

ORDINANCE NO. 126

An Ordinance granting a franchise to and authorizing LAS VEGAS LAND AND WATER COMPANY, a corporation of the State of Nevada, its successors and assigns, to install, lay down, maintain and operate water pipe lines, water mains and distributing and supply pipes and laterals, and all necessary and proper appliances used in connection therewith or appurtenant thereto, in, through, over, across, under and along all or any of the streets, alleys or public grounds in the Original Townsite of Las Vegas, in the City of Las Vegas, Clark County, Nevada, for the purpose of supplying the inhabitants of said original townsite of Las Vegas with water, and other uses and purposes, and establishing regulations and conditions in connection therewith.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DO ORDAIN AS FOLLOWS:

Section 1. That a franchise be and the same is hereby granted to Las Vegas Land and Water Company, a corporation of the State of Nevada, and to its successors and assigns, to install, lay down, construct, maintain and operate water pipe lines, water mains, distributing and supply pipes and laterals, and all necessary and proper appliances used in connection therewith, or appurtenant thereto, in, through, over, across, under and along all or any of the streets, alleys or public grounds, in the Original Townsite of Las Vegas in the City of Las Vegas, in Clark County, Nevada, for the purpose of supplying the inhabitants of the said Original Townsite of Las Vegas with water, and for the operation of a water system therein.

Section 2. For the purposes aforesaid the said grantee, its successors and assigns shall have the right to make the necessary excavations in said streets, alleys and public grounds, provided, however, the said grantee, its successors or assigns shall:

a. In all cases, after making any excavation in the streets, avenues or alleys, promptly restore the surface of such street, avenue or alley to its former condition.

b. Fully observe all of the ordinances of said City of Las Vegas, now in existence or which may hereafter be adopted relative to the making of excavations in such streets, avenues or alleys.

c. At all times hold the City of Las Vegas harmless from any and all

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liability for damages to persons or property caused by such excavations made in the streets, avenues or alleys within the territory to which this franchise extends.

Section 3. As further conditions upon which this franchise is granted it is provided:

1. That the municipal authorities shall further have the power to make all ~~all~~ reasonable rules and regulations necessary for the laying and maintaining of all water pipe and apparatuses, and shall have the power to change the rules and regulations from time to time as in their judgment may seem just and proper.
2. The municipal authorities shall also have the right to direct the change in location at any time of such pipe lines, water mains, laterals and appliances, and to establish and change the grades of said streets, avenues and alleys.
3. Said grantee and its successors and assigns shall at all times keep said pipes, mains, laterals and appliances in proper condition and repair, so that the same shall not damage or obstruct the use of said streets, avenues or alleys for travel or for public uses by reason of leakages or otherwise.
4. Said grantee, and its successors and assigns will install and maintain at least fifteen fire plugs at such points as the Board of City Commissioners may from time to time designate, at actual cost of labor and material, the same to be paid for by said City upon presentation of verified claim or claims therefor to said City in the manner required by law. No charge shall be made or claimed against said City for the use of water from said system through said fire plugs by said City in the extinguishment of fires or the sprinkling of streets, avenues or alleys, nor for the flushing of sewer mains.

Section 4. A violation of any of the provisions of this Franchise shall be grounds for and entitle said City to revoke and annul this franchise in whole or in part, or said City may pursue such other remedy or course as the law permits. Said City hereby reserves all rights incident to the grantor of a municipal franchise, and this Franchise is granted subject to the supervisory regulation and control by the Public Service Commission of the State of Nevada of the business of so furnishing water to the inhabitants of said Original Townsite of Las Vegas

by said grantee, its successors and assigns.

