

ORDINANCE NO. 314

AN ORDINANCE EMPOWERING, AUTHORIZING AND DIRECTING THE EX-OFFICIO CITY ASSESSOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, TO LEVY A SPECIAL ASSESSMENT TO DEFRAY THE COSTS OF MAKING CERTAIN IMPROVEMENTS IN THE CITY OF LAS VEGAS BY GRADING FOR AND SURFACING A CERTAIN STREET IN THE CITY OF LAS VEGAS, ACCORDING TO THE PLATS, DIAGRAMS AND ESTIMATES OF COST THEREOF ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LAS VEGAS, DESCRIBING DEFINITELY THE LOCATION OF SAID IMPROVEMENTS, STATING THE AMOUNT OF SAID ASSESSMENT AND DESIGNATING THE LOTS AND PARCELS OF LAND TO BE ASSESSED ACCORDING TO BENEFITS, PROVIDING FOR THE ISSUANCE OF SPECIAL ASSESSMENT BONDS, AND OTHER MATTERS RELATING THERETO.

The BOARD OF COMMISSIONERS of the City of Las Vegas DO ORDAIN as follows:

Section 1. For the purpose of defraying the cost of making certain improvements in the City of Las Vegas by grading for and surfacing with two-inch (2") asphaltic concrete surfacing material upon Third Place from the south edge of the present street improvements on Charleston Boulevard, according to the plats, diagrams and estimates of cost heretofore prepared and adopted by the Board of Commissioners of the City of Las Vegas, and on file in the office of the City Clerk of the City of Las Vegas, the Ex-Officio City Assessor of the City of Las Vegas is hereby empowered, authorized and directed to make, forthwith, a special assessment in the total amount of One thousand eight hundred twelve Dollars and Eighty-five cents (\$1,812.85), and to levy such assessment according to benefits against the owners and upon the taxable lots and premises situate in the special assessment district created by Ordinance No. 295 of the City of Las Vegas and composed of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Beckley Subdivision to Las Vegas, Nevada, as shown in Book 2 of Plats, Page 24, provided, however, that in no case shall the amount of any special assessment upon any such lot or premises exceed Twenty (20%) per cent of the value of such

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lot or premises as shown upon the latest tax list or assessment roll for State and County taxation, but such costs in excess of Twenty (20%) per cent shall be borne by the City of Las Vegas and paid out of the General Fund.

Section 2. The ex-officio City Assessor shall prepare an assessment roll in the manner provided by the Charter of the City of Las Vegas, and shall assess each lot and parcel of land embraced within the aforementioned special assessment district such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or parcel of land from the improvement.

Section 3. After the special assessment roll, as herein provided for, shall have been prepared and completed, the Ex-Officio City Assessor shall report the same to the Board of Commissioners of the City of Las Vegas, and thereafter it shall be filed in the office of the City Clerk and numbered, and the Board of Commissioners shall cause notice thereof to the persons whose names appear upon the assessment roll, and to all others interested therein, to be published for at least two weeks in some newspaper published in the City of Las Vegas, of the time when the Board of Commissioners and the Ex-Officio City Assessor will meet to review the assessments, and any person objecting to the assessments may file his objection thereto with the City Clerk.

Section 4. At the time appointed for reviewing the assessments, the Board of Commissioners and the Ex-Officio City Assessor shall meet and give all persons interested an opportunity to be heard, and shall consider any and all objections that may be filed with the City Clerk, and then, or at some adjourned meeting, shall review the assessments and correct the same and confirm it as corrected, or confirm it as reported, or annul it and direct a new assessment to be made.

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Section 5. When the assessments shall be confirmed as herein provided it shall be final and conclusive. The City Clerk shall thereupon deliver to the County Assessor, acting Ex-Officio City Assessor, the Assessment Roll as confirmed by the Board of Commissioners, with his certificate of such confirmation and of the date thereof. The County Assessor, acting Ex-Officio City Assessor, shall thereupon, without extra compensation, record such Assessment Roll in his office and append thereto his certificate of the date of such recording, whereupon from said date all persons shall be deemed to have notice of the contents of such assessment roll, and it shall be prima facia evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of the assessment and assessment roll. After the assessment roll has been confirmed and recorded, the several amounts levied thereon shall become at once due and payable and shall constitute and be a lien upon the respective lots and parcels of land and improvements assessed and shall be charged against the persons and properties until paid.

Section 6. All assessments when due and payable, as in this ordinance provided, shall be paid to the County Treasurer and Ex-Officio Tax Receiver, County of Clark, State of Nevada, and Ex-Officio Treasurer and Tax Receiver of the City of Las Vegas, and by that officer paid into and credited to the special fund to be known as and called "Las Vegas 1945 Third Place Street Fund".

Section 7. All costs and expenses incurred in making the improvements shall be charged to and paid out of said fund, provided, however, that all monies drawn on the General Fund of the City of Las Vegas to defray any of the costs and expenses of making the improvements or, if it shall become necessary to draw upon the general Fund to defray any of the

costs and expenses of the improvements, except as otherwise provided by the Charter of the City of Las Vegas, the General Fund shall be reimbursed by transfer of funds from the "Las Vegas 1945 Third Place Street Fund" as soon as conditions of the same will permit, and provided further that where there shall be lands belonging to the City or public grounds not taxable, abutting on such improvements, or such improvements shall be made upon interior spaces opposite alleys, and squares and spaces formed by the intersection of streets, such part of the expense of the improvements as estimated by the assessor to be justly apportionable to such public ground, the City property, and to any interior spaces opposite alleys, and squares and spaces formed by the intersection of streets shall be paid from the General Fund and borne by the City of Las Vegas, and the balance of such expense shall be assessed upon the taxable lots included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement.

Section 8. That if, after the expiration of fifty (50) days from the date of the confirmation and recording of the assessment roll, there shall remain due and unpaid any part of the special assessment contained in the assessment roll, the Board of Commissioners shall within a reasonable time thereafter provide by ordinance for the issuance of bonds for the amount of the unpaid assessments, in accordance with the provisions of "An Act to authorize municipalities to issue bonds for the purpose of paying the cost of municipal improvements for which special assessments are levied." Approved March 13, 1909, as amended, and also in conformity with the provisions of the Charter of the City of Las Vegas.

Section 9. This Ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

Section 10. The City Clerk and the Clerk of the Board of Commissioners of the City of Las Vegas is hereby authorized and directed to cause this Ordinance No. 314 to be published once a week for two consecutive weeks, immediately following its first reading and adoption, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas.

Mayor

ATTEST:

City Clerk (SEAL)

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 7th day of March, 1946, and referred to the following committee composed of Commissioners Clark & Baskin for recommendation; thereafter the said committee reported favorably on the said Ordinance on the _____ day of _____, 1946, which was the next regular meeting of said Board of City Commissioners; that at said regular meeting held on the 7th day of _____, 1946, the proposed Ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners _____

Voting "Nay": _____

Absent: _____

Approved:

ATTEST:

Mayor

City Clerk (SEAL)

The above and foregoing Ordinance was thereafter read aloud to the said Board of City Commissioners for a second time at a regular meeting of the said Board held on the _____ day of _____, 1946, and passed by the following vote:

Voting "Aye": Commissioners _____

Voting "Nay": _____

Absent: _____

ATTEST:

Mayor

City Clerk (SEAL)