

BILL NO. 91-12

ORDINANCE 3564

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 468; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By: Ordinance required by
step procedure.

Summary: Levies the
assessments

WHEREAS, the City Council of the City of Las Vegas, in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, provided for the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof, as is more particularly described in the Notice of Hearing that is provided for in Section 4 of the Provisional Order Resolution, that was passed, adopted and approved on the 4th day of December, 1989, as ASSESSMENT UNIT NO. I, the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II, the installation of curbs and gutters along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. III, the installation of sidewalks along West

Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. IV, the installation of residential or commercial, at the option of the owner of the particular lot or parcel of property, driveway approaches along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. V, the installation of a street lighting system and all facilities that are incidental thereto along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VI, the installation of sanitary sewer laterals along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VII, the installation of water distribution laterals along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VIII, and the installation of a water distribution main along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. IX, and for defraying the entire cost and expense thereof by special assessments, according to benefits, against the taxable lots and parcels of property in each assessment unit of the special improvement district that is hereinafter identified, all in accordance with the provisions of law which relate thereto, the areas in which such improvements have been constructed and installed and the areas in which property shall be assessed being designated as "Las Vegas,

Nevada, Special Improvement District No. 468," all in accordance with the laws of the State of Nevada, and, in particular, Chapter 271 of the Nevada Revised Statutes; and

WHEREAS, pursuant to such proceedings and pursuant to a notice that was duly and validly given, said City Council, on the 17th day of May, 1989, received bids for the doing of the work for the construction and installation of such improvements, and said City formally entered into contracts for the doing of such work and the furnishing of all of the necessary materials in the respective assessment units of said District, as follows:

WELLS CARGO, INC., in the amount of \$22,967.00, for the improvements that were installed in ASSESSMENT UNIT NO. I,

WELLS CARGO, INC., in the amount of \$291,427.00, for the improvements that were installed in ASSESSMENT UNIT NO. II,

WELLS CARGO, INC., in the amount of \$50,842.00, for the improvements that were installed in ASSESSMENT UNIT NO. III,

WELLS CARGO, INC., in the amount of \$103,718.00, for the improvements that were installed in ASSESSMENT UNIT NO. IV,

WELLS CARGO, INC., in the amount of \$32,473.00, for the improvements that were installed in ASSESSMENT UNIT NO. V,

WELLS CARGO, INC., in the amount of \$125,877.00, for the improvements that were installed in ASSESSMENT UNIT NO. VI,

WELLS CARGO, INC., in the amount of \$36,442.00, for the improvements that were installed in ASSESSMENT UNIT NO. VII,

WELLS CARGO, INC., in the amount of \$87,000.00, for the improvements that were installed in ASSESSMENT UNIT NO. VIII and

WELLS CARGO, INC., in the amount of \$203,359.00, for the improvements that were installed in ASSESSMENT UNIT NO. IX; and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that the total cost of such improvements in each assessment unit of said District, including advertising, appraising, engineering, legal, printing, interest on interim warrants and all other costs that are properly incidental thereto, is as follows:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00
ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	21,918.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,226.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,119,507.00;

and

WHEREAS, no money is available from other sources to pay for any portion of the cost and expense of constructing and installing such improvements in any of such assessment units; and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that the following amounts shall be assessed against and be paid by the lots and parcels of property

that are specially benefited by the improvements in each assessment unit of said District, to-wit:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00
ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	21,918.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,226.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,119,507.00;

and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that there shall be assessed against each lot or parcel of property that is so specially benefited in each assessment unit its proportionate share of the cost and expense that is being levied against the particular assessment unit in which such lot or parcel is situate on the basis that is set forth in said Provisional Order Resolution and Ordinance No. 3424, the ordinance that created said District, that was duly passed, adopted and approved on the 5th day of April, 1989; and

WHEREAS, such assessments in no event exceed the estimated benefits to the respective lots or parcels of property against which the same are assessed or that portion of the total cost and expense of constructing and installing such improvements that is payable by assessment as has heretofore been determined; and

WHEREAS, after the determination of the portion of the cost and expense of constructing and installing such improvements in each assessment unit of said District that is to be paid by the lots and parcels of property that are specially benefited thereby, the City Engineer of said City, pursuant to the directions that are contained in that certain Resolution that was duly passed, adopted and approved by said City Council on the 16th day of January, 1991, prepared an assessment roll for said District that contains, among other things, the name of each last known owner of each lot or parcel of property that is proposed to be assessed in each assessment unit of said District, a description of each such lot or parcel and the amount of the proposed assessment thereagainst, apportioned upon a front foot basis in ASSESSMENT UNIT NO I, ASSESSMENT UNIT NO. II, ASSESSMENT UNIT NO. VI and ASSESSMENT UNIT NO. IX, upon a lineal foot basis in ASSESSMENT UNIT NO. III and ASSESSMENT UNIT NO IV, in ASSESSMENT UNIT NO. V upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for residential driveway approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for residential driveway approaches in the proportion that the number and length of the residential driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the residential driveway approaches that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for commercial driveway approaches shall be assessed a

portion of the aggregate dollar amount that is being levied against the entire assessment unit for commercial driveway approaches in the proportion that the number and length of the commercial driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the commercial driveway approaches that are installed to serve all of the assessable properties in the assessment unit, in ASSESSMENT UNIT NO. VII upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 6-inch sanitary sewer laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 6-inch sewer laterals in the proportion that the number of the 6-inch sewer laterals that are installed to serve such lot or parcel bears to the total number of the 6-inch sewer laterals that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 8-inch sanitary sewer laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 8-inch sewer laterals in the proportion that the number of the 8-inch sewer laterals that are installed to serve such lot or parcel bears to the total number of the 8-inch sewer laterals that are installed to serve all of the assessable properties in the assessment unit and in ASSESSMENT UNIT NO. VIII upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 6-inch water distribution laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the

entire assessment unit for 6-inch water laterals in the proportion that the number of the 6-inch water laterals that are installed to serve such lot or parcel bears to the total number of the 6-inch water laterals that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 8-inch water distribution laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 8-inch water laterals in the proportion that the number of the 8-inch water laterals that are installed to serve such lot or parcel bears to the total number of the 8-inch water laterals that are installed to serve all of the assessable properties in the assessment unit,, all as is more particularly set forth in Section 4 of said Ordinance No. 3424; and

