

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 84345

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

Appellant

v.

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

Respondents

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

APPELLANT'S APPENDIX VOLUME II

<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>

Attorneys for Appellant

Electronically Filed
Mar 09 2022 04:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHRONOLOGICAL INDEX TO APPELLANT'S APPENDIX

DATE	DOCUMENT	VOLUME	PAGE RANGE	
2017-07-18	Landowners' Petition for Judicial Review	I	AA0001	AA0008
2017-09-07	Landowners' First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation	I	AA0009	AA0027
2017-09-20	Affidavit of Service of Summons and First Amended Petition for Judicial Review on City of Las Vegas	I	AA0028	AA0028
2018-02-05	City of Las Vegas' Answer to First Amended Petition for Judicial Review	I	AA0029	AA0032
2018-02-23	Landowners' First Amended Complaint Pursuant to Court Order Entered February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	I	AA0033	AA0049
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	AA0050	AA0066
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	AA0067	AA0081

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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	AA0082	AA0085
2018-03-19	City's Answer to Second Amended Petition for Judicial Review	I	AA0086	AA0089
2018-06-26	Portions of Record on Review (ROR25813-25850)	I	AA0090	AA0127
2018-11-26	Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review	I	AA0128	AA0155
2018-12-11	Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims (Exhibits omitted)	I	AA0156	AA0174
2018-12-13	Landowners' Motion for a New Trial Pursuant to NRCP 59(e)	I	AA0175	AA0202
2018-12-20	Notice of Appeal	I	AA0203	AA0206
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	AA207	AA0212

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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	AA0213	AA0228
2019-05-15	Landowners' Second Amended and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	AA0229	AA0266
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	AA0267	AA0278
2020-07-20	Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	AA0279	AA0283
2020-08-31	Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	AA0284	AA0287
2020-10-12	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	II	AA0288	AA0295

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2020-12-16	2 nd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	AA0296	AA0299
2021-02-10	3 rd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	AA0300	AA0303
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	AA0304	AA0309
2021-08-25	¹ City's Accumulated App'x Exhibit G - Ordinance No. 3472 and related documents (Second Amendment) (CLV65-000114-000137)	II	AA0310	AA0334
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	AA0335	AA0392

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2021-08-25	City's Accumulated App'x Exhibit HH - General Plan Amendment (GPA-68385), Site Development Plan Review (SDR-68481), Tentative Map (TMP-68482), and Waiver (68480) applications (CLV65-000644-0671)	IV	AA0548	AA0576

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2021-08-25	City's Accumulated App'x Exhibit AAA - Membership Interest Purchase and Sale Agreement (LO 00036807-36823)	IV	AA0586	AA0603
2021-08-25	City's Accumulated App'x Exhibit BBB - Transcript of May 16, 2018 City Council meeting (CLV65-045459-045532)	IV	AA0604	AA0621
2021-08-25	City's Accumulated App'x Exhibit DDD - Nevada Supreme Court March 5, 2020 Order of Reversal, <i>Seventy Acres, LLC v. Binion</i> , Nevada Supreme Court Case No. 75481 (1010-1016)	IV	AA0622	AA0629
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	AA0630	AA0636

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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	AA0666	AA0671
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	AA0672	AA0674
2021-08-25	City's Accumulated App'x Exhibit OOO - March 26, 2020 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	AA0675	AA0678
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 –I (CLV65-000969-000970)	IV	AA0679	AA0681

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Intentionally Omitted		IV	AA0695	AA0733
2021-08-25	City's Accumulated App'x Exhibit DDDD - Peter Lowenstein Declaration and Ex. 9 thereto (1516-1522, 1554-1569)	IV	AA0734	AA0741Q
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	AA0742	AA0747

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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	AA0760	AA0774
2021-09-22	City's Accumulated App'x Exhibit VVVV – Declaration of Seth Floyd (3804-3805)	V	AA0774A	AA0774C
2021-09-22	City's Accumulated App'x Exhibit VVVV-1 – Master planned communities with R-PD Zoning (3806-3810)	V	AA0774D	AA0774I
2021-09-22	City's Accumulated App'x Exhibit VVVV-2 – General Plan Maps for Master Planned Communities with R-PD zoning (3811-3815)	V	AA0774J	AA0774O

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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	AA0775	AA0779
Intentionally Omitted		V	AA0780	AA0787
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	AA0788	AA0850
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	AA0851	AA0857

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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	AA0858	AA0910
2021-10-28	Decision of the Court	V	AA0911	AA0918
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	AA0919	AA0930
2021-11-18	Findings of Fact and Conclusions of Law on Just Compensation	V	AA0931	AA0950
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	AA0951	AA0967

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2021-11-24	Landowners' Verified Memorandum of Costs (Exhibits omitted)	VI	AA0968	AA0972
2021-11-24	Notice of Entry of Findings of Fact and Conclusions of Law on Just Compensation	VI	AA0973	AA0995
2021-12-06	Landowners' Motion for Reimbursement of Property Taxes (Exhibits omitted)	VI	AA0996	AA1001
2021-12-09	Landowners' Motion for Attorney Fees	VI	AA1002	AA1030
2021-12-09	Landowners' Motion to Determine Prejudgment Interest	VI	AA1031	AA1042
2021-12-21	City's Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution	VI	AA1043	AA1049
2021-12-22	City's Motion for Immediate Stay of Judgment	VI	AA1050	AA1126
2022-01-26	Court Minutes	VI	AA1127	AA1127
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	AA1128	AA1139

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2022-02-17	Notice of Entry of Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes	VI	AA1140	AA1150
2022-02-17	Notice of Entry of Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs	VI	AA1151	AA1162
2022-02-22	Notice of Entry of Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part	VI	AA1163	AA1176
2022-02-28	Minute Order granting Plaintiff's Motion for Pre-Judgment Interest	VI	AA1177	AA1177
2022-02-28	Notice of Entry of Order Denying City of Las Vegas' Motion to Amend Judgment and Stay of Execution	VI	AA1178	AA1188
2022-03-02	Notice of Appeal	VII	AA1189	AA1280

ALPHABETICAL INDEX TO APPELLANT'S APPENDIX

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2021-12-09	Landowners' Motion to Determine Prejudgment Interest	VI	AA1031	AA1042
2017-07-18	Landowners' Petition for Judicial Review	I	AA0001	AA0008
2018-12-11	Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims (Exhibits omitted)	I	AA0156	AA0174
2019-05-15	Landowners' Second Amended and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	II	AA0229	AA0266
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	AA0067	AA0081
2021-11-24	Landowners' Verified Memorandum of Costs (Exhibits omitted)	VI	AA0968	AA0972
2022-02-28	Minute Order granting Plaintiff's Motion for Pre-Judgment Interest	VI	AA1177	AA1177
2018-12-20	Notice of Appeal	I	AA0203	AA0206
2022-03-02	Notice of Appeal	VII	AA1189	AA1280

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	AA1128	AA1139
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	AA0919	AA0930
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	AA0858	AA0910
2021-11-24	Notice of Entry of Findings of Fact and Conclusions of Law on Just Compensation	VI	AA0973	AA0995
2018-11-26	Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review	I	AA0128	AA0155

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	AA0213	AA0228
2020-10-12	Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	II	AA0288	AA0295
2022-02-28	Notice of Entry of Order Denying City of Las Vegas' Motion to Amend Judgment and Stay of Execution	VI	AA1178	AA1188
2022-02-17	Notice of Entry of Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs	VI	AA1151	AA1162
2022-02-22	Notice of Entry of Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part	VI	AA1163	AA1176
2022-02-17	Notice of Entry of Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes	VI	AA1140	AA1150

DATE	DOCUMENT	VOLUME	PAGE RANGE	
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	AA0951	AA0967
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	AA207	AA0212
2018-06-26	Portions of Record on Review (ROR25813-25850)	I	AA0090	AA0127
2020-07-20	Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call	II	AA0279	AA0283

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 9th day of March, 2022

BY: /s/ Debbie Leonard

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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). Participants in the case who are registered with E-Flex as users will be served by the E-Flex system and others not registered will be served via U.S. mail at the following addresses.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,	Case No. A-17-758528-J
Plaintiff,	Dept. No. XVI
v.	NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,	
Defendants.	

1
2 TO: ALL INTERESTED PARTIES

3 NOTICE IS HEREBY GIVEN that *Findings of Fact and Conclusions of Law Regarding*
4 *Plaintiff's Motion for a New Trial, Motion to Alter or Amend and/or Reconsider the Findings of*
5 *Fact and Conclusions of Law, and Motion to Stay Pending Nevada Supreme Court Directives*
6 was entered in the above-entitled action on May 7, 2019, a copy of which is attached hereto.

7 Dated this 8th day of May, 2019.

8 HUTCHISON & STEFFEN, PLLC

9 /s/ Joseph S. Kistler

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23 *Attorneys for Plaintiffs*
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, PLLC
3 and that on this 8th day of May, 2019, I caused the above and foregoing document entitled
4 **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW** to be
5 served as follows:
6

- 7 ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed
8 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
9 and/or
10 ☐ to be served via facsimile; and/or
11 ☒ pursuant to NEFCR (9), to be electronically served through the Eighth Judicial
12 District Court's electronic filing system, with the date and time of the electronic
13 service substituted for the date and place of deposit in the mail; and/or
14 ☐ to be hand-delivered;

15 to the attorneys and/or parties listed below at the address and/or facsimile number indicated
16 below:

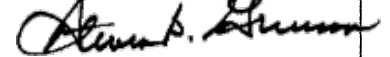
17 Philip R. Byrnes
18 Brad Jerbic
19 Set T. Floyd
20 City Attorney's Office
21 495 S. Main Street, 6th Fl.
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24 */s/ Bobbie Benitez*

25

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DISTRICT COURT

CLARK COUNTY, NEVADA

180 LAND CO LLC, a Nevada limited-liability
company; DOE INDIVIDUALS I through X;
DOE CORPORATIONS I through X; and
DOE LIMITED-LIABILITY COMPANIES I
through X,

Plaintiffs,

v.

CITY OF LAS VEGAS, a political
subdivision of the State of Nevada; ROE
GOVERNMENT ENTITIES I through X;
ROE CORPORATIONS I through X; ROE
INDIVIDUALS I through X; ROE LIMITED-
LIABILITY COMPANIES I through X; ROE
QUASI-GOVERNMENTAL ENTITIES I
through X,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**[PROPOSED] 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**

05-01-19P03:20 RCVD

1 JACK B. BINION, an individual; DUNCAN
2 R. and IRENE LEE, individuals and Trustees
3 of the LEE FAMILY TRUST; FRANK A.
4 SCHRECK, an individual; TURNER
5 INVESTMENTS, LTD., a Nevada Limited
6 Liability Company; ROGER P. and
7 CAROLYN G. WAGNER, individuals and
8 Trustees of the WAGNER FAMILY TRUST;
9 BETTY ENGLESTAD AS TRUSTEE OF
10 THE BETTY ENGLESTAD TRUST;
11 PYRAMID LAKE HOLDINGS, LLC.;
12 JASON AND SHEREEN AWAD AS
13 TRUSTEES OF THE AWAD ASSET
14 PROTECTION TRUST; THOMAS LOVE
15 AS TRUSTEE OF THE ZENA TRUST;
16 STEVE AND KAREN THOMAS AS
17 TRUSTEES OF THE STEVE AND KAREN
18 THOMAS TRUST; SUSAN SULLIVAN AS
19 TRUSTEE OF THE KENNETH J.
20 SULLIVAN FAMILY TRUST, AND DR.
21 GREGORY BIGLER AND SALLY
22 BIGLER,

Intervenors.

15 Currently before the Court is Plaintiff 180 Land Co, LLC's Motion For A New Trial
16 Pursuant To NRCP 59(e) And Motion To Alter Or Amend Pursuant To NRCP 52(b) And/Or
17 Reconsider The Findings Of Fact And Conclusions Of Law And Motion To Stay Pending Nevada
18 Supreme Court Directives ("the Motion") filed on December 13, 2018. The alternative relief
19 sought by the Developer is a stay of the proceedings until the Nevada Supreme Court decides an
20 appeal from the judgment entered March 5, 2018 by the Honorable James Crockett in Case No.
21 A-17-752344-J ("Judge Crockett's Order"). The City filed an opposition, to which the Intervenors
22 joined, and the Plaintiff filed a reply. The Court held oral argument on the Motion on January 22,
23 2019.

24 Having considered the record on file, the written and oral arguments presented, and being
25 fully informed in the premises, the Court makes the following findings of facts and conclusions
26 of law:
27
28

1 **I. FINDINGS OF FACT**

2 1. Plaintiff 180 Land Co, LLC (“the Developer”) filed a Petition for Judicial Review
3 (the “Petition”) challenging the Las Vegas City Council’s June 21, 2017 decision to deny its four
4 land use applications (“the 35-Acre Applications”) to develop its 34.07 acres of R-PD7 zoned
5 property (the “35-Acre Property”).

6 2. On November 21, 2018, this Court entered Findings of Fact and Conclusions of
7 Law on Petition for Judicial Review (“FFCL”) that denied the Petition and dismissed the
8 alternative claims for inverse condemnation. The Court concluded that the Las Vegas City Council
9 properly exercised its discretion to deny the 35-Acre Applications and that substantial evidence
10 supported the City Council’s June 21, 2017 decision. The Court further concluded that the
11 Developer had no vested rights to have the 35-Acre Applications approved.

12 3. On February 6, 2019, the Court entered an Order *Nunc Pro Tunc* that removed
13 those portions of the FFCL that dismissed the inverse condemnation claims. Specifically, the
14 Order *Nunc Pro Tunc* removed FFCL page 23:4-20 and page 24:4-5 but left all findings of fact
15 and all other conclusions of law intact.

16 4. The Developer seeks a new trial; however, because this matter is a petition for
17 judicial review, no trial occurred.

18 5. While the Developer has raised new facts, substantially different evidence and new
19 issues of law, none of these new matters warrant rehearing or reconsideration, as discussed infra.

20 6. The Developer identifies claimed errors in the Court’s previous findings of fact in
21 the FFCL and disagrees with the Court’s interpretation of law.

22 7. The Developer has failed to show that the Court’s previous findings that the City
23 Council did not abuse its discretion or that sufficient privity exists to bar Plaintiff’s Petition under
24 issue preclusion were clearly erroneous.

25 8. The Developer repeats its arguments that it raised previously in support of its
26 petition for judicial review; namely, that public opposition, the desire for a comprehensive and
27 cohesive development proposal to amend the General Plan’s open space designation, and the City
28

1 Council's choice not to follow Staff's recommendation purportedly were not ample grounds to
2 affirm the City Council's June 21, 2017 decision.

3 9. The Developer also reasserts its contentions that: (a) NRS 278.349 gives it vested
4 rights to have the 35-Acre Applications approved; (b) the Queensridge homeowners have no rights
5 in the golf course; (c) no major modification is required; (d) Judge Crockett's Order should be
6 disregarded; and (e) the County Assessor changed the assessed value of the property after the
7 Developer stopped using it as a golf course. The Developer made each of these arguments in the
8 briefs submitted by the Developer in support of the Petition. *See* Pet. Memo. of P&A in support
9 of Second Amended PJR at 5:17-20, 6:3, 7:4-10, 10:4-14:17, 17:8-18:7, 22-42, 26:10-17, 29:10-
10 30:24, n.6, n.37, n.42, n.45, n.79, n.112; Post Hearing Reply Br. at 2:2-4, 2:19-4:3, 7:18-13:14,
11 13-16, 26:16-29:15, n.79.

12 10. The Motion also cites to and attaches documents that were not part of the record
13 on review at the time the City Council rendered its June 21, 2017 decision to deny the 35-Acre
14 Applications. *See* Motion at 2:14-3:23, 8:1-21; n.2, n.3, n.18, n.20, n. 21, n.22, citing Exs. 1-6 to
15 the Motion.

16 11. The transcripts and minutes from the August 2, 2017 and March 21, 2018 City
17 Council meetings on which the Developer relies (Exs. 1 and 6 to the Motion) post-dated the City
18 Council's June 21, 2017 decision to deny the 35-Acre Applications and are, therefore, not part of
19 the record on review.

20 12. Similarly, the Developer's attacks on Councilmember Seroke are beyond the
21 record on review because he was not on the City Council on June 21, 2017 when the City Council
22 voted to deny the 35-Acre Applications.

23 13. The Supreme Court's order of affirmance and order denying rehearing related to
24 Judge Smith's orders (Exs. 4 and 5 to the Motion) were entered on October 17, 2018 and
25 November 27, 2018, respectively, after the City Council denied the 35-Acre Applications and,
26 therefore, are not part of the record on review.

27 14. The Developer previously cited to Judge Smith's underlying orders before the
28 Nevada Supreme Court's actions both before the City Council and before this Court. *See* Pet.'s

1 P&A at 9:5-10:10, 17:1-2; *see also* 6.29.18 Hrg. Trans. at 109:6-110:13, attached as Exhibit B to
2 City Opp.

3 15. The Motion relies not only on the aforestated orders, but also the Nevada Supreme
4 Court's decision affirming the orders Judge Smith issued in that case.

5 16. Judge Smith's orders interpreted the rights of the Queensridge homeowners under
6 the Queensridge CC&Rs, which in the Court's view, have no relevance to the issues in this case
7 or the reasons supporting the Court's denial of the Petition.

8 17. Judge Smith described the matter before him as the Queensridge homeowners'
9 claims that *their* "vested rights" in the CC&Rs were violated. *See* 11.30.16 Smith FFCL at ¶¶2, 7,
10 29, 108, Ex. 2 to the Motion.

11 18. Whether the Developer had vested rights to have its development applications
12 approved was not precisely at issue in the matter before Judge Smith. *See id.*

13 19. Indeed, Judge Smith confirmed that, notwithstanding the zoning designation for
14 the golf course property, the Developer is nonetheless "subject to City of Las Vegas requirements"
15 and that the City is not obligated to make any particular decision on the Developer's applications.
16 1.31.17 FFCL ¶¶9, 16-17, 71.

17 20. The Supreme Court's affirmance of Judge Smith's orders has no impact on this
18 Court's denial of the Developer's Petition for Judicial Review.

19 21. In the Motion, the Developer challenges the Court's application of issue preclusion
20 to Judge Crockett's Order. The Developer reargues its attacks on the substance of Judge Crockett's
21 Order (Motion at 17:21-20:7) and also reargues the application of issue preclusion to Judge
22 Crockett's Order.

23 22. The Court finds no conflict between Judge Crockett's Order and Judge Smith's
24 orders and therefore rejects the Developer's argument that such orders are "irreconcilable."

25 23. In its Motion, the Developer argues that this Court's factual findings are incorrect
26 and need amendment. Two findings from the FFCL the Developer argues are incorrect are ¶¶12-
27 13, which the Developer contends are different than Judge Smith's findings. Motion at 20, n.67.

28

1 24. As stated supra in finding No. 17, Judge Smith's orders are irrelevant to this
2 Petition for Judicial Review. Thus, the Court finds no cause exists to alter or amend the findings
3 in the FFCL.

4 **II. CONCLUSIONS OF LAW**

5 **A. The Court May Not Consider Matters Outside The Record On Review**

6 1. The scope of the Court's review is limited to the record made before the
7 administrative tribunal. *Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654
8 P.2d 531, 533 (1982). That scope cannot be expanded with a motion for reconsideration of the
9 Court's denial of a petition for judicial review. *See id.*

10 2. The Developer's Motion cites to matters that post-dated the City Council's June
11 21, 2017 Decision and that are otherwise outside the record on review.

12 3. Because the Court's review is limited to the record before the City Council on June
13 21, 2017, the Court may not consider the documents that post-date the City Council's June 21,
14 2017 decision submitted by the Developer. *See Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*,
15 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

16 **B. No "Retrial" Is Appropriate For A Petition For Judicial Review**

17 4. Under NRCP 59(a), the Court may grant a new trial on some or all issues based
18 upon certain grounds specifically enumerated in that rule.

19 5. Where a petition for judicial review is limited to the record and does not involve
20 the Court's consideration of new evidence, a motion for a new trial is not the appropriate
21 mechanism to seek reconsideration of the denial of a petition for judicial review.

22 6. "Retrial" presupposes that a trial occurred in the first instance, but no trial occurred
23 here or is allowed for a petition for judicial review because the Court's role is limited to reviewing
24 the record below for substantial evidence to support the City Council's decision. *See City of Reno*
25 *v. Citizens for Cold Springs*, 126 Nev. 263, 271, 236 P. 3d 10, 15-16 (2010) (citing *Kay v. Nunez*,
26 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006)).

27 7. Moreover, a motion for a new trial under NRCP 59(a), which is the authority cited
28 by the Developer (at 16:22-23), may only be granted based upon specific enumerated grounds

1 cited in the rule, none of which is invoked by the Developer. As a result, no “retrial” may be
2 granted.

3 **C. The Developer’s Repetition of its Previous Arguments is Not Grounds for**
4 **Reconsideration**

5 8. Pursuant to EDCR 2.24(a), no motions once heard and disposed of may be renewed
6 in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the
7 court.

8 9. “Although Rule 59(e) permits a district court to reconsider and amend a previous
9 order, the rule offers an ‘extraordinary remedy, to be used sparingly in the interests of finality and
10 conservation of judicial resources.’” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th
11 Cir. 2000), quoting 12 Moore’s Federal Practice §59.30[4] (3d ed. 2000) (discussing the federal
12 corollary of NRCP 59(e)).

13 10. A Rule 59(e) motion may not be used “to relitigate old matters.” 11 Fed. Prac. &
14 Proc. Civ. §2810.1 (3d ed.); *accord Exxon Shipping Co. v. Baker*, 554 U.S. 471, 486 n.5 (2008).

15 11. “Rehearings are not granted as a matter of right and are not allowed for the purpose
16 of re-argument, unless there is a reasonable probability that the court may have arrived at an
17 erroneous conclusion.” *Geller v. McCowan*, 64 Nev. 106, 108, 178 P.2d 380, 381 (1947) (citations
18 omitted) (discussing petition for rehearing of appellate decision).

19 12. Because the Developer has not raised sufficient new facts, substantially different
20 evidence or new issues of law for rehearing or reconsideration showing an erroneous conclusion,
21 the Court rejects the Developer’s repetitive arguments.

22 **D. NRCP 52(b) Does Not Apply Where the Developer Does Not Identify Any of**
23 **the Court’s Findings of Fact That Warrant Amendment**

24 13. Although it brings its motion to alter or amend pursuant to NRCP 52(b), that rule
25 is directed only at amendment of factual “findings,” not legal conclusions. *See id.* “Rule 52(b)
26 merely provides a method for amplifying and expanding the lower court’s findings, and is not
27 intended as a vehicle for securing a re-hearing on the merits.” *Matter of Estate of Herrmann*, 100
28 Nev. 1, 21 n.16, 677 P.2d 594, 607 n.16 (1984).

1 14. The only findings mentioned in the Motion (at ¶¶12-13) are supported by the
2 portion of the record cited by the Court, namely, the Peccole Ranch Master Development Plan.
3 Judge Smith's findings in support of his interpretation of the Queensridge CC&Rs do not alter the
4 Court's findings.

5 15. Because the Developer has not identified any findings that should be amended
6 under NRCF 52(b), the Court declines to amend any of its findings.

7 **E. The Developer May Not Present Arguments and Materials it Could Have**
8 **Presented Earlier But Did Not**

9 16. The Developer's Motion cannot be granted based upon arguments the Developer
10 could have raised earlier but chose not to.

11 17. "A Rule 59(e) motion may not be used to raise arguments or present evidence for
12 the first time when they could reasonably have been raised earlier in the litigation." *Kona Enters.*,
13 229 F.3d at 890.

14 18. "Points or contentions not raised in the original hearing cannot be maintained or
15 considered on rehearing." *Achrem v. Expressway Plaza Ltd. P'ship*, 112 Nev. 737, 742, 917 P.2d
16 447, 450 (1996).

17 19. Contrary to the Developer's assertion (Motion at 16:1-2), the Court considered all
18 of the arguments in its Petition related to Judge Smith's orders. The Court simply rejected them
19 because Judge Smith's interpretation of the Queensridge CC&R's does not affect the City
20 Council's discretion under NRS Chapter 278 and the City's Unified Development Code to deny
21 the 35-Acre Applications.

22 **F. The Supreme Court's Affirmance of Judge Smith's Orders Has No Impact on**
23 **this Court's Denial of the Developer's Petition for Judicial Review**

24 20. The fact that the Supreme Court affirmed Judge Smith's orders is not grounds for
25 reconsideration because Judge Smith's orders interpreted the Queensridge homeowners' rights
26 under the CC&R's, not the City Council's discretion to deny re-development applications.

1 21. As a result, the Developer's assertion (at 3:4-5) that Judge Smith's Orders are
2 "irreconcilable" with Judge Crockett's Decision does not accurately reflect the scope of the matter
3 before Judge Smith.

4 22. This Court correctly concluded that the Developer does not have vested rights to
5 have the 35-Acre Applications approved, and neither Judge Smith's orders, nor the Supreme
6 Court's orders of affirmance, alter that conclusion.

7 **G. The Court Correctly Determined That Judge Crockett's Order Has**
8 **Preclusive Effect Here**

9 23. The Developer has failed to show that the Court's conclusion that sufficient privity
10 exists to bar the Developer's petition under the doctrine of issue preclusion was clearly erroneous.

11 24. The Court correctly determined that Judge Crockett's Order has preclusive effect
12 here and, as a result, the Developer must obtain the City Council's approval of a major
13 modification to the Peccole Ranch Master Developer Plan before it may develop the 35-Acre
14 Property.

15 25. The Court's conclusion that the City Council's decision was supported by
16 substantial evidence was independent of its determination that Judge Crockett's Order has
17 preclusive effect here. Judge Crockett's Order was only a "further" (i.e., not exclusive) reason to
18 deny the Developer's petition for judicial review.

19 **H. The Developer Does Not Identify Any Clear Error That Warrants**
20 **Reconsideration**

21 26. The sole legal grounds for reconsideration asserted by the Developer is purported
22 "clear error."

23 27. The only legal conclusions in the FFCL with which the Developer takes issue are
24 the Court's determinations that public opposition constitutes substantial evidence for denial of the
25 35-Acre Applications and that the City Council properly exercised its discretion to insist on
26 comprehensive and orderly development for the entirety of the property of which the 35-Acre
27 Property was a part. Motion at 20:8-24:7. In making these arguments, however, the Developer
28 never contends that the Court incorrectly interpreted the law cited in the FFCL. *See id.* It therefore

1 cannot satisfy its burden of showing “clear error.” The Developer has failed to show that the
2 Court’s previous conclusion that the City Council did not abuse its discretion was clearly
3 erroneous.

4 28. The Court’s analysis of these issues was correct. The *Stratosphere* and *C.A.G.*
5 cases hold that public opposition from neighbors, even if rebutted by a developer, constitutes
6 substantial evidence to support denial of development applications. *See Stratosphere Gaming*, 120
7 Nev. at 529, 96 P.3d at 760; *C.A.G.*, 98 Nev. at 500-01, 654 P.2d at 533. The Developer’s Motion
8 is silent as to this point.

9 29. Citing NRS 278.349(3)(e), the Developer contests the Court’s reliance on *Nova*
10 *Horizon* and *Cold Springs* that zoning must substantially conform to the master plan and that the
11 master plan presumptively governs a municipality’s land use decisions. *Nova Horizon*, 105 Nev.
12 at 97, 769 P.2d at 724; *Citizens for Cold Springs*, 126 Nev. at 266, 236 P.3d at 12. The Developer’s
13 discussion fails to discredit the *Nova Horizon* decision given NRS 278.349(3)(a) and does not
14 address the *Cold Springs* case.

15 30. Having failed to demonstrate any clear error in the Court’s decision, the Developer
16 fails to satisfy its burden for reconsideration.

17 31. Nothing presented in the Motion alters the Court’s conclusion that the City Council
18 properly exercised its discretion to deny the 35-Acre Applications and the June 21, 2017 decision
19 was supported by substantial evidence. *See City of Reno v. Citizens for Cold Springs*, 126 Nev.
20 263, 271, 236 P.3d 10, 15-16 (2010) (citing *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801,
21 805 (2006)); *Cty. of Clark v. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998), *superseded by*
22 *statute on other grounds*; *Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 96
23 P.3d 756, 760 (2004).

24 32. As the Court correctly concluded, its job was to evaluate whether substantial
25 evidence supports the City Council’s decision, not whether there is substantial evidence to support
26 a contrary decision. *Nevada Power Co. v. Pub. Utilities Comm’n of Nevada*, 122 Nev. 821, 836
27 n.36, 138 P.3d 486, 497 (2006).

1 33. This is because the administrative body alone, not a reviewing court, is entitled to
2 weigh the evidence for and against a project. *Liquor & Gaming Licensing Bd.*, 106 Nev. at 99,
3 787 P.2d at 784.

4 **I. The Developer Failed to Advance Any Argument to Justify a Stay**

5 34. The Motion lacks any argument or citation whatsoever related to its request for a
6 stay.

7 35. “A party filing a motion must also serve and file with it a memorandum of points
8 and authorities in support of each ground thereof. The absence of such memorandum may be
9 construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver
10 of all grounds not so supported.” EDCR 2.20(c) (emphasis added).

11 36. Because the Developer provides no points and authorities in support of its motion
12 for stay, the motion for stay must be denied.

13 **J. Effect On The Developer’s Inverse Condemnation Claims**

14 37. The Developer’s petition for judicial review and its inverse condemnation claims
15 involve different evidentiary standards.

16 38. Relative to the petition for judicial review, the Developer had to demonstrate that
17 the City Council abused its discretion in that the June 21, 2017 decision was not supported by
18 substantial evidence; whereas, relative to its inverse condemnation claims, the Developer must
19 prove its claims by a preponderance of the evidence.

20 39. Because of these different evidentiary standards, the Court concludes that its
21 conclusions of law regarding the petition for judicial review do not control its consideration of the
22 Developer’s inverse condemnation claims.

23 **ORDER**

24 Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Motion
25 For A New Trial Pursuant To NRCP 59(e) And Motion To Alter Or Amend Pursuant To NRCP
26 52(b) And/Or Reconsider The Findings Of Fact And Conclusions Of Law And Motion To Stay
27 Pending Nevada Supreme Court Directives is DENIED.

1 IT IS FURTHER ORDERED THAT the Court's conclusions of law regarding the petition
2 for judicial review do not control its consideration of the Developer's inverse condemnation
3 claims, which will be subject to further action by the Court.

4 DATED: April 6th, 2019.

6
7
8 
TIMOTHY C. WILLIAMS
District Court Judge
C.D. + TCW

9 Submitted By:

10 HUTCHISON & STEFFEN, PLLC

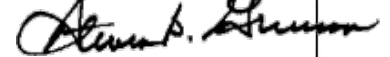
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DISTRICT COURT
CLARK COUNTY, NEVADA

180 LAND COMPANY, LLC, a Nevada limited liability company, FORE STARS, Ltd., SEVENTY ACRES, LLC, a Nevada Limited Liability Company, DOE INDIVIDUALS I through X, DOE CORPORATIONS I through X, and DOE LIMITED LIABILITY COMPANIES I through X,

Plaintiff,

vs.

CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE

Case No.: A-17-758528-J
Dept. No.: XVI

**SECOND AMENDMENT and FIRST
SUPPLEMENT TO COMPLAINT FOR
SEVERED ALTERNATIVE VERIFIED
CLAIMS IN INVERSE
CONDEMNATION**

**(Exempt from Arbitration – Action Seeking
Review of Administrative Decision and
Action Concerning Title To Real Property)**

1 LIMITED LIABILITY COMPANIES I through
2 X, ROE quasi-governmental entities I through X,
3 Defendant.
4

5 COMES NOW Plaintiff, 180 Land Company, LLC, FORE STARS, Ltd., and SEVENTY
6 ACRES, LLC, a Nevada Limited Liability Company, ("Landowner") by and through its attorneys
7 of record, The Law Offices of Kermitt L. Waters and Hutchison & Steffen, for its Second
8 Amendment and First Supplement To Complaint For Severed Alternative Claims In Inverse
9 Condemnation complains and alleges as follows:

10 **PARTIES**

11 1. Landowners 180 Land Company, LLC, FORE STARS, Ltd., and SEVENTY
12 ACRES, LLC, a Nevada Limited Liability Company, are organized and existing under the laws of
13 the state of Nevada.

14 2. Respondent City of Las Vegas ("City") is a political subdivision of the State of
15 Nevada and is a municipal corporation subject to the provisions of the Nevada Revised Statutes,
16 including NRS 342.105, which makes obligatory on the City all of the Federal Uniform Relocation
17 Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §4601-4655, and the
18 regulations adopted pursuant thereto. The City is also subject to all of the provisions of the Just
19 Compensation Clause of the United States Constitution and Article 1, sections 8 and Article 1,
20 section 22 of the Nevada Constitution, also known as PISTOL (Peoples Initiative to Stop the
21 Taking of Our Land).

22 3. That the true names and capacities, whether individual, corporate, associate, or
23 otherwise of Plaintiffs named herein as DOE INDIVIDUALS I through X, DOE
24 CORPORATIONS I through X, and DOE LIMITED LIABILITY COMPANIES I through X

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1 (hereinafter collectively referred to as “DOEs”) inclusive are unknown to the Landowner at this
2 time and who may have standing to sue in this matter and who, therefore, sue the Defendants by
3 fictitious names and will ask leave of the Court to amend this Complaint to show the true names
4 and capacities of Plaintiffs if and when the same are ascertained; that said Plaintiffs sue as
5 principles; that at all times relevant herein, Plaintiff DOEs were persons, corporations, or other
6 entities with standing to sue under the allegations set forth herein.

7 4. That the true names and capacities, whether individual, corporate, associate, or
8 otherwise of Defendants named herein as ROE government entities I through X, ROE
9 CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY
10 COMPANIES I through X, ROE quasi-governmental entities I through X (hereinafter collectively
11 referred to as “ROEs”), inclusive are unknown to the Landowner at this time, who therefore sue
12 said Defendants by fictitious names and will ask leave of the Court to amend this Complaint to
13 show the true names and capacities of Defendants when the same are ascertained; that said
14 Defendants are sued as principles; that at all times relevant herein, ROEs conduct and/or actions,
15 either alone or in concert with the aforementioned defendants, resulted in the claims set forth
16 herein.

17 JURISDICTION AND VENUE

18 5. The Court has jurisdiction over the alternative claims for inverse condemnation
19 pursuant to the United States Constitution, Nevada State Constitution, the Nevada Revised Statutes
20 and pursuant to the Court Order entered in this case on February 1, 2018.

21 6. Venue is proper in this judicial district pursuant to NRS 13.040.
22
23
24

1 14. The Landowner's property interest and vested right to use and develop the 35 Acre
2 Property is confirmed by the following:

3 15. On March 26, 1986, a letter was submitted to the City Planning Commission
4 requesting zoning on the entire 250 Acre Residential Zoned Land (which includes the 35 Acre
5 Property) and the zoning that was sought was R-PD as it allows the developer flexibility and shows
6 that developing the 35 Acre Property for a residential use has always been the intent of the City
7 and all prior owners.

8 16. The Landowner's property interest and vested right to use and develop the 35 Acre
9 Property residentially has further been confirmed by the City of Las Vegas in writing and orally
10 in, without limitation, 1996, 2001, 2014, 2016, and 2018.

11 17. The City of Las Vegas adopted Zoning Bill No. Z-2001, Ordinance 5353, which
12 specifically and further demonstrates that the R-PD7 Zoning was codified and incorporated into
13 the City of Las Vegas' Amended Atlas in 2001. As part of this action, the City "repealed" any
14 prior City actions that could possibly conflict with this R-PD7 hard zoning adopting: "SECTION
15 4: All ordinances *or* parts of ordinances *or* sections, subsections, phrases, sentences, clauses or
16 paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in
17 conflict herewith are *hereby repealed.*"

18 18. At a November 16, 2016, City Council hearing, Tom Perrigo, the City Planning
19 Director, confirmed the 250 Acre Residential Zoned Land (which includes the 35 Acre Property)
20 is hard zoned R-PD7, which allows up to 7.49 residential units per acre.

21 19. Long time City Attorney Brad Jerbic has also confirmed the 250 Acre Residential
22 Zoned Land (which includes the 35 Acre Property) is hard zoned R-PD7, which allows up to 7.49
23 residential units per acre.
24

1 20. The City of Las Vegas Planning Staff has also confirmed the 250 Acre Residential
2 Zoned Land (which includes the 35 Acre Property) is hard zoned R-PD7, which allows up to 7.49
3 residential units per acre.

4 21. Even the City of Las Vegas' own 2020 master plan confirms the 250 Acre
5 Residential Zoned Land (which includes the 35 Acre Property) is hard zoned R-PD7, which allows
6 up to 7.49 residential units per acre.

7 22. The City issued two formal Zoning Verification Letters dated December 20, 2014,
8 confirming the R-PD7 zoning on the entire 250 Acre Residential Zoned Land (which includes the
9 35 Acre Property).

10 23. This vested right to use and develop the 35 Acres, was confirmed by the City prior
11 to the Landowner's acquisition of the 35 Acres and the Landowner materially relied upon the
12 City's confirmation regarding the Subject Property's vested zoning rights.

13 24. Based upon information and belief, the City has approved development on
14 approximately 26 projects and over 1,000 units in the area of the 250 Acre Residential Zoned Land
15 (which includes the 35 Acre Property) on properties that are similarly situated to the 35 Acre
16 Property further establishing the Landowner's property interest and vested right to use and develop
17 the 35 Acre Property.

18 25. Based upon information and belief, the City has never denied an application to
19 develop in the area of the 250 Acre Residential Zoned Land (which includes the 35 Acre Property)
20 on properties that are similarly situated to the 35 Acre Property further establishing the
21 Landowner's property interest and vested right to use and develop the 35 Acre Property.

22 26. The City is judicially estopped from now denying the Landowner's property
23 interest and vested right to use and develop the 35 Acre Property residentially.

24

1 27. This property interest / vested right to use and develop the 250 Acre Residential
2 Zoned Land, which includes the 35 Acre Property has also been confirmed by two orders issued
3 by the Honorable District Court Judge Douglas E. Smith (the Smith Orders), which have been
4 affirmed by the Nevada Supreme Court.

5 28. There is a legal finding in the Smith Orders that the Landowner's have the "right to
6 develop" the entire 250 Acre Residential Zoned Land (which includes the 35 Acre Property).

7 29. There is a legal finding in the Smith Orders that the initial steps to develop,
8 parceling the 250 Acre Residential Zoned Land (which includes the 35 Acre Property), had
9 proceeded properly: "The Developer Defendants [Landowner] properly followed procedures for
10 approval of a parcel map over Defendants' property [250 Acre Residential Zoned Land] pursuant
11 to NRS 278.461(1)(a) because the division involved four or fewer lots. The Developer Defendants
12 [Landowner] parcel map is a legal merger and re-subdividing of land within their own boundaries."

13 30. The Smith Orders and the Nevada Supreme Court affirmance of the Landowner's
14 property interest, vested right to use and develop, and right to develop the 250 Acre Residential
15 Zoned Land (which includes the 35 Acre Property) are confirmed not only by the above facts, but
16 also by the City's own public maps according to the Nevada Supreme Court.

17 31. Accordingly, it is settled Nevada law that the Landowner has a property interest in
18 and the vested "right to develop" this specific 35 Acre Property with a residential use.

19 32. The City is bound by this settled Nevada law as the City was a party in the case
20 wherein the Smith Orders were issued, the City had a full and fair opportunity to address the issues
21 in that matter, and the Smith Orders have become final as they have been affirmed by the Nevada
22 Supreme Court.

23 33. The Landowner's property interest and vested right to use and develop the entire
24 250 Acre Residential Zoned Land (which includes the 35 Acre Property) is so widely accepted

1 that even the Clark County tax Assessor has assessed the property as residential for a value of
2 approximately \$88 Million and the current Clark County website identifies the 35 Acre Property
3 “zoned” R-PD7.

4 34. There have been no other officially and properly adopted plans or maps or other
5 recorded document(s) that nullify, replace, and/or trump the Landowner’s property interest and
6 vested right to use and develop the 35 Acre Property.

7 35. Although certain City of Las Vegas planning documents show a general plan
8 designation of PR-OS (Parks/Recreation/Open Space) on the 35 Acre Property, that designation
9 was placed on the Property by the City without the City having followed its own proper notice
10 requirements or procedures. Therefore, any alleged PR-OS on any City planning document is
11 being shown on the 35 Acre Property in error. The City’s Attorney confirmed the City cannot
12 determine how the PR-OS designation was placed on the Subject Property.

13 36. Further the Smith Orders legally confirm that notwithstanding any alleged open
14 space land use designation, the zoning on the 250 Acre Residential Zoned Land (which includes
15 the 35 Acre Property) is a residential use - R-PD7.

16 37. The Smith Orders further legally reject any argument that suggests the 250 Acre
17 Residential Zoned Land (which includes the 35 Acre Property) is zoned as open space or otherwise
18 bound by an open space designation.

19 38. The Smith Orders further legally confirm that the hard, residential zoning of R-PD7
20 trumps any other alleged open space designation on any other planning documents.

21 39. Although the 35 Acre Property was used for an interim golf course use, the
22 Landowner has always had the right to close the golf course and not water it.

23 40. The Smith Orders confirmed that there is no appropriate “open space” designation
24 on the 35 Acre Property and this was affirmed by the Nevada Supreme Court.

1 41. Nevada Supreme Court precedent provides that the Landowner has a property
2 interest and the vested right to use and develop the 250 Acre Residential Zoned Land (which
3 includes the 35 Acre Property).

4 **CITY ACTIONS TO TAKE THE LANDOWNER'S PROPERTY**

5 42. The City has engaged in numerous systematic and aggressive actions to prevent
6 any and all use of the 35 Acre Property thereby rendering the 35 Acre Property useless and
7 valueless.

8 43. The City actions and how the actions as a whole impact the 35 Acre Property are
9 set forth herein so that the form, intensity, and the deliberateness of the City actions toward the 35
10 Acre Property can be examined as all actions by the City in the aggregate, must be analyzed.

11 44. Generally, and without limitation, there are 11 City actions the City has engaged in
12 to prevent any and all use of the 35 Acre Property thereby rendering the 35 Acre Property useless
13 and valueless.

14 **City Action #1 - City Denial of the 35 Acre Property Applications**

15 45. On or about December 29, 2016, and at the suggestion of the City, the Landowner
16 filed with the City an application for a General Plan Amendment to change the General Plan
17 Designation on the 250 Acre Residential Zoned Land (which includes the 35 Acre Property) from
18 PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) ("GPA-68385"). While an
19 application for a General Plan Amendment was filed by the Landowner relating to the 250 Acre
20 Residential Zoned Land (which includes the 35 Acre Property), being application number, GPA-
21 68385; additional applications were filed by the Landowner with the City that related more
22 particularly to the 35 Acre Property. Those zoning applications pertaining to the 35 Acres were
23 application numbers WVR-68480; SDR-68481 and TMP-68482.

1 46. The proposed General Plan Designation of "L" allows densities less than the
2 corresponding General Plan Designation on the Property prior to the time any alleged PR-OS
3 designation was improperly placed on the Property by the City.

4 47. To the north of the 35 Acre Property are existing residences developed on lots
5 generally ranging in size from one quarter (1/4) of an acre to one third (1/3) of an acre.

6 48. In the center of the 35 Acre Property, are existing residences developed on lots
7 generally ranging in size from one quarter (1/4) of an acre to one third (1/3) of an acre.

8 49. To the south of the 35 Acre Property, are existing residences developed on lots
9 generally ranging in size from three quarters (3/4) of an acre to one and one quarter (1 1/4) acre.

10 50. On or about January 25, 2017, the Landowner filed with the City an application
11 pertaining to the 35 Acre Property for a waiver to allow 32-foot private streets with a sidewalk on
12 one side within a privately gated community where 47-foot private streets with sidewalks on both
13 sides are required. The application was given number WVR-68480 ("WVR-68480").

14 51. On or about January 4, 2017, the City required the Landowner to file an application
15 pertaining to the 35 Acre Property for a Site Development Plan Review for a proposed 61-Lot
16 single family residential development. The application was given number SDR-68481 ("SDR-
17 68481").

18 52. On or about January 4, 2017, the Landowner filed with the City an application
19 pertaining to the 35 Acre Property for a Tentative Map for a proposed 61-Lot single family
20 residential development. The application was given number TMP-68482 ("TMP-68482").

21 53. The Planning Staff for the City's Planning Department ("Planning Staff") reviewed
22 GPA-68385, WVR-68480, SDR-68481 and TMP-68482 and issued recommendations of approval
23 for WVR-68480, SDR-68481 and TMP-68482. The Planning Staff originally had "No
24 Recommendation" with regard to GPA-68385; however, in the "Agenda Memo-Planning" relating

1 to the City Council meeting date of June 21, 2017, Planning Staff noted its recommendation of
2 GPA-68385 as "Approval."

3 54. The City Planning Staff thoroughly reviewed the applications, determined that the
4 proposed residential development was consistent with the R-PD7 hard zoning, that it met all
5 requirements in the Nevada Revised Statutes, and in the City's Unified Development Code (Title
6 19), and appropriately recommended approval.

7 55. Tom Perrigo, the City Planning Director, stated at the hearing on the Landowner's
8 applications that the proposed development met all City requirements and should be approved.

9 56. On February 14, 2017, the City of Las Vegas Planning Commission ("Planning
10 Commission") conducted a public hearing on GPA-68385, WVR-68480, SDR-68481, and TMP-
11 68482.

12 57. After considering Landowner's comments, and those of the public, the Planning
13 Commission approved WVR-68480, SDR-68481, and TMP-68482 subject to Planning Staff's
14 conditions.

15 58. The Planning Commission voted four to two in favor of GPA-68385, however, the
16 vote failed to reach a super-majority (which would have been 5 votes in favor) and the vote was,
17 therefore, tantamount to a denial.

18 59. On June 21, 2017, the Las Vegas City Council ("City Council") heard WVR-68480,
19 SDR-68481, TMP-68482 and GPA-68385.

20 60. In conjunction with this City Council public hearing, the Planning Staff, in
21 continuing to recommend approval of WVR-68480, SDR-68481, and TMP-68482, noted *"the*
22 *adjacent developments are designated ML (Medium Low Density Residential) with a density cap*
23 *of 8.49 dwelling units per acre. The proposed development would have a density of 1.79 dwelling*
24 *units per acre...Compared with the densities and General Plan designations of the adjacent*

1 *residential development, the proposed L (Low Density Residential) designation is less dense and*
2 *therefore appropriate for this area, capped at 5.49 units per acre." (emphasis added).*

3 61. The Planning Staff found the density of the proposed General Plan compatible with
4 the existing adjacent land use designation, found the zoning designations compatible and found
5 that the filed applications conform to other applicable adopted plans and policies that include
6 approved neighborhood plans.

7 62. At the June 21, 2017, City Council hearing, the Landowner addressed the concerns
8 of the individuals speaking in opposition, and provided substantial evidence, through the
9 introduction of documents and through testimony, of expert witnesses and others, rebutting each
10 and every opposition claim.

11 63. Included as part of the evidence presented by the Landowner at the June 21, 2017,
12 City Council hearing, the Landowner introduced evidence, among other things, (i) that
13 representatives of the City had specifically noted in both City public hearings and in public
14 neighborhood meetings, that the standard for appropriate development based on the existing R-
15 PD7 zoning on the 35 Acre Property would be whether the proposed lot sizes were compatible
16 with and comparable to the lot sizes of the existing, adjoining residences; (ii) that the proposed lot
17 sizes for the 35 Acre Property were compatible with and comparable to the lot sizes of the existing
18 residences adjoining the lots proposed in the 35 Acres; (iii) that the density of 1.79 units per acre
19 provided for in the 35 Acre Property was less than the density of those already existing residences
20 adjoining the 35 Acre Property; and (iv) that both Planning Staff and the Planning Commission
21 recommended approval of WVR-68480, SDR-68481 and TMP-68482, all of which applications
22 pertain to the proposed development of the 35 Acre Property.

23 64. Any public statements made in opposition to the various applications were either
24 conjecture or opinions unsupported by facts; all of which public statements were either rebutted

1 by findings as set forth in the Planning Staff report or through statements made by various City
2 representatives at the time of the City Council public hearing or through evidence submitted by
3 the Landowner at the time of the public hearing.

4 65. In spite of the Planning Staff recommendation of approval and the recommendation
5 of approval from the Planning Commission, and despite the substantial evidence offered by the
6 Landowner in support of the WVR-68480, SDR-68481, TMP-68482 and GPA-68385; and in spite
7 of the fact that no substantial evidence was offered in opposition, the City Council denied the
8 WVR-68480, SDR-68481, TMP-68482 and GPA-68385.

9 66. The City Council's stated reason for the denial was its desire to see, not just the 35
10 Acre Property, but the entire 250 Acre Residential Zoned Land, developed under one Master
11 Development Agreement ("MDA") which would include all of the following properties:

12 APN 138-31-201-005, a 34.07 acre property, which is the 35 Acre Property, legally
13 subdivided and separate and apart from the properties identified below;

14 APN 138-31-702-003, a 76.93 acre property that has its own assessor parcel number and
15 is legally subdivided separate and apart from the 35 Acre Property;

16 APN 138-31-601-008, a 22.19 acre property that has its own assessor parcel number and
17 is legally subdivided separate and apart from the 35 Acre Property;

18 APN 138-31-702-004, a 33.8 acre property that has its own assessor parcel number and is
19 legally subdivided separate and apart from the 35 Acre Property;

20 APN 138-31-801-002, a 11.28 acre property that has its own assessor parcel number and
21 is legally subdivided separate and apart from the 35 Acre Property;

22 APN 138-32-301-007, a 47.59 acre property that has its own assessor parcel number and
23 is legally subdivided separate and apart from the 35 Acre Property and is owned by a
24 different legal entity, Seventy Acres, LLC;

1 APN 138-32-301-005, a 17.49 acre property that has its own assessor parcel number and
2 is legally subdivided separate and apart from the 35 Acre Property and is owned by a
3 different legal entity, Seventy Acres, LLC;

4 APN 138-31-801-003, a 5.44 acre property that has its own assessor parcel number and is
5 legally subdivided separate and apart from the 35 Acre Property and is owned by a different
6 legal entity, Seventy Acres, LLC;

7 APN 138-32-202-001, a 2.13 acre property that has its own assessor parcel number and is
8 legally subdivided separate and apart from the 35 Acre Property and is owned by a different
9 legal entity, Fore Stars, LTD;

10 67. At the City Council hearing considering and ultimately denying WVR-68480,
11 SDR-68481, TMP-68482 and GPA-68385, the City Council advised the Landowner that the only
12 way the City Council would allow development on the 35 Acres was under one MDA for the
13 entirety of the Property (totaling 250 Acre Residential Zoned Land).

14 68. At the time the City Council was considering WVR-68480, SDR-68481, TMP-
15 68482 and GPA-68385, that would allow the 35 Acre Property to be developed, the City Council
16 stated that the approval of the MDA is very, very close and “we are going to get there [approval
17 of the MDA].” The City Council was referring to the next public hearing wherein the MDA would
18 be voted on by the City Council.

19 69. The City Attorney stated that “if anybody has a list of things that should be in this
20 agreement [MDA], but are not, I say these words speak now or forever hold your peace, because
21 I will listen to you and we’ll talk about it and if it needs to be in that agreement, we’ll do our best
22 to get it in. . . . This is where I have to use my skills and say enough is enough and that’s why I
23 said tonight ‘speak now or forever hold your peace.’ If somebody comes to me with an issue that
24 they should have come to me with months ago I’m gonna ignore them ‘cause that’s just not fair

1 either. We can't continue to whittle away at this agreement by throwing new things at it all the
2 time. There's been two years for people to make their comments. I think we are that close."

3 70. The City Attorney even stated "There's no doubt about it [approval of the MDA].
4 If everybody thinks that this can't be resolved, I'm going to look like an idiot in a month and I
5 deserve it. Okay?"

6 71. The City Council stated at the hearing that the sole basis for denial was the City's
7 alleged desire to see the entire 250 Acre Residential Zoned Land developed under the MDA.

8 **City Action #2 - Denial of the Master Development Agreement (MDA)**

9 72. To comply with the City demand to have one unified development, for over two
10 years (between July, 2015, and August 2, 2017), the Landowner worked with the City on an MDA
11 that would allow development on the 35 Acre Property along with all other parcels that made up
12 the 250 Acre Residential Zoned Land.

13 73. The amount of work that went in to the MDA was demanding and pervasive.

14 74. The Landowner complied with each and every City demand, making more
15 concessions than any developer that has ever appeared before this City Council, according to
16 Councilwoman Tarkanian.

17 75. A non-exhaustive list of the Landowner's concessions, as part of the MDA, include
18 without limitation: 1) donation of approximately 100 acres as landscape, park equestrian facility,
19 and recreation areas; 2) building brand new driveways and security gates and gate houses for the
20 existing security entry ways for the Queensridge development; 3) building two new parks, one
21 with a vineyard; and, 4) reducing the number of units, increasing the minimum acreage lot size,
22 and reduced the number and height of towers.

23 76. The City demanded changes to the MDA that ranged from simple definitions, to
24 the type of light poles, to the number of units and open space required for the overall project.

1 77. In total, the City required approximately 16 new and revised versions of the MDA,
2 over the two plus year period.

3 78. In the end, the Landowner was very diligent in meeting all of the City's demands
4 and the MDA met all of the City mandates, the Nevada Revised Statutes and the City's own Code
5 requirements.

6 79. Even the City's own Planning Staff, who participated at every step in preparing the
7 MDA, recommended approval, stating the MDA "is in conformance with the requirements of the
8 Nevada Revised Statutes 278" and "the goals, objectives, and policies of the Las Vegas 2020
9 Master Plan" and "[a]s such, staff [the City Planning Department] is in support of the development
10 Agreement."

11 80. Based upon information and belief, the MDA met or exceeded any and all Major
12 Modification procedures and standards that are set forth in the City Code.

13 81. Notwithstanding that less than two months after the City Council said it was very,
14 very close to approving the MDA, the Landowner's efforts and sweeping concessions, and the
15 City's own Planning Staff recommendation to pass the MDA, and the fact that the MDA met each
16 and every City Code Major Modification procedure and standard, and the City's promise that it
17 would approve the MDA (the sole basis the City gave for denying the 35 Acre Property
18 applications was to allow approval of the MDA), on August 2, 2017, the MDA was presented to
19 the City Council and the City denied the entire MDA altogether.

20 82. The City did not ask the Landowner to make more concessions, like increasing the
21 setbacks or reducing the units per acre, it just simply and plainly denied the MDA in its entirety.

22 83. The City's actions in denying Landowner's tentative map (TMP-68482), WVR-
23 68480, SDR-68481, GPA-68385 and MDA foreclosed all development of the 35 Acre Property in
24

1 violation of Landowner's property interest and vested right to use and develop the 35 Acre
2 Property.

3 84. On or about June 28, 2017, Notices of Final Action were issued for WVR-68480,
4 SDR-68481, TMP-68482 and GPA-68385 stating these applications had been denied.

5 85. As the 35 Acre Property is vacant, this meant that the property would remain
6 vacant.

7 86. These facts show that the City assertion that it wanted to see the entire 250 Acre
8 Residential Zoned Land developed as one unit was an utter and complete farce. Regardless of
9 whether the Landowner submits individual applications (35 Acres applications) or one omnibus
10 plan for the entire 250 Acre Residential Zoned Land (the MDA), the City unilaterally denied any
11 and all uses of the 35 Acre Property.

12 87. Based upon information and belief, the denial of the 35 Acre Property individual
13 applications to develop and the MDA denial are in furtherance of a City scheme to specifically
14 target the Landowner's Property to have it remain in a vacant condition to be turned over to the
15 City for a park for pennies on the dollar – a value well below its fair market value.

16 **City Action #3 - Adoption of the Yohan Lowie Bills**

17 88. After denial of the MDA, the City then raced to adopt two new ordinances that
18 solely target the 250 Acre Residential Zoned Land in order to create further barriers to
19 development.

20 89. The first is Bill No. 2018-5, which Councilwomen Fiore acknowledged "[f]his bill
21 is for one development and one development only. The bill is only about Badlands Golf
22 Course [250 Acre Residential Zoned Land]. . . . "I call it the Yohan Lowie [a principle with the
23 Landowner] Bill."

1 90. Based upon information and belief, the purpose of the Yohan Lowie Bill was to
2 block any possibility of developing the 35 Acre Property by giving veto power to adjoining
3 property owners before any land use application can be submitted regardless of the existing hard
4 zoning and whether the neighbors have any legal interest in the property or not.

5 91. The second is Bill No. 2018-24, which, based upon information and belief, is also
6 clearly intended to target only the Landowner's 250 Acre Residential Zoned Land (which includes
7 the 35 Acre Property) by making it nearly impossible to develop and then applying unique laws to
8 jail the Landowner for seeking development of his property.

9 92. On October 15, 2018, a recommending committee considered Bill 2018-24 and it
10 was shown that this Bill targets solely the Landowner's Property.

11 93. Bill 2018-24 defines the "requirements pertaining to the Development Review and
12 Approval Process, Development Standards, and the Closure Maintenance Plan" for re-purposing
13 "certain" golf courses and open spaces.

14 94. Bill 2018-24 requires costly and technical application procedures, including:
15 approval of expensive and technical master drainage, traffic, and sewer studies before any
16 applications can be submitted; ecological studies; 3D topographic development models; providing
17 ongoing public access to the private land; and requiring the Landowner to hire security and
18 monitoring details.

19 95. Bill 2018-24 seeks to make it a misdemeanor subject to a \$1,000 a day fine or
20 "imprisonment for a term of not more than six months" or any combination of the two for an owner
21 of a discontinued golf course who fails to maintain the course to a level that existed on the date of
22 discontinuance, regardless of whether the course can be profitably operated at such a level.

23

24

1 96. According to Councilwoman Fiore at the September 4, 2018, Recommending
2 Committee meeting, if adopted, this would be the only ordinance in the City development code
3 which could enforce imprisonment on a landowner.

4 97. Based upon information and belief, at the September 4, 2018, meeting, the City
5 Staff confirmed that Bill 2018-24 could be applied retroactively. This makes an owner of any
6 failing golf course an indentured servant to neighboring owners whether such neighbors have any
7 legal interest to the property or not.

8 98. On November 7, 2018, despite the Bill's sole intent to target the Landowner's
9 Property and prevent its development, the City adopted the Bill.

10 99. This further shows the lengths to which the City has gone to prevent the
11 development of the 250 Acre Residential Zoned Land (which includes the 35 Acre Property) –
12 seeking unique laws to jail the Landowner for pursuing development of his own property for which
13 he has the “right to develop.”

14 100. Based upon information and belief, the adoption of these two City Bills is in
15 furtherance of a City scheme to specifically target the Landowner's Property to have it remain in
16 a vacant condition to be turned over to the City for a park for pennies on the dollar – a value well
17 below its fair market value.

18 **City Action #4 - Denial of an Over the Counter, Routine Access Request**

19 101. In August 2017, the Landowner filed a request with the City for three access points
20 to streets the 250 Acre Residential Zoned Land abuts – one on Rampart Blvd. and two on Hualapai
21 Way.

22 102. Based upon information and belief, this was a routine over the counter request and
23 is specifically excluded from City Council review.

1 103. Also, based upon information and belief, the Nevada Supreme Court has held that
2 a landowner cannot be denied access to abutting roadways, because all property that abuts a public
3 highway has a special right of easement to the public road for access purposes and this is a
4 recognized property right in Nevada, even if the owner had not yet developed the access.

5 104. Contrary to this Nevada law, the City denied the Landowner's access application
6 citing as the sole basis for the denial, "the various public hearings and subsequent debates
7 concerning the development on the subject site."

8 105. In violation of its own City Code, the City required that the matter be presented to
9 the City Council through a "Major Review."

10 106. Based upon information and belief, this access denial is in furtherance of a City
11 scheme to specifically target the Landowner's Property to have it remain in a vacant condition to
12 be turned over to the City for a park for pennies on the dollar – a value well below its fair market
13 value.

14 **City Action #5 - Denial of an Over the Counter, Routine Fence Request**

15 107. In August, 2017, the Landowner filed with the City a routine request to install chain
16 link fencing to enclose two water features/ponds that are located on the 250 Acre Residential
17 Zoned Land.

18 108. Based upon information and belief, the City Code expressly states that this
19 application is similar to a building permit review that is granted over the counter and not subject
20 to City Council review.

21 109. The City denied the application, citing as the sole basis for denial, "the various
22 public hearings and subsequent debates concerning the development on the subject site."

23 110. In violation of its own Code, the City then required that the matter be presented to
24 the City Council through a "Major Review" pursuant to LVMC 19.16.100(G)(1)(b) which, based

1 upon information and belief, states that the Director determines that the proposed development
2 could significantly impact the land uses on the site or on surrounding properties.

3 111. Based upon information and belief, the Major Review Process contained in LVMC
4 19.16.100 is substantial. It requires a pre-application conference, plans submittal, circulation to
5 interested City departments for comments/recommendation/requirements, and publicly noticed
6 Planning Commission and City Council hearings. The City has required this extraordinary
7 standard from the Landowner to install a simple chain link fence to enclose and protect two water
8 features/ponds on his property.

9 112. Based upon information and belief, this fence denial is in furtherance of a City
10 scheme to specifically target the Landowner's Property to have it remain in a vacant condition to
11 be turned over to the City for a park for pennies on the dollar – a value well below its fair market
12 value.

13 City Action #6 - Denial of a Drainage Study

14 113. In an attempt to clear the property, replace drainage facilities, etc., the Landowner
15 submitted an application for a Technical Drainage Study, which should have been routine, because
16 the City and the Landowner have an On-Site Drainage Improvements Maintenance Agreement
17 that allows the Landowner to remove and replace the flood control facilities on his property. The
18 City would not accept the Landowners' application for a Technical Drainage Study.

19 114. Based upon information and belief, the City's Yohan Lowie Bill, referenced above,
20 requires a technical drainage study in order to grant entitlements.

21 115. Based upon information and belief, the City, in furtherance of its scheme to keep
22 the Landowner's property in a vacant condition to be turned over to the City for a park for pennies
23 on the dollar – a value well below its fair market value - is mandating an impossible scenario - that
24 **there can be no drainage study without entitlements while requiring a drainage study in**

1 **order to get entitlements.** This is a clear catch-22 intentionally designed by the City to prevent
2 any use of the Landowners' property.

3 **City Action #7 - City Refusal to Even Consider the 133 Acre Property Applications**

4 116. As part of the numerous development applications filed by the Landowner over the
5 past three years to develop all or portions of the 250 Acre Residential Zoned Land, in October and
6 November 2017, the necessary applications were filed to develop residential units on the 133 Acre
7 Property consistent with the R-PD7 hard zoning.

8 117. The City Planning Staff reviewed the applications, determined that the proposed
9 residential development was consistent with the R-PD7 hard zoning, that it met all requirements
10 in the Nevada Revised Statutes, the City Planning Department, and the Unified Development Code
11 (Title 19), and recommended approval.

12 118. Instead of approving the development, the City Council delayed the hearing for
13 several months until May 16, 2018 - the same day it was considering the Yohan Lowie Bill,
14 referenced above.

15 119. The City put the Yohan Lowie Bill on the morning agenda and the 133 Acre
16 Property applications on the afternoon agenda.

17 120. The City then approved the Yohan Lowie Bill in the morning session.

18 121. Thereafter, Councilman Seroka asserted that the Yohan Lowie Bill applied to deny
19 development on the 133 Acre Property and moved to strike all of the applications for the 133 Acre
20 Property filed by the Landowner.

21 122. The other Council members and City staff were taken a back and surprised by this
22 attempt to deny the Landowner even the opportunity to be heard on the 133 Acre Property
23 applications. Scott Adams (City Manager): "I would say we are not aware of the action. ... So
24 we're not really in a position to respond technically on the merits of the motion, cause it, it's

1 something that I was not aware of.” Councilwoman Fiore: “none of us had any briefing on what
2 just occurred.” Councilman Anthony: 95 percent of what Councilman Seroka said was, I heard it
3 for the first time. So I – don’t know what it means. I don’t understand it.”

4 123. The City then refused to allow the Landowner to be heard on his applications for
5 the 133 Acre Property and voted to strike the applications.

6 124. Based upon information and belief, the strategic adoption and application of the
7 Yohan Lowie Bill to strike all of the 133 Acre Property development applications is further
8 evidence of the City’s systematic and aggressive actions to deny any and all development on any
9 part of the 250 Acre Residential Zoned Land (which includes the 35 Acre Property).

10 125. Based upon information and belief, this City action is in furtherance of a City
11 scheme to specifically target the Landowner’s Property to have it remain in a vacant condition to
12 be turned over to the City for a park for pennies on the dollar – a value well below its fair market
13 value.

14 **City Action #8 - The City Announced It Will Never Allow Development on the 35 Acre**
15 **Property, Because the City Wants the Property for a City Park and Wants to Pay Pennies**
on the Dollar

16 126. Based upon information and belief, the purpose for the repeated City denials and
17 affirmative actions to create barriers to development is the City wants the Landowner’s Property
18 for a City park.

19 127. In documents obtained from the City pursuant to a Nevada Public Records Request,
20 it was discovered that the City has already allocated \$15 million to acquire the Landowner’s private
21 property - “\$15 Million-Purchase Badlands and operate.”

22 128. Councilman Seroka issued a statement during his campaign entitled “The Seroka
23 Badlands Solution” which provides the intent to convert the Landowner’s private property into a
24 “fitness park.”

1 129. In an interview with KNPR Seroka stated that he would “turn [the Landowners’
2 private property] over to the City.”

3 130. Councilman Coffin agreed as referenced in an email as follows: “I think your third
4 way is the only quick solution...Sell off the balance to be a golf course with water rights (key).
5 Keep the bulk of Queensridge green.”

6 131. Councilman Coffin and Seroka also exchanged emails wherein they state they will
7 not compromise one inch and that they “need an approach to accomplish the desired outcome,”
8 which, based upon information and belief, is to prevent all development on the Landowner’s
9 Property so the city can take it for the City’s park.

10 132. The City has announced that it will never allow any development on the 35 Acre
11 Property or any other part of the 250 Acre Residential Zoned Land.

12 133. Based upon information and belief, Councilman Seroka testified at the Planning
13 Commission (during his campaign) that it would be “**over his dead body**” before the Landowner
14 could use his private property for which he has a vested right to develop.

15 134. Based upon information and belief, in reference to development on the
16 Landowner’s Property, Councilman Coffin stated firmly “I am voting against the whole thing,”
17 calls the Landowner’s representative a “motherfucker,” and expresses his clear resolve to continue
18 voting against any development on the 35 Acre Property.

19 135. Based upon information and belief, this City action is in furtherance of a City
20 scheme to specifically target the Landowner’s Property to have it remain in a vacant condition to
21 be turned over to the City for a park for pennies on the dollar – a value well below its fair market
22 value.

23

24

1 **City Action #9 - The City has Shown an Unprecedented Level of Aggression to Deny All**
2 **Use of the 250 Acre Residential Zoned Land**

3 136. The City has gone to unprecedented lengths to interfere with the use and enjoyment
4 of the Landowner's Property.

5 137. Based upon information and belief, Councilman Coffin sought "intel" against one
6 of the Landowner representatives so that the intel could, presumably, be used to deny any
7 development on the 250 Acre Residential Zoned Land (including the 35 Acre Property).

8 138. Based upon information and belief, knowing the unconstitutionality of their actions,
9 instructions were then given on how to hide communications regarding the 250 Acre Residential
10 Zoned Land from the Courts.

11 139. Based upon information and belief, Councilman Coffin advised Queensridge
12 residents on how to circumvent the legal process and the Nevada Public Records Act by instructing
13 how not to trigger any of the search terms being used in the subpoenas.

14 140. Based upon information and belief, this City action is in furtherance of a City
15 scheme to specifically target the Landowner's Property to have it remain in a vacant condition to
16 be turned over to the City for a park for pennies on the dollar – a value well below its fair market
17 value.

18 **City Action #10 - the City has Reversed the Past Approval on the 17 Acre Property**

19 141. The City has tried to claw back a past approval to develop on part of the 250 Acre
20 Residential Zoned Land - the 17 Acre Property approvals.

21 142. Whereas in approving the 17 Acre Property applications the City agreed the
22 Landowner had the vested right to develop without a Major Modification, now the City is arguing
23 in other documents that: 1) the Landowner has no property rights; and, 2) the approval on the 17
24 Acre Property was erroneous, because no Major Modification was filed.

143. Based upon information and belief, this City action is in furtherance of a City scheme to specifically target the Landowner's Property to have it remain in a vacant condition to be turned over to the City for a park for pennies on the dollar – a value well below its fair market value.

City Action #11 - The City Has Retained Private Counsel to Push an Invalid Open Space Designation on the 35 Acre Property

144. Based upon information and belief, the City has now retained and authorized private counsel to push an invalid “open space” designation / Major Modification argument in this case to prevent any and all development on the 35 Acre Property.

145. Based upon information and belief, this is the exact opposite position the City and the City's staff has taken for the past 32 years on at least 1,067 development units in the Peccole Concept Plan area.

146. Based upon information and belief, approximately 1,000 units have been developed over the past 32 years in the Peccole Concept Plan area the City has never applied the “open space” / Major Modification argument now advanced by its retained counsel.

147. Based upon information and belief, the City has targeted this one Landowner and this one Property and is treating them differently than it has treated all other owners and developers in the area for the sole purpose of denying the Landowner his constitutional property rights so the Landowner's property will remain in a vacant condition to be turned over to the City for a park for pennies on the dollar – a value well below its fair market value.

148. Based upon information and belief, the City's actions singularly targets the Landowner and the Landowner's Property; the Property is vacant; and, the City's actions are in bad faith.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES / RIPENESS**

2 149. The Landowner's Alternative Verified Claims in Inverse Condemnation have been
3 timely filed and, pursuant to the Court's Order entered on February 1, 2018, are ripe.

4 150. The Landowner submitted at least one meaningful application to the City to develop
5 the 35 Acre Property and the City denied each and every attempt to develop.

6 151. The Landowner provided the City the opportunity to approve an allowable use of
7 the 35 Acre Property and the City denied each and every use.

8 152. The City denied the Landowner's applications to develop the 35 Acre Property as
9 a stand alone parcel, even though the applications met every City Code requirement and the City's
10 own planning staff recommended approval.

11 153. The Landowner also worked on the MDA with the City for over two years that
12 would have allowed development of the 35 Acre Property with the other parcels included in the
13 250 Acre Residential Land. The City made over 700 changes to the MDA, sent the Landowner
14 back to the drawing board at least 16 times to redo the MDA, and the Landowner agreed to more
15 concessions than any landowner ever to appear before this City Council. The MDA even included
16 the procedures and standards for a Major Modification and the City still denied the MDA
17 altogether.

18 154. If a Major Modification is required to exhaust administrative remedies / ripen the
19 Landowner's taking claims, the MDA the Landowner worked on with the City for over two years
20 included and far exceeded all of the procedures and standards for a Major Modification application.

21 155. The Landowner cannot even get a permit to fence ponds on the 250 Acre
22 Residential Zoned Land or a permit to utilize his legal and constitutionally guaranteed access to
23 the Property.

156. The City adopted two Bills that specifically target and effectively eliminate all use of the entire 250 Acre Residential Zoned Land (which includes the 35 Acre Property).

157. Based upon information and belief, City Councilman Seroka stated that “over his dead body” will development be allowed and City Councilman Coffin put in writing that he will vote against any development on the 35 Acre Property.

158. The City has retained private counsel now to push the “open space” / Major Modification argument which is contrary to the City’s own actions for the past 32 years and actions on approximately 1,000 units that have developed in the area.

159. Based upon information and belief, this City action is in furtherance of a City scheme to specifically target the Landowner's Property to have it remain in a vacant condition to be turned over to the City for a park for pennies on the dollar – a value well below its fair market value.

160. Therefore, the Landowner's inverse condemnation claims are clearly ripe for adjudication.

161. It would be futile to submit any further applications to develop the 35 Acre Property to the City.

FIRST ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION
(Categorical Taking)

162. The Landowner repeats, re-alleges and incorporates by reference all paragraphs included in this pleading as if set forth in full herein.

163. The City reached a final decision that it will not allow development of Landowner's 35 Acres.

164. Any further requests or applications to the City to develop the 35 Acres would be futile.

1 165. The City's actions in this case have resulted in a direct appropriation of
2 Landowner's 35 Acre property by entirely prohibiting the Landowner from using the 35 Acres for
3 any purpose and reserving the 35 Acres vacant and undeveloped.

4 166. As a result of the City's actions, the Landowner has been unable to develop the 35
5 Acres and any and all value in the 35 Acres has been entirely eliminated.

6 167. The City's actions have completely deprived the Landowner of all economically
7 beneficial use of the 35 Acres.

8 168. Open space or golf course use is not an economic use of the 35 Acre Property.

9 169. The City's actions have resulted in a direct and substantial impact on the
10 Landowner and on the 35 Acres.

11 170. The City's actions require the Landowner to suffer a permanent physical invasion
12 of his property.

13 171. The City's actions result in a categorical taking of the Landowner's 35 Acre
14 Property.

15 172. The City has not paid just compensation to the Landowner for this taking of his 35
16 Acre Property.

17 173. The City's failure to pay just compensation to the Landowner for the taking of his
18 35 Acre Property is a violation of the United States Constitution, the Nevada State Constitution,
19 and the Nevada Revised Statutes, which require the payment of just compensation when private
20 property is taken for a public use.

21 174. Therefore, the Landowner is compelled to bring this cause of action for the taking
22 of the 35 Acre Property to recover just compensation for property the City is taking without
23 payment of just compensation.

24 175. The requested compensation is in excess of fifteen thousand dollars (\$15,000.00).

1 **SECOND ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION**
2 **(Penn Central Regulatory Taking)**

3 176. The Landowner repeats, re-alleges and incorporates by reference all paragraphs
4 included in this pleading as if set forth in full herein.

5 177. The City reached a final decision that it will not allow development of the
6 Landowner's 35 Acres.

7 178. Any further requests or applications to the City to develop the 35 Acres would be
8 futile.

9 179. The City already denied an application to develop the 35 Acres, even though: 1)
10 the Landowner's proposed 35 Acre development was in conformance with its zoning density and
11 was comparable and compatible with existing adjacent and nearby residential development; 2) the
12 Planning Commission recommended approval; and 3) the City's own Staff recommended
13 approval.

14 180. The City affirmatively stated that it will not allow the Landowner to develop the 35
15 Acres unless it is developed as part of the MDA, referenced above. The Landowner worked on
16 the MDA for nearly two years, with numerous City-imposed and/or City requested abeyances and
17 with the City's direct and active involvement in the drafting and preparing the MDA and the City's
18 statements that it would approve the MDA and despite nearly two years of working on the MDA,
19 on or about August 2, 2017, the City denied the MDA.

20 181. The City's actions have caused a direct and substantial economic impact on the
21 Landowner, including but not limited to preventing development of the 35 Acres.

22 182. The City was expressly advised of the economic impact the City's actions were
23 having on Landowner.

24 183. At all relevant times herein, the Landowner had specific and distinct investment
backed expectations to develop the 35 Acres.

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1 184. These investment backed expectations are further supported by the fact that the
2 City, itself, advised the Landowner of its vested rights to develop the 35 Acre Property prior to
3 acquiring the 35 Acres.

4 185. The City was expressly advised of Landowner's investment backed expectations
5 prior to denying the Landowner the use of the 35 Acres.

6 186. The City's actions are preserving the 35 Acres as open space for a public use and
7 the public is actively using the 35 Acres.

8 187. The City's actions have resulted in the loss of the Landowner's investment backed
9 expectations in the 35 Acres.

10 188. The character of the City action to deny the Landowner's use of the 35 Acres is
11 arbitrary, capricious, and fails to advance any legitimate government interest and is more akin to
12 a physical acquisition than adjusting the benefits and burdens of economic life to promote the
13 common good.

14 189. The City never stated that the proposed development on the 35 Acres violated any
15 code, regulation, statute, policy, etc. or that the Landowner did not have a vested property right to
16 use/develop the 35 Acres.

17 190. The City provided only one reason for denying Landowner's request to develop the
18 35 Acres - that the City would only approve the MDA that included the entirety of the 250 Acre
19 Residential Zoned Land owned by various entities and that the MDA would allow development of
20 the 35 Acres.

21 191. The City then, on or about August 2, 2017, denied the MDA, thereby preventing
22 the development of the 35 Acres.

23 192. The City's actions meet all of the elements for a Penn Central regulatory taking.
24

1 193. The City has not paid just compensation to the Landowner for this taking of his 35
2 Acre property.

3 194. The City's failure to pay just compensation to the Landowner for the taking of his
4 35 Acre Property is a violation of the United States Constitution, the Nevada State Constitution,
5 and the Nevada Revised Statutes, which require the payment of just compensation when private
6 property is taken for a public use.

7 195. Therefore, the Landowner is compelled to bring this cause of action for the taking
8 of the 35 Acre Property to recover just compensation for property the City is taking without
9 payment of just compensation.

10 196. The requested compensation is in excess of fifteen thousand dollars (\$15,000.00).

11 **THIRD ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION**
12 **(Regulatory Per Se Taking)**

13 197. The Landowner repeats, re-alleges and incorporates by reference all paragraphs
14 included in this pleading as if set forth in full herein.

15 198. The City's actions stated above fail to follow the procedures for taking property set
16 forth in Chapters 37 and 342 of the Nevada Revised Statutes, Nevada's statutory provisions on
17 eminent domain, and the United States and Nevada State Constitutions.

18 199. The City's actions exclude the Landowner from using the 35 Acres and, instead,
19 permanently reserve the 35 Acres for a public use and the public is using the 35 Acres and that use
20 is expected to continue into the future.

21 200. Based upon information and belief, the City is preserving the 35 Acre Property for
22 a future public use by the City.

23 201. The City's actions have shown an unconditional and permanent taking of the 35
24 Acres.

1 202. The City has not paid just compensation to the Landowner for this taking of his 35
2 Acre property.

3 203. The City's failure to pay just compensation to Landowner for the taking of his 35
4 Acre property is a violation of the United States Constitution, the Nevada State Constitution, and
5 the Nevada Revised Statutes, which require the payment of just compensation when private
6 property is taken for a public use.

7 204. Therefore, Landowner is compelled to bring this cause of action for the taking of
8 the 35 Acre property to recover just compensation for property the City is taking without payment
9 of just compensation.

10 205. The requested compensation is in excess of fifteen thousand dollars (\$15,000.00).

11 **FOURTH ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION**
12 **(Nonregulatory Taking)**

13 206. The Landowner repeats, re-alleges and incorporates by reference all paragraphs
14 included in this pleading as if set forth in full herein.

15 207. The City actions directly and substantially interfere with the Landowner's vested
16 property rights rendering the 35 Acres unusable and/or valueless.

17 208. The City's actions substantially deprive the Landowner of the use and enjoyment
18 of the 35 Acre Property.

19 209. The City has taken steps that directly and substantially interfere with the
20 Landowner's property rights to the extent of rendering the 35 Acre Property valueless or unusable.

21 210. The City actions have rendered the 35 Acre Property unusable on the open market.

22 211. The City has intentionally delayed approval of development on the 35 Acres and,
23 ultimately, denied any and all development in a bad faith effort to preclude any use of the 35 Acres.

24 212. The City's actions are oppressive and unreasonable.

213. The City's actions result in a nonregulatory taking of the Landowner's 35 Acres.

1 214. The City has not paid just compensation to the Landowner for this taking of his 35
2 Acre Property.

3 215. The City's failure to pay just compensation to the Landowner for the taking of his
4 35 Acre Property is a violation of the United States Constitution, the Nevada State Constitution,
5 and the Nevada Revised Statutes, which require the payment of just compensation when private
6 property is taken for a public use.

7 216. Therefore, the Landowner is compelled to bring this cause of action for the taking
8 of the 35 Acre Property to recover just compensation for property the City is taking without
9 payment of just compensation.

10 217. The requested compensation is in excess of fifteen thousand dollars (\$15,000.00)

11 **FIFTH ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION**
12 **(Temporary Taking)**

13 218. The Landowner repeats, re-alleges and incorporates by reference all paragraphs
14 included in this pleading as if set forth in full herein.

15 219. If there is subsequent City Action or a finding by the Nevada Supreme Court, or
16 otherwise, that the Landowner may develop the 35 Acre Property, then there has been a temporary
17 taking of the Landowner's 35 Acre Property for which just compensation must be paid.

18 220. The City has not offered to pay just compensation for this temporary taking.

19 221. The City failure to pay just compensation to the Landowner for the taking of his 35
20 Acres is a violation of the United States Constitution, the Nevada State Constitution, and the
21 Nevada Revised Statutes, which require the payment of just compensation when private property
22 is taken for a public use.

23 222. Therefore, the Landowner is compelled to bring this cause of action for the taking
24 of the 35 Acre Property to recover just compensation for property the City has taken without
payment of just compensation.

1 223. The requested compensation is in excess of fifteen thousand dollars (\$15,000.00).

2 **SIXTH ALTERNATIVE CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

3 **(Judicial Taking)**

4 224. The Landowner repeats, re-alleges and incorporates by reference all paragraphs
5 included in this pleading as if set forth in full herein.

6 225. If this Court elects to follow the Crockett Order (that was decided in the context of
7 a land use case and which entirely ignores the Landowner's hard zoning and vested right to
8 develop) to deny the taking in this case, this will add a judicial taking claim, because the Crockett
9 Order would be applied to recharacterize the Landowner's 35 Acre Property from a hard zoned
10 residential property with the vested "rights to develop" to a public park / open space.

11 226. The requested compensation for this claim is in excess of fifteen thousand dollars
12 (\$15,000.00).

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiff prays for judgment as follows:

15 1. An award of just compensation according to the proof for the taking (permanent or
16 temporary) and/or damaging of the Landowner's Property by inverse condemnation,

17 2. Prejudgment interest commencing from the date the City first froze the use of the
18 35 Acre Property which is prior to the filing of this Complaint in Inverse Condemnation;

19 3. A preferential trial setting pursuant to NRS 37.055 on the alternative inverse
20 condemnation claims;

21 4. Payment for all costs incurred in attempting to develop the 35 Acres;

22 5. For an award of attorneys' fees and costs incurred in and for this action; and,

23 //

24

1 6. For such further relief as the Court deems just and equitable under the
2 circumstances.

3 DATED THIS 15th day of May, 2019.

4 **LAW OFFICES OF KERMITT L. WATERS**

5 BY: /s/ Kermit L. Waters
6 KERMITT L. WATERS, ESQ. (NBN 2571)
7 JAMES J. LEAVITT, ESQ. (NBN 6032)
8 MICHAEL SCHNEIDER, ESQ. (NBN 8887)
9 AUTUMN WATERS, ESQ. (NBN 8917)

10 **HUTCHISON & STEFFEN**

11 BY: /s/ Mark A. Hutchison
12 Mark A. Hutchison (4639)
13 Joseph S. Kistler (3458)
14 Robert T. Stewart (13770)

15 *Attorneys for 180 Land Company, LLC*

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VERIFICATION


STATE OF NEVADA)
):ss
COUNTY OF CLARK)

Yohan Lowie, on behalf of the Landowner, being first duly sworn, upon oath, deposes and says: that he has read the foregoing **SECOND AMENDMENT and FIRST SUPPLEMENT TO COMPLAINT FOR SEVERED ALTERNATIVE VERIFIED CLAIMS IN INVERSE CONDEMNATION** and based upon information and belief knows the contents thereof to be true and correct to the best of his knowledge.



YOHAN LOWIE

SUBSCRIBED and SWORN to before me
This 15 day of May, 2019.


NOTARY PUBLIC



1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kermit L. Waters, and
3 that on the 15th day of May, 2019, a true and correct copy of the foregoing **SECOND**
4 **AMENDMENT and FIRST SUPPLEMENT TO COMPLAINT FOR SEVERED**
5 **ALTERNATIVE VERIFIED CLAIMS IN INVERSE CONDEMNATION** was made by
6 electronic means pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
7 Eighth Judicial District Court's electronic filing system, with the date and time of the electronic
8 service substituted for the date and place of deposit in the mail and addressed to each of the
9 following:

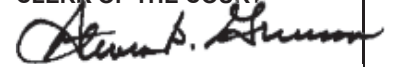
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28
/s/ *Evelyn Washington*
An employee of the Law Offices of
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16 *Attorneys for Defendant City of Las Vegas*

17 **DISTRICT COURT**
CLARK COUNTY, NEVADA

18 180 LAND CO LLC, a Nevada limited-liability
19 company; DOE INDIVIDUALS I through X;
DOE CORPORATIONS I through X; and
20 DOE LIMITED-LIABILITY COMPANIES I
through X,

21 Plaintiffs,

22 v.

23 CITY OF LAS VEGAS, a political
24 subdivision of the State of Nevada; ROE
GOVERNMENT ENTITIES I through X;
25 ROE CORPORATIONS I through X; ROE
INDIVIDUALS I through X; ROE LIMITED-
26 LIABILITY COMPANIES I through X; ROE
QUASI-GOVERNMENTAL ENTITIES I
27 through X,

28 Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**CITY OF LAS VEGAS' ANSWER TO
PLAINTIFF 180 LAND COMPANY'S
SECOND AMENDMENT AND FIRST
SUPPLEMENT TO COMPLAINT FOR
SEVERED ALTERNATIVE VERIFIED
CLAIMS IN INVERSE
CONDEMNATION**

JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,

Intervenors.

The City of Las Vegas (the “City”), by and through its undersigned counsel, as and for its Answer to the Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation (the “Second Amended Complaint”) filed by Plaintiff 180 Land Company, LLC, hereby admits, denies and responds as follows:

1. Answering paragraphs 1, 3, 4, 7, 8, 9, 73, 128, 129, 137, 138, 175, 182, 196, 205, 217, 223 and 226 of the Second Amended Complaint, the City lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein and, on that basis, denies each and every allegation set forth in said paragraphs.

2. Answering paragraph 2 of the Second Amended Complaint, the City admits that it is a political subdivision of the State of Nevada and municipal corporation, but submits that the remaining allegations set forth in said paragraphs constitute conclusions of law for which no response is required, and denies each and every allegation that is inconsistent with state and federal law.

...

1 3. Answering paragraph 5 of the Second Amended Complaint, the City admits that
2 the Order Denying Motion to Dismiss and Countermotion to Stay Litigation that was entered on
3 February 1, 2018 includes the finding, “[b]oth the Petition for Judicial Review and Alternative
4 Verified Claims in Inverse Condemnation comprise one action for which this Court has
5 jurisdiction”, but otherwise denies each and every allegation set forth in said paragraph.

6 4. Answering paragraphs 6, 80, 103, 150, 154, 155, 160, 183, 198, 201, 202, 219,
7 220, and 221 of the Second Amended Complaint the City submits that the allegations set forth in
8 said paragraphs constitute conclusions of law for which no response is required, and denies each
9 and every allegation that is inconsistent with state and federal law. To the extent said paragraphs
10 assert fact allegations, the City denies them.

11 5. Answering paragraphs 10, 11, 12, 13, 42, 43, 44, 62, 64, 74, 76, 77, 78, 83, 85, 86,
12 87, 88, 90, 91, 97, 99, 100, 102, 106, 112, 115, 116, 118, 124, 125, 126, 127, 132, 135, 136, 140,
13 141, 142, 143, 144, 145, 146, 147, 148, 151, 156, 158, 159, 161, 163, 164, 165, 166, 167, 168,
14 169, 170, 171, 172, 173, 174, 177, 178, 181, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194,
15 195, 199, 200, 203, 204, 207, 208, 209, 210, 211 212, 213, 214, 215, 216, 222 and 225 of the
16 Second Amended Complaint, the City denies each and every allegation set forth therein.

17 6. Answering paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
18 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 of the Second Amended Complaint, because all
19 of the aforementioned paragraphs that succeed paragraph 14 appear to be bases on which Plaintiff
20 alleges that its “property interest and vested right to use and develop the 35 Acre Property is
21 confirmed”, the City denies each and every allegation set forth in said paragraphs. To the extent
22 the allegations set forth in said paragraphs constitute conclusions of law, no response is required,
23 and the City denies each and every allegation that is inconsistent with state and federal law.

24 7. Answering paragraphs 45, 50, 51 and 52 of the Second Amended Complaint, the
25 City admits that the Developer filed applications designated as GPA-68385, WVR-68480, SDR-
26 68481, and TMP-68482, but submits that the applications speak for themselves and denies each
27 and every allegation set forth in said paragraphs that is inconsistent with the applications, and
28 denies each and every remaining allegation set forth in said paragraphs.

1 8. Answering paragraph 46 of the Second Amended Complaint, the City submits that
2 the General Plan Designation speaks for itself and denies each and every allegation set forth in
3 said paragraphs that are inconsistent with the City's general plan.

4 9. Answering paragraphs 47, 48 and 49 of the Second Amended Complaint, the City
5 admits that there are existing residences developed on certain lots generally located to the north
6 and south of the 35-Acre Property, and denies each and every remaining allegation set forth
7 therein.

8 10. Answering paragraphs 53, 54, 60, and 79 of the Second Amended Complaint, the
9 City admits that it reviewed the applications, but submits that the Planning Staff's reports speak
10 for themselves, and denies each and every allegation set forth in said paragraphs that is
11 inconsistent with those materials, and denies each and every remaining allegation set forth therein.

12 11. Answering paragraphs 55, 63, 67, 68, 69, 70, 71, 122, and 133 of the Second
13 Amended Complaint, the City submits that the video and transcripts of the referenced meetings
14 speak for themselves, and the City denies each and every allegation set forth in said paragraphs
15 that are inconsistent with said materials.

16 12. Answering paragraphs 56, 57, 58, 59 and 101 of the Second Amended Complaint,
17 the City admits the allegations set forth therein.

18 13. Answering paragraph 61 of the Second Amended Complaint, the City submits that
19 the allegations contained in such paragraph are unintelligible and on that basis denies each and
20 every allegation set forth therein.

21 14. Answering paragraph 65 of the Second Amended Complaint, the City admits the
22 City Council voted to deny applications GPA-68385, WVR-68480, SDR-68481, and TMP-68482,
23 but submits that said paragraph contains legal conclusions for which no responses is required and
24 denies each and every remaining allegation contained in said paragraph.

25 15. Answering paragraph 66, the City submits that the City's notice of final action and
26 the transcripts of the City Council's meeting speak for themselves, and denies each every all
27 allegation that is inconsistent with these materials.

28 ...

1 16. Answering paragraphs 72, 180 and 191 of the Second Amended Complaint, the
2 City admits that representatives of the City were involved in negotiating a proposed master
3 development agreement and that the City Council voted to deny the Developer's proposed master
4 development agreement, but the City denies each and every remaining allegation set forth in said
5 paragraphs.

6 17. Answering paragraph 75 of the Second Amended Complaint, the City submits that
7 the MDA speaks for itself and denies each and every allegation contained in said paragraph that
8 is inconsistent with the MDA.

9 18. Answering paragraph 81 and 82 of the Second Amended Complaint, the City
10 admits that the City Council considered and voted to deny a master development agreement during
11 the City Council meeting on August 2, 2017, but the City denies each and every remaining
12 allegation contained in such paragraph.

13 19. Answering paragraph 84 of the Second Amended Complaint, the City admits that
14 Notices of Final Action regarding GPA-68385, WVR-68480, SDR-68481, and TMP-68482 were
15 issued on or about June 28, 2017, submits that said Notices of Final Action speak for themselves,
16 and denies each and every allegation set forth in paragraph 84 that is inconsistent with said
17 documents.

18 20. Answering paragraph 89 of the Second Amended Complaint, the City admits that
19 Councilwoman Fiore made the statements quoted in said paragraph, but denies each and every
20 remaining allegation set forth therein.

21 21. Answering paragraph 92 of the Second Amended Complaint, the City admits that
22 the recommending committee considered Bill 2018-24 on October 15, 2018, but denies each and
23 every remaining allegation in said paragraph.

24 22. Answering paragraphs 93, 94 and 95 of the Second Amended Complaint, the City
25 submits that the text of Bill No. 2018-24 speaks for itself, and the City denies each and every
26 allegation set forth in said paragraphs that is inconsistent with said document.

27 23. Answering paragraph 96 of the Second Amended Complaint, the City admits that
28 Councilwoman Fiore made statements during the Recommending Committee's meeting on

1 September 4, 2018 but submits that the video and transcripts of the meeting speak for themselves,
2 and the City denies each and every allegation set forth in said paragraph that is inconsistent with
3 said materials.

4 24. Answering paragraph 98 of the Second Amended Complaint, the City admits that
5 Bill No. 2018-24 was adopted on November 7, 2018, but denies each and every remaining
6 allegation set forth therein.

7 25. Answering paragraphs 104 and 109 of the Second Amended Complaint, the City
8 admits that its letters to Plaintiff contain the language quoted in said paragraphs but submits that
9 the letters speak for themselves and denies each and every allegation set forth in said paragraph
10 inconsistent with said letters, and denies each and every remaining allegation set forth in said
11 paragraphs. Paragraph 104 further contains conclusions of law for which no response is required,
12 and the City denies each and every allegation that is inconsistent with state and federal law.

13 26. Answering paragraph 105, the City admits that Plaintiff's access request required
14 a Major Review pursuant to LVMC 19.16.100(G)(1)(b), but denies each and every remaining
15 allegation set forth therein. Paragraph 105 further contains conclusions of law for which no
16 response is required, and the City denies each and every allegation that is inconsistent with state
17 and federal law.

18 27. Answering paragraph 107 of the Second Amended Complaint, the City admits that
19 Plaintiff submitted a request to install chain link fencing in August 2017, but denies each and
20 every remaining allegation set forth therein.

21 28. Answering paragraphs 108, 111 and 114 of the Second Amended Complaint, the
22 City submits that the referenced provisions of the City Code speak for themselves and denies each
23 and every allegation set forth in said paragraphs that is inconsistent with the City Code.

24 29. Answering paragraph 110 of the Second Amended Complaint, the City admits that
25 it informed the Plaintiff that an application for a major review would be required, but denies each
26 and every remaining allegation set forth therein.

27 30. Answering paragraph 113 of the Second Amended Complaint, the City admits that
28 it engaged in the normal review process with respect to the drainage study and responded with

1 additional items that needed to be addressed and that the City entered into the On-Site Drainage
2 Improvements Maintenance Agreement with Plaintiff dated January 24, 2017, but denies each and
3 every remaining allegation set forth therein.

4 31. Answering paragraph 117 of the Second Amended Complaint, the City admits that
5 Planning Staff reviewed the applications and recommended approval subject to conditions, but
6 the City submits that the Staff's report speaks for itself and denies each and every allegation set
7 forth in said paragraph inconsistent with the Staff's report.

8 32. Answering paragraph 119 of the Second Amended Complaint, the City admits that
9 Bill No. 2018-5 was on the morning agenda and Plaintiff's applications were on the afternoon
10 agenda for the May 16, 2018 City Council meeting, but denies each and every remaining allegation
11 contained in said paragraph.

12 33. Answering paragraph 120 of the Second Amended Complaint, the City admits that
13 Bill No. 2018-5 was approved during the morning session but denies each and every remaining
14 allegation contained in said paragraph.

15 34. Answering paragraph 121 of the Second Amended Complaint, the City admits that
16 Councilman Seroka moved to strike Plaintiff's applications but denies each and every remaining
17 allegation contained in said paragraph.

18 35. Answering paragraph 123 of the Second Amended Complaint, the City admits that
19 City Council voted to strike Plaintiff's applications but denies each and every remaining allegation
20 contained in said paragraph.

21 36. Answering paragraphs 130, 131 and 134 of the Second Amended Complaint, the
22 City admits that Councilmen Seroka and Coffin wrote emails concerning the Badlands property,
23 but submits that those emails speak for themselves, denies each and every allegation set forth in
24 said paragraphs that is inconsistent with the emails, and denies each and every remaining
25 allegation set forth in said paragraphs.

26 37. Answering paragraph 139 of the Second Amended Complaint, to the extent that
27 such paragraph refers to emails from Councilman Coffin, the City submits that such emails speak
28 for themselves, denies each and every allegation set forth in said paragraph that is inconsistent

1 with the emails, and denies each and every remaining allegation set forth in said paragraphs.

2 38. Answering paragraph 149 of the Second Amended Complaint, the City submits
3 that the referenced Court Order speaks for itself, denies each and every allegation set forth in said
4 paragraph that is inconsistent therewith, and denies each and every remaining allegation set forth
5 in said paragraph.

6 39. Answering paragraph 152 of the Second Amended Complaint, the City admits that
7 the City denied the referenced applications and that Planning Staff recommended approval, but
8 submits that said paragraphs contains legal conclusions for which no response is required and
9 denies each and every remaining allegation set forth therein.

10 40. Answering paragraphs 153 of the Second Amended Complaint, the City submits
11 that representatives of the City negotiated with Plaintiff regarding a master development
12 agreement, but submits that the referenced MDA speaks for itself, denies each and every allegation
13 that is inconsistent with the MDA, and denies each and every remaining allegation set forth
14 therein.

15 41. Answering paragraph 157 of the Second Amended Complaint, to the extent the
16 allegations refer to the content of transcripts and emails, the City submits that those materials
17 speak for themselves, denies each and every allegation set forth in said paragraphs that is
18 inconsistent with those materials, and denies each and every remaining allegation set forth in said
19 paragraph.

20 42. Answering paragraphs 162, 176, 197, 206, 218 and 224 of the Second Amended
21 Complaint, the City repeats, realleges and incorporates each of its responses to the paragraphs
22 referenced therein as though fully set forth herein.

23 43. Answering paragraph 179 of the Second Amended Complaint, the City admits that
24 the City denied GPA-68385, WVR-68480, SDR-68481, and TMP-68482 and that the Planning
25 Staff and Planning Commission recommended approval of such applications subject to conditions,
26 but submits that paragraph 179 includes contains legal conclusions for which no response is
27 required, and denies each and every remaining allegation set forth therein.

28 . . .

1 44. The City denies each and every allegation set forth in the Second Amended
2 Complaint to which a specific response is not set forth herein.

3 **AFFIRMATIVE DEFENSES**

4 **FIRST AFFIRMATIVE DEFENSE**

5 The Second Amended Complaint fails to state a claim upon which relief can be granted.

6 **SECOND AFFIRMATIVE DEFENSE**

7 Plaintiff's proposed development is inconsistent with the City's general plan.

8 **THIRD AFFIRMATIVE DEFENSE**

9 Plaintiff failed to follow reasonable and necessary procedures in seeking approval for
10 Plaintiff's proposed development.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 Plaintiff lacks vested rights to have its development applications approved.

13 **FIFTH AFFIRMATIVE DEFENSE**

14 Plaintiff has failed to exhaust its administrative remedies.

15 **SIXTH AFFIRMATIVE DEFENSE**

16 Plaintiff's claims are not ripe.

17 **SEVENTH AFFIRMATIVE DEFENSE**

18 Plaintiff's claims are barred by res judicata and/or collateral estoppel.

19 **EIGHTH AFFIRMATIVE DEFENSE**

20 The Second Amended Complaint violates the rule against splitting causes of action.

21 **NINTH AFFIRMATIVE DEFENSE**

22 The City's actions toward Plaintiff were lawful, necessary, justified, and supported by
23 substantial evidence.

24 **TENTH AFFIRMATIVE DEFENSE**

25 Plaintiff has no greater rights to develop the subject property than Plaintiff's predecessor
26 in interest.

27 ...

28 ...

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the statute of limitations.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its alleged damages.

FOURTEENTH AFFIRMATIVE DEFENSE

The incidents alleged in the Second Amended Complaint, and the alleged damages and injuries, if any, to Plaintiff, were proximately caused or contributed to by the acts or omissions of Plaintiff and/or third parties not subject to the City's direction or control.

FIFTEENTH AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff lacked reasonable investment-backed expectations regarding its desire to redevelop the Badlands golf course.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff has the same property rights that Plaintiff enjoyed prior to submitting applications to redevelop the Badlands golf course.

NINETEENTH AFFIRMATIVE DEFENSE

The City reserves the right to amend this list of affirmative defenses to add new defenses should discovery or investigation reveal facts giving rise to such defenses.

PRAAYER FOR RELIEF

WHEREFORE, having responded to the allegations set forth in Plaintiff's Second Amended Complaint, the City respectfully requests that this Court enter judgment as follows:

- A. Dismissing Plaintiff's Complaint and all claims asserted therein, and ordering that Plaintiff takes nothing by reason thereof;

1 B. Awarding the City its costs of suit and attorneys' fees incurred in connection with
2 this litigation; and

3 C. Such other and further relief as the Court deems just and proper.

4 DATED this 18th day of June, 2019.

5 McDONALD CARANO LLP

6
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Las Vegas, NV 89101

13
14 *Attorneys for City of Las Vegas*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 18th day of June, 2019, a true and correct copy of the foregoing **CITY OF LAS VEGAS' ANSWER TO PLAINTIFF 180 LAND COMPANY'S SECOND AMENDMENT AND FIRST SUPPLEMENT TO COMPLAINT FOR SEVERED ALTERNATIVE VERIFIED CLAIMS IN INVERSE CONDEMNATION** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ Jelena Jovanovic
An employee of McDonald Carano LLP



1 SCHTO

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4 180 LAND CO LLC, a Nevada limited liability)
5 company, FORE STARS, LTD., a Nevada)
6 limited liability company and SEVENTY ACRES,)
7 LLC, a Nevada limited liability company, DOE)
8 INDIVIDUALS I-X, DOE CORPORATIONS I-X,)
and DOE LIMITED LIABILITY COMPANIES I-X,)

9 Plaintiffs,)

10 v.)

11 CITY OF LAS VEGAS, a political subdivision of)
12 the State of Nevada; ROE GOVERNMENT)
13 ENTITIES I-X; ROE CORPORATIONS I-X; ROE)
14 INDIVIDUALS I-X; ROE LIMITED-LIABILITY)
COMPANIES I-X; ROE)
15 QUASIGOVERNMENTAL ENTITIES I-X,)

16 Defendants.)

Case No. A-17-758528-J
Dept No. XVI

HEARING DATE(S)
ENTERED IN
ODYSSEY

17 **SCHEDULING ORDER and ORDER SETTING CIVIL JURY TRIAL,**
18 **PRE-TRIAL/CALENDAR CALL**

19 **SCHEDULING ORDER**

20 NATURE OF ACTION: Severed Alternative Verified Claims in Inverse Condemnation

21 TIME REQUIRED FOR TRIAL: **5-7 days** (Phase 1)

22 Counsel representing all parties and after consideration by the Judge at the Status Check held
23 on July 9, 2020,

24 **IT IS HEREBY ORDERED:**

25 1. all parties shall complete discovery on or before **November 20, 2020.**

26 2. all parties shall file motions to amend pleadings or add parties on or before
27 **August 21, 2020.**

28 ...

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

1 3. all parties shall make initial expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or
2 before **August 21, 2020**.

3 4. all parties shall make rebuttal expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or
4 before **September 21, 2020**.

5 5. all parties shall file dispositive motions on or before **December 21, 2020**.

6 Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P.
7 16.1(a)(3) must be made at least 30 days before trial.

8 Discovery disputes that do not affect the Trial setting will be handled by the Discovery
9 Commissioner.

10 A request for an extension of the discovery deadline, if needed, must be submitted to this
11 department in compliance with EDCR 2.35. Stipulations to continue trial will be allowed only for
12 cases that are less than three years old. All cases three years or older must file a motion and have it
13 set for hearing before the Court.

14 **ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL AND CALENDAR CALL**

15 **IT IS HEREBY FURTHER ORDERED THAT:**

16 A. The above entitled case is set to be tried to a jury on a **five week stack**, to begin,
17 **February 22, 2021 at 9:30 a.m.**

18 B. A Pre-Trial/Calendar Call with the designated attorney and/or parties in proper
19 person will be held on **February 11, 2021 at 10:30 a.m.**

20 C. Parties are to appear on **December 3, 2020 at 9:00a.m.**, for a Status Check re Trial
21 Readiness.

22 D. The Pre-Trial Memorandum must be filed no later than **February 18, 2021**, with a
23 courtesy copy delivered to Department XVI. All parties, (Attorneys and parties in proper person)
24 **MUST** comply with **All REQUIREMENTS** of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should
25 include the Memorandum an identification of orders on all motions in limine or motions for partial
26
27
28

1 summary judgment previously made, a summary of any anticipated legal issues remaining, a brief
2 summary of the opinions to be offered by any witness to be called to offer opinion testimony as well
3 as any objections to the opinion testimony.

4 E. All motions in limine to exclude or admit evidence must be in writing and filed no later
5 than **January 4, 2021. Orders shortening time will not be signed except in extreme**
6 **emergencies.**
7

8 F. All original depositions anticipated to be used in any manner during the trial must be
9 delivered to the clerk prior to the firm trial date given at the Pre-Trial Conference/Calendar Call. If
10 deposition testimony is anticipated to be used in lieu of live testimony, a designation (by page/line
11 citation) of the portions of the testimony to be offered must be filed and served by facsimile or hand,
12 two (2) judicial days prior to the firm trial date given at the Pre-Trial Conference/Calendar Call.
13 Any objections or counterdesignations (by page/line citation) of testimony must be filed and served
14 by facsimile or hand, one (1) judicial day prior to the firm trial date. Counsel shall advise the clerk
15 prior to publication.
16

17 G. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All
18 exhibits must comply with EDCR 2.27. Two (2) sets must be three hole punched placed in three
19 ring binders along with the exhibit list. The sets must be delivered to the clerk prior to the firm trial
20 date given at the Pre-Trial Conference/Calendar Call. Any demonstrative exhibits including
21 exemplars anticipated to be used must be disclosed prior to the calendar call. Pursuant to EDCR
22 2.68, counsel shall be prepared to stipulate or make specific objections to individual proposed
23 exhibits. Unless otherwise agreed to by the parties, demonstrative exhibits are marked for
24 identification but not admitted into evidence.
25
26
27
28

1 H. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be
2 included in the Jury Notebook. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or
3 make specific objections to items to be included in the Jury Notebook.


4 I. In accordance with EDCR 2.67, counsel shall meet and discuss preinstructions to the
5 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall
6 provide the Court, two (2) judicial days prior to the firm trial date given at Calendar Call, an agreed
7 set of jury instructions and proposed form of verdict along with any additional proposed jury
8 instructions with an electronic copy in Word format.
9

10 **Failure of the designated trial attorney or any party appearing in proper person to**
11 **appear for any court appearances or to comply with this Order shall result in any of the**
12 **following: (1) dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation**
13 **of trial date; and/or any other appropriate remedy or sanction.**
14

15 *Counsel is asked to notify the Court Reporter at least two (2) weeks in advance if they are*
16 *going to require daily copies of the transcripts of this trial or real time court reporting. Failure to*
17 *do so may result in a delay in the production of the transcripts or the availability of real time court*
18 *reporting.*

19 Counsel is required to advise the Court immediately when the case settles or is otherwise
20 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate
21 whether a Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A
22 copy should be given to Chambers.
23

24 DATED: July 20, 2020
25
26

27 
28 Timothy C. Williams, District Court Judge

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

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CERTIFICATE OF SERVICE

I hereby certify that on the date filed, a copy of the foregoing Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered service contacts in the Eighth Judicial District Court Electronic Filing Program.

/s/ Lynn Berkheimer

Lynn Berkheimer, Judicial Executive Assistant



1 ARJT

2
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4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 180 LAND CO LLC, a Nevada limited liability)
8 company, FORE STARS, LTD., a Nevada)
9 limited liability company and SEVENTY ACRES,)
10 LLC, a Nevada limited liability company, DOE)
11 INDIVIDUALS I-X, DOE CORPORATIONS I-X,)
12 and DOE LIMITED LIABILITY COMPANIES)
13 I-X,)

14 Plaintiffs,)

15 v.)

16 CITY OF LAS VEGAS, a political subdivision of)
17 the State of Nevada; ROE GOVERNMENT)
18 ENTITIES I-X; ROE CORPORATIONS I-X; ROE)
19 INDIVIDUALS I-X; ROE LIMITED-LIABILITY)
20 COMPANIES I-X; ROE)
21 QUASIGOVERNMENTAL ENTITIES I-X,)

22 Defendants.)

Case No. A-17-758528-J
Dept No. XVI

HEARING DATE(S)
ENTERED IN
ODYSSEY

23 **AMENDED ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL/CALENDAR CALL**

24 **IT IS HEREBY ORDERED THAT:**

25 A. The above entitled case is set to be tried to a jury on a **five week stack**, to begin,
26 **May 3, 2021 at 9:30 a.m.**

27 B. A Pre-Trial/Calendar Call with the designated attorney and/or parties in proper
28 person will be held on **April 22, 2021 at 10:30 a.m.**

Parties are to appear on **February 17, 2021 at 9:00a.m.**, for a Status Check re Trial
Readiness.

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

1 D. The Pre-Trial Memorandum must be filed no later than **April 30, 2021**, with a
2 courtesy copy delivered to Department XVI. All parties, (Attorneys and parties in proper person)
3 **MUST** comply with **All REQUIREMENTS** of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should
4 include the Memorandum an identification of orders on all motions in limine or motions for partial
5 summary judgment previously made, a summary of any anticipated legal issues remaining, a brief
6 summary of the opinions to be offered by any witness to be called to offer opinion testimony as well
7 as any objections to the opinion testimony.
8

9 E. All motions in limine to exclude or admit evidence must be in writing and filed no
10 later than **March 15, 2021**. Orders shortening time will not be signed except in **extreme**
11 **emergencies**.
12

13 F. Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P.
14 16.1(a)(3) must be made at least 30 days before trial.

15 G. Discovery disputes that do not affect the Trial setting will be handled by the
16 Discovery Commissioner. A request for an extension of the discovery deadline, if needed, must be
17 submitted to this department in compliance with EDCR 2.35. Stipulations to continue trial will be
18 allowed ONLY for cases that are less than three years old. All cases three years or older must file a
19 motion and have it set for hearing before the Court.
20

21 H. All discovery deadlines, deadlines for filing dispositive motions and motions to
22 amend the pleadings or add parties are controlled by the previously issued Scheduling Order and/or
23 any amendments or subsequent orders.

24 I. All original depositions anticipated to be used in any manner during the trial must be
25 delivered to the clerk prior to the firm trial date given at Calendar Call. If deposition testimony is
26 anticipated to be used in lieu of live testimony, a designation (by page/line citation) of the portions
27 of the testimony to be offered must be filed and served by facsimile or hand, two (2) judicial days
28

1 prior to the firm trial date given at Calendar Call.. Any objections or counterdesignations (by
2 page/line citation) of testimony must be filed and served by facsimile or hand, one (1) judicial day
3 prior to the firm trial date. Counsel shall advise the clerk prior to publication.

4 J. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All
5 exhibits must comply with EDCR 2.27. Two (2) sets must be three-hole punched placed in three
6 ring binders along with the exhibit list. The sets must be delivered to the clerk two days prior to the
7 firm trial date given at Calendar Call. Any demonstrative exhibits including exemplars anticipated
8 to be used must be disclosed prior to the calendar call. Pursuant to EDCR 2.68, counsel shall be
9 prepared to stipulate or make specific objections to individual proposed exhibits. Unless otherwise
10 agreed to by the parties, demonstrative exhibits are marked for identification but not admitted into
11 evidence.
12

13 K. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be
14 included in the Jury Notebook. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or
15 make specific objections to items to be included in the Jury Notebook.
16

17 L. In accordance with EDCR 2.67, counsel shall meet and discuss preinstructions to the
18 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall
19 provide the Court, two (2) judicial days prior to the firm trial date given at Calendar Call, an agreed
20 set of jury instructions and proposed form of verdict along with any additional proposed jury
21 instructions with an electronic copy in Word format.
22


23 **Failure of the designated trial attorney or any party appearing in proper person to**
24 **appear for any court appearances or to comply with this Order shall result in any of the**
25 **following: (1) dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation**
26 **of trial date; and/or any other appropriate remedy or sanction.**
27

28 *Counsel is asked to notify the Court Reporter at least two (2) weeks in advance if they are*

1 *going to require daily copies of the transcripts of this trial or real time court reporting. Failure to*
2 *do so may result in a delay in the production of the transcripts or the availability of real time court*
3 *reporting.*

4 Counsel is required to advise the Court immediately when the case settles or is otherwise
5 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate
6 whether a Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A
7 copy should be given to Chambers.
8

9 DATED: August 31, 2020

10
11 
12 Timothy C. Williams, District Court Judge

13 **CERTIFICATE OF SERVICE**
14

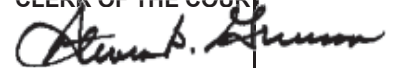
15 I hereby certify that on or about the date signed I caused the foregoing document to be
16 electronically served pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served
17 through the Eighth Judicial District Court's electronic filing system, with the date and time of
18 the electronic service substituted for the date and place of deposit in the mail and/or fax for
19 Case No. A758528.
20

21 /s/ Lynn Berkheimer
22 Lynn Berkheimer, Judicial Executive Assistant
23
24
25
26
27
28

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

AA0287



1 NOE

2 **LAW OFFICES OF KERMITT L. WATERS**

3 Kermit L. Waters, Esq., Bar No. 2571

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11 704 South Ninth Street

12 Las Vegas, Nevada 89101

13 Telephone: (702) 733.8877

14 Facsimile: (702) 731.1964

15 *Attorneys for Plaintiff Landowners*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 180 LAND COMPANY, LLC, a Nevada limited
19 liability company and FORE STARS, Ltd., DOE
20 INDIVIDUALS I through X, DOE
21 CORPORATIONS I through X, and DOE
22 LIMITED LIABILITY COMPANIES I through
23 X,

24 Plaintiffs,

25 vs.

26 CITY OF LAS VEGAS, political subdivision of
27 the State of Nevada, ROE government entities I
28 through X, ROE CORPORATIONS I through X,
29 ROE INDIVIDUALS I through X, ROE LIMITED
30 LIABILITY COMPANIES I through X,

31 Defendant.

32) CASE NO.: A-17-758528-J

33) DEPT. NO.: XVI

34) **NOTICE OF ENTRY OF FINDINGS**
35) **OF FACT AND CONCLUSIONS OF**
36) **LAW REGARDING PLAINTIFF**
37) **LANDOWNERS' MOTION TO**
38) **DETERMINE "PROPERTY**
39) **INTEREST"**

NOTICE IS HEREBY GIVEN that Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners’ Motion to Determine “Property Interest” was entered in the above-captioned case on October 12, 2020, a copy of which is attached hereto.

DATED this day 12th day of October, 2020.

LAW OFFICES OF KERMITT L. WATERS

By: /s/ James J. Leavitt

KERMIT L. WATERS, ESQ.

Nevada Bar No. 2571

JAMES J. LEAVITT, ESQ.

Nevada Bar No. 6032

MICHAEL SCHNEIDER, ESQ.

Nevada Bar No. 8917

AUTUMN WATERS, ESQ.

Nevada Bar No. 8917

Attorneys for Plaintiff Landowners

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and
3 that on the 12th day of October, 2020, I caused to be served a true and correct copy of the foregoing
4 document(s): **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**
5 **REGARDING PLAINTIFF LANDOWNERS' MOTION TO DETERMINE "PROPERTY**
6 **INTEREST"** via the Court's filing and/or for mailing in the U.S. Mail, postage prepaid and
7 addressed to the following:

8 **MCDONALD CARANO LLP**

9 George F. Ogilvie, III, Esq.
Amanda C. Yen, Esq.
Christopher Molina, Esq.
10 2300 W. Sahara Ave., Suite 1200
Las Vegas, Nevada 89102
11 gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com
12 cmolina@mcdonaldcarano.com

13 **LAS VEGAS CITY ATTORNEY'S OFFICE**

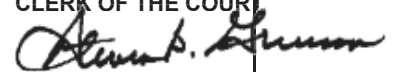
14 Brian Scott, City Attorney
Philip R. Byrnes, Esq.
Seth T. Floyd, Esq.
15 495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101
16 pbyrnes@lasvegasnevada.gov
Sfloyd@lasvegasnevada.gov

17 **SHUTE, MIHALY & WEINBERGER, LLP**

18 Andrew W. Schwartz, Esq. (*Pro hac vice*)
Lauren M. Tarpey, Esq. (*Pro hac vice*)
19 396 Hayes Street
San Francisco, California 94102
20 schwartz@smwlaw.com
Ltarpey@smwlaw.com
21

22 */s/ Evelyn Washington*

23 Evelyn Washington, an Employee of the
24 Law Offices of Kermitt L. Waters
25
26
27
28



**FFCL
LAW OFFICES OF KERMITT L. WATERS**

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704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964

Attorneys for Plaintiff Landowners

**DISTRICT COURT
CLARK COUNTY, NEVADA**

180 LAND COMPANY, LLC, a Nevada limited liability company, and FORE STARS, Ltd., DOE INDIVIDUALS I through X, DOE CORPORATIONS I through X, and DOE LIMITED LIABILITY COMPANIES I through X,

Plaintiffs,

vs.

CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,

Defendant.

Case No.: A-17-758528-J
Dept. No.: XVI

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW REGARDING
PLAINTIFF LANDOWNERS' MOTION
TO DETERMINE "PROPERTY
INTEREST"**

Hearing Date: September 17, 2020
Hearing Time: 9:00 a.m.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd (hereinafter Landowners), brought Plaintiff Landowners' Motion to Determine Property Interest before the Court on September 17, 2020, with James Jack Leavitt, Esq of the Law Offices of Kermitt L. Waters, appearing for and on behalf of the Landowners along with the Landowners' corporate counsel, Elizabeth Ghanem Ham, Esq., and George F. Ogilve III Esq. and Andrew Schwartz, Esq. appearing for and on behalf

1 of the Defendant, City of Las Vegas (hereinafter the City). Having reviewed all pleadings and
2 attached exhibits filed in this matter and having heard extensive oral arguments on September 17,
3 2020, in regards to Plaintiff Landowners' Motion to Determine Property Interest, the Court hereby
4 enters the following Findings of Fact and Conclusions of Law:

5 **FINDINGS OF FACT**

6 1. Plaintiff 180 Land Company, LLC is the owner of an approximately 35 acre parcel of
7 property generally located near the southeast corner of Hualapai Way and Alta Drive within the
8 geographic boundaries of the City of Las Vegas, more particularly described as Clark County
9 Assessor Parcel 138-31-201-005 (hereinafter 35 Acre Property).

10 2. The Landowners' Motion to Determine Property Interest requests this Court enter an order
11 that: 1) the 35 Acre Property is hard zoned R-PD7 as of the relevant September 14, 2017, date of
12 valuation; and, 2) that the permitted uses by right under the R-PD7 zoning are single-family and
13 multi-family residential.

14 3. In their submitted briefs, the Landowners and the City presented evidence that the 35 Acre
15 Property has been zoned R-PD7 since at least 1990, including: 1) Z-17-90, Resolution of Intent to
16 Rezone the 35 Acre Property to R-PD7, dated March 8, 1990 (Exhibit H to City's Opposition, Vol.
17 1:00193); and, Ordinance 5353, passed by the City of Las Vegas City Council in 2001, which hard
18 zoned the 35 Acre Property to R-PD7 and repealed anything in conflict (Exhibit 10 to Landowners'
19 Motion).

20 4. In response to the Landowners' inquiry regarding zoning prior to purchasing the 35 Acre
21 Property, on December 30, 2014, the City of Las Vegas Planning & Development Department
22 provided the Landowners a Zoning Verification Letter, stating, in part: 1) the 35 Acre Property is
23 "zoned R-PD7 (Residential Planned Development District - 7 unites per acre);" 2) "[t]he density
24 allowed in the R-PD District shall be reflected by a numerical designation for that district.
25 (Example, R-PD4 allows up to four units per gross acre.); and 3) "A detailed listing of the
26 permissible uses and all applicable requirements for the R-PD Zone are located in Title 19 ("Las
27 Vegas Zoning Code") of the Las Vegas Municipal Code." Exhibit 3 to Landowners' Motion.
28

1 5. The City stated in its opposition to the Landowners' motion that the R-PD7 zoning on the
2 35 Acre Property "is not disputed." City's Opposition to Motion to Determine Property Interest,
3 10:17-18.

