

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND FORE STARS,  
LTD., A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND FORE STARS,  
LTD., A NEVADA LIMITED-LIABILITY  
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,

Respondent/Cross-Appellant.

No. 84345

Electronically Filed  
Aug 25 2022 01:48 p.m.  
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No. 84640

**JOINT APPENDIX,  
VOLUME NO. 50**

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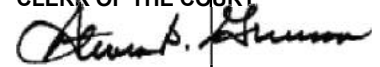
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**DISTRICT COURT**

**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

3	Map 2 of 250 Acre Land	1	000007
4	Notice of Related Cases	1	000008-000012
5	April 15, 1981 City Commission Minutes	1	000013-000050
6	December 20, 1984 City of Las Vegas Planning Commission hearing on General Plan Update	1	000051-000151
7	Findings of Fact and Conclusions of Law Regarding Plaintiffs' Motion for New Trial, Motion to Alter or Amend and/or Reconsider the Findings of Fact and Conclusions of Law, Motion to Stay Pending Nevada Supreme Court Directives	2	000152-000164
8	ORDER GRANTING the Landowners' Countermotion to Amend/Supplement the Pleadings; DENYING the Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims	2	000165-000188
9	City's Opposition to Motion to Determine "Property Interest"	2	000189-000216
10	City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims	2	000217-000230
11	Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition	2	000231-000282
12	Supreme Court Order Denying Petition for Writ of Mandamus or Prohibition	2	000283-000284
13	Supreme Court Order Denying Rehearing	2	000285-000286
14	Supreme Court Order Denying En Banc Reconsideration	2	000287-000288
15	Motion to Dismiss Complaint for Declaratory and Injunctive Relief and in Inverse Condemnation, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000289-000308
16	City's Sur Reply Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint for Declaratory and Injunctive Relief and Inverse Condemnation, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000309-000319



17	City's Proposed Findings of Fact and Conclusion of Law Granting City's Motion to Dismiss Complaint, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000320-000340
18	Order Denying City of Las Vegas' Motion to Dismiss, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000341-000350
19	City of Las Vegas' Motion to Dismiss, <i>180 Land Co., LLC v. City of Las Vegas, et al.</i> , Case No. A-18-775804-J	2	000351-000378
20	2.15.19 Minute Order re City's Motion to Dismiss	2	000379
21	Respondents' Answer Brief, Supreme Court Case No. 75481	2	000380-000449
22	Order Granting Plaintiffs' Petition for Judicial Review, <i>Jack B. Binion, et al vs. The City of Las Vegas</i> , Case No. A-17-752344-J	2	000450-000463
23	Supreme Court Order of Reversal	2	000464-000470
24	Supreme Court Order Denying Rehearing	2	000471-000472
25	Supreme Court Order Denying En Banc Reconsideration	2	000473-000475
26	Findings of Fact, Conclusions of Law and Judgment Granting Defendants Fore Stars, Ltd., 180 Land Co LLC, Seventy Acres LLC, EHB Companies LLC, Yohan Lowie, Vickie Dehart and Frank Pankratz's NRCP 12(b)(5) Motion to Dismiss Plaintiffs' Amended Complaint	2	000476-000500
27	Notice of Entry of Findings of Fact, Conclusions of Law, Final Order of Judgment, <i>Robert Peccole, et al v. Peccole Nevada Corporation, et al.</i> , Case No. A-16-739654-C	2	000501-000545
28	Supreme Court Order of Affirmance	2	000546-000550
29	Supreme Court Order Denying Rehearing	2	000551-000553
30	November 1, 2016 Badlands Homeowners Meeting Transcript	2	000554-000562
31	June 13, 2017 Planning Commission Meeting Verbatim Transcript	2	000563-000566
32	Notice of Entry of Findings of Fact and Conclusions of Law Granting City of Las Vegas' Motion for Summary Judgment, <i>180 Land Co. LLC, et al v. City of Las Vegas</i> , Case No. A-18-780184-C	3	000567-000604

33	June 21, 2017 City Council Meeting Combined Verbatim Transcript	3	000605-000732
34	Declaration of Yohan Lowie	3	000733-000739
35	Declaration of Yohan Lowie in Support of Plaintiff Landowners' Motion for New Trial and Amend Related to: Judge Hemdon's Findings of Fact and Conclusion of Law Granting City of Las Vegas' Motion for Summary Judgment, Entered on December 30, 2020	3	000740-000741
36	Master Declaration of Covenants, Conditions Restrictions and Easements for Queensridge	3	000742-000894
37	Queensridge Master Planned Community Standards - Section C (Custom Lot Design Guidelines)	3	000895-000896
38	Custom Lots at Queensridge Purchase Agreement, Earnest Money Receipt and Escrow Instructions	3	000897-000907
39	Public Offering Statement for Queensridge North (Custom Lots)	4	000908-000915
40	Deposition of Yohan Lowie, <i>In the Matter of Binion v. Fore Stars</i>	4	000916-000970
41	The City of Las Vegas' Response to Requests for Production of Documents, Set One	4	000971-000987
42	Respondent City of Las Vegas' Answering Brief, <i>Jack B. Binion, et al v. The City of Las Vegas, et al.</i> , Case No. 17-752344-J	4	000988-001018
43	Ordinance No. 5353	4	001019-001100
44	Original Grant, Bargain and Sale Deed	4	001101-001105
45	May 23, 2016 Par 4 Golf Management, Inc.'s letter to Fore Stars, Ltd. re Termination of Lease	4	001106-001107
46	December 1, 2016 Elite Golf Management letter to Mr. Yohan Lowie re: Badlands Golf Club	4	001108
47	October 30, 2018 Deposition of Keith Platt, <i>Fore Stars, Ltd. v. Allen G. Nel</i> , Case No. A-16-748359-C	4	001109-001159
48	Declaration of Christopher L. Kaempfer	4	001160-001163
49	Clark County Real Property Tax Values	4	001164-001179
50	Clark County Tax Assessor's Property Account Inquiry - Summary Screen	4	001180-001181
51	Assessor's Summary of Taxable Values	5	001182-001183
52	State Board of Equalization Assessor Valuation	5	001184-001189

53	June 21, 2017 City Council Meeting Combined Verbatim Transcript	5	001190-001317
54	August 2, 2017 City Council Meeting Combined Verbatim Transcript	5	001318-001472
55	City Required Concessions signed by Yohan Lowie	5	001473
56	Badlands Development Agreement CLV Comments	5	001474-001521
57	Development Agreement for the Two Fifty, Section Four, Maintenance of the Community	5	001522-001529
58	Development Agreement for the Two Fifty	5	001530-001584
59	The Two Fifty Design Guidelines, Development Standards and Uses	5	001585-001597
60	The Two Fifty Development Agreement's Executive Summary	5	001598
61	Development Agreement for the Forest at Queensridge and Orchestra Village at Queensridge	5	001599-002246
62	Department of Planning Statement of Financial Interest	6	002247-002267
63	December 27, 2016 Justification Letter for General Plan Amendment of Parcel No. 138-31-702-002 from Yohan Lowie to Tom Perrigo	6	002268-002270
64	Department of Planning Statement of Financial Interest	6	002271-002273
65	January 1, 2017 Revised Justification letter for Waiver on 34.07 Acre Portion of Parcel No. 138-31-702-002 to Tom Perrigo from Yohan Lowie	6	002274-002275
66	Department of Planning Statement of Financial Interest	6	002276-002279
67	Department of Planning Statement of Financial Interest	6	002280-002290
68	Site Plan for Site Development Review, Parcel 1 @ the 180, a portion of APN 138-31-702-002	6	002291-002306
69	December 12, 2016 Revised Justification Letter for Tentative Map and Site Development Plan Review on 61 Lot Subdivision to Tom Perrigo from Yohan Lowie	6	002307-002308
70	Custom Lots at Queensridge North Purchase Agreement, Earnest Money Receipt and Escrow Instructions	7	002309-002501

