

Ordinance No. 136

An Ordinance authorizing R. F. CRITTENDEN, and his 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 COMMISSIONERS OF THE CITY OF LAS VEGAS DO
ORDAIN AS FOLLOWS:

Section 1. That a franchise be and the same is hereby granted to R. F. CRITTENDEN, and to his 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 grantee, or his 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 grantee, and his assigns, shall have the right to make the necessary excavations in said streets, alleys and public grounds; provided, the said grantee, or his 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 here-

1 after be adopted, relative to the making of excavations in such
2 streets, alleys and public grounds.

3 (c) At all times hold said City of Las Vegas free and
4 harmless from any and all liability, damages, costs, attorneys
5 fees and expenses incurred by reason of damage to persons or pro-
6 perty caused by such excavations made in such streets, alleys or
7 public grounds.

8 Section 3. As further conditions upon which this fran-
9 chise is granted, it is provided:

10 1. That the municipal authorities shall further have the
11 power to make all necessary rules and regulations for the laying
12 and maintaining of all such mains, distributing pipes, supply
13 pipes, appliances and appurtenances, and shall have power to
14 change the rules and regulations from time to time as in their
15 judgment may seem just and proper.

16 2. The municipal authorities shall also have the right to
17 direct the change in location at any time of such gas mains, dis-
18 tributing pipes, supply pipes, appliances and appurtenances, and
19 to establish and change the grades of said streets, alleys and
20 public grounds.

21 3. Said grantee, and his assigns, shall at all times keep
22 said gas mains, distributing pipes, supply pipes, appliances and
23 appurtenances in proper condition and repair, so that the same
24 shall not damage or obstruct the use of said streets, alleys or
25 public grounds for travel or for public uses by reason of leak-
26 ages or otherwise.

27 Section 4. A violation of any of the provisions of this
28 Franchise shall be grounds for and entitle said City to revoke and
29 annul this franchise in whole or in part, or said City may pursue
30 such other remedy or course as the law permits. Said City hereby
31 reserves all rights incident to the grantor of a municipal fran-
32 chise, and this Franchise is granted subject to the supervisory

1 regulation and control by the Public Service Commission of the
2 State of Nevada of the business of so furnishing gas to the inhab-
3 itants of the City of Las Vegas by said grantee and his assigns.

4 Section 5. This Franchise shall not be construed to
5 authorize the grantee, or his assigns, to use or to acquire any
6 rights in, any of the streets, alleys or public grounds of the
7 City of Las Vegas inconsistent with the future legitimate use of
8 such streets, alleys or public grounds by said City of Las Vegas,
9 nor shall the grant hereby made operate in itself nor by lapse
10 of time or by the expenditure of money by grantee, or his assigns,
11 as an estoppel against said City of Las Vegas in any respect what-
12 soever. Nor shall this Franchise be construed as a grant of any
13 right or privilege adverse to the rights of any abutting owner
14 or owners of property along any of the streets, alleys or public
15 grounds where said pipes, mains, appliances or appurtenances may
16 be placed or maintained by said grantee, or his assigns, nor to
17 establish any rights in the grantee, or his assigns, contrary to
18 or inconsistent with the right of the original dedicators of
19 said streets, alleys or public grounds, or their assigns.

20 Section 6. That in case the said grantee, or his assigns,
21 discontinue, refuse or neglect to manufacture and supply gas to
22 the said City or its inhabitants, insofar as permitted by said
23 Public Service Commission to do so, at any time for and during the
24 term of six months at any one time after the period hereinafter
25 prescribed for the completion of the gas plant and the commence-
26 ment of furnishing of gas to the inhabitants of said City, then
27 this ordinance and franchise shall be null and void, and the City
28 Commissioners may order the removal of the mains, pipes, appli-
29 ances and appurtenances, so installed, laid down or placed by said
30 grantee, or his assigns, in, through, over, across, under or along
31 the public streets, alleys or public grounds of said City of Las
32 Vegas, and may declare the same a public nuisance; provided, that

1 before this ordinance and franchise shall become null and void,
2 or any action taken as in this paragraph provided, the Board of
3 Commissioners shall first give to said grantee, or his assigns,
4 thirty days notice in writing to comply with the provisions of
5 this paragraph.

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

11 Section 8. The work of installing, and laying down of said
12 mains and pipes shall be commenced within six months after the
13 passage of this Ordinance, and said work shall be completed and
14 the gas plant be in operation and furnishing gas to the inhabi-
15 tants of the City of Las Vegas within one year after the passage
16 of this Ordinance.

17 Section 9. The privileges hereby granted to said grantee
18 shall inure to the benefit of said grantee, and his assigns, for
19 the period of fifty years from and after the passage of this Ordinance;
20 provided, said grantee shall not be entitled to assign
21 this franchise or any rights thereunder without the consent of the
22 Board of City Commissioners of said City first had and obtained in
23 writing, except that permission is hereby given to said grantee
24 to assign this Franchise to a corporation to be organized by said
25 grantee; and in the event of such assignment the provision here-
26 inbefore made against assignment without written consent shall
27 thereafter apply to said corporation, and to its successors and
28 assigns.

29 Section 10. This ordinance shall take effect and be in
30 force from and after its passage and publication and acceptance,
31 and the grantee herein shall pay the expense of publishing the
32 same. This Ordinance shall be published for one week (~~one issue~~)

1 in Las Vegas ^{Evening daily} Review, a ~~weekly~~ newspaper published in said City
2 of Las Vegas. Acceptance hereof by said grantee shall be filed
3 in writing with the City Clerk of said City within thirty days
4 from the date of passage of this Ordinance.

5 Passed and adopted as ~~an emergency ordinance~~, upon the
6 ~~consent of the whole Board of Commissioners first had and obtained~~,
7 on this 2nd day of ^{May} ~~April~~, 1929, the vote on said Ordinance
8 being as follows: Commissioners Smith, German and
9 Mayor Protem Mundy voting aye.

10 Noes, ~~None~~ ^{First reading April 15, 1929. Second reading}
11 May 2, 1929

12 Approved ^{May} ~~April~~ 2nd, 1929.

13 J. P. Kesse
14 Mayor ~~Protem~~

15 Attest:

16 Wm L. Scott
17 City Clerk

ORDINANCE, NO. 136

An Ordinance authorizing R. F. CRITTENDEN, and his 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 Commissioners of the City of Las Vegas Do Ordain as Follows:

Section 1. That a franchise be and the same is hereby granted to R. F. CRITTENDEN, and to his 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 grantee, or his 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 grantee, and his assigns, shall have the right to make the necessary excavations in said streets, alleys and public grounds; provided, the said grantee, or his 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 excavations made in such streets, alleys or public grounds.

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 necessary rules and regulations for the laying and maintaining of all such mains, distributing pipes, supply pipes, appliances and appurtenances, and shall have 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 gas mains, distributing pipes, supply pipes, appliances and appurtenances, and to establish and change the grades of said streets, alleys and public grounds.

3. Said grantee, and his assigns, shall at all times keep said gas mains, distributing pipes, supply pipes, appliances and appurtenances in proper condition and repair, so that the same shall not damage or obstruct the use of said streets, alleys or public grounds for travel or for public uses by reason of leakages or otherwise.

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 gas to the inhabitants of the City of Las Vegas by said grantee and his assigns.

Section 5. This Franchise shall not be construed to authorize the grantee, or his 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 use 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 money by grantee, or his 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, or his assigns, nor to establish any rights in the grantee, or his assigns, contrary to or inconsistent with the right of the original dedicators of said streets, alleys or public grounds, or their assigns.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
County of Clark, } ss.

A. E. Cahlan, being first duly sworn,

deposes and says: That he is editor of the

LAS VEGAS REVIEW, a daily newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached Ordinance No. 136

was continuously published in said newspaper for a period of every day for one week

from May 7 to May 13 inc, 1929

inclusive, being the issues of said newspaper for the following dates, to-wit: May 7, 8, 9, 10, 11, 13, 1929

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

Signed *A. E. Cahlan*

Subscribed and sworn to before me this 25th

day of May, 1929

My Commission Expires

May 26, 1931

C. D. Treeze
Notary Public in and for Clark County, Nevada

Section 6. That in case the said grantee, or his 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 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 grantee, or his 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, 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, or his 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, or his 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 grantee shall inure to the benefit of said grantee, and his 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 thereunder 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 grantee to assign this franchise to a corporation to be organized by said grantee; 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 grantee herein shall pay the expense of publishing the same. This Ordinance shall be published for one week in the Las Vegas Evening Review, a daily 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 thirty days from the date of passage of this Ordinance.

Passed and adopted on this 2nd day of May, 1929, the vote on said Ordinance being as follows: Commissioners Smith, German and Mayor Pro Tem Mundy voting aye. Nöes, none.

First reading April 15, 1929; second reading May 2, 1929.

Approved, May 2nd, 1929.

J. F. HESSE, Mayor.

Attest:

Wm. L. Scott, City Clerk.
(Seal).

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