WHEREAS, said City Council thereupon fixed a date, time and place, to-wit, Wednesday, the 6th day of March, 1991, at 2:00 p.m. in Rooms 201 and 202 of the Cashman Field Center, 850 Las Vegas Boulevard North, Las Vegas, Nevada, as the date, time and place when and where all complaints, protests and objections, by the owners of the lots and parcels of property that are specially benefited by the improvements that have been constructed and installed in each assessment unit of said District and are proposed to be assessed therefor, by any party who is interested in the regularity of the proceedings in making such assessment and any party who may be aggrieved by such assessments, to such assessment roll, including without limiting the generality of the foregoing the regularity of the proceedings

in making the assessment against his or her lot or parcel of property, in the correctness of such assessment or in the amount that is levied against any particular lot or parcel of property that is proposed to be so assessed, would be heard and considered by said City Council; and

WHEREAS, said City Council caused such assessment roll to be filed in the Office of the City Clerk of said City on the 6th day of February, 1991, and said City Clerk, by publication in a newspaper and by mail, gave the requisite notice of the date, time and place of such hearing, of the filing of such assessment roll in her office, of the date of the filing of the same, of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, on the date and at the time and place that was so designated for the hearing of such objections, said City Council met to hear and consider all objections that had been so filed by any interested party and thereafter, by that certain Resolution that was duly passed, adopted and approved on the 20th day of March, 1991, revised the amounts that had been proposed to be assessed against and paid by the assessable lots and parcels of property in ASSESSMENT UNIT NO. V and ASSESSMENT UNIT NO. VII, modified such assessment roll in accordance with the following revised amounts:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00

ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	24,486.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,892.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,122,741.00

and validated and confirmed such modified assessment roll and ordered the same to be filed in the Office of, and endorsed by, said City Clerk; and

WHEREAS, no written protests or objections and no oral protests or objections were received at such hearing, and said City Council determined that such assessments should be levied as is provided in such assessment roll, as the same was so modified; and

WHEREAS, it is incumbent upon said City Council to provide herein when such assessments shall become due, payable and delinquent and the penalty that is payable thereon after any delinquency.

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

SECTION 1. That all of the actions that were heretofore taken (not inconsistent with the provisions of this Ordinance) by the City of Las Vegas and the officers and employees thereof that were directed toward the creation of Las Vegas, Nevada, Special Improvement District No. 468 and the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO.

I, the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. II, the installation of curbs and gutters along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. III, the installation of sidewalks along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. IV, the installation of residential or commercial, at the option of the owner of the particular lot or parcel of property, driveway approaches along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. V, the installation of a street lighting system and all facilities that are incidental thereto along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VI, the installation of sanitary sewer laterals along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VII, the installation of water distribution laterals along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VIII and the installation of a water distribution main along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. IX and toward performing all of the prerequisites to the levying of special assessments, according to benefits, to defray the entire cost and expense of constructing and installing the improvements in each assessment unit of said District and to the fixing of an assessment lien against each of the various lots and parcels of property that are specially benefited by such improvements be, and the same hereby are, approved, ratified and confirmed.

SECTION 2. That, for the purpose of defraying the cost and expense of constructing and installing such improvements,

there shall be, and there hereby are, levied and assessed upon and against the lots and parcels of property in each assessment unit of said District, being all of those lots and parcels that are specially benefited by such improvements in the respective assessment units, in the City of Las Vegas, Clark County, Nevada, and are described in the assessment roll for said District, as the same was filed in the Office of the City Clerk of said City on the 6th day of February, 1991, and as was validated and confirmed by that certain Resolution of said City Council that was duly passed, adopted and approved on the 20th day of March, 1991, the respective amounts and assessments that are shown in such assessment roll.

SECTION 3. That such assessments shall be due and payable at the Office of the City Treasurer of said City within thirty (30) days after this Ordinance becomes effective, without interest and without demand; provided, however, that all or any part of any of such assessments may, at the election of the owner of the lot or parcel of property upon which such assessment is levied, be paid in installments, with interest, as is hereinafter provided. The failure of the owner of, or of any other person who is interested in, any such lot or parcel to pay the whole of the assessment thereafter in within such period of thirty (30) days shall be conclusively considered and held to be an election on the part of all of the persons who are interested in such lot or parcel, whether such owner or any such person be under a disability or otherwise, to pay in such installments the amount of the assessment against such lot or parcel that is then unpaid. In the case of an election to pay in installments, the unpaid

assessment shall be payable at the Office of said City Treasurer in twenty (20) substantially equal semiannual installments of principal until such assessment is paid in full, with interest in all cases on the unpaid and deferred installments of principal, from the effective date of this Ordinance after its passage and approval, at a rate or rates per annum which shall not exceed by more than three percent (3%) the Index of Twenty Bonds that was most recently published before the date on which this Ordinance is adopted; provided, however, that, if bonds are sold to pay the cost of the improvements that were constructed and installed in said District and are payable from the assessments that are being levied by this Ordinance, said City Council, in the Ordinance that authorizes the issuance of such bonds and after the sale of such bonds, may provide for a lower rate or rates of interest on such unpaid and deferred installments of principal, which reduced rate or rates shall at not time be less than the interest rate (or the higher or highest interest rate, if there be more than one) that is borne by the special assessment bonds that are then outstanding and shall not exceed by more than one percent (1%) the highest rate of interest that is payable on such special assessment bonds, both principal and interest being payable at the Office of said City Treasurer on the 23rd day of April and the 23rd day of October in each year, commencing on the 23rd day of October, 1991. The failure to pay any installment, whether of principal or interest, when the same is due, shall, ipso facto, cause the whole amount of the unpaid principal to become due and payable immediately, at the option of said City, and the exercise of such option shall be indicated by the commencement of