Section 5. This Franchise shall not be construed to authorize the grantee, its successors and assigns, to use or to acquire any rights in, any of the streets, alleys or public grounds of the City of Las Vegas inconsistent with the future legitimate uses of such streets, alleys or public grounds by said City of Las Vegas, nor shall the grant hereby made operate in itself nor by lapse of time or by the expenditure of moneys by grantee, its successors and assigns, as an estoppel against said City of Las Vegas in any respect whatsoever. Nor shall this Franchise be construed as a grant of any right or privilege adverse to the rights of any abutting owner or owners of property along any of the streets, alleys or public grounds where said pipes, mains, appliances or appurtenances may be placed or maintained by said grantee, its successors and assigns, nor to establish any rights in the grantee, its successors or assigns, contrary to or inconsistent with the right of the original dedicators of said streets, alleys or public grounds, or their assigns.

Section 6. That in case the said grantee, its successors or assigns, discontinue, refuse or neglect to supply water to the said inhabitants of the said original townsite of Las Vegas, insofar as permitted by said Public Service Commission to do so, at any time for and during the term of six months at any one time after the period hereinafter prescribed for the completion of the water system and the commencement of furnishing water to the inhabitants of said original townsite of Las Vegas, then this ordinance and franchise shall be null and void, and the City Commissioners may order the removal of the mains, pipes, appliances and appurtenances, so installed, laid down or placed by said grantee or its assigns in, through, over, across, under or along the public streets, alleys or public grounds of said Original Townsite of Las Vegas, and may declare the same a public nuisance; provided, however, that before this ordinance and franchise shall become null and void, or any action taken as in this paragraph provided, the Board of Commissioners shall first give to said grantee, its successors, or assigns, thirty days notice in writing to comply with the provisions of this paragraph.

Section 7. Within six months after the passage of this Ordinance the said grantee, its successors or assigns, shall file in the office of the City Clerk of the City of Las Vegas a plat of the mains proposed to be laid, showing proposed location and position thereof.

Section 8. The work of installing and laying down of said mains, laterals

and pipes shall be commenced within six months after the passage of this Ordinance, and said work shall be completed and the plant in operation and furnishing water to the inhabitants of the said Original Townsite of Las Vegas, within one year after the passage of this Ordinance.

Section 9. The privileges hereby granted to said grantee, shall inure to the benefit of said grantee, its successors and assigns, for the period of fifty years from and after the passage of this Ordinance; provided, said grantee shall not be entitled to assign this franchise or any rights hereunder without the consent of the Board of City Commissioners of said City first had and obtained in writing,

Section 10. This Ordinance shall take effect and be in force from and after its passage and publication and acceptance, and the grantee herein shall pay the expenses of publishing the same. This Ordinance shall be published for one week (one issue) in Las Vegas Age, a weekly newspaper published in said City of Las Vegas. Acceptance hereof by said grantee shall be filed in writing with the City Clerk of said City within sixty days from the date of passage of this Ordinance.

WHEREAS, the Original Townsite of Las Vegas has no water available to supply the inhabitants therein nor water available for fire protection, and

WHEREAS, Las Vegas Land and Water Company is willing to extend its water mains and provide an adequate water supply to the inhabitants of said Original Townsite of Las Vegas, and to provide water for fire protection immediately upon the passage of an ordinance authorizing the use of the streets, alleys and public grounds in said original townsite of Las Vegas, and

WHEREAS, such water supply to the said inhabitants ^{for} and fire protection is immediately needed, and an emergency exists therefor.

It is hereby declared that an emergency exists for the immediate passage of this ordinance.

Passed and adopted as an emergency ordinance upon the consent of the Whole Board of Commissioners first had and obtained, on this 2nd day of September, 1927, at a regular adjourned meeting of said Board of Commissioners, the vote on said ordinance being as follows:

Commissioners Mundy, Neagle, German, Smith and his honor, the Mayor ,
J. F. Hesse, voting Aye. Noes, None. .

Approved September 2nd, 1927.

ATTEST:

Wm. R. Scott
City Clerk.

J. F. Hesse
Mayor.

ACCEPTANCE OF ORDINANCE.

