

ORDINANCE NO. 1701

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 407; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTALLATION OF SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Las Vegas, in the County of Clark and State of Nevada, has taken requisite legal action preliminary to and in the creation of Special Improvement District No. 407, consisting of nine (9) separate and distinct assessment units, for the purpose of installing the following improvements, to-wit:

1. Sewers, together with manholes and otherwise improving that portion of Palomino Lane within the City of Las Vegas described in the Provisional Order Resolution passed and approved on August 22, 1972, as Assessment Unit No. 1; and
2. Sewer laterals and otherwise improving that portion of Palomino Lane within said City described in said Provisional Order Resolution as Assessment Unit No. 2; and
3. Paving, curbing, guttering and otherwise improving, including the installation of street lights in that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 3; and
4. Sidewalks and otherwise improving that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 4; and
5. Sewers on that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 5; and
6. Sewer laterals in that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 8; and
7. Paving, guttering and otherwise improving the North-South portion of the alley in Block 4, Meadows Addition, within said City described in said Provisional Order Resolution as Assessment Unit No. 7; and

8. Paving, curbing, guttering and otherwise improving that portion of Rancho Drive within said City described in said Provisional Order Resolution as Assessment Unit No. 8; and

9. Sewers and otherwise improving that portion of Highland Drive within said City described in said Provisional Order Resolution as Assessment Unit No. 9, in accordance with the provisions of law relating thereto, the areas in which said improvements have been installed and the areas in which property shall be assessed being designated as "Las Vegas, Nevada, Special Improvement District No. 407," all in accordance with the statutes of the State of Nevada, and in particular with Chapter 271 of Nevada Revised Statutes, providing therefor; and

WHEREAS, pursuant to said proceedings and pursuant to notice duly and validly given, said Board of Commissioners received bids for the doing of the work therefor and said City formally entered into the following contracts for the doing of such work and the furnishing of all necessary materials, to-wit:

B. W. BRITTON EQUIPMENT CO., INC., for the improvements to be installed in Assessment Unit No. 1; and

B. W. BRITTON EQUIPMENT CO., INC., for the improvements to be installed in Assessment Unit No. 2; and

WELLS CARGO, INC., INC., and ACME ELECTRIC, for the improvements to be installed in Assessment Unit No. 3; and

WELLS CARGO, INC., for the improvements to be installed in Assessment Unit No. 4; and

LONGLEY CONSTRUCTION CO., for the improvements to be installed in Assessment Unit No. 5; and

LONGLEY CONSTRUCTION CO., for the improvements to be installed in Assessment Unit No. 6; and

WELLS CARGO, INC., for the improvements to be installed in Assessment Unit No. 7; and

WOMACK CONSTRUCTION CO., for the improvements to be installed in Assessment Unit No. 8; and

VALLEY PLUMBING AND UTILITY, for the improvements to be installed in Assessment Unit No. 9; and

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

Assessment Unit No. 1	\$ 44,706.23
Assessment Unit No. 2	6,089.94
Assessment Unit No. 3	53,897.68
Assessment Unit No. 4	11,334.86
Assessment Unit No. 5	19,878.33
Assessment Unit No. 6	1,408.75
Assessment Unit No. 7	4,073.76
Assessment Unit No. 8	21,284.43
Assessment Unit No. 9	59,184.93

and

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

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

Assessment Unit No. 1	\$ 44,706.23
Assessment Unit No. 2	6,089.94
Assessment Unit No. 3	53,897.68
Assessment Unit No. 4	11,334.86
Assessment Unit No. 5	19,878.33
Assessment Unit No. 6	1,408.75
Assessment Unit No. 7	4,073.76
Assessment Unit No. 8	21,284.43
Assessment Unit No. 9	59,184.93

and

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

the basis set forth in the provisional order Resolution passed and approved on the 2nd day of August, 1972, and Ordinance No. 1617, the ordinance creating the District, duly passed, adopted and approved on the 21st day of February, 1973; and

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

WHEREAS, after the determination of the costs of such work to be paid by the property specially benefited, the City Engineer, pursuant to directions contained in the Resolution of said Board of Commissioners duly passed, adopted and approved on the 13th day of February, 1974, prepared an assessment roll which contained, among other things, the name of each last known owner of each lot or parcel of property to be assessed, a description of each lot or parcel to be assessed, and the amount of the proposed assessment thereon, apportioned on an area basis as more particularly set forth in Section 4 of said Ordinance 1617; and

WHEREAS, said Board of Commissioners thereupon fixed a time and place to-wit; the 6th day of March, 1974, at 9:30 A.M., in the City Hall, 400 East Stewart, Las Vegas, Nevada, when all complaints, protests and objections by owners of such property, by any party interested in the regularity of the proceedings in making such assessments, and all parties aggrieved by such assessments, to said assessment roll, including, without limiting the generality of the foregoing, the regularity of the proceedings in making any assessment thereon, and the correctness of such assessment or the amount levied on any particular lot or parcel of property to be assessed, would be heard and considered by said Board of Commissioners; and