foreclosure proceedings by said City against the lot or parcel of property with respect to which such delinquency exists, either by means of a public sale in the manner that is provided for in NRS 271.545 to 271.630, inclusive, or through the institution of a foreclosure action that is brought in the name of said City. The whole amount of the unpaid principal and the accrued interest thereon shall, after such delinquency, whether such option is or is not exercised, bear a penalty at the rate of two percent (2%) per month until the day of the foreclosure sale or until the whole amount of the unpaid principal is paid, but, at any time prior to the day of such sale, the owner of such lot or parcel may pay the aggregate amount of all of the delinquent installments that originally became due on or before the date of such payment, with all accrued interest and all accrued penalties thereon, and shall thereupon be restored to the right thereafter to pay the unpaid principal in installments in the same manner as if such default had not been suffered. The owner of any lot or parcel of property, the installments or payments with respect to which are not then in default, may, at any time, pay the whole amount, or any annual installment, of the unpaid principal, with the interest that will accrue thereon to the next interest payment date.

SECTION 4. That the amounts that are assessed as aforesaid shall constitute a lien upon the respective lots and parcels of property against which they are assessed from the effective date of this Ordinance, i.e., from the 23rd day of April, 1991, which lien shall be coequal 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 for other taxes shall not relieve such lot or parcel from such assessment or the lien therefor. Each such amount shall continue to constitute a lien upon the lot or parcel of property against which the same is assessed until such amount is paid in full (including all of the principal, the interest thereon and any penalty and collection cost with respect thereto).

SECTION 5. That in case that the owner of any such lot or parcel of property that is so assessed is delinquent in the payment of such assessment, or of any installment of principal or interest, said City Council forthwith shall cause the original purchaser or purchasers of the bonds that are to be hereafter authorized by ordinance to be issued in connection with said District (the ordinance that authorizes such bonds to be issued to designate definitely such original purchaser or purchasers) and any person, partnership or corporation that is hereafter in writing designated by such original purchaser or purchasers, or its or their successor or successors, as the representative or representatives of the holder or holders of such bonds, and

the owner of the lot or parcel with respect to which such assessment is delinquent, if the same is known, to be immediately notified in writing of such delinquency by first-class mail, certified with return receipt requested and the postage thereon prepaid, that is addressed to the last known address of such owner, and, if such delinquency is not paid within ten (10) days after such notice has been given by the deposit thereof with the United States Postal Service, such assessment shall be enforced

by said City Treasurer and the other officers of said City in the manner that is provided for in NRS 271.545 to 271.630, inclusive; provided, however, that nothing that is contained herein shall be construed in such manner as to prevent said City from collecting any such assessment by means of a foreclosure action that is brought in the name of said City against the lot or parcel of property with respect to which such delinquency exists, and such assessment roll and a certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making such assessment and of the right of said City to recover judgment therefor. If said City Treasurer and the other officers of said City do not promptly and diligently proceed in the manner that is provided for in NRS 271.545 to 271.630, inclusive, to enforce such assessment or if such foreclosure action not be filed promptly and prosecuted diligently, any holder of such bonds may file and prosecute a foreclosure action in the name of said City. Any holder of such bonds may also proceed against said City to protect and enforce the rights that are by this Ordinance conferred upon the holders of such bonds, by suit, action or special proceedings at law or in equity, either for the appointment of a receiver or for the specific performance of any provision that is contained herein or in any award for the execution of any power that is granted herein for the enforcement of any proper legal or equitable remedy as such bondholder may deem is the most effective in order to protect any such right as aforesaid. Any such proceedings, either at law or in equity, shall be instituted, had and maintained for the equal benefit of all of the holders of such

bonds and the coupons thereon that are then outstanding. The failure of any holder of such bonds to commence such foreclosure action with respect to such delinquent assessments, or to proceed against said City in respect thereof, shall not relieve said City, or any of its officers, employees or agents, of any liability for its or their failure so to enforce such delinquent assessments.

SECTION 6. That said City Clerk shall publish, as soon as reasonably possible, a notice in the Las Vegas Review-Journal, a newspaper that is an official newspaper, published daily, for said City, once a week for two consecutive weeks, which notice shall state that such assessments have been levied and are due and payable. The City Council hereby determines that the manner of giving the notice that is provided for herein by such 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 said City Clerk is hereby authorized, empowered and directed to deliver to the County Assessor of Clark County, Nevada, the ex-officio City Assessor of said City, a copy of the final assessment roll, as the same was confirmed by that certain Resolution that was duly passed, adopted and approved on the 20th day of March, 1991, and as is designated in this Ordinance, which contains a description of each lot and parcel of property that is being assessed and indicates the amount of the assessment that is levied upon each such lot or parcel and the name of the owner or occupant thereof against whom the assessment was made. Said City Clerk is further directed to record in the

Office of the County Recorder of said County the final assessment roll, endorsed by said City Clerk as the roll that is designated in this Ordinance, together with a statement that the current payment status of any of the assessments may be obtained from said City Treasurer, and said City Clerk is additionally directed to deliver to said City Treasurer a copy of this Ordinance and to require said City Treasurer to collect, in the manner that is provided for in NRS 271.415(5) and 271.545 to 271.630, inclusive, the several sums that are so assessed as a tax upon the respective lots and parcels of property against which they are assessed.

SECTION 8. That the notice that is 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 IMPROVEMENT DISTRICT NO. 468.

NOTICE IS HEREBY GIVEN to the owners of property within the special improvement district that is hereinafter identified and other interested persons that, by Ordinance No. 3564, duly passed, adopted, approved and signed on the 17th day of April, 1991, there were levied and assessed upon and against the several lots and parcels of property that were specially benefited by the local improvements that were constructed and installed within that certain area of the City of Las Vegas, Nevada, that is designated and commonly known and referred to as "Las Vegas, Nevada, Special Improvement District No. 468," such lots and parcels being more specifically described in the assessment roll that is designated in said Ordinance, the total cost and expense of such improvements.