1	71	Location and Aerial Maps	7	002502-002503
2	72	City Photos of Southeast Corner of Alta Drive and Hualapai Way	7	002504-002512
3	73	February 14, 2017 Planning Commission Staff Recommendations	7	002513-002538
4	74	June 21, 2017 Planning Commission Staff Recommendations	7	002539-002565
5	75	February 14, 2017 Planning Commission Meeting Verbatim Transcript	7	002566-002645
6	76	June 21, 2017 Minute re: City Council Meeting	7	002646-002651
7	77	June 21, 2017 City Council Staff Recommendations	7	002652-002677
8	78	August 2, 2017 City Council Agenda Summary Page	7	002678-002680
9	79	Department of Planning Statement of Financial Interest	7	002681-002703
10	80	Bill No. 2017-22	7	002704-002706
11	81	Development Agreement for the Two Fifty	7	002707-002755
12	82	Addendum to the Development Agreement for the Two Fifty	8	002756
13	83	The Two Fifty Design Guidelines, Development Standards and Permitted Uses	8	002757-002772
14	84	May 22, 2017 Justification letter for Development Agreement of The Two Fifty, from Yohan Lowie to Tom Perrigo	8	002773-002774
15	85	Aerial Map of Subject Property	8	002775-002776
16	86	June 21, 2017 emails between LuAnn D. Holmes and City Clerk Deputies	8	002777-002782
17	87	Flood Damage Control	8	002783-002809
18	88	June 28, 2016 Reasons for Access Points off Hualapai Way and Rampart Blvd. letter from Mark Colloton, Architect, to Victor Balanos	8	002810-002815
19	89	August 24, 2017 Access Denial letter from City of Las Vegas to Vickie Dehart	8	002816
20	90	19.16.100 Site Development Plan Review	8	002817-002821
21	91	8.10.17 Application for Walls, Fences, or Retaining Walls	8	002822-002829
22	92	August 24, 2017 City of Las Vegas Building Permit Fence Denial letter	8	002830

93	June 28, 2017 City of Las Vegas letter to Yohan Lowie Re Abeyance Item - TMP-68482 - Tentative Map - Public Hearing City Council Meeting of June 21, 2017	8	002831-002834
94	Declaration of Vickie Dehart, <i>Jack B. Binion, et al. v. Fore Stars, Ltd.</i> , Case No. A-15-729053-B	8	002835-002837
95	Supreme Court Order of Affirmance, <i>David Johnson, et al. v. McCarran International Airport, et al.</i> , Case No. 53677	8	002838-002845
96	De Facto Taking Case Law From State and Federal Jurisdictions	8	002846-002848
97	Department of Planning Application/Petition Form	8	002849-002986
98	11.30.17 letter to City of Las Vegas Re: 180 Land Co LLC ("Applicant" - Justification Letter for General Plan Amendment [SUBMITTED UNDER PROTEST] to Assessor's Parcel ("APN(st)") 138-31-601-008, 138-31- 702-003, 138-31-702-004 (consisting of 132.92 acres collectively "Property" - from PR-OS (Park, Recreation and Open Space) to ML (Medium Low Density Residential) as part of applications under PRJ-11990, PRJ-11991, and PRJ-71992	8	002987-002989
99	January 9, 2018 City Council Staff Recommendations	8	002990-003001
100	Item #44 - Staff Report for SDR-72005 [PRJ-71990] - amended condition #6 (renumbered to #7 with added condition)	8	003002
101	January 9, 2018 WVR-72007 Staff Recommendations	8	003003-003027
102	January 9, 2018 WVR-72004, SDR-72005 Staff Recommendations	8	003028-003051
103	January 9, 2018 WVR-72010 Staff Recommendations	8	003052-003074
104	February 21, 2018 City Council Meeting Verbatim Transcript	8	003075-003108
105	May 17, 2018 City of Las Vegas Letter re Abeyance - TMP-72012 [PRJ-71992] - Tentative Map Related to WVR-72010 and SDR-72011	9	003109-003118
106	May 16, 2018 Council Meeting Verbatim Transcript	9	003119-003192
107	Bill No. 2018-5, Ordinance 6617	9	003193-003201

108	Bill No. 2018-24, Ordinance 6650	9	003202-003217
109	November 7, 2018 City Council Meeting Verbatim Transcript	9	003218-003363
110	October 15, 2018 Recommending Committee Meeting Verbatim Transcript	9	003364-003392
111	October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 1 of 2)	10	003393-003590
112	October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 2 of 2)	11	003591-003843
113	July 17, 2018 Hutchison & Steffen letter re Agenda Item Number 86 to Las Vegas City Attorney	11	003844-003846
114	5.16.18 City Council Meeting Verbatim Transcript	11	003847-003867
115	5.14.18 Bill No. 2018-5, Councilwoman Fiore Opening Statement	11	003868-003873
116	May 14, 2018 Recommending Committee Meeting Verbatim Transcript	11	003874-003913
117	August 13, 2018 Meeting Minutes	11	003914-003919
118	November 7, 2018 transcript In the Matter of Las Vegas City Council Meeting, Agenda Item 50, Bill No. 2018-24	12	003920-004153
119	September 4, 2018 Recommending Committee Meeting Verbatim Transcript	12	004154-004219
120	State of Nevada State Board of Equalization Notice of Decision, <i>In the Matter of Fore Star Ltd., et al.</i>	12	004220-004224
121	August 29, 2018 Bob Coffin email re Recommend and Vote for Ordinance Bill 2108-24	12	004225
122	April 6, 2017 Email between Terry Murphy and Bob Coffin	12	004226-004233
123	March 27, 2017 letter from City of Las Vegas to Todd S. Polikoff	12	004234-004235
124	February 14, 2017 Planning Commission Meeting Verbatim Transcript	12	004236-004237
125	Steve Seroka Campaign letter	12	004238-004243
126	Coffin Facebook Posts	12	004244-004245
127	September 17, 2018 Coffin text messages	12	004246-004257
128	September 26, 2018 email to Steve Seroka re: meeting with Craig Billings	12	004258