4 6. As stated in the City Zoning Verification Letter provided to the Landowners on December
5 30, 2014, the legally permitted uses of property zoned R-PD7 are include in the Las Vegas Municipal
6 Code (hereinafter LVMC), Title 19.

7 7. LVMC 19.10.050 is entitled "R-PD Residential Planned Development District" and is the
8 applicable section of the LVMC used to determine those permitted uses on R-PD7 zoned properties
9 in the City of Las Vegas. Exhibit 5 to Landowners' Motion.

10 8. LVMC 19.10.050 (C) lists as "Permitted Land Uses" on R-PD zoned properties "[s]ingle-
11 family and multi-family residential." Id.

12 9. LVMC 19.10.050 (A) also provides that "the types of development permitted within the
13 R-PD District can be more consistently achieved using the standard residential districts." Id. The
14 standard residential districts are listed on the City Land Use Table, LVMC 19.12.010. Exhibit 6 to
15 Landowners' Motion. The R-2 residential district listed on the City Land Use Table is the standard
16 residential district most comparable to the R-PD7 zoning, because R-PD7 allows up to 7 units per
17 acre¹ and R-2 allows 6-12 units per acre.² The "permitted" uses under the R-2 zoning on the City
18 Land Use Table include "Single Family, Attached" and "Single-Family, Detached" residential uses.
19 LVMC 19.12.010, Exhibit 6 to Landowners' Motion.

20 10. Table 1 to the City Land Use Table provides that if a use is "permitted" in a certain
21 zoning district then "the use is permitted as a principle use in that zoning district by right." Id.

22 11. "Permitted Use" is also defined at LVMC 19.18.020 as "[a]ny use allowed in a zoning
23 district as a matter of right." Exhibit 8 to Landowners' Motion.

24 12. The Landowners have alleged that the City of Las Vegas has taken the 35 Acre Property
25 by inverse condemnation, asserting five (5) separate inverse condemnation claims for relief, a

26
27 ¹ See City Zoning Verification Letter, Exhibit 3 to Landowners' Motion and LVMC
28 19.10.050 (A), Exhibit 5 to Landowners' Motion.

² See LVMC 19.06.100, Exhibit 7 to Landowners' Motion.

1 Categorical Taking, a Penn Central Regulatory Taking, a Regulatory Per Se Taking, a Non-
2 regulatory Taking, and a Temporary Taking.

3 CONCLUSIONS OF LAW

4 13. The Nevada Supreme Court has held that in an inverse condemnation, such as this, the
5 District Court Judge is required to make two distinct sub inquiries, which are mixed questions of fact
6 and law. ASAP Storage, Inc., v. City of Sparks, 123 Nev. 639 (2008); McCarran Int'l Airport v.
7 Sisolak, 122 Nev. 645 (2006). First, the District Court Judge must determine the “property interest”
8 owned by the landowner or, stated another way, the bundle of sticks owned by the landowner prior
9 to any alleged taking actions by the government. *Id.* Second, the District Court Judge must
10 determine whether the government actions alleged by the landowner constitute a taking of the
11 landowners property. *Id.*

12 14. The Landowners’ Motion to Determine Property Interest narrowly addresses this first
13 sub inquiry and, accordingly, this Court will only determine the first sub inquiry.

14 15. In addressing this first sub inquiry, this Court has previously held that: 1) “it would be
15 improper to apply the Court’s ruling from the Landowners’ petition for judicial review to the
16 Landowners’ inverse condemnation claims;”³ and, 2) “[a]ny determination of whether the
17 Landowners have a ‘property interest’ or the vested right to use the 35 Acre Property must be based
18 on eminent domain law, rather than the land use law.”⁴

19 16. Therefore, the Court bases its property interest decision on eminent domain law.

20 17. Nevada eminent domain law provides that zoning must be relied upon to determine a
21 landowners’ property interest in an eminent domain case. City of Las Vegas v. C. Bustos, 119 Nev.
22 360 (2003); Clark County v. Alper, 100 Nev. 382 (1984).

23 18. The Court concludes that the 35 Acre Property has been hard zoned R-PD7 since at least
24 1990.

27
28 ³ Exhibit 18 to Landowners’ Reply, App. at 0026 / 23:7-8

⁴ Exhibit 18 to Landowners’ Reply, App. at 0010 / 7:26-27

1 19. The Court further concludes that the Las Vegas Municipal Code Section LVMC
2 19.10.050 lists single family and multi family residential as the legally permissible uses on R-PD7
3 zoned properties.

4 20. Therefore, the Landowners' Motion to Determine Property Interest is **GRANTED** in its
5 entirety and it is hereby **ORDERED** that:

6 1) the 35 Acre Property is hard zoned R-PD7 at all relevant times herein; and,

7 2) the permitted uses by right of the 35 Acre Property are single-family and multi-family
8 residential.

9 DATED this 9th day of October, 2020.

10
11 
12 DISTRICT COURT JUDGE ZJ

13 Respectfully Submitted By:

14 **LAW OFFICES OF KERMIT L. WATERS**

15 By: /s/ James J. Leavitt
16 Kermitt L. Waters, ESQ., NBN 2571
17 James Jack Leavitt, ESQ., NBN 6032
18 Michael A. Schneider, ESQ., NBN 8887
19 Autumn Waters, ESQ., NBN 8917
20 704 S. 9th Street
Las Vegas, NV 89101
Attorneys for Plaintiff Landowners

21 Submitted to and Reviewed by:

22 **MCDONALD CARANO LLP**

23 By: Declined signing
24 George F. Ogilvie III, ESQ., NBN 3552
25 Amanda C. Yen, ESQ., NBN 9726
26 2300 W. Sahara Ave., Suite 1200
Las Vegas, Nevada 89102
Attorneys for the City of Las Vegas



1 ARJT

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3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 180 LAND CO LLC, a Nevada limited liability)
8 company, FORE STARS, LTD., a Nevada)
9 limited liability company and SEVENTY ACRES,)
10 LLC, a Nevada limited liability company, DOE)
11 INDIVIDUALS I-X, DOE CORPORATIONS I-X,)
12 and DOE LIMITED LIABILITY COMPANIES)
13 I-X,)

14 Plaintiffs,)

15 v.)

16 CITY OF LAS VEGAS, a political subdivision of)
17 the State of Nevada; ROE GOVERNMENT)
18 ENTITIES I-X; ROE CORPORATIONS I-X; ROE)
19 INDIVIDUALS I-X; ROE LIMITED-LIABILITY)
20 COMPANIES I-X; ROE)
21 QUASIGOVERNMENTAL ENTITIES I-X,)

22 Defendants.)

HEARING DATE(S)
ENTERED IN
ODYSSEY

23 **2nd AMENDED ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL/CALENDAR CALL**

24 **IT IS HEREBY ORDERED THAT:**

25 A. The above entitled case is set to be tried to a jury on a **five week stack**, to begin,
26 **August 16, 2021 at 9:30 a.m.**

27 B. A Pre-Trial/Calendar Call with the designated attorney and/or parties in proper
28 person will be held on **August 5, 2021 at 10:30 a.m.**

Parties are to appear on **May 5, 2021 at 9:00a.m.**, for a Status Check re Trial
Readiness.

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

1 D. The Pre-Trial Memorandum must be filed no later than **August 13, 2021**, with a
2 courtesy copy delivered to Department XVI. All parties, (Attorneys and parties in proper person)
3 **MUST** comply with **All REQUIREMENTS** of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should
4 include the Memorandum an identification of orders on all motions in limine or motions for partial
5 summary judgment previously made, a summary of any anticipated legal issues remaining, a brief
6 summary of the opinions to be offered by any witness to be called to offer opinion testimony as well
7 as any objections to the opinion testimony.
8

9 E. All motions in limine to exclude or admit evidence must be in writing and filed no
10 later than **June 28, 2021**. Orders shortening time will not be signed except in **extreme emergencies**.
11

12 F. Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P.
13 16.1(a)(3) must be made at least 30 days before trial.
14

15 G. Discovery disputes that do not affect the Trial setting will be handled by the
16 Discovery Commissioner. A request for an extension of the discovery deadline, if needed, must be
17 submitted to this department in compliance with EDCR 2.35. Stipulations to continue trial will be
18 allowed ONLY for cases that are less than three years old. All cases three years or older must file a
19 motion and have it set for hearing before the Court.
20

21 H. All discovery deadlines, deadlines for filing dispositive motions and motions to
22 amend the pleadings or add parties are controlled by the previously issued Scheduling Order and/or
23 any amendments or subsequent orders.
24

25 I. All original depositions anticipated to be used in any manner during the trial must be
26 delivered to the clerk prior to the firm trial date given at Calendar Call. If deposition testimony is
27 anticipated to be used in lieu of live testimony, a designation (by page/line citation) of the portions
28 of the testimony to be offered must be filed and served by facsimile or hand, two (2) judicial days
prior to the firm trial date given at Calendar Call.. Any objections or counterdesignations (by

1 page/line citation) of testimony must be filed and served by facsimile or hand, one (1) judicial day
2 prior to the firm trial date. Counsel shall advise the clerk prior to publication.

3 J. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All
4 exhibits must comply with EDCR 2.27. Two (2) sets must be three-hole punched placed in three
5 ring binders along with the exhibit list. The sets must be delivered to the clerk two days prior to the
6 firm trial date given at Calendar Call. Any demonstrative exhibits including exemplars anticipated
7 to be used must be disclosed prior to the calendar call. Pursuant to EDCR 2.68, counsel shall be
8 prepared to stipulate or make specific objections to individual proposed exhibits. Unless otherwise
9 agreed to by the parties, demonstrative exhibits are marked for identification but not admitted into
10 evidence.
11

12 K. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be
13 included in the Jury Notebook. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or
14 make specific objections to items to be included in the Jury Notebook.
15

16 L. In accordance with EDCR 2.67, counsel shall meet and discuss preinstructions to the
17 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall
18 provide the Court, two (2) judicial days prior to the firm trial date given at Calendar Call, an agreed
19 set of jury instructions and proposed form of verdict along with any additional proposed jury
20 instructions with an electronic copy in Word format.
21

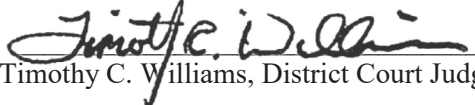
22 **Failure of the designated trial attorney or any party appearing in proper person to**
23 **appear for any court appearances or to comply with this Order shall result in any of the**
24 **following: (1) dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation**
25 **of trial date; and/or any other appropriate remedy or sanction.**

26 *Counsel is asked to notify the Court Reporter at least two (2) weeks in advance if they are*
27 *going to require daily copies of the transcripts of this trial or real time court reporting. Failure to*
28

1 *do so may result in a delay in the production of the transcripts or the availability of real time court*
2 *reporting.*

3 Counsel is required to advise the Court immediately when the case settles or is otherwise
4 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate
5 whether a Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A
6 copy should be given to Chambers.
7

8 DATED: December 15, 2020

9
10 
11 Timothy C. Williams, District Court Judge

12 **CERTIFICATE OF SERVICE**

13
14 I hereby certify that on or about the date signed I caused the foregoing document to be
15 electronically served pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served
16 through the Eighth Judicial District Court's electronic filing system, with the date and time of
17 the electronic service substituted for the date and place of deposit in the mail and/or fax to all
18 registered service contacts on Odyssey File and Serve.

19
20
21 /s/ Lynn Berkheimer
22 _____
23 Lynn Berkheimer, Judicial Executive Assistant
24
25
26
27
28



1 ARJT

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4 180 LAND CO LLC, a Nevada limited liability)
5 company, FORE STARS, LTD., a Nevada limited)
6 liability company and SEVENTY ACRES, LLC, a)
7 Nevada limited liability company, DOE)
8 INDIVIDUALS I-X, DOE CORPORATIONS I-X,)
and DOE LIMITED LIABILITY COMPANIES I-X,)

Case No. A-17-758528-J
Dept No. XVI

9 Plaintiffs,)

10 v.)

11 CITY OF LAS VEGAS, a political subdivision of the)
12 State of Nevada; ROE GOVERNMENT ENTITIES)
13 I-X; ROE CORPORATIONS I-X; ROE)
14 INDIVIDUALS I-X; ROE LIMITED-LIABILITY)
COMPANIES I-X; ROE)
QUASIGOVERNMENTAL ENTITIES I-X,)

15 Defendants.)

HEARING DATE(S)
ENTERED IN
ODYSSEY

16 3RD AMENDED ORDER SETTING CIVIL JURY TRIAL,
17 PRE-TRIAL/CALENDAR CALL

18 IT IS HEREBY ORDERED THAT:

19 A. The above entitled case is set to be tried to a jury on a five week stack, to begin,
20 **October 25, 2021 at 9:30 a.m.**

21 B. A Pre-Trial/Calendar Call with the designated attorney and/or parties in proper
22 person will be held on **October 14, 2021 at 10:30 a.m.**

23 C. Parties are to appear on **August 12, 2021 at 9:00a.m.**, for a Status Check re Trial
24 Readiness.

25 D. The Pre-Trial Memorandum must be filed no later than **October 22, 2021**, with a
26 courtesy copy delivered to Department XVI. All parties, (Attorneys and parties in proper person)
27 **MUST** comply with All REQUIREMENTS of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should
28

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

1 include the Memorandum an identification of orders on all motions in limine or motions for partial
2 summary judgment previously made, a summary of any anticipated legal issues remaining, a brief
3 summary of the opinions to be offered by any witness to be called to offer opinion testimony as well
4 as any objections to the opinion testimony.

5 E. All motions in limine to exclude or admit evidence must be in writing and filed no
6 later than **September 7, 2021**. Orders shortening time will not be signed except in **extreme**
7 **emergencies**.
8

9 F. Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P.
10 16.1(a)(3) must be made at least 30 days before trial.

11 G. Discovery disputes that do not affect the Trial setting will be handled by the
12 Discovery Commissioner. A request for an extension of the discovery deadline, if needed, must be
13 submitted to this department in compliance with EDCR 2.35. Stipulations to continue trial will be
14 allowed ONLY for cases that are less than three years old. All cases three years or older must file a
15 motion and have it set for hearing before the Court.
16

17 H. All discovery deadlines, deadlines for filing dispositive motions and motions to
18 amend the pleadings or add parties are controlled by the previously issued Scheduling Order and/or
19 any amendments or subsequent orders.
20

21 I. All original depositions anticipated to be used in any manner during the trial must be
22 delivered to the clerk prior to the firm trial date given at Calendar Call. If deposition testimony is
23 anticipated to be used in lieu of live testimony, a designation (by page/line citation) of the portions
24 of the testimony to be offered must be filed and served by facsimile or hand, two (2) judicial days
25 prior to the firm trial date given at Calendar Call.. Any objections or counterdesignations (by
26 page/line citation) of testimony must be filed and served by facsimile or hand, one (1) judicial day
27 prior to the firm trial date. Counsel shall advise the clerk prior to publication.
28

1 J. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All
2 exhibits must comply with EDCR 2.27. Two (2) sets must be three-hole punched placed in three
3 ring binders along with the exhibit list. The sets must be delivered to the clerk two days prior to the
4 firm trial date given at Calendar Call. Any demonstrative exhibits including exemplars anticipated
5 to be used must be disclosed prior to the calendar call. Pursuant to EDCR 2.68, counsel shall be
6 prepared to stipulate or make specific objections to individual proposed exhibits. Unless otherwise
7 agreed to by the parties, demonstrative exhibits are marked for identification but not admitted into
8 evidence.
9

10 K. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be
11 included in the Jury Notebook. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or
12 make specific objections to items to be included in the Jury Notebook.
13

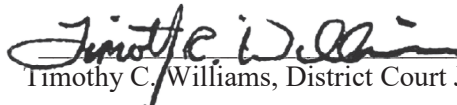
14 L. In accordance with EDCR 2.67, counsel shall meet and discuss preinstructions to the
15 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall
16 provide the Court, two (2) judicial days prior to the firm trial date given at Calendar Call, an agreed
17 set of jury instructions and proposed form of verdict along with any additional proposed jury
18 instructions with an electronic copy in Word format.
19

20 **Failure of the designated trial attorney or any party appearing in proper person to**
21 **appear for any court appearances or to comply with this Order shall result in any of the**
22 **following: (1) dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation**
23 **of trial date; and/or any other appropriate remedy or sanction.**

24 *Counsel is asked to notify the Court Reporter at least two (2) weeks in advance if they are*
25 *going to require daily copies of the transcripts of this trial or real time court reporting. Failure to*
26 *do so may result in a delay in the production of the transcripts or the availability of real time court*
27 *reporting.*
28

1 Counsel is required to advise the Court immediately when the case settles or is otherwise
2 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate
3 whether a Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A
4 copy should be given to Chambers.

5 DATED: February 10, 2021
6

7 
8 Timothy C. Williams, District Court Judge

9
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on or about the date signed I caused the foregoing document to be
12 electronically served pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served
13 through the Eighth Judicial District Court's electronic filing system, with the date and time of
14 the electronic service substituted for the date and place of deposit in the mail and/or fax to all
15 registered service contacts on Odyssey File and Serve for Case No. A758528.

16
17
18 /s/ Lynn Berkheimer
19 Lynn Berkheimer, Judicial Executive Assistant
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**APPN
LAW OFFICES OF KERMITT L. WATERS**

Kermitt L. Waters, Esq., Bar No. 2571
kermitt@kermittwaters.com
James J. Leavitt, Esq., Bar No. 6032
jim@kermittwaters.com
Michael A. Schneider, Esq., Bar No. 8887
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autumn@kermittwaters.com
704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964

Attorneys for Plaintiff Landowners

**DISTRICT COURT
CLARK COUNTY, NEVADA**

180 LAND CO., LLC, a Nevada limited liability
company, FORE STARS, LTD., DOE INDIVIDUALS,
ROE CORPORATIONS I through X, and ROE
LIMITED LIABILITY COMPANIES I through X,

Plaintiffs,

vs.

CITY OF LAS VEGAS, political subdivision of the
State of Nevada, ROE government entities I
through X, ROE CORPORATIONS I through X,
ROE INDIVIDUALS I through X, ROE LIMITED
LIABILITY COMPANIES I through X, ROE
quasi-governmental entities I through X,

Defendants.

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

**APPENDIX OF EXHIBITS IN
SUPPORT OF PLAINTIFF
LANDOWNERS' MOTION TO
DETERMINE TAKE AND FOR
SUMMARY JUDGMENT ON
THE FIRST, THIRD AND
FOURTH CLAIMS FOR RELIEF**

VOLUME 14

Plaintiff Landowners hereby submit this Appendix of Exhibits in Support of Their
Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for
Relief.

Exhibit No.	Description	Vol. No.	Bates No.
1	Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	1	000001-000005
2	Map 1 of 250 Acre Land	1	000006

148	September 6, 2017, City Council Verbatim Transcript	13	004601-004663
149	December 17, 2015 LVRJ Article, Group that includes rich and famous files suit over condo plans	13	004664-04668
150	Affidavit of Donald Richards with referenced pictures attached	14, 15, 16	004669-004830

DATED this 26th day of March, 2021.

LAW OFFICES OF KERMITT L. WATERS

By: /s/ Kermitt L. Waters

Kermitt L. Waters, Esq.
Nevada Bar No. 2571
James J. Leavitt, Esq.
Nevada Bar No. 6032
Michael A. Schneider, Esq.
Nevada Bar No. 8887
Autumn L. Waters, Esq.
Nevada Bar No. 8917

Attorneys for Plaintiff Landowners

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and
3 that on the 26th day of March, 2021, pursuant to NRCP 5(b) and EDCR 8.05(f), a true and correct
4 copy of the foregoing document(s): **APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF**
5 **LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT**
6 **ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF - VOLUME 14** was made
7 by electronic means pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
8 Eighth Judicial District Court's electronic filing system, with the date and time of the electronic
9 service substituted for the date and place of deposit in the mail and addressed to each of the
10 following:

11 **MCDONALD CARANO LLP**
12 George F. Ogilvie III
13 Amanda C. Yen
14 2300 W. Sahara Ave., Suite 1200
15 Las Vegas, Nevada 89102
16 gogilvie@mcdonaldcarano.com
17 ayen@mcdonaldcarano.com

SHUTE, MIHALY & WEINBERGER, LLP
Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
396 Hayes Street
San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

15 **LAS VEGAS CITY ATTORNEY'S OFFICE**
16 Bryan K. Scott, City Attorney
17 Philip R. Byrnes
18 Seth T. Floyd
19 495 S. Main Street, 6th Floor
20 Las Vegas, Nevada 89101
21 pbyrnes@lasvegasnevada.gov
22 sfloyd@lasvegasnevada.gov

23 */s/ Evelyn Washington*
24 Evelyn Washington, an employee of the
25 Law Offices of Kermitt L. Waters
26
27
28

Exhibit 150

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STATE OF NEVADA)
)
COUNTY OF CLARK)

DON RICHARDS, being duly sworn, deposes and says:

1. That I am over 18 years of age and am competent to testify to the matters stated herein based upon my own personal knowledge except for those matters stated on information and belief, and to those matters, I believe them to be true.

2. I have been the superintendent of 250 acres of land formerly known as the Badlands Golf Course (the "Land") since approximately November 2015 having managed the Land ever since.

3. Almost immediately upon the departure of the golf course operators, in or around December of 2015, I began encountering trespassers daily. Upon information and belief, there was rarely an issue of trespassers during the golf course operations.

4. In or around early 2016, I obtained and installed infrared trail cameras to properly surveil the Land.

5. Attached are true and correct copies of a sampling of photographs taken of trespassers on the Land over the past 5 years.

6. Since early 2016, I engaged with these trespassers and informed them that they were on private property and requested they exit the Land. The trespassers were largely neighbors from the abutting community of Queensridge and they ignored my request. The trespassing continued and has increased over the years.

7. In or around early fall 2017, upon engaging with trespassers, they began responding to me that they were allowed to be on the Land because "it is our open space". Some of them informed me that they learned this at a Queensridge HOA meeting.

8. I have observed a steady increase of trespassing over the last 5 years.

004669

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9. I have used photographic surveillance on the property since early 2016. Attached are true and correct copies of photographs taken as a result of the use of these camera's to this affidavit.
10. I declare under penalty of perjury that the foregoing is true and correct.



DONALD RICHARDS

Subscribed and Sworn to before me
this 23 day of March, 2021


Notary Public

004670

AA0309

EXHIBIT “G”

1 SECOND AMENDMENT

2 BILL NO. 89-52

3 ORDINANCE NO. 3472

4 AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, OF
5 THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983
6 EDITION, BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION
7 160, TO ESTABLISH A GAMING ENTERPRISE DISTRICT AND TO PROVIDE THE
8 MEANS BY WHICH THE CITY COUNCIL MAY AMEND SAID DISTRICT OR ADD
9 PROPERTY THERETO; AMENDING SECTION 150 OF SAID TITLE AND CHAPTER
10 TO PROVIDE THAT, EFFECTIVE JANUARY 1, 1990, NO NONRESTRICTED
11 GAMING MAY BE CONDUCTED, MAINTAINED OR OPERATED ON ANY PARCEL OF
12 LAND WITHIN THE CITY UNLESS, ON THAT DATE, SUCH GAMING IS BEING
13 CONDUCTED ON THAT PARCEL OR THE ZONING TO CONDUCT SUCH GAMING ON
14 THAT PARCEL HAS BEEN APPROVED, OR, IN THE ALTERNATIVE, THE PARCEL
15 IS LOCATED WITHIN AN AREA THAT HAS BEEN DESIGNATED AS A GAMING
16 ENTERPRISE DISTRICT; PROVIDING FOR OTHER MATTERS PROPERLY
17 RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF;
18 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
19 HEREWITH.

20	Sponsored By:	Summary: Establishes a gaming
21	Mayor Ron Lurie	enterprise district, limits
22		nonrestricted gaming to said
23		district as of January 1, 1990, and
24		provides the means of amending said
25		district and adding property
26		thereto.

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

29 SECTION 1: Title 6, Chapter 40, of the Municipal
30 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
31 amended by adding thereto a new section, designated as Section
32 160, reading as follows:

33 6.40.160: (A) There is hereby established a gaming enter-
34 prise district which consists of those certain areas that are
35 delineated on the map thereof that is entitled "Gaming Enterprise
36 District Map," copies of which are maintained in the Office of
37 the City Clerk and in the Department of Community Planning and
38 Development, as said map may be from time to time amended by the
39 City Council to change the boundaries of, or other means of deli-
40 neating, the district by an ordinance that is duly passed,
41 adopted and approved.

42 (B) Individual parcels of land may be added to the

1 gaming enterprise district through the approval by the City Coun-
2 cil, following a public hearing thereon that has been duly adver-
3 tised by the publication of a notice thereof in a newspaper of
4 general circulation within the City not less than five days nor
5 more than ten days in advance of such hearing, of a petition to
6 include such property within the district. The petition must
7 not be granted unless the petitioner establishes that:

8 (1) The roads, water, sanitation, utilities and
9 related services to the location are adequate;

10 (2) The establishment that is proposed to be
11 operated on the parcel will not unduly impact the public ser-
12 vices, increase the consumption of natural resources or adversely
13 affect the quality of life that is enjoyed by the residents of
14 the surrounding neighborhoods;

15 (3) The establishment that is proposed to be
16 operated on the parcel will enhance, expand and stabilize
17 employment and the local economy;

18 (4) The establishment that is proposed to be
19 operated on the parcel will be located in an area that has been
20 zoned for that purpose or for which such zoning has been approved
21 by the adoption by the City Council of a resolution of intent
22 pursuant to LVMC 19.92.120; and

23 (5) The establishment that is proposed to be
24 operated on the parcel will not be detrimental to the health,
25 safety or general welfare of the community or be incompatible
26 with the surrounding area.

27 (C) Any interested person is entitled to be heard at
28 the public hearing that is held pursuant to subsection (B) of
29 this Section.

30 (D) If a petition that is submitted pursuant to subsec-
31 tion (B) of this Section is denied, the City Council may not con-
32 sider another petition concerning the same parcel, or any portion

1 thereof, until at least one year has elapsed since the date of
2 such denial.

3 (E) In the case of a petition and hearing that is held
4 pursuant to subsection (B) of this Section, the special use per-
5 mit provisions that are contained in Title 19 of this Code shall
6 not apply.

7 SECTION 2: Title 6, Chapter 40, Section 150, of the
8 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
9 hereby amended to read as follows:

10 6.40.150: (A) No nonrestricted gaming shall be conducted,
11 maintained or operated in the City except:

12 [(A)](1) At a location which:

13 [(1)](a) On November 1, 1988, was licensed
14 for nonrestricted gaming,

15 [(2)](b) Consists, or when the same is
16 constructed will consist, of a restaurant which has full
17 kitchen facilities and is located within a freestanding
18 building that contains in excess of three thousand square
19 feet of usable floor space under one roof and is separated
20 along its entire exterior perimeter from any other commercial
21 establishment either by a property line or by an unobstructed
22 open area at least ten feet in width and with respect to
23 which, on April 1, 1989, a tavern license had been issued
24 pursuant to LVMC 6.50.050 or preliminary approval for a
25 tavern license had been granted pursuant to LVMC 6.06.050, as
26 the case may be, and an application for nonrestricted gaming
27 had been filed with the State; or

28 [(3)](c) Consists of a licensed business
29 premises that contains in excess of nine thousand square feet
30 of usable floor space under one roof within which the gaming
31 is, at all times, under the supervision of an attendant whose
32 duties shall be limited solely to the making of change and

1 supervising such gaming and with respect to which, on
2 April 1, 1989, an application for nonrestricted gaming had
3 been filed with the State;
4 provided, however, that such gaming shall be limited to the
5 operation of not more than thirty-five slot machines at any such
6 location that, on April 1, 1989 was licensed for slot machines
7 only;
8 [(B)](2) At a location which:
9 [(1)](a) Is situate within the area that is
10 bounded by the east side of Main Street, the south side of
11 Stewart Avenue, the west side of Third Street and the north
12 side of Carson Avenue; or
13 [(2)](b) Fronts on either side of Jackson
14 Avenue between "D" Street and "G" Street or on either side of
15 Owens Avenue between "H" Street and Martin Luther King Boule-
16 vard
17 and with respect to which, on April 1, 1989, an application for
18 nonrestricted gaming had been filed with the State;
19 [(C)](3) In a hotel which:
20 [(1)](a) Has at least two hundred guestrooms
21 that are available to the public; or
22 [(2)](b) On February 1, 1989, had at least
23 eighty guestrooms that continue to be available to the
24 public, and the requirement for the other one hundred twenty
25 guestrooms had been waived;
26 [(D)](4) At a location with respect to which a
27 tavern license is issued pursuant to LVMC 6.50.050; provided,
28 however, that such gaming shall be limited to the operation of
29 not more than twenty slot machines; or
30 [(E)](5) In a retail outlet that contains at
31 least five thousand square feet of usable floor space and with
32 respect to which a special use permit for a general business

1 related gaming establishment, as that term is defined in LVMC
2 19.04.417, is obtained in accordance with LVMC Title 19; pro-
3 vided, however, that such gaming shall be limited to the opera-
4 tion of not more than twenty slot machines.

5 (B) Notwithstanding anything to the contrary that is
6 provided in, or may be implied from, subsection (A) of this Sec-
7 tion or Title 19 of this Code, effective January 1, 1990, no
8 nonrestricted gaming shall be conducted, maintained or operated
9 on any parcel of land within the City unless:

10 (1) As of that date a gaming establishment is
11 operating on that parcel pursuant to a nonrestricted license;

12 (2) The parcel is zoned for resort and gaming pur-
13 poses or the zoning of the parcel for such purposes has been
14 approved by the adoption by the City Council of a resolution of
15 intent pursuant to LVMC 19.92.120;

16 (3) The parcel is zoned for resort and gaming pur-
17 poses and an application for aesthetic review with respect to the
18 establishment that is proposed to be operated thereon had been
19 filed prior to October 5, 1988; provided, however, that the
20 exception that is provided for in this paragraph (3) applies to
21 the parcel only if it is developed by the person on whose behalf
22 such application was filed; or

23 (4) The parcel is located within an area that has
24 been designated as a gaming enterprise district pursuant to LVMC
25 6.40.160.

26 (C) Except as otherwise provided in LVMC 6.40.160(E),
27 the inclusion of a parcel within a gaming enterprise district
28 established pursuant to LVMC 6.40.160 does not diminish the
29 applicability of the provisions of Title 19 of this Code to that
30 parcel.

31 SECTION 3: Title 6, Chapter 40, Section 165, of the
32 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is

1 hereby amended to read as follows:

2 6.40.165: If gaming operations at any location at which
3 restricted gaming may be conducted by virtue of LVMC 6.40.140(A)
4 or at any location at which nonrestricted gaming may be conducted
5 by virtue of LVMC [6.40.150(A) or 6.40.150(B)] 6.40.150(A)(1),
6 6.40.150(A)(2), 6.40.150(B)(1) or 6.40.150(B)(2) are discontinued
7 for twenty-four consecutive months, the right to conduct gaming
8 at such establishment by virtue of LVMC 6.40.140(A), [6.40.150(A)
9 or 6.40.150(B),] 6.40.150(A)(1), 6.40.150(A)(2), 6.40.150(B)(1)
10 or 6.40.150(B)(2), as the case may be, shall, upon the expiration
11 of such twenty-four-month period, automatically terminate, and no
12 gaming may be conducted at such location unless or until such
13 location is licensed for restricted gaming pursuant to some other
14 provision of LVMC 6.40.140 or for nonrestricted gaming pursuant
15 to some other provision of LVMC 6.40.150.

16 SECTION 4: Whenever in this ordinance any act is
17 prohibited or is made or declared to be unlawful or an offense or
18 a misdemeanor, or whenever in this ordinance the doing of any act
19 is required or the failure to do any act is made or declared to
20 be unlawful or an offense or a misdemeanor, the doing of any such
21 prohibited act or the failure to do any such required act shall
22 constitute a misdemeanor and upon conviction thereof, shall be
23 punished by a fine of not more than \$1,000.00 or by imprisonment
24 for a term of not more than six (6) months, or by any combination
25 of such fine and imprisonment. Any day of any violation of this
26 ordinance shall constitute a separate offense.


27 SECTION 5: If any section, subsection, subdivision,
28 paragraph, sentence, clause or phrase in this ordinance or any
29 part thereof, is for any reason held to be unconstitutional or
30 invalid or ineffective by any court of competent jurisdiction,
31 such decision shall not affect the validity or effectiveness of
32 the remaining portions of this ordinance or any part thereof.

1 The City Council of the City of Las Vegas, Nevada, hereby
2 declares that it would have passed each section, subsection, sub-
3 division, paragraph, sentence, clause or phrase thereof irrespec-
4 tive of the fact that any one or more sections, subsections, sub-
5 divisions, paragraphs, sentences, clauses or phrases be declared
6 unconstitutional, invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances,
8 sections, subsections, phrases, sentences, clauses or paragraphs
9 contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED AND APPROVED this 20th day of December ,
12 1989.

13 APPROVED:

14 By 
15 RON LURIE, MAYOR OK 1890 RAV

16 ATTEST:
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18 KATHLEEN M. TIGHE, CITY CLERK
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1 The above and foregoing ordinance was first proposed and
2 read by title to the City Council on the 16th day of August,
3 1989, and referred to a committee composed of the entire City
4 Council for recommendation; thereafter the said committee
5 reported favorably on said ordinance on the 20th day of
6 December, 1989, which was a regular meeting of said
7 Council; that at said regular meeting, the proposed
8 ordinance was read by title to the City Council as amended and
9 adopted by the following vote:

10 VOTING "AYE": Councilmen Adamsen, Higginson, Miller, Nolen and Mayor Lurie

11 VOTING "NAY": NONE

12 ABSENT: NONE

13
14 APPROVED:

15 By 
16 RON LURIE, MAYOR *OK 1-8-90 RAL*

17 ATTEST:

18 
19 KATHLEEN M. TIGHE, CITY CLERK

CITY OF LAS VEGAS

INTER-OFFICE MEMORANDUM

Date

January 10, 1990

TO:

KATHLEEN M. TIGHE
CITY CLERK

FROM:

HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

SUBJECT:

GAMING ENTERPRISE DISTRICT MAP
BILL NO. 89-52

COPIES TO:

Attached is a copy of the Gaming Enterprise District map and Attachment A which should be part of the Ordinance and included with any copy made of this ordinance. A larger map (24"x36") is available from this office to the general public upon request and at a cost of \$1.00 per copy.

HPF:lm

Attachment

CLV 7007

CLV65-000122

0122

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ATTACHMENT A

GAMING ENTERPRISE DISTRICT

A "Destination Resort" is defined as a hotel with a minimum of 200 guest rooms within the boundaries of a master planned community of at least 500 acres in size and includes amenities such as:

1. An 18-hole golf course.
2. Four regulation size tennis courts.
3. A swimming pool of not less than 20 feet in width, 35 feet in length and at least 6 feet in depth at its deepest point.
4. A restaurant which is open for the service of complete meals at least 18 hours per day, which seats at least 100 people.
5. A gourmet or specialty restaurant which seats at least 50 people.
6. Room service to all guest rooms.
7. Conference or meeting rooms of at least 5,000 square feet.



CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989

000004

AGENDA *City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 1

ITEM	ACTION
IX. 9:00 A.M. - PUBLIC HEARINGS	FULL COUNCIL PRESENT.
A. BILL NO. 89-52 - ESTABLISHES A GAMING ENTERPRISE DISTRICT, LIMITS NONRESTRICTED GAMING TO SAID DISTRICT AS OF JANUARY 1, 1990, AND PROVIDES THE MEANS OF AMENDING SAID DISTRICT AND ADDING PROPERTY THERETO	ANNOUNCEMENT MADE - RE: COMPLIANCE WITH OPEN MEETING LAW.
Committee: Full Council	MAYOR LURIE declared public hearing open and asked for comments.
First Reading - 8/16/89	BILL BRIARE, Chairman of the Citizens Committee on Bill 89-52, appeared. He stated the Committee held several meetings and two public hearings on the Bill. He read the recommendation of the Committee into the record which is attached and made part of the final Minutes.
Recommending Committee - 8/28/89 10/2/89	ATTORNEY 80B FAISS and PHIL CONWAY appeared representing Howard Hughes and the Summerlin project. They objected to the criteria submitted by Scott Nielson and recommended by the Committee for Destination Resorts. He pointed out one of the criteria was an 18-hole golf course, and while they did plan for such a golf course, emphasized there should be flexibility. Conditions at the time of construction such as availability of resources for a golf course, may dictate some other type of recreational facility be developed. He asked that they not be singled out to meet higher standards.
Citizens Committee - 10/13/89 10/25/89 11/6/89 11/14/89	ATTORNEY DENNIS LEAVITT, representing Drs. Sculley and Carmena, appeared. He requested inclusion of 16 acres of property on Sahara across the street from the Palace Station. He believed this was consistent with other zoning in the surrounding area and pointed out the property was fully buffered on all four sides. He stated the gas station would be removed and they would dedicate land so the road could be widened to alleviate the traffic problem.
First Publication: NONE	COUNCILMAN MILLER stated this was an intrusion into his neighborhood, was not consistent with other zoning, and would make a bad traffic situation worse.
Committee Recommendation:	MAYOR LURIE pointed out at the conclusion of the public hearing, they would vote separately on each location.
A Citizens Committee comprised of: Chairman Bill Briare, Christopher L. Kaempfer, Scott Nielson, Erven T. Nelson, Tommy Deaver, Assemblyman Matthew Callister, Steve Greathouse, Abe Mayhan, Albert D. Massi, Ann Meyers, Toby Lamuraglia, Clyde Turner and Wayne Bunker was appointed. Bill to be brought back for adoption in December.	ERNEST HAWKINS appeared indicating for 30 years he has owned 7 acres at Jones and Rancho, fronting on Rancho, with 12 acres of R-3 to the rear. He asked that the frontage property be included. He proposed a one-story supper club with a small casino.
NOTE: Public Hearing to be held 12/8/89 Special City Council meeting at 9:00 A.M.	

CLV65-000125

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AA0322

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989
AGENDA *City of Las Vegas*
CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

000005

Page 2

ITEM	ACTION
IX. 9:00 A.M. - PUBLIC HEARING A. BILL NO. 89-52 (continued) . . .	<p>JOANNA WESTLEY LEE, 1320 "D" Street appeared expressing concern about the proposed Rhet Butler Hotel. She asked that this matter be tabled for three to six months to allow those concerned to meet with representatives of the Rhet Butler. (EXCERPT MADE PART OF FINAL MINUTES.)</p> <p>TOM WIESNER, Draft House Bar and Grill, appeared. He requested that this property, 4543 N. Rancho, and the adjacent property be included and read his request letter into the record which is attached and made part of the final Minutes.</p> <p>ASSEMBLYMAN MATT CALLISTER, Committee member, appeared. He stated the committee took into consideration existing facilities which did not mean that they could go sideways or obtain adjacent property. The districts should lay out a blueprint of where gaming will go in the next 20 years. Grandfathering is covered by the statute and properties already approved or pending required no additional language.</p> <p>GENE COLLINS appeared and expressed concerns about the Rhet Butler. He requested the Council delay action because one of his concerns was that racism had crept into this project. (EXCERPT MADE PART OF FINAL MINUTES.)</p> <p>(ATTORNEY SCOTT NIELSON, Committee member, appeared at the Recommending Committee following the public hearing discussion.)</p> <p>(ABE MAYHAN, Committee member, appeared at the Recommending Committee following the public hearing discussion.)</p> <p>There being no one else wishing to be heard, Mayor Lurie declared the public hearing closed at 9:45 A.M. noting that discussion would be held by the Recommending Committee consisting of the full Council on each enterprise district location and a recommendation made so the Bill could be adopted at the 12-20-89 Council meeting.</p>

CLV65-000126

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City of Las Vegas

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989

AGENDA DOCUMENTATION

Date: August 2, 1989

000006

TO: The City Council

FROM: Val Steed *Val Steed*
Chief Civil Deputy Attorney

SUBJECT: Bill No. 89-52 : Establishes a gaming enterprise district, limits nonrestricted gaming to said district and provides the means of amending said district and adding property thereto

PURPOSE/BACKGROUND

During its recently-concluded session, the Nevada Legislature enacted Chapter 616, Statutes of Nevada 1989 (Assembly Bill 845) to authorize local governments in counties whose population is 400,000 or more to create gaming establishment districts. The legislation provides that, beginning January 1, 1990, no State license for nonrestricted gaming may be issued in such a county unless the property to be licensed is located in an area that has been designated as a gaming enterprise district. The legislation provides exceptions for parcels upon which nonrestricted gaming is already being conducted on January 1, 1990, and parcels concerning which the zoning for such use has already been approved by that date.

Bill No. 89-52, if it is adopted, will establish a gaming enterprise district, to consist of areas that will be delineated on a "Gaming Enterprise District Map" to be adopted by the City Council. Under this bill, the Map may be amended from time to time by ordinance. Additionally, the City Council may add individual parcels of land to the gaming enterprise district by the approval of a petition therefor, following a public hearing. Such a petition can be approved only if the statutory requirements are met, which, summarized, are that:

- 1) Roads, utilities and other related services are adequate;
- 2) The proposed gaming establishment will not adversely affect public services, the quality of life in the area, etc.;
- 3) The proposed establishment will enhance employment and the local economy;
- 4) The location is properly zoned; and
- 5) The proposed establishment will not be detrimental to or incompatible with the surrounding area.

Bill No. 89-52 also includes the statutory restriction that precludes the consideration of a petition to add a parcel of land

-Continued-

FISCAL IMPACT

NONE

RECOMMENDATIONS

This Bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item

VI-D

CLV65-000127

0127

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City of Las Vegas

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989

000007

August 2, 1989

Date: _____

AGENDA DOCUMENTATION

Page -2-

to the gaming enterprise district for one year after a petition concerning the same parcel has been denied.

Finally, consistent with the statute, this bill provides that, effective January 1, 1990, nonrestricted gaming will be permitted only in establishments that are operating on that date pursuant to a nonrestricted license or at locations that, as of that date, either have been approved by the City Council for nonrestricted gaming or are located in the gaming enterprise district.

CLV65-000128

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CITY COUNCIL MINUTES
LAS VEGAS GAMING ENTERPRISE DISTRICT COMMITTEE

MEETING OF

000017

DEC 08 1989

AREAS RECOMMENDED FOR INCLUSION IN THE
GAMING ENTERPRISE DISTRICT

(Meetings of November 14 and 20, 1989)

1. The area outlined on a map of downtown Las Vegas presented to the Committee, as specifically modified to include:

A) The Blue Angel Motel property in its entirety, on the south side of Fremont Street near Eastern Avenue.

B) Property (in the City) along the southwest side of Fremont Street (Boulder Highway), from Charleston Boulevard to Oakey Boulevard, including all of the Showboat Hotel property.

C) Property north of Charleston Boulevard between Interstate 15 and Third Street.

2. Property fronting on both sides of Bonanza Road, from the easterly boundary of Rancho Drive to Main Street *

* with the acknowledgement that only some properties would be suitable for gaming and that some of that area has historic significance that should be considered.

3. Property fronting on the west side of Martin Luther King Boulevard between Owens Avenue (Vegas Drive) and Lake Mead Boulevard.

4. Peccole Ranch and Summerlin Village 3, as outlined on their respective maps **

** with the qualification that each of those two developments be limited to one "destination resort" as defined in the attachment.

(Minutes of these meetings are attached. Discussions on motions are highlighted and votes taken are indicated with a "V".)

DEC 08 1989

000018

MEMORANDUM

TO: *City of Las Vegas Gaming Enterprise District Committee*
FROM: *Scott M. Nielson, Esq. SMV*
DATE: *November 15, 1989*
RE: *Nonrestricted Gaming at a "Destination Resort"*

Certain parties that are developing large master-planned communities in the City of Las Vegas have requested that the City of Las Vegas Gaming Enterprise District Committee (the "Committee") recommend that a portion of their master-planned community be designated a gaming enterprise district. Rather than simply designating a portion of such master-planned communities as a gaming enterprise district, it has been suggested that nonrestricted gaming be permitted only in conjunction with a "Destination Resort." A Destination Resort would be defined as a hotel within the boundaries of a master-planned community of at least 500 acres that includes at least the following amenities:

1. 200 guest rooms for sleeping accommodations.
2. An 18-hole golf course.
3. Four regulation size tennis courts.
4. A swimming pool of not less than 20 feet in width, 35 feet in length and at least 6 feet in depth at its deepest point.
5. A restaurant which is open for the service of complete meals at least 18 hours per day, which seats at least 100 people.
6. A gourmet or specialty restaurant which seats at least 50 people.

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CITY COUNCIL MINUTES
SPECIAL MEETING OF

000019

DEC 08 1989

7. Room service to all guest rooms.
8. Conference or meeting rooms of at least 5,000 square feet.

CITY COUNCIL MINUTES
MINUTES SPECIAL MEETING OF

000024

RECESSED MEETING DEC 08 1989

LAS VEGAS GAMING ENTERPRISE
DISTRICT COMMITTEE

November 20, 1989

The meeting was called to order by Chairman Bill Briare at 7:30 a.m. in the City Manager's Conference Room, 10th Floor, Las Vegas City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

COMMITTEE MEMBERS PRESENT: Bill Briare, Chairman
Abe Mayhan
Christopher L. Kaempfer
Scott M. Nielson
Erven T. Nelson
Toby Lamuraglia
Tom Deaver
Assemblyman Matthew Callister

COMMITTEE MEMBERS ABSENT: W. Wayne Bunker
Anne Meyers
Steve Greathouse
Clyde Turner
Albert D. Massi

Chairman Briare said the meeting of November 14, 1989 is being continued to primarily discuss further the Rancho Road properties, the ones that are there, and look at whether or not there are properties located further northwest. He also thanked Chris Kaempfer for taking over the meeting on November 14th and setting the time for this recessed meeting. He asked Chris Kaempfer to give a sketch of where the meeting left off.

Chris Kaempfer said that when the meeting recessed there was the vote on Rancho Road and the concern he had along with others was the fact that we don't think sufficient time had been given some of the properties or the consideration of possibly further out there may be some additional property that might be appropriate. The committee had not addressed some of the issues, like Bonanza and what is characterized as the Westside, it was suggested that perhaps Councilman Miller attend the meeting today, or other people from the Westside who are more familiar with the area, and based on that the committee could come up with a solid recommendation and designate some areas. Make sure the whole city was given consideration by the committee. We have on the table several areas -- we need to take Rancho Road all the way out northwest and finish that discussion. Need to discuss Bonanza Road between Rancho down toward Main. Need to discuss the various pieces of property that people have asked the committee to consider, not in connection with their particular parcel but whether or not their parcel would fall within a Gaming Enterprise District.

Chairman Briare suggested discussing the Westside first and welcomed Councilman Miller and stated that a blanket motion was made to include Jackson Avenue in the Gaming Enterprise District so at the moment this is resting.

CLV65-000132

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CITY COUNCIL MINUTES
SPECIAL MEETING OF

000025

Las Vegas Gaming Enterprise District Committee
Recessed Meeting - November 20, 1989
Page 2.

DEC 08 1989

Councilman Miller said he was visiting on Friday with the management team that handles Bill Cosby, Quincy Jones, Lou Rawls, Eddie Murphy and Sidney Portier -- namely, Marty Frooshman and Bernie Molinsky, CPA firm in Beverly Hills, to see how serious they are and they are serious. They have a large deposit on the corner of Bonanza and Rancho. The total project is in the neighborhood of 100 million dollars. They are looking at 12 to 14 acres. Basically, Councilman Miller's basic concern in trying to effectuate change in West Las Vegas will center on that particular site. The Jackson Avenue idea was something that was formed back in the 40's and it was based on segregation when integration took place. Jackson Avenue has fallen into its current state of demise. The proper method for that section of Ward 1 would be to cornerstone Ward 1 with the highest and best use types of utilization of properties. The Big Horn is going up on the extension of Carey and Rancho along with the development of the North Las Vegas Airport as a commuter terminal if runway 725 were lengthened another 2,000 feet which is on the drawing boards. This would relieve some of the problems at McCarran. This site could be the cornerstone of the West Las Vegas 89106 zip code area. The corner of Martin Luther King and Cheyenne in North Las Vegas is being considered for possible hotel/casino development.

The Rancho and Bonanza cornerstone is in the works at this time. The "F" Street and Bonanza intersection (the northernmost ingress/egress to the redevelopment of the Union Pacific site) would be another ideal cornerstone location. Also, Main and Bonanza -- there are also plans for a major hotel/casino type project. Councilman Miller stated that his theory as Councilman for Ward 1 that we welcome as much casino development or redevelopment into that Ward. Along with Councilman Nolen, they are probably the only two Councilman welcoming casinos into their areas. His major concern is not Jackson Avenue, but it is Bonanza from Rancho to Main Street with exceptions because there are some fine residences in there. Look mainly at the intersections of Bonanza and Rancho; Bonanza and Main Street; Bonanza and "F" Street and Martin Luther King and Bonanza.

Assemblyman Callister explained that the bill asked every municipality to establish its core area -- the area which everyone can agree is to be where to expect to find new casino development. He said he felt anything on Rancho Road can be dealt with adequately under the state legislation as it establishes the procedure for seeking a Variance, but he stated he is concerned about the Bonanza area and setting a precedent that one property is in the zone and another property is not. If that stretch of road is addressed we must say it is a gaming enterprise zone but that doesn't mean every parcel of property in that stretch of road is going to be a casino. It means from a master plan point of view it's an area we anticipated looking forward down the road to find a casino there. The notion of the legislation was to not spot zone, but establish the core area doctrine. Councilman Miller restated that he recommends Bonanza from Main Street to Rancho on both sides, but then there still is the dilemma about Rancho going north. Abe Mayhan stated he agreed with Assemblyman Callister because as discussed several times being within a zone does not automatically convey the privilege of building casinos; still must have use permits and zoning, etc. Chris Kaempfer stated he has always been in support of making the zones a little broader as opposed to more narrow. He made a motion that the area
→ from Main to Rancho be included as a Gaming Enterprise District with the

CLV65-000133

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CITY COUNCIL MINUTES
SPECIAL MEETING OF

000026

Las Vegas Gaming Enterprise District Committee
Recessed Meeting - November 20, 1989
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understanding that it is not a guarantee of anything but our acknowledgement that there are areas along there that are suitable for gaming. Scott Nielson suggested that the line be drawn from the eastern boundary of Rancho. The motion was so amended. The district will be laid out now and every time someone wants to build a casino outside of the district, they must apply and satisfy the Variance procedure on an individualized basis. Each project will stand or fall on its own merits. The language in the recommendation should include that we recognize some of that area being historic. The Chairman called for the vote. Motion carried unanimously. ✓

Discussion followed on Jackson Street and the Chairman suggested leaving that as it is. Councilman Miller said that historically Jackson Street has been a gaming enterprise zone and there is no reason to remove it even though it has not inspired any development since the late 50's or early 60's. It was suggested that Jackson Street from "H" Street almost to the Freeway be included in the map. The big, vacant parcels are what are being looked at this time in West Las Vegas as being the future.

Chris Kaempfer asked if the Councilman knew of any other properties in the area which would be appropriate for gaming enterprise district. Councilman Miller said he heard that a parcel on the corner of Martin Luther King and Owens, the northwest portion thereof, which is a part of the Downtown Redevelopment Area, could be included within this. The frontage on Martin Luther King from Owens to Lake Mead Boulevard. If the southern portion of Martin Luther King is included some nice residential neighborhoods will be impacted. Councilman Miller said that development should be encouraged within the redline districts and he just specified one area that he thinks could use casino/hotel development. Chris Kaempfer made a motion that the area designated by Councilman Steve Miller be designated as a Gaming Enterprise District -- the area between Lake Mead and Owens on Martin Luther King on the west side which is vacant land be designated as Gaming Enterprise District. Vote was called on the motion. 6 voted yes; 2 voted no. Motion passed. ✓

Chairman Briare stated that the ones that people have asked on an individual basis whether the property is located in the County or not would be Jack Sommer - non-city; Nevada Properties - non-city; Draft House Bar and Grill - city; and Sahara Rancho Medical Center - city. Starting the Nevada Properties and Jack Sommer, the Chairman asked Scott Nielson if he had any additional comments. Mr. Nielson said they were pretty well discussed the last time. The concept is that they are quite a ways out on Rancho Road and as Harold Foster demonstrated they are quite a distance past the approved properties and not really impacting anything at the present time. The question, though, is that the two properties are not in the City, but they would have to be annexed if they are to be developed.

Abe Mayhan requested permission for Pastor Bob Linder to address the committee. Pastor Bob Linder stated he represented the vast majority of homeowners and residents of the northwest corner of the Valley. Since the fall of 1987 the Northwest community has gone on record opposing casinos in the northwest community. Pastor Linder stated he heard from the media the committee was strongly considering Rancho Road to become a Gaming Enterprise Zone and in speaking for the vast majority living in that community strongly oppose that effort and remind the committee that those living in the northwest area ask the committee to not recommend a Gaming Enterprise Zone along Rancho Road or anywhere further in the northwest area of the Valley.

CLV65-000134

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DEC 08 1989

000027

→ Regarding the Nevada Properties and Jack Sommers requests, a motion was made by Erv Nelson not to consider anything outside of the city. Seconded by Tom Deaver. Yes - 4 votes; No - 4 votes. The motion dies and the Chairman stated the matter still will have to be discussed. ✓

→ Since the committee was appointed to look at areas of the city and try to determine where gaming districts ought to be. However, the committee has looked at all requests presented to it. It was suggested to start working with the map. A motion was made Scott Nielson to establish a Gaming Enterprise District starting at the south of Ann Road going north to Kyle Canyon Road on both sides of the Freeway a depth of 660 feet -- move that that be included in the Gaming Enterprise District. Chris Kaempfer seconded the motion subject that it is not an automatic. Toby Lamuraglia asked to amend the motion to include down to Cheyenne and then withdrew his amendment. The Chairman called for a vote. 3 voted "yes" and 5 voted "no." The motion failed. ✓

→ Scott Nielson suggested the committee look at the area of the city where the Weisner property is located to determine if it is an appropriate area to have a Gaming Enterprise District. Chairman Briare made a motion that the property generally known as the Weisner property be designated on the map as a Gaming Enterprise District. Result of vote was: Yes - 2; No - 6. The motion failed. ✓ Toby Lamuraglia asked to allow Ernie Hawkins, his partner, address the committee. Mr. Hawkins stated that he was having a bit of a problem because this committee is discussing city business and there are people on the committee voting on these issues who do not live in the city. To stop gaming up and down Rancho it will be shoved right over to North Las Vegas and they will have everything going on Craig Road.

→ A motion was made by Tom Deaver to exclude all of Rancho Road south of Ann Road down to Bonanza. Chris Kaempfer said he will not support a motion that excludes an area unless there are special circumstances like the Mormon Fort. Discussion was held on the motion and it was decided that only properties to be included in the Gaming District would be voted on. Chairman Briare said that Tom Deaver's motion was out of order. The Chairman asked if there was anyone to make a motion on Toby Lamuraglia's property. Since there was none, the next order of business was the Sahara Rancho Medical Center. Chris Kaempfer stated he was contacted by someone representing the Medical Center and he told them to write the letter. There was no motion placed on the floor. The property will not be included in the map.

→ The Summerlin and Peccole properties were next discussed. Scott Nielson pointed out that people were upset at the public hearings with casinos being superimposed on an area that is already developed. The two properties being discussed are open space that has been master planned and there were previous designations of what would be a resort/hotel. Abe Mayhan then made a motion to recommend approval of the aforementioned properties in Peccole Ranch and in Summerlin Village 3 as indicated on the two maps available to the committee for review

CITY COUNCIL MINUTES
SPECIAL MEETING OF

DEC 08 1989

000028

Las Vegas Gaming Enterprise District Committee
Recessed Meeting - November 20, 1989
Page 5.

for inclusion in the District with the recommendations to build a destination resort. Mr. Mayhan amended the motion to include property requested by Mr. Peccole and Village 3 in Summerlin with the recommendations that there be one destination resort in each of those properties as described by the developers. Seconded by Chris Kaempfer. The motion carried with 7 voting "yes" and one voting "no." ✓

Assemblyman Callister made a motion that the language prepared by Scott Nielson be defining "destination resort" incorporated into the recommendations submitted to the City Council. Erv Nelson seconded the motion. The motion carried unanimously. ✓

Chairman Briare asked for the consensus of opinion of the committee with respect to Jackson Street since they already have gaming? Assemblyman Callister suggested not doing anything. Val Steed said that while there may be approvals there now it is not a redline district and they will have to get a use permit and go through the normal process.

Chairman Briare said he was making a change in the committee who will receive the proposed document prepared by Val Steed which will be presented to the City Council. The committee will be composed of Chris Kaempfer, Scott Nielson and Abe Mayhan (replacing Albert Massi who was not able to attend today's meeting).

Chairman Briare thanked Claudette of the City Clerk's Office, Val Steed of the City Attorney's Office and Harold Foster, Director of Community Planning and Development for their work with this committee.

Also Chairman Briare thanked the committee members and stated the committee recommendations will be formally presented to the City Council at a Public Hearing on December 8 which will be immediately followed by a Special Recommending Committee Meeting. The Bill will then be adopted at the December 20, 1989 City Council Meeting.

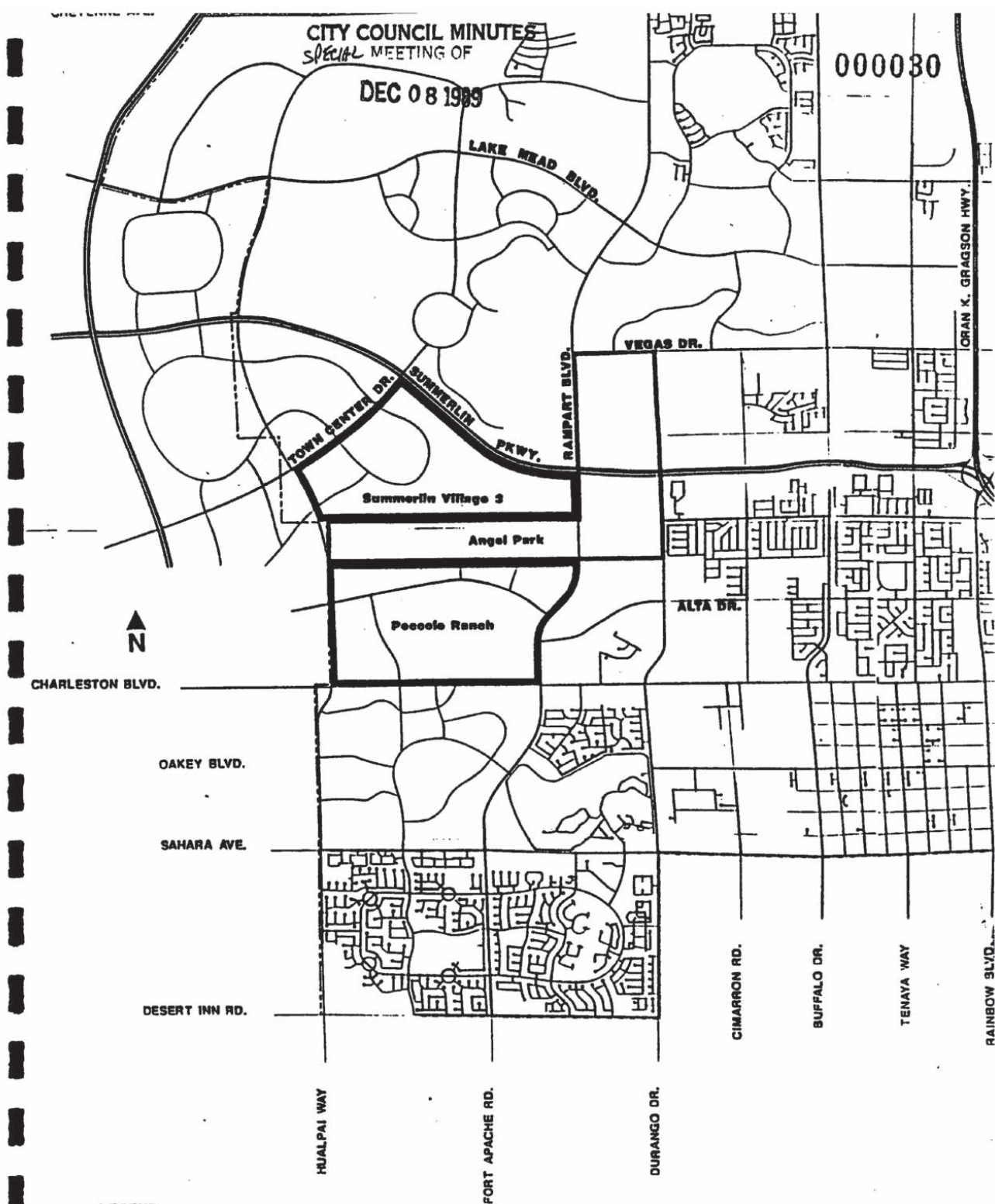
A special commendation was made to Assemblyman Callister for the fine job he has done on this bill.

/cmp

CLV65-000136

0136

AA0333



CITY COUNCIL MINUTES
SPECIAL MEETING OF
DEC 08 1989

000030

LEGEND



Recommended areas to be included in Gaming Enterprise District

November 1989

CLV65-000137

0137

AA0334

EXHIBIT “H”

**A. WAYNE SMITH
& ASSOCIATES**

A Subsidiary of Cornoyer-Hedrick

February 6, 1990

Mr. Harold P. Foster,
Planning Director
CITY OF LAS VEGAS
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Mr. Foster:

On behalf of the Peccole Ranch Partnership, we herein submit this application for overall Master Plan Amendment for 1,569.6 acres, and a zoning reclassification for a 996.4 acre Phase Two project.


Enclosed, as per your requirements are:

- * Application for zoning reclassification of property executed by the property owner
- * Application fee of \$200.00
- * Eight (8) blueprints of the Master Plan for the overall 1,569.6 acres, the 996.4 acre Phase Two area, and the zoning reclassification narrative.

The Legal Descriptions of the Phase Two R-PD7, R-3, and C-1 areas will be prepared and submitted under separate cover from VTN engineers.

If you have any questions or require additional information, please contact us at (602) 234-3474. Your review and approval is respectfully requested.

Very truly yours,


A. Wayne Smith, ASLA
Principal

AWS/RWO/mb

LAND PLANNING
LANDSCAPE
ARCHITECTURE
REAL ESTATE
ADVISORY SERVICES
1515 East Missouri
Suite 100
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CLV65-000138

0138

AA0336

**A WAYNE SMITH
& ASSOCIATES**
A Subsidiary of Cornoyer-Hedrick

T R A N S M I T T A L

To City of Las Vegas Date February 8, 1990
400 East Stewart Project Peccole Ranch - Phase II
Las Vegas, Nevada 89101 Job No L89314-11

Attn Mr. Harold Foster, Director of Community Planning & Development
Mr. Richard Williams, Chief of Current Planning

We transmit Via Regular Mail Under separate cover via

For your Approval Review + comment Distribution Record ☒ Information

The following

Drawings prints reproducible ☒ Documents Samples
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copies	date	rev no	description
2			Original Peccole Ranch Master Plan Amendment and Phase II
			Rezoning Application Booklets

Remarks

Enclosed are two original Peccole Ranch Master Plan Amendment and
Phase Two Rezoning Application booklets for your review and use.

Copies to encl encl

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Reginald W. Owens, AICP
Signed

CLV65-000139
0139
AA0337

**PECCOLE RANCH
MASTER PLAN**

A Master Plan Amendment and Phase Two Rezoning Application

PREPARED FOR:

The Peccole Ranch Partnership:

Peccole Trust
2300 West Sahara Avenue
Box 17, Suite 870
Las Vegas, Nevada 89102
(702) 871-2700

Triple Five Development Group Central, Ltd.
Suite 900, Capital Place
9707 - 110 Street
Edmonton, Alberta
Canada T5K 2L9
(403) 482-7800

PREPARED BY:

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February 6, 1990

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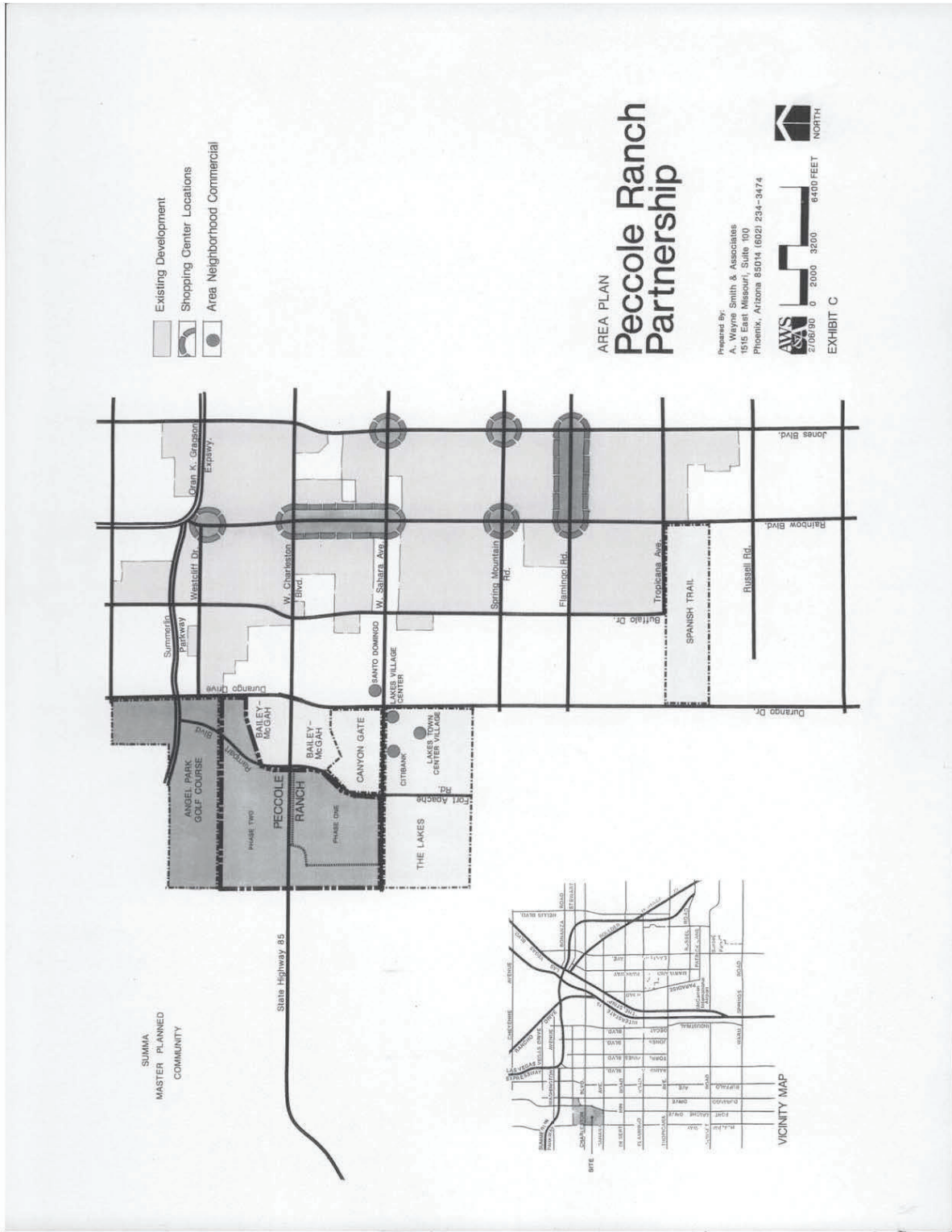
PECCOLE RANCH

The proposed 1,569.6 acre Peccole Ranch Master Plan is being submitted to the City of Las Vegas for the approval of an Amendment to the overall Conceptual Master Plan, along with the rezoning of the 996.4 acres in Phase Two to R-PD7, R-3, and C-1 designations. The following narrative describes the intent of the proposed overall Master Plan, compares the Plan with the previously approved overall Peccole Ranch Master Plan, and discusses in detail those land uses proposed in the Phase Two development of Peccole Ranch.

INTRODUCTION - PECCOLE RANCH OVERALL MASTER PLAN

The Peccole Ranch overall Conceptual Master Plan which was approved on February 15, 1989 consisted of 1,716.3 acres. The present overall Plan illustrates a reduction in the 1,716.3 acreage due to the elimination of a previously zoned multi-family parcel and several neighborhood commercial/office parcels totalling 83.9 acres. The existing 10.9 acre water storage parcel owned and managed by the Las Vegas Valley Water District was also removed. The proposed overall Master Plan now consists of 1,569.6 acres

Peccole Ranch is located within the northwest and southwest growth areas of the Las Vegas Metropolitan Area (Exhibit C, page 2), and has an excellent time-distance relationship to surrounding support services, employment centers, and transportation network including McCarran International Airport. This particular area of the Valley has been experiencing a rapid growth rate as demonstrated by those developments occurring in the Peccole Ranch vicinity such as Canyon Gate, Summerlin, and The Lakes. Planning efforts for these planned communities promote viable growth, compatibility with adjacent uses, and a commitment to quality. It is this trend that became the basis of a Plan that would maintain flexibility to accommodate future market changes. The proposed Plan is conceptual in nature to allow detailed planning at the time of development. In this way the lifestyles of the anticipated population can be met. The physical character of Peccole Ranch is enhanced by its higher elevation than the rest of the City. Views of the surrounding mountains provide a visually pleasant backdrop and the evening lights of downtown Las Vegas are in the distant view.



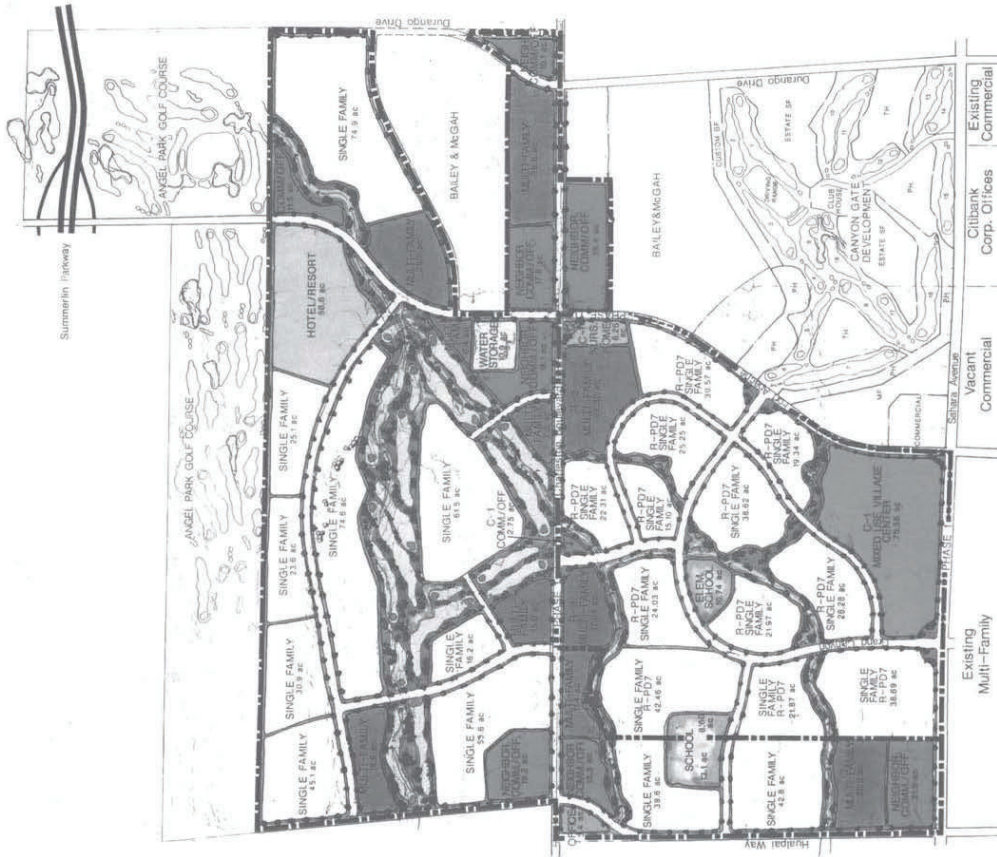
The proposed Peccole Ranch overall Master Plan (Exhibit A, page 4) incorporates office, neighborhood commercial, a nursing home, and a mixed use village center around a strong residential base in a cohesive manner. A destination resort-casino, commercial/office and commercial center have been proposed in the most northern portion of the project area. Special attention has been given to the compatibility of neighboring uses for smooth transitioning, circulation patterns, convenience and aesthetics. An extensive 253 acre golf course and linear open space system winding throughout the community provides a positive focal point while creating a mechanism to handle drainage flows.

Also of importance to Peccole Ranch is the alignment of the Summerlin Parkway under construction north of the Project. The Summerlin Parkway is an east/west expressway which will be approximately three to three and one-half miles long originating at the curve of the Oran A. Gragson Expressway (Westcliff Drive and Rainbow Boulevard) with a terminus at the corner of the two initial Summerlin Villages. Adjacent to the northern boundary of the Peccole Ranch property is the 640 acre Angel Park. When complete, this regional park will include two world class golf courses designed by Arnold Palmer.

The development plan for Peccole Ranch is designed to benefit the current and long range needs of the Las Vegas Metropolitan Area as the population expansion is realized. Overall project character and identity will reflect the high standards of quality envisioned by the developer and a consistency with the pattern of regional community development.

**OVERALL MASTER PLAN COMPARISON:
PROPOSED PECCOLE RANCH MASTER PLAN VS.
APPROVED PECCOLE RANCH MASTER PLAN**

The proposed Peccole Ranch Master Plan is an amendment to the Peccole Ranch Master Plan which was approved by the City of Las Vegas on February 15, 1989 (Exhibit B, page 5). The main difference between the Plans is the redesignation of 100.1 acres located at the northeast corner of the property to a commercial land use more properly reflecting its location near the Summerlin Parkway and the destination



SITE DATA - PHASE 1

LAND USE	NET ACRES	NET DENSITY (Units/Ac)	UNITS
Nursing Home	8.25	7.0	2299
Single Family	328.49	24.0	1086
Multi-Family	45.39	24.0	1086
Mixed Use Village Center	40.00	34.0	1209
Commercial Office	35.96	2.75	4147
Drainage/Open Space	41.47	53.97	17.34
R.O.W.	17.34	53.97	17.34
Elementary School	53.97	53.97	17.34
PHASE 1 TOTAL	573.19	8.6	4396

SITE DATA - FUTURE PHASES

LAND USE	ACRES
Single Family	487.9
Multi-Family	133.5
Neighborhood	137.7
Commercial Office	5.4
Office/Resort	5.4
Water Storage	10.9
Golf Course/Drainage	202.1
R.O.W.	80.5
School	13.1
FUTURE PHASES TOTAL	1143.1
GRAND TOTAL	1716.3

MASTER PLAN Peccole Ranch Partnership

Suite 900, Capital Place
9707-110 Street
Edmonton, Alberta T5K2L9 403-482-7900

Prepared By:
A. Wayne Smith & Associates
1515 East Main Street Suite 100
Phoenix, Arizona 85014 (602) 234-3474



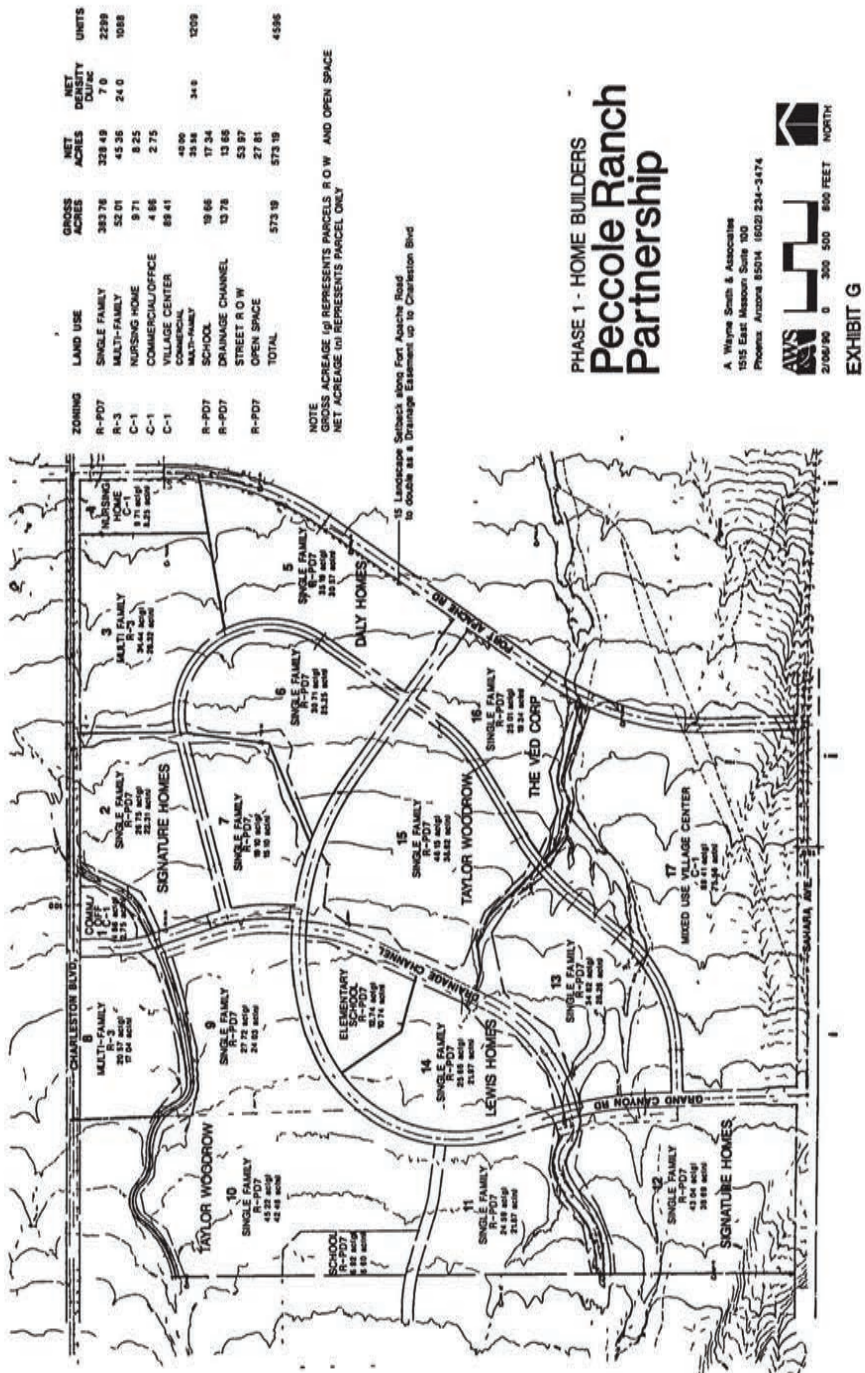
EXHIBIT B

resort-casino. The golf course and drainageways have been refined and roadways were realigned to provide primary visibility and access to all parcels. In addition, the internal collector system will ultimately promote a reduction of traffic along the principle arterials.

The proposed Peccole Ranch Master Plan realigns the major internal collector roadways through the residential and golf course area in Phase Two. The locations for both major entries to the Project were changed. The Charleston Boulevard entry now aligns with Apple Road in Phase One, and the Rampart Boulevard entry was moved to the northern boundary of the Project to avoid the need for an arroyo crossing and to provide a better relationship between the destination resort-casino and the golf course. An additional collector intersecting with Rampart Boulevard provides a second point of ingress/egress and also forms a buffer between a single family neighborhood, and the higher intensity uses along Charleston Boulevard. Alta Road, an east/west arterial, forms the boundary between the proposed Phase Two commercial center and the Bailey-McGah parcel. All arterial roadway names have remained consistent with the exception of Fort Apache Road which becomes Rampart Boulevard north of Charleston Boulevard.