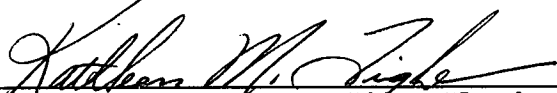
Such assessments shall be due and payable at the Office of the City Treasurer of said City on or before the 23rd day of May, 1991, being thirty (30) days after the effective date of said Ordinance, i.e., the day following the date of its second and final publication, without interest and without demand; provided, however, that all or any part of any of such assessments may, at the election of the owner of the lot or parcel of property upon which such assessment was levied, be paid in installments, with interest, as is hereinafter provided. The failure of the owner of, or of any other person who is interested in, any such lot or parcel to pay the whole of the assessment thereagainst within such thirty (30) day period shall be conclusively considered and held to be an election on the part of

all of the persons who are interested in such lot or parcel, whether such owner or any such person be under a disability or otherwise, to pay in such installments the amount of the assessment against such lot or parcel that is then unpaid. In the case of an election to pay in installments, the unpaid assessment shall be payable at the Office of said City Treasurer in twenty (20) substantially equal semiannual installments of principal until such assessment is paid in full, with interest in all case on the unpaid and deferred installments of principal from the 23rd day of April, 1991, i.e., the day following date of the second and final publication of said Ordinance, at a rate or rates which shall not exceed TEN AND 32/100THS PERCENT (10.32%) per annum, both principal and interest being payable at the Office of said City Treasurer on the 23rd day of April and the 23rd day of October in each year, commencing on the 23rd day of October, 1991. The failure to pay any installment, whether of principal or interest, when the same is due shall, ipso facto, cause the whole of the unpaid principal to become due and payable immediately, at said City's option, and the exercise of such options shall be indicated by the commencement of foreclosure proceedings by said City against the lot or parcel of property with respect to which such delinquency exists, either by means of a public sale or through the institution of a foreclosure action that is brought in the name of said City. The whole amount of the unpaid principal and the accrued interest thereon shall, after such delinquency, whether such option is or is not exercised, bear a penalty at the rate of two percent (2%) per month until the day of the foreclosure sale or until the

principal is paid, but, at any time prior to the day of such sale, the owner of such lot or parcel may pay the aggregate amount of all of the delinquent installments that originally became due on or before the date of such payment, with all accrued interest and all accrued penalties thereon, and shall thereupon be restored to the right thereafter to pay the unpaid principal in installments in the same manner as if such default had not been suffered. The owner of any lot or parcel of property, the installments or payments with respect to which are not then in default, may, at an time, pay the whole amount, or any annual installment, of the unpaid principal, with the interest that will accrue thereon to the next interest payment date.

The amounts that are assessed as aforesaid shall constitute a lien upon the respective lots and parcels of property against which they are assessed from the 23rd day of April, 1991, 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, 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 from such assessment or the lien therefor. Each such amount shall continue to constitute a lien upon the lot or parcel of property against which the same is assessed until such amount is paid in full (including all of the principal, the interest thereon and any penalty and collection cost with respect thereto).

DATED this 23rd day of April, 1991.


KATHLEEN M. TIGHE, City Clerk

SECTION 9. That the officers of said City be, and they hereby are, authorized and directed to take all action that may be necessary or appropriate to effectuate the provisions of this Ordinance.

SECTION 10. That if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. That all ordinances or resolutions, or parts thereof, that are inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed in such a manner as to revive any ordinance or resolution, or any part thereof, that has heretofore been repealed.

PASSED, ADOPTED AND APPROVED this 17th day of April, 1991.



RON LURIE, Mayor OK 4-18-91 RAW

ATTEST:



KATHLEEN M. TIGHE, City Clerk

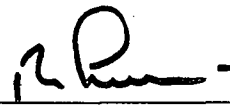
The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of March, 1991, and referred to the following committee composed of Councilmen Adamsen and Miller for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of April, 1991, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, Higginson, Miller, Nolen and Mayor Lurie

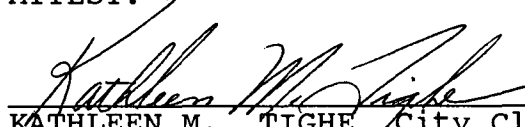
VOTING "NAY" Councilmen NONE

ABSENT: NONE

APPROVED:

By 
RON LURIE, Mayor OK 4-18-91 RAW

ATTEST:


KATHLEEN M. TIGHE, City Clerk

BILL NO. 91-12

ORDINANCE _____

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 468; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By: Ordinance required by
step procedure.

Summary: Levies the
assessments

WHEREAS, the City Council of the City of Las Vegas, in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, provided for the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof, as is more particularly described in the Notice of Hearing that is provided for in Section 4 of the Provisional Order Resolution, that was passed, adopted and approved on the 4th day of December, 1989, as ASSESSMENT UNIT NO. I, the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II, the installation of curbs and gutters along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. III, the installation of sidewalks along West Charleston Boulevard and portions thereof, as is more

particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. IV, the installation of residential or commercial, at the option of the owner of the particular lot or parcel of property, driveway approaches along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. V, the installation of a street lighting system and all facilities that are incidental thereto along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VI, the installation of sanitary sewer laterals along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VII, the installation of water distribution laterals along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. VIII, and the installation of a water distribution main along West Charleston Boulevard and portions thereof, as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. IX, and for defraying the entire cost and expense thereof by special assessments, according to benefits, against the taxable lots and parcels of property in each assessment unit of the special improvement district that is hereinafter identified, all in accordance with the provisions of law which relate thereto, the areas in which such improvements have been constructed and installed and the areas in which property shall be assessed being designated as "Las Vegas,

Nevada, Special Improvement District No. 468," all in accordance with the laws of the State of Nevada, and, in particular, Chapter 271 of the Nevada Revised Statutes; and

WHEREAS, pursuant to such proceedings and pursuant to a notice that was duly and validly given, said City Council, on the 17th day of May, 1989, received bids for the doing of the work for the construction and installation of such improvements, and said City formally entered into contracts for the doing of such work and the furnishing of all of the necessary materials in the respective assessment units of said District, as follows:

WELLS CARGO, INC., in the amount of \$22,967.00, for the improvements that were installed in ASSESSMENT UNIT NO. I,

WELLS CARGO, INC., in the amount of \$291,427.00, for the improvements that were installed in ASSESSMENT UNIT NO. II,

WELLS CARGO, INC., in the amount of \$50,842.00, for the improvements that were installed in ASSESSMENT UNIT NO. III,

WELLS CARGO, INC., in the amount of \$103,718.00, for the improvements that were installed in ASSESSMENT UNIT NO. IV,

WELLS CARGO, INC., in the amount of \$32,473.00, for the improvements that were installed in ASSESSMENT UNIT NO. V,

WELLS CARGO, INC., in the amount of \$125,877.00, for the improvements that were installed in ASSESSMENT UNIT NO. VI,

WELLS CARGO, INC., in the amount of \$36,442.00, for the improvements that were installed in ASSESSMENT UNIT NO. VII,

WELLS CARGO, INC., in the amount of \$87,000.00, for the improvements that were installed in ASSESSMENT UNIT NO. VIII and

WELLS CARGO, INC., in the amount of \$203,359.00, for the improvements that were installed in ASSESSMENT UNIT NO. IX; and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that the total cost of such improvements in each assessment unit of said District, including advertising, appraising, engineering, legal, printing, interest on interim warrants and all other costs that are properly incidental thereto, is as follows:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00
ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	21,918.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,226.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,119,507.00;

and

WHEREAS, no money is available from other sources to pay for any portion of the cost and expense of constructing and installing such improvements in any of such assessment units; and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that the following amounts shall be assessed against and be paid by the lots and parcels of property

that are specially benefited by the improvements in each assessment unit of said District, to-wit:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00
ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	21,918.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,226.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,119,507.00;

and

WHEREAS, said City Council has determined, and by this Ordinance does so determine, that there shall be assessed against each lot or parcel of property that is so specially benefited in each assessment unit its proportionate share of the cost and expense that is being levied against the particular assessment unit in which such lot or parcel is situate on the basis that is set forth in said Provisional Order Resolution and Ordinance No. 3424, the ordinance that created said District, that was duly passed, adopted and approved on the 5th day of April, 1989; and

WHEREAS, such assessments in no event exceed the estimated benefits to the respective lots or parcels of property against which the same are assessed or that portion of the total cost and expense of constructing and installing such improvements that is payable by assessment as has heretofore been determined; and

WHEREAS, after the determination of the portion of the cost and expense of constructing and installing such improvements in each assessment unit of said District that is to be paid by the lots and parcels of property that are specially benefited thereby, the City Engineer of said City, pursuant to the directions that are contained in that certain Resolution that was duly passed, adopted and approved by said City Council on the 16th day of January, 1991, prepared an assessment roll for said District that contains, among other things, the name of each last known owner of each lot or parcel of property that is proposed to be assessed in each assessment unit of said District, a description of each such lot or parcel and the amount of the proposed assessment thereagainst, apportioned upon a front foot basis in ASSESSMENT UNIT NO I, ASSESSMENT UNIT NO. II, ASSESSMENT UNIT NO. VI and ASSESSMENT UNIT NO. IX, upon a lineal foot basis in ASSESSMENT UNIT NO. III and ASSESSMENT UNIT NO IV, in ASSESSMENT UNIT NO. V upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for residential driveway approaches shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for residential driveway approaches in the proportion that the number and length of the residential driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the residential driveway approaches that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for commercial driveway approaches shall be assessed a

portion of the aggregate dollar amount that is being levied against the entire assessment unit for commercial driveway approaches in the proportion that the number and length of the commercial driveway approaches that are installed to serve such lot or parcel bears to the total number and aggregate length of all of the commercial driveway approaches that are installed to serve all of the assessable properties in the assessment unit, in ASSESSMENT UNIT NO. VII upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 6-inch sanitary sewer laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 6-inch sewer laterals in the proportion that the number of the 6-inch sewer laterals that are installed to serve such lot or parcel bears to the total number of the 6-inch sewer laterals that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 8-inch sanitary sewer laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 8-inch sewer laterals in the proportion that the number of the 8-inch sewer laterals that are installed to serve such lot or parcel bears to the total number of the 8-inch sewer laterals that are installed to serve all of the assessable properties in the assessment unit and in ASSESSMENT UNIT NO. VIII upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 6-inch water distribution laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the

entire assessment unit for 6-inch water laterals in the proportion that the number of the 6-inch water laterals that are installed to serve such lot or parcel bears to the total number of the 6-inch water laterals that are installed to serve all of the assessable properties in the assessment unit and upon the basis that each lot or parcel of property that is to be assessed in the assessment unit for 8-inch water distribution laterals shall be assessed a portion of the aggregate dollar amount that is being levied against the entire assessment unit for 8-inch water laterals in the proportion that the number of the 8-inch water laterals that are installed to serve such lot or parcel bears to the total number of the 8-inch water laterals that are installed to serve all of the assessable properties in the assessment unit,, all as is more particularly set forth in Section 4 of said Ordinance No. 3424; and

WHEREAS, said City Council thereupon fixed a date, time and place, to-wit, Wednesday, the 6th day of March, 1991, at 2:00 p.m. in Rooms 201 and 202 of the Cashman Field Center, 850 Las Vegas Boulevard North, Las Vegas, Nevada, as the date, time and place when and where all complaints, protests and objections, by the owners of the lots and parcels of property that are specially benefited by the improvements that have been constructed and installed in each assessment unit of said District and are proposed to be assessed therefor, by any party who is interested in the regularity of the proceedings in making such assessment and any party who may be aggrieved by such assessments, to such assessment roll, including without limiting the generality of the foregoing the regularity of the proceedings

in making the assessment against his or her lot or parcel of property, in the correctness of such assessment or in the amount that is levied against any particular lot or parcel of property that is proposed to be so assessed, would be heard and considered by said City Council; and

