

ORDINANCE NO. 1560

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 406 ORDERING THE INSTALLMENT OF CERTAIN STREET IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS. 1560

WHEREAS, the Board of Commissioners of the City of Las Vegas, Nevada, has heretofore taken action preliminary to the creation of Las Vegas, Nevada, Special Improvement District No. 406, for the purpose of installing certain street improvements, within that certain area of said City described in the provisional order resolution passed and approved on the 22nd day of December, 1971, and to defray the entire costs and expenses thereof by special assessments, according to the benefits, against the taxable lots and premises in the improvement unit of said District; and

WHEREAS, pursuant to Chapter 271 of Nevada Revised Statutes, and the aforesaid provisional order resolution, said Board of Commissioners declared its determination to create the District for the purpose of installing street improvements within said improvement unit thereof, stating therein the improvements, that the entire expense thereof shall be paid by special assessment, and that the assessment is to be made according to the benefits, by apt description designating the District, including the lands to be so improved and definitely locating the improvements to be made within the improvement unit of said District; and

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

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

WHEREAS, at said hearing no verbal protests and one (1) written protest was received with respect to the District; and

WHEREAS, the owners of more than one-half of the area to be assessed filed written objections; and

WHEREAS, the municipality shall pay one-half (1/2) or more of the total cost of the project with funds derived from other than the levy of assessments; and

WHEREAS, said Board, having duly considered said protest, determined it to be in the best interest of said District, the City and the inhabitants thereof to create the District as heretofore proposed; and

WHEREAS, said Board of Commissioners has done all things necessary and preliminary to the creation of said Las Vegas, Nevada, Special Improvement District No. 406 including, but not necessarily limited to, the filing with the City Clerk by the City Engineer of a revised and accurate estimate of cost, plans, assessment plat, specifications and map, and desires now to order such improvements and work by this ordinance.

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

Section 1. That said Board of Commissioners has determined, and does hereby determine that the municipality shall pay one-half (1/2) or more of the total cost of said District with funds derived from other than the levy of assessments, that each and every protest and objection filed or otherwise made in connection with Las Vegas, Nevada, Special Improvement District No. 406 (representing more than fifty per cent (50%) of the area to be assessed in said District) is without merit; and that the same be, and hereby is, overruled and finally passed upon by said Board.

Section 2. That there shall be, and hereby is, created an improvement district for the purpose of installing street lights within that certain area of said City described in the provisional order resolution passed and approved on the 22nd day of December, 1971, to include and be the same as the areas designated in the aforesaid provisional order resolution, and said improvements be, and hereby are, ordered.

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

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

ASSESSMENT UNIT NO. 1

Those certain tracts of land lying in the City of Las Vegas, County of Clark, State of Nevada; being a portion of the Northeast Quarter (NE 1/4) of Section 27, Township 20 South, Range 61 East, M.D.M.; and being more particularly described as follows:

All those parcels of land adjoining Owens Avenue on the South, from a point 218.50 feet West of the centerline of Davis Place, Easterly 684.44 feet.

ASSESSMENT UNIT NO. 2

Those certain tracts of land lying in the City of Las Vegas, County of Clark, State of Nevada; being a portion of the Northeast Quarter (NE 1/4) of Section 27, Township 20 South, Range 61 East, M.D.M.; and being more particularly described as follows:

All those parcels of land adjoining Owens Avenue on the South, from a point 40.71 feet West of the centerline of Stocker Street, Easterly 1051.65 feet.

Section 4. The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits received and shall be assessed against the property abutting said improvements on an area basis, i. e., on the basis that each lot or parcel of property to be assessed in each such assessment unit shall be assessed a portion of the aggregate dollar amount being levied against that particular entire assessment in the proportion that the area of said lot or parcel bears to the area of all the assessable property in such assessment unit, provided that the depth of a lot or parcel in excess of 100 feet from the frontage facing the improvements shall not be considered in computing the area of such lot or parcel provided that in each assessment unit an equitable adjustment will be made for assessments levied against any irregular lots or parcels, so that the assessments according to benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each lot or parcel of property shall be as stated in the aforesaid assessment plat.