129	Letter to Mr. Peter Lowenstein re: City's Justification	12	004259-004261
130	August 30, 2018 email between City Employees	12	004262-004270
131	February 15, 2017 City Council Meeting Verbatim Transcript	12	004271-004398
132	May 14, 2018 Councilman Fiore Opening Statement	12	004399-004404
133	Map of Peccole Ranch Conceptual Master Plan (PRCMP)	12	004405
134	December 30, 2014 letter to Frank Pankratz re: zoning verification	12	004406
135	May 16, 2018 City Council Meeting Verbatim Transcript	13	004407-004480
136	June 21, 2018 Transcription of Recorded Homeowners Association Meeting	13	004481-004554
137	Pictures of recreational use by the public of the Subject Property	13	004555-004559
138	Appellees' Opposition Brief and Cross-Brief, <i>Del Monte Dunes at Monterey, Ltd., et al. v. City of Monterey</i>	13	004560-004575
139	Respondent City of Las Vegas' Answering Brief, <i>Binion, et al. v. City of Las Vegas, et al.</i>	13	004576-004578
140	Grant, Bargain and Sale Deed	13	004579-004583
141	City's Land Use Hierarchy Chart	13	004584
142	August 3, 2017 deposition of Bob Beers, pgs. 31-36 - <i>The Matter of Binion v. Fore Stars</i>	13	004585-004587
143	November 2, 2016 email between Frank A. Schreck and George West III	13	004588
144	January 9, 2018 email between Steven Seroka and Joseph Volmar re: Opioid suit	13	004589-004592
145	May 2, 2018 email between Forrest Richardson and Steven Seroka re Las Vegas Badlands Consulting/Proposal	13	004593-004594
146	November 16, 2017 email between Steven Seroka and Frank Schreck	13	004595-004597
147	June 20, 2017 representation letter to Councilman Bob Coffin from Jimmerson Law Firm	13	004598-004600

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 26<sup>th</sup> day of March, 2021.

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kerritt L. Waters, and  
3 that on the 26<sup>th</sup> 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:

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

# **Exhibit 150**

1                                   **AFFIDAVIT OF DONALD RICHARDS**

2       STATE OF NEVADA )  
3                               )  
4       COUNTY OF CLARK )

5               DON RICHARDS, being duly sworn, deposes and says:

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

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

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

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

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

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

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

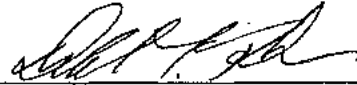
27             8.       I have observed a steady increase of trespassing over the last 5 years.  
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9. I have used photographic surveillance on the property since early 2016. Attached are true and correct copies of photographs taken as a result of the use of these camera's to this affidavit.

10. I declare under penalty of perjury that the foregoing is true and correct.



DONALD RICHARDS

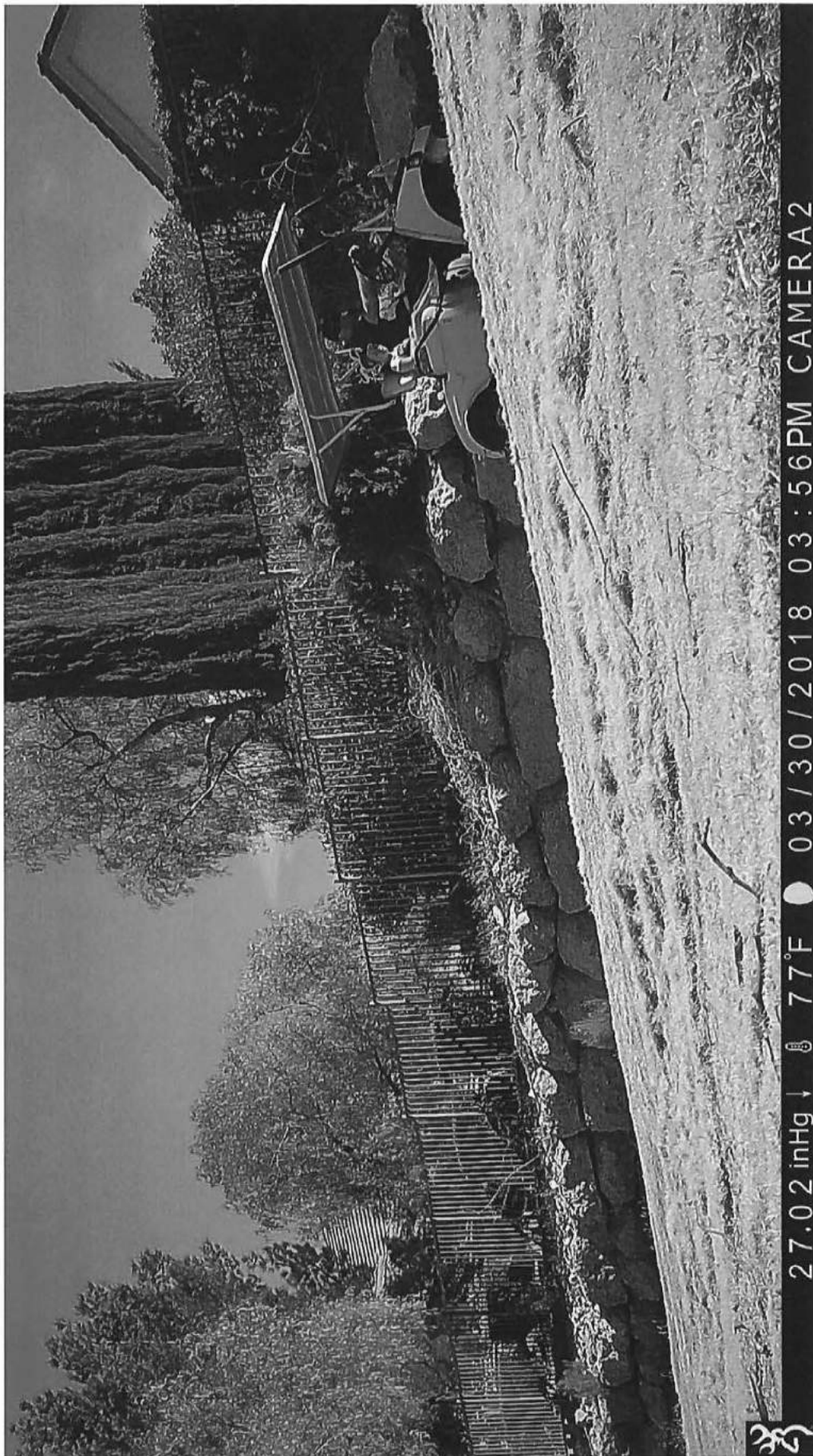
Subscribed and Sworn to before me  
this 23 day of March, 2021

