

EMERGENCY ORDINANCE NO. 1041

1 AN EMERGENCY ORDINANCE CREATING STREET IMPROVE-
2 MENT ASSESSMENT DISTRICT NO. 100-3; PROVIDING
3 FOR THE IMPROVEMENT OF DESIGNATED STREETS AND
4 PARTS OF STREETS THEREIN; PROVIDING FOR SPECIAL
5 ASSESSMENTS ACCORDING TO FRONTAGE TO DEFRAY THE
6 STATED ENTIRE COST THEREOF; DIRECTING THE PREPARA-
7 TION OF AN ASSESSMENT ROLL AND THE REPORTING OF
8 THE SAME TO THE BOARD OF COMMISSIONERS; PROVIDING
9 FOR FILING OF SAID ROLL WITH CITY CLERK; PROVID-
10 ING A TIME AND PLACE TO REVIEW SAID ASSESSMENTS
11 AND NOTIFICATION THEREOF; PROVIDING FOR THE COR-
12 RECTION, AND/OR CONFIRMATION AND APPROVAL OF SAID
13 ROLL THEREAT OR THEREAFTER; PROVIDING FOR THE
14 INDORSEMENT ON SAID ROLL OF SAID CONFIRMATION AND
15 APPROVAL; PROVIDING FOR THE DELIVERY OF SAID AP-
16 PROVED ROLL TO THE EX-OFFICIO CITY ASSESSOR; PRO-
17 VIDING THAT SAID ASSESSMENTS SHALL CONSTITUTE A
18 LIEN; PRESCRIBING THE METHOD OF PAYING SAID AS-
19 SESSMENTS AND THE INTEREST THEREON; PROVIDING FOR
20 THE DISPOSITION OF SAID ASSESSMENTS; DIRECTING THE
21 NOTIFICATION BY MAIL WHEN AND WHERE SAID ASSESS-
22 MENT IS DUE AND PAYABLE; RATIFYING, APPROVING AND
23 CONFIRMING ALL ACTION HERETOFORE TAKEN TOWARD IN-
24 PROVING SAID STREETS AND PARTS OF STREETS IN SAID
25 DISTRICT, TOWARDS ITS CREATION AND TOWARD LEVYING
26 AND EFFECTING SPECIAL ASSESSMENTS; PROVIDING
27 OTHER MATTERS RELATING THERETO; AND DECLARING AN
28 EMERGENCY

15 WHEREAS, the Board of Commissioners of the City of Las
16 Vegas, in the County of Clark and State of Nevada, deems it expedi-
17 ent and for the best interests of said City to improve certain
18 streets and parts of streets, hereinafter particularly described, by
19 the laying of pavement thereon and by constructing on both sides
20 thereof concrete curbs and gutters wherever necessary; and concrete
21 sidewalks and complete street lighting system; and

22 WHEREAS, said Board deems it expedient and desirable to
23 create Street Improvement Assessment District No. 100-3 for the
24 purpose of making said improvements, and to defray the entire cost
25 and expense thereof by special assessments made according to frontage
26 against the owners and the assessable lots, premises and property
27 specially benefited by such improvements and included within said
28 district; and

29 WHEREAS, there is not included within said district any
30 public or other property against which a valid special assessment
31 cannot be levied by said City; and

32 WHEREAS, in no case does the estimated amount of any

special assessment upon any lot or premises for said improvements exceed fifty percent of the value of such lot or premises as shown upon the latest tax list or assessment roll for state and county taxation; and

WHEREAS, in the judgment of the Board of Commissioners of said City of Las Vegas, it is fair and equitable that no portion of said cost and expense be borne by the City from its general funds; and

WHEREAS, said Board by Emergency Ordinance No. 432, passed, adopted and approved the 25th day of October, 1950, declared its determination to make certain public improvements as herein provided, to create Street Improvement Assessment District No. 100-3 for the purpose of making said improvements, to defray the entire cost and expense thereof by special assessments made according to frontage, and fixed a time in which protests against the proposed improvements or the creation of such District might be heard and considered by said Board, and directed notice thereof to be given; and

WHEREAS, said Board determined that said notice was given in the manner prescribed by Section 7 of said Emergency Ordinance No. 432 and by Section 57, Chapter II, Charter of the City of Las Vegas; and

WHEREAS, the owners of more than one-half the frontage to be assessed have not filed written objections concerning the making of said improvements, the creation of said District, or the defraying of the entire cost and expense by special assessments; and

WHEREAS, no objections, suggestions, comments nor questions were made or raised at said protest hearing; and

WHEREAS, said Board has done all things necessary and preliminary to the creation of said Street Improvement Assessment District No. 100-3, and now desires to create said District;

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

Section 1. There shall be and there hereby is created
a special assessment district in the City of Las Vegas, Nevada, to
be called and designated Street Improvement Assessment District
No. 100-3, which shall include all the lots, premises and
property to their full depth; fronting, adjoining and abutting upon the
following streets and portions of streets all within the
City of Las Vegas.

South 17th Street from Charleston Boulevard to
Carson Avenue; Spencer Street from Charleston
Boulevard to Carson Avenue, and all of Carson
Avenue from Spencer Street to a point 83 feet
east of the center line of 17th Street.

Section 2. That the streets and parts of streets shall
be improved by installing thereon a complete street lighting system
including concrete poll bases, light standards, luminaires, and
necessary wiring and attachments and to pave said streets and parts
of streets by grading and constructing thereon asphaltic concrete paving
and by constructing on both sides of said streets and parts of streets
concrete curbs, gutters, and sidewalks wherever said improvements
are missing, including alley approaches, together with such
appurtenances as may be required as is more particularly shown by
the plats, diagrams and plans of the work and locality to be improved,
now on file in the office of the City Clerk of the City of Las
Vegas.

Section 3. That the entire cost and expense of making
said improvements, including all incidental expenses which may be
legally included in the sums assessed, including, without limiting
the generality of the foregoing, the cost of surveys, plans, as-
sessments, the costs of construction, and the fees and compensa-
tion properly charged in the work of making special assessments,
shall be defrayed by special assessments made according to the
benefits against the owners and the assessable lots, premises and
property specially benefited by such improvements and included
within said District. The entire cost and expense of making said
improvements are deemed to be \$ 24,199.47 and the total of

1. the special assessments so levied shall be in that amount.

2. Section 4. That in no case shall the amount of any special
3. assessment upon any such lot or premises exceed 50% of the value of
4. such lot or premises as shown upon the latest tax list or assessment
5. roll for State and County taxation, but such cost in excess of 50% shall
6. be borne by the City of Las Vegas and paid out of the General Fund.

7. Section 5. That the County Assessor of the County of Clark and
8. State of Nevada, the acting Ex-Officio City Assessor of the City of
9. Las Vegas, Nevada, shall prepare, and is hereby empowered, authorized and
10. directed to make forthwith, an assessment roll in the manner provided by
11. the Charter of the City of Las Vegas, Nevada, and shall assess each lot
12. or parcel of land with such relative portion of the whole amount to be
13. levied as the length of front of such premises abutting upon the improve-
14. ment bears to the whole frontage of all the lots to be assessed; unless on
15. account of the shape or size of any lot or lots an assessment for a differ-
16. ent number of feet would be more equitable; and the frontage of all lots to
17. be assessed shall be deemed to be the aggregate number of feet as determined
18. upon for assessment by the assessor.

19. Section 6. That when said Ex-Officio City Assessor shall
20. have completed the assessment, he shall report the same to the Board of
21. Commissioners of the City of Las Vegas. Such report shall be signed by
22. him and made in the form of a certificate endorsed on the assessment roll,
23. which certificate shall be in the form prescribed by the Charter of the
24. City of Las Vegas.
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1 Section 7. That after said special assessment roll shall
2 have been prepared and reported to said Board, it shall be filed
3 in the office of the City Clerk, and numbered.

4 Section 8. That before said special assessment roll is
5 adopted and confirmed by said Board, any person objecting to the
6 assessment may file his objection thereto with the City Clerk on
7 or before Wednesday the 20th day of December, 1950, at
8 3:30 O'clock, P.M., at the City Hall in said City, and said
9 time and place are hereby fixed as the time and place when and
10 where said Board and said County Clerk and ex-officio City Assessor
11 will meet to hear and consider objections to said special assessment
12 roll and to review said assessment.

13 Section 9. That after filing said special assessment
14 roll with the City Clerk, she shall publish notice of the time
15 said Board and said Ex-officio City Assessor will meet to review
16 the assessments for at least two weeks in the Las Vegas Evening
17 Review-Journal, a daily newspaper published in said City of Las
18 Vegas every day each week except Saturday, by fourteen insertions
19 therein. Said notice shall be in the form prescribed by the Charter
20 of the City of Las Vegas.
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1 Section 10. That at said time appointed for reviewing
2 the assessments as aforesaid, the Board of Commissioners and the
3 Ex-officio City Assessor shall meet and then, or at some adjourned
4 meeting, review the assessments and hear any objection to said
5 assessments which may be made by any person deeming himself aggrieved
6 thereby, and shall decide the same; and said Board may correct the
7 same as to any assessment or description of the premises appearing
8 therein, and may confirm and approve it as reported or as corrected
9 or said Board may refer the assessment back to said Ex-officio City,
10 Assessor for revision, or annul it and direct a new assessment in
11 which case the assessment shall be made anew.

12 Section 11. That when said special assessments shall be
13 confirmed, the City Clerk shall make an indorsement upon the roll
14 showing the date of confirmation, which shall be in the form prescribed
15 by the Charter of the City of Las Vegas.
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1 Section 12. That when the assessments shall be confirmed
2 and approved as herein provided, it shall be final and conclusive.
3 The City Clerk shall thereupon deliver to said County Assessor,
4 acting Ex-officio City Assessor, the Assessment Roll as confirmed
5 by the Board of Commissioners, with her certificate of such
6 confirmation, and of the date thereof. The County Assessor,
7 acting Ex-officio City Assessor, shall thereupon, without extra
8 compensation, record such Assessment Roll in his office, and ap-
9 pend thereto his certificate of the date of such recording, where-
10 upon from said date all persons shall be deemed to have notice of
11 the contents of such Assessment Roll, and it shall be prima facie
12 evidence in all courts and tribunals of the regularity of all pro-
13 ceedings preliminary to the making thereof, and of the validity of
14 the assessment and Assessment Roll.

15 Section 13. That all special assessments, assessed as
16 aforesaid, shall from the date of confirmation and approval thereof
17 constitute a lien upon the respective lots or parcels of land
18 assessed. The special assessments thereafter shall be and remain
19 a lien on the respective lots and parcels of land assessed until
20 paid.

21 Section 14. That said assessments shall be due and pay-
22 able at the office of the County Treasurer of Clark County, Nevada,
23 acting Ex-officio City Treasurer and Ex-officio Tax Collector of
24 the City of Las Vegas, Nevada, within one week after said special
25 assessment roll is confirmed and approved, without interest and
26 without demand; provided, that all such assessments, or any part
27 thereof, may, at the election of the owner, be paid in installments,
28 with interest, as hereinafter provided. Failure to pay the whole
29 assessment, or any part thereof, within said period of one week
30 shall be conclusively considered and held an election on the part
31 of all persons interested, whether under disability or otherwise,
32 to pay in such installments. In case of such election to pay in
installments, the unpaid assessments shall be payable at the office

of said Ex-officio City Treasurer in ten substantially equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the 1st day of December, 1951, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 1st day of January, 1951, at the same rate of interest as that provided for in the special assessment bond to be hereafter authorized, sold, issued and delivered, but not to exceed seven per centum (7%) per annum, payable annually at the office of said Ex-officio City Treasurer, the first annual payment of interest being due and payable on the said 1st day of December, 1951, and the remainder of said annual installments of interest being due and payable on the 1st day of December in each year thereafter. 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, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of ten per centum per annum, until the day of sale, but at any time prior to the day of the sale, the owner may pay the amount of all unpaid installments, with interest thereon at ten per centum per annum, 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 paying date.

Each assessment, together with interest thereon, shall be placed on the tax roll of Clark County on and against the several owners and premises, and the County Assessor of Clark County, acting Ex-officio Assessor of the City of Las Vegas, is hereby authorized and directed to enter the same on the tax roll of said County

and to extend the same in a special column for special assessments on said tax roll, and the County Treasurer of said County, the Ex-officio City Treasurer and Ex-officio Tax Collector of the City of Las Vegas, is hereby authorized and directed to collect the same, all in the same manner and at the same time as other State and County taxes are collected.

Section 15. That the special assessments, both principal and interest, when collected, shall be placed in a special fund to be known as "Street Improvement Assessment District No. 100-3 Bond Interest and Redemption Fund," and as such shall at all times constitute a sinking fund for and deemed specially appropriated to the payment of the special assessment improvement bonds and interest thereon, to be hereafter authorized, sold, issued and delivered for the purpose of paying in part the cost or expense of said improvements; and said fund shall be applied to payment for the improvements for which said assessments were made, and shall not be used for any other purpose until said bonds and the interest thereon is fully paid.

Section 16. That after said assessment roll has been confirmed and approved, said Ex-officio City Treasurer immediately shall notify each person known to said Ex-officio City Assessor, whose name appears on said assessment roll, by United States of America mail, that an assessment has been levied against said person and the designated property in said Street Improvement Assessment District No. 100-3, and shall state therein when and where said assessment is due and payable.

Section 17. That all action (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 paving, curbing, guttering and otherwise improving certain streets and parts of streets in said Street Improvement Assessment District No. 100-3, toward the creation of said District, and toward levying and effecting special assessments to defray the entire cost

thereof, be, and the same is, hereby ratified, approved and confirmed.

Section 18. 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 19. 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 20. That by reason of the fact that the streets of 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 improve said streets, 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 21. 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 said City, and this ordinance shall become effective immediately following the second publication hereof.

PASSED, ADOPTED AND APPROVED this 22nd day of November 1950.

(SEAL)

Attest:


Mayor

Commissioner Maase then seconded the motion to adopt the foregoing ordinance. The question being upon the adoption of said ordinance, the roll was called with the following result:

Those voting "Aye":

Commissioner Dunbar,

Commissioner Maase,

Commissioner Persace,

Commissioner Whipple, and

Mayor Cragin.

Those voting "Nay": none.

Thereupon, the presiding officer declared said motion carried and the ordinance duly passed and adopted.

It was then moved by Commissioner Whipple, and seconded by Commissioner Maase, that all rules of this Board which might prevent, unless suspended, the final passage and adoption of this ordinance at this meeting be, and the same are hereby, suspended for the purpose of permitting the final passage and adoption of said emergency ordinance at this meeting.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following result:

Those voting "Aye":

Commissioner Dunbar,

Commissioner Maase,

Commissioner Persace,

Commissioner Whipple, and

Mayor Cragin.

Those voting "Nay": none.

The presiding officer declared said motion carried and the rules suspended.

1 Commissioner Whipple then moved that said
2 ordinance heretofore introduced and read in full at this meeting
3 be now placed upon its passage. Commissioner Moore
4 seconded the motion, and the question being upon the placing of
5 said ordinance upon its passage, the roll was called with the
6 following result:

7 Those voting "Aye":

8 Commissioner Lusher,
9 Commissioner Moore,
10 Commissioner Beccare,
11 Commissioner Whipple, and
12 Mayor Cragin.

13 Those voting "Nay": None.

14 The presiding officer declared the motion carried and
15 the ordinance placed upon its final passage.

16 Commissioner Whipple then moved that said
17 ordinance be passed and adopted as read and as an emergency ordi-
18 nance. Commissioner Moore seconded the motion. The
19 question being upon the passage and adoption of said ordinance,
20 the roll was called with the following result:

21 Those voting "Aye":

22 Commissioner Lusher,
23 Commissioner Moore,
24 Commissioner Beccare,
25 Commissioner Whipple, and
26 Mayor Cragin.

27 Those voting "Nay": None.

28 The presiding officer thereupon declared that
29 commissioners having voted in favor thereof, said motion was car-
30 ried and said ordinance was duly passed and adopted as an emer-
31 gency ordinance.

