

EMERGENCY ORDINANCE NO. 693

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE IMPROVEMENT OF DESIGNATED STREETS AND PARTS OF STREETS IN STREET IMPROVEMENT ASSESSMENT DISTRICT NO. 100-36 AS CREATED BY EMERGENCY ORDINANCE NO. 665 BY PROVIDING FOR THE PREPARATION OF AN AMENDED ASSESSMENT ROLL AND THE REPORTING OF THE SAME TO THE BOARD OF COMMISSIONERS; PROVIDING FOR FILING OF SAID AMENDED ROLL WITH THE CITY CLERK; PROVIDING A TIME AND PLACE TO REVIEW SAID ASSESSMENTS AND NOTIFICATION THEREOF; PROVIDING FOR THE CORRECTION AND/OR CONFIRMATION AND APPROVAL OF SAID AMENDED ROLL THEREAT OR THEREAFTER; PROVIDING FOR THE INDORSEMENT OF SAID AMENDED ROLL OF SAID CONFIRMATION AND APPROVAL; PROVIDING FOR THE DELIVERY OF SAID APPROVED ROLL TO THE EX OFFICIO CITY ASSESSOR; PROVIDING THAT SAID ASSESSMENTS SHALL CONSTITUTE A LIEN; PRESCRIBING THE METHOD OF PAYING SAID ASSESSMENTS AND THE INTEREST THEREON; PROVIDING FOR THE DISPOSITION OF SAID ASSESSMENTS; DIRECTING THE NOTIFICATION BY MAIL WHEN AND WHERE SAID ASSESSMENT IS DUE AND PAYABLE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION HERETOFORE TAKEN TOWARD IMPROVING SAID STREETS AND PARTS OF STREETS IN SAID DISTRICT, TOWARDS ITS CREATION AND TOWARD LEVYING AND EFFECTING SPECIAL ASSESSMENTS; AWARDING A CONTRACT FOR THE WORK TO BE DONE IN SAID DISTRICT; ESTABLISHING THE COST OF SAID DISTRICT; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Commissioners of the City of Las Vegas, in the County of Clark, and State of Nevada have created Street Improvement Assessment District No. 100-36 and have taken certain steps toward the completion of said district; and

WHEREAS, it has been found necessary to file an amended assessment roll and take the necessary steps in conjunction therewith as provided by the Charter of the City of Las Vegas.

NOW, THEREFORE, the Board of Commissioners of the City of Las Vegas does ordain as follows:

SECTION 1. That the County Assessor of the County of Clark and State of Nevada, the Acting Ex-Officio City Assessor of the City of Las Vegas, Nevada, shall prepare, and is hereby empowered, authorized and directed to make forthwith, an amended assessment roll for Street Improvement Assessment District No. 100-36 in the manner provided by the Charter of the City of Las Vegas, Nevada, 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 in said District, as shall be proportionate to the estimated benefit resulting to such lot or parcel of land from the improvement.

SECTION 2. That when said Ex-Officio City Assessor shall have completed the assessment, he shall report the same to the Board of Commissioners of the City of Las Vegas. Such report shall be signed by him and made in the form of a certificate endorsed on the amended assessment roll, which certificate shall be in the form prescribed by the Charter of the City of Las Vegas.

SECTION 3. That after said amended special assessment roll shall have been prepared and reported to said Board, it shall be filed in the office of the City Clerk, and numbered.

SECTION 4. That before said amended special assessment roll is adopted and confirmed by said Board, any person objecting to the assessment may file his objection thereto with the City Clerk on or before Wednesday, the 15th day of February, 1956, at 8:00 o'clock P.M., at the City Hall in said City, and said time and place are hereby fixed as the time and place when and where said Board and said County Assessor and Ex-Officio City Assessor will meet to hear and consider objections to said amended special assessment roll and to review said assessment.

SECTION 5. That after filing said amended special assessment roll with the City Clerk, she shall publish notice of the time said Board and said Ex-Officio City Assessor will meet to review the assessments at least once a week for two weeks in the Las Vegas Review Journal a daily newspaper published in said City of Las Vegas. Said notice shall be in the form prescribed by the Charter of the City of Las Vegas.

CITY
CLERK'S
FILE

SECTION 6. That at said time appointed for reviewing the assessments as aforesaid, the Board of Commissioners and the Ex-Officio City Assessor shall meet and them, or at some adjourned meeting, review the assessments and hear any objection to said assessments which may be made by any person deeming himself aggrieved thereby, and shall decide the same; and said Board may correct the same as to any assessment or description of the premises appearing therein, and may confirm and approve it as reported or as corrected, or said Board may refer the assessment back to said Ex-Officio City Assessor for revision, or annul it and direct a new assessment in which case the assessment shall be made anew.

SECTION 7. That when said special assessments shall be confirmed, the City Clerk shall make an indorsement upon the amended roll showing the date of confirmation, which shall be in the form prescribed by the Charter of the City of Las Vegas.

