

Affidavit of Publication

Chas. C. Corkhill being first duly sworn, deposes and says: That he is a citizen of the United States, over the age of eighteen years; that he is the publisher

of the Clark County Review, a weekly newspaper of general circulation printed and published at Las Vegas, Clark County, Nevada, and that the Ordinance No. 26 of the City of Las Vegas, Nevada

ORDINANCE NO. 26.

Franchise granting to Philip K. Buck, his successors and assigns, to install, maintain and operate a system of water works in Buck's sub-division of Las Vegas, and to make extensions thereto from time to time, and prescribing the terms and conditions under which this franchise is granted.

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

Sec. 1. A franchise, right and privilege hereby is given and granted by the Board of City Commissioners of the City of Las Vegas, County of Clark, State of Nevada, to Philip K. Buck, and to his successors and assigns, to construct, install, lay, operate, maintain and manage for municipal, agricultural, household and other purposes a system of water pipe lines and water mains, and connections and laterals thereto, and all necessary and proper appliances used in connection therewith, or appurtenant thereto, in, through, over, across, under or along each and all of the avenues, streets and alleys of Buck's Sub-division of Las Vegas according to the official and recorded plat of survey thereof, for the purpose of supplying the said Sub-division and its inhabitants with water for all necessary and useful purposes; with the right to said grantee to extend said water system into any and all additions or sub-divisions of the Town of Las Vegas or of the City of Las Vegas which now exist or which may hereafter be laid out and created within the boundaries of the City of Las Vegas; and the franchise and privilege hereby granted shall also extend into and over Clark's Las Vegas Townsite.

Sec. 2. That for the purpose of maintaining said system of waterworks, and of extending the same from time, as necessity may require, the said grantee is and his successors and assigns are hereby given and granted a right of way over and through the streets and alleys in said sub-division and in all of the territory within the limits of the City of Las Vegas covered by this franchise, with the right to make the necessary excavations in said streets and alleys, in order to lay its water pipes therein, and to make all necessary repairs to said system of water works, or any part thereof.

Sec. 3. In consideration of the grant of the franchise, right and privilege hereby given, the said grantee, its successors and assigns, agree to:

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

(b) Hold said City of Las Vegas harmless from any and all liability for damages to persons or property caused by excavations made in the streets and alleys within the territory to which this franchise extends.

Sec. 4.

(a) The municipal authorities shall have the power to regulate and change from time to time as may seem just and proper the water rates charged to consumers. Provided, that no rate shall be changed during a period of less than one year after being fixed, and that notice of intention to change rates shall be given to the grantee or his legal representative thirty days prior to the date set for the consideration of such changes, at which time the grantee or his representative may appear and have a hearing.

of which the attached is a true and correct copy, was published in said paper one consecutive issues, on the following dates, to wit: March 9th, 1912

Chas. C. Corkhill

Subscribed and sworn to before me, this 20th day of April, A. D. 1912

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(b) The municipal authorities shall further have the power to make all necessary rules and regulations for the laying and maintaining of all water pipe and apparatuses, and specify the sizes laid under or upon the streets, alleys, roads, highways or sidewalks and to order extensions of mains made within the City limits as in their judgment they shall deem just and proper, and to require that proper and efficient service is given to all consumers from whom water rentals and charges are collected.

(c) The municipal authorities shall have the power to change the rules and regulations from time to time as in their judgment may seem just and proper, and all rules formulated by the grantee shall be approved by the municipality before being put into effect.

Sec. 5. The rights and privileges herein granted shall continue in force and effect for the term of twenty-five years from and after the date of the granting of this franchise.

Sec. 6. There may be a charge of not to exceed Five Dollars allowed for each tapping of watermains, and such tapping shall include carrying pipe and water to property line.

Sec. 7. Water for all public municipal buildings and grounds and public parks, for flushing of public sewers, for street sprinkling, for one public drinking fountain, for one public water trough, for the extinguishing of fires, and for fire practice or testing of fire plugs shall be free; provided, however, that there may be a charge agreed upon for each fire hydrant of not to exceed Six Dollars per year, when a minimum pressure of Seventy-five pounds per square inch shall be maintained.

Sec. 8. That at the expiration of fifteen years after the passage of this ordinance, and at the expiration of each succeeding five years thereafter, the said City shall have the right to purchase said works and system, provided it notify the said person to whom this franchise is granted or his assigns, of its intention so to do at least one year before the expiration of said period or periods of years. In order to establish the value of said water works and system the person to whom this franchise is granted, or his assigns, and the said City of Las Vegas shall appoint one person each, and the two appointees shall choose a third, and the three persons thus chosen, who shall be practical water system men, shall constitute a board to determine the value of said works and system. he said works and system shall be deemed to include the source or sources of water supply.

The said Board in fixing the value of said works and system shall take into consideration the cost of erection and installation of said system and works, the cost of erection or installation of a new system and works of like character, the earning capacity of said works and system, and all other facts and considerations legitimately connected with the said works and system. And for that purpose it shall have access to the books of the person to whom this franchise is granted, or his assigns, to ascertain the facts above mentioned.

The City shall within sixty days after the said board has rendered its decision, pay the amount awarded in cash, and upon such payment the said Philip K. Buck, his successors or assigns shall transfer to the said City of Las Vegas all their said rights and privileges and property included in said appraisalment.

Sec. 9. This Ordinance shall take effect and be in force from and after its passage and publication and acceptance, and Philip K. Buck shall pay the expense of publishing the same. Acceptance hereof by said grantee shall be filed in writing with the City Clerk within thirty days from the date of passage.

Passed by the Board of City Commissioners this 6th day of March, 1912 upon the following vote:

Ayes: Commissioners Coughlin, Stewart, McGovern, Von Tubel and Mayor Peter Buol, aye.

First reading Feb. 7th, 1912.

Second reading March 6th, 1912.

Approved,

PETER BUOL,

Mayor

Attest

HARLEY A. HARMON,

[SEAL]

City Clerk.