

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

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**JOINT APPENDIX,
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02:43:20 1 THE COURT: And, Mr. Leavitt, I understand
2 that. I do.

3 MR. LEAVITT: Okay.

4 THE COURT: I mean, I get that. I understand
02:43:25 5 that.

6 But, see, remember at the very outset of this
7 academic discussion, there's a distinction between --
8 and we know this -- what's relevant for the purposes of
9 trial and what's relevant for the purposes of
02:43:37 10 discovery. Whether the consideration paid as it
11 relates to purchase price is relevant at this time, I
12 can't say. I mean, I just -- I don't know. But at
13 some point I'm going to have to make that decision
14 probably, you know, and I understand that.

02:43:55 15 But I don't know if I can just arbitrarily say
16 at this stage of the litigation that it's not relevant
17 for the purposes of discovery.

18 And that's ultimately what it comes down to.
19 I might accept that. I might -- it might be completely
02:44:11 20 rejected. That's why I talked about -- I mean, I made
21 somewhat of a reference to some sort of Hallmark
22 analysis as it relates to expert opinions in this case
23 as to valuation.

24 But I can't -- right now what's in front of
02:44:29 25 me, I can't make that decision. And that's kind of my

02:44:33 1 point. And as far as producing documents, or going
2 through all these past transactions in camera, I can
3 say this: That's a task I don't want to take on.
4 Heck, if I was going to do that, I'd go ahead and
02:44:53 5 appoint Floyd Hale to do that for me as special master
6 as it relates to the evaluation issue. And it probably
7 would save time and money, to be candid with everyone.
8 But that's another day.

9 Anything else you want to add, Mr. Ogilvie?

02:45:21 10 MR. OGILVIE: As you said, you know, I have a
11 lot to unpack there.

12 THE COURT: There is.

13 MR. OGILVIE: I'll just -- there's nothing
14 that I want to add. There is one short thing that I
02:45:32 15 want to reiterate, Judge.

16 Well, actually I'll say it a different way.

17 We have a document, purchase and sale
18 agreement between the developer, Mr. Lowie's entity and
19 the seller, Peccole-Nevada Corporation, that -- that
02:45:54 20 reflects a seven and a half million dollar purchase
21 price for the -- for Fore Stars, which includes the
22 golf course and the -- all the accouterments. So we
23 have -- we have a purchase price reflected in a
24 purchase and sale agreement of seven and a half million
02:46:17 25 dollars.

02:46:18 1 And the developer says, No, no. We paid
2 \$45 million.

3 Well, if they don't produce the documents, I
4 think the City is entitled to an order excluding any
02:46:33 5 testimony or any evidence that would refute the
6 purchase price set forth in the purchase and sale
7 agreement.

8 But that's for another day.

9 So in the interim, I will now reiterate if I'm
02:46:51 10 going to -- if -- if the developer is going to continue
11 to contend they paid \$45 million for that, for all this
12 series of complex transactions, the City is entitled to
13 every one of those documents.

14 THE COURT: Anything else? And so that's
02:47:15 15 going -- we have a somewhat complex -- I should say a
16 laundry list of discovery requests. Let me look here.

17 MR. OGILVIE: Your Honor, I'll remind the
18 Court that we have a status conference tomorrow if the
19 Court wants to sleep on this.

02:47:31 20 THE COURT: No, no. I'm trying to -- I want
21 to -- I don't want to sleep on it per se.

22 I do want to get the case moving.

23 MS. HAM: Then, your Honor, with Mr. Ogilvie's
24 last statement, I just want to have an opportunity to
02:47:49 25 speak to Mr. Leavitt. What he's saying is if you're

02:47:53 1 not going to produce these documents, which we hold in
2 highly -- as highly confidential, and you're not -- and
3 I understand. I -- I don't want to read them either.
4 I wouldn't want to read them either if I were you. I
02:48:10 5 certainly would not. There are binders and binders of
6 them, and they don't address the issues at hand.

7 I'd like an opportunity to speak to
8 Mr. Leavitt -- if what they're saying is then we don't
9 get to say that we paid \$45 million for it, I'd like to
02:48:24 10 have an opportunity to speak to Mr. Leavitt about that.

11 Perhaps, you know, I just want to know -- I
12 would like a conversation with Mr. Leavitt.

13 THE COURT: Okay.

14 MS. HAM: Maybe what we do is change our
02:48:39 15 answer. But I want to -- I want to have that
16 opportunity so I know exactly what I'm -- I'm -- may or
17 may not be agreeing to. And, yes, we do have a
18 conference tomorrow, if you would allow the time for me
19 to have that conversation. I think we probably have an
02:48:56 20 idea where you're going with the ruling, but I'd like
21 to have that opportunity to discuss with him, and maybe
22 that is the -- maybe that could resolve it.

23 THE COURT: I understand, ma'am. I do.

24 This is what we'll do then. There is a lot
02:49:13 25 being requested here. We will -- we will table this

02:49:16 1 discussion for the status check tomorrow. Without
2 going too deep into the weeds, in a general sense, I
3 would anticipate that if you have documents in your
4 possession that would potentially support the claimed
02:49:36 5 property valuation of 45 million on some level,
6 supporting documents should be produced.

7 I will say that.

8 That has nothing to do with whether it's
9 relevant for the purposes of this taking issue.

02:49:52 10 Understand what we're doing right now, this --
11 this is focusing solely on discovery issues.

12 Just as important too, I would think taking
13 the deposition of Mr. Lowie might be helpful. But,
14 remember, before you take the deposition, I would
02:50:15 15 anticipate you'd want all documents to support that
16 position.

17 And so that's all I can say. This is a
18 discovery issue. There is a lot here. I'm going to
19 give you a chance to talk the rest of this afternoon if
02:50:28 20 you want to talk. And if you want some sort of
21 agreement, you come to some sort of accord, I'm fine
22 with that.

23 But tomorrow we have a status check at what
24 time again? 9:00 o'clock.

02:50:39 25 MR. OGILVIE: 9:00 o'clock.

02:50:41 1 THE COURT: Okay. All right. And that's what
2 we'll do. We'll just go ahead and have the status
3 check tomorrow. Maybe we have some sort of resolution.
4 Give you a chance to talk. And I'll think about this.

02:50:55 5 All right.

6 MR. LEAVITT: Appreciate it, your Honor. Jim
7 Leavitt again.

8 And, your Honor, tomorrow when we discuss that
9 sliding the trial date 45 days, would that be --

02:51:04 10 (Unreportable cross-talk)

11 THE COURT: Yeah, we can do that.

12 You know what, when is this matter currently
13 set again? I don't have it right in front of me.

14 MR. LEAVITT: It's set for May 3rd trial.

02:51:13 15 THE COURT: Okay. Yeah. You know, we have a
16 lot of flexibility right now. And there's a lot going
17 on. We have the dealing with the second wave and
18 just -- I don't know anticipate much of a problem,
19 Mr. Leavitt, with that.

02:51:30 20 MR. LEAVITT: Thank you, your Honor.

21 THE COURT: All right. Okay. I will talk to
22 you tomorrow --

23 MS. HAM: Thank you.

24 THE COURT: -- morning.

02:51:36 25 MR. OGILVIE: Appreciate it. Thank you, your

02:51:36

1 Honor.

2 MS. HAM: Thank you, your Honor. Have a good
3 afternoon.

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7 (Proceedings were concluded.)

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MR. LEAVITT: [21] 5/14 6/2 16/23 25/20 25/22 27/9 27/14 33/23 39/21 39/23 40/7 41/1 45/24 46/24 55/7 55/10 55/25 56/3 61/6 61/14 61/20 MR. OGILVIE: [11] 5/19 6/4 6/14 41/19 46/13 46/16 57/10 57/13 58/17 60/25 61/25 MR. SCHWARTZ: [1] 5/23 MS. HAM: [15] 5/17 27/6 27/12 30/21 33/22 47/2 51/12 52/13 54/4 54/7 55/3 58/23 59/14 61/23 62/2 THE COURT REPORTER: [8] 6/11 25/17 25/21 27/3 39/19 39/22 40/6 40/24 THE COURT: [36] 5/6 5/25 6/7 6/12 16/20 27/5 27/7 27/11 27/13 27/15 33/6 41/17 45/5 46/14 46/23 51/10 51/13 53/17 54/6 54/23 54/25 55/4 55/9 55/23 56/1 56/4 57/12 58/14 58/20 59/13 59/23 61/1 61/11 61/15 61/21 61/24 \$ \$1 [1] 8/22 \$1 million [1] 8/22 \$1,050,000 [1] 10/12 \$100,000 [1] 16/12 \$30,000 [1] 10/10 \$45 [21] 11/7 11/13 11/18 15/21 42/25 43/5 43/9 43/15 43/17 43/24 44/1 44/3 44/14 44/23 45/11 51/14 51/14 52/15 58/2 58/11 59/9	\$45 million [17] 11/7 11/13 15/21 43/5 43/9 43/15 43/17 43/24 44/1 44/3 44/14 44/23 51/14 52/15 58/2 58/11 59/9 \$500,000 [1] 9/7 0 09 [1] 25/24 1 10 [1] 2/2 100 [1] 50/24 100 percent [1] 50/16 1000 [1] 3/7 11 [1] 5/1 120 [1] 2/19 1215 [1] 2/18 15 million [1] 52/19 16 [5] 2/2 9/13 11/23 15/18 16/4 16.1 [2] 15/24 27/20 17 [1] 1/22 1749 [1] 3/20 17th [1] 5/8 180 [1] 1/9 180 Land [7] 5/10 5/15 6/23 16/24 19/14 43/12 43/12 19 [2] 43/11 43/22 1964 [1] 2/11 1970s [1] 9/22 1:30 [1] 5/8 1:31 [1] 5/2 2 2.34 [7] 31/4 31/12 31/15 32/23 34/1 37/7 39/5 2.37 [1] 13/18 2.37 acres [1] 26/11 20 [9] 15/7 19/13 20/15 20/16 35/21 39/10 39/24 40/8 44/6 20-09 [1] 25/24 20-10 [1] 2/2 20-year [7] 19/16 19/21 19/22 20/1 21/11 32/10 52/17 2001 [1] 20/17 2005 [1] 20/18 2010 [1] 20/18	2013 [5] 13/16 14/19 26/9 26/11 37/2 2014 [1] 35/25 2015 [7] 7/1 7/11 9/24 13/20 15/4 17/13 39/1 2017 [5] 20/20 20/21 21/25 55/13 55/18 2019 [3] 15/4 16/4 39/2 2020 [3] 1/22 5/1 5/8 2269 [1] 3/19 229-2269 [1] 3/19 2300 [1] 3/6 24 [1] 39/11 250 [7] 7/1 7/13 7/18 8/3 9/24 10/22 11/9 250 acres [5] 8/5 9/15 10/8 11/7 44/14 250-acre [10] 19/9 19/18 19/24 20/2 20/3 36/15 36/20 36/21 36/24 37/11 2nd [1] 16/4 3 30 [1] 24/13 34 [1] 38/15 35 acres [16] 7/21 7/23 8/1 8/9 8/15 8/21 8/21 9/6 9/17 10/11 10/18 10/22 10/23 10/24 12/1 51/16 35-acre [6] 7/15 9/6 19/10 37/20 37/23 37/23 37 [1] 41/3 386-1749 [1] 3/20 396 [1] 4/5 3rd [1] 61/14 4 40 [2] 39/13 39/15 400 [1] 3/16 4100 [1] 3/9 415 [2] 4/7 4/8 45 [6] 23/18 25/4 35/4 47/8 60/5 61/9 45 million [4] 31/3 31/7 32/8 47/16 45-day [1] 24/4	5 50 percent [2] 9/1 17/3 541 [2] 1/25 63/17 552-5816 [1] 4/8 552-7272 [1] 4/7 5816 [1] 4/8 5:00 [1] 19/1 6 6930 [1] 2/21 6938 [1] 2/22 7 702 [8] 2/10 2/11 2/21 2/22 3/9 3/10 3/19 3/20 704 [1] 2/8 7272 [1] 4/7 731-1964 [1] 2/11 733-8877 [1] 2/10 8 873-4100 [1] 3/9 873-9966 [1] 3/10 8877 [1] 2/10 89101 [2] 2/9 3/18 89102 [1] 3/8 89117 [1] 2/20 9 940-6930 [1] 2/21 940-6938 [1] 2/22 94102 [1] 4/6 9966 [1] 3/10 9:00 [2] 60/24 60/25 : :SS [1] 63/2 A abandoned [1] 38/18 ABILITY [1] 63/11 about [20] 18/4 21/10 21/19 23/17 24/13 27/19 29/11 30/6 30/7 31/5 37/17 46/15 49/16 50/18 51/20 53/6 55/6 56/20 59/10 61/4 absolute [1] 17/2 absolutely [3] 17/17 20/19 35/22 academic [1] 56/7 accept [2] 29/16 56/19	accord [1] 60/21 according [3] 13/4 13/4 13/5 accounts [1] 20/4 accounterments [1] 57/22 accurate [2] 50/24 63/11 accusations [1] 35/9 achieved [1] 7/5 acquire [6] 19/17 19/18 19/19 19/20 19/24 44/14 acquired [1] 43/5 acquisition [12] 7/6 7/13 12/9 12/14 12/18 12/23 13/3 14/16 16/15 19/9 21/22 27/1 acre [17] 7/15 9/6 10/10 19/9 19/10 19/18 19/24 20/2 20/3 36/15 36/20 36/21 36/24 37/11 37/20 37/23 37/23 acres [30] 7/1 7/13 7/19 7/21 7/23 8/1 8/3 8/5 8/9 8/15 8/21 8/21 9/6 9/15 9/17 9/24 10/8 10/11 10/18 10/22 10/22 10/23 10/24 11/7 11/9 12/1 13/18 26/11 44/14 51/16 action [2] 17/20 50/21 actions [16] 6/24 7/21 8/2 8/4 8/11 8/18 8/22 9/1 9/3 9/5 10/20 11/2 12/15 18/11 18/18 48/19 actual [2] 55/16 55/16 actually [6] 7/23 10/17 11/7 11/18 15/20 57/16 add [2] 57/9 57/14 additional [1] 24/10 Additionally [1] 14/25 address [10] 24/11 30/24 33/3 42/6 42/6 43/1 45/25 46/2 47/25 59/6
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(5) do... - general

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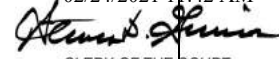
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W wrong... [1] 29/21 X XVI [1] 1/3 Y Yeah [7] 27/5 27/12 33/22 54/4 54/7 61/11 61/15 year [10] 16/11 19/16 19/21 19/22 20/1 21/11 32/10 42/18 48/17 52/17 years [11] 19/13 20/15 20/16 24/13 35/21 38/7 44/6 49/5 50/3 50/3 52/25 yes [11] 27/11 31/24 39/22 41/19 44/19 51/12 53/3 53/3 55/3 55/9 59/17 yesterday [2] 39/5 41/23 yet [1] 34/19 Yohan [2] 19/15 38/1 you [100] you'd [1] 60/15 you're [11] 30/17 40/6 40/24 45/20 50/15 51/6 53/10 54/4 58/25 59/2 59/20 your [73]				
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Peggy Isom, CCR 541, RMR (14) wrong... - your
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EXHIBIT “FFFF-37”


CLERK OF THE COURT

ORDR

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Attorneys for Plaintiff Landowners

**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,

Plaintiff,

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

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT CITY
OF LAS VEGAS' MOTION TO
COMPEL DISCOVERY RESPONSES,
DOCUMENTS AND DAMAGES
CALCULATIONS AND RELATED
DOCUMENTS**

This matter having come before the Court for hearing on November 17 and 18, 2020, the Court
having considered the Points and Authorities on file and oral arguments presented by the Parties,

2110

1 hereby enters its Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in
2 Part The City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages
3 Calculation and Related Documents on Order Shortening Time ("Motion") and Plaintiffs' Request
4 for Attorney's Fees and Cost.

5 **FINDINGS OF FACT**

6
7 1. The City filed its Motion on October 22, 2020. As part of its Motion, the City
8 requested all documents related to 180 Land's discovery response that it paid an aggregate of
9 consideration for the entire Badlands Property, which includes the 35 Acre Property, for \$45
10 million (the "Transaction").

11
12 2. Plaintiff filed an Opposition on November 6, 2020 and requested attorneys' fee and
13 costs.

14 3. During the hearing on the Motion, Plaintiffs' offered to allow the City to depose
15 Yohan Lowie, a principal of Plaintiffs, related solely to the documents supporting Plaintiffs'
16 contention that it paid \$45 million for the Badlands Property and to reserve all other issues for a
17 subsequent deposition of Mr. Lowie.

18
19 4. In response to Plaintiffs' offer, the Court determined that, as a baseline, the City
20 has a right to conduct and receive all documents relied upon by 180 Land to support its contention
21 that it paid \$45 million for the Badlands Property prior to taking Mr. Lowie's deposition.

22 5. Plaintiffs represented that several documents were subject to confidentiality
23 agreements and requested the documents only be produced pursuant to a protective order.

24
25 6. Computation of damages in this case are based upon expert testimony and analysis,
26 which is scheduled to be disclosed pursuant to the Court's scheduling order.

7. 180 Land has no ownership interest in the entity that operated the Badlands golf course and therefore does not have any maintenance records to produce.

8. In relation to communications with counsel, 180 Land produced 57 pages of Documents in conjunction with a privilege log.

CONCLUSIONS

1. Although NRCP 16.1 requires a plaintiff to prepare and submit a damage calculation in the NRCP 16.1 early case conference, this case involves more than a simple computation of past and future expenses in a tort case or cost of repair in a construction defect case as it relies heavily on expert opinion. Thus, 180 Land's computation of damages may be produced in conjunction with its expert witness disclosures.

2. 180 Land cannot be required to produced maintenance records for an entity in which it does not have or maintain an ownership interest.

3. NRCP 26 provides that parties may obtain discovery regarding any non-privileged matter. Communications between a client and the client's lawyer are privileged unless an exception can be shown. NRS Chapter 49.

4. 180 Land has complied with NRCP 34 in relation to the request to produce communication with counsel by producing 57 pages of documents along with a privilege log.

5. Pursuant to NRCP 26 (c) (1)(B) and (G) a Court may, for good cause, issue an order specifying terms for the disclosure of discovery and requiring that confidential information be revealed only in a specified way.

6. The City is entitled receive all documents relied upon by 180 Land to support its contention that it paid \$45 million for the Badlands Property prior to taking Mr. Lowie's deposition.

ORDER

IT IS HEREBY ORDERED that the City's Motion is **GRANTED IN PART AND DENIED IN PART**. The City's Motion is **GRANTED** as it seeks to compel all documents related to its contention that it paid \$45 million for the Badlands Property.

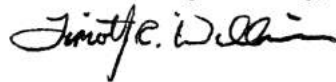
IT IS FURTHER ORDERED that Plaintiffs and the City are to negotiate and agree upon a Stipulated Protective Order, which shall govern the protection over those documents to be produced by Plaintiffs and which relate to the Transaction and/or were relied upon by Plaintiffs to support its contention that it paid \$45 million for the Badlands Property.

IT IS HEREBY FURTHER ORDERED that the remaining relief sought by the City's Motion is **DENIED**.

IT IS HEREBY FURTHER ORDERED that the Plaintiff's Request for Attorney's Fees and Costs is **DENIED**.

Dated this _____ day of _____, 2021.

Dated this 24th day of February, 2021



District Judge Timothy C. Williams
FFA 29A 2C8B 0356
Timothy C. Williams
District Court Judge

ZJ

Submitted by:

Content Reviewed and Approved By:

LAW OFFICES OF KERMITT L. WATERS

McDONALD CARANO LLP

/s/ James J. Leavitt

By: */s/ George F. Ogilvie*

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396 Hayes Street
San Francisco, California 94102

Attorneys for City of Las Vegas

Evelyn Washington

From: Autumn Waters
Sent: Monday, February 22, 2021 7:43 AM
To: Evelyn Washington
Subject: FW: Orders

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Monday, February 22, 2021 7:26 AM
To: Elizabeth Ham (EHB Companies) <EHam@ehbcompanies.com>
Cc: Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>; Autumn Waters <autumn@kermittwaters.com>
Subject: RE: Orders

These are acceptable. You may affix my electronic signature and submit.

George F. Ogilvie III | Partner

MCDONALD CARANO

P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Elizabeth Ham (EHB Companies) [<mailto:EHam@ehbcompanies.com>]
Sent: Friday, February 12, 2021 4:27 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Cc: Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>; Autumn Waters <autumn@kermittwaters.com>
Subject: Orders

Dear Mr. Ogilvie,

Attached are the finals in pdf – I believe they are correctly formatted and all agreed upon changes made.

Please let me know if you are good on signature and we can submit to the Court.

Best,

Elizabeth Ghanem Ham, Esq.

Counsel
EHB Companies
(702) 940-6936 (Direct)
(702) 610-5652 (Cellular)
eham@ehbcompanies.com

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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 180 Land Company LLC,
7 Petitioner(s)

CASE NO: A-17-758528-J

8 vs.

DEPT. NO. Department 16

9 Las Vegas City of,
10 Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 2/24/2021

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EXHIBIT “FFFF-38”

George F. Ogilvie III

Reply to Las Vegas

April 1, 2021

**VIA ELECTRONIC MAIL
AND ELECTRONIC SERVICE**

James J. Leavitt, Esq.
Autumn Waters, Esq.
LAW OFFICES OF KERMIT L. WATERS
704 South Ninth Street
Las Vegas, Nevada 89101

Elizabeth Ham, Esq.
EHB COMPANIES
1215 S. Fort Apache Road, Suite 120
Las Vegas, NV 89117

**Re: 180 Land Co, LLC, et al. v. The City of Las Vegas (Case No. A-17-758528-J)
Plaintiff Landowners' 20th Supplement to Initial Disclosures**

Counsel,

The Court's Order Granting in Part and Denying Part Defendant City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages Calculations and Related Documents entered February 24, 2021 (the "Order") requires production of all documents related to the consideration paid to acquire the Badlands Property and/or relied upon by the Developer to support its contention that it paid \$45 million for the Badlands Property. The Developer has not complied with the Order based on our review of the documents produced with Plaintiff Landowners' Twentieth Supplement to Initial Disclosures (the "20th Supp.>").

During the hearing on the City's Motion to Compel, Mr. Leavitt stated that "the right to acquire the 250-acre property, the due diligence done to acquire that property, and the consideration paid for the right to acquire the property occurred over an approximately 20-year period." See November 17, 2020 Transcript at 19:18-21. Mr. Leavitt also stated:

Just one of those complicated transactions that Mr. Lowie entered into with the Peccole family involved the Queensridge Towers; Tivoli Village, which is built now; Hualapai Commons, which is on the corner of Hualapai and Sahara here in Las Vegas; two other partners; the prior golf course operator. ***Just one of them.***

mcdonaldcarano.com

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2300 West Sahara Avenue • Suite 1200 • Las Vegas, Nevada 89102 • P: 702.873.4100



2119

12290

James J. Leavitt, Esq.
Autumn Waters, Esq.
Elizabeth Ham, Esq.
March 31, 2021
Page 2

Id. at 22:10-16 (emphasis added).

The documents produced with the 20th Supp. relate solely to just this “one” transaction from 2005 involving Queensridge Towers, Tivoli Village, and Hualapai Commons. None of the documents refer to any other transaction or consideration paid during the 20-year period. *Id.* at 20:17-18. Moreover, none of the documents refer to the payments Mr. Leavitt described as having been made in 2001 and 2010. *Id.* at 20:17-18.

According to the declaration Mr. Lowie submitted in support of the Developer’s motion for summary judgment that was just filed in this case, Mr. Lowie began working with the Peccole family in 1996. Mr. Lowie’s declaration also references “various other transactions” with the Peccole family that took place in and around 2007. Yet, none of these transactions are reflected in the documents produced with the 20th Supp.

During the hearing on the City’s Motion to Compel, Ms. Ham stated “[t]here is a multitude in binders and binders of documents that memorialize this complicated transaction to ultimately finalize the dealings with... the Peccoles.” *Id.* at 47:17-18. However, the documents produced with the 20th Supp. fill no more than two-thirds of a single 3-inch binder.

Comparing the documents produced with the representations of counsel and Mr. Lowie’s declaration, the City can only conclude that the Developer has failed to comply with the Order. As a reminder, the Order states that the City is entitled to receive all of these documents prior to taking Mr. Lowie’s deposition. If the documents have already been organized into binders, as Ms. Ham indicated, they should be produced immediately without further delay.

Sincerely,

MCDONALD CARANO LLP


George F. Ogilvie III, Esq.

cc: Philip R. Byrnes, Esq.
Seth T. Floyd, Esq.
Bryan K. Scott, Esq.
Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
Amanda C. Yen, Esq.
Christopher Molina, Esq.

EXHIBIT “FFFF-39”

From: [Elizabeth Ham \(EHB Companies\)](#)
To: [George F. Ogilvie III](#); [Amanda Yen](#); [Christopher Molina](#)
Cc: [Autumn Waters](#); [James Leavitt](#); [pbyrnes@lasvegasnevada.gov](#); [sfloyd@lasvegasnevada.gov](#); [bscott@lasvegasnevada.gov](#); [Andrew W. Schwartz](#); [Lauren Tarpey](#)
Subject: RE: 180 Land Co, LLC, et al. v. The City of Las Vegas (Case No. A-17-758528-J)
Date: Tuesday, April 6, 2021 5:15:10 PM

Dear Mr. Ogilvie,

In response to your letter dated April 1, 2021, regarding production of documents, please note that the Landowner has fully complied with the Court Order. You are correct that Mr. Lowie has worked with the Peccole family for over 20 years and that there have been many transactions between them. As it relates to the 250 acres however, those documents are in your possession. Your attempt to bootstrap portions of counsel's argument/position during the hearing as evidence that more exists does not make it so. Moreover, contrary to your assertion, the complete transcript you reference (not the cut and paste portions you provide) along with the Mr. Lowie's declaration, and his previous deposition testimony as referenced at that hearing, are supported by those documents. As I stated in the hearing, "They support the 20-year history that from those transactions was born this right to purchase it . . ."

The only other clarification I can provide is that the "binders" I referenced are bound books that, again if you read the transcript, I had yet to fully review. In my review I found that those bound books contain construction and loan documents for the various projects referenced and in which you identify in your letter. Again, you are in possession of all of the documents relating to the transactions that in your own words "support your contention that you paid \$45 million."

Best,

Elizabeth Ghanem Ham, Esq.

Counsel
EHB Companies
(702) 940-6936 (Direct)
(702) 610-5652 (Cellular)
eham@ehbcompanies.com

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From: James Leavitt <jim@kermittwaters.com>
Sent: Friday, April 2, 2021 10:52 AM
To: Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Autumn Waters <autumn@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
Cc: PByrnes@LasVegasNevada.GOV; Seth Floyd <sfloyd@LasVegasNevada.GOV>;

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bscott@lasvegasnevada.gov; schwartz@smwlaw.com; LTarpey@smwlaw.com; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Amanda Yen <ayen@mcdonaldcarano.com>; Christopher Molina <cmolina@mcdonaldcarano.com>

Subject: RE: 180 Land Co, LLC, et al. v. The City of Las Vegas (Case No. A-17-758528-J)

George:

Thank you for your letter. Elizabeth is out of town and will respond on Monday.

Have a great weekend.

Jim

Jim Leavitt, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
Las Vegas Nevada 89101
tel: (702) 733-8877
fax: (702) 731-1964

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From: Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>

Sent: Thursday, April 1, 2021 4:34 PM

To: James Leavitt <jim@kermittwaters.com>; Autumn Waters <autumn@kermittwaters.com>; EHam@ehbcompanies.com

Cc: PByrnes@LasVegasNevada.GOV; Seth Floyd <sfloyd@LasVegasNevada.GOV>; bscott@lasvegasnevada.gov; schwartz@smwlaw.com; LTarpey@smwlaw.com; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Amanda Yen <ayen@mcdonaldcarano.com>; Christopher Molina <cmolina@mcdonaldcarano.com>

Subject: 180 Land Co, LLC, et al. v. The City of Las Vegas (Case No. A-17-758528-J)

Please find attached correspondence *sent on behalf of George F. Ogilvie III, Esq.*, with respect to the above-referenced matter. Should you have any questions, please contact Mr. Ogilvie directly.

Thank you,

Jelena Jovanovic | Legal Secretary to George F. Ogilvie III, Esq.,
and Amanda C. Yen Esq.

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EXHIBIT “FFFF-40”

**CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT
HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL**

**SECTION 200
DRAINAGE PLANNING AND SUBMITTAL**

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201 DRAINAGE STUDY SUBMITTAL REQUIREMENTS	
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Section 200

Drainage Planning and Submittal

201 SUBMITTAL AND REVIEW PROCESS

The purpose of the submittal and review process is to determine whether or not the specific drainage plan for a given project meets the regional and local policy requirements (Section 300) for drainage design in the Clark County area. These requirements include overall facility planning to assure an integrated and coordinated design as well as design standards to assure consistent design and analysis. Presented in **Table 201** are the Drainage Study Submittal Requirements for all land development and disturbance processes in the CCRFCD. The submittal and review process requirements are tailored to provide the minimal amount of information necessary for each development process and size of development in order to minimize the cost of drainage report preparation as well as to minimize the time necessary for local entity review. The submittal and review process does not, however, relieve the design engineer of the responsibility to provide a correct and safe drainage design nor the developer to properly construct the designed drainage facilities.

