

ORDINANCE NO. 1549

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 402 ORDERING THE INSTALLMENT OF CERTAIN STREET LIGHTS WITHIN THE CITY OF LAS VEGAS, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL IMPROVEMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS. 1549

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. 402, for the purpose of installing certain street lights, within that certain area of said City described in the provisional order resolution passed and approved on the 15th day of September, 1971, and to defray the entire costs and expenses thereof by special improvements, 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 afore-said provisional order resolution, said Board of Commissioners declared its determination to create the District for the purpose of installing street lights within said improvement unit thereof, stating therein the improvements, that the entire expense thereof shall be paid by special assessment, and that the improvement 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 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, the owners of less than one-half of the area to be assessed filed written or verbal objections; 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. 402, 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 each and every protest and objection filed or otherwise made in connection with Las Vegas, Nevada, Special Improvement District No. 402 (representing less 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 15th day of September, 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:

Those portions of the South Half (S 1/2) of Section 5 and 6 and the North Half (N 1/2) of Sections 7 and 8, all in Township 21 South, Range 61 East, M.D.M., all lying within the City of Las Vegas, Clark County, Nevada, and being more particularly described as follows:

Those certain tracts or parcels of land adjoining Sahara Avenue on the North and South, from the centerline of Rancho Road, westerly to the centerline of Decatur Blvd.; except therefrom those portions lying outside the City Limits of the City of Las Vegas.

Also excepting therefrom all those lots adjoining Sahara Avenue lying within Las Verdes Heights Unit No. 3 Subdivision as recorded in Book 5 of Plats, page 72, Clark County Nevada Records, Las Verdes Heights 6, Unit No. 4 Subdivision as recorded in Book 8 of Plats, page 5, Clark County Nevada Records and Las Verdes Heights 6, Unit No. 5 Subdivision as recorded in Book 8 of Plats, page 88, Clark County Nevada Records.

Also excepting therefrom that property adjoining Sahara Avenue on the North from the centerline of Valley View Blvd., to the centerline of Las Verdes Street and from 242 feet west of the centerline of Rancho Drive to 342 feet west of the centerline of Rancho Drive.

Also excepting therefrom that property adjoining Sahara Avenue on the South from the prolongation of the centerline of Rancho Drive to 175 feet west, from 190 feet east of the centerline of Teddy Drive to the centerline of Teddy Drive, from 190 feet east of the centerline of Valley View Blvd. to the centerline of Valley View Blvd., and from 204 feet east of the centerline of Arville Street to 180 feet west of the centerline of Arville Street.

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 of 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:

The improvement shall include the installation of street lighting along Sahara Avenue from Rancho Road westerly to Decatur Boulevard, except where adequate street lighting has previously been installed or that portion outside the city limits as designated on the plans presently on file in the Office of the City Clerk.

The street lighting system shall consist of Mercury Vapor Luminaires, Steel Lighting Standards with Concrete Bases, together with the installation, removal and relocation of any and all appurtenances and any and all utilities that are deemed necessary to complete same, as more particularly shown by the plans, plats, and diagrams of the work and of 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. 402, 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.

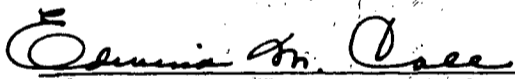
Section 8. That if any one or more sections, sentences, clauses, or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific 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 17th day of November, 1971.


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 November, 1971, and referred to the following committee composed of Commissioners Franklin and Coblentz for recommendation; thereafter, the said committee reported favorably on said ordinance on the 17th day of November, 1971, 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 first introduced and adopted by the following vote:

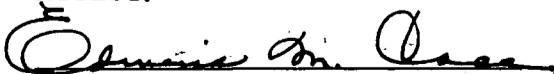
VOTING "AYE": Commissioners Franklin, Morelli, Coblentz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

RECEIVED

Nov 30 9 39 AM '71

AFFIDAVIT OF PUBLICATION

CITY CLERK

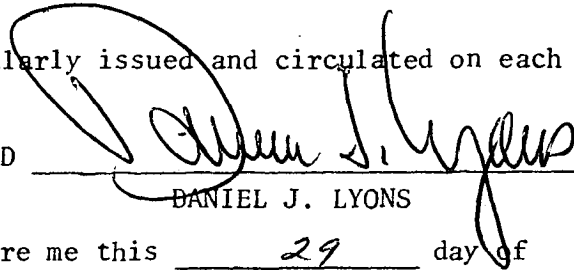
STATE OF NEVADA)
COUNTY OF CLARK) SS

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 November 20, 1971 to November 26, 1971 inclusive, being the issue of said newspaper for the following dates, to wit:

November 20, 26, 1971

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

SIGNED




DANIEL J. LYONS

Subscribed and sworn to before me this 29 day of Nov., 1971.

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA



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

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WHEREAS, pursuant to said resolution, said Board of Commissioners directed the City Clerk of said City to give notice of the estimates of the expense of the 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 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, the owners of less than one-half of the area to be assessed filed written or verbal objections; 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. 402, including, but not necessarily limited to the filing with the City Clerk by the City Engineer of a revised and accurate estimates of cost, plans, assessment, plat, specifications and map, and desires now to order such improvements and work by this ordinance.

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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 15th day of September, 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.

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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.

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PASSED, ADOPTED AND APPROVED this 17th day of November, 1971.

(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 title to the Board of Commissioners on the 3rd day of November, 1971, and referred to the following committee composed of Commissioners Franklin and Coblenz for recommendation; thereafter, the said committee reported favorably on said ordinance on the 17th day of November, 1971, 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 first introduced 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
Edwina M. Cole, City Clerk
(SEAL)
Nov. 20 & 26, 1971