  
Notary Public

004670



8978



8979



8980



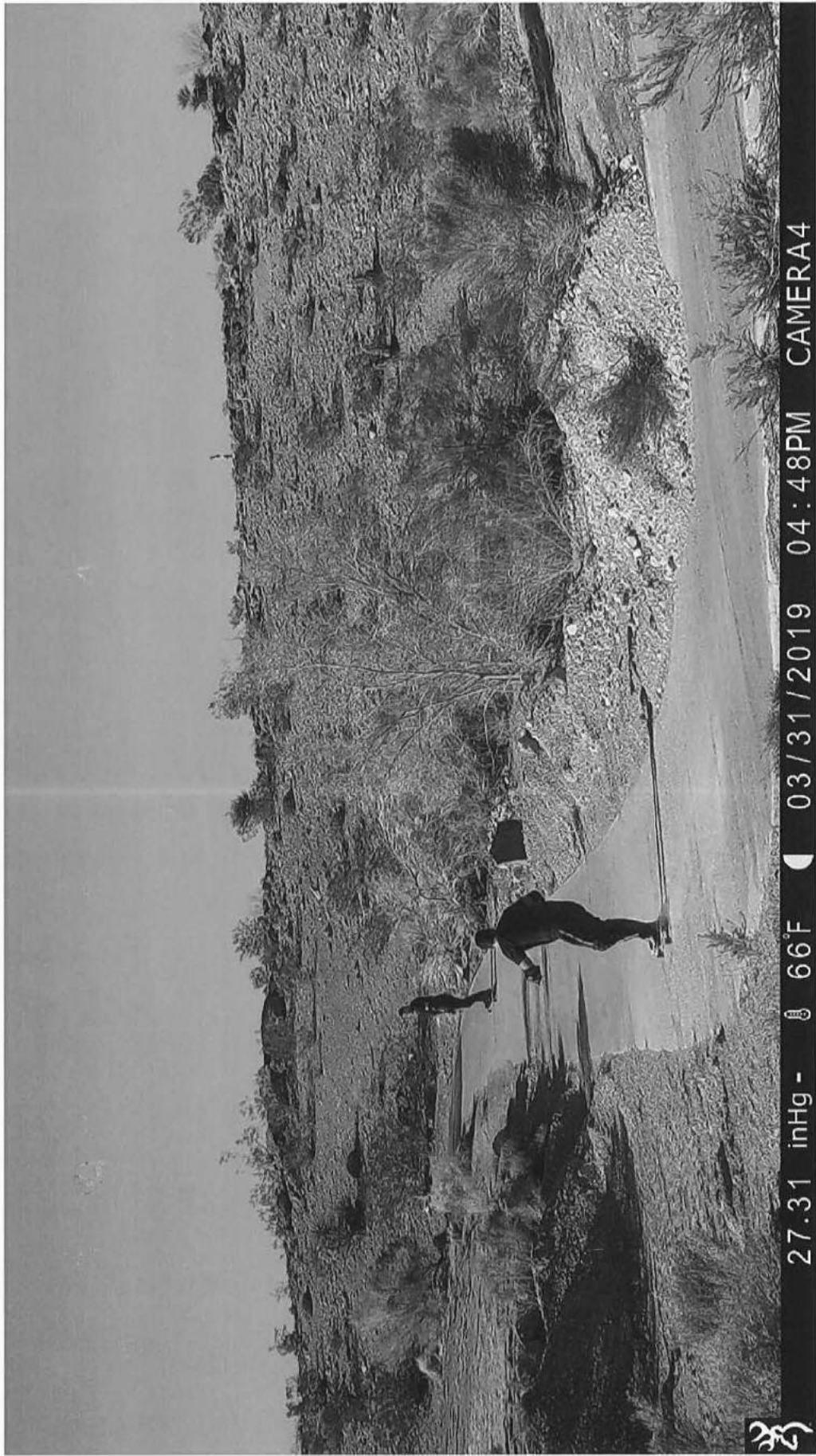


8981

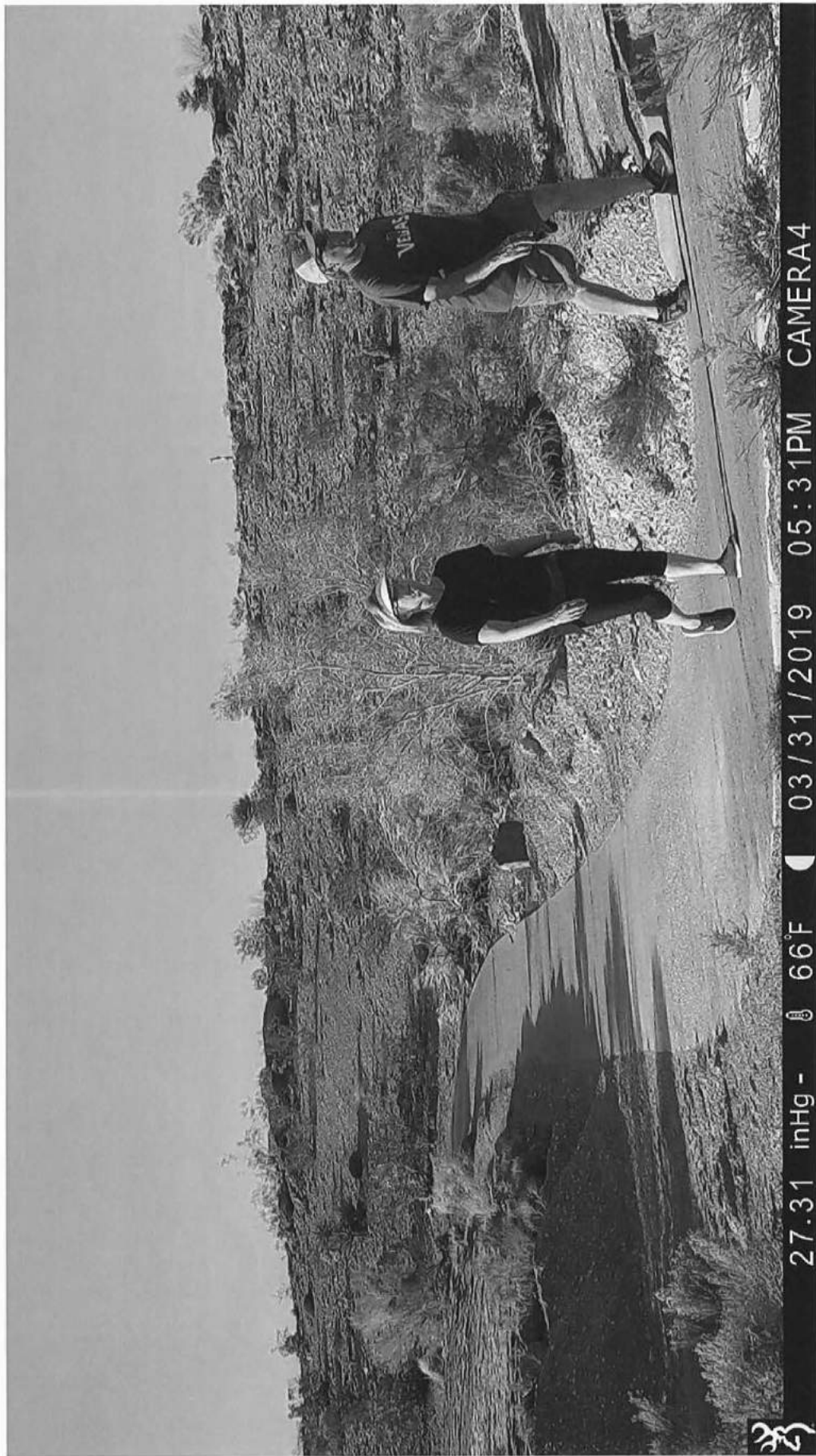




8982



8983



8984





8985



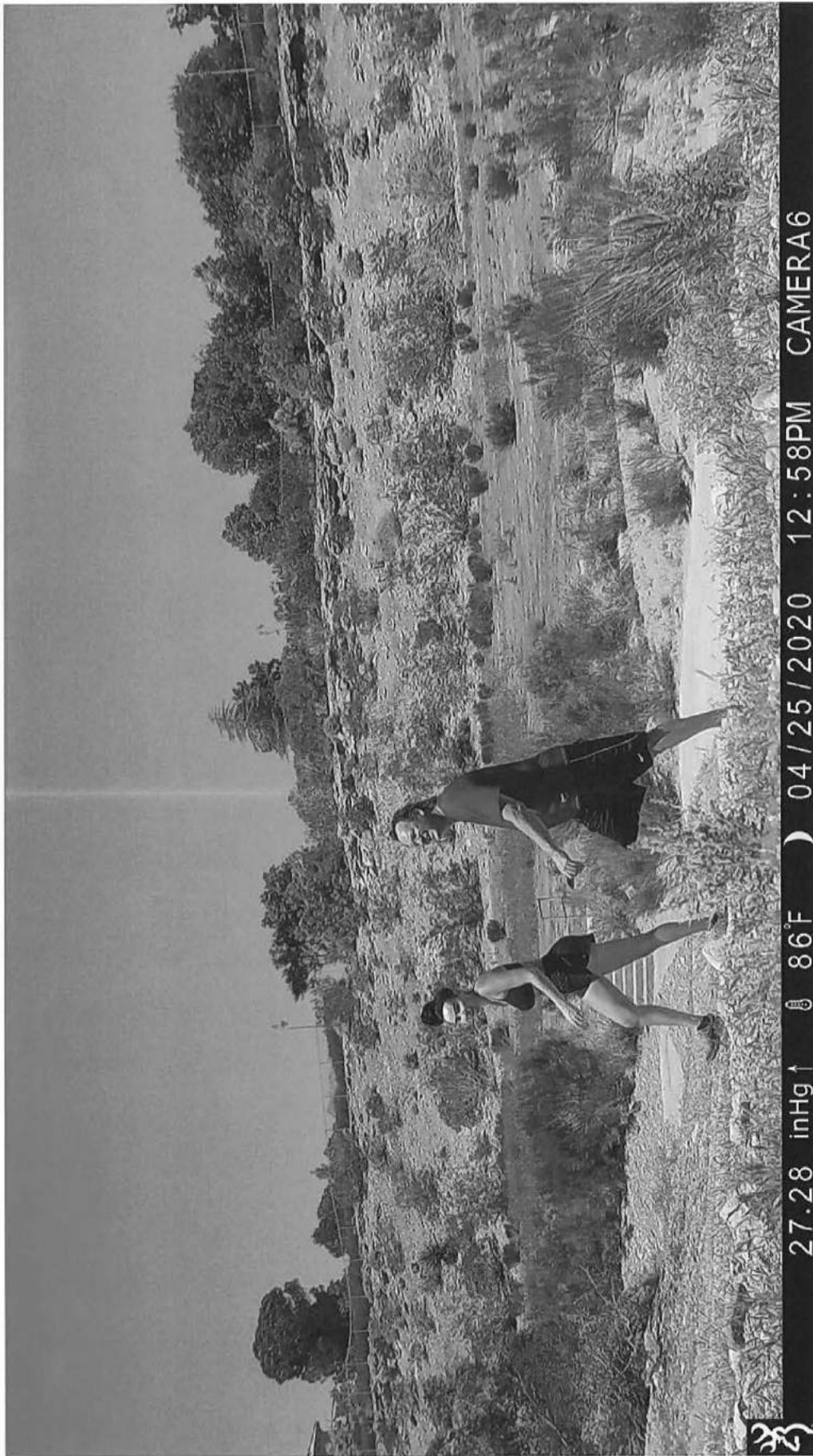
8986





8988









8990