By reviewing and approving drainage designs for given developments, neither CCRFCD nor the local entities will assume liability for improper drainage design nor guarantee that the final drainage design review will absolve the developer or designer of future liability for improper design.

All land development and land disturbance processes which are within the jurisdiction of the MANUAL shall submit the required forms, reports, drawings, and/or specifications required for the appropriate drainage study as determined by **Table 201**. This table outlines the specific submittal requirements for the more typical land development or land disturbance processes. For processes not covered in the **Table 201** submittal requirements, the property developer shall contact the governing local entity to determine the submittal requirements for the process being considered.

Two copies of the required studies and attachments shall be submitted to the local entity for review. If the proposed development or land disturbance process is determined by the local entity to have regional significance, the local entity will submit one copy of the study to the CCRFCD. Additional copies, as necessary, shall be submitted as requested by the local entity. All submitted reports should be clearly and cleanly reproduced. Photostatic copies of charts, tables, nomographs, calculations, or any other referenced material should be legible. Washed out, blurred, or unreadable portions of the report are unacceptable and could warrant resubmittal of the report.

For regionally-significant projects, coordination meetings are encouraged between the developer, the developer's engineer, the entity, and CCRFCD.

A checklist of required items for each submittal process is presented on the Drainage Submittal Checklist (**Standard Form 2**). This checklist will be used by the local entity to initially determine if the minimum submittal requirements have been met. If the submittal does not meet the minimum requirements, the submittal will be returned to the submitting party with the deficiencies noted. These deficiencies must be corrected and resubmitted before the submittal will be accepted for review. The checklist shall be included with all drainage study submittals with the first section completed by the engineer.

202 DRAINAGE STUDY INFORMATION FORM

A Drainage Study Information Form (**Standard Form 1**) shall be included as the first page of all drainage study submittals including addenda. The purpose of the Drainage Study Information Form is to provide each entity a set of basic information regarding the subject development. This basic information will be used by the local entities to:

- a) Assist in determining the need to involve the CCRFCD in the review process.
- b) Catalog the submittal for filing, distribution, and retrieval purposes.
- c) Provide a sharing of information between the local entities when a proposed development may impact the facilities of an adjacent entity.

The Drainage Study Information Form shall be directly bound into and at the front of the submittal drainage study. The Drainage Study Information Form shall contain the seal and signature of the professional engineer who fills out the form.

Note: The Drainage Study Information Form (Standard Form 1) is mandatory for building permits that may obstruct drainage.

203 CONCEPTUAL DRAINAGE STUDY

A Conceptual Drainage Study is a short letter type report which addresses existing and proposed drainage conditions from sites which generally have minor impact on the overall local and regional drainage facilities. The Conceptual Drainage Study documents the existing drainage conditions of the property as well as presents the details of the proposed drainage system. The Conceptual Drainage Study shall address all hydrologic criteria, with preliminary hydraulics. Detailed hydraulics shall be addressed in the Technical Drainage Study. In some cases, the Drainage Study Information Form (**Standard Form 1**) may provide sufficient information to serve as the Conceptual Drainage Study. The Conceptual Drainage Study shall contain a

brief narrative letter, a calculation appendix (if required), and a drainage plan in accordance with the following outline:

203.1 Letter Contents

- I. Introduction
 - A. **Standard Forms 1 and 2**
 - B. Project Name, Type of Study, Study Date
 - C. Preparer's Name, Seal, and Signature
 - D. Description of Project
 - E. Existing Site Conditions
 - F. General Location Map (8 ½" x 11" is suggested)
- II. Existing and Proposed Hydrology/Hydraulics
 - A. Discuss existing and proposed drainage basin boundaries
 - B. Present existing and proposed minor and major storm flow calculations (if required)
 - C. Discuss existing drainage patterns and areas of inundation (if applicable)
- III. Proposed Drainage Facilities
 - A. Discuss routing of flow in and/or around site and location of drainage facilities
 - B. Discuss mitigation measures (if applicable)
 - C. Discuss floodplain modifications (if applicable)
 - D. Present preliminary calculations for proposed facilities and typical sections for stormwater conveyance, if applicable.
- IV. Conclusions
 - A. Compliance with MANUAL
 - B. Ability to provide emergency all weather access
 - C. Compliance with Federal Emergency Management Agency (FEMA) (if applicable)
 - D. Discuss effect of development on adjacent properties

1. Flow rates
2. Discharge location
3. Discharge velocity
4. Inundation limits
5. Summary table for II and III
6. List of facilities required

V. Exhibits

- A. Drainage Plan (Section 203.2)
- B. Watershed Maps
- C. Cross Section Location Maps

VI. Calculations Appendix (if required)

- A. Runoff calculations (existing and proposed)
- B. Street and drainage facility capacity calculations, existing and proposed flood limit calculations
- C. Detention calculations (if applicable)

203.2 Drainage Plan

An 8 ½" x 11" or larger, legible drainage plan which covers the development area shall be submitted and bound with the Conceptual Drainage Study. The plan shall contain, as a minimum, the following:

1. Locate and label development boundary.
2. Locate and label adjacent streets.
3. Locate and label known 100-year floodplains.
4. Locate and label existing and/or planned CCRFCD facilities.
5. Locate and label existing and/or planned local flood control facilities.
6. Show flow paths.
7. Identify design inflow points and design outflow points and corresponding minor and major storm flow rates.

Note: The drainage plan stated above is preferred; however, multiple exhibits containing the same information may be submitted.

203.3 Parcel Map Studies

Parcel map studies will be required according to the individual entities' processes as described in Section 1600. In general, a parcel map study for division of property for future sale or final design with no intention to proceed with any ground disturbing activities will contain Items I, II.A and C, V.B of Section 203.1 and Items 1 through 4 and 6 of Section 203.2. A Technical Drainage Study, as described in Section 204, will be required to support approval of final design.

204 TECHNICAL DRAINAGE STUDY

The Technical Drainage Study discusses at a detailed level the existing site hydrologic conditions and the proposed drainage plan to accommodate or modify these site drainage conditions in the final development plan for the site. The Technical Drainage Study addresses both on-site and off-site drainage analysis and improvements necessary to mitigate the impact of the proposed development on adjacent properties in accordance with current State of Nevada Drainage Law.

The Technical Drainage Study shall be in accordance with the following outline and contain the applicable information listed. **Standard Form 2** includes a drainage study criteria checklist and should be submitted along with the Technical Drainage Study. When the requested information is not applicable, signify with "N/A."

204.1 Study Contents

- I. TITLE PAGE
 - A. **Standard Forms 1 and 2**
 - B. Project Name, Type of Study, Study Date
 - C. Preparer's Name, Seal and Signature
- II. GENERAL LOCATION AND DEVELOPMENT DESCRIPTION
 - A. Location of Property
 - 1. City, County, State Highway and local streets within and adjacent to the subdivision
 - 2. Township, range, section, 1/4 section
 - 3. Drainage basin(s) encompassing the development
 - 4. Location of development in relationship to the drainage basin's Regional Flood Control Facilities

5. Names of surrounding developments
6. General location map (8 ½" x 11" is suggested)

B. Description of Property

1. Area in acres
2. Existing site conditions (vegetation, buildings, drainage structures, etc.)
3. General site topography
4. Existing irrigation facilities such as ditches and canals
5. General project description and proposed land use

III . DRAINAGE BASIN DESCRIPTION

A. Off-Site Drainage Description

1. Discuss off-site flows which enter property at the following discrete points:
 - a. Upstream Local Facilities runoff
 - b. Upstream Regional Facilities runoff
2. Discuss off-site flows which enter property at non-discrete points.
3. Discuss existing and proposed land use types and level of development in upstream basin, as defined by the local entity(ies).
4. Hydrologic soil groups, vegetation, slope.
5. Natural and manmade conveyances in the watershed.

B. On-Site Drainage Description

1. Discuss historic on-site drainage patterns of the property (flow directions through site and at property line).
2. Discuss historic drainage patterns of upstream runoff.

3. Discuss historic discharge points at downstream property lines.

C. Master Planning Information

1. Identify currently adopted master plan(s) which include the subject site.
2. Discuss proposed Master Plan Flood Control Facilities on subject site (if applicable).
3. Discuss upstream Master Plan Flood Control Facilities which would affect runoff on subject site (if applicable).

D. Floodplain Information

1. Identify all FEMA regulated floodplains which overlay on the subject site.
2. Identify all calculated floodplains, including a proposed conditions or "with-project" floodplain.

E. Previous Drainage Studies

1. Identify any previous drainage studies for the site.
2. Identify any previous drainage studies which affect the site.

IV. PROPOSED DRAINAGE FACILITIES

A. General Description

1. Discuss proposed Local (On-Site) Drainage System plan and layout.
2. Discuss proposed Local (Off-Site) Drainage System plan from the Local (On-Site) Drainage System to the Regional Flood Control System.
3. Discuss proposed Regional Flood Control System design (only where the Regional Flood Control System passes through the subject site).

B. Compliance with Regulations and Adopted Plans

1. Discuss compliance with all Master Planned Flood Control Facilities (as applicable) and discuss all proposed deviations from the adopted Master Plans.
2. Discuss compliance with FEMA floodplain regulations and all proposed modifications to or verifications of the FEMA regulated floodplain through the subject site.
3. Discuss compliance with rules and regulations for developments on alluvial fans (if applicable).
4. Discuss compliance with previously approved drainage studies for the subject site.
5. Discuss compliance with BMPs as discussed in Section 1500.
6. Identify individually all requests for variances from the requirements of the drainage criteria and variances from the local entities' development code.
7. Discuss compliance with Uniform Regulations.
8. Discuss compliance with the MANUAL.