KNOW ALL MEN BY THESE PRESENTS:

That Las Vegas Land and Water Company, a corporation, organized and existing under and by virtue of the laws of the State of Nevada, does hereby accept that certain Ordinance No. 126 and all of the provisions thereof approved and adopted September 2, 1927, by the Board of Commissioners of the City of Las Vegas, a Municipal Corporation in the County of Clark, State of Nevada.

IN WITNESS WHEREOF, said Las Vegas Land and Water Company has caused these presents to be duly executed by its duly authorized officers and its corporate seal to be hereto affixed this 14th day of September, 1927.

LAS VEGAS LAND AND WATER COMPANY

BY Walter R. Baer
Its Vice President.

ATTEST:

W. J. Loomis
Its Secretary

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Section 2. For the purpose aforesaid the said grantee, its successors and assigns shall have the right to make the necessary excavations in said streets, alleys and public grounds, provided, however, the said grantee, its successors or assigns shall:

a. In all cases, after making any excavation in the streets, avenues or alleys, promptly restore the surface of such street, avenue or alley to its former condition.

b. Fully observe all of the ordinances of said City of Las Vegas, now in existence or which may hereafter be adopted relative to the making of excavations in such streets, avenues or alleys.

c. At all times hold the City of Las Vegas harmless from any and all liability for damages to persons or property caused by such excavations made in the streets, avenues or alleys within the territory to which this franchise extends.

Section 3. As further conditions upon which this franchise is granted it is provided:

1. That the municipal authorities shall further have the power to make all reasonable rules and regulations necessary for the laying and maintaining of all water pipes and apparatuses, and shall have the power to change the rules and regulations from time to time as in their judgment may seem just and proper.

2. The municipal authorities shall also have the right to direct the change in location at any time of such pipe lines, water mains, laterals and appliances, and to establish and change the grades of said streets, avenues and alleys.

3. Said grantee and its succes-

sors and assigns shall at all times keep said pipes, mains, laterals and appliances in proper condition and repair, so that the same shall not damage or obstruct the use of said streets, avenues or alleys for travel or for public uses by reason of leakages or otherwise.

4. Said grantee, and its successors and assigns will install and maintain at least fifteen fire plugs at such points as the Board of City Commissioners may from time to time designate, at actual cost of labor and material, the same to be paid for by said City upon presentation of verified claim or claims therefor to said City in the manner required by law. No charge shall be made or claimed against said City for the use of water from said system through said fire plugs by said City in the extinguishment of fires or the sprinkling of streets, avenues or alleys, nor for the flushing of sewer mains.

Section 4. A violation of any of the provisions of this Franchise shall be grounds for and entitle said City to revoke and annul this franchise in whole or in part, or said City may pursue such other remedy or course as the law permits. Said City hereby reserves all rights incident to the grant of a municipal franchise, and this Franchise is granted subject to the supervisory regulation and control by the Public Service Commission of the State of Nevada of the business of so furnishing water to the inhabitants of said Original Townsite of Las Vegas by said grantee, its successors and assigns.

Section 5. This Franchise shall not be constructed to authorize the grantee, its successors and assigns, to use or to acquire any rights in, any of the streets, alleys or public grounds of the City of Las Vegas inconsistent with the future legitimate uses of such streets, alleys or public grounds by said City of Las Vegas, nor shall the grant hereby made operate in itself nor by lapse of time or by the expenditure of moneys by grantee, its successors and assigns, as an estoppel against said City of Las Vegas in any respect whatsoever. Nor shall this Franchise be construed as a grant of any right or privilege adverse to the rights of any abutting owner or owners of property along any of the streets, alleys or public grounds where said pipes, mains, appliances or appurtenances may be placed or maintained by said grantee, its successors or assigns, contrary to or inconsistent with the right of the original dedicators of said streets, alleys or public grounds, or their assigns.