27.20 inHg ↑ 62°F 04/13/2020 12:16PM CAMERA6



8992





8993



27.17 inHg ↓ 66°F 04/11/2020 06:34PM CAMERA8



27.43 inHg - 60°F 04/14/2020 12:21PM CAMERA6





8996



27.40 inHg ↓ 62°F 04/14/2020 01:15PM CAMERA6

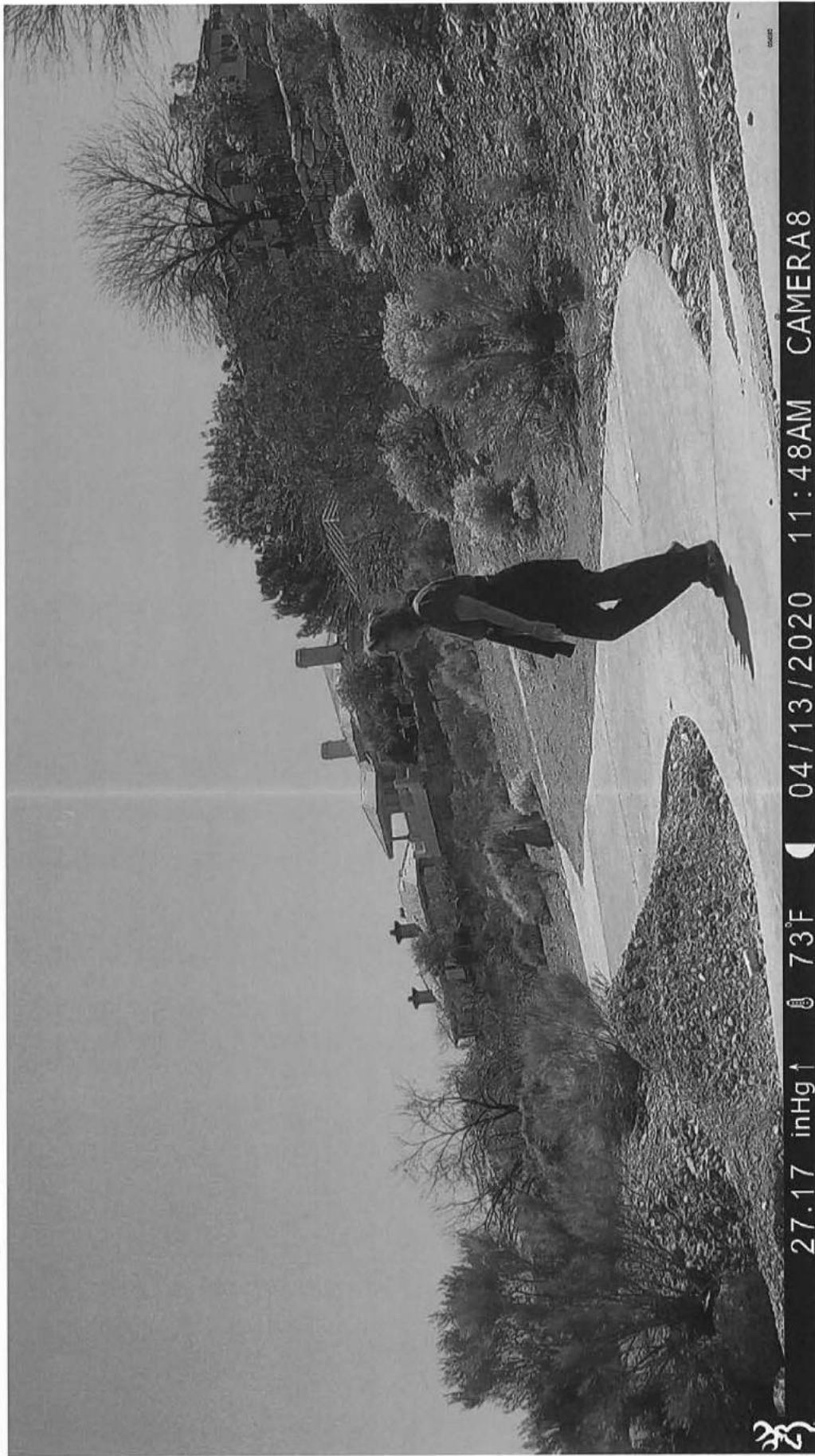




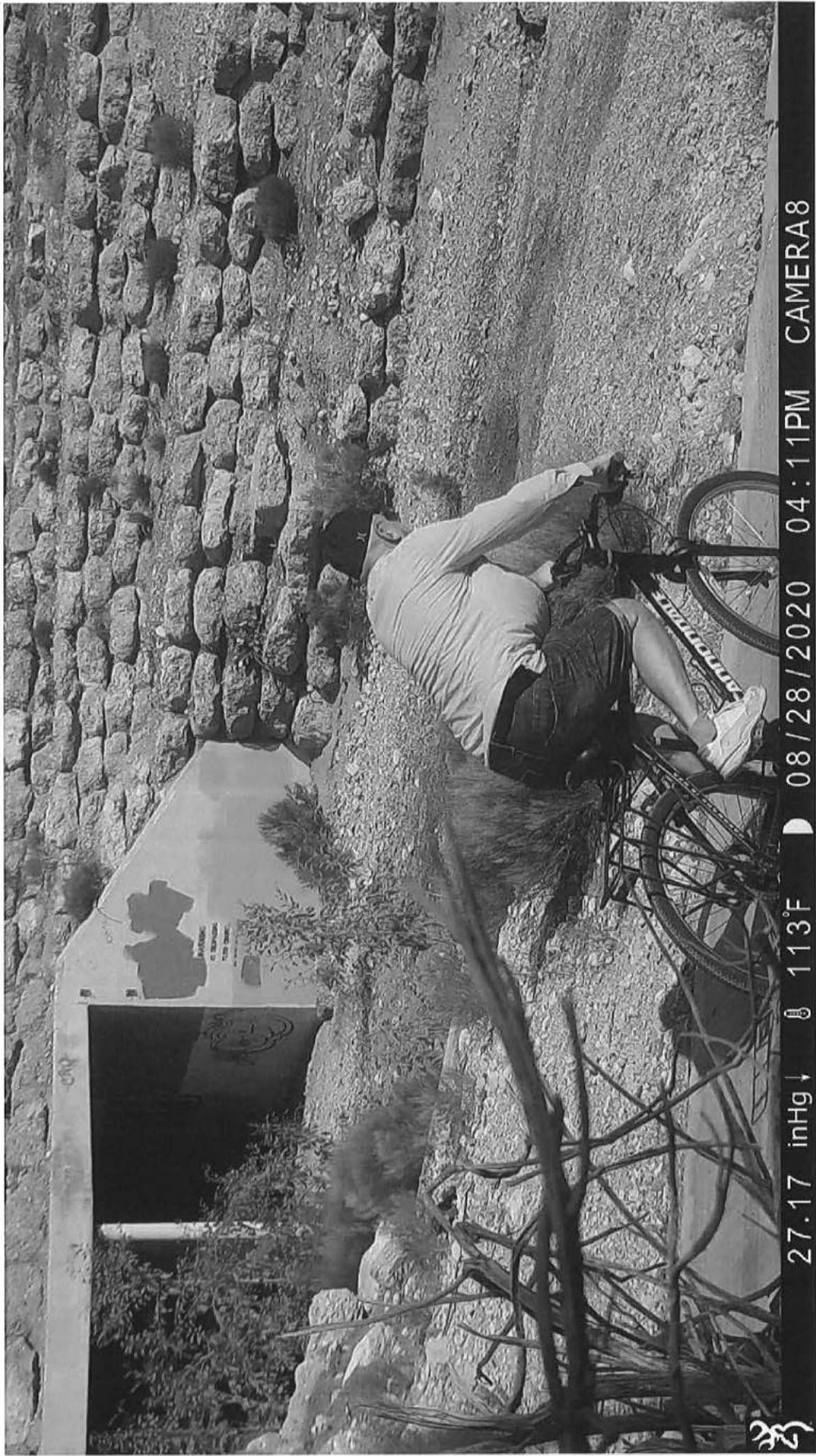
8998



8999



9000



9001

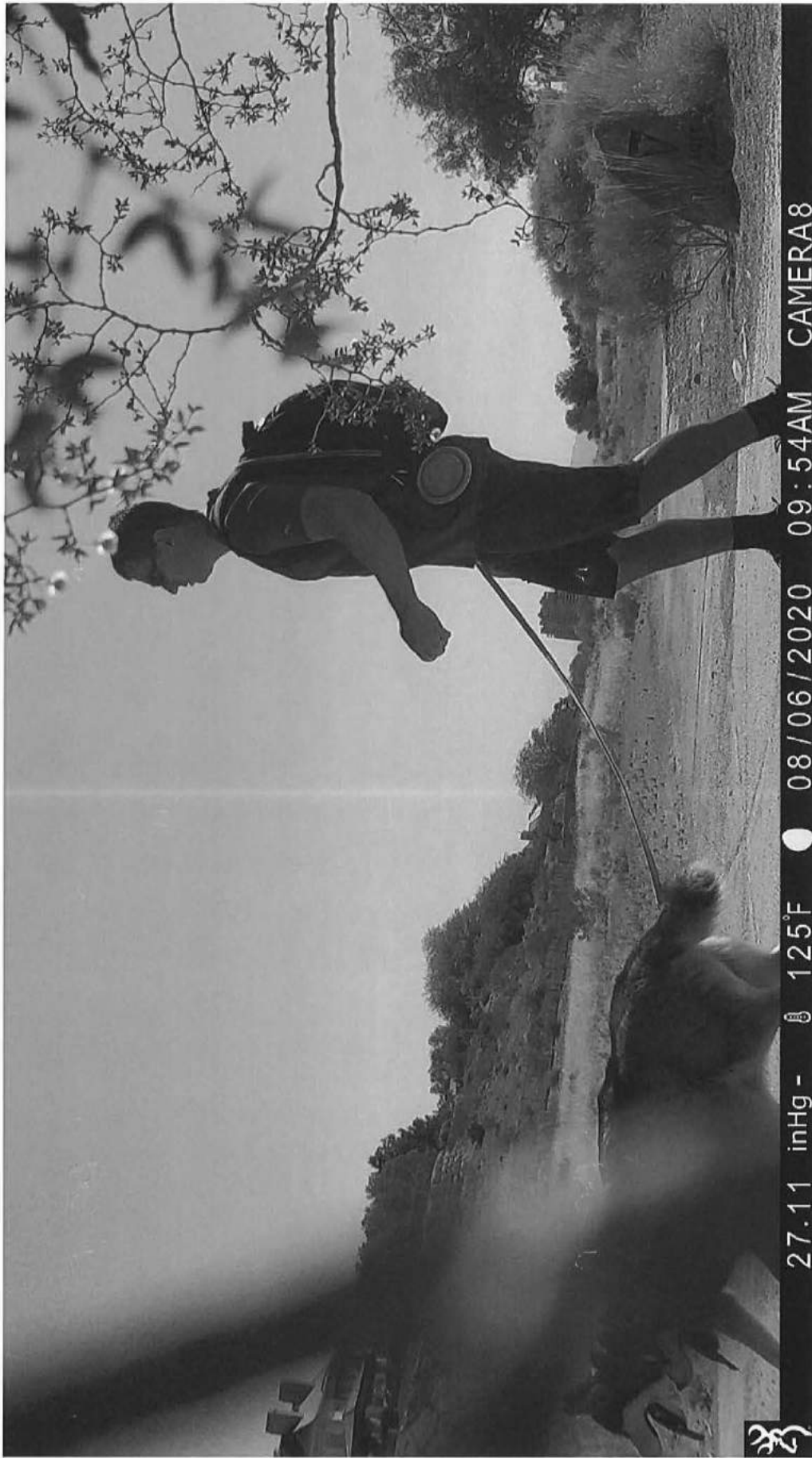




27.17 inHg ↓ 107°F 08/28/2020 05:41PM CAMERA8



9003



27.11 inHg - 125°F 08/06/2020 09:54AM CAMERA8





