

Ordinance No 119

An Ordinance authorizing C. O. Lauritzen and George P. Peabody, and their assigns, to instal, lay down and maintain gas mains, distributing pipes and supply pipes, 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 of the City of Las Vegas in carrying on the business of furnishing gas to the inhabitants of said City for heating, lighting, power and other uses and purposes, and establishing regulations and conditions in connection therewith.

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

Section 1. That a franchise be and the same is hereby granted to C. O. Lauritzen and George P. Peabody, and to their assigns, to instal, lay down and maintain gas mains and distributing pipes, and supply pipes, 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 of the said City of Las Vegas, including Clark's Las Vegas Townsite, the Original Townsite of Las Vegas and all additions and subdivisions now existing as a part of said City and all additions and subdivisions which may hereafter be added to said City of Las Vegas during the life of this franchise, as the grantees, or their assigns, may deem necessary or expedient in carrying on the business of furnishing gas to the inhabitants of said City of Las Vegas for heating, lighting, power and other uses and purposes.

Section 2. For the purposes aforesaid the said grantees, and their assigns, shall have the right to make the necessary excavations in said streets, alleys and public grounds; provided, the said grantees, or their assigns, shall:

(a) In all cases, after making any excavation in the streets, alleys or public grounds, promptly restore such street, alley or public ground to its former condition.

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

(c) At all times hold said City of Las Vegas free and harmless from any and all liability, damages, costs, attorneys fees and expenses incurred by reason of damage to persons or property caused by such

**CITY
CLERK'S
FILE**

excavations made in such streets, alleys, or public grounds.

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

3 1. That the municipal authorities shall further have the power
4 to make all necessary rules and regulations for the laying and main-
5 taining of all such mains, distributing pipes, supply pipes, ap-
6 pliances and appurtenances, and shall have power to change the rules
7 and regulations from time to time as in their judgment may seem just
8 and proper.

9 2. The municipal authorities shall also have the right to direct
10 the change in location at any time of such gas mains, distributing
11 pipes, supply pipes, appliances and appurtenances, and to establish
12 and change the grades of said streets, alleys and public grounds.

13 3. Said grantees, and their assigns, shall at all times keep said
14 gas mains, distributing pipes, supply pipes, appliances and appurten-
15 ances in proper condition and repair, so that the same shall not
16 damage or obstruct the use of said streets, alleys or public grounds
17 for travel or for public uses by reason of leakages or otherwise.

18 Section 4. A violation of any of the provisions of this Franchise
19 shall be grounds for and entitle said City to revoke and annul this
20 franchise in whole or in part, or said City may pursue such other
21 remedy or course as the law permits. Said City hereby reserves all
22 rights incident to the grantor of a municipal franchise, and this
23 Franchise is granted subject to the supervisory regulation and control
24 by the Public Service Commission of the State of Nevada of the bus-
25 iness of so furnishing gas to the inhabitants of the City of Las Vegas
26 by said grantees and their assigns.

27 Section 5. This Franchise shall not be construed to authorize the
28 grantees, or their assigns, to use or to acquire any rights in,
29 any of the streets, alleys or public grounds of the City of Las
30 Vegas inconsistent with the future legitimate uses of such streets,
31 alleys or public grounds by said City of Las Vegas, nor shall the
32 grant hereby made operate in itself nor by lapse of time or by the
expenditure of moneys by grantees, or their 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 grantees, or their assigns, nor to establish any rights in the grantees, or their 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 grantees, or their assigns, discontinue, refuse or neglect to manufacture and supply gas to the said City or its inhabitants, 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 ~~period~~ completion of the gas plant and the commencement of furnishing of gas to the inhabitants of said City, 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 grantees, or their assigns in, through, over, across, under or along the public streets, alleys or public grounds of said City 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 grantees, or their 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 grantees, or their 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 and pipes shall be commenced within six months after the passage of this Ordinance, and said work shall be completed and the gas plant be in operation and furnishing gas to the inhabitants of the City of Las Vegas within one year after the passage of this Ordinance.