Phase One is currently under development and is anticipated for completion during the early 1990's. Four single family subdivision plats have been recorded the City and several others are in process. Infrastructure for Phase One is anticipated for completion by Spring 1990. Phase One is progressing as planned and is anticipated to continue development to meet the demand for housing alternatives with supporting commercial areas. Exhibit G on page 7 identifies those home builders currently active in Phase One.

Overall, the addition of the commercial center, the refinement of the golf course and drainageways, and the shifting of parcels and parcel boundaries to better use open space areas, creates the difference between the approved Peccole Ranch Master Plan and the proposed Peccole Ranch Master Plan. The proposed Phase Two has become more clearly defined in response to current market trends and remains consistent with the goals and the integrity of the approved Peccole Ranch Master Plan.



PHASE 1 - HOME BUILDERS Peccole Ranch Partnership

A. Wayne Smith & Associates
 1515 East Mission Suite 100
 Phoenix Arizona 85014 (602) 234-3474



EXHIBIT G

PHASE TWO - PECCOLE RANCH

Phase Two of Peccole Ranch comprises approximately 996.4 acres bounded by Angel Park Golf Course on the north, Durango Drive on the east, small sections of Sahara Avenue, Charleston Boulevard, and Alta Road on the south, and the alignment of Hualapai Way on the west. Phase Two encompasses all of the remaining acreage within Peccole Ranch. The zoning designations proposed in Phase Two are R-PD7, R-3, and C-1, as described in the following land use descriptions. Overall density of Phase Two is 4.5 DU/AC.

Single Family Residential

The demand for housing remains strong in the Peccole Ranch vicinity, reflecting the continued growth of immigration to the area. The delineation of residential uses (single family and multi-family totalling 461.0 acres) proposed for Peccole Ranch Phase Two is based upon market study documentation of historical and projected single family housing subdivision and multi-family absorption patterns. Approximately 401.0 acres or 40.2 percent of Phase Two is devoted to quality golf course oriented single-family and custom lot developments, reflecting the fact that there is a demand for higher priced single family housing in the strong northwest/southwest markets. This fact is evident particularly at the Project location which is positioned as a natural northerly growth extension to the successful Lakes community, and which will benefit greatly from the surrounding golf environment and the Summerlin Parkway. Recent market data obtained evidences that there is now a growing preference for detached single family homes over apartment and condominiums, reflecting a stabilization of the Las Vegas Metropolitan economy. The significance of this growth is the expanding opportunity to provide single family housing alternatives to an increasingly diverse income base - particularly in association with a golf course community.

There is potential for gated entries to several of the single family parcels. Gated entries into Phase Two residential parcels will not only provide residents with a sense of security, but will promote the construction of quality housing products, and form an enclave within Pecole Ranch. A 50 acre single-family parcel central to Phase Two offers extensive golf course frontage to future residents in an exclusive environment bounded on all sides by the golf course. Depending upon market demand, additional gated neighborhoods can be provided in proximity to the clubhouse and adjacent to the golf course.

Multiple-Family Residential

The historical strong consumer demand for apartments has not yet reached a saturation point, however, existing inventory will most likely adequately meet current requirements. Therefore, Phase Two reflects a larger single family environment while still maintaining a small inventory of multi-family land areas which will be geared toward those future residents who prefer a more urban oriented lifestyle.

Two multi-family parcels are planned along Charleston Boulevard, and one 20 acre parcel is planned adjacent to Hualpai Way north of the commercial center on Sahara. Multi-family parcels are located adjacent to principal arterials to maximize exposure and to provide buffering to the internal single family neighborhoods from arterial traffic. Approximately 60 acres, or 60 percent of Phase Two is devoted to multi-family use.

Commercial

High intensity uses such as commercial, office, and employment opportunities are incorporated in the commercial/office, neighborhood commercial, and commercial center areas in Phase Two of Pecole Ranch. The largest commercial parcel (100.1 acres), the commercial center, is located adjacent to Angel Park Golf Course on the north, Durango Drive on the east, Alta Road on the south and Rampart Boulevard on the west to provide prime exposure and access. This commercial center is physically well sited in relationship to surrounding high volume major arterials and the future Summerlin Parkway interchange only one-half mile to the north. The site offers an excellent opportunity for internal circulation with arterials on two sides. This may be

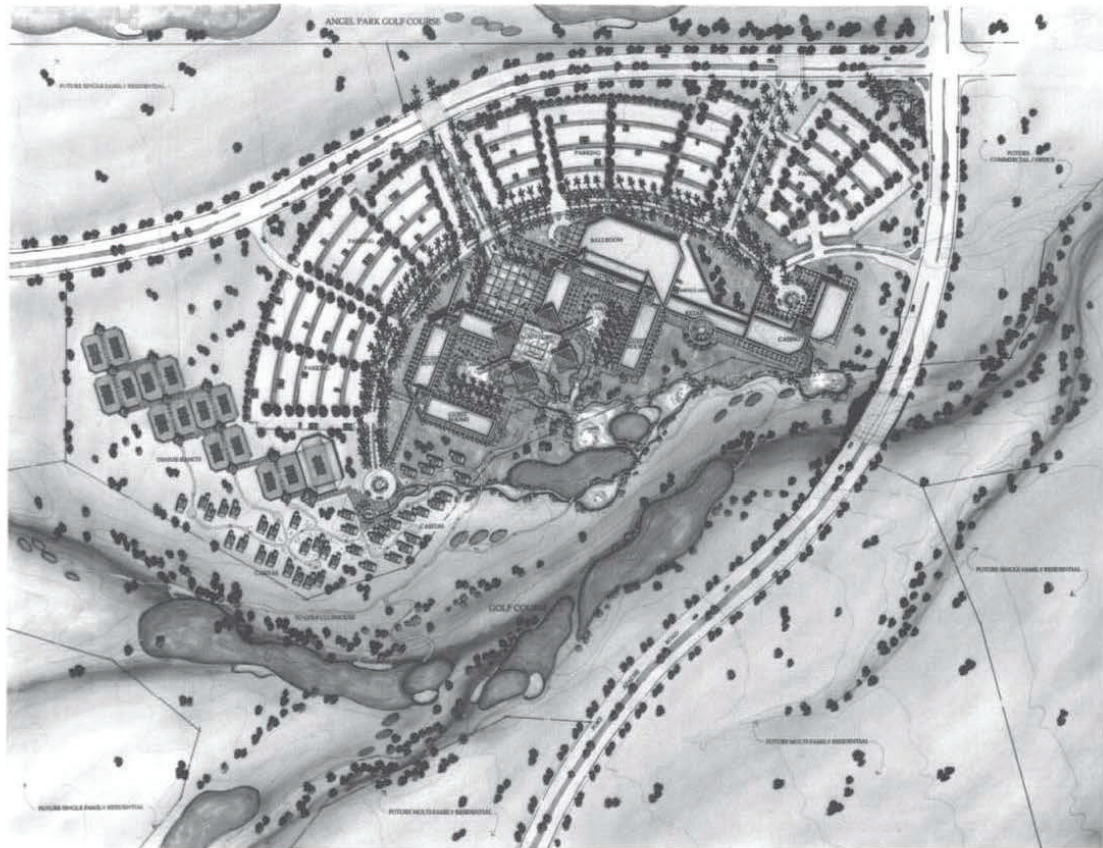
evidenced from a review of the Area Plan (Exhibit C, page 2) which depicts the current lack of commercial centers, and the potential urbanization of the vacant residential lands from Jones Boulevard west to Hualpai Way.

Additional neighborhood commercial/office areas are located at intersection nodes to provide easy access and buffer less intense land uses. These parcels will accommodate basic support facilities and services required by the residential community. Commercial and office areas comprise a total of 83.5 acres in Phase Two.

A 56.0 acre destination resort-casino site is located at the intersection of an internal collector and Rampart Boulevard. The boundary of this parcel was altered from the previously approved overall Master Plan to accommodate the boundary changes of the refined golf course and road system. The golf course along the southern border of the parcel provides an aesthetic quality to the destination resort-casino. The resort-casino is planned as a destination golf resort and casino, and will provide the transition from a commercial center to single family residential. The resort will be comprised of approximately 300 to 500 guest rooms, and other elements which may include meeting, conference and ballroom facilities, restaurants, bars, and a casino including its own specialty restaurant and bar areas. Guest amenities may include use of the adjacent golf course, tennis facilities, fitness center, beauty salon, game rooms, a nursery and swimming pool. Exhibit D on page 11 illustrates the anticipated site layout and character for the resort-casino. The Peccole Ranch Resort will be designed to maximize the beauty of the desert surroundings, maintaining sensitivity to scale, character, landscape, and topography, and represents the true centerpiece of the Peccole Ranch Community.

Open Space and Drainage

A focal point of Peccole Ranch Phase Two is the 199.8 acre golf course and open space drainage system which traverses the site along the natural wash system. All residential parcels within Phase Two, except one, have exposure to the golf course and open space areas. The single family parcel which is not adjacent to the open space system borders Angel Park Golf Course on its northern boundary. Passive and active recreational areas will be provided, and residents will have an opportunity to utilize alternative modes of transportation throughout with the bike paths and pedestrian



RESORT SITE PLAN

PROJECT DATA

SITE

Site Address: 6,000 sq. ft.

RESORT

NO. ROOMS:

(EXPANDABLE TO 1,000 ROOMS)

FUNCTION AREAS:

BALL ROOM 10,000 sq. ft.

MEETING FACILITIES 5,000 sq. ft.

DINING AREAS 8,000 sq. ft.

GUEST AMENITIES:

ENTERTAINMENT CENTER 2,500 sq. ft.

GAME ROOM 2,000 sq. ft.

CASINO

GAMING FLOOR 24,000 sq. ft.

RESTAURANT 3,000 sq. ft.

PARKING:

CAR SPACES

(EXPANDABLE TO 1,000 SPACES)

SCALE

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Peccole Ranch Resort

LAS VEGAS, NEVADA

CH ASSOCIATES

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Peccole Ranch

Partnership

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EXHIBIT D

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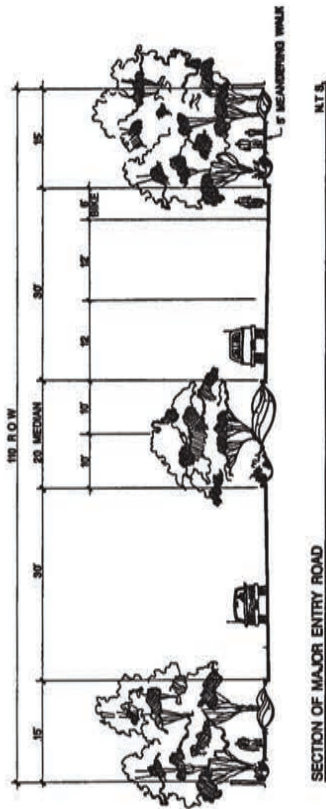
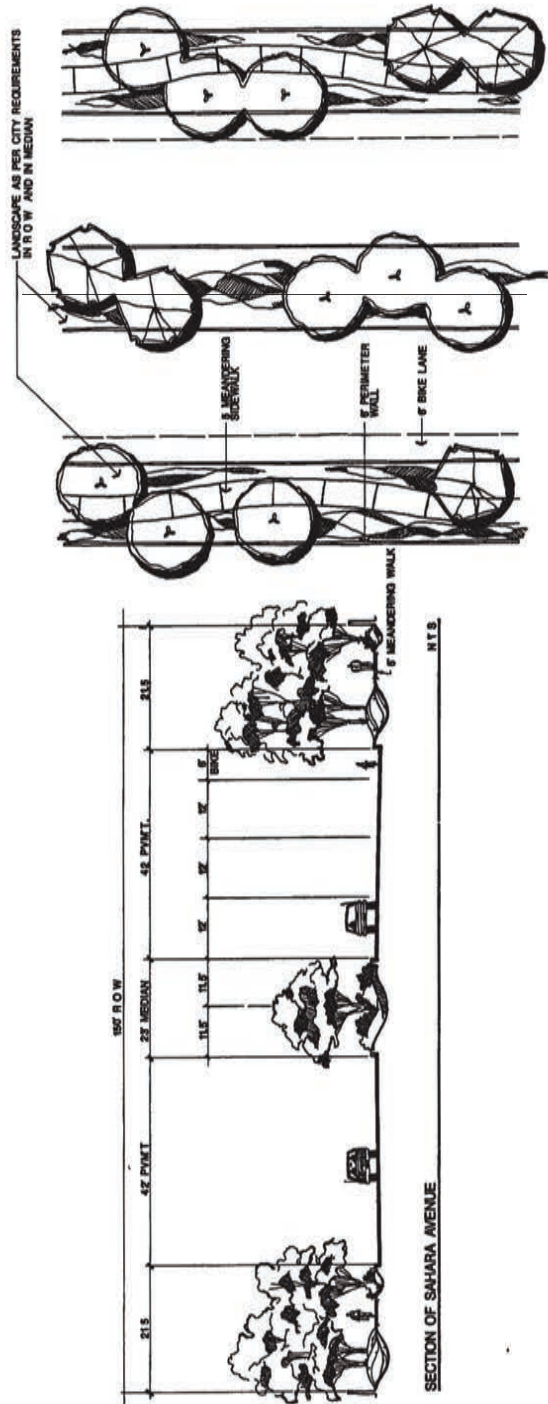
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walkways (see Exhibits E and F on pages 13 and 14). The surrounding community as well as project residents may use the open space system to travel to neighboring areas including Angel Park. In addition, recreational improvements such as picnic tables, ramadas and pleasing water features will be located in passive gathering areas located throughout the open space.

The close proximity to Angel Park along with the extensive golf course and open space network were determining factors in the decision not to integrate a public park in the proposed Plan. According to the Parks, Recreation and Senior Citizen Activities Division a need for a dedicated public facility within Pecole Ranch is not indicated nor anticipated in the future.

South of Charleston Boulevard, drainage flows through the washes initially enter the site in two locations along the western boundary at a peak rate of 800 cubic feet per second (cfs), and move in a east/northeast direction. Two wash flows are then directed into the main drainage wash which flows northeasterly towards the large Angel Park reservoir at a rate of approximately 1,600 cfs. North of Charleston Boulevard an off-site flow of 2,000 cfs enters the Project. This storm water will be contained within the golf course until it reaches Rampart Boulevard, and will then flow through a channel adjacent to the commercial center to the Angel Park Basin. Based on the golf course routing plan by Mr. Ted Robinson, renowned golf course architect, the golf course has been designed in conjunction with existing drainage features on the site. The design of the golf course has been instrumental in preserving the natural character of the land and controlling drainage on and through the property.

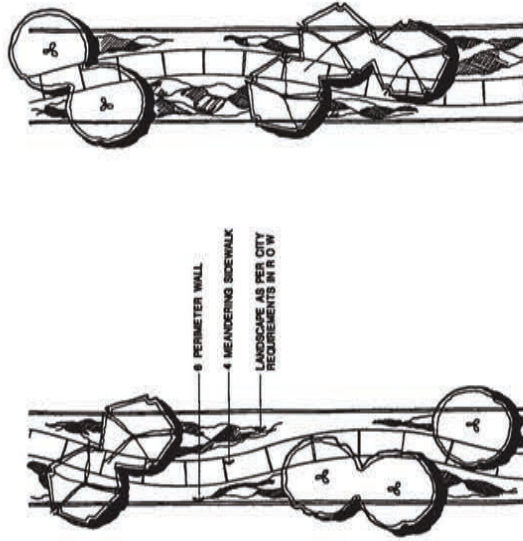
Phase Two of the proposed Pecole Ranch Master Plan has approximately 33.1 additional acres allotted for golf course and drainageways. The additional acreage accommodates a clubhouse and driving range centrally located within the golf course and surrounding residential community. These features are also accessible to visitors staying at the adjacent destination resort-casino.



Peccole Ranch Partnership

EXHIBIT E
2-00-90

**A WAYNE SMITH
& ASSOCIATES**
A Subsidiary of Conroy-Holtek

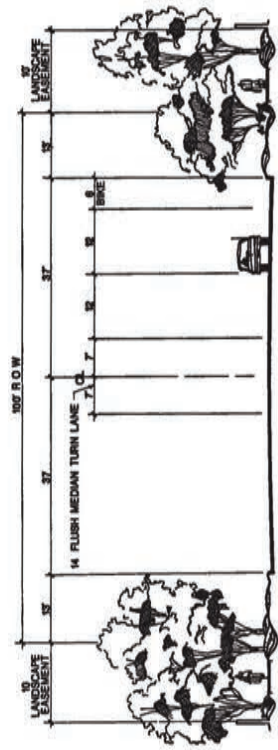


PLAN VIEW OF INTERIOR COLLECTOR ROADWAY N.T.S.

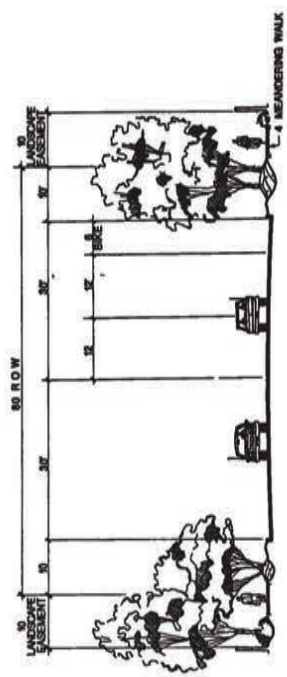
ROADWAY PLAN AND CROSS SECTIONS
Peccole Ranch Partnership

EXHIBIT F
2-08-90

A WAYNE SMITH
& ASSOCIATES
A Subsidiary of Cargill, Inc.



SECTION OF ARTERIAL ROADWAY RAMPART ROAD N.T.S.



SECTION OF INTERIOR COLLECTOR ROADWAY N.T.S.

Schools

A 19.7 acre school site is designated in Phase Two of Peccole Ranch. The level of education served by the site, such as elementary or middle school status, will not be determined until development occurs and the student population becomes more clearly defined. A 10.1 acre elementary school site is reserved in Phase One, and according to the Clark County School District the site has been approved and will be purchased based upon acceptable appraisals. The sites will be developed to meet the requirements of the Clark County School District. According to Clark County School District standards, a typical elementary school requires a student body of approximately 600 to support the facility, whereas a junior high school requires 1,250 students. Student population projections for Phase One and Two are attached.

DEVELOPMENT PLAN - PHASE TWO

The Peccole Ranch Partnership is the land developer for Peccole Ranch and will assume the responsibility of the following:

- * Full street improvements for internal collector streets and partial improvements for other public streets adjacent to the development, or as agreed upon with the City of Las Vegas. See roadway Exhibits E and F on the following pages
- * Delivery of water, sewer, telephone, and power to all parcels.
- * Rough grade of all parcels
- * Open Space development and landscaping.
- * Entry treatments, including landscaping, water features, special pavement, and project signs.
- * All landscaping along arterial roads (Charleston Boulevard, Sahara Avenue, and Fort Apache Road) and within internal boulevards.
- * An information center.

Street and utilities are currently under construction in Phase One.

QUALITY OF DEVELOPMENT

Design, Architecture, and Landscape standards will be established for the development. A Design Review Committee will review and approve all plans for parcel development in Peccole Ranch. Covenants, Conditions and Restrictions will be established to guarantee the continued quality of development, and a Master Homeowner's Association will be established for the maintenance of common landscaping and open space. Separate subsidiary associations will be created within individual development parcels to maintain the common area within these areas.

GENERAL PLAN CONFORMANCE

As the City of Las Vegas General Plan is designed as a set of guidelines to help direct the future growth of the City, so is the proposed Peccole Ranch Master Plan designed with an inherent flexibility to meet changing market demands at the time of actual development. Specifically, the proposed Plan is in conformance with the following Las Vegas General Plan Planning Guidelines:

- * Provide for an efficient, orderly and complementary variety of land uses.
- * Provide for "activity centers" as a logical concentration of development in each community area of the City to encourage economic, social and physical vitality, and expand the level of services.
- * Encourage the master planning of large parcels under single ownership in the growth areas of the City to ensure a desirable living environment and maximum efficiency and savings in the provision of new public facilities and services.
- * Provide for the continuing development of a diverse system of open space.

PECCOLE RANCH
LAND USE DATA
PHASE TWO

<u>LAND USE</u>	<u>ACRES</u>	<u>NET DENSITY</u>	<u>NET UNITS</u>
Single-Family	401.0	7.0 du/ac	2,807
Multi-Family	60.0	24.0 du/ac	1,440
Commercial/Office	194.3	-	-
Resort-Casino	56.0	-	-
Golf Course Drainage	211.6	-	-
Right-of-Way	60.4	-	-
Elementary School	13.1	-	-
TOTAL	996.4	4.5 du/ac	4,247

Note Overall density based upon all areas except R.O.W

PECCOLE RANCH
LAND USE DATA
OVERALL MASTER PLAN

<u>LAND USE</u>	<u>NET ACRES</u>	<u>DENSITY RANGES</u>
Single Family	729.49	4.0 - 8.0 du/ac
Multi-Family	105.36	8.0 - 24.0 du/ac
Mixed Use Village Center	75.56	20.0 - 35.0 du/ac
(Commercial, Office, Multi-Family)		
Neighborhood Commercial/Office	197.05	
Resort-Casino	56.0	
Nursing Home	8.25	
Golf Course/Open Space/Drainage	253.07	
Right-of-Way	114.37	
Schools	30.44	
TOTAL	1,569.6	

PECCOLE RANCH
STUDENT POPULATION PROJECTIONS

<u>GRADE</u>	<u>PHASE ONE</u>	<u>PHASE TWO</u>	<u>MASTER PLAN</u>
K thru 6	902	765	1,667
7 thru 9	347	294	641
10 thru 12	343	291	634
TOTAL	1,592	1,350	2,942



**CONSULTING ENGINEERS
PLANNERS SURVEYORS**

PRINCIPALS

**K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S**

LETTER OF TRANSMITTAL

TO CITY OF LAS VEGAS DATE FEBRUARY 9, 1990
PROJECT PECCOLE RANCH PHASE 2
ATTN BEN MCGUIRE W O NO 3974
BY MAIL BY MESSENGER XX PICK-UP EXPRESS MAIL
FAX FEDERAL EXPRESS

No Copies

Description

1

PACKAGE LEGAL DESCRIPTION

COMMENTS

PLEASE FIND ATTACHED THE LEGAL DESCRIPTIONS WHICH SHOULD ACCOMPANY THE ZONE CHANGE
FOR WILLIAM PECCOLE PREPARED BY A. WAYNE SMITH & ASSOICATES. IF YOU HAVE ANY
QUESTIONS, PLEASE DO NOT HESITATE TO CALL. THANK YOU.

MATERIAL SENT FOR THE FOLLOWING REASONS

CHECKING FILING APPROVAL YOUR FILES
OTHER CC

PLEASE SIGN COPIES/ORIGINAL(S) AND RETURN TO OUR OFFICE

SENDER SALLY PELHAM

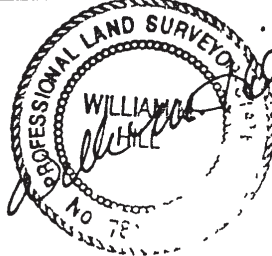
ABOVE MATERIAL RECEIVED BY

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000162
0162
AA0360



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Charleston Boulevard and Rampart Boulevard.

**Legal Description
Lot 31 - R-PD7**

That portion of Section 31 and 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of the South Half (S1/2) of the Northwest Quarter (NW1/4) of Section 31; thence S.89°10'53"E., along the North line thereof, 2886.78 feet; thence S.89°10'39"E., continuing along said North line, 2846.00 feet to the Northeast Corner (NE Cor.) of the aforementioned South Half (S1/2) of the Northwest Quarter (NW1/4); thence N.89°31'58"E., 1278.67 feet; thence S.00°28'02"E., 140.00 feet to a point on a curve concave Southeasterly and having a radius of 1250.00 feet, a radial line to said point bears N.20°24'57"W.; thence Southwesterly along said curve, through a central angle of 07°40'18", an arc distance of 167.37 feet to a point of tangency; thence S.61°54'45"W., 415.38 feet to a point of tangency with a curve concave Northwesterly and having a radius of 2000.00 feet; thence Southwesterly along said curve, through a central angle of 18°58'02", an arc distance of 662.08 feet to a point, a radial line to said point bears S.09°07'13"E.; thence S.04°47'06"W., along a radial line, 857.50 feet to a point on a curve concave Southwesterly and having a radius of 985.00 feet; thence Southeasterly along said curve, through a central angle of 42°07'20", an arc distance of 724.14 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 325.00 feet, a radial line to said point bears N.46°54'26"E.; thence Southeasterly along said curve, through a central angle of 67°27'19", an arc distance of 382.63 feet to a point of compound curvature with a curve concave Northwesterly and having a radius of 625.00 feet, a radial line to said point bears S.20°32'52"E.; thence Northeasterly along said curve, through a central angle of 20°08'35", an arc distance of 219.73 feet to a point of reverse curvature concave Southeasterly and having a radius of 4400.00 feet, a radial to said point bears S.40°41'28"E.; thence Northeasterly along said curve, through a central angle of 14°58'58", an arc distance of 1150.60 feet to a point of compound

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Legal Description
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February 2, 1990
Page 2

curvature with a curve concave Southerly and having a radius of 375.00 feet, a radial line to said point bears N.25°42'29"W.; thence Easterly along said curve, through a central angle of 38°30'11", an arc distance of 252.00 feet to a point, a radial line to said point bears N.12°47'42"E.; thence S.63°03'01"E., along a radial line, 50.00 feet to a point on a curve concave Northwesterly and having a radius of 1700.00 feet; thence Southwesterly along said curve, through a central angle of 24°54'26", an arc distance of 739.01 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 1700.00 feet, a radial line to said point bears S.38°08'35"E.; thence Southeasterly along said curve, through a central angle of 40°11'32", an arc distance of 1192.52 feet to a point, a radial line to said point bears N.78°20'06"W.; thence S.89°26'21"W., 698.56 feet; thence S.00°33'39"E., 685.00 feet; thence S.89°26'21"W., 267.74 feet to a point of tangency with a curve concave Northeasterly and having a radius of 550.00 feet; thence Northwesterly along said curve, through a central angle of 30°21'23", an arc distance of 291.40 feet to a point of tangency; thence N.60°12'17"W., 316.30 feet; thence S.29°55'31"W., 494.03 feet to a point of tangency with a curve concave Southeasterly and having a radius of 750.00 feet; thence Southwesterly along said curve, through a central angle of 30°15'27", an arc distance of 396.07 feet to a point of tangency; thence S.00°19'56"E. 65.00 feet to a point on the South line of the aforementioned Section 31; thence S.89°40'04"W., along said South line, 1603.27 feet; thence N.00°19'56"W., 260.10 feet to a point of tangency with a curve concave Southwesterly and having a radius of 1200.00 feet; thence Northwesterly along said curve, through a central angle of 29°45'02", an arc distance of 623.09 feet to a point of tangency; thence N.30°04'58"W., 201.28 feet; thence S.72°05'07"W., 1836.70 feet; thence N.52°05'16"W., 527.49 feet; thence S.89°41'18"W., 900.05 feet to a point on the West line of the aforementioned Section 31; thence N.06°05'57"W., along said West line, 3328.05 feet to the POINT OF BEGINNING.



Legal Description
W.O. 3974
February 2, 1990
Page 3

Containing 519.878 acres, more or less.

BASIS OF BEARINGS

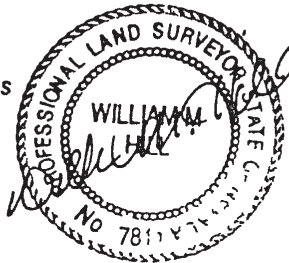
N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-2
3900-3999





CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-590
This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 generally located East of Hualpai Way approximately 735.00 feet North of Sahara Avenue.

Legal Description
Lot 20 - R-3

That portion of the West Half (W1/2) of Section 6, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of said Section 6; thence N.01°20'45"W., along the West line thereof, 734.62 feet to the TRUE POINT OF BEGINNING; thence N.01°20'45"W., continuing along said West line and a radial line, 791.10 feet to a point on a curve concave Southerly and having a radius of 1200.00 feet; thence Easterly along said curve, through a central angle of 10°09'04", an arc distance of 212.60 feet to a point of reverse curvature with a curve concave Northerly and having a radius of 1650.00 feet, a radial line to said point bears N.08°48'19"E.; thence Easterly along said curve, through a central angle of 17°06'58", an arc distance of 492.91 feet to a point of tangency; thence N.81°41'21"E., 126.10 feet to a point of tangency with a curve concave Southerly and having a radius of 800.00 feet; thence Easterly along said curve, through a central angle of 26°50'24", an arc distance of 374.76 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 660.00 feet, a radial line to said point bears N.18°31'45"E.; thence Southeasterly along said curve, through a central angle of 12°55'49", an arc distance of 148.95 feet to a point, a radial line to said point bears S.05°35'56"W.; thence S.00°12'52"E., 723.86 feet; thence S.89°46'34"W., 1327.07 feet to the TRUE POINT OF BEGINNING.

Containing 23.654 acres, more or less.

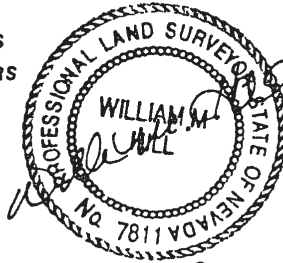
BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 1974-8, 1990-1999
2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
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CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-5-90

This legal describes a parcel of land to be rezoned generally located within the proposed Peccole Ranch - Phase 3 generally located approximately 2200.00 feet North of Sahara Avenue and West of the existing Peccole Ranch Subdivision.

Legal Description
Lot 21 - R-PD7

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of the Northwest Quarter (NW1/4) of said Section 6; thence N.01°21'03"W., along the West line thereof, 300.61 feet; thence N.88°38'57"E., 611.22 feet to a point of tangency with a curve concave Southwesterly and having a radius of 3125.00 feet; thence Southeasterly along said curve, through a central angle of 14°02'24", an arc distance of 765.77 feet to a point, a radial line to said point bears N.12°41'21"E.; thence S.00°12'52"E., 1428.83 feet to a point on a curve concave Northeasterly and having a radius of 660.00 feet, a radial line to said point bears S.05°35'56"W.; thence Northwesterly along said curve, through a central angle of 12°55'49", arc distance of 148.95 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 800.00 feet, a radial line to said point bears S.18°31'45"W.; thence Westerly along said curve, through a central angle of 26°50'24", an arc distance of 374.76 feet to a point of tangency; thence S.81°41'21"W., 126.10 feet to a point of tangency with a curve concave Northerly and having a radius of 1650.00 feet; thence Westerly along said curve, through a central angle of 17°06'58", an arc distance of 492.91 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 1200.00 feet, a radial line to said point bears S.08°48'19"W.; thence Westerly along said curve, through a central angle of 10°09'04", an arc distance of 212.60 feet to a point; thence N.01°20'45"W., along a radial line, 1127.82 feet to the POINT OF BEGINNING.

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CLV65-000167
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AA0365

Legal Description
W.O. 3974-9
February 1, 1989
Page 2

Containing 44.953 acres, more or less.

BASIS OF BEARINGS

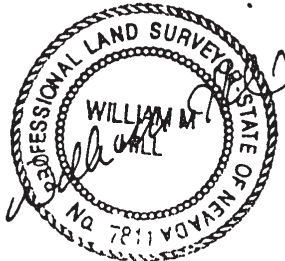
N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-9
3900-3999





CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 3, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-5-90

This legal describes a parcel of land located within the proposed Peccole Ranch - Phase 3 project to be rezoned generally located on the Southeast Corner (SE Cor.) of Hualpai Way and Charleston Boulevard.

Legal Description
Lot 24 - C-1

That portion of the Northwest Quarter (NW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Northwest Corner (NW Cor.) of said Northwest Quarter (NW1/4); thence N.89°41'47"E., along the North line thereof, 529.69 feet to the TRUE POINT OF BEGINNING; thence N.89°41'18"E. continuing along said North line, 2020.58 feet; thence S.01°43'29"E., 789.60 feet to a point on a curve concave Southwesterly and having a radius of 345.00 feet, a radial line to said point bears N.41°18'26"E.; thence Northwesterly along said curve, through a central angle of 43°12'49", an arc distance of 260.21 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 230.00 feet, a radial line to said point bears N.01°54'24"W.; thence Northwesterly along said curve, through a central angle of 70°18'05", an arc distance of 282.21 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 175.00 feet, a radial line to said point bears S.68°23'41"W.; thence Westerly along said curve, through a central angle of 120°10'17", an arc distance of 367.04 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 595.00 feet, a radial line to said point bears N.51°46'35"W.; thence Southwesterly along said curve, through a central angle of 65°57'59", an arc distance of 685.04 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 850.00 feet, a radial line to said point bears S.14°11'23"W.; thence Westerly along said curve, through a central angle of 24°10'09", an arc distance of 358.56 feet to a point of compound curvature with a curve concave Southeasterly and having a radius of 2000.00 feet, a radial line to said point bears N.09°58'45"W.; thence Southwesterly along said curve, through a central angle of 12°19'35", an arc distance of 430.27 feet to a point of reverse

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
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CLV65-000169

0169

AA0367

Legal Description
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Page 2

curvature with a curve concave Northerly and having a radius of 230.00 feet, a radial line to said point bears N.22°18'20"W.; thence Westerly along said curve, through a central angle of 32°28'22", an arc distance of 130.35 feet to a point on a curve concave Northwesterly and having a radius of 800.00 feet, a radial line to said point bears S.10°10'03"W.; thence Northeasterly along said curve, from a radial line which bears S.45°13'48"E., through a central angle of 46°07'15", an arc distance of 643.97 feet to a point of tangency; thence N.01°21'03"W., 250.00 feet to the TRUE POINT OF BEGINNING.

Containing 31.761 acres, more or less.

BASIS OF BEARINGS

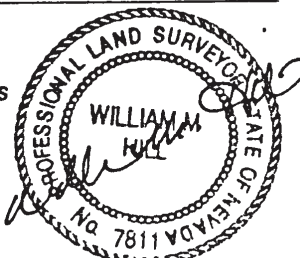
N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-13
3900-3999





CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR

C R JOHNSON P E

J L MacFARLANE, P E, R L S

W.O. 3974

February 3, 1990

By: R.M.

P.R. By: R.M.

EXPLANATION:

2-590

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 project generally located West of the existing Peccole Ranch Subdivision and approximately 800.00 feet South Charleston Boulevard.

**Legal Description
Lot 22 - R-PD7**

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of the Northwest Quarter (NW1/4) of said Section 6; thence N.01°21'03"W., along the West line thereof, 300.61 feet to the TRUE POINT OF BEGINNING; thence continuing N.01°21'03"W., along said West line, 895.46 feet to a point of tangency with a curve concave Southeasterly and having a radius of 800.00 feet; thence Northeasterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 800.00 feet, a radial line to said point bears N.43°20'26"W.; thence Northeasterly along said curve, through a central angle of 01°53'22", an arc distance of 26.38 feet to a point on a curve concave Northwesterly and having a radius of 230.00 feet, a radial line to said point bears S.45°13'48"E.; thence Northeasterly along said curve, from a radial line which bears S.10°10'03"W., through a central angle of 32°28'22", an arc distance of 130.35 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 2000.00 feet, a radial line to said point bears S.22°18'20"E.; thence Northeasterly along said curve, through a central angle of 12°19'35", an arc distance of 430.27 feet to a point of compound curvature with a curve concave Southerly and having a radius of 850.00 feet, line to said point bears N.09°58'45"W.; thence Easterly along said curve, through a central angle of 24°10'09", an arc distance of 358.56 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 595.00 feet, a radial line to said point bears N.14°11'23"E.; thence

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CLV65-000171

0171

AA0369

Legal Description
W.O. 3974
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Southeasterly along said curve, through a central angle of 21°22'45", an arc distance of 222.02 feet to a point, a radial line to said point bears S.07°11'22"E.; thence S.00°12'52"E., 1681.82 feet to a point on a curve concave Southwesterly and having a radius of 3125.00 feet, a radial line to said point bears N.12°41'21"E.; thence Northwesterly along said curve, through a central angle of 14°02'24", an arc distance of 765.77 feet to a point of tangency; thence S.88°38'57"W., 611.22 feet to the TRUE POINT OF BEGINNING.

Containing 49.411 acres, more or less.

BASIS OF BEARINGS

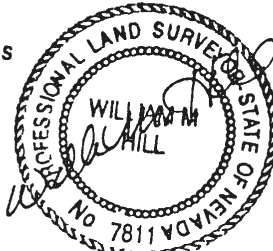
N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-12
3900-3999





CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR

C R JOHNSON, P E

J L MacFARLANE, P E, R L S

W.O. 3974

February 2, 1990

By: R.M.

P.R. By: R.M.

EXPLANATION:

2.590

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 project generally located on the Northeast Corner (NE Cor.) of Sahara Avenue and Hualpai Way to be rezoned.

Legal Description
Lot' 19 - C-1

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of said Section 6; thence N.01°20'45"W., along the West line thereof, 734.62 feet; thence N.89°46'34"E., 1327.07 feet; thence S.00°12'52"E., 734.48 feet to a point on the South line of Section 6; thence S.89°46'34"W., along said South line, 1312.57 feet to the POINT OF BEGINNING.

Containing 22.254 acres, more or less.

BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

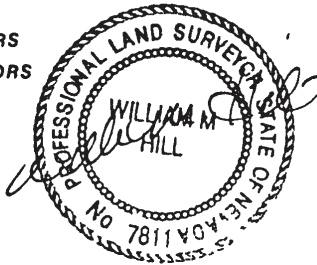
reference 3974-7
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
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CLV65-000173
0173
AA0371



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 3, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2.5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 generally located on the Southeast Corner (SE Cor.) of Hualpai Way and Charleston Boulevard.

**Legal Description
Lot 23 - C-1**

That portion of the Northwest Quarter (NW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of said Northwest Quarter (NW1/4); thence N.89°41'47"E., along the North line thereof, 529.69 feet; thence S.01°21'03"E., 250.00 feet to a point of tangency with a curve concave Northwesterly and having a radius of 800.00 feet; thence Southwesterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 800.00 feet, a radial line to said point bears S.43°20'26"E.; thence Southwesterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of tangency with the West line of the aforementioned Northwest Quarter (NW1/4); thence N.01°21'03"W., along said West line, 1448.90 feet to the POINT OF BEGINNING.

Containing 10.328 acres, more or less.

BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

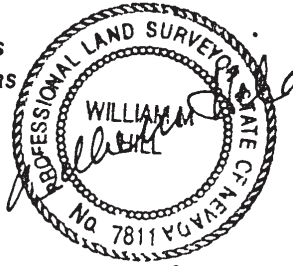
reference 3974-10
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000174
0174
AA0372



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2.5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Southwest Corner (SW Cor.) of Rampart Boulevard and Alta Drive.

**Legal Description
Lot 30 - C-1**

That portion of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section 32; thence N.89°46'07"E., along the North line thereof, 2677.87 feet to the Northeast Corner (NE Cor.) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of said Section; thence S.00°18'42"E., along the East line thereof, 1336.70 feet to the Southeast Corner (SE Cor.) of the aforementioned Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4); thence S.89°41'45"W., 604.05 feet to a point of tangency with a curve concave Southeasterly and having a radius of 1500.00 feet; thence Southwesterly along said curve, through a central angle of 39°37'19", an arc distance of 1037.30 feet to a point of tangency; thence S.50°04'26"W., 1015.26 feet to a point of tangency with a curve concave Northwesterly and having a radius of 1500.00 feet; thence Southwesterly along said curve, through a central angle of 39°21'55", an arc distance of 1030.58 feet to a point of tangency; thence S.89°26'21"W., 661.44 feet to a point on a curve concave Southeasterly and having a radius of 1700.00 feet, a radial line to said point bears N.78°20'06"W.; thence Northeasterly along said curve, through a central angle of 40°11'32", an arc distance of 1192.52 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 1700.00 feet, a radial line to said point bears N.38°08'35"W.; thence Northeasterly along said curve, through a central angle of 52°24'05", an arc distance of 1554.78 feet to a point of tangency; thence N.00°32'39"W., 340.02 feet to the POINT OF BEGINNING.

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000175
0175
AA0373

Legal Description
W.O. 3974
February 2, 1990
Page 2

Containing 134.394 acres, more or less.