27.17 inHg ↓ 100°F 08/05/2019 07:43PM CAMERA4



27.20 inHg - 64°F ( 08/26/2019 06:28AM CAMERA8





9007



9008





27.11 inHg ↓ 35°F ( 12/22/2019 04:38PM CAMERA8





27.31 inHg ↓ 42°F 12/11/2019 01:47PM CAMERA8





27.11 inHg ↓ 29°F ( 12/10/2020 08:30AM CAMERA6



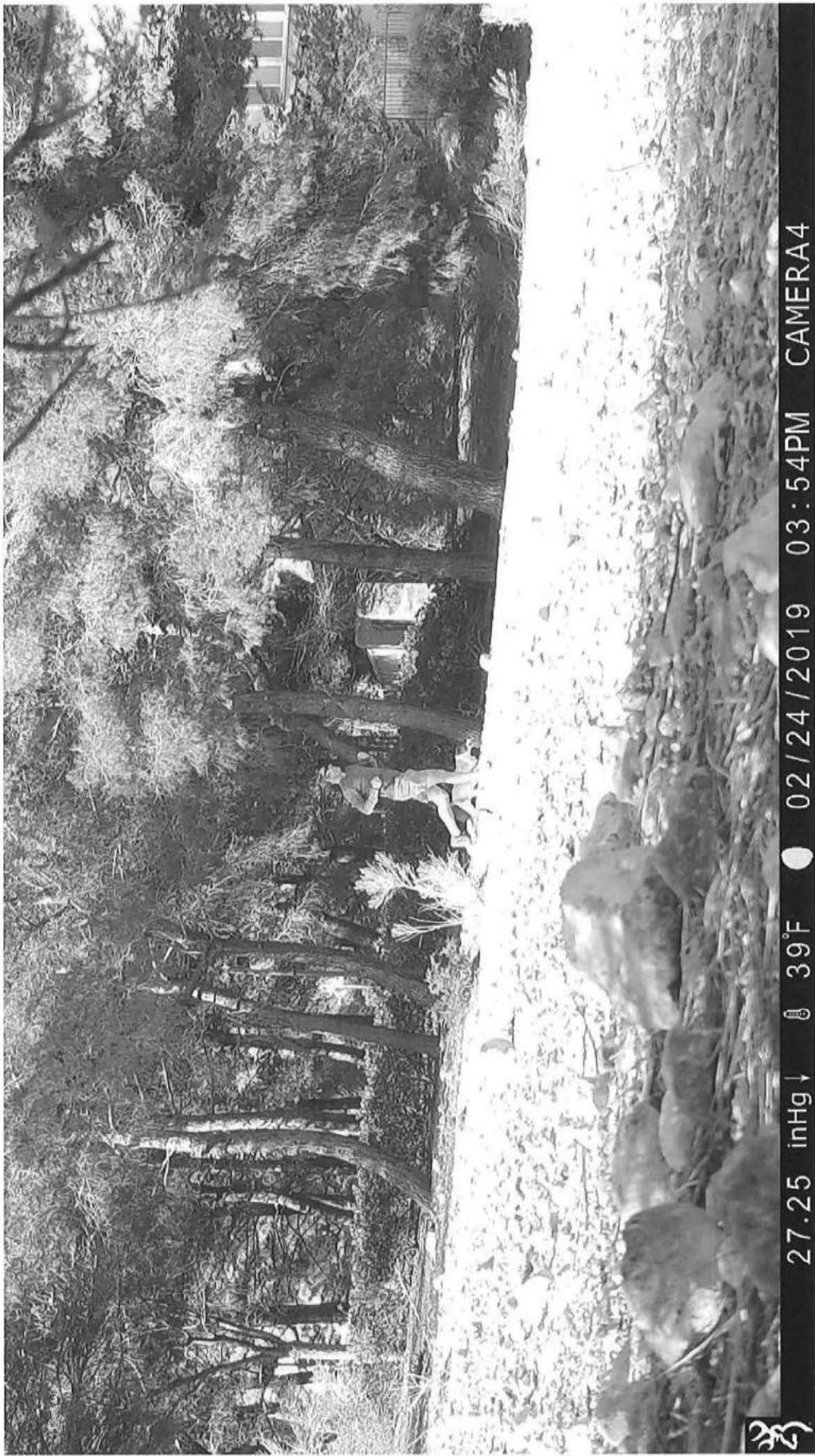
9013



27.28 inHg ↑ 48°F 02/24/2019 05:41PM CAMERA6



9014



9015

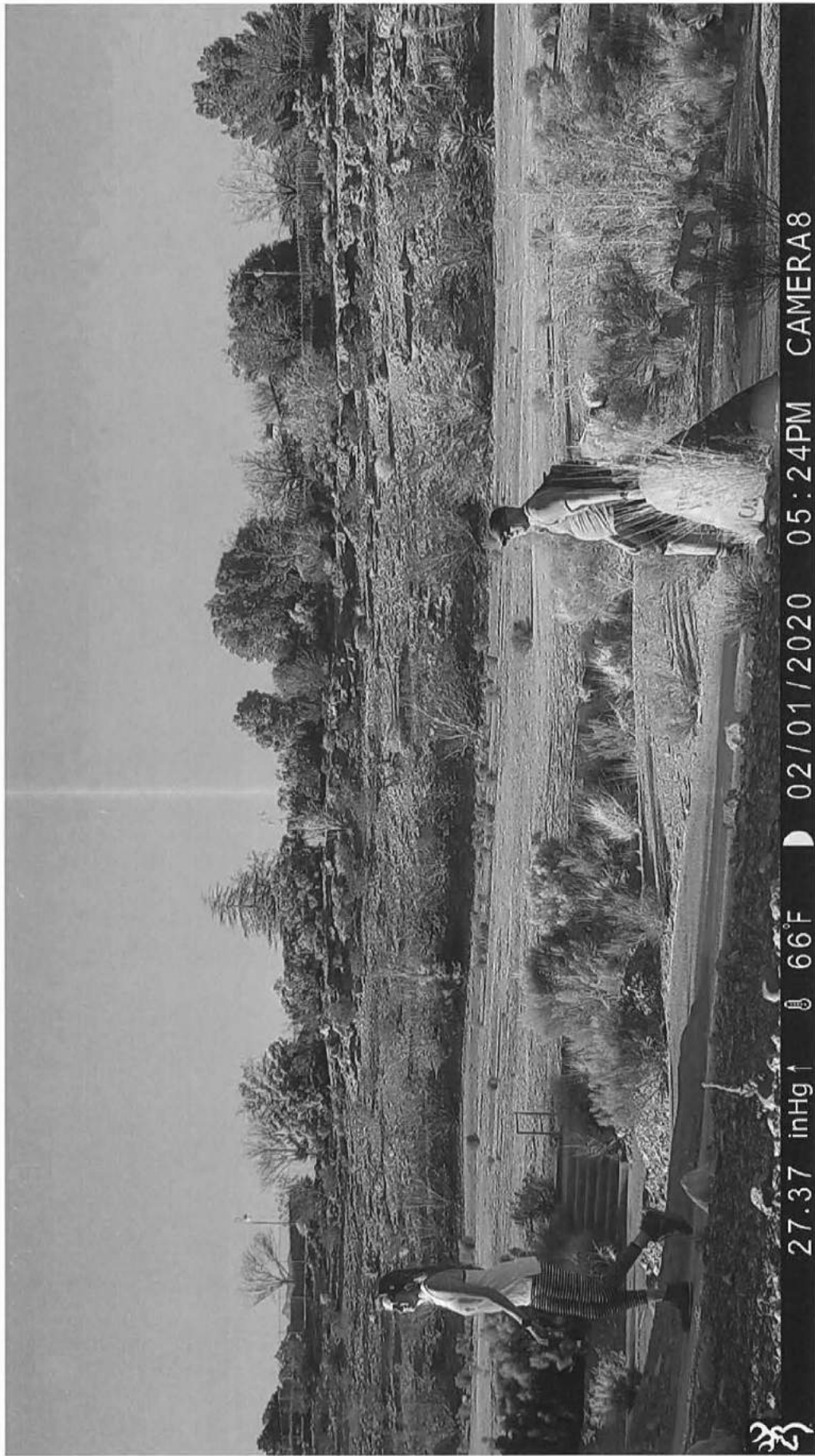




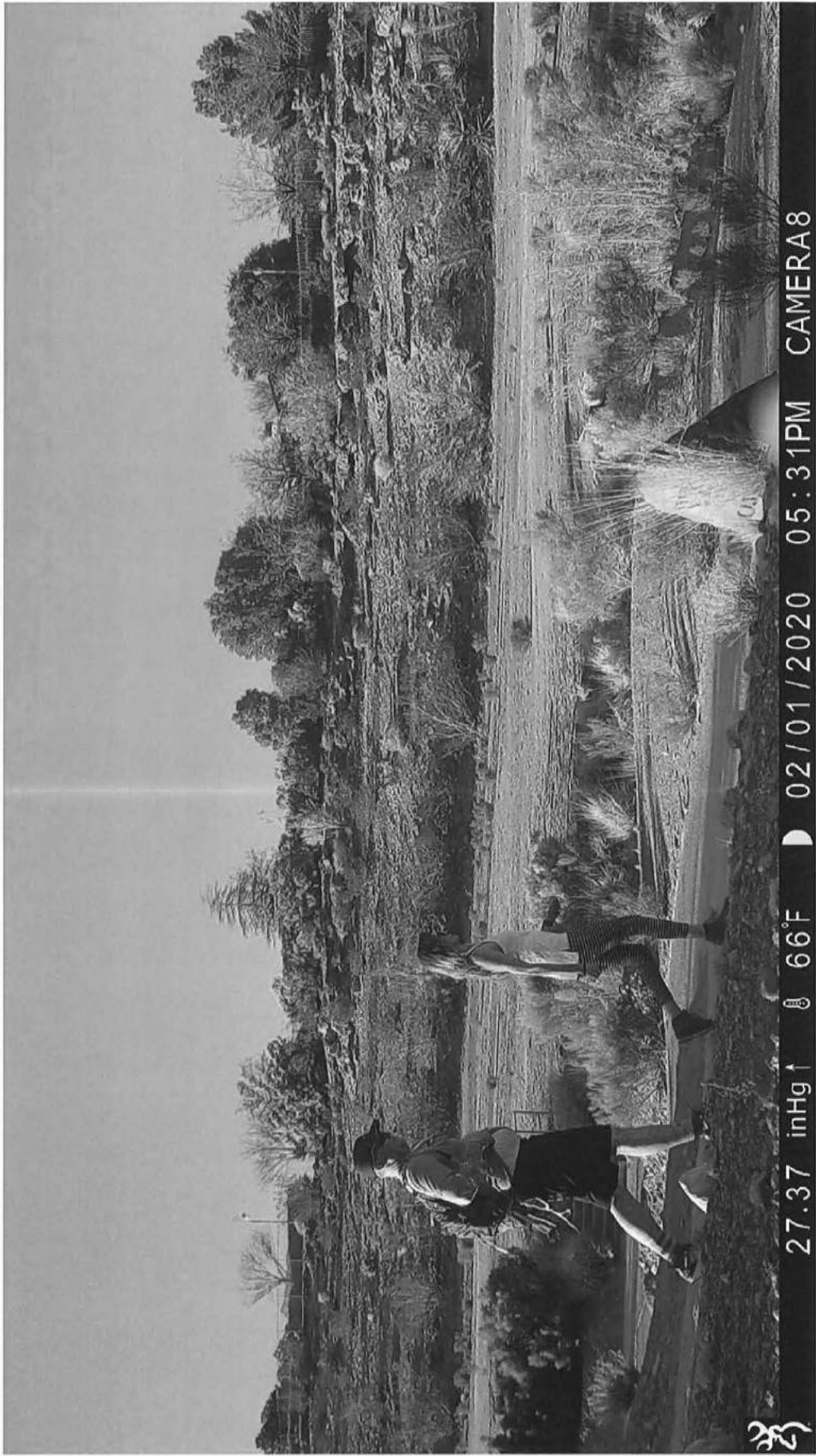
9016







9018







9021







9023





9024