Section 9. The privileges hereby granted to said grantees shall

1926

inure to the benefit of said grantees, and their assigns, for the period of fifty years from and after the passage of this Ordinance; provided, said grantees 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, except that permission is hereby given to said grantees to assign this Franchise to (Las Vegas Gas Company), a corporation to be organized by said grantees; and in the event of such assignment the provision hereinbefore made against assignment without written consent shall thereafter apply to said corporation, and to its successors and assigns.

Section 10. This Ordinance shall take effect and be in force from and after its passage and publication and acceptance, and the grantees herein shall pay the expense 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 grantees shall be filed in writing with the City Clerk of said City within thirty days from the date of 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 5th day of August, 1926, the vote on said Ordinance being as follows: Commissioners Mundy, Elmer and
This Honor the Mayor, J. F. Hease voting aye. Noes, - none.

Approved Aug. 5, 1926.

J. F. Hease
Mayor

Attest:

Theresa S. Roberts
City Clerk.

Acceptance of Gas Franchise under Ordinance No. 119 of the City of Las Vegas.

The undersigned, C. O. Lauritzen and George P. Peabody, being the grantess of a franchise under the terms of that certain Ordinance of the City of Las Vegas, in the County of Clark, State of Nevada, numbered 119, and entitled:

"An Ordinance authorizing C. O. Lauritzen and George P. Peabody, and their assigns, to instal, law down and maintain gas mains, distributing pipes and supply pipes, 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 of the City of Las Vegas, in carrying on the business of furnishing gas to the inhabitants of said City for heating, lighting and power, and other uses and purposes, and establishing regulations and conditions in connection therewith."

which said Ordinance was passed and approved on the 5th day of August, 1926, do hereby accept the terms and conditions of said Ordinance and Franchise and the whole thereof, as provided by Section 10 thereof.

Dated this 15th day of August, A. D., 1926.

C O Lauritzen
George P. Peabody

State of California)
County of Los Angeles) :ss

On this 16 day of August, 1926, before me, the undersigned, a Notary Public in and for the County of Los Angeles, State of California, duly authorized, commissioned and sworn, personally appeared C. O. Lauritzen, to me known to be the person described in and who executed the foregoing instrument; and he acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County of Los Angeles the day and year in this certificate last above written.

Frank N. Garies
Notary Public in and for the County of Los Angeles, State of California
My Comm. expires Jan 18th 1929

State of Nevada)
County of Clark) :ss

On this 18th day of August, 1926, before me, the undersigned, a Notary Public in and for the County of Clark, State of Nevada, personally appeared George P. Peabody, to me known to be the person described in and who executed the foregoing instrument as one of the parties thereto; and he acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County of Clark the day and year in this certificate last above written.

Edgar J. Dupray
Notary Public in and for the County of Clark, State of Nevada.

Whereas on the 5th day of August, 1926 a franchise was granted C. O. Lauritzen and George P. Peabody permitting them to install, lay down and maintain gas mains and distributing pipes, and all necessary and proper appliances used for the purpose of, and in connection with the supplying of gas to the inhabitants of the City of Las Vegas, Nevada; and

Whereas in said franchise it is provided that the said franchise could be by said Lauritzen and Peabody assigned on the written consent of the Board of City Commissioners of said City; and said franchise having been on the 15th day of August, 1926, accepted by said Lauritzen and Peabody;

Now therefore, we, the undersigned, owners of said franchise, in compliance with said proviso hereby request permission of your Honorable body to assign said franchise to the Clark County Gas Company, a corporation organized and existing under and by virtue of the laws of the State of Nevada.

Dated at Las Vegas, Nevada, this 2nd day of September, 1926.

C. O. Lauritzen

George P. Peabody
by C. O. Lauritzen