BASIS OF BEARINGS

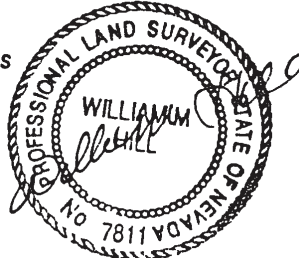
N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974
3900-3999





CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-5-90
This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 project generally located on the Northeast Corner (NE Cor.) of Charleston Boulevard and Hualpai Way.

Legal Description
Lot 25 - C-1

That portion of the Southwest Quarter (SW1/4) of Section 31, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of said Southwest Quarter (SW1/4); thence N.06°05'57"W., along the West line thereof, 805.43 feet; thence N.89°41'18"E., 900.05 feet; thence S.52°05'16"E., 527.49 feet; thence S.04°52'26"W., 411.63 feet; thence S.00°18'42"E., 65.00 feet to the point on the South line of the aforementioned Southwest Quarter (SW1/4); thence S.89°41'18"W., 1196.03 feet to the POINT OF BEGINNING.

Containing 21.650 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

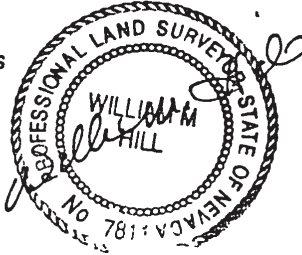
reference 3974-6
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000177
0177
AA0375



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Apple Drive and Charleston Boulevard.

Legal Description
Lot 26 - R-3

That portion of the South Half (S1/2) of Section 31, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southeast Corner (SE Cor.) of the Southwest Quarter (SW1/4) of said Section 31; thence S.89°41'18"W., along the South line thereof, 1546.32 feet; thence N.00°18'42"W., 65.00 feet; thence N.04°52'26"E., 411.63 feet; thence N.72°05'07"E., 1836.70 feet; thence S.30°04'58"E., 201.28 feet to a point of tangency with a curve concave Southwesterly and having a radius of 1200.00 feet; thence Southeasterly along said curve, through a central angle of 29°45'02", an arc distance of 623.09 feet to a point of tangency; thence S.00°19'56"E., 260.10 feet to a point on the South line of the Southeast Quarter (SE1/4) of said Section 31; thence S.89°40'04"W., along said South line, 500.00 feet to the POINT OF BEGINNING.

Containing 35.054 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

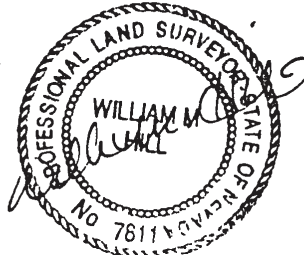
reference 3974-5
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
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CLV65-000178
0178
AA0376



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-E-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located North of Charleston Boulevard approximately 1050.00 feet West of Rampart Boulevard.

Legal Description
Lot 27 - R-3

That portion of the Southeast Quarter (SE1/4) of Section 31 and the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southeast Corner (SE Cor.) of the Southeast Quarter (SE1/4) of said Section 31; thence S.89°40'04"W., along the South line thereof, 507.92 feet; thence N.00°19'56"W., 65.00 feet to a point of tangency with a curve concave Southeasterly and having a radius of 750.00 feet; thence Northeasterly along said curve, through a central angle of 30°15'27", an arc distance of 396.07 feet to a point of tangency; thence N.29°55'31"E., 494.03 feet; thence S.60°12'17"E., 316.30 feet to a point of tangency with a curve concave Northeasterly and having a radius of 550.00 feet; thence Southeasterly along said curve, through a central angle of 24°12'26", an arc distance of 232.37 feet to a point; thence S.05°35'17"W., along a radial line, 576.48 feet; thence S.00°33'39"E., 65.00 feet to a point on the South line of the aforementioned Southwest Quarter (SW1/4) of Section 32; thence S.89°26'21"W., along said South line, 276.89 feet to the POINT OF BEGINNING.

Containing 12.337 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

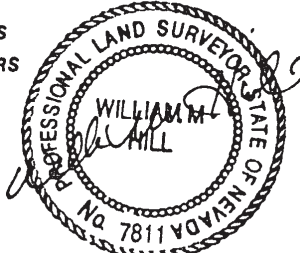
reference 3974-4
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000179
0179
AA0377



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON, P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-S-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Rampart Boulevard and Charleston Boulevard.

Legal Description
Lot 28 - C-1

That portion of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of said Southwest Quarter (SW1/4); thence N.89°26'21"E., along the South line thereof, 276.89 feet to the TRUE POINT OF BEGINNING; thence N.00°33'39"W., 65.00 feet; thence N.05°35'17"E., along a radial line, 576.48 feet to a point on a curve concave Northerly and having a radius of 550.00 feet; thence Easterly along said curve, through a central angle of 06°08'57", an arc distance of 59.03 feet to a point of tangency; thence N.89°26'21"E., 267.74 feet; thence N.00°33'39"W., 25.00 feet; thence N.89°26'21"E., 660.00 feet; thence S.00°33'39"E., 660.00 feet to a point on the South line of the aforementioned Southwest Quarter (SW1/4); thence S.89°26'21"W., along said South line, 1048.41 feet to the TRUE POINT OF BEGINNING.

Containing 15.262 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

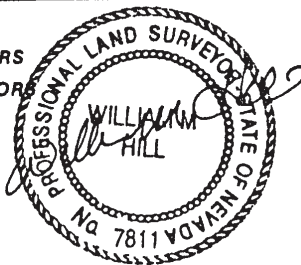
reference 3974-3
3900-3999

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102
TEL (702) 873-7550 FAX 362-2597

CLV65-000180
0180
AA0378



CONSULTING ENGINEERS
PLANNERS SURVEYORS



PRINCIPALS

K D WEIR
C R JOHNSON P E
J L MacFARLANE, P E, R L S

W.O. 3974
February 2, 1990
By: R.M.
P.R. By: R.M.

EXPLANATION:

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located West of Rampart Boulevard and South of Angle Park.

**Legal Description
Lot 29 - C-1**

That portion of the West Half (W1/2) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northeast Corner (NE Cor.) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of said Section 32; thence S.00°32'39"E., along the East line thereof, 340.02 feet to a point of tangency with a curve concave Northwesterly and having a radius of 1700.00 feet; thence Southwesterly along said curve, through a central of 27°29'39", an arc distance of 815.77 feet to a point; thence N.63°03'01"W., along a radial line, 50.00 feet to a point on a curve concave Southerly and having a radius of 375.00 feet, a radial line to said point bears N.12°47'42"E.; thence Westerly along said curve, through a central angle of 38°30'11", an arc distance of 252.00 feet to a point of compound curvature with a curve concave Southeasterly and having a radius of 4400.00 feet, a radial line to said point bears N.25°42'29"W.; thence Southwesterly along said curve, through a central angle of 14°58'58", an arc distance of 1150.60 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 625.00 feet, a radial line to said point bears N.40°41'28"W.; thence Southwesterly along said curve, through a central angle of 20°08'35", an arc distance of 219.73 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 325.00 feet, a radial line to said point bears S.20°32'52"E.; thence Northwesterly along said curve, through a central angle of 67°27'19", an arc distance of 382.63 feet to a point of reverse curvature with a curve concave Southwesterly and having a radius of 985.00 feet, a radial line to said point bears S.46°54'26"W.; thence Northwesterly along said curve, through a central angle of 42°07'20", an arc distance of 724.14 feet to a point; thence N.04°47'06"E., along a radial line, 857.50 feet to a point on a

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CLV65-000181
0181
AA0379

Legal Description
W.O. 3974
February 2, 1990
Page 2

curve concave Northwesterly and having a radius of 2000.00 feet, a radial line to said point bears S.09°07'13"E.; thence Northeasterly along said curve, through a central angle of 18°58'02", an arc distance of 662.08 feet to a point of tangency; thence N.61°54'45"E., 415.38 feet to a point of tangency with a curve concave Southeasterly and having a radius of 1250.00 feet; thence Northeasterly along said curve, through a central angle of 07°40'18", an arc distance of 167.37 feet to a point, a radial line to said point bears N.20°24'57"W.; thence N.00°28'02"W., 140.00 feet to a point on the North line of the South Half (S1/2) of the Northwest Quarter (NW1/4) of said Section; thence N.89°31'58"E., along said North line, 1394.37 feet to the POINT OF BEGINNING.

Containing 75.439 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-1
3900-3999



AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

Page 29

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

COMMISSION ACTION

24. MASTER DEVELOPMENT PLAN AMENDMENT

Applicant: WILLIAM PECCOLE 1982 TRUST
Application: Request for approval to amend the Master Development Plan
Location: East side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue
Size: 996.4 Acres

STAFF RECOMMENDATION: APPROVAL, subject to the following:

1. A maximum of 4,247 dwelling units be allowed for Phase II.
2. Hualpai Way be extended as a public street north of Charleston Boulevard to the north property line as required by the Department of Public Works.
3. Extend Apple Lane along the north side of this site and adjacent to Angel Park, east of Rampart Boulevard to Durango Drive, as required by the Department of Public Works.

PROTESTS: 5 Speakers at Meeting

Babero -
APPROVED, subject to staff's conditions and Condition No. 4 requiring public notice when there will be an architectural review on the resort/casino and commercial center sites, and Condition No. 5 stating the applicant is to post signs on the property indicating the proposed uses.
Unanimous
(Bugbee and Dixon excused)

MR. WILLIAMS stated this request is to amend the approved Master Development Plan that was approved in 1989. Phase II contains 996.4 acres. It is predominantly single family dwellings. However, there will be multifamily, resort/casino, golf course, commercial office, school and rights-of-way. The significant change is the addition of the golf course and a larger resort/casino site and 100 acre shopping center site. The commercial site was in the 1981 plan and taken out in the 1989 plan. Each parcel will be subject to a review by the Planning Commission. The overall density is 4.3 units per acre. Staff feels Apple Lane should be extended over from Rampart Boulevard to Durango Drive to give better vehicular access to the commercial parcel. Hualpai Way also has to be extended. The Gaming Enterprise District indicates this area could contain one destination resort/casino, but the applicant would have to have a major recreational facility and a minimum of 200 rooms. Staff recommended approval, subject to the conditions.

WILLIAM PECCOLE appeared and represented the application. Phase I is 75% complete. This request is for Phase II.

A. WAYNE SMITH, Land Planner, 1515 East Missouri Avenue, Phoenix, Arizona, appeared and represented the applicant. The main street will be 80 feet wide from Charleston Boulevard south and then curving to the northeast.

CLV65-000183

0183

AA0381

AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

COMMISSION ACTION

ITEM

24. MASTER DEVELOPMENT PLAN AMENDMENT (CONT'D)

GREGORY BARLOW, 704 Minto Court, appeared in protest. He was concerned about the 100 acres for a shopping center because of its large size bringing too much traffic into the area and the aesthetics of the center. However, he would like to have some shopping in that area. He would like to have a public hearing held when this project comes back for a design review. The various types of zoning should be posted on the property.

KATHERINE SAUER, 8917 Condotti Court, appeared in protest. She objected to the casino because of the traffic it will generate. There are a lot of children in that area and she does not want the children to live near a casino.

PAM EASTBERG, 7913 Fanciful, appeared in protest. She objected to the casino being in a residential area.

ULRICH SMITH, 8813 Brescia Drive, appeared in protest. He objected to the casino.

RAY BINGHAM, 8345 Cove Landing Avenue, appeared in protest. He objected to locating the shopping center next to a park because of all the traffic the center will generate.

WILLIAM PECCOLE appeared in rebuttal. They are working with the City on the interchange at the Summerlin Parkway so that traffic can move north and south. They will participate in a Special Improvement District for their area. Two schools are being constructed in Phase 1. This will be a quality project. He would be agreeable to an architectural review by the City. All their property shows the zoning. The shopping center will be approximately a million square feet containing stores that are not presently in Las Vegas.

To be heard by the City Council on 4/4/90.

(7:37-8:09)

CLV65-000184

0184

AA0382

AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

Page 31

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

COMMISSION ACTION

ITEM

25. Z-17-90

Applicant: WILLIAM PECCOLE 1982 TRUST
 Application: Zoning Reclassification
 From: N-U (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, C-1, C-2, P-R and C-V)
 To: R-PD7, R-3 and C-1
 Location: East side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue
 Proposed Use: Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino
 Size: 996.4 Acres

STAFF RECOMMENDATION: APPROVAL, subject to the following:

1. A maximum of 4,247 dwelling units be allowed for Phase II.
2. Conformance to the Conditions of Approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works.
5. The existing Resolution of Intent on this property is expunged upon approval of this application.
6. Resolution of Intent with a five year time limit.
7. Standard Conditions 6 - 8 and 11.

PROTESTS: 2 on record with staff
 1 speaker at meeting

FAVOR: 1 speaker at meeting

Babero - APPROVED, subject to staff's conditions and additional conditions requiring the applicant to post signs on property indicating the zoning and that a public hearing be held on the development plan on the commercial and casino sites.
 Unanimous.
 (Bugbee and Dixon excused)

MR. WILLIAMS stated this request is to approve the zoning that was indicated on the Master Development Plan. The development plans will be submitted to the Planning Commission for review prior to development. Staff recommended approval, subject to the conditions.

WILLIAM PECCOLE appeared and represented the application. He concurred with staff's conditions.

GREGORY BARLOW, 704 Minto Court, appeared in favor if certain conditions are met. He wants a review of each parcel before the Planning Commission with a notice posted announcing that a public hearing will be held. Before any building is completed Rampart Boulevard must be finished. He would like the feeder routes also improved.

ULRICH SMITH, 8813 Brescia Drive, appeared in protest. He objected to the casino.

WILLIAM PECCOLE appeared in rebuttal. The casino will be buffered on the north by the Angel Park Golf Course and on the south by his golf course. On the east side will be commercial and on the west side a tennis court.

A. WAYNE SMITH, Land Planner, 1515 East Missouri Avenue, Phoenix, Arizona, appeared and represented the applicant. The applicant has reduced the density by about 2,200 units to help balance the traffic flow.

To be heard by the City Council on 4/4/90.

(8:09-8:23)

CLV65-000185

0185

AA0383

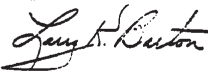
CITY COUNCIL MINUTES

MEETING OF
APRIL 4, 1990**AGENDA** *City of Las Vegas*

000648

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

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ITEM	ACTION
X. COMMUNITY PLANNING AND DEVELOPMENT DEPT. (CONTINUED)	
1433 to 1437	NOLEN - APPROVED as recommended subject to the conditions. Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.
G. <u>ZONE CHANGE - PUBLIC HEARING</u>	Clerk to Notify and Planning to Proceed.
3. <u>Master Development Plan Amendment related to Z-17-90</u>	*****
Request for approval to amend the Master Development Plan for property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue.	ROBERT PECCOLE, 2760 Tioga Pine Circle, appeared. He stipulated to the conditions indicating that the hotel and casino along with the commercial center plans would be approved by the Council.
Planning Commission unanimously recommended APPROVAL, subject to:	COUNCILMAN ADAMSEN said he previously wrote a letter to both the Peccole and Summerlin people asking them to post signs on the property indicating the hotel and casino sites. He also asked that when people buy property they be given a plot plan and a map which would show the future casino site in relation to their property and they are asked to sign an acknowledgment when they receive this information to resolve any problems of notification.
1. A maximum of 4,247 dwelling units be allowed for Phase II.	No one appeared in opposition.
2. Hualpai Way be extended as a public street north of Charleston Boulevard to the north property line as required by the Department of Public Works.	
3. Extend Apple Lane along the north side of this site and adjacent to Angel Park, east of Rampart Boulevard to Durango Drive, as required by the Department of Public Works.	
4. Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.	
5. The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.	
Staff Recommendation: APPROVAL	
PROTESTS: 5 (at meeting)	
APPROVED AGENDA ITEM:	
	

CLV65-000186

0186
AA0384

X.

G. ZONE CHANGE - PUBLIC HEARING

3. Master Development Plan Amendment related to Z-17-90

This is a request to amend a portion of a previously approved Master Plan for the Peccole Ranch Property, Phase II. Phase II contains 996.4 acres and comprises property located south of Angel Park between Durango Drive and Hualpai Way extending south to Sahara Avenue. There are 4,247 units proposed and the gross density for Phase II is 4.3 dwelling units per acre. A related item, Z-17-90, is Item X.G.4. on this agenda.

Master Development Plans have been approved for this property in 1981, 1986 and 1989. The portion identified as Phase I was approved as part of the 1989 Plan and is currently under development. The significant changes to this plan from the 1989 plan is the addition of a golf course, a larger resort/casino site and the 100 acre commercial center site north of Alta Drive, between Durango Drive and Rampart Boulevard. The proposed multi-family uses have been reduced from 105 acres to 60 acres. A 19.7 acre school site is designated on a site south of Charleston Boulevard. The following table indicates the proposed land uses and acreage for Phase II:

<u>LAND USE</u>	<u>PHASE II ACREAGE</u>	<u>PERCENT OF SITE</u>
Single Family	401	40.30%
Multi-family	60	6.02%
Neighborhood Commercial/Office	194.3	19.50%
Resort/Casino	56.0	5.62%
Golf Course/Drainage	211.6	21.24%
School	13.1	1.31%
Rights-of-Way	60.4	6.07%

At the Planning Commission meeting, staff indicated that the density of this Master Plan was within the average density of 7 units per acre recommended in the General Plan. Staff recommended, however, that Apple Lane should be extended to Durango Drive in conjunction with the shopping center site. The Planning Commission recommended approval of the Plan subject to the resort site and shopping center uses being posted with signs to indicate the proposed uses. The Planning Commission also required that the surrounding property owners be notified when development plans for the resort and commercial center sites are submitted for review.


There were several protestants at the meeting who voiced their objection to the size of the shopping center site and the proposed destination resort site.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 5 (at meeting)

SEE ATTACHED LOCATION MAP

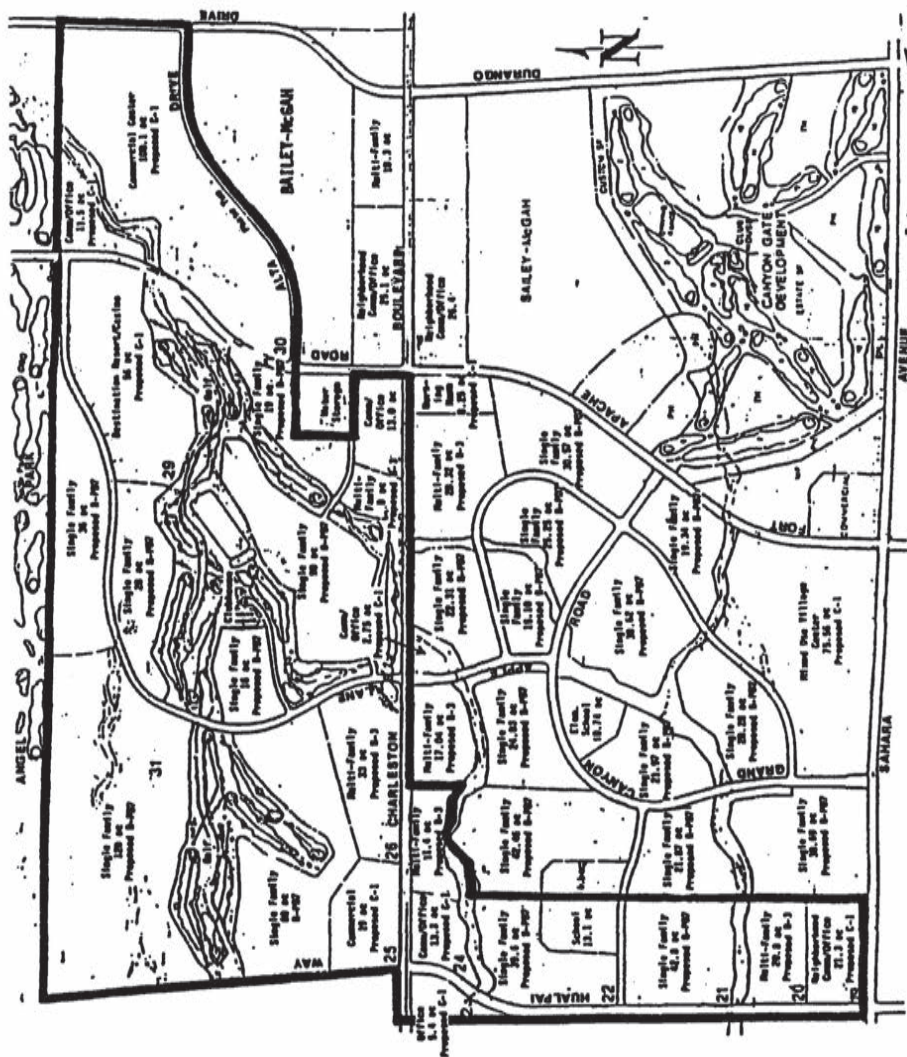

HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

CITY COUNCIL MINUTES
MEETING OF

APR 04 1990

000650

LOCATION MAP - ITEM X.G.3. - Master Development Plan Amendment



MASTER DEVELOPMENT PLAN AMENDMENT

CLV65-000188
0188

AA0386

CITY COUNCIL MINUTES
MEETING OF
APRIL 4, 1990
AGENDA *City of Las Vegas*
CITY COUNCIL
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PHONE 386-6011

000651

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ITEM	ACTION
<p>1437 to 1438</p> <p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPT.</u> <u>(CONTINUED)</u></p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>4. <u>Z-17-90 - William Peccole 1982</u> <u>Trust</u></p> <p>Request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue.</p> <p>From: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V)</p> <p>To: R-PD3 (Residential Planned Development) R-PD7 (Residential Planned Development) and C-1 (Limited Commercial)</p> <p>Proposed Use: SINGLE FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, COMMERCIAL, OFFICE AND RESORT/CASINO</p> <p>Planning Commission unanimously recommended APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. A maximum of 4,247 dwelling units be allowed for Phase II. 2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II. 3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development. 4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works. <p style="text-align: center;">- continued - APPROVED AGENDA ITEM <i>Don H. R. L.</i></p>	<p>NOLEN - APPROVED as recommended subject to the conditions. Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.</p> <p>Clerk to Notify and Planning to Proceed.</p> <p style="text-align: center;">*****</p> <p>WILLIAM PECCOLE, 2760 Tioga Pine Circle, was present.</p> <p>COUNCILMAN ADAMSEN said this was in conformance with the General Plan. The multi-family acreage was reduced from 100 to 60 and it will all be located on the major streets.</p> <p>No one appeared in opposition.</p> <p>There was no discussion.</p> <p>NOTE: The portion of this agenda which indicates this reclassification includes a request for R-PD3 zoning, in addition to R-PD7 and C-1, is a typographical error. The application and all other documentation correctly identifies the request as <u>R-3 (Limited Multiple Residence)</u>, R-PD7 and C-1.</p>

CLV65-000189

0189

AA0387

CITY COUNCIL MINUTES
MEETING OF
APRIL 4, 1990
AGENDA *City of Las Vegas*

000652

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 50

ITEM	ACTION
<p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPT. (CONTINUED)</p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>4. <u>Z-17-90 - William Peccole 1982 Trust (continued)</u></p> <p>5. Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.</p> <p>6. The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.</p> <p>7. The existing Resolution of Intent on this property is expunged upon approval of this application.</p> <p>8. Resolution of Intent with a five year time limit.</p> <p>9. Standard conditions 6-8 and 11.</p> <p>Staff Recommendation: APPROVAL</p> <p>PROTESTS: 3 (2 letters, 1 at meeting)</p> <p>APPROVED AGENDA ITEM <i>Larry L. Burton</i></p>	<p>APPROVED - See page 49</p>

CLV65-000190

0190
AA0388

CITY COUNCIL MINUTES
MEETING OF
APRIL 4, 1990

000653

X.

G. ZONE CHANGE - PUBLIC HEARING

4. Z-17-90 - William Peccole 1982 Trust

This is a request to rezone 996.4 acres from N-U (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, C-1, C-2, P-R and C-V) to R-PD7, R-3 and C-1 for Phase II of Peccole Ranch. The proposal includes 401 acres for single family development at a density of 7 units per acre, 60 acres of multi-family at a density of 24 units per acre, 194.3 acres for commercial/office uses, 56 acres for a resort/casino, approximately 212 acres for a golf course and drainage, 13.1 acres for a school and approximately 61 acres for rights-of-way. The Master Development Plan Amendment for this property is Item X.G.3. on this agenda.

To the north is Angel Park in a C-V zone. To the west is vacant land in the County. There is N-U, R-PD7, R-PD20, R-3 and C-1 zoning to the east and south.

Last year, Phase I on the south side of Charleston Boulevard was approved to develop 3,150 dwelling units on 448.8 acres at a density of seven units per acre. Another zoning request expanded Phase I and allowed 931 additional dwelling units also at a density of seven units per acre.

Phase II of the proposed development will contain 4,247 dwelling units at an overall gross density of 4.3 units per acre for the entire 746.1 acres of residential zoning. This is below the 7 units per acre allowed in the General Plan.

Staff recommended approval of the application and the Planning Commission concurred, subject to the resort and commercial center uses being posted with signs that indicate the proposed uses. The Planning Commission also required that the surrounding property owners be notified when development plans for the resort/casino and the commercial center sites are submitted for review.

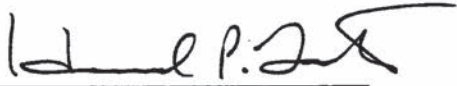
General Plan Conformance: Yes. Conforms to the density recommendations of the General Plan.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 3 (2 letters, 1 at meeting)

SEE ATTACHED LOCATION MAP


HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

CLV65-000191

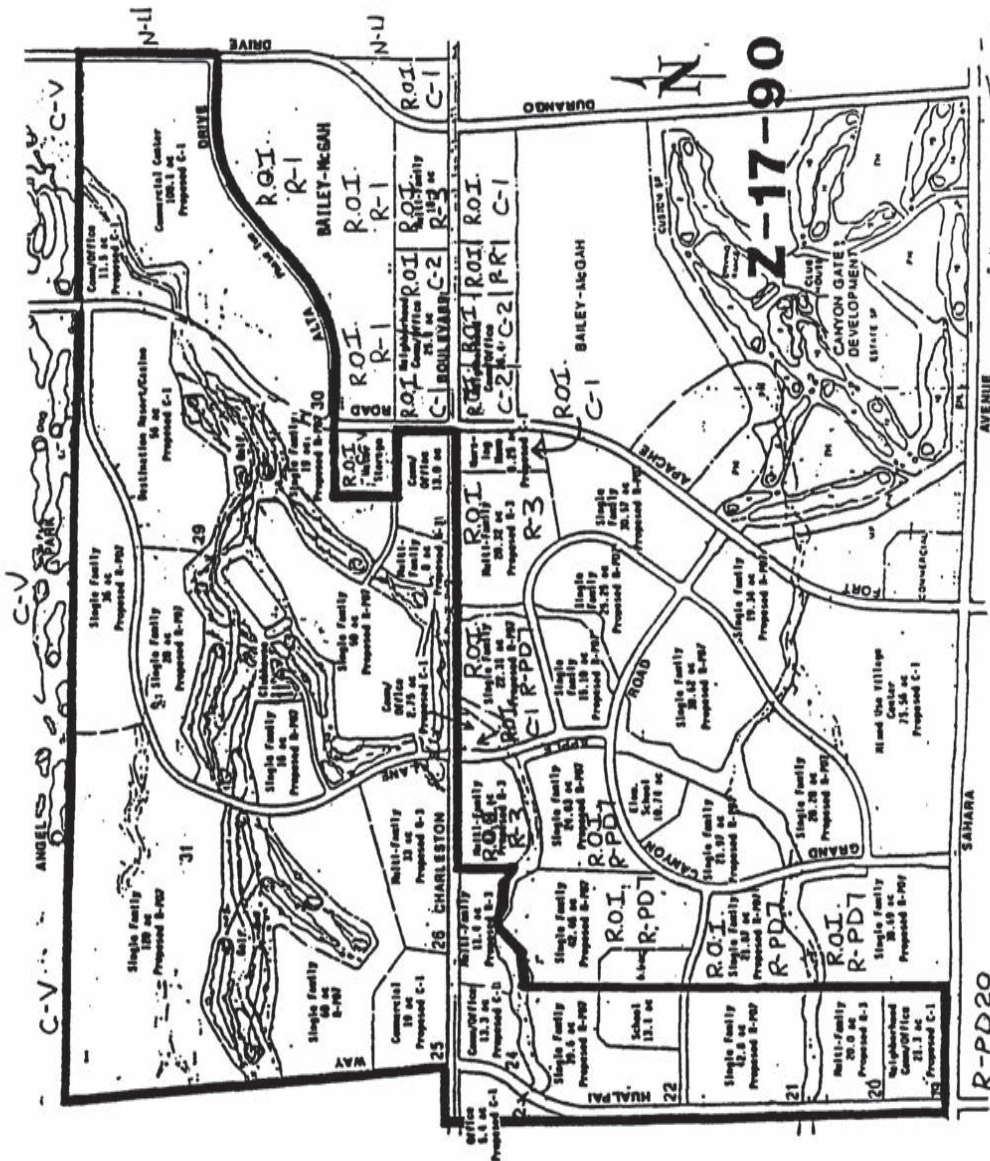
0191
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CITY COUNCIL MINUTES
MEETING OF

APR 04 1990

000654

LOCATION MAP - ITEM X.G.4. - Z-17-90 - William Peccole 1982 Trust



MAYOR RON LURIE

COUNCILMEN
BOB NOLEN
STEVE MILLER
ARNIE ADAMSEN
SCOTT HIGGINSON



CITY of LAS VEGAS

C O R R E C T E D L E T T E R

January 29, 1991

William Peccole 1982 Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE: Z-17-90 - ZONE CHANGE

Gentlemen

The City Council at a regular meeting held April 4, 1990 APPROVED the request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue, from: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), to: **R-3 (Limited Multiple Residence)**, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial), Proposed Use Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino, subject to:

1. A maximum of 4,247 dwelling units be allowed for Phase II
2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works



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CLV65-000193
0193
AA0391

William Peccole 1982 Trust
January 29, 1991
RE. Z-17-90 - ZONE CHANGE
Page 2.

- 5 Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.
- 6 The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.
7. The existing Resolution of Intent on this property is expunged upon approval of this application.
8. Resolution of Intent with a five year time limit.
- 9 Satisfaction of City Code requirements and design standards of all City departments.
10. Approval of the parking and driveway plans by the Traffic Engineer.
11. Repair of any damage to the existing street improvements resulting from this development as required by the Department of Public Works
12. Provision of fire hydrants and water flow as required by the Department of Fire Services.

Sincerely,


KATHLEEN M TIGHE
City Clerk

KMT.cmp

cc: Dept. of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept. of Building & Safety
Land Development Services

Mr. A. Wayne Smith
A. Wayne Smith & Associates
1515 ~~1444~~ E. Missouri, Suite 100
Phoenix, Arizona 85014

VTN Nevada
2300 Paseo Del Prado, A-100
Las Vegas, Nevada 89102

Sean McGowan
2300 W. Sahara, Box 10
Las Vegas, Nevada 89102

CLV65-000194
0194
AA0392

EXHIBIT “I”

BILL NO. 92-2

ORDINANCE No. 3636

AN ORDINANCE TO ADOPT A NEW GENERAL PLAN FOR THE CITY OF LAS VEGAS, NEVADA, INCLUDING MANDATORY AND OPTIONAL ELEMENTS THEREOF AS REQUIRED BY CHAPTER 278 OF NEVADA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REFLECT THE ADOPTION OF SAID PLAN; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Scott Higginson Summary: Adopts a new General Plan for the City of Las Vegas, Nevada.

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

SECTION 1: The General Plan of the City of Las Vegas, Nevada, adopted by the Planning Commission on December 12, 1991, and approved for adoption by the City Council on the 1st day of April, 1992, is hereby adopted as the master plan for the City as required by Chapter 278 of Nevada Revised Statutes (NRS). The General Plan includes mandatory and optional elements described in NRS Chapter 278 and includes text, future land use maps, the Downtown Development Plan, and the Master Plan of Streets and Highways. The General Plan shall be on file in the office of the Department of Community Planning and Development.

SECTION 2: Title 19, Chapter 2, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.02.020: (A) This Title is adopted in order to conserve and promote the public health, safety, morals and general welfare of the City and the present and future inhabitants of the City.

(B) This Title is adopted in conformity with and in consonance with the Comprehensive General Master [Plans] Plan of the City of Las Vegas [as adopted by the City Council on March 2, 1960, and February 5, 1975.], the initial version of which was

1 adopted in 1960 and the most recent version of which was adopted
2 on April 1, 1992. In this regard this Title is
3 designed to improve the safety and convenience and lessen
4 congestion in the public streets, to provide adequate protection
5 against fire, panic and other dangers, to provide adequate light
6 and air, to prevent the overcrowding of land, to avoid undue con-
7 centration of population, to facilitate the adequate provision of
8 transportation, water, sanitary sewerage, storm drainage,
9 schools, parks, recreation and other public conveniences and
10 necessities, to maintain the character of land uses in the
11 various property districts, to conserve the value of land and
12 buildings and protect investment in same, and to encourage the
13 [utmost property] most desirable uses of the land.

14 (C) This Title is adopted to protect the character,
15 social advantages and economic stability of the residential, com-
16 mercial, industrial and other areas within the City and to assure
17 the orderly, efficient and beneficial development of such areas.

18 SECTION 3: The adoption of the General Plan referred
19 to in this Ordinance shall not be deemed to modify or invalidate
20 any proceeding, zoning designation, or development approval that
21 occurred before the adoption of the Plan nor shall it be deemed
22 to affect the Zoning Map adopted by and referred to in LVMC
23 19.02.040.

24 SECTION 4: The General Plan adopted by this Ordi-
25 nance and any of its constituent elements may be amended by reso-
26 lution of the City Council, subject to applicable procedures and
27 requirements set forth in Nevada Revised Statutes; provided,
28 however, that any repealer, replacement, or comprehensive amend-
29 ment of or to the General Plan shall be by means of ordinance.

30 SECTION 5: If any section, subsection, subdivision,
31 paragraph, sentence, clause or phrase in this ordinance or any
32 part thereof, is for any reason held to be unconstitutional or

1 invalid or ineffective by any court of competent jurisdiction,
2 such decision shall not affect the validity or effectiveness of
3 the remaining portions of this ordinance or any part thereof.
4 The City Council of the City of Las Vegas, Nevada, hereby
5 declares that it would have passed each section, subsection, sub-
6 division, paragraph, sentence, clause or phrase thereof irrespec-
7 tive of the fact that any one or more sections, subsections, sub-
8 divisions, paragraphs, sentences, clauses or phrases be declared
9 unconstitutional, invalid or ineffective.

10 SECTION 6: All ordinances or parts of ordinances,
11 sections, subsections, phrases, sentences, clauses or paragraphs
12 contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED AND APPROVED this 1st day of April,
15 1992.

16 APPROVED:

17
18 By 
JAN LAVERTY JONES, MAYOR

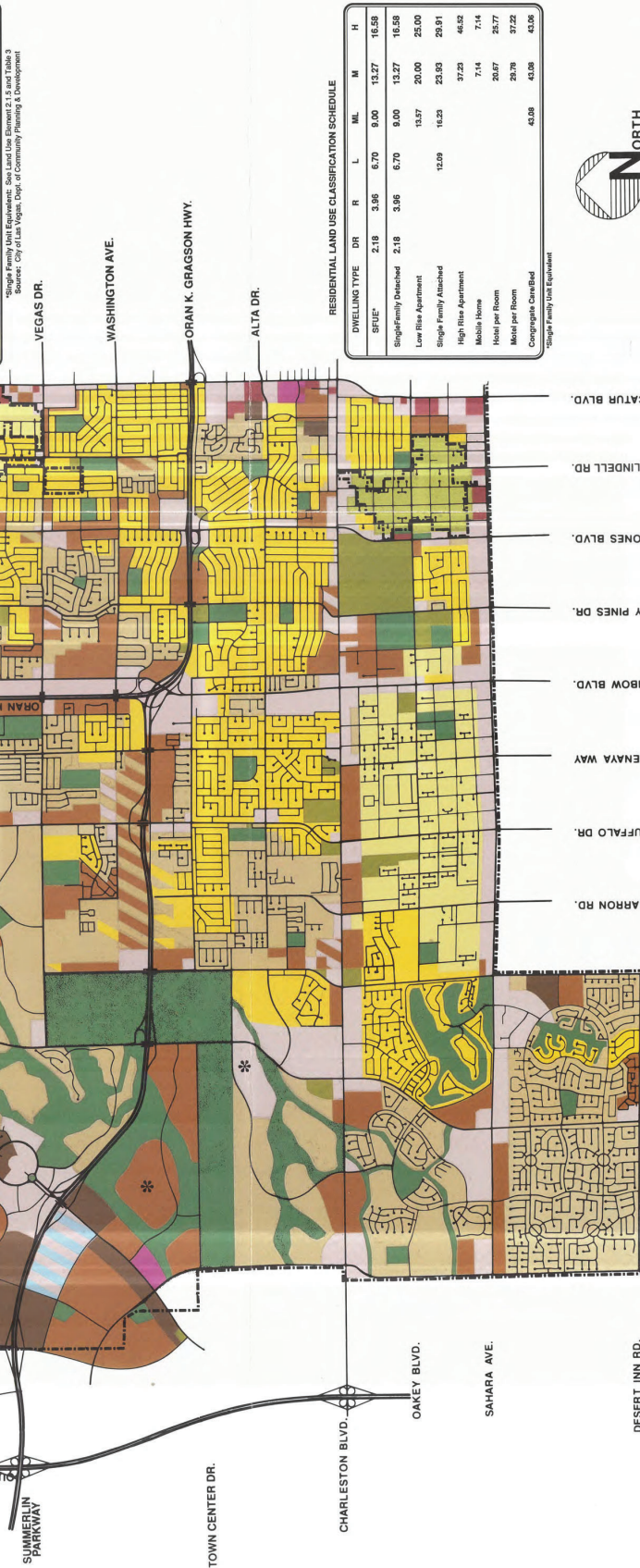
19 ATTEST:

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21 
KATHLEEN M. TIGHE, CITY CLERK
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Las Vegas General Plan Land Use Element

Map 6

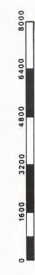
Southwest Sector Proposed Future Land Use



RESIDENTIAL LAND USE CLASSIFICATION SCHEDULE

DWELLING TYPE	DR	R	L	ML	M	H
SFUE*	2.18	3.06	6.70	9.00	13.27	16.58
Single Family Detached	2.18	3.06	6.70	9.00	13.27	16.58
Low Rise Apartment				13.57	20.00	25.00
Single Family Attached			12.09	16.23	23.53	29.91
High Rise Apartment					37.23	46.52
Mobile Home					7.14	7.14
Hotel per Room					25.78	25.77
Congregate Care Bed				43.08	43.08	43.06

*Single Family Unit Equivalent



CITY BOUNDARIES

Adopted by the Planning Commission,
 March 12, 1992
 Chairman
 Sandra Hudgens
 Secretary
 Norman R. Standerfer,
 Director, Dept. of Community Planning &
 Development

EXHIBIT “J”



Civil Engineering
Construction
Management
Land Surveying
Planning
ADA Consulting

PENTACORE

0171 0030

September 4, 1996

Mr Robert Genzer
City of Las Vegas
Planning Division
400 E Stewart Avenue
Las Vegas, NV 89101

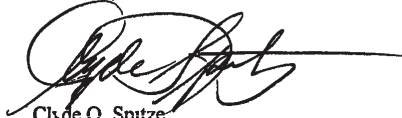
RE Badlands Golf Course, Phase 2

Dear Bob

As you know the Badlands Golf Course in Peccole Ranch is proposing to develop an additional 9 hole course between the existing golf course and Alta Drive. The existing Master Plan zoning of this area is RPD-7, and the golf course would be developed within this zoned parcel. I would like a letter from the City stating that a golf course would be compatible within this zoning. I need the letter for the bank.

Thank you for your consideration in this matter.