WHEREAS, said City Council caused such assessment roll to be filed in the Office of the City Clerk of said City on the 6th day of February, 1991, and said City Clerk, by publication in a newspaper and by mail, gave the requisite notice of the date, time and place of such hearing, of the filing of such assessment roll in her office, of the date of the filing of the same, of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, on the date and at the time and place that was so designated for the hearing of such objections, said City Council met to hear and consider all objections that had been so filed by any interested party and thereafter, by that certain Resolution that was duly passed, adopted and approved on the 20th day of March, 1991, revised the amounts that had been proposed to be assessed against and paid by the assessable lots and parcels of property in ASSESSMENT UNIT NO. V and ASSESSMENT UNIT NO. VII, modified such assessment roll in accordance with the following revised amounts:

ASSESSMENT UNIT NO. I	\$ 15,900.00
ASSESSMENT UNIT NO. II	342,100.00
ASSESSMENT UNIT NO. III	68,727.00

ASSESSMENT UNIT NO. IV	120,346.00
ASSESSMENT UNIT NO. V	24,486.00
ASSESSMENT UNIT NO. VI	123,249.00
ASSESSMENT UNIT NO. VII	67,892.00
ASSESSMENT UNIT NO. VIII	74,013.00
ASSESSMENT UNIT NO. IX	<u>286,028.00</u>
TOTAL:	\$1,122,741.00

and validated and confirmed such modified assessment roll and ordered the same to be filed in the Office of, and endorsed by, said City Clerk; and

WHEREAS, no written protests or objections and no oral protests or objections were received at such hearing, and said City Council determined that such assessments should be levied as is provided in such assessment roll, as the same was so modified; and

WHEREAS, it is incumbent upon said City Council to provide herein when such assessments shall become due, payable and delinquent and the penalty that is payable thereon after any delinquency.

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

SECTION 1. That all of the actions that were heretofore taken (not inconsistent with the provisions of this Ordinance) by the City of Las Vegas and the officers and employees thereof that were directed toward the creation of Las Vegas, Nevada, Special Improvement District No. 468 and the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO.

I, the grading, gravelling, macadamizing, paving, draining and otherwise improving of West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. II, the installation of curbs and gutters along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. III, the installation of sidewalks along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. IV, the installation of residential or commercial, at the option of the owner of the particular lot or parcel of property, driveway approaches along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. V, the installation of a street lighting system and all facilities that are incidental thereto along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VI, the installation of sanitary sewer laterals along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VII, the installation of water distribution laterals along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. VIII and the installation of a water distribution main along West Charleston Boulevard and portions thereof in ASSESSMENT UNIT NO. IX and toward performing all of the prerequisites to the levying of special assessments, according to benefits, to defray the entire cost and expense of constructing and installing the improvements in each assessment unit of said District and to the fixing of an assessment lien against each of the various lots and parcels of property that are specially benefited by such improvements be, and the same hereby are, approved, ratified and confirmed.

SECTION 2. That, for the purpose of defraying the cost and expense of constructing and installing such improvements,

there shall be, and there hereby are, levied and assessed upon and against the lots and parcels of property in each assessment unit of said District, being all of those lots and parcels that are specially benefited by such improvements in the respective assessment units, in the City of Las Vegas, Clark County, Nevada, and are described in the assessment roll for said District, as the same was filed in the Office of the City Clerk of said City on the 6th day of February, 1991, and as was validated and confirmed by that certain Resolution of said City Council that was duly passed, adopted and approved on the 20th day of March, 1991, the respective amounts and assessments that are shown in such assessment roll.

SECTION 3. That such assessments shall be due and payable at the Office of the City Treasurer of said City within thirty (30) days after this Ordinance becomes effective, without interest and without demand; provided, however, that all or any part of any of such assessments may, at the election of the owner of the lot or parcel of property upon which such assessment is levied, be paid in installments, with interest, as is hereinafter provided. The failure of the owner of, or of any other person who is interested in, any such lot or parcel to pay the whole of the assessment thereafter in within such period of thirty (30) days shall be conclusively considered and held to be an election on the part of all of the persons who are interested in such lot or parcel, whether such owner or any such person be under a disability or otherwise, to pay in such installments the amount of the assessment against such lot or parcel that is then unpaid. In the case of an election to pay in installments, the unpaid

assessment shall be payable at the Office of said City Treasurer in twenty (20) substantially equal semiannual installments of principal until such assessment is paid in full, with interest in all cases on the unpaid and deferred installments of principal, from the effective date of this Ordinance after its passage and approval, at a rate or rates per annum which shall not exceed by more than three percent (3%) the Index of Twenty Bonds that was most recently published before the date on which this Ordinance is adopted; provided, however, that, if bonds are sold to pay the cost of the improvements that were constructed and installed in said District and are payable from the assessments that are being levied by this Ordinance, said City Council, in the Ordinance that authorizes the issuance of such bonds and after the sale of such bonds, may provide for a lower rate or rates of interest on such unpaid and deferred installments of principal, which reduced rate or rates shall at not time be less than the interest rate (or the higher or highest interest rate, if there be more than one) that is borne by the special assessment bonds that are then outstanding and shall not exceed by more than one percent (1%) the highest rate of interest that is payable on such special assessment bonds, both principal and interest being payable at the Office of said City Treasurer on the 1st day of June in each year, commencing on the 1st day of June, 1992. The failure to pay any installment, whether of principal or interest, when the same is due, shall, ipso facto, cause the whole amount of the unpaid principal to become due and payable immediately, at the option of said City, and the exercise of such option shall be indicated by the commencement of foreclosure proceedings by said

City against the lot or parcel of property with respect to which such delinquency exists, either by means of a public sale in the manner that is provided for in NRS 271.545 to 271.630, inclusive, or through the institution of a foreclosure action that is brought in the name of said City. The whole amount of the unpaid principal and the accrued interest thereon shall, after such delinquency, whether such option is or is not exercised, bear a penalty at the rate of two percent (2%) per month until the day of the foreclosure sale or until the whole amount of the unpaid principal is paid, but, at any time prior to the day of such sale, the owner of such lot or parcel may pay the aggregate amount of all of the delinquent installments that originally became due on or before the date of such payment, with all accrued interest and all accrued penalties thereon, and shall thereupon be restored to the right thereafter to pay the unpaid principal in installments in the same manner as if such default had not been suffered. The owner of any lot or parcel of property, the installments or payments with respect to which are not then in default, may, at any time, pay the whole amount, or any annual installment, of the unpaid principal, with the interest that will accrue thereon to the next interest payment date.