C. Hydrologic Analyses

Hydrologic analyses shall be completed for the following conditions. Calculations for all conditions shall be bound in the report:

1. Existing off-site and on-site
2. Existing off-site and developed on-site
3. Developed off-site and on-site
4. Design rainfall computation discussion.
5. Design runoff computation discussion.
6. Discuss peak flow rates from off-site areas and facilities.
7. Discuss flow split areas and analysis.
8. Hydrologic parameters.

9. Routing schematic.
10. Calculations for parking lots and Low Impact Development LID impervious areas (if required) per section 1502.3.

D. Facility Design Calculations

1. Discuss design calculations for the Proposed Drainage System
 - a. Street flow calculations
 - b. Storm sewer, inlets, and ditch flow calculations
 - c. Channel and culvert flow calculations
 - d. Other hydraulic structure flow calculations
 - e. Detention storage and outlet design calculations
 - f. BMP design calculations for parking lots and LIDs (if required)
2. Discuss design calculations for the Local (Off-site) Drainage System
 - a. Alluvial fan analysis and calculations (when required)
3. Discuss Floodplain/Floodway calculations as related to FEMA requirements
4. Discuss maintenance access and potential maintenance requirements. Provide maintenance procedures for privately maintained facilities, with projected annual maintenance costs for incorporation into homeowners association.
5. Discuss easement requirements for the proposed drainage facilities
6. Discuss phasing of all drainage facilities

V. CONCLUSIONS

1. Compliance with Drainage Laws
2. Compliance with Master Plans
3. Compliance with FEMA requirements
4. Compliance with MANUAL

5. Compliance with REGULATIONS
6. Effectiveness of proposed drainage facilities to control storm runoff
7. Impact of proposed development on off-site property and facilities

VI. REFERENCES

1. Provide references for all drainage reports, plans, and technical information used in preparing the drainage report.

VII. APPENDICES

A. Hydrologic Computations

1. Watershed boundaries
2. Soils information
3. Land use information
4. Design rainfall calculations
5. Basin parameter calculations
6. Routing schematic
7. Runoff calculations at design points
 - a. Minor and major storm flows
 - b. Flows for historic and fully developed basin conditions
8. Hydrographs at property line discharge points, when appropriate
9. Input data listing for all computerized hydrologic calculations, maps with all parameters

B. Hydraulic Calculations

1. Street and ditch capacities

- 2.* Inlet and storm sewer capacities (including Energy Grade Line (EGL) and Hydraulic Grade Line (HGL) calculations), with inlet and outlet condition assumptions
- 3.* Channel and culvert capacities
- 4.* Floodplain/Floodway calculations
5. Detention area/storage/discharge rating curves and calculations
6. BMP hydraulic capacities
7. Input data listing for all computerized hydraulic calculations
8. Plots of all cross sections
9. Map with cross section locations

204.2 Drainage Plan

A detailed drainage plan(s) for the subject site shall be submitted with the Technical Drainage Study. The plan(s) shall be on a 24" x 36" drawing at an appropriate legible and microfilmable scale (a scale of 1" = 20' to 1" = 200' is recommended). A reference to all hydraulic calculations shall be a part of this plan. The following information shall be shown on this drawing, except that the off-site drainage basin boundaries may be shown at an appropriate legible scale on an exhibit.

1. Property lines and streets (roads) including right-of-way (ROW) widths within 100 feet of the property
2. Existing contours and proposed elevations sufficient to analyze drainage patterns extending 100 feet past property lines
3. Existing drainage facilities and structures, including ditches, storm sewers, channels, street flow directions, and culverts. All pertinent information such as material, size, shape, slope, and location shall also be included.
4. Limits of existing floodplains based on Flood Insurance Rate Maps (FIRMs), if available. Also, existing and proposed floodplains based on best available data (existing floodplain studies) should be shown, if available.
5. Proposed on-site drainage basin boundaries and sub-boundaries. Include off-site boundary intersections with on-site boundaries and off-site boundaries if not shown elsewhere.

6. Proposed future on-site and off-site flow concentration points, directions, and paths
7. Proposed street and ditch flow paths and slopes
8. Proposed storm sewer locations, type, size, and slope. Include inlet types, sizes and locations, and manhole locations. Proposed channel alignment with typical cross section. Include major storm flow limits.
10. Proposed culvert locations, type, size, slope, and headwater pool.
11. Proposed Local (On-Site) Drainage System outlet(s) to the Local (Off-Site) Drainage System.
12. Proposed BMP locations, types and sizes for parking lots and LIDs (if required).
13. Alignment of Local (Off-Site) Drainage System from Local (On-Site) Drainage System to Regional Flood Control System. If extent of Local (Off-Site) Drainage System is too large to include on the Drainage Plan, include a separate drawing showing entire drainage path of the Local (Off-Site) Drainage System.
14. Miscellaneous proposed drainage facilities (i.e., hydraulic structures, etc.)
15. Table of minor and major storm peak flows including tributary area at critical design points
16. Maintenance easement widths and boundaries.
17. Legend for all symbols used on drawing.
18. Scale, North Arrow, and Title Block.

204.3 Calculations Exemption

The report requirements for a Technical Drainage Study may be reduced at the request of the applicant if there is uncertainty over the final characteristics of the proposed drainage facilities or at the request of the local entity. The Technical Drainage Study shall identify all areas where the uncertainty exists. Hydrology and hydraulic calculations based upon assumptions may be provided with less detail. The areas where the assumptions and details are not provided must be identified so that they can be completed in the required detail as part of the Hydrologic/Hydraulic Calculations Addendum, if required. However, no construction permits will be issued until these details are provided in an Addendum.

Areas where assumptions are made and where the level of detail is limited shall be identified so that they can be completed in full detail as part of the Hydrologic/Hydraulic Calculations Addendum, if required.

205 HYDROLOGIC/HYDRAULIC CALCULATIONS ADDENDUM

The purpose of the Hydrologic/Hydraulic Calculations Addendum is to provide all detailed hydrologic and hydraulic calculations which were exempted from the Technical Drainage Study requirements. This addendum shall be prepared in accordance with the following outline and contain the applicable information listed.

I. TITLE PAGE

- A. Standard Form 1**
- B. Project Name, Type of Study, Study Date**
- C. Preparer's Name, Seal and Signature**

II. HYDROLOGIC CALCULATIONS

- A. Calculations exempted from the Technical Drainage Study**

III. HYDRAULIC CALCULATIONS

- A. Calculations exempted from the Technical Drainage Study**

IV. REVISED DRAINAGE PLAN

A revised drainage plan for the subject site shall be included in this Addendum. The revised plan shall show the correct peak flows and facility capacities as computed in the enclosed calculations.

206 IMPROVEMENT PLANS

Where drainage improvements are to be constructed, the final construction plans (on 24" x 36" mylar) shall be submitted. Approval of the final construction plans (including details) by the local entity and/or CCRFCD is a condition of issuing construction permits. The plans for the drainage improvements will include:

- 1. Storm sewers, inlets, outlets and manholes with pertinent elevations, dimensions, type, and horizontal control indicated**
- 2. Culverts, end sections, and inlet/outlet protection with dimensions, type, elevations, and horizontal control indicated**

3. Channels, ditches, and swales (including side/rear yard swales) with lengths, widths, cross-sections, grades and erosion control (i.e., riprap, concrete, grout) indicated
4. Checks, channel drops, erosion control facilities
5. Detention pond grading, trickle channels, outlets, and landscaping
6. Other drainage related structures and facilities (including underdrains , sump pump lines and BMPs)
7. HGL's for minor (storm sewer) and major (channels) storm runoff including flow rates. To avoid confusion, EGL's do not need to be shown on the original plans, but they should be plotted on a second (paper) copy of the plans and included with the Drainage Study for review.
8. Maintenance access considerations
9. Overlot grading and erosion and sedimentation control facilities
10. Drainage easements and ROW with horizontal distance to improvements

The information required for the plans shall be in accordance with sound engineering principles, this MANUAL, and the uniform STANDARD DRAWINGS and STANDARD SPECIFICATIONS. Construction documents shall include geometric, dimensional, structural, foundation, bedding, hydraulic, landscaping, and other details as needed to construct the drainage facility. The approved drainage plan shall be included as part of the construction documents for all facilities affected by the drainage plan. Construction plans shall be signed and sealed by a registered professional civil engineer in the State of Nevada as being in accordance with the approved drainage report/drawings.

207 NPDES PERMITS

Non-point sources of pollution are diffuse sources which are distributed throughout the watershed and contribute to receiving waters at multiple locations. They are contrasted with point sources which contribute pollution to receiving waters at a single definable point. The United States Environmental Protection Agency (USEPA) has adopted regulations to control non-point pollutants from entering the environment through storm drainage facilities. Locally, the Nevada Division of Environmental Protection (NDEP) administers a municipal stormwater discharge permitting program for the Las Vegas Valley area. The local National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit is issued jointly to CCRFCD; the Cities of Las

Vegas, North Las Vegas, and Henderson; and Clark County. These co-permittees have joined in a cooperative, multi-jurisdictional effort to comply with the permit requirements and address other regional stormwater quality issues.

In addition to mandating general municipal stormwater permits, USEPA's stormwater management program established permitting requirements for construction and industrial sites. NDEP administers construction site and industrial site stormwater permitting programs for Nevada. The emphasis of this portion of the program is on implementing BMPs to control non-point source pollution generated from active construction sites and industrial operations. NDEP issues permits, collects fees associated with permit application and approval, and is responsible for permit monitoring and enforcement.

NDEP is working with local jurisdictions in Las Vegas Valley to distribute information related to the construction and industrial permits as part of the permitting process of each entity.

207.1 Construction Permits

Currently, construction permits are required by NDEP for construction sites disturbing 5 acres of area or more. The construction permits require developing and implementing: (1) a "Notice of Intent" to Discharge; (2) a request for inclusion in the Stormwater General Permit No. GNV0022241; and (3) a Storm Water Pollution Prevention Plan (SWPPP) for the construction area. The SWPPP commits the contractor to implement BMPs to control sediment production and discharge of other pollutants from the site. An erosion control plan is required to prevent migration of sediment from the construction site into the drainage system. An application form and fee are also required; these must be submitted to NDEP.

207.2 Industrial Permits

Industrial permits are required by NDEP for all industries engaged in activities with a high potential for contributing non-point source pollution to the drainage system. The industrial categories requiring permits from NDEP include: mining; chemical products; paper, wood, and lumber products; metal industries; electronic equipment; etc. As with the construction permits, the industrial permits also require the development of a SWPPP to manage stormwater generated from areas directly related to manufacturing, processing, or raw material storage areas at an industrial plant. An application form and fee are also required; these must be submitted to NDEP.

208 NEVADA DEPARTMENT OF TRANSPORTATION CRITERIA

The Nevada Department of Transportation's (NDOT's) drainage guidelines and criteria are summarized in a publication entitled "Nevada Department of Transportation, Terms and Conditions Relating to the Drainage Aspects of Right-of-Way Occupancy Permits." In this publication, NDOT defines minimum design return frequencies for drainage facilities such as culverts and channels.

The design frequencies range from the 10- to the 50-year event, based on various roadway classifications.

Other design criteria such as design frequencies for roadway surface drainage facilities (curb/gutter, drop inlets, storm drains) are also presented.

In their guidelines, NDOT also lists acceptable design references, including hydrologic and hydraulic publications and computer programs.

If a project requires an NDOT ROW permit, then either an NDOT Drainage Information Form or a drainage report may need to be submitted to NDOT along with the permit application. It is possible that a single drainage report could be prepared for submittal to the entity, NDOT, and CCRFCD.

The engineer is referred to the NDOT drainage guidelines if a project involves an NDOT ROW permit.

NDOT was issued their own NPDES stormwater permit by NDEP. Drainage projects affecting NDOT ROW must comply with the provisions of the NDOT stormwater permit.

209 MASTER DRAINAGE STUDY

Master drainage studies are utilized to establish the off-site and on-site flows for larger sized land development projects. They may be prepared when requested by the project developer or when required by the appropriate government entity during zoning actions or when specified in the entities' policy.

A Master Drainage Study will quantify the peak flows from the on-site and off-site basins. The pattern for on-site drainage routing will be established along with street hydraulic calculations. In general, the on-site basins are established based on the proposed collector/arterial street system. The need for other drainage improvements, i.e., storm sewers, open channels, etc., will be outlined as required to satisfy drainage criteria and policies.

In general, this study will be prepared in accordance with the standards of Section 204, as noted with an asterisk (*). Detailed grading or improvement plans are not required. Latitude shall be given to the requirements of the Master Drainage Study versus a Technical Drainage Study since the detail of design may not be known at the time of preparation.

The following sub-sections of Section 204 as noted with an asterick (*) are not required to be included in a Master Drainage Study, Other sub-sections, as determined through coordination with appropriate local Government entity, may also be omitted.

204.1 Study Contents

Section III.D.2, Section IV.B.5, Section IV.D.1.b through e, Section IV.D.2 through 5, Section VI, Section VII.B.2 through 5 and 7 through 8.

204.2 Drainage Plan

Items 12 & 15

If the requirements for the Technical Drainage Study outlined in Section 204 are met and all necessary grading and improvement plans are included in the Master Drainage Study, then the Master Drainage Study for the entire project can be utilized for overall grading of this project, construction of interim and perimeter streets, and drainage facilities.

In addition, the Master Drainage Study can be utilized for an entire project as well as a Technical Drainage Study for initial units of the project when the requirements of Section 204 are met and appropriate grading and improvement plans are provided.

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL

DRAINAGE STUDY SUBMITTAL REQUIREMENTS

Land Development and/or Land Disturbance Process	Required Drainage Submittals*
Rezoning:	A ^{1, 2}
Parcel Map:	A ¹
Subdivisions: Tentative Map Final Map	B ² B ³
Planned Unit Developments: Tentative Map Final Map	B ² B ³
Commercial/Industrial Approvals	A ¹
Building Permit	A ^{1, 5}
Clearing, Grading, Filling and/or Excavation	A ¹
Other: Development Master Drainage Plans Transportation Studies Floodplain Modification Study (LOMA, LOMR, etc.)	B ³ B ³ B ^{3, 4}
*Submittal Types: A - Conceptual Drainage Study B - Technical Drainage Study	

Notes:

1. A Technical Drainage Study may be required if requested by the local entity.
2. If the local entity does not perceive a flooding hazard with the proposed development, then the Land Development and/or Land Disturbance Process may be approved subject to review and approval of the Drainage Study and acceptance of conditions of approval by the owner.
3. A Hydrologic/Hydraulic Calculations Addendum is required only when uncertainty over the final characteristics within a proposed development does not allow the preparation of final hydraulic/hydrologic calculations with the Technical Drainage Study. This requirement may be waived at the discretion of the local entity and/or the CCRFCD.
4. All floodplain Modification Studies shall be prepared in accordance with the REGULATIONS and FEMA requirements.
5. See Section 202.

<i>Revision</i>	<i>Date</i>



REFERENCE:

TABLE 201

2142

EXHIBIT “FFFF-41”

HYDROLOGIC CRITERIA AND DRAINAGE MANUAL
DRAINAGE STUDY INFORMATION FORM

Name of Development: _____ Date: _____

Location of Development: a) Descriptive (Cross Streets) North/South: _____

East/West: _____

b) Section: _____ Township: _____ Range: _____

c) APN : _____

Name of Owner: _____

Telephone No.: _____ Fax No.: _____ E-Mail Address: _____

Address: _____

Contact Person-Name: _____ Telephone No.: _____

* E-Mail Address: _____ Fax No.: _____

Firm: _____

Address: _____

Type of Land Development/Land Disturbance Process:

<input type="checkbox"/>	Rezoning	<input type="checkbox"/>	Subdivision Map	<input type="checkbox"/>	Clearing and Grading Only
<input type="checkbox"/>	Parcel Map	<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	Other (Please specify below)
<input type="checkbox"/>	Large Parcel Map	<input type="checkbox"/>	Building Permit		

1. Total Owned Land Area: At Site: _____ Being Developed/Disturbed: _____

2. Is a portion or all of the subject property located in a designated FEMA Flood Hazard Area? ☐ **Yes**** ☐ **No**

3. Is the property bordered or crossed by an existing or proposed Clark County Regional Flood Control District Master Planned Facility? ☐ **Yes**** ☐ **No**

4. Proposed type of development (Residential, Commercial, Etc.): _____

5. Approximate upstream land area which drains to the subject site: _____

6. Has the site drainage been evaluated in the past? ☐ **YES** ☐ **NO** If yes, please identify documentation: _____

7. If known, please briefly identify the proposed discharge point(s) of runoff from the site: _____

8. Briefly describe your proposed schedule for the subject project: _____

Submit this form as part of the required drainage study to the local entity which has jurisdiction over the subject property. This form may provide sufficient information to serve as the Conceptual Drainage Study.

***New Required Field**

****Review and concurrence of the Clark County Regional Flood Control District is required.**

	Revision	Date

Engineer's Seal

Local Entity File No. _____

REFERENCE:

STANDARD FORM 1

Updated 05/01/2008

2143

12317

EXHIBIT “FFFF-42”

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL		
DRAINAGE SUBMITTAL CHECKLIST		
Project Name:	Map ID:	
Firm Name:	Engineer:	
Address:		
City:	State:	Zip:
Phone Number:	Fax Number:	
Property Owner:		
Address:		
City:	State:	Zip:
Reviewed By:	Date Received:	Date Accepted for Review:
<p>The following checklist is intended as a guide for the engineer preparing a Technical Drainage Study to submit to the local entity and Clark County Regional Flood Control District (if necessary). The listed items are the minimum information required prior to the entity performing a review. The engineer will remain responsible to ensure the Technical Drainage Study is prepared within the guidelines as set forth in the Clark County Regional Flood Control District (CCRFCD) Hydrologic Criteria and Drainage Design Manual (MANUAL).</p> <p>This document is intended as an aid in preparing Technical Drainage Studies. Each study submitted is reviewed for compliance with local and regional criteria. This form is not intended to be all inclusive and does not limit the extent of the information, calculations or exhibits which may be necessary to properly evaluate the intended land use.</p> <p>If items are not applicable for the subject site, provide N/A.</p> <p>I. GENERAL REQUIREMENT</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No Design Manual Standard Form 1 with the engineer's seal and signature. </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No Design Manual Standard Form 4. </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No 2 copies of the 24" x 36" Drainage Plan. </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No A notarized letter from the adjacent property owner(s) allowing off-site grading or discharge. </p> <p>II. MAPS AND EXHIBITS</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No A copy of a current Flood Insurance Rate Map (FIRM) with the site delineated. </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No A copy of the current CCRFCD Master Plan Update Figure, (F-x), for Flood Control Facilities and Environmental areas with the site delineated. </p>		
REFERENCE:		STANDARD FORM 2

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL

DRAINAGE SUBMITTAL CHECKLIST

II. MAPS AND EXHIBITS (Continued)

Yes No

- | | | |
|-------|-------|--|
| _____ | _____ | Off-site drainage basin maps for existing, interim and future conditions showing the existing topography, basin boundaries, concentration points, and flows in cfs. |
| _____ | _____ | On-site drainage basin maps for existing and proposed conditions showing the existing topography, basin boundaries, concentration points, and on-site and off-site flows in cfs. |
| _____ | _____ | Vicinity Map with local and major cross streets identified and a north arrow. |