WHEREAS, said Board of Commissioners caused said assessment roll to be filed in the office of the Clerk of said City on the 13th day of February, 1974, and said Clerk, by publication in a newspaper and by mail, gave the requisite notice of the time and place of such hearing, of the filing of said assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing, and the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated for the hearing of such objections, said Board of Commissioners met to hear and consider all objections

so filed by any interested party, and thereafter, by Resolution duly passed, adopted and approved on the 3rd day of April, 1974, confirmed said assessment roll, and ordered said assessment roll to be filed in the office of, and endorsed by, the City Clerk of said City; and

WHEREAS, one protest and objection, written and oral, were received at such hearing; and

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

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

Section 1. That all actions heretofore taken (not inconsistent with the provisions of this ordinance) by the City of Las Vegas and the officers and employees thereof directed toward the creation of Las Vegas, Nevada, Special Improvement District No. 407 and the installation therein of certain improvements, to-wit:

1. Sewers, together with manholes and otherwise improving that portion of Palomino Lane within the City of Las Vegas described in the Provisional Order Resolution passed and approved on August 22, 1972, as Assessment Unit No. 1; and

2. Sewer laterals and otherwise improving that portion of Palomino Lane within said City described in said Provisional Order Resolution as Assessment Unit No. 2; and

3. Paving, curbing, guttering and otherwise improving, including the installation of street lights in that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 3; and

4. Sidewalks and otherwise improving that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 4; and

5. Sewers on that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 5; and

6. Sewer laterals in that portion of Searles Avenue within said City described in said Provisional Order Resolution as Assessment Unit No. 8; and

7. Paving, guttering and otherwise improving the North-South portion of the alley in Block 4, Meadows Addition, within said City described in said Pro-

visional Order Resolution as Assessment Unit No. 7; and

8. Paving, curbing, guttering and otherwise improving that portion of Rancho Drive within said City described in said Provisional Order Resolution as Assessment Unit No. 8; and

9. Sewers and otherwise improving that portion of Highland Drive within said City described in said Provisional Order Resolution as Assessment Unit No. 9, and toward performing all prerequisites to levying special assessments and to fixing the assessment lien against the various lots and parcels of property specially benefited by the improvements in each unit of said District, be, and the same hereby are, approved, ratified and confirmed.

Section 2. That for the purpose of paying the costs and expenses of said improvements, there be, and there hereby are, levied and assessed against the lots and parcels of property in each assessment unit of said District, being all those lots and parcels specially benefited by said improvements in such assessment unit, in the City of Las Vegas, Clark County, Nevada, and described in the assessment roll for said District as filed in the office of the City Clerk on the 13th day of February, 1974, and as confirmed by resolution duly adopted by said Board of Commissioners on the 3rd day of April, 1974, the amounts and assessments shown in said roll.

Section 3. That said assessments shall be due and payable at the office of the City Treasurer within 30 days after this ordinance becomes effective without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within 30 days after this ordinance becomes effective shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in ten substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this ordinance after passage and approval, at a rate of seven per centum (7%) per annum. Failure to pay any installment, whether of principal or interest, when due, shall ipso facto cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option

to be indicated by the commencement of foreclosure proceedings by the City of Las Vegas, and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of one per centum (1%) per month, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole or any installment of the unpaid principal with interest accruing thereon to the next interest payment date.

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

Section 5. That in case any such lot or parcel of property so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the assessment roll and the certified copy of this ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

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

Section 7. That the City Clerk is hereby directed to deliver to the County Assessor of Clark County, Nevada, the Ex-Officio City Assessor for the City of Las

Vegas, a copy of the final assessment roll, as confirmed by resolution duly passed, adopted and approved on the 3rd day of April, 1974, containing a description of the lots and parcels of property being assessed, with the amount of the assessment levied upon each, and the name of the owner or occupant thereof against whom the assessment was made; and said City Clerk is additionally directed to require the City Treasurer to collect the several sums so assessed, as a tax upon the several lots and parcels to which they were assessed.

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

NOTICE TO PROPERTY OWNERS
OF ASSESSMENTS FOR IMPROVEMENTS IN
LAS VEGAS, NEVADA
SPECIAL IMPROVEMENT DISTRICT NO 406

NOTICE IS HEREBY GIVEN to property owners and other interested persons that, by Ordinance No. 1700, duly passed, adopted, signed and approved on the _____ day of _____, 1974, there were levied and assessed against the lots and parcels of property specially benefited by the local improvements in what is commonly designated as "Las Vegas, Nevada, Special Improvement District No. 407," said lots and parcels being more specially described in the assessment roll designated in said ordinance, the total cost and expenses of said improvements.