SECTION 4. That the amounts that are assessed as aforesaid shall constitute a lien upon the respective lots and parcels of property against which they are assessed from the effective date of this Ordinance, i.e., from the 9th day of April, 1991, which lien shall be coequal 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 for other taxes shall not relieve such lot or parcel from such assessment or the lien therefor. Each such amount shall continue to constitute a lien upon the lot or parcel of property against which the same is assessed until such amount is paid in full (including all of the principal, the interest thereon and any penalty and collection cost with respect thereto).

SECTION 5. That in case that the owner of any such lot or parcel of property that is so assessed is delinquent in the payment of such assessment, or of any installment of principal or interest, said City Council forthwith shall cause the original purchaser or purchasers of the bonds that are to be hereafter authorized by ordinance to be issued in connection with said District (the ordinance that authorizes such bonds to be issued to designate definitely such original purchaser or purchasers) and any person, partnership or corporation that is hereafter in writing designated by such original purchaser or purchasers, or its or their successor or successors, as the representative or representatives of the holder or holders of such bonds, and

the owner of the lot or parcel with respect to which such assessment is delinquent, if the same is known, to be immediately notified in writing of such delinquency by first-class mail, certified with return receipt requested and the postage thereon prepaid, that is addressed to the last known address of such owner, and, if such delinquency is not paid within ten (10) days after such notice has been given by the deposit thereof with the United States Postal Service, such assessment shall be enforced by said City Treasurer and the other officers of said City in the manner that is provided for in NRS 271.545 to 271.630,

inclusive; provided, however, that nothing that is contained herein shall be construed in such manner as to prevent said City from collecting any such assessment by means of a foreclosure action that is brought in the name of said City against the lot or parcel of property with respect to which such delinquency exists, and such assessment roll and a certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making such assessment and of the right of said City to recover judgment therefor. If said City Treasurer and the other officers of said City do not promptly and diligently proceed in the manner that is provided for in NRS 271.545 to 271.630, inclusive, to enforce such assessment or if such foreclosure action not be filed promptly and prosecuted diligently, any holder of such bonds may file and prosecute a foreclosure action in the name of said City. Any holder of such bonds may also proceed against said City to protect and enforce the rights that are by this Ordinance conferred upon the holders of such bonds, by suit, action or special proceedings at law or in equity, either for the appointment of a receiver or for the specific performance of any provision that is contained herein or in any award for the execution of any power that is granted herein for the enforcement of any proper legal or equitable remedy as such bondholder may deem is the most effective in order to protect any such right as aforesaid. Any such proceedings, either at law or in equity, shall be instituted, had and maintained for the equal benefit of all of the holders of such bonds and the coupons thereon that are then outstanding. The failure of any holder of such bonds to commence such foreclosure

action with respect to such delinquent assessments, or to proceed against said City in respect thereof, shall not relieve said City, or any of its officers, employees or agents, of any liability for its or their failure so to enforce such delinquent assessments.

SECTION 6. That said City Clerk shall publish, as soon as reasonably possible, a notice in the Las Vegas Review-Journal, a newspaper that is an official newspaper, published daily, for said City, once a week for two consecutive weeks, which notice shall state that such assessments have been levied and are due and payable. The City Council hereby determines that the manner of giving the notice that is provided for herein by such 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 said City Clerk is hereby authorized, empowered and directed to deliver to the County Assessor of Clark County, Nevada, the ex-officio City Assessor of said City, a copy of the final assessment roll, as the same was confirmed by that certain Resolution that was duly passed, adopted and approved on the 20th day of March, 1991, and as is designated in this Ordinance, which contains a description of each lot and parcel of property that is being assessed and indicates the amount of the assessment that is levied upon each such lot or parcel and the name of the owner or occupant thereof against whom the assessment was made. Said City Clerk is further directed to record in the Office of the County Recorder of said County the final assessment roll, endorsed by said City Clerk as the roll that is designated

in this Ordinance, together with a statement that the current payment status of any of the assessments may be obtained from said City Treasurer, and said City Clerk is additionally directed to deliver to said City Treasurer a copy of this Ordinance and to require said City Treasurer to collect, in the manner that is provided for in NRS 271.415(5) and 271.545 to 271.630, inclusive, the several sums that are so assessed as a tax upon the respective lots and parcels of property against which they are assessed.

SECTION 8. That the notice that is 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 IMPROVEMENT DISTRICT NO. 468.

NOTICE IS HEREBY GIVEN to the owners of property within the special improvement district that is hereinafter identified and other interested persons that, by Ordinance No. _____, duly passed, adopted, approved and signed on the 3rd day of April, 1991, there were levied and assessed upon and against the several lots and parcels of property that were specially benefited by the local improvements that were constructed and installed within that certain area of the City of Las Vegas, Nevada, that is designated and commonly known and referred to as "Las Vegas, Nevada, Special Improvement District No. 468," such lots and parcels being more specifically described in the assessment roll that is designated in said Ordinance, the total cost and expense of such improvements.

Such assessments shall be due and payable at the Office of the City Treasurer of said City on or before the 9th day of May, 1991, being thirty (30) days after the effective date of said Ordinance, i.e., the day following the date of its second and final publication, without interest and without demand; provided, however, that all or any part of any of such assessments may, at the election of the owner of the lot or parcel of property upon which such assessment was levied, be paid in installments, with interest, as is hereinafter provided. The failure of the owner of, or of any other person who is interested in, any such lot or parcel to pay the whole of the assessment thereagainst within such thirty (30) day period shall be conclusively considered and held to be an election on the part of

all of the persons who are interested in such lot or parcel, whether such owner or any such person be under a disability or otherwise, to pay in such installments the amount of the assessment against such lot or parcel that is then unpaid. In the case of an election to pay in installments, the unpaid assessment shall be payable at the Office of said City Treasurer in twenty (20) substantially equal semiannual installments of principal until such assessment is paid in full, with interest in all case on the unpaid and deferred installments of principal from the 9th day of April, 1991, i.e., the day following date of the second and final publication of said Ordinance, at a rate or rates which shall not exceed _____ per annum, both principal and interest being payable at the Office of said City Treasurer on the first day of June in each year, commencing on the 1st day of June, 1992. The failure to pay any installment, whether of principal or interest, when the same is due shall, ipso facto, cause the whole of the unpaid principal to become due and payable immediately, at said City's option, and the exercise of such options shall be indicated by the commencement of foreclosure proceedings by said City against the lot or parcel of property with respect to which such delinquency exists, either by means of a public sale or through the institution of a foreclosure action that is brought in the name of said City. The whole amount of the unpaid principal and the accrued interest thereon shall, after such delinquency, whether such option is or is not exercised, bear a penalty at the rate of two percent (2%) per month until the day of the foreclosure sale or until the whole amount of the unpaid principal is paid, but, at any time

prior to the day of such sale, the owner of such lot or parcel may pay the aggregate amount of all of the delinquent installments that originally became due on or before the date of such payment, with all accrued interest and all accrued penalties thereon, and shall thereupon be restored to the right thereafter to pay the unpaid principal in installments in the same manner as if such default had not been suffered. The owner of any lot or parcel of property, the installments or payments with respect to which are not then in default, may, at any time, pay the whole amount, or any annual installment, of the unpaid principal, with the interest that will accrue thereon to the next interest payment date.

The amounts that are assessed as aforesaid shall constitute a lien upon the respective lots and parcels of property against which they are assessed from the 9th day of April, 1991, 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, 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 from such assessment or the lien therefor. Each such amount shall continue to constitute a lien upon the lot or parcel of property against which the same is assessed until such amount is paid in full (including all of the principal, the interest thereon and any penalty and collection cost with respect thereto).

DATED this 9th day of April, 1991.

KATHLEEN M. TIGHE, City Clerk

SECTION 9. That the officers of said City be, and they hereby are, authorized and directed to take all action that may be necessary or appropriate to effectuate the provisions of this Ordinance.

SECTION 10. That if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. That all ordinances or resolutions, or parts thereof, that are inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed in such a manner as to revive any ordinance or resolution, or any part thereof, that has heretofore been repealed.

PASSED, ADOPTED AND APPROVED this 3rd day of April, 1991.

RON LURIE, Mayor

ATTEST:

KATHLEEN M. TIGHE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 1991, and referred to the following committee composed of _____ and _____

for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 1991, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen _____

VOTING "NAY" Councilmen _____

ABSENT: _____

APPROVED:

By _____
RON LURIE, Mayor

ATTEST:

KATHLEEN M. TIGHE, City Clerk

RECEIVED

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AFFIDAVIT OF PUBLICATION

CITY CLERK

PA

FIRST AMENDMENT
BILL NO. 91-12
Ordinance No. 3564

HERE

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 468; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. SPONSORED BY: Ordinance required by step procedure. SUMMARY: Levies the assessments. The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 20th day of March, 1991, and referred to the following committee composed of Councilmen Adamsen and Miller, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 17th day of April, 1991, which was a regular meeting of said City Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote: VOTING "AYE" Councilmen: Adamsen, Higginson, Miller, Nolen and Mayor Lurie. VOTING "NAY" Councilmen: NONE. ABSENT: NONE. COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA. PUB: April 22, 1991 Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTY A. FERGUSON, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1991 to APRIL 22, 1991, on the following days:

APRIL 22, 1991

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

23rd day of April, 1991

Maria C. Therien

Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

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CITY CLERK

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BILL NO. 91-12

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 468; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. SPONSORED BY: Ordinance required by step procedure. SUMMARY: Levies the assessments.

At a City Council meeting March 20, 1991

BILL NO. 91-12 WAS READ BY TITLE AND READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Adamson and Miller

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: March 27, 1991

Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CHRISTY A. FERGUSON, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 27, 1991 to MARCH 27, 1991, on the following days:

MARCH 27, 1991

Signed: Christy A. Ferguson

Subscribed and sworn to before me this

27th day of March, 1991

Maria C. Therien

Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

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CITY CLERK

PAS

FIRST AMENDMENT
BILL NO. 91-12
Ordinance No. 3564

RE

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 468; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. SPONSORED BY: Ordinance required by step procedure.

SUMMARY: Levies the assessments. The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 20th day of March, 1991, and referred to the following committee composed of Councilmen Adamsen and Miller, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 17th day of April, 1991, which was a regular meeting of said City Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote: VOTING "AYE" Councilmen: Adamsen, Higginson, Miller, Nolen and Mayor Lurie. VOTING "NAY" Councilmen: NONE. ABSENT: NONE.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: April 22, 1991
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CHRISTY A. FERGUSON, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1991 to APRIL 22, 1991, on the following days:

APRIL 22, 1991

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

23rd day of April, 1991

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994



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CITY CLERK

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BILL NO. 91-12
AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 44A; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SUCH ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE CONSTRUCTION AND INSTALLATION OF SUCH IMPROVEMENTS IN SAID DISTRICT; PRESCRIBING DETAILS IN CONNECTION THEREWITH AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.
SPONSORED BY: Ordinance required by step procedure.
SUMMARY: Levies the assessments.
At a City Council meeting March 20, 1991
BILL NO. 91-12 WAS READ BY TITLE AND READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Addison and Miller
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, WITH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: March 27, 1991
-Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTY A. FERGUSON, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 27, 1991 to MARCH 27, 1991, on the following days:

MARCH 27, 1991

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

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Maria C. Therien

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