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

Section 5. Except as shown on the plans and specifications now on file in the Office of the City Clerk, the character of such improvements shall be more particularly as follows:

ASSESSMENT UNIT NO. 1

The improvements shall include the installation of street paving approximately 8 1/2 feet wide along the south side of Owens Avenue from a line 346.42 feet east of the extension of the centerline of Stocker Street eastward 684.44 feet to meet existing improvements, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

ASSESSMENT UNIT NO. 2

The improvements shall include the installation of street lighting, consisting of mercury vapor luminaires and steel lighting standards with concrete bases and concrete curbs and gutters, with commercial driveway openings, along the south side of Owens Avenue from a line 40.71 feet west of the extension of the centerline of Stocker Street eastward 1051.65 feet to meet existing improvements, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed

necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

Section 6. That all actions (not inconsistent with the provisions of this ordinance) heretofore taken by the City of Las Vegas, and the Officers of said City, directed toward the construction and installation of the improvements within said Improvement District No. 406, toward the creation of said District, and toward levying and effecting special assessments to defray the cost thereof, be, and the same hereby are, ratified, approved and confirmed.

Section 7. That all by-laws, orders, resolutions and ordinances, or parts of by-laws, orders, resolutions and ordinances, in conflict with this ordinance, are hereby repealed.

Section 8. That if any one or more sections, sentences, clauses, or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.


Section 9. That the City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its final reading and adoption, in the Las Vegas Review Journal, a daily newspaper published in and of general circulation in said City, and this ordinance shall become effective immediately following the second publication thereof.

PASSED, ADOPTED AND APPROVED this 16th day of February, 1972.



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 19th day of January, 1972, and referred to the following committee composed of Commissioners Thornley and Morelli for recommendation; thereafter, the said committee reported favorably on said ordinance on the 16th day of February, 1972, 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 Franklin, Morelli, Coblentz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:


ORAN K. GRAGSON, Mayor

ATTEST:


Edwina M. Cole, City Clerk

RECEIVED
FEB 28 9 55 AM '72
CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

Daniel J. Lyons 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 two insertions from period of February 19, 1972 to Feb. 26, 1972 inclusive, being the issue of said newspaper for the following dates, to wit:

February 19, 26, 1972

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

SIGNED

[Handwritten Signature]
DANIEL J. LYONS

Subscribed and sworn to before me this 24 day of Feb, 19 72.

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

[Handwritten Signature]


FIRST AMENDMENT
ORDINANCE NO. 1560

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WHEREAS, pursuant to Chapter 271 of Nevada Revised Statutes, and the aforesaid provisional order resolution, said Board of Commissioners declared its determination to create the District for the purpose of installing street improvements within said improvement unit thereof, stating therein the improvements, that the entire expense thereof shall be paid by special assessment, and that the assessment is to be made according to the benefits, by apt description designating the District, including the lands to be so improved and definitely locating the improvements to be made within the improvement unit of said District; and

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

 IVA GAIL ERICKSON
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 8, 1975

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

WHEREAS, at said hearing no verbal protests and one (1) written protest was received with respect to the District; and

WHEREAS, the owners of more than one-half of the area to be assessed filed written objections; and

WHEREAS, the municipality shall pay one-half (1/2) or more of the total cost of the project with funds derived from other than the levy of assessments; and

WHEREAS, said Board, having duly considered said protest, determined it to be in the best interest of said District, the City and

the inhabitants thereof to create the District as heretofore proposed; and

WHEREAS, said Board of Commissioners has done all things necessary and preliminary to the creation of said Las Vegas, Nevada, Special Improvement District No. 406 including, but not necessarily limited to, the filing with the City Clerk by the City Engineer of a revised and accurate estimate of cost, plans, assessment plat, specifications and map, and desires now to order such improvements and work by this ordinance.

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Section 7. That all by-laws, orders, resolutions and ordinances, or parts of by-laws, orders, resolutions and ordinances, in conflict with this ordinance, are hereby repealed.

Section 8. That if any one or more sections, sentences, clauses, or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.

Section 9. That the City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its final reading and adoption, in the Las Vegas Review Journal, a daily newspaper published in and of general circulation in said City, and this ordinance shall become effective immediately following the second publication thereof.

PASSED, ADOPTED AND APPROVED this 16th day of February, 1972.

(s) Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:
(s) Edwina M. Cole
Edwina M. Cole, City Clerk
(SEAL)

The above and foregoing ordinance was first proposed and read by file to the Board of Commissioners on the 19th day of January, 1972, and referred to the following committee composed of Commissioners Thornley and Morelli for recommendation; thereafter, the said committee reported favorably on said ordinance on the 16th day of February, 1972, 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 Franklin, Morelli, Coblenz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:
(s) Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:
(s) Edwina M. Cole, City Clerk
(SEAL)
Feb. 19, 26, 1972