Sincerely,


Clyde O. Spitzer
Vice President

PLANNING AND
DEVELOPMENT

SEP 4 4 58 PM '96

RECEIVED

COS kmv

2-146-94
2-17-90

6763 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 258-0115 • Fax (702) 258-4956

CLV65-000249

AA0399

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q CALLISTER
MICHAEL J MCDONALD
GARY REESE

CITY MANAGER
LARRY K BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

October 8, 1996

Mr Clyde O Spitze, Vice President
Pentacore
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

Re BADLANDS GOLF COURSE, PHASE 2

Dear Mr Spitze

City records indicate that an 18 hole golf course with associated facilities was approved as part of the Peccole Ranch Master Plan in 1990. The property was subsequently zoned R-PD7 (Residential Planned Development - 7 Units Per Acre). Any expansion of the golf course within the R-PD7 area would be allowed subject to the approval of a plot plan by the Planning Commission.

If any additional information is needed regarding this property please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "RSG", written over a horizontal line.

Robert S. Genzer, Planning Supervisor
Current Planning Division

RSG erh

400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

CLV 7009
3810 015 8/95



CLV65-000250

AA0400

PLANNING COMMISSION			
MEETING OF NOVEMBER 21, 1996			
CITY OF Las Vegas			
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE			
AGENDA & MINUTES			
Page 7			
ITEM	CONSENT AGENDA		ACTION
Item Number	PLANNING AND DEVELOPMENT		
A.	CONSENT ITEMS: CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. APPROVAL BY THE PLANNING COMMISSION IS A DESIRE.		
A-1.	<p>TM3839 - PECOCLE WEST LOT 10 - PECOCLE 1982 TRUST Request for a Tentative Map on property located on the southwest corner of Huatape Way and Alta Drive, N-41 (Non-Urban) Zone under Resolution of Intent to R-4207 (Residential Planned Development - 7 Units Per Acre).</p> <p>Size: 179.70 Acres No. of Lots: 5 Ward 2 (Adamson)</p> <p>STAFF RECOMMENDATION: APPROVAL subject to the following:</p> <ol style="list-style-type: none"> 1. Confirmation to the Conditions of Approval for Zoning Applications Z-17-00 and Z-149-94. 2. The Pecocle West Final Map (TM 5-96) shall be submitted prior to the resubmission of the Final Map for this site as required by the Department of Public Works. 3. Provide dedication for Alta Drive in accordance with the conditions of approval stated within the Pecocle West Tentative Map (TM-5101). Map shall be required by the Department of Public Works. 	<p>Buckley - APPROVED, SUBJECT TO STAFF'S CONDITIONS WITH CONDITION NO. 3 AMENDED TO DELETE CONCURRENT WITH THE FIRST PHASE OF DEVELOPMENT ANYWHERE ON THIS SITE. Unanimous</p> <p>NOTE: There was a first motion by Brown to have Item Nos. A-1 and A-12 taken off the Consent calendar and heard at the beginning of the Non-Public Hearing items. That motion carried unanimously.</p> <p>MR. CLAFSODLE said the applicants would like to discuss the conditions for Item Nos. A-1 and A-12.</p> <p>CLYDE SPRITZ, Penasco Engineering, 6783 West Charleston Boulevard, appeared and represented the applicant. The only development that will take place as part of this map is to make parcels, except for the internal portion which is the addition of nine holes to the existing Bodardos and the addition of nine holes to the existing Bodardos. The Engineering Department held a part of Condition No. 3 needs to be deleted that indicates this property needs to be developed with the first phase of development.</p> <p>BART ANDERSON, Department of Public Works, said the final sentence in Condition No. 3 needs to be amended to delete "with the first plan" with the first plan of development anywhere on this site.</p> <p>This is final action.</p> <p>(7-10-7-11) 1 - 78 (7-12-7-19) 1 - 342</p>	

PLANNING COMMISSION

MEETING OF
NOVEMBER 21, 1995

City of Las Vegas

Page 8

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM Number	CONSENT AGENDA	ACTION
A-1.	<p>PLANNING AND DEVELOPMENT</p> <p>1. ITEM 2.06 - PICCOLE WEST LOT 10 - BECCOLE TRUST</p> <p>4. If such site not already been completed by the March 1996, the applicant shall submit improvements including appropriate landscaping on Hualepa Way adjacent to this site consistent with the City Engineer's requirements. All existing overlying damaged or removed by this development shall be restored at its original condition and the applicant shall submit a development of the site as required by the Department of Public Works.</p> <p>5. Consistent full-width street improvements along Alta Drive between Rampart Boulevard and Hualepa Way concurrent with the first phase of development anywhere on this site as required by the City Engineer. The applicant shall submit a development of Alta Drive may be phased with development of individual sites, however, the limits of construction shall be determined by the City Engineer and shall be necessary to handle increases in traffic demand. The City of Las Vegas reserves the right to require the construction of any and all appropriate full-width street improvements on Alta Drive between Hualepa Way and Rampart Boulevard when area traffic concerns may justify such a request.</p> <p>6. Contribute \$167,000.00 per the Piccole Ranch Signal Intersection Proposal prior to the first phase of development. The applicant shall provide to the Department of Public Works. The developer may provide to the City Engineer a cost breakdown based on the individual lot area and the applicant shall provide payment prior to the permit for the golf course area or prior to the completion of the first phase of development. The applicant may consider fee if the required area and further divided, payment is expected.</p>	APPROVED

0252

CLV65-000252

AA0402

PLANNING COMMISSION

MEETING OF
NOVEMBER 21, 1965

City of Las Vegas

Page 9

AGENDA & MINUTES

COUNCIL CHAMBERS • 401 EAST STEWART AVENUE

ITEM	CONSENT AGENDA	ACTION
Item Number	PLANNING AND DEVELOPMENT	
A-1.	<p>7. <u>TRAVIS - BEGGIE WEST LOT 10 - ENCLOSURE TRACT</u></p> <p>prior to any recodification of Final Maps for those lots which are not shown on the existing map, the applicant shall submit to the Planning Commission a plan and all information provided and comments are expected prior to any maps that allow final development of the individual lots. Install all improvements and easements as shown on the final map. The applicant shall be responsible for the installation of traffic signals at any other intersection within the general vicinity which is impacted by this development and which has a more immediate need for signalization.</p> <p>7. Provide public sewer easements for all public sewers not located within existing public easements and for all public sewers not located within public easements. The applicant shall submit to the Department of Public Works Improvement Drawings submitted to the City Engineer and the Department of Public Works. The applicant shall be responsible for the construction of all public sewer easements necessary to connect the lots to the existing public sewer system have been located.</p> <p>8. Provide two lanes of paved, legal access to each individual parcel within this site prior to occupancy of any units within this development as required by the Department of Public Works.</p> <p>9. Site development to comply with all applicable conditions of approval for the development. The applicant shall be responsible for the construction of all public sewer easements as required by the Department of Public Works.</p>	APPROVED

EXHIBIT “L”

**BILL NO. 2000-62
ORDINANCE NO. 5250**

FIRST AMENDMENT

AN ORDINANCE TO ADOPT THE "LAS VEGAS 2020 MASTER PLAN," AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Willard Tim Chow, Director
Planning and Development

Summary: Adopts the Las Vegas 2020
Master Plan.

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

SECTION 1: That certain document entitled the "Las Vegas 2020 Master Plan," including its appendices, is hereby adopted and incorporated herein by this reference. The material provisions of the Las Vegas 2020 Master Plan were approved by the Planning Commission on the 15th day of June, 2000. Copies of the Plan shall be maintained on file in the office of the City Clerk and in the Planning and Development Department.

SECTION 2: The City's General Plan, as adopted in 1992 by Ordinance No. 3636 and as amended, shall continue in effect in order to address elements and issues that are not contained or addressed in the Las Vegas 2020 Master Plan. Where the provisions of the Las Vegas 2020 Master Plan conflict or are inconsistent with provisions of the City's 1992 General Plan, as amended, the provisions of the Las Vegas 2020 Master Plan shall govern to the extent of any conflict or inconsistency.

SECTION 3: 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.



1 SECTION 4: All ordinances or parts of ordinances or sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 6th day of September, 2000.

5 APPROVED:

6 By 
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 8-16-2000
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 2nd day of August, 2000 and referred to the following committee composed of
3 the Councilmen Weekly and Mack for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 6th day of September, 2000 which was a regular meeting
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the
6 City Council as amended and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers M. McDonald, Reese, Brown,
8 L.B. McDonald, Weekly and Mack

9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk
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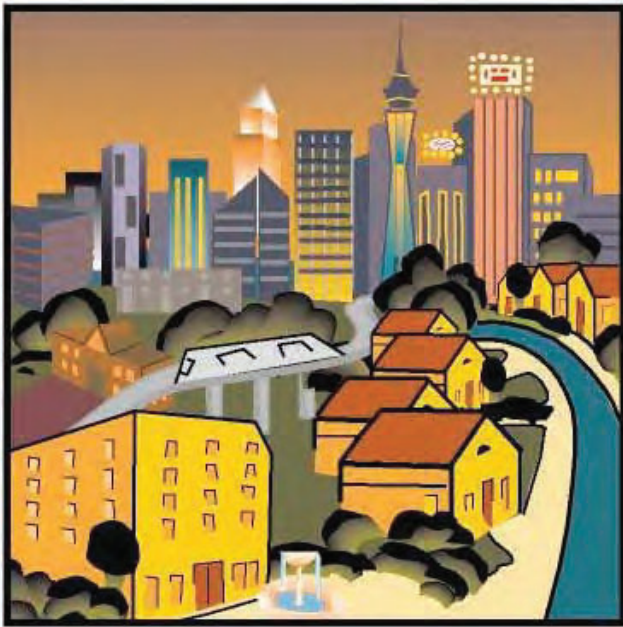
LAS VEGAS 2020

MASTER PLAN

Diversity
To multiculturalism

VISION

SMART
growth



master plan

Reurbanization

Neighborhood
Revitalization

Newly Developing Areas

Economic Diversity

Cultural Enhancement

Fiscal Management

Regional
Coordination



The City of Las Vegas Master Plan 2020
was adopted by
Planning Commission on June 15, 2000
and was adopted by
City Council
through
Ordinance # 2000-62 on
September 6, 2000



MP2020;GPlan-MPlan;pgmkr.kb/9-22-00

CLV65-000262
0262
AA0410

LAS VEGAS 2020 MASTER PLAN

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LAND USE CLASSIFICATIONS

Phase I of the Las Vegas 2020 Master Plan does not call for any basic parcel-specific land use changes and will continue the land use categories as contained in the 1992 General Plan. Phase II of the Master Plan revision process will include a reassessment of the type of land use categories applied through the Master Plan. This is discussed in detail in the next chapter of the Plan.

The 1992 General Plan, as amended, contains seventeen land use classifications, which were used to regulate the type of land use activities divided according to density or intensity of use. These classifications are as follows:

DESERT RURAL DENSITY RESIDENTIAL (DR)

(0 - 2 du/gross acre). The Desert Rural Density Residential category allows a maximum of 2 dwelling units per gross acre. The predominant residential lifestyle is single family homes on large lots, many including equestrian facilities. This is a generally rural environment that permits greater privacy and some non-commercial raising of domestic animals. It is expected that in the Desert Rural Density Residential category there generally would be no need for common facilities such as recreation, with the exception of maintaining an existing water system. (The primary application of this category is in the Northwest Sector.)

RURAL DENSITY RESIDENTIAL (R)

(2.1 - 3.5 du/gross acre). The Rural Density Residential category allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with a smaller allowable lot size. (The primary application of this category is in portions of the Northwest Sector, and in the northeast and southeast portions of the Southwest Sector.)

LOW DENSITY RESIDENTIAL (L)

(3.5 - 5.5 du/gross acre). The Low Density Residential category allows a maximum of 5.5 dwelling units per gross acre. This category permits single family detached homes, mobile homes on individual lots, gardening, home occupations, and family child care facilities. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category. (The primary application of this category is in the Southwest and Southeast Sectors.)

MEDIUM LOW DENSITY RESIDENTIAL (ML)

(5.6 - 8 du/gross acre). The Medium Low Density Residential category permits a maximum of 8 dwelling units per gross acre. This density range permits: single family detached homes, including compact lots and zero lot lines; mobile home parks and two-family dwellings. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category. (The Medium Low Density category is found in all sectors, but predominates in the Southwest Sector, and in the Southeast Sector as infill.)

MEDIUM LOW ATTACHED DENSITY RESIDENTIAL (MLA)

(8.1 - 12 du/gross acre). The Medium Low Attached Density Residential category permits a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center Area. It is also an appropriate transitional use.

MEDIUM DENSITY RESIDENTIAL (M)

(12.1 - 25 du/gross acre). The Medium Density Residential category permits a maximum of 25 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. (The Medium Density category is found in all sectors, but predominates in the Southwest and Southeast Sectors, with a large concentration along the “west leg” of the Oran K. Gragson Highway [US 95].)

HIGH DENSITY RESIDENTIAL (H)

(Greater than 25 du/gross acre). The High Density Residential category permits greater than 25 dwelling units per gross acre, with the exception of high rise apartments, which has no specific limit. (The High Density category is generally found as low rise apartments in the “Downtown Area” and other areas of relatively intensive urban development in the Southeast Sector.)

PLANNED COMMUNITY DEVELOPMENT (PCD)

(2 - 8 du/gross acre) The Planned Community Development category allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. a density of two units per acre will be required when adjacent to DR designated property). In addition, commercial, public facilities and office projects may be used as buffers (depending upon compatibility issues) within the PCD.

Projects in undeveloped areas that are greater than eighty acres in size require a master plan (PD zoning). Projects less than eighty acres in size are not allowed within the PCD; however, infill projects may receive a waiver from this requirement.

Residential streets shall be designed to discourage through traffic, provide maximum privacy, and avoid the appearance of lot conformity. In order to protect existing lifestyles, adjacency standards and conditions may be required for new development.

TOWN CENTER (TC)

The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities, shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses.

The complex nature of the Town Center Area requires the development of a special plan. (Some of the same land use designations will be used, but will utilize the TC suffix to denote that different criteria will be used for project approval.)

OFFICE (O)

The Office category provides for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

SERVICE COMMERCIAL (SC)

The Service Commercial category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers and areas, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services.

GENERAL COMMERCIAL (GC)

General Commercial allows retail, service, wholesale office and other general business uses of a more intense commercial character. These uses commonly include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses.

TOURIST COMMERCIAL (TC)

Tourist Commercial allows entertainment and visitor-oriented uses such as hotels, motels and casinos in addition to offices, light commercial resort complexes, recreation facilities, restaurants and recreational vehicle parks.

LIGHT INDUSTRY/RESEARCH (LI/R)

This Light Industry/Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed.

PARKS/RECREATION/OPEN SPACE (P)

This category allows large public parks and recreation areas such as public and private golf courses, trails and easements, drainage ways and detention basins, and any other large areas of permanent open land.

SCHOOLS (S)

This category allows public and private elementary, junior and senior high schools, but not commercial or business schools.

PUBLIC FACILITIES (PF)

This category allows large governmental building sites and complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

IMPLEMENTATION METHODOLOGY

The implementation of the Las Vegas 2020 Master Plan should occur through the development and completion of a number of subsequent initiatives. This capstone document is to act as a broad set of overarching policies and is intended to have direct linkages with, and provide direction to, these subsequent initiatives. These other initiatives are listed below.

REVISIONS TO LAND USE CLASSIFICATIONS AND LONG- TERM DESIGNATIONS

Preparation and approval of this “capstone” policy document represents the completion of Phase I of the Las Vegas 2020 Master Plan process. Phase II contains a number of initiatives, one of which is an examination of the current land use classification system and the land use map. The current approach is too highly detailed in some cases but not detailed enough in other cases. A different approach may be to replace some of these classifications. Amendments to parcel-specific land use designations will be proposed in accordance with these changes and pursuant to the adoption of the goals, objectives and policies in this Plan.

ADJUSTMENTS TO ZONING AND SUBDIVISION ORDINANCES

The City’s Zoning and Subdivision Ordinances act as the tools which implement the broad policy sets contained in the Master Plan. It is logical to assume that the need may arise to amend these tools to adequately and accurately reflect the policy direction of the Master Plan. This may include the creation or modification of one or more zones or the alteration of minimum standard regulations within the Zoning Ordinance. In addition, it may be necessary over the life of the Master Plan to modify provisions within the Subdivision Ordinance.

COMPLETION OF MASTER PLAN ELEMENTS

There are a number of specific elements which will be prepared in order to fully address issues which are listed in the state statutes, and which are the subject of policy references in the capstone portion of the Master Plan. A number of these elements were under preparation simultaneously with the Master Plan capstone document, including a Parks Element, a Trails Element, a Public Safety Element and a Housing Element.

A number of other areas should be addressed within separate elements, in order to implement the broad policy direction within the Master Plan. These future elements could include a Conservation Element (including a Regional Flood Control Plan), a Historic Properties Preservation Element, and a Transit and Transportation Element. An update should also be considered for the Master Plan of Streets and Highways.

COMPLETION OF SPECIAL AREA LAND USE PLANS

There are precincts within the city which may require the development of special land use plans in order to address issues that are unique to a limited geographical area. In these cases, the general policy framework of the Master Plan is insufficient to provide the detailed policy set necessary to respond to such issues.

Currently, there is a special area plan in place for the Downtown, in the form of the Downtown Las Vegas Centennial Plan. A Downtown Neighborhood Plan is also under preparation as a neighborhood-driven initiative by the Downtown Central Development Committee (DCDC). There is also work underway on revisions to the West Las Vegas Plan. Already in place is a special area plan for the Medical District.

Additionally, a number of newly developing areas of the city, such as Summerlin, Peccole Ranch, the Lone Mountain area, and other areas are subject to special master plans or development agreements as planned communities. Special area plans may be needed to provide special policy direction for both redeveloping areas within the central portion of the city or in newly developing areas on the urban fringe.

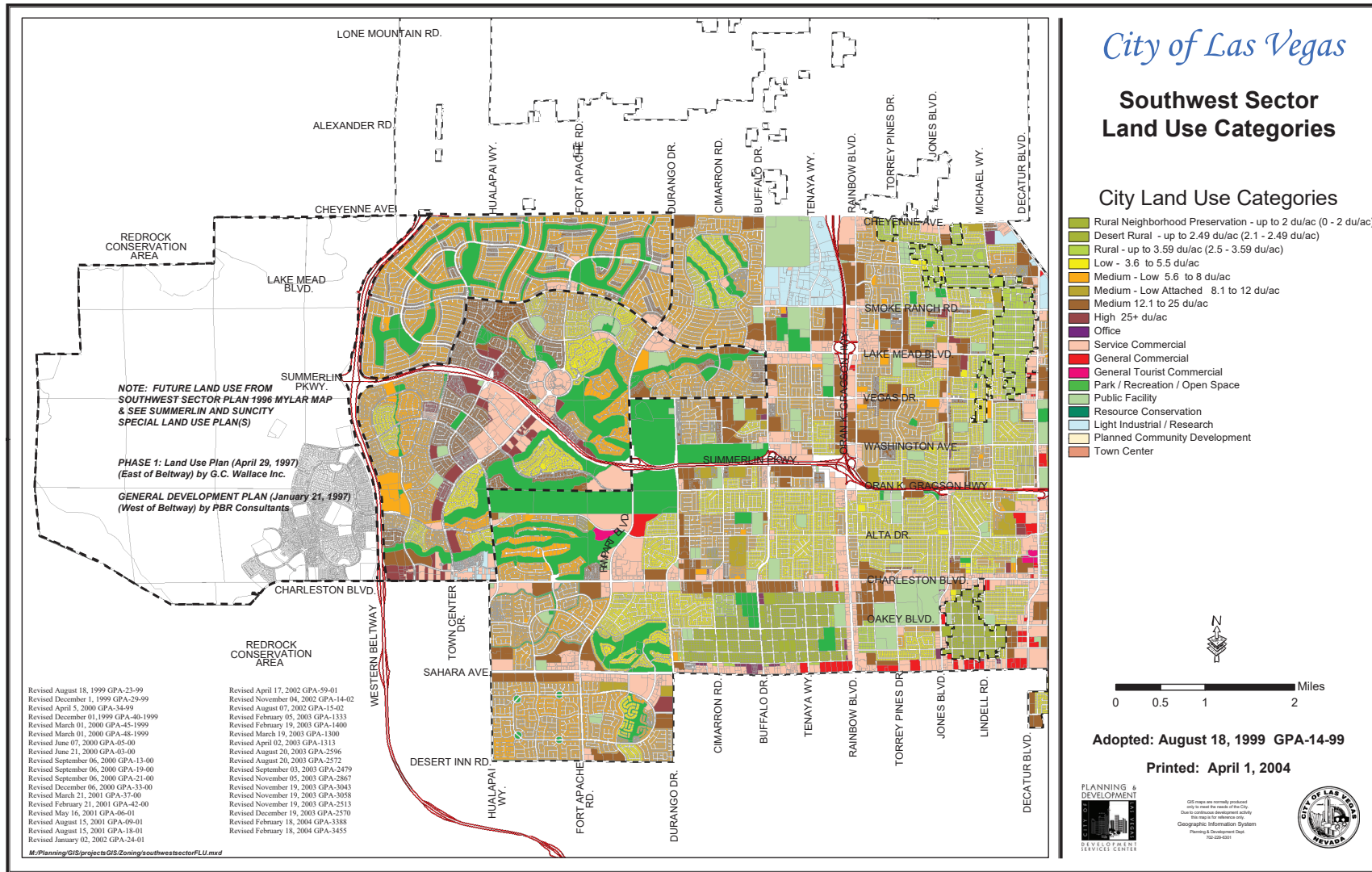
In particular, special area plans may be required for the Kyle Canyon area of the Northwest Sector, and a plan may be prepared to address land use and design issues in the Rancho Drive corridor. Other planning initiatives which may require reexamination include the Las Vegas Redevelopment Plan and a future land use map for the Downtown area.

APPOINTMENT OF CAPITAL IMPROVEMENT PLANNING COORDINATOR

One of the principal findings of the Master Plan is the need to link capital improvement programming and operating and maintenance budgets with long range planning as contained in the Master Plan. This is required to efficiently coordinate the planning and construction of infrastructure and the development of services in anticipation of new development, or in the future, of urban redevelopment.

To this end, the Master Plan suggests the need to have staff in place to provide a dedicated link between the Master Plan and the City departments and relevant agencies vested with developing this infrastructure and with providing these services.

EXHIBIT “M”



CLV65-000274
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City of Las Vegas

SOUTHWEST SECTOR

Land Use Categories

- Desert Rural (0-2)
- Rural (2.1 to 3.5)
- Low (3.6 to 5.5)
- Medium-Low (5.6 to 8)
- Medium-Low Attached (8.1 to 12)
- Medium (12.1 to 25)
- High (> 25)
- Office
- Service Commercial
- General Commercial
- General Tourist Commercial
- Park/Recreation/Open Space
- Public Facility
- Resource Conservation
- Right-of-Way
- Downtown Redevelopment Area
- Light Industrial/Research

MASTER PLANNED AREAS

- Planned Community Development

Revised June 21, 2000 GPA-43-99
 Revised December 1, 1999 GPA-29-99
 Revised December 01, 1999 GPA-40-1999
 Revised March 01, 2000 GPA-45-1999
 Revised March 01, 2000 GPA-48-1999
 Revised June 21, 2000 GPA-03-00
 Revised September 06, 2000 GPA-13-00
 Revised September 06, 2000 GPA-19-00
 Revised September 06, 2000 GPA-21-00
 Revised December 06, 2000 GPA-33-00
 Revised March 21, 2001 GPA-37-00
 Revised February 21, 2001 GPA-42-00
 Revised May 16, 2001 GPA-06-01
 Revised August 15, 2001 GPA-09-01
 Revised August 15, 2001 GPA-18-01
 Revised January 02, 2002 GPA-24-01

Adopted August 18 1999 GPA-14-99

August 27, 2002

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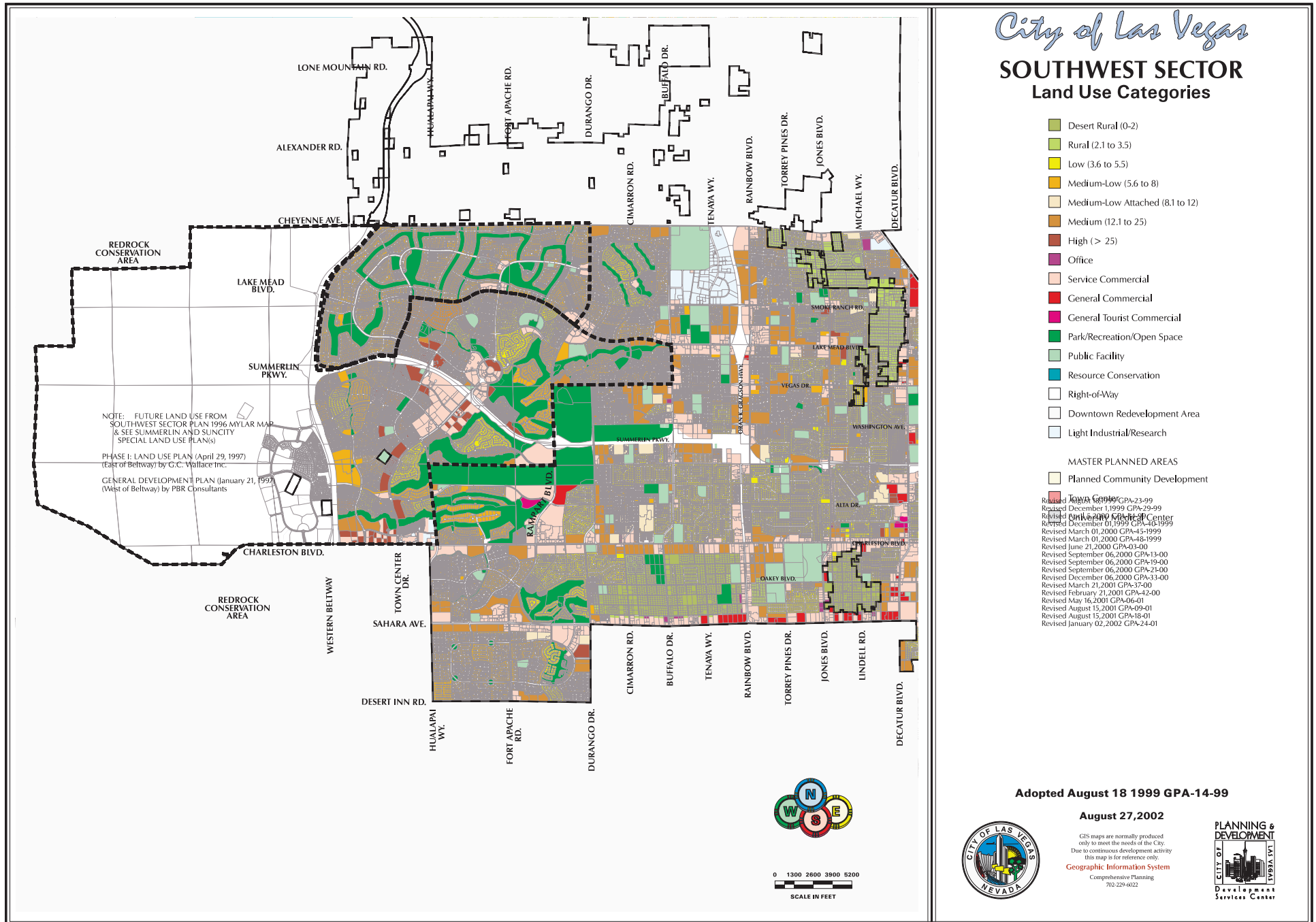


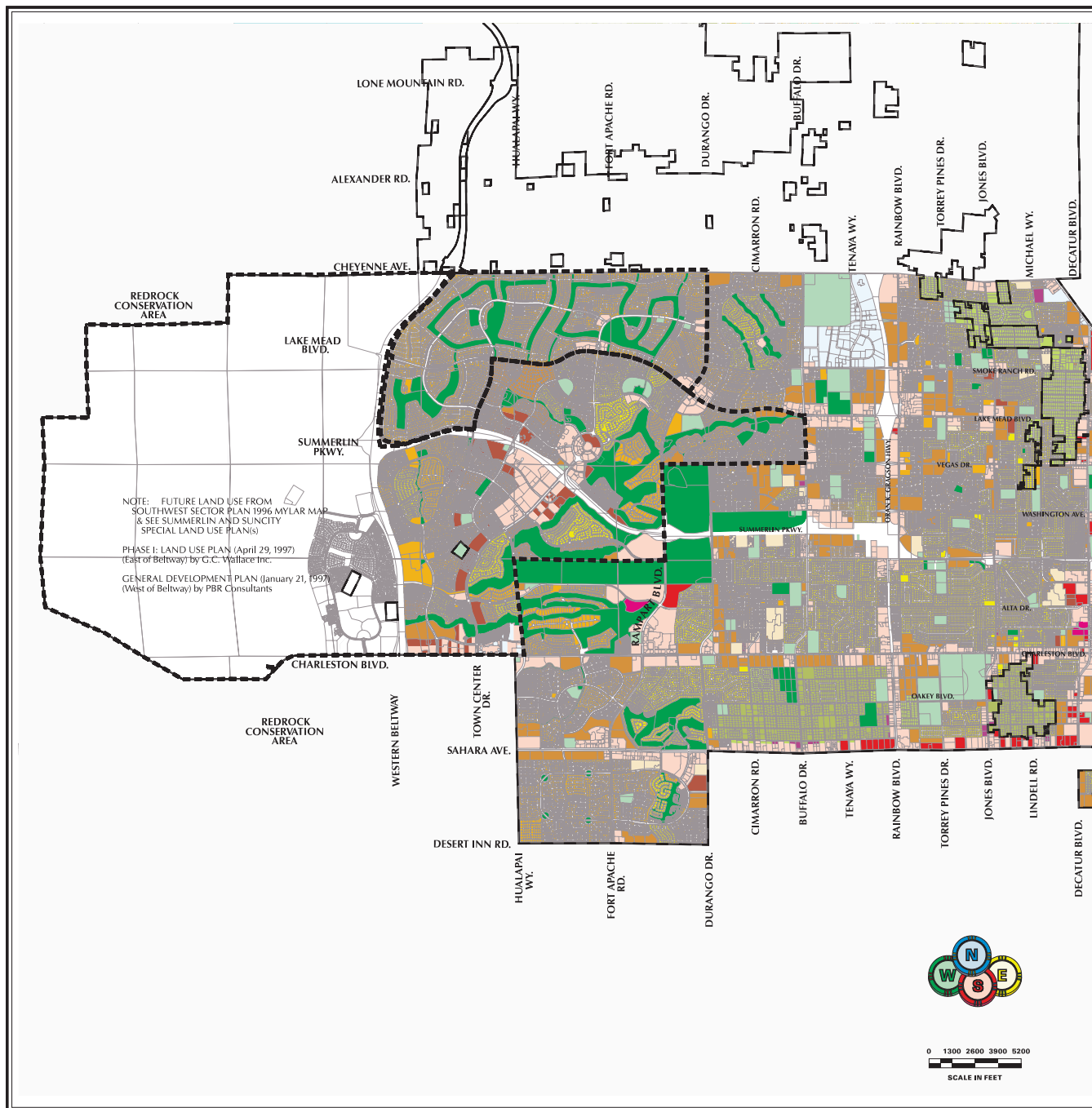
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NOTE: FUTURE LAND USE FROM SOUTHWEST SECTOR PLAN 1996 MYLAR MAP & SEE SUMMERLIN AND SUNCITY SPECIAL LAND USE PLAN(S)



















PHASE I: LAND USE PLAN (April 29, 1997) (East of Beltway) by G.C. Wallace Inc.

GENERAL DEVELOPMENT PLAN (January 21, 1997) (West of Beltway) by PBR Consultants





City of Las Vegas
SOUTHWEST SECTOR
Land Use Categories

-  Desert Rural (0-2)
 -  Rural (2.1 to 3.5)
 -  Low (3.6 to 5.5)
 -  Medium-Low (5.6 to 8)
 -  Medium-Low Attached (8.1 to 12)
 -  Medium (12.1 to 25)
 -  High (> 25)
 -  Office
 -  Service Commercial
 -  General Commercial
 -  General Tourist Commercial
 -  Park/Recreation/Open Space
 -  Public Facility
 -  Resource Conservation
 -  Right-of-Way
 -  Downtown Redevelopment Area
 -  Light Industrial/Research
- MASTER PLANNED AREAS
-  Planned Community Development

Revised ~~11/21/2009~~ GPA-23-99
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 Revised March 01, 2000 GPA-48-99
 Revised June 21, 2000 GPA-03-00
 Revised September 06, 2000 GPA-13-00
 Revised September 06, 2000 GPA-19-00
 Revised September 06, 2000 GPA-20-00
 Revised December 06, 2000 GPA-31-00
 Revised March 21, 2001 GPA-37-00
 Revised February 21, 2001 GPA-42-00
 Revised May 16, 2001 GPA-06-01
 Revised August 15, 2001 GPA-09-01
 Revised August 15, 2001 GPA-18-01
 Revised January 15, 2002 GPA-24-01
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Plotted: January 23, 2003

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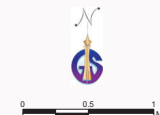
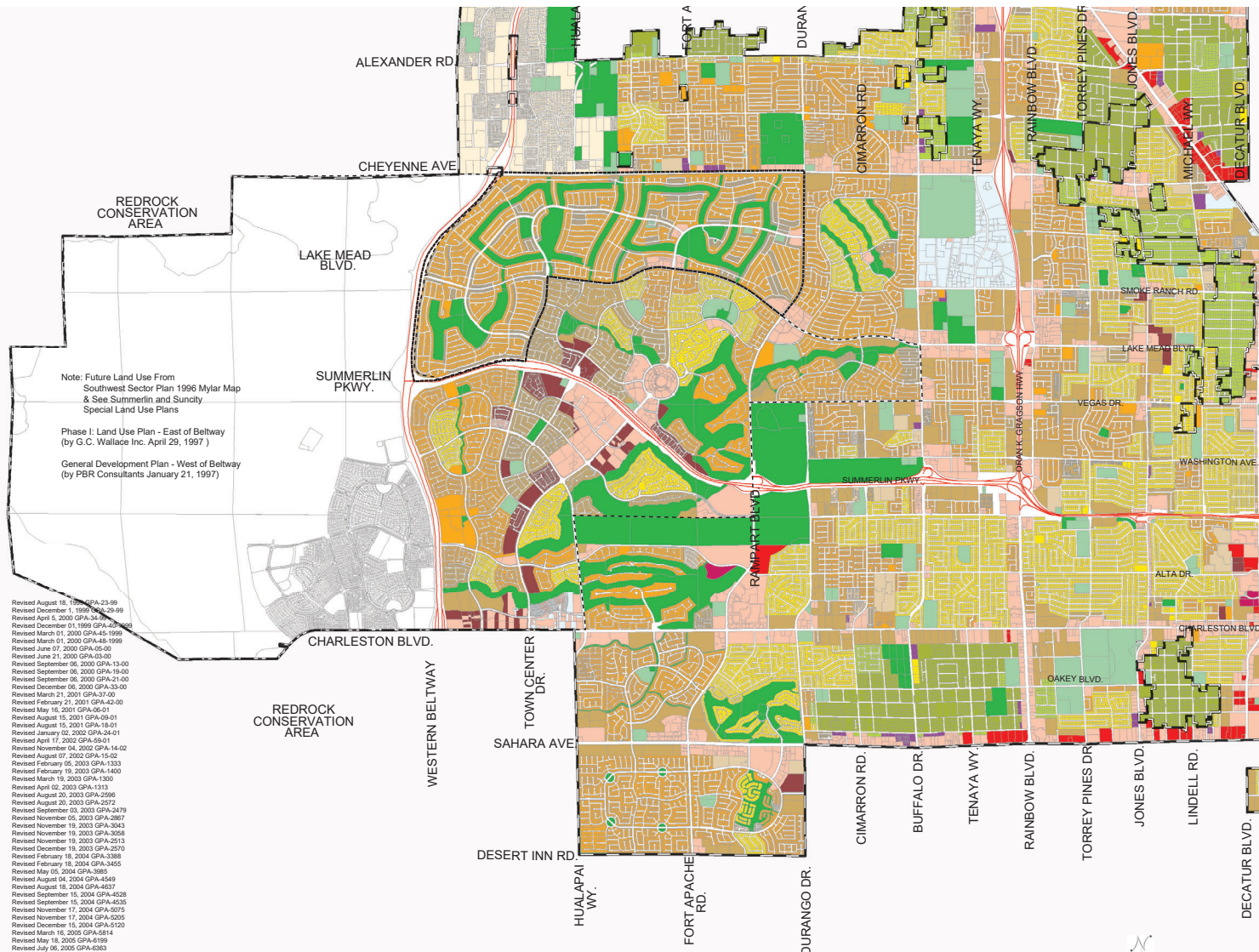
City of Las Vegas

SOUTHWEST SECTOR Land Use Categories

- Rural Neighborhood Preservation - up to 2 du/ac (0 - 2 du/ac)
- Desert Rural - up to 2.49 du/ac (2.1 - 2.49 du/ac)
- Rural - up to 3.59 du/ac (2.5 - 3.59 du/ac)
- Low - 3.6 to 5.5 du/ac
- Medium - Low - 5.6 - 8 du/ac
- Medium - Low Attached - 8.1 - 12 du/ac
- Medium - 12.1 - 25 du/ac
- High 25+ du/ac
- Office
- Service Commercial
- General Commercial
- General Tourist Commercial
- Park/Recreation/Open Space
- Public Facility
- Light Industrial / Research

Revised August 18, 1999 GPA-23-99
 Revised December 1, 1999 GPA-25-99
 Revised April 5, 2000 GPA-34-00
 Revised December 01, 1999 GPA-40-99
 Revised March 01, 2000 GPA-45-99
 Revised March 01, 2000 GPA-45-99
 Revised June 07, 2000 GPA-05-00
 Revised June 21, 2000 GPA-03-00
 Revised September 08, 2000 GPA-13-00
 Revised September 08, 2000 GPA-13-00
 Revised September 08, 2000 GPA-21-00
 Revised December 06, 2000 GPA-13-00
 Revised March 21, 2001 GPA-37-00
 Revised February 21, 2001 GPA-42-00
 Revised May 15, 2001 GPA-06-01
 Revised August 15, 2001 GPA-09-01
 Revised August 15, 2001 GPA-18-01
 Revised January 02, 2002 GPA-24-01
 Revised April 17, 2002 GPA-58-01
 Revised November 04, 2002 GPA-14-02
 Revised August 07, 2002 GPA-15-02
 Revised February 05, 2003 GPA-13-03
 Revised February 19, 2003 GPA-14-00
 Revised March 19, 2003 GPA-13-00
 Revised April 02, 2003 GPA-13-03
 Revised August 20, 2003 GPA-25-04
 Revised August 20, 2003 GPA-25-04
 Revised September 03, 2003 GPA-24-79
 Revised November 05, 2003 GPA-26-87
 Revised November 19, 2003 GPA-30-43
 Revised November 19, 2003 GPA-30-43
 Revised November 19, 2003 GPA-25-13
 Revised December 19, 2003 GPA-20-70
 Revised February 18, 2004 GPA-33-88
 Revised February 18, 2004 GPA-34-05
 Revised May 05, 2004 GPA-38-05
 Revised August 04, 2004 GPA-45-49
 Revised August 18, 2004 GPA-45-71
 Revised September 15, 2004 GPA-45-28
 Revised September 15, 2004 GPA-45-25
 Revised November 17, 2004 GPA-50-75
 Revised November 17, 2004 GPA-50-75
 Revised December 15, 2004 GPA-61-20
 Revised March 16, 2005 GPA-61-04
 Revised May 18, 2005 GPA-61-09
 Revised July 06, 2005 GPA-63-03

Note: Future Land Use From
 Southwest Sector Plan 1996 Mylar Map
 & See Summerlin and Suncity
 Special Land Use Plans
 Phase I: Land Use Plan - East of Beltway
 (by G.C. Wallace Inc. April 29, 1997)
 General Development Plan - West of Beltway
 (by PBR Consultants January 21, 1997)



Adopted August 18, 1999 GPA-14-99

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