Said assessments shall be due and payable at the office of the County Treasurer of Clark County, Las Vegas, Nevada, on or before the _____ day of _____, 1974, being thirty days after the effective date of said ordinance, i.e., the date of its second and final publication, without interest and without demand; provided, that all such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within said thirty day period shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in such installments. In case of such election to pay in installments, the unpaid assessments shall be payable in ten substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the _____ day of _____, 1974, i.e., the date of the second and final

publication of said ordinance, at a rate or rates not exceeding seven per centum (7%) per annum, both principal and interest being payable annually at the office of the County Treasurer of Clark County, Nevada, on the first day of June in each year, commencing on the first day of June, 1975. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, at the City's option, and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of one per centum (1%) per month, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole or any annual installment of the unpaid principal, with interest accruing thereon to the next interest payment date.

The amounts assessed as aforesaid constitute a lien upon said lots and parcels of property from the ____ day of _____, 1974, the effective date of said ordinance, which lien shall be co-equal with the lien of other taxes and prior and superior to all other liens, claims and titles. The sale of any such lot or parcel of property for general or other taxes shall not relieve such lot or parcel of property from such assessment or the lien therefor.

DATED this ____ day of _____, 1974.

City Clerk

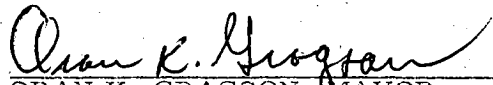
Section 9. That the officers of the City of Las Vegas be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

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.

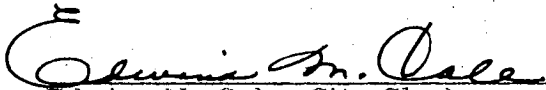
Section 11. That all ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED, ADOPTED, SIGNED AND APPROVED this 24th day of

April, 1974.


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

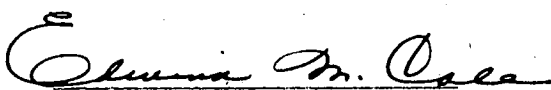
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 3rd day of April, 1974, and referred to the following committee composed of Commissioners Franklin and Christensen for recommendation; thereafter the said committee reported favorably on said ordinance on the 24th day of April, 1974, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

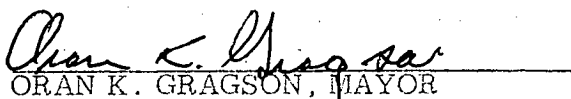
VOTING "AYE": Commissioners Christensen, Lurie, Franklin, Morelli and Mayor Gragson

VOTING "NAY": None Absent None

APPROVED:

ATTEST:


Edwina M. Cole, City Clerk


ORAN K. GRAGSON, MAYOR

RECEIVED

FEB 9 9 46 AM '74

CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

George J. Vasconi being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions, from period of April 5, 1974 to April 5, 1974 inclusive, being the issue of said newspaper for the following dates, to wit:

April 5, 1974

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

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me this 5 day of April, 1974.

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

Glenda Harris
OFFICIAL SEAL
GLENDA HARRIS
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
My Comm. Expires Feb. 7, 1978

ORDINANCE NO. 1701
AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 407, PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING THE COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS AND PARCELS OF PROPERTY BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; APPROVING, RATIFYING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE BOARD OF COMMISSIONERS AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE INSTAL-

LATION OF SAID IMPROVEMENTS IN SAID DISTRICT AND PRESCRIBING DETAILS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERE TO.
The above foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 3rd day of April, 1974, and referred to the following committee composed of Commissioners Franklin and Christensen for recommendation.
COPIES OF THE COMPLETE ORDINANCE NO. 1701 ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 E. STEWART AVENUE, LAS VEGAS, NEVADA.
Apr. 5, 1974

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

George J. Vasconi being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions, from period of April 26, 1974 to April 26, 1974 inclusive, being the issue of said newspaper for the following dates, to wit:

April 26, 1974

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

SIGNED

George J. Vasconi
GEORGE J. VASCONI

Subscribed and sworn to before me this 26 day of April, 1974.

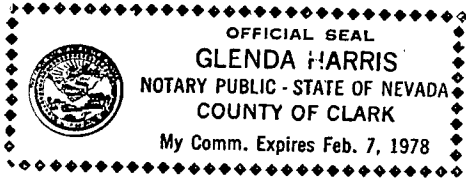
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

RECEIVED

APR 29 10 21 AM '74

CITY CLERK

Glenda Harris



ORDINANCE NO. 1701
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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 3rd day of April, 1974 and referred to the following committee composed of Commissioners Franklin and Gragson; for recommendation; thereupon the said committee reported favorably on said ordinance on the 24th day of April 1974, which was a regular meeting of said Board; that at said regular meeting of said Board of Commissioners was read by title to the Board of Commissioners the ordinance amended and adopted by the following vote: Commissioners Christensen, Lurie, Franklin, Morelli and Meyer Gragson.
VOTING "NAY": None
Absent None
COPIES OF THE COMPLETE ORDINANCE NO. 1701 ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
Apr. 26, 1974