32 On motion duly adopted, it was ordered that said

1 emergency ordinance be numbered 441, and after approval by
2 the Mayor shall be published as in said ordinance designated,
3 and shall be recorded according to law.

4 There being no further business to come before the
5 Board of Commissioners, the meeting was, on motion duly made,
6 seconded and carried, adjourned.

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8 _____
Mayor

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10 (SEAL)

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12 Attest:

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City Clerk

15 Emergency Ordinance No. 441 copies into City of Las
16 Vegas Commissioner's Minute Book No. 7.
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1 STATE OF NEVADA)
2 COUNTY OF CLARK) SS.
3 CITY OF LAS VEGAS)
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5 I, Shirley Ballinger, the duly elected, qualified and
6 acting City Clerk in and for the City of Las Vegas, County of
7 Clark and State of Nevada, do hereby certify that the foregoing
8 pages numbered 1 to 16, both inclusive, are a true, perfect and
9 correct copy of the record of the proceedings taken by the Board
10 of Commissioners of said City, insofar as they relate to Street
11 Improvement Assessment District No. 100-3, at a regular
12 meeting held on Wednesday, the 22nd day of November, 1950,
13 and now on file and of record in my office; that the proceedings
14 therein set forth were duly had and taken by the Board of Com-
15 missioners at said meeting, were approved by the Mayor of said
16 City and attested by me as City Clerk; that the person therein
17 named as present at said meeting were present as shown by said
18 minutes; and that all members of the Board of Commissioners
19 were duly notified of said meeting.

20 WITNESS my hand and the seal of said City this 22nd
21 day of November, 1950.

22 SHIRLEY BALLINGER, City Clerk

23 By Deputy Funston
24 Deputy

25 (SEAL)
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1 (Attach Affidavit of Publication of Emergency Ordinance)

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(Attach Affidavit of Publication
of Notice of Special Assessment)

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1. STATE OF NEVADA)
2. COUNTY OF CLARK) ss.
3. CITY OF LAS VEGAS)
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5. A regular meeting of the Board of Commissioners of
6. the City of Las Vegas, Clark County, Nevada, was held on Wednesday,
7. the 15th day of November 1950, at the hour of 3:30 o'clock,
8. P. M., at the City Hall, being the regular meeting place of said
9. Board, at which meeting there were present and answering the roll
10. call, the following:

11. Mayor E. W. Cragin,
12. Commissioner Wesley Dunbar,
13. " Robert L. Moore,
14. " Wm. Piccolo,
15. " Reed Whipple,
16. Absent: None,

17. constituting all of the members of said Board. There was also present
18. the following:

19. City Manager E. W. Shelley,
20. City Attorney Howard W. Cannon
21. City Clerk Chief Deputy, Betty L. Austin, and
22. City Engineer W. C. Anderson.

23. Thereupon, the following proceedings, among others, were
24. duly had and taken.

25. The Mayor announced that this was the time and place
26. designated for the Board of Commissioners of the City of Las Vegas,
27. Nevada, to meet and hear and consider any suggestions and objec
28. tions that may be made by parties in interest to the proposed im
29. provements, or any matters relating thereto, in the proposed Street
30. Improvement Assessment District No. 100-3 in said City, as provided
31. in Emergency Ordinance No. 432, passed, adopted and approved
32. the 25th day of October, 1950, and the notice prescribed therein.

The Mayor then asked if any written objections, suggestions or

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CLERK'S
FILE

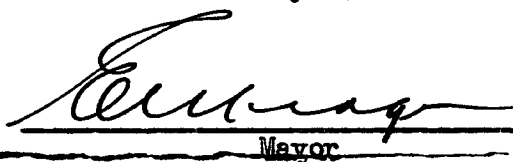
1 comments concerning said District had been filed in the Office of
2 the City Clerk. The City Clerk answered that no objections, sug-
3 gestions or comments concerning said District had been filed in
4 her office prior to said meeting and she filed a certificate with
5 the Board of Commissioners to that effect.

