

ORDINANCE NO. 1631

AN ORDINANCE CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN IN PROVIDING FOR CERTAIN STREET IMPROVEMENTS WITHIN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 402; 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 Board of Commissioners of the City of Las Vegas, in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, provided for the installation of street lighting within that certain area of said City described in the provisional order resolution passed and approved on the 15th day of September, 1971, 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. 402," 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 State of Nevada, on the 20th day of January, 1973, 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:

WELLS CARGO, INC., of Las Vegas, Nevada;

ACME ELECTRIC CO., of Las Vegas, Nevada; 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 costs is \$76,800.00; 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 amount shall be assessed against and be paid by the property specially benefited by the improvements in each Unit of said Assessment District, to wit: \$76,800.00; 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 District in which such lot or parcel is situate, on the basis set forth in the provisional order Resolution passed and approved on the 15th day of September , 1971, and Ordinance No. 1549, the ordinance creating the District, duly passed, adopted and approved on the 17th day of November , 19 71 ; 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 15th day of September , 1971 , 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 No. 1549; and

WHEREAS, said Board of Commissioners thereupon fixed a time and place, to wit, the 23rd day of May , 1973 , at 9:30 o'clock A.M., in the temporary City Hall, Reed Whipple Center, 821 Las Vegas Blvd., North, 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 18th day of April , 1973; 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 6th day of June , 1973, 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, no protests or objections, either 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 Assessment District No. 402 and the installation therein of certain improvements, to wit: the installation of street lighting within that certain area of said City described in the provisional order resolution passed and approved on the 15th day of September, 1971, 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 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 18th day of April, 1973, and as confirmed by resolution duly adopted by said Board of Commissioners on the 6th day of June, 1973, 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 on or before July 31, 1973, 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 on or before July 31, 1973, 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 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 annual 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, i.e., from the 23rd day of June, 1973, 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 the Las Vegas Sun, 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 6th day of June, 1973, 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 ASSESSMENT DISTRICT NO. 402

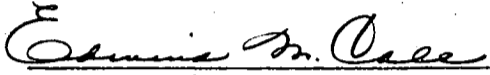
NOTICE IS HEREBY GIVEN to property owners and other interested persons that, by Ordinance No. 1631, duly passed, adopted signed and approved on the day of June, 1973, there were levied and assessed against the lots and parcels of property specially benefited by the local improvements in what is commonly designated as "Las Vegas, Nevada, Special Assessment District No. 402," said lots and parcels being more specifically 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 City Treasurer 400 East Stewart Avenue, Las Vegas, Nevada, on or before July 31, 1973, being at least 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 time 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 22nd day of June, 1973, 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 August in each year, commencing on the first day of August, 1973. 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 23rd day of June, 1973, 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 13th day of June, 1973.




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.

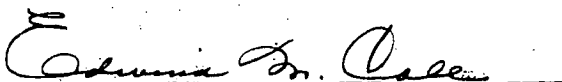
Section 10. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

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 13th day of
June , 1973.


ORAN K. GRAGSON, MAYOR

ATTEST:

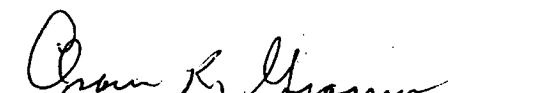

Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 6th day of ~~XXXX~~ June, 1973, and referred to the following committee composed of Commissioners Morelli and Thornley for recommendation; thereafter the said committee reported favorably on said ordinance on the 13th day of June, 1973, 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, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Coblentz
(excused)

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk