

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 84221

CITY OF LAS VEGAS, a political subdivision of the State of Nevada

Petitioner

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for
the County of Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents

and

180 LAND CO, LLC, a Nevada limited-liability company, FORE STARS LTD., a
Nevada limited liability company,

Real Parties in Interest

District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

APPENDIX VOLUME VII
PETITIONER'S SUPPLEMENTAL APPENDIX IN SUPPORT OF WRIT
OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF CERTIORARI

<p>LAS VEGAS CITY ATTORNEY'S OFFICE Bryan K. Scott (#4381) Philip R. Byrnes (#166) Rebecca Wolfson (#14132) 495 S. Main Street, 6th Floor Las Vegas, NV 89101 Phone: 702.229.6629 Fax: 702.386.1749 bscott@lasvegasnevada.gov pbyrnes@lasvegasnevada.gov rwolfson@lasvegasnevada.gov</p>	<p>McDONALD CARANO LLP George F. Ogilvie III (#3552) Amanda C. Yen (#9726) Christopher Molina (#14092) 2300 W. Sahara Ave, Suite 1200 Las Vegas, NV 89102 Phone: 702.873.4100 Fax: 702.873.9966 gogilvie@mcdonaldcarano.com ayen@mcdonaldcarano.com cmolina@mcdonaldcarano.com</p>
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<p>LEONARD LAW, PC Debbie Leonard (#8260) 955 S. Virginia St., Suite #220 Reno, NV 89502 775-964-4656 debbie@leonardlawpc.com</p>	<p>SHUTE, MIHALY & WEINBERGER, LLP Andrew W. Schwartz (CA Bar No. 87699) (Admitted pro hac vice) Lauren M. Tarpey (CA Bar No. 321775) (Admitted pro hac vice) 396 Hayes Street San Francisco, California 94102</p>
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Attorneys for Petitioner

CHRONOLOGICAL INDEX TO PETITIONER'S APPENDIX

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2017-07-18	Landowners' Petition for Judicial Review	I	PA0001	PA0008
2017-09-07	Landowners' First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation	I	PA0009	PA0027
2017-09-20	Affidavit of Service of Summons and First Amended Petition for Judicial Review on City of Las Vegas	I	PA0028	PA0028
2018-02-05	City of Las Vegas' Answer to First Amended Petition for Judicial Review	I	PA0029	PA0032
2018-02-23	Landowners' First Amended Complaint Pursuant to Court Order Entered February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0033	PA0049
2018-02-28	Landowners' Errata to First Amended Complaint Pursuant to Court Order Entered February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0050	PA0066
2018-02-28	Landowners' Second Amended Petition for Judicial Review to Sever Alternative Verified Claims in Inverse Condemnation per Court Order Entered on February 1, 2018	I	PA0067	PA0081

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2018-03-13	City's Answer to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0082	PA0085
2018-03-19	City's Answer to Second Amended Petition for Judicial Review	I	PA0086	PA0089
2018-06-26	Portions of Record on Review (ROR25813-25850)	I	PA0090	PA0127
2018-11-26	Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review	I	PA0128	PA0155
2018-12-11	Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims (Exhibits omitted)	I	PA0156	PA0174
2018-12-13	Landowners' Motion for a New Trial Pursuant to NRCP 59(e)	I	PA0175	PA0202
2018-12-20	Notice of Appeal	I	PA0203	PA0206
2019-02-06	Notice of Entry of Order <i>NUNC PRO TUNC</i> Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018	I	PA0207	PA0212

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2019-05-08	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff's Motion for a New Trial, Motion to Alter or Amend and/or Reconsider the Findings of Fact and Conclusions of Law, and Motion to Stay Pending Nevada Supreme Court Directives	II	PA0213	PA0228
2019-05-15	Landowners' Second Amended and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	PA0229	PA0266
2019-06-18	City's Answer to Plaintiff 180 Land Company's Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	PA0267	PA0278
2020-07-20	Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	PA0279	PA0283
2020-08-31	Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	PA0284	PA0287
2020-10-12	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	II	PA0288	PA0295

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2020-12-16	2 nd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	PA0296	PA0299
2021-02-10	3 rd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	PA0300	PA0303
2021-03-26	Appendix of Exhibits in Support of Plaintiff Landowner's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief - Exhibit 150 (004669-004670)	II	PA0304	PA0309
2021-08-25	¹ City's Accumulated App'x Exhibit G - Ordinance No. 3472 and related documents (Second Amendment) (CLV65-000114-000137)	II	PA0310	PA0334
2021-08-25	City's Accumulated App'x Exhibit H - City records regarding Amendment to Peccole Ranch Master Plan and Z-17-90 phase II rezoning application (CLV65-000138-000194)	II	PA0335	PA0392

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2021-08-25	City's Accumulated App'x Exhibit M - Miscellaneous Southwest Sector (CLV65-000274-000277)	II	PA0422	PA0426
2021-08-25	City's Accumulated App'x Exhibit N - Ordinance No. 5787 and Excerpts of 2005 Land Use Element (CLV65-000278-000291)	III	PA0427	PA0441
2021-08-25	City's Accumulated App'x Exhibit P - Ordinance No. 6152 and Excerpts of 2012 Land Use & Rural Neighborhoods Preservation Element (CLV65-000302-000317)	III	PA0442	PA0458

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2021-08-25	City's Accumulated App'x Exhibit GGG - September 1, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Final Entitlements for 435- Unit Housing Development Project in Badlands (1021-1026)	IV	PA0630	PA0636

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2021-08-25	City's Accumulated App'x Exhibit III - 9 th Circuit Order in <i>180 Land Co. LLC; et al v. City of Las Vegas, et al.</i> , 18-cv-0547 (Oct. 19, 2020) (1123-1127)	IV	PA0666	PA0671
2021-08-25	City's Accumulated App'x Exhibit NNN - March 26, 2020 Letter from City of Las Vegas to Landowners' Counsel (CLV65-000967-000968)	IV	PA0672	PA0674
2021-08-25	City's Accumulated App'x Exhibit OOO - March 26, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 133 Acres (CLV65-000971-000973)	IV	PA0675	PA0678
2021-08-25	City's Accumulated App'x Exhibit PPP - April 15, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 35 Acres –1 (CLV65-000969-000970)	IV	PA0679	PA0681

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2021-08-25	City's Accumulated App'x Exhibit CCCC - Notice of Entry of Findings of Fact and Conclusions of Law Granting City of Las Vegas' Motion for Summary Judgment in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-18-780184-C (Dec. 30, 2020) (1478-1515)	IV	PA0695	PA0733
2021-08-25	City's Accumulated App'x Exhibit DDDD - Peter Lowenstein Declaration and Ex. 9 thereto (1516-1522, 1554-1569)	IV	PA0734	PA0741Q
2021-08-25	City's Accumulated App'x Exhibit HHHH - State of Nevada State Board of Equalization Notice of Decision, <i>In the Matter of Fore Star Ltd., et al.</i> (Nov. 30, 2017) Decision (004220-004224) (Exhibits omitted)	IV	PA0742	PA0747

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2021-09-15	Appendix of Exhibits in support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third, and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment - Ex. 194 (6076-6083)	V	PA0748	PA0759
2021-09-22	City's Accumulated App'x Exhibit SSSS - Excerpts of NRCP 30(b)(6) Designee of Peccole Nevada Corporation – William Bayne (3776-3789)	V	PA0760	PA0774
2021-10-13	City's Accumulated App'x Exhibit YYYY- City Council Meeting of October 6, 2021 Verbatim Transcript – Agenda Item 63 (inadvertently omitted from the 10-13-2021 appendix. Errata filed 2/8/2022) (3898-3901)	V	PA0775	PA0779
2021-10-13	City's Accumulated App'x Exhibit ZZZZ - Transcripts of September 13 & 17, 2021 Hearing in the 133-Acre Case (Case No. A-18-775804-J) (Excerpts) (3902, 4029-4030, 4053-4054, 4060, 4112)	V	PA0780	PA0787

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2021-10-13	City's Accumulated App'x Exhibit WWW - October 1, 2021 Plaintiff Landowners' Motion on Order Shortening Time to Apply Issue Preclusion to the Property Interest Issue and Set a Hearing to Allow the Court to Consider a) Judge Williams' Findings of Fact and Conclusions of Law on the Take Issue; b) Evidence that was Presented in the 35 Acre Case on the Take Issue; and c) Very Recent Nevada and United States Supreme Court Precedent on the Take Issue Case No. A-18-780184-C (3816-3877)	V	PA0788	PA0850
2021-10-19	City's Accumulated App'x Exhibit BBBB - 2005 land use applications filed by the Peccole family (CLV110456, 126670, 137869, 126669, 126708)	V	PA0851	PA0857
2021-10-25	Notice of Entry of Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion on the Second Claim for Relief	V	PA0858	PA0910
2021-10-28	Decision of the Court	V	PA0911	PA0918

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2021-11-05	Notice of Entry of Findings of Fact and Conclusions of Law Denying City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time	V	PA0919	PA0930
2021-11-18	Findings of Fact and Conclusions of Law on Just Compensation	V	PA0931	PA0950
2021-11-18	Notice of Entry of Order Granting Plaintiffs' Motions in Limine No. 1, 2 and 3 Precluding the City from Presenting to the Jury: 1. Any Evidence or Reference to the Purchase Price of the Land; 2. Any Evidence or Reference to Source of Funds; 3. Argument that the Land was Dedicated as Open Space/City's PRMP and PROS Argument	V	PA0951	PA0967
2021-11-24	Landowners' Verified Memorandum of Costs (Exhibits omitted)	VI	PA0968	PA0972
2021-11-24	Notice of Entry of Findings of Fact and Conclusions of Law on Just Compensation	VI	PA0973	PA0995
2021-12-06	Landowners' Motion for Reimbursement of Property Taxes (Exhibits omitted)	VI	PA0996	PA1001
2021-12-09	Landowners' Motion for Attorney Fees	VI	PA1002	PA1030

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2021-12-09	Landowners' Motion to Determine Prejudgment Interest	VI	PA1031	PA1042
2021-12-21	City's Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution	VI	PA1043	PA1049
2021-12-22	City's Motion for Immediate Stay of Judgment	VI	PA1050	PA1126
2022-01-26	Court Minutes	VI	PA1127	PA1127
2022-02-10	Notice of Entry of Findings of Fact and Conclusions of Law and Order Denying the City's Motion for Immediate Stay of Judgment; and Granting Plaintiff Landowners' Countermotion to Order the city to Pay the Just Compensation	VI	PA1128	PA1139
2021-08-25	City's Accumulated App'x Exhibit VV – 2015 aerial photograph identifying Phase I and Phase II boundaries, retail development, hotel/casino, and Developer projects, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) (CLV65-000960)	VII	PA1140	PA1141

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2021-08-25	City's Accumulated App'x Exhibit WW – 2015 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) (CLV65-000961)	VII	PA1142	PA1143
2021-08-25	City's Accumulated App'x Exhibit XX – 2019 aerial photograph identifying Phase I and Phase II boundaries, and current assessor parcel numbers for the Badlands property, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) (CLV65-000962)	VII	PA1144	PA1145
2021-08-25	City's Accumulated App'x Exhibit LLL – Bill No. 2019-48, Ordinance No. 6720 (CLV65-001337-001341)	VII	PA1146	PA1151
2021-08-25	City's Accumulated App'x Exhibit MMM – Bill No. 2019-51, Ordinance No. 6722 (CLV65-001342-001349)	VII	PA1152	PA1160
2021-03-11	Court Minutes, Case No. A-18-780184-C	VII	PA1161	PA1162

ALPHABETICAL INDEX TO PETITIONER'S APPENDIX

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2021-08-25	City's Accumulated App'x Exhibit Z - General Plan Amendment (GPA-62387), Rezoning (ZON-62392) and Site Development Plan Review (SDR-62393) applications (CLV65-000446-000466)	III	PA0511	PA0532
2021-10-13	City's Accumulated App'x Exhibit ZZZZ - Transcripts of September 13 & 17, 2021 Hearing in the 133-Acre Case (Case No. A-18-775804-J) (Excerpts) (3902, 4029-4030, 4053-4054, 4060, 4112)	V	PA0780	PA0787
2018-03-13	City's Answer to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0082	PA0085
2019-06-18	City's Answer to Plaintiff 180 Land Company's Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	PA0267	PA0278

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2018-03-19	City's Answer to Second Amended Petition for Judicial Review	I	PA0086	PA0089
2021-12-22	City's Motion for Immediate Stay of Judgment	VI	PA1050	PA1126
2021-12-21	City's Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution	VI	PA1043	PA1049
2022-01-26	Court Minutes	VI	PA1127	PA1127
2021-03-11	Court Minutes, Case No. A-18-780184-C	VII	PA1161	PA1162
2021-10-28	Decision of the Court	V	PA0911	PA0918
2021-11-18	Findings of Fact and Conclusions of Law on Just Compensation	V	PA0931	PA0950
2018-02-28	Landowners' Errata to First Amended Complaint Pursuant to Court Order Entered February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0050	PA0066
2018-02-23	Landowners' First Amended Complaint Pursuant to Court Order Entered February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	PA0033	PA0049
2017-09-07	Landowners' First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation	I	PA0009	PA0027

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2018-12-13	Landowners' Motion for a New Trial Pursuant to NRCP 59(e)	I	PA0175	PA0202
2021-12-09	Landowners' Motion for Attorney Fees	VI	PA1002	PA1030
2021-12-06	Landowners' Motion for Reimbursement of Property Taxes (Exhibits omitted)	VI	PA0996	PA1001
2021-12-09	Landowners' Motion to Determine Prejudgment Interest	VI	PA1031	PA1042
2017-07-18	Landowners' Petition for Judicial Review	I	PA0001	PA0008
2018-12-11	Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims (Exhibits omitted)	I	PA0156	PA0174
2019-05-15	Landowners' Second Amended and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	PA0229	PA0266
2018-02-28	Landowners' Second Amended Petition for Judicial Review to Sever Alternative Verified Claims in Inverse Condemnation per Court Order Entered on February 1, 2018	I	PA0067	PA0081
2021-11-24	Landowners' Verified Memorandum of Costs (Exhibits omitted)	VI	PA0968	PA0972
2018-12-20	Notice of Appeal	I	PA0203	PA0206

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2022-02-10	Notice of Entry of Findings of Fact and Conclusions of Law and Order Denying the City's Motion for Immediate Stay of Judgment; and Granting Plaintiff Landowners' Countermotion to Order the city to Pay the Just Compensation	VI	PA1128	PA1139
2021-11-05	Notice of Entry of Findings of Fact and Conclusions of Law Denying City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time	V	PA0919	PA0930
2021-10-25	Notice of Entry of Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion on the Second Claim for Relief	V	PA0858	PA0910
2021-11-24	Notice of Entry of Findings of Fact and Conclusions of Law on Just Compensation	VI	PA0973	PA0995
2018-11-26	Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review	I	PA0128	PA0155

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2019-05-08	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff's Motion for a New Trial, Motion to Alter or Amend and/or Reconsider the Findings of Fact and Conclusions of Law, and Motion to Stay Pending Nevada Supreme Court Directives	II	PA0213	PA0228
2020-10-12	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	II	PA0288	PA0295
2021-11-18	Notice of Entry of Order Granting Plaintiffs' Motions in Limine No. 1, 2 and 3 Precluding the City from Presenting to the Jury: 1. Any Evidence or Reference to the Purchase Price of the Land; 2. Any Evidence or Reference to Source of Funds; 3. Argument that the Land was Dedicated as Open Space/City's PRMP and PROS Argument	V	PA0951	PA0967
2019-02-06	Notice of Entry of Order <i>NUNC PRO TUNC</i> Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018	I	PA0207	PA0212
2018-06-26	Portions of Record on Review (ROR25813-25850)	I	PA0090	PA0127

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2020-07-20	Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	PA0279	PA0283

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 15th day of March, 2022.

BY: /s/ Debbie Leonard

<p>LAS VEGAS CITY ATTORNEY'S OFFICE Bryan K. Scott (#4381) Philip R. Byrnes (#166) Rebecca Wolfson (#14132) 495 S. Main Street, 6th Floor Las Vegas, NV 89101 Phone: 702.229.6629 Fax: 702.386.1749 bscott@lasvegasnevada.gov pbyrnes@lasvegasnevada.gov rwolfson@lasvegasnevada.gov</p>	<p>McDONALD CARANO LLP George F. Ogilvie III (#3552) Amanda C. Yen (#9726) Christopher Molina (#14092) 2300 W. Sahara Ave, Suite 1200 Las Vegas, NV 89102 Phone: 702.873.4100 Fax: 702.873.9966 gogilvie@mcdonaldcarano.com ayen@mcdonaldcarano.com cmolina@mcdonaldcarano.com</p>
<p>LEONARD LAW, PC Debbie Leonard (#8260) 955 S. Virginia St., Suite #220 Reno, NV 89502 775-964-4656 debbie@leonardlawpc.com</p>	<p>SHUTE, MIHALY & WEINBERGER, LLP Andrew W. Schwartz (CA Bar No. 87699) (Admitted pro hac vice) Lauren M. Tarpey (CA Bar No. 321775) (Admitted pro hac vice) 396 Hayes Street San Francisco, California 94102</p>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Leonard Law, PC, and a copy of the foregoing document was electronically filed with the Clerk of the Court for the Nevada Supreme Court on today's date by using the Nevada Supreme Court's E-Filing system (E-Flex). Upon the Clerk's docketing of this case and e-filing of the foregoing document, participants in the case who are registered with E-Flex as users will be served by the E-Flex system. Others not registered will be served via U.S. mail at the following addresses on March 16, 2022.

The Honorable Timothy C. Williams
District Court Department XVI
Regional Justice Center
200 Lewis Avenue,
Las Vegas, Nevada 89155
dept16lc@clarkcountycourts.us
Respondent

LAW OFFICES OF KERMITT L.
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James J. Leavitt, Esq.
jim@kermittwaters.com
Michael A. Schneider, Esq.
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*Attorneys for Real Parties in Interest
180 Land Company, LLC and Fore
Stars Ltd.*

Dated: March 15th 2022

/s/ Tricia Trevino
An employee of Leonard Law, PC

EXHIBIT “VV”

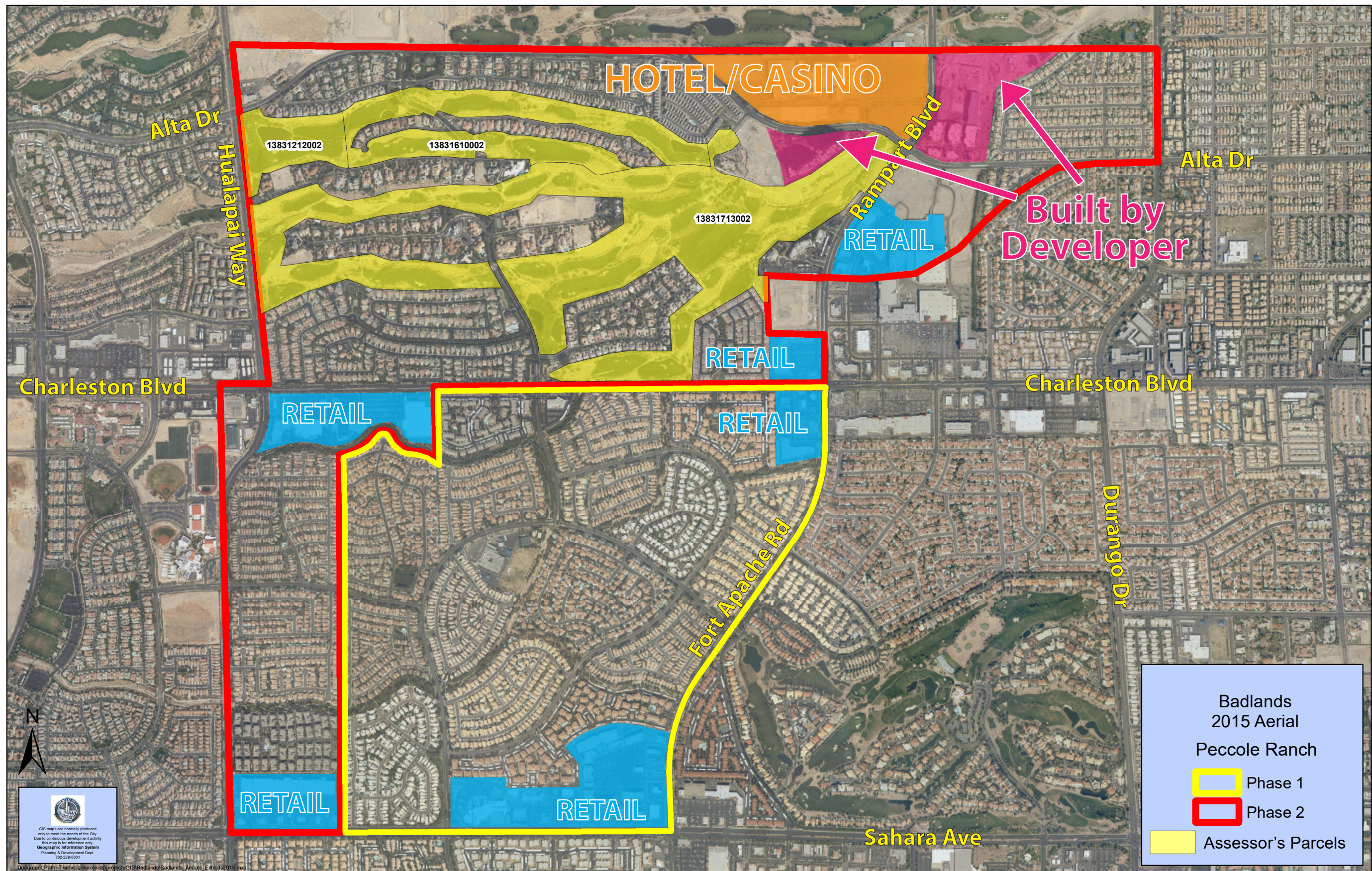


EXHIBIT “WW”

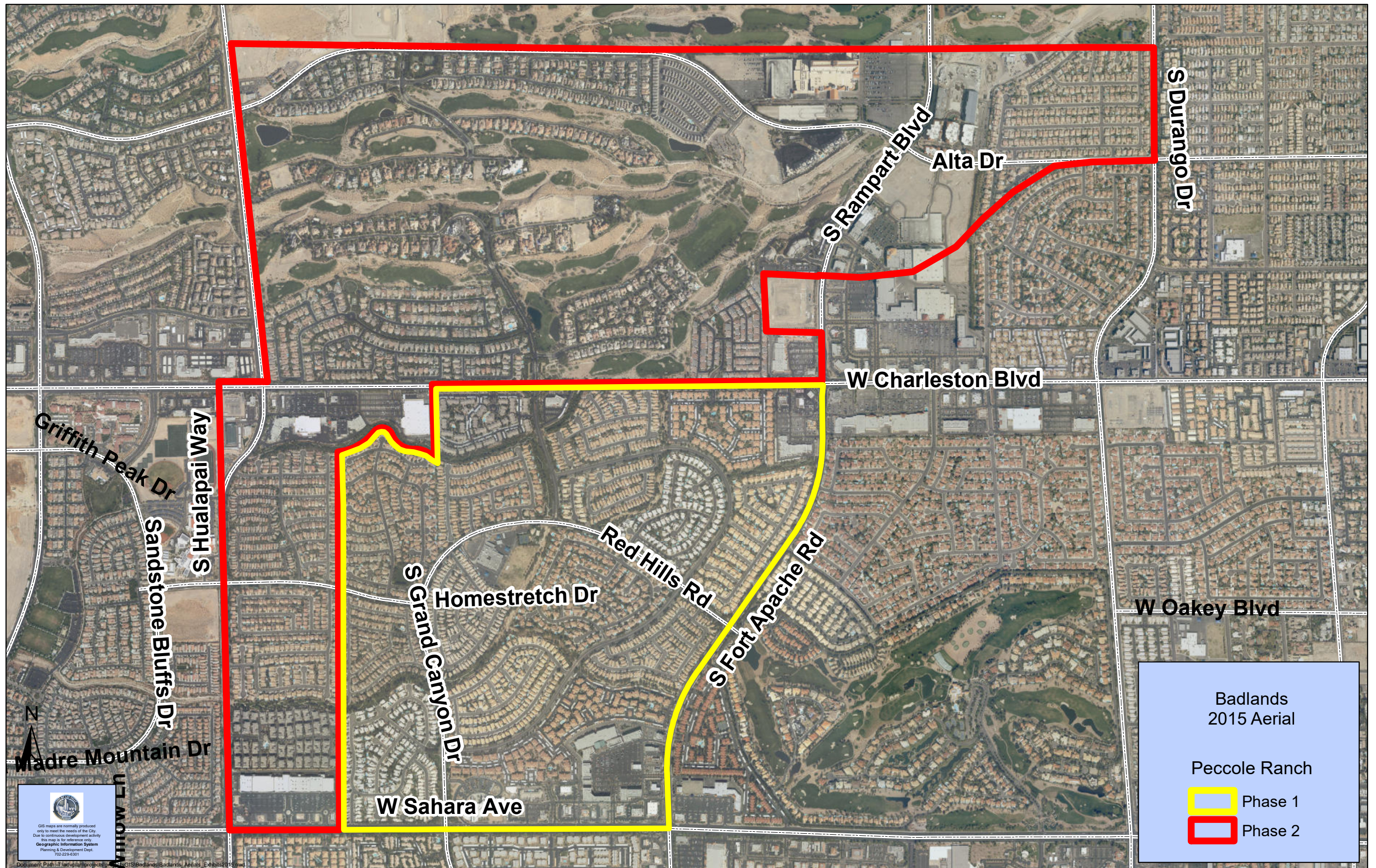


EXHIBIT “XX”

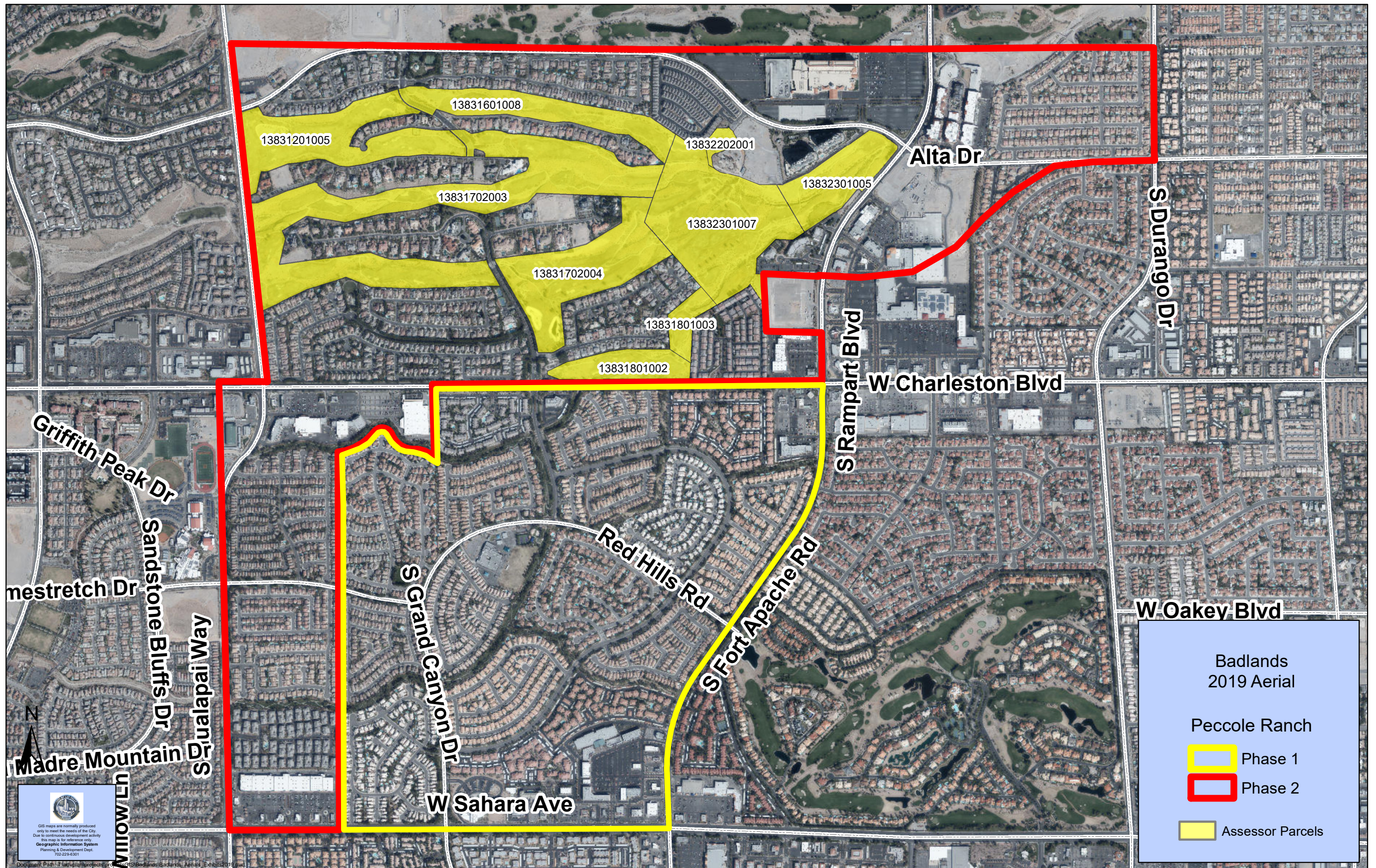


EXHIBIT “LLL”

S.V

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BILL NO. 2019-48

ORDINANCE NO. 6720

AN ORDINANCE TO REPEAL LVMC 19.16.105, PERTAINING TO THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman	Summary: Repeals LVMC 19.16.105, pertaining to the repurposing of certain golf courses and open spaces.
--	---

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 16, Section 105, is hereby repealed in its entirety.

SECTION 3: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendment set forth in Section 2 of this Ordinance.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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1 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 15th day of January, ²⁰²⁰ 2019.

5 APPROVED:

6 By C. Goodman
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 Luann D. Holmes
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 11-6-19
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of November, 2019, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 15th day of January,
4 2020, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Knudsen, and
8 Seaman

9 VOTING "NAY": Anthony, Crear and Diaz

10 EXCUSED: None

11 ABSTAINED: None

12
13
14 APPROVED:

15 
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2019 DEC 10 A 11: 27

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001080913

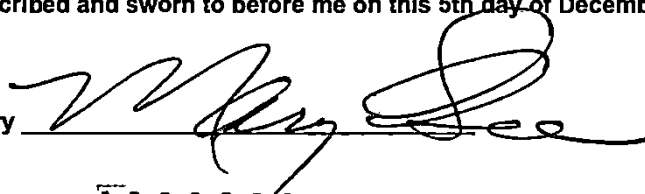
Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/05/2019 to 12/05/2019, on the following days:

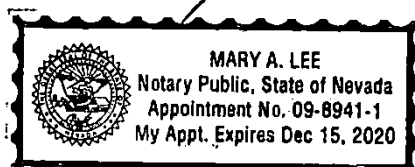
12 / 05 / 19

BILL NO. 2019-48
AN ORDINANCE TO REPEAL
LVMC 19.16.105, PERTAINING TO
THE REPURPOSING OF CERTAIN
GOLF COURSES AND OPEN
SPACES, AND TO PROVIDE FOR
OTHER RELATED MATTERS.
Sponsored by:
Councilwoman Victoria Seaman
Summary: Repeals LVMC
19.16.105, pertaining to the
repurposing of certain golf
courses and open spaces.
At the City Council meeting of
November 20, 2019
BILL NO. 2019-48 WAS READ BY
TITLE
AND REFERRED TO A
RECOMMENDING COMMITTEE
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA
PUB: Dec. 5, 2019
LV Review-Journal

12/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 5th day of December, 2019

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001088192

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CITY CLERK

2020 JAN 27 A 11:50

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/18/2020 to 01/18/2020, on the following days:

01 / 18 / 20

**BILL NO. 2019-48
ORDINANCE NO. 6720**

AN ORDINANCE TO REPEAL LVMC 19.16.105, PERTAINING TO THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman
Summary: Repeals LVMC 19.16.105, pertaining to the repurposing of certain golf courses and open spaces.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of November, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 15th day of January, 2020, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Flore, Knudsen, and Seaman

VOTING "NAY": Councilmembers Anthony, Crear and Diaz

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: January 18, 2020
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 20th day of January, 2020

Notary 

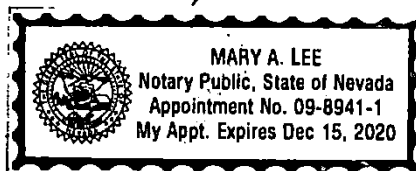


EXHIBIT “MMM”

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FIRST AMENDMENT

BILL NO. 2019-51

ORDINANCE NO. 6722

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE, SPECIFICALLY, LVMC 19.16.010, TO ADD NEW PROVISIONS REGARDING NEIGHBORHOOD MEETINGS, INCLUDING MANDATORY MEETINGS FOR CERTAIN TYPES OF APPLICATIONS, SUCH AS GENERAL PLAN AMENDMENTS AND APPLICATIONS TO REPURPOSE CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman

Summary: Amends the Unified Development Code, specifically, LVMC 19.16.010, to add new provisions regarding neighborhood meetings, including mandatory meetings for certain types of applications, such as general plan amendments and applications to repurpose certain golf courses and open spaces.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance. The amendments in those Sections are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 16, Section 10, is hereby amended by relettering existing Subsections (E), (F), (G), (H) and (I) of that Section, so that those Subsections are lettered (F), (G), (H), (I) and (J), respectively.

SECTION 3: Title 19, Chapter 16, Section 10, is hereby amended by adding thereto, at the appropriate location, a new Subsection (E), reading as follows:

E. Neighborhood Meetings

1. General.

a. A neighborhood meeting may be required in connection with an application under this Chapter (a "mandatory meeting"). In addition, a neighborhood meeting may be held on a voluntary basis in connection with an application under this Chapter (a "voluntary meeting"). The purpose of a mandatory

meeting is to provide details regarding an application under this Chapter to property owners and residents within the area of the property that is the subject of the application, where the application requires such a meeting. A voluntary meeting regarding an application may have a similar purpose, as well as other purposes intended by an applicant.

b. A mandatory meeting shall be conducted by the applicant or representative for the associated application, and may be attended by representatives from the City to monitor the results. Each such meeting shall be conducted in accordance with meeting procedures that have been established by the Department, posted online, and otherwise made available upon request.

c. Compliance with the meeting procedures described in Subparagraph (b) is not required for a voluntary meeting, but is strongly encouraged.

2. Mandatory Meeting Requirement. A mandatory meeting is required for any of the following:

a. An application for a General Plan Amendment.

b. Except as otherwise specified in Paragraph (3) below, an application that would result in the repurposing of a golf course or an open space that is located within:

i. An existing residential development,

ii. A development within an R-PD District,

iii. An area encompassed by a Special Area Plan adopted by the City, or

iv. An area subject to a Master Development Plan within a PD District.

c. Any other application concerning which the Director, Planning Commission or City Council determines that a mandatory meeting is necessary or appropriate in order to provide for public notice, information, and input in furtherance of the public interest.

3. Exceptions to Mandatory Meeting Requirement. The requirement for a mandatory meeting under LVMC 19.16.010(E)(2)(b) does not apply to:

a. Any project that has been approved as part of the City of Las Vegas Capital Improvement Plan.

b. Any project that is governed by a development agreement that has been approved pursuant

1 to LVMC 19.16.150.

2 c. The repurposing of any area that has served as open space pertaining to a nonresidential
3 development where that open space functions as an area for vehicle parking, landscaping, or any similar
4 incidental use.

5 d. The reprogramming of open space recreational amenities that simply changes or adds to the
6 programming or activities available at or within that open space.

7 e. The repurposing of any area where the currently required development application or
8 applications to accomplish the repurposing already have been approved by the approval authority, with no
9 further discretionary approval pending.

10 4. Notification Requirements.

11 a. Notice of a mandatory meeting shall be provided in general accordance with the notice
12 provisions and procedures for a General Plan Amendment in LVMC 19.16.030(F)(2), except that:

13 i. The mailing of notice may be done by the applicant or by the City as agreed upon;
14 and

15 ii. Except in the case of a neighborhood meeting required by LVMC
16 19.16.010(E)(2)(a), no newspaper publication is required.

17 b. All notices are subject to review and approval by the Department prior to mailing.

18 c. Application-related fees and notice-related fees chargeable under the fee schedule, as well
19 as any charges associated with mailing labels, must be paid as applicable prior to notification of the meeting.

20 d. Compliance with this Paragraph (4) is not required for a voluntary meeting, but is strongly
21 encouraged.

22 5. For purposes of this Subsection (E), "repurposing" includes changing or converting all or a portion
23 of the use of the golf course or open space to one or more other uses, or seeking to do by means of an
24 application under this Chapter.

25 SECTION 4: Section 19.18.020 is hereby amended by amending the definition of "Open
26 Space" to read as follows:

1 **Open Space.** Any parcel or area of land or water that:

2 1. [As part of, and in consideration of development approval, has] Has been or is to be formally
3 set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment
4 of owners and occupants of land adjoining or neighboring such area; and

5 2. Is either unimproved or includes only improvements that pertain to or are incidental to the
6 intended use and enjoyment of the area. Such improvements may include structures, amenities, landscaping,
7 paving or other surface treatments that provide for or facilitate recreation and enjoyment, or that provide for
8 support and maintenance of the area for its intended purposes.

9 SECTION 5: For purposes of Section 2.100(3) of the City Charter, Sections 19.16.010
10 and 19.18.020 are deemed to be subchapters rather than sections.

11 SECTION 6: The Department of Planning is authorized and directed to incorporate into
12 the Unified Development Code the amendments set forth in Sections 2 to 4, inclusive, of this Ordinance, as
13 well as the relettering of paragraphs in Appendix B necessitated by this Ordinance.

14 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
15 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
16 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
17 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
18 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
19 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
20 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of December, 2019, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 15th day of
4 January, 2020, which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony,
Knudsen, Seaman and Diaz

8 VOTING "NAY": Crear

9 EXCUSED: None

10 ABSTAINED: None

11
12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2020 JAN -7 A 11:11

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001084679

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/02/2020 to 01/02/2020, on the following days:

01 / 02 / 20

BILL NO. 2019-51

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE, SPECIFICALLY, LVMC 19.16.010, TO ADD NEW PROVISIONS REGARDING NEIGHBORHOOD MEETINGS, INCLUDING MANDATORY MEETINGS FOR CERTAIN TYPES OF APPLICATIONS, SUCH AS GENERAL PLAN AMENDMENTS REGARDING LAND USE, AND APPLICATIONS TO REPURPOSE CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman

Summary: Amends the Unified Development Code, specifically, LVMC 19.16.010, to add new provisions regarding neighborhood meetings, including mandatory meetings for certain types of applications, such as general plan amendments regarding land use, and applications to repurpose certain golf courses and open spaces.

At the City Council meeting of December 18, 2019

BILL NO. 2019-51 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

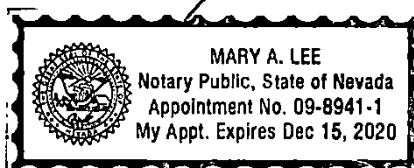
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: January 2, 2020
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 2nd day of January, 2020

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001088195

2020 JAN 27 A 11: 50

RECEIVED
CITY CLERK

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/18/2020 to 01/18/2020, on the following days:

01 / 18 / 20

FIRST AMENDMENT

BILL NO. 2019-51
ORDINANCE NO. 6722

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE, SPECIFICALLY, LVMC 19.16.010, TO ADD NEW PROVISIONS REGARDING NEIGHBORHOOD MEETINGS, INCLUDING MANDATORY MEETINGS FOR CERTAIN TYPES OF APPLICATIONS, SUCH AS GENERAL PLAN AMENDMENTS AND APPLICATIONS TO REPURPOSE CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Councilwoman Victoria Seaman

Summary: Amends the Unified Development Code, specifically, LVMC 19.16.010, to add new provisions regarding neighborhood meetings, including mandatory meetings for certain types of applications, such as general plan amendments and applications to repurpose certain golf courses and open spaces.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of December, 2019, and referred to a committee for recommendation; thereafter the committee reported that it had no recommendation regarding said ordinance on the 15th day of January, 2020, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Knudsen, Seaman and Diaz

VOTING "NAY": Councilman Crear

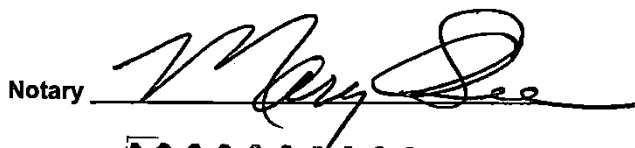
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: January 18, 2020
LV Review-Journal

IS/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 20th day of January, 2020

Notary 



DISTRICT COURT
CLARK COUNTY, NEVADA

Condemnation/Eminent Domain

COURT MINUTES

March 11, 2021

A-18-780184-C 180 Land Company, LLC, Plaintiff(s)
vs.
Las Vegas City of, Defendant(s)

March 11, 2021 02:00 PM Plaintiff Landowners' Motion for a New Trial and to Amend
Related to: Judge Herndon's Findings of Fact and Conclusions of
Law Granting City of Las Vegas' Motion for Summary Judgment,
Entered on December 30, 2020

HEARD BY: Trujillo, Monica

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jacobson, Alice

RECORDER: Gomez, Rebeca

REPORTER:

PARTIES PRESENT:

Andrew W Schwartz

Attorney for Defendant

Autumn L. Waters

Attorney for Plaintiff

Elizabeth M. Ghanem

Attorney for Plaintiff

George F. Ogilvie, III

Attorney for Defendant

James J Leavitt

Attorney for Plaintiff

JOURNAL ENTRIES

Court advised it finds jurisdiction over this matter. Colloquy between the Court and counsel regarding Judge Herndon's findings entered December 30, 2020.

Mr. Leavitt argued that a categorical taking and regulatory per se taking did not need a physical taking. That the ripeness analysis did not apply and the claims were inappropriately dismissed. Request for the case to move forward on the merits and to determine the rights prior to the City's interference and to determine if the property rights were taken thereafter.

Opposition by Mr. Schwartz and Mr. Ogilvie. Argument there was no evidence of a physical taking and to uphold Judge Herndon's ruling. Further argument that if the Court granted the motion the City would file a Writ of Mandate with the Supreme Court and request a Stay.

Mr. Leavitt objected to a Stay as it was not economically fair to his client.

Court finds that Judge Herndon focused on the ripeness analysis that only applied to Penn Central regulatory taking claims. Court further finds an error in law and the three claims were not properly adjudicated. Therefore, COURT ORDERED, motion GRANTED. Matter SET for Evidentiary Hearing, May 27 at 9:00am.

Mr. Leavitt advised pursuant to the Nevada Supreme Court labels the claims to be addressed at the Evidentiary Hearing were: per se regulatory taking, non regulatory taking and categorical taking.

Court advised it would allow each side to submit opening briefs, oppositions and replies and to work together on a briefing schedule.

Mr. Leavitt to prepare the order.