SECTION 8. That when the assessments shall be confirmed and approved as herein provided, it shall be final and conclusive. The City Clerk shall thereupon deliver to said County Assessor, Acting Ex-Officio City Assessor, the amended assessment roll as confirmed by the Board of Commissioners with her certificate of such confirmation, and of the date thereof. The County Assessor, Acting Ex-Officio City Assessor, shall thereupon, without extra compensation, record such amended 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 amended assessment roll, and it shall be prima facie 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 amended assessment roll.

SECTION 9. That all special assessments, assessed as aforesaid, shall from the date of confirmation and approval thereof constitute a lien upon the respective lots or parcels of land assessed. The special assessments thereafter shall be and remain a lien on the respective lots and parcels of land assessed until paid.

SECTION 10. That said assessments shall be due and payable at the office of the County Treasurer of Clark County, Nevada, Acting Ex-Officio City Treasurer and Ex-Officio Tax Collector of the City of Las Vegas, Nevada, within two weeks after said amended special assessment roll is confirmed and approved, without interest and without demand; provided, that all such assessments, or any part thereof, may, at the election of the owner, be paid in installments with interest, as herein-after provided. Failure to pay the whole assessment, or any part thereof, within said period of two weeks shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. In case of such election to pay in installments, the unpaid assessments shall be payable at the office of said Ex-Officio City Treasurer in ten substantially equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the 1st day of March, 1957, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 1st day of March, 1956, at the same rate of interest as that provided for in the special assessment bond to be hereafter authorized, sold, issued and delivered, but not to exceed seven per centum (7%) per annum, payable annually at the office of said Ex-Officio City Treasurer, the first annual payment of interest being due and payable on the said 1st day of March, 1957, and the remainder of said annual installments of interest being due and payable on the 1st day of March in each year thereafter. 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, and the whole amount of the unpaid principal and accrued interest shall thereafter bear penalty at the rate of ten per centum per annum, until the day of sale, but at any time prior to the day of the sale, the owner may pay the amount of all unpaid installments, with interest thereon at ten per centum per annum, 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 of the unpaid principal with interest accruing thereon to the next interest paying date.

Each assessment, together with interest thereon, shall be placed on the tax roll of Clark County on and against the several owners and premises, and the County Assessor of Clark County, Acting Ex-Officio Assessor of the City of Las Vegas, is hereby authorized and directed to enter the same on the tax roll of said County and to extend the same in a special column for special assessments on said tax roll, and the County Treasurer of said County, the Ex-Officio City Treasurer and Ex-Officio Tax Collector of the City of Las Vegas, is hereby authorized and directed to collect the same, all in the same manner and at the same time as other State and County taxes are collected.

SECTION 11. That the special assessments, both principal and interest, when collected, shall be placed in a special fund to be known as "Street Improvement Assessment District No. 100-36 Bond Interest and Redemption Fund," and as such shall at all times constitute a sinking fund for and deemed specially appropriated to the payment of the special assessment improvement bonds and interest thereon, to be hereafter authorized, sold, issued and delivered for the purpose of paying in part the cost or expense of said improvements; and said fund shall be applied to payment for the improvements for which said assessments were made, and shall not be used for any other purpose until said bonds and the interest thereon is fully paid.

SECTION 12. That after said amended assessment roll has been confirmed and approved, said Ex-Officio City Treasurer immediately shall notify each person known to said Ex-Officio City Assessor, whose name appears on said amended assessment roll, by United States of America mail, that an assessment has been levied against said person and the designated property in said Street Improvement Assessment District No. 100-36 and shall state therein when and where said assessment is due and payable.

SECTION 13. That all action (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 paving, curbing and guttering, and installing concrete valley gutters on certain streets and parts of streets therein and otherwise improving certain streets and parts of streets in said Street Improvement Assessment District No. 100-36, toward the creation of said District, and toward levying and effecting special assessments to defray the entire cost thereof be, and the same is, hereby ratified, approved and confirmed.

SECTION 14. That V. C. Mendenhall, Inc., the successful bidder on the contract for said district shall be and hereby is awarded the contract to do the work provided for in said district, and all proceedings heretofore taken in the award of said contract are hereby ratified, approved and confirmed.

SECTION 15. That the entire cost and expense of making said improvements, including all incidental expenses which may be legally included in the sums assessed, including, without limiting the generality of the foregoing, the cost of surveys, plans, assessments, the costs of construction and the fees and compensation properly charged in the work of making special assessments, shall be defrayed by special assessments made according to the benefits against the owners and the assessable lots, premises and property specially benefited by such improvements and included within said District proportionately to the benefits received. The entire cost and expense of making said improvements are deemed to be \$624,448.72 and the total of the special assessments so levied shall be in that amount.

SECTION 16. 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 17. 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 so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part 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 18. That by reason of the fact that the streets of the City of Las Vegas are inadequate to meet the present and future needs of the City and its inhabitants and that it is necessary immediately to raise funds to improve said streets, therefore, it is hereby declared that an emergency exists, and that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 19. 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 said City, and this ordinance shall become effective immediately following the second publication hereof.

PASSED, ADOPTED AND APPROVED this 1st day of February 1956.

(SEAL)

ATTEST:

Shirley Balyninger
SHIRLEY BALYINGER, City Clerk

C. D. Baker
C. D. BAKER, Mayor

Those voting in favor of the foregoing ordinance:

Commissioners Bunker, Fountain, Sharp, Whipple and Mayor Baker

Those voting "Nay": None Absent: None

ATTEST:

Shirley Balyninger
SHIRLEY BALYINGER, City Clerk

APPROVED:

C. D. Baker
C. D. BAKER, Mayor

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

A. F. Schellack

being first duly sworn,
deposes and says: That he is Foreman of the LAS VEGAS REVIEW-JOURNAL,
a daily newspaper, of general circulation, printed and published 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 (2) insertions
from February 3, 1956 to February 10, 1956

inclusive, being the issues of said newspaper for the following dates, to-wit:

February 3, 10, 1956

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

SIGNED

A. F. Schellack

Subscribed and sworn to before me this 10th day of February, 19 56

Notary Public

NOTARY PUBLIC IN AND FOR CLARK COUNTY, NEVADA

My Commission Expires April 14, 1957.

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STREETS IN STREET IMPROVEMENT
ASSESSMENT DISTRICT NO. 100-36 AS
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NO. 665 BY PROVIDING FOR THE PRE-
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whereupon from said date all persons shall be deemed to have notice of the contents of such amended assessment roll, and it shall be prima facie 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 amended assessment roll.

SECTION 9. That all special assessments, assessed as aforesaid, shall from the date of confirmation and approval thereof constitute a lien upon the respective lots or parcels of land assessed. The special assessments thereafter shall be and remain a lien on the respective lots and parcels of land assessed until paid.

SECTION 10. That said assessments shall be due and payable at the office of the County Treasurer of Clark County, Nevada, Acting Ex-Office City Treasurer and Ex-Office Tax Collector of the City of Las Vegas, Nevada, within two weeks after said amended special assessment roll is confirmed and approved, without interest and without demand; provided, that all such assessments, or any part thereof, may, at the election of the owner, be paid in installments with interest, as hereinafter provided. Failure to pay the whole assessment, or any part thereof, within said period of two weeks shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. In case of such election to pay in installments, the unpaid assessments shall be payable at the office of said Ex-Office City Treasurer in ten substantially equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the 1st day of March, 1957, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 1st day of March, 1956, at the same rate of interest as that provided for in the special assessment bond to be hereafter authorized, sold, issued and delivered, but not to exceed seven per centum (7%) per annum, payable annually at the office of said Ex-Office City Treasurer, the first annual payment of interest being due and payable on the said 1st day of March, 1957, and the remainder of said annual installments of interest being due and payable on the 1st day of March in each year thereafter. 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, and the whole amount of the unpaid principal and accrued interest shall thereafter bear penalty at the rate of ten per centum per annum, until the day of sale, but at any time prior to the day of sale, the owner may pay the amount of all unpaid installments, with interest thereon at ten per centum per annum, 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 instalment or payment, may, at any time, pay the whole of the unpaid principal with interest accruing thereon to the next interest paying date.

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SECTION 11. That the special assessments, both principal and interest, when collected, shall be placed in a special fund to be known as "Street Improvement Assessment District No. 100-36 Bond Interest and Redemption Fund," and as such shall at all times constitute a sinking fund for and deemed specially appropriated to the payment of the special assessment improvement bonds and interest thereon, to be hereafter authorized, sold, issued and delivered for the purpose of paying in part the cost or expense of said improvements; and said fund shall be applied to payment for the improvements for which said assessments were made, and shall not be used for any other purpose until said bonds and the interest thereon is fully paid.

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SECTION 13. That all action (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 paving, curbing and guttering, and installing concrete valley gutters on certain streets and parts of streets therein and otherwise improving certain streets and parts of streets in said Street Improvement Assessment District No. 100-36, toward the creation of said District, and toward levying and effecting special assessments to defray the entire cost thereof be, and the same is, hereby ratified, approved and confirmed.

SECTION 14. That V. C. Mendenhall, the successful bidder on the contract for said district shall be and hereby is awarded the contract to do the work provided for in said district, and all proceedings heretofore taken in the award of said contract are hereby ratified, approved and confirmed.

SECTION 15. That the entire cost and expense of making said improvements, including all incidental expenses which may be legally included in the sums assessed, including, without limiting the generality of the foregoing, the cost of surveys, plans, assessments, the costs of construction and the fees and compensation properly charged in the work of making special assessments, shall be defrayed by special assessments made according to the benefits against the owners and the assessable lots, premises and property specially benefited by such improvements and included within said District proportionately to the benefits received. The entire cost and expense of making said improvements are deemed to be \$624,448.72 and the total of the special assessments so levied shall be in that amount.

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SECTION 17. 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 so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part 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
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(SEAL)

ATTEST:

SHIRLEY BALLINGER, City Clerk
C.D. BAKER, Mayor

Those voting in favor of the foregoing ordinance: Commissioners Bunker, Fountain, Sharp, Whipple and Mayor Baker.

Those voting Nay: None
Absent: None

ATTEST:

SHIRLEY BALLINGER, City Clerk

APPROVED:

C. D. BAKER, Mayor

Feb. 3, 1956