Section 6. That in case the said grantee, its successors or assigns, discontinue, refuse or neglect to supply water to the said inhabitants of the said Original Townsite of Las Vegas, insofar as permitted by said Public Service Commission to do so, at any time for and during the term of six months at any one time after the period hereinafter prescribed for the completion of the water system and the commencement of furnishing water to the inhabitants of said Original Townsite of Las Vegas, then this ordinance and franchise shall be null and void, and the City Commissioners may order the removal of the mains, pipes, appliances and appurtenances, so installed, laid down or placed by said grantee or its assigns in, through, over, across, under or along the public streets, alleys or public grounds of said Original Townsite of Las Vegas, and may declare the same a public nuisance; provided, how-

ever, that before this ordinance and franchise shall become null and void, or any action taken as in this paragraph provided, the Board of Commissioners shall first give to said grantee, its successors, or assigns, thirty days notice in writing to comply with the provisions of this paragraph.

Section 7. Within six months after the passage of this Ordinance the said grantee, its successors, or assigns, shall file in the office of the City Clerk of the City of Las Vegas a plat of the mains proposed to be laid, showing proposed location and position thereof.

Section 8. The work of installing and laying down of said mains, laterals and pipes shall be commenced within six months after the passage of this Ordinance, and said work shall be completed and the plant in operation and furnishing water to the inhabitants of the said Original Townsite of Las Vegas, within one year after the passage of this Ordinance.

Section 9. The privileges hereby granted to said grantee, shall inure to the benefit of said grantee, its successors and assigns, for the period of fifty years from and after the passage of this Ordinance; provided, said grantee shall not be entitled to assign this franchise or any rights hereunder without the consent of the Board of City Commissioners of said City first had and obtained in writing.

Section 10. This Ordinance shall take effect and be in force from and after its passage and publication and acceptance, and the grantee herein shall pay the expenses of publishing the same. This Ordinance shall be published for one week (one issue) in Las Vegas Age, a weekly newspaper published in said City of Las Vegas. Acceptance hereof by said grantee shall be filed in writing with the City Clerk of said City within sixty days from the date of passage of this Ordinance.

WHEREAS, the Original Townsite of Las Vegas has no water available to supply the inhabitants therein nor water available for fire protection, and

WHEREAS Las Vegas Land and Water Company is willing to extend its water mains and provide an adequate water supply to the inhabitants of said Original Townsite of Las Vegas, and to provide water for fire protection immediately upon the passage of an ordinance authorizing the use of the streets, alleys and public grounds in said original townsite of Las Vegas, and

WHEREAS, such water supply to the said inhabitants and for fire protection is immediately needed, and an emergency exists therefor.

It is hereby declared that an emergency exists for the immediate passage of this ordinance.

Passed and adopted as an emergency ordinance upon the consent of the Whole Board of Commissioners first had and obtained, on this 2nd day of September, 1927, at a regular adjourned meeting of said Board of Commissioners, the vote on said ordinance being as follows:

Commissioners Mundy, Neagle, German, Smith and his honor, the Mayor, J. F. Hesse, voting Aye. Noes, None.

Approved September 2nd, 1927.

J. F. HESSE,
Mayor.

ATTEST:
WIM. L. SCOTT,
City Clerk.

(Seal)

Date of publication Sept. 3, 1927.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA

County of Clark

} ss.

CHAS. P. SQUIRES, being first duly sworn, deposes and says: That he is publisher of the LAS VEGAS AGE, a weekly newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached Ordinance No. 126 of the City of Las Vegas, Nevada,

was continuously published in said newspaper for a period of One week

from September 3, 1927

~~to~~

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

September 3, 1927

That said newspaper was regularly issued and circulated on each of the dates above named. That the charge for publishing the same was \$43.00

Signed

Chas P Squires

Subscribed and sworn to before me this 10th day of September, 1927

C. D. Trege

Notary Public in and for Clark County, Nevada.

My Commission Expires

May 26, 1931