams thereto, filed, and of the time and place of hearings thereon, and said notice was given in the manner specified by the laws of the State of Nevada and in accordance with the directions contained in said resolution; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

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Legal Notices

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48' West 220 feet, more or less, to a point in the center line of Fourth Street; thence South 27 degrees 45' West along the center line of Fourth Street approximately 50 feet; thence North 62 degrees 45' West 62 feet to the Southwest corner of Lot 1 of Beckley Subdivision, as recorded in Book 2 of Plats, page 24, Clark County, Nevada; thence Northerly 92.7 feet to the Southeast corner of Lot 2, Beckley Subdivision; thence North 89 degrees 58' East 265 feet to the center line of the North-South alley between Beckley Subdivision and Boulder Addition, as recorded in Book 1 of Plats, page 52, Clark County, Nevada; thence South 3 degrees 19' West 105.3 feet to the center line of the East-West alley running parallel to Charleston Boulevard in Blocks 13 and 21 of Boulder Addition; thence Westerly along the center line of said alley 555 feet to a point on the center line of Casino Center Boulevard; approximately 180 feet South of the center line of Charleston Boulevard; thence South 60 feet, more or less, along the center line of Casino Center Boulevard to the confluence of the center line of the East-West alley South of Charleston Boulevard between Main and Casino Center Boulevard; thence Westerly along the center line of said alley 315 feet, more or less, to a point 65 feet East of the center line of Main Street; thence North 3 degrees 19' East along the East boundary of Lot 1, Block 7, Boulder Addition 223.8 feet to the POINT OF BEGINNING.

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Section 5. The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits received and shall be assessed against the property abutting said improvements in each assessment "zone" on an area basis, i.e., on the basis that each lot or parcel of property to be assessed shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment "zone" in the proportion that the area of said lot or parcel bears to the area of all assessable property in such assessment "zone"; provided that an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform; and provided that public property shall be excluded from said total area, as heretofore determined by said Board of Commissioners. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis used by apportioning assessment, in case of wedge or V or other irregularly shaped lots, the amount apportioned thereto shall be in proportion to the special benefits to be derived.

Section 6. Except as shown on plans and specifications now on file in the Office of the City Clerk, the character of such improvements shall be more particularly as follows:

Mercury vapor luminaires, steel lighting standards on concrete bases, underground wiring series and/or multiple circuits and control cabinets, together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved now on file in the Office of the City Clerk.

Section 7. That all actions (not inconsistent with the provisions of this ordinance) theretofore taken by the City of Las Vegas, and the officers of said City, directed toward the construction and installation of the improvements within said Assessment District No. 474, toward the creation of said District, and toward levying and effecting special assessments to defray the cost thereof, be, and the same hereby are, ratified, approved and confirmed.

Section 8. That all by-laws, orders, resolutions and ordinances, or parts of by-laws, orders, resolutions and ordinances, in conflict with this ordinance, are hereby repealed.

Section 9. That if any one or more sections, sentences, clauses, or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall be confined in its operation to the specific sections, sentences, clauses, or parts of this ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.

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Section 11. That the City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its final reading and adoption, in the Las Vegas Review-Journal, a daily newspaper published in and of general circulation in said City, and this ordinance shall become effective immediately following the second publication thereof.

PASSED, ADOPTED AND APPROVED
this 18th day of January, 1967.

(s) ORAN K. GRAGSON
Mayor

ATTEST:

(s) Aleta E. Watson
Assistant Clerk

VOTING "AYE": Commissioners Stewart, Mirabelli, Fountain, Whipple and Mayor Gragson

VOTING "NAY": None

ABSENT: None

APPROVED:

(s) ORAN K. GRAGSON
Mayor

ATTEST:

(s) Aleta E. Watson
Assistant City Clerk

January 24, 31, 1967