III. DRAINAGE PLAN

Yes No

- | | | |
|-------|-------|---|
| _____ | _____ | Sheet size: 24" x 36" sealed by a registered engineer in the State of Nevada. |
| _____ | _____ | Minimum scale: 1" = 60'. |
| _____ | _____ | Project name. |
| _____ | _____ | Vicinity Map with local and major cross streets. |
| _____ | _____ | Revision box. |
| _____ | _____ | North arrow and bar scale. |
| _____ | _____ | Engineer's/consultant's address and phone number. |
| _____ | _____ | Elevation datum and benchmark. |
| _____ | _____ | Legend for symbols and abbreviations. |
| _____ | _____ | Cut/fill scarps, where applicable. |
| _____ | _____ | Street names, grades, widths. |
| _____ | _____ | Proposed future and existing spot grades for top of curbs and street crowns at lot lines, grade breaks, and along curb returns on both sides of the street. |
| _____ | _____ | Existing contours encompassing the site and 100 feet beyond with spot elevations for important locations, where appropriate. |
| _____ | _____ | Minimum finish floor elevations with top-of-curb elevations at upstream end of lot. |
| _____ | _____ | Proposed typical street sections. |

REFERENCE:

STANDARD FORM 2

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL

DRAINAGE SUBMITTAL CHECKLIST

III. DRAINAGE PLAN (Continued)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Streets with off-set crowns.
<input type="checkbox"/>	<input type="checkbox"/>	Proposed contours or spot elevations in sufficient detail to exhibit intended drainage patterns and slopes.
<input type="checkbox"/>	<input type="checkbox"/>	Property lines.
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-way lines and widths, existing and proposed.
<input type="checkbox"/>	<input type="checkbox"/>	Existing improvements and their elevations.
<input type="checkbox"/>	<input type="checkbox"/>	Delineation of proposed on-site drainage basins indicating area and 10-year and 100-year storm peak flows at basin concentration points.
<input type="checkbox"/>	<input type="checkbox"/>	Concentration points and drainage flow direction with Q_{100} and V_{100} and D_{100} in streets.
<input type="checkbox"/>	<input type="checkbox"/>	Cumulative flows, velocity, and direction of flow at upstream and downstream ends of site for the 10-year and 100-year flows.
<input type="checkbox"/>	<input type="checkbox"/>	Location and cross-section of street capacity calculations.
<input type="checkbox"/>	<input type="checkbox"/>	Cross-sectional detail for channels, including cutoff wall locations.
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed drainage facilities, appurtenances, and connections (i.e., sidewalk, ditches, swales, storm drain systems, unimproved and improved channels, and culverts, etc.) stating size, material, shape, and slope with plan and profile and HGL calculations.
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed drainage easements and widths shown with sufficient detail. A cross sectional detail must be provided that shows appropriate lining and reinforcement.
<input type="checkbox"/>	<input type="checkbox"/>	Location and detail of existing, proposed, and future block wall openings. Minimum size is 16" x 48". Wrought iron gate is required for flows > 10 cfs.
<input type="checkbox"/>	<input type="checkbox"/>	Location and detail of flood walls illustrating depth of flow, proposed grouting height, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Perimeter retaining wall locations. All existing and proposed walls (retaining screen and flood) must be shown with adjacent ground elevations. Flood walls with 8-inch concrete masonry unit.
<input type="checkbox"/>	<input type="checkbox"/>	Building and/or lot numbers.
<input type="checkbox"/>	<input type="checkbox"/>	Alignment of all existing, proposed, or future Regional Facilities adjacent to the site.
<input type="checkbox"/>	<input type="checkbox"/>	Limits of existing floodplain based on current FIRM or best available information; limits of proposed floodplains based on best available information.

REFERENCE:

STANDARD FORM 2

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL

DRAINAGE SUBMITTAL CHECKLIST

III. DRAINAGE PLAN (Continued)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	For areas in Zone A, AE, AH, and AO, base flood elevations (BFEs) must be shown for each lot; BFEs may be listed on each lot, or in a table. Finish floor elevations must be a minimum of 18 inches above BFE.
<input type="checkbox"/>	<input type="checkbox"/>	Appropriately elevated "humps" 6 inches above the 100 year water surface elevation at site accesses where the intent is to protect the site from the Q_{100} flows.
<input type="checkbox"/>	<input type="checkbox"/>	Street slopes for perimeter and interior streets. The minimum slope is 0.4 percent.
<input type="checkbox"/>	<input type="checkbox"/>	Location and detail of best management practice (BMP) for parking lots and low impact development (LID) (if required).

IV. HYDROLOGIC ANALYSIS

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Appropriate soil information and Soils Map for existing and future conditions with subbasins and property delineated.
<input type="checkbox"/>	<input type="checkbox"/>	Input and output information for existing conditions from computer models (HEC-1 or TR-55). The flow routing diagram must be provided with HEC-1 models.
<input type="checkbox"/>	<input type="checkbox"/>	Input and output information for future conditions from computer models (HEC-1 or TR-55). The flow routing diagram must be provided with HEC-1 models.
<input type="checkbox"/>	<input type="checkbox"/>	Use of correct precipitation values in and around the McCarran Airport rainfall area.
<input type="checkbox"/>	<input type="checkbox"/>	A discussion in the text of the hydrologic analysis justifying subbasin boundaries and cutoffs, supporting assumptions, and calculations.
<input type="checkbox"/>	<input type="checkbox"/>	A summary table of stormwater flows showing basin area, Q_{10} and Q_{100} for both individual basins and combined basin flows, where applicable.
<input type="checkbox"/>	<input type="checkbox"/>	Copies of supporting technical information referenced from a previously approved study and a statement accepting these results.
<input type="checkbox"/>	<input type="checkbox"/>	On-site facilities must perpetuate flows through or around the site without significantly impacting adjacent property owners in accordance with current Nevada Drainage Law.
<input type="checkbox"/>	<input type="checkbox"/>	Calculation for impervious area for parking lots and LIDs (if required).

REFERENCE:

STANDARD FORM 2

HYDROLOGIC CRITERIA AND DRAINAGE DESIGN MANUAL

DRAINAGE SUBMITTAL CHECKLIST

V. HYDRAULIC ANALYSIS

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Flow split calculations and supporting documentation or reference for the method of flow split calculations used.
<input type="checkbox"/>	<input type="checkbox"/>	Normal depth street flow calculations and cross section diagrams for all interior and perimeter streets. Provide "d x v" products for the Q_{100} and Q_{10} flows representing the worst case for interior and all perimeter streets. $Q_{100} d \times v \leq 8$. $Q_{10} d \times v \leq 6$ and 12 foot dry lane for rights-of-way ≥ 80 feet. Calculations must be labeled by street name as indicated on the Grading Plan.
<input type="checkbox"/>	<input type="checkbox"/>	A summary table of interior and exterior street capacity calculations showing the street name, Q_{100} flow, slope, depth of flow, velocity and depth times velocity product and streets needing to meet 12 foot dry lane criteria.
<input type="checkbox"/>	<input type="checkbox"/>	Appropriate hydraulic calculations for block wall openings assuming a 50 percent vertical clogging factor. (Assume the lower half of the opening is plugged.)
<input type="checkbox"/>	<input type="checkbox"/>	Appropriate hydraulic calculations at drainage easement entrance and discharge locations to set finish floor elevations. Hydraulic calculations must include submerged weir, superelevation and tee intersection losses, where appropriate.
<input type="checkbox"/>	<input type="checkbox"/>	Provide necessary freeboard requirements to set the finished floor elevations of all proposed buildings, 2 x depth of flow or depth of flow plus 18 inches of freeboard, whichever is less. The minimum requirement is 6 inches above adjacent upstream top of curb. Buildings adjacent to drainage easements must always be provided with 18 inches of freeboard above the Q_{100} weir height or flow depth, whichever is greater.
<input type="checkbox"/>	<input type="checkbox"/>	A complete water surface profile analysis (HEC-2, HEC-RAS, etc.) for channel flows and FEMA Zone A flood zones. <ul style="list-style-type: none"> • Field survey data. • Input and output information. • Plotted cross-sections based on survey with proper encroachments. • A map showing the location of the cross-sections. • Analysis of both sub and super-critical flow segments. • A summary table and a discussion of the results in the text of the report.
<input type="checkbox"/>	<input type="checkbox"/>	Provide a 50 percent clogging factor in the capacity calculation for drop inlets.
<input type="checkbox"/>	<input type="checkbox"/>	Hydraulic calculations for culverts and storm drains. D-Load calculations must be provided for storm drain pipes in public rights-of-way, including headwater pool inundation.
<input type="checkbox"/>	<input type="checkbox"/>	The mitigation of nuisance water, both during construction and in the fully developed condition, must be addressed.
<input type="checkbox"/>	<input type="checkbox"/>	Provide BMP type, size and supporting calculations for parking lots and LIDs (if required).

REFERENCE:

STANDARD FORM 2

EXHIBIT “FFFF-43”

From: [Todd Davis \(EHB Companies\)](#)
To: [SJones@gcwengineering.com](#); [SPlummer@gcwengineering.com](#)
Cc: [msorensen@LasVegasNevada.GOV](#); [okwon@LasVegasNevada.GOV](#); [jshinn@LasVegasNevada.GOV](#); [pjackson@LasVegasNevada.GOV](#); Yohan Lowie (EHB Companies); Frank Pankratz (EHB Companies); [bierbic@lasvegasnevada.gov](#)
Subject: FW: The 435 TDS Comments Review Meeting
Date: Thursday, September 13, 2018 11:43:59 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)
[image011.png](#)

Scott/Steve,

Seventy Acres LLC is OK with attaching both Peter's 8/21/18 email and Mark's 9/12/18 email to the August 13 dated GCW meeting minutes as CLV's comments to the minutes.