6 The Mayor then publicly asked if anyone desired to make
7 any objection, suggestion or comment, or raise any question, con-
8 cerning said District. No such objection, suggestion, comment or
9 question was made or raised.

10 The Mayor thereupon publicly announced that no objection,
11 suggestion, comment or question had been made or raised, written
12 or otherwise, by any party in interest, or otherwise, to the pro-
13 posed improvements, or any matters relating thereto, in the pro-
14 posed Street Improvement District No. 100-3 in the City of Las
15 Vegas, Nevada.

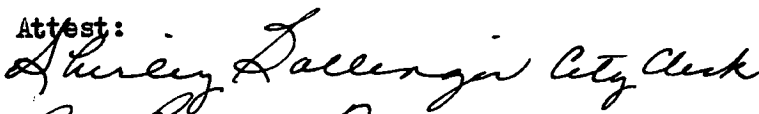
16 Thereupon, the City Attorney was directed to prepare an
17 ordinance creating said District and to take such steps as were
18 necessary to effectuate the provisions of said Emergency Ordinance
19 No. 432, passed, adopted and approved the 25th day of October,
20 1950.

21 There being no further business to come before the Board
22 of Commissioners, the meeting was, on motion duly made, seconded
23 and carried, recessed to meet at the call of the Mayor.

24 
25
26 Mayor

27 (SEAL)

28 Attest:

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31 City Clerk Deputy
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1 STATE OF NEVADA)
2 COUNTY OF CLARK) SS.
3 CITY OF LAS VEGAS)
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5 I, Shirley Ballinger, the duly elected, qualified and
6 acting City Clerk in and for the City of Las Vegas, County of
7 Clark and State of Nevada, do hereby certify that the foregoing
8 pages numbered 1 and 2, both inclusive, are a true, perfect and
9 correct copy of the record of the proceedings taken by the Board
10 of Commissioners of said City, insofar as they relate to Street
11 Improvement Assessment District No. 100-3, at a regular meeting
12 held on Wednesday the 15th day of November 1950, and now
13 on file and of record in my office; that the proceedings therein
14 set forth were duly had and taken by the Board of Commissioners
15 at said meeting, were approved by the Mayor of said City and at-
16 tested by me as City Clerk; that the persons therein named as pre-
17 sent at said meeting were present as shown by said minutes; and
18 that all members of the Board of Commissioners were duly notified
19 of said meeting.

20 WITNESS my hand and the seal of said City this 15th
21 day of November, 1950.

22 *Shirley Ballinger City Clerk*
23 *By Betty Fursten*
24 City Clerk *Reguly*

25 (SEAL)
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1 STATE OF NEVADA)
2 COUNTY OF CLARK) SS
3 CITY OF LAS VEGAS)
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5 A regular meeting of the Board of Commissioners of
6 the City of Las Vegas, Clark County, Nevada, was held on Wednesday,
7 the 22nd day of November, 1950, at the hour of 2:30 o'clock,
8 P.M., at the City Hall, being the regular meeting place of said
9 Board, at which meeting there were present and answering the roll
10 call, the following:

11 Mayor E. W. Croqui,
12 Commissioner Wesley Dunbar,
13 " Bob L. Moore,
14 " Wm. Piccolo,
15 " Reed Whipple,
16 Absent: None,

17 constituting all of the members of said Board. There was also present
18 the following:

19 City Manager E. W. Shelley,
20 City Attorney Harold W. Cannon,
21 City Clerk Chief Deputy City Clerk and
22 City Engineer W. C. Anderson.

23 Thereupon, the following proceedings, among others, were
24 duly had and taken.

25 Commissioner Whipple introduced and moved
26 the adoption of the following emergency ordinance, which was there-
27 upon read in full, and at length, and is as follows:
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