Thx, td

Todd D. Davis
General Counsel
EHB Companies LLC
1215 South Fort Apache, Suite 120
Las Vegas, NV 89117
702.940.6930 office
702.940.6931 fax
702.940.6938 direct
TDavis@EHBCompanies.com
www.EHBCompanies.com

Begin forwarded message:

From: Mark Sorensen <msorensen@LasVegasNevada.GOV>
Date: September 12, 2018 at 6:02:17 PM PDT
To: Steve Jones <SJones@gcwengineering.com>, Scott Plummer <SPlummer@gcwengineering.com>
Cc: Oh-Sang Kwon <okwon@LasVegasNevada.GOV>, Jennifer Shinn <jshinn@LasVegasNevada.GOV>, "Frank Pankratz (frank@EHBCompanies.com)" <frank@EHBCompanies.com>, "Yohan Lowie (EHB Companies)" <yohan@EHBCompanies.com>, Peter Jackson <pjackson@LasVegasNevada.GOV>
Subject: RE: The 435 TDS Comments Review Meeting

Hi Scott and Steve, we have been checking our e-mails over here in Flood Control Planning and it does not look like we have received the corrected minutes from the subject meeting yet addressing Peter's comments below (sent on August 21st).

Please send them at your earliest convenience.

2149

LO35 00007687

12325

Also, could you please let the minutes reflect that I had to leave the meeting in the first 5 minutes or so to attend another meeting?

And, in case there was any confusion, the first bullet would need to be *replaced in its entirety* with Peter's applicable paragraph below to accurately reflect the discussion as recollected by the CLV staff present.

Mark A. Sorensen, PE
Engineering Program Manager
Department of Public Works | City Engineering Division
Phone: 702-229-2203 | Cell 702-286-6954
333 N. Rancho, floor | Las Vegas, NV 89106



lasvegasnevada.gov



Your opinion is important! [Click here](#) to take a short survey

From: Peter Jackson
Sent: Tuesday, August 21, 2018 12:08 PM
To: Steve Jones <SJones@gcwengineering.com>; Scott Plummer <SPlummer@gcwengineering.com>
Cc: Mark Sorensen <msorensen@LasVegasNevada.GOV>; Oh-Sang Kwon <okwon@LasVegasNevada.GOV>; Jennifer Shinn <jshinn@LasVegasNevada.GOV>; Frank Pankratz (frank@EHBCompanies.com) <frank@EHBCompanies.com>; Yohan Lowie (EHB Companies) <yohan@EHBCompanies.com>
Subject: RE: The 435 TDS Comments Review Meeting

Steve and Scott;

Flood Control has reviewed the notes and has some concerns. Please revise the notes to reflect our understanding.

First bullet point

Revise the bullet point

Conditional Approval of a Technical Drainage Study (TDS) requires zoning/planning approval of the entitlements before CLV Flood Control can issue Conditional Approval of the TDS. Flood Control advised that the 435 site entitlements are not currently approved based upon ongoing litigation, therefore Flood Control cannot grant conditional approval until the entitlements are approved.

Flood Control will continue to review TDS submittals based upon the engineer's submitted Addendum, however we will not conditionally approve the study until we have approved

2150

LO35 00007688

12326

entitlements.

Second Bullet Point

Revise the third sentence...

Flood Control cannot sign a CLOMR Community Acknowledgement without conditional approval of the TDS as the City is stating in the acknowledgement *"we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.."*

Flood Control can review a CLOMR application with the supporting technical information, however the TDS that is used as the basis for the CLOMR shall be conditionally approved.

Revise the subset bullet point

CLV staff advised that the owner could apply for a LOMR of the site to accurately delineate the Special Flood Hazard Area from the current Zone A (without an established Base Flood Elevation (BFE)) to a Zone AE (with BFE's). This process, the City believes, would reduce the mapped flood zone and accurately map the risk associated based upon detailed information.

Comments

Add note before the comments.

The response to comments discussed are general in nature and any Addendum will provide detailed response with supporting information and technical data.

Comment #21 add note: That these plans are rough grade for future building areas in support of the master drainage facilities and any Finish Floor Elevations shall be established with the future TDS.

Thanks,

Peter Jackson, CFM

Senior Engineering Associate
City of Las Vegas | Dept. of Public Works
City Engineering Division, Flood Control Section
Development Service Center (DSC) 7th Floor
333 North Rancho Drive | Las Vegas, Nevada 89106



Work: 702-229-5266 Link: www.lasvegasnevada.gov

pjackson@lasvegasnevada.gov

"Building Community to Make Life Better"



Your opinion is important! Click [here](#) to take a short survey.

From: Steve Jones [<mailto:SJones@gcwengineering.com>]

Sent: Thursday, August 16, 2018 5:06 PM

To: Peter Jackson; Jennifer Shinn; Scott Plummer; Mark Sorensen

Cc: Frank Pankratz (frank@EHBCompanies.com); Yohan Lowie (EHB Companies); Oh-Sang Kwon

Subject: The 435 TDS Comments Review Meeting

GCW has constructed the attached meeting notes have been to summarize the meeting between GCW and CLV Flood Control on August 13, 2018 regarding the TDS for The 435 Storm Drain project addressing the comments received from CLV staff dated July 26, 2018.

Please review and inform me of any comments or questions.

Thanks,



Steve Jones, P.E.

Vice President

Flood Control Division Manager

O 702.804.2000

D 702.804.2130

F 702.804.2299

C 702.545.5034

1555 South Rainbow Boulevard

Las Vegas, Nevada 89146



Sending us a large file? Use the [GCW File Transfer Site](#)

Note - Any files contained within are to be used for information ONLY.

Accuracy or design information to be verified from approved original plans. Use of electronic media is at the sole risk of the user.

2152

LO35 00007690

12328

EXHIBIT “FFFF-44”

**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:

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

February 6, 1990

2153

12330

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

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 Peccole 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 Peccole 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.

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 Pecole 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 (Commercial, Office, Multi-Family)	75.56	20.0 - 35.0 du/ac
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	

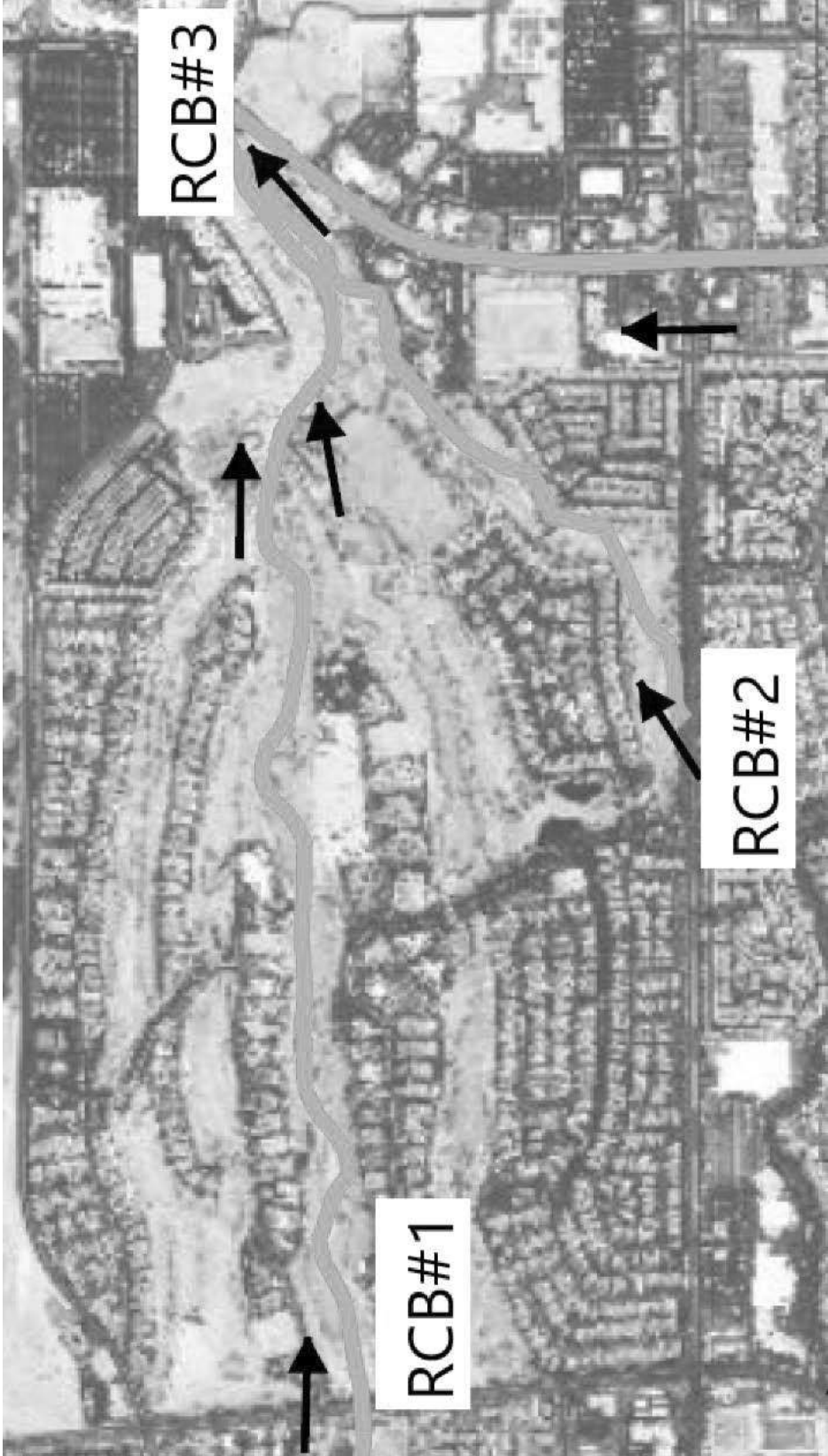
19

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12336

EXHIBIT “FFFF-45”

Badlands Drainage



Drainage from the east and south flows underneath Charleston and Hualapai through reinforced concrete box (RCB) culverts into the Badlands and then flows northwest towards the Angel Park Detention Basin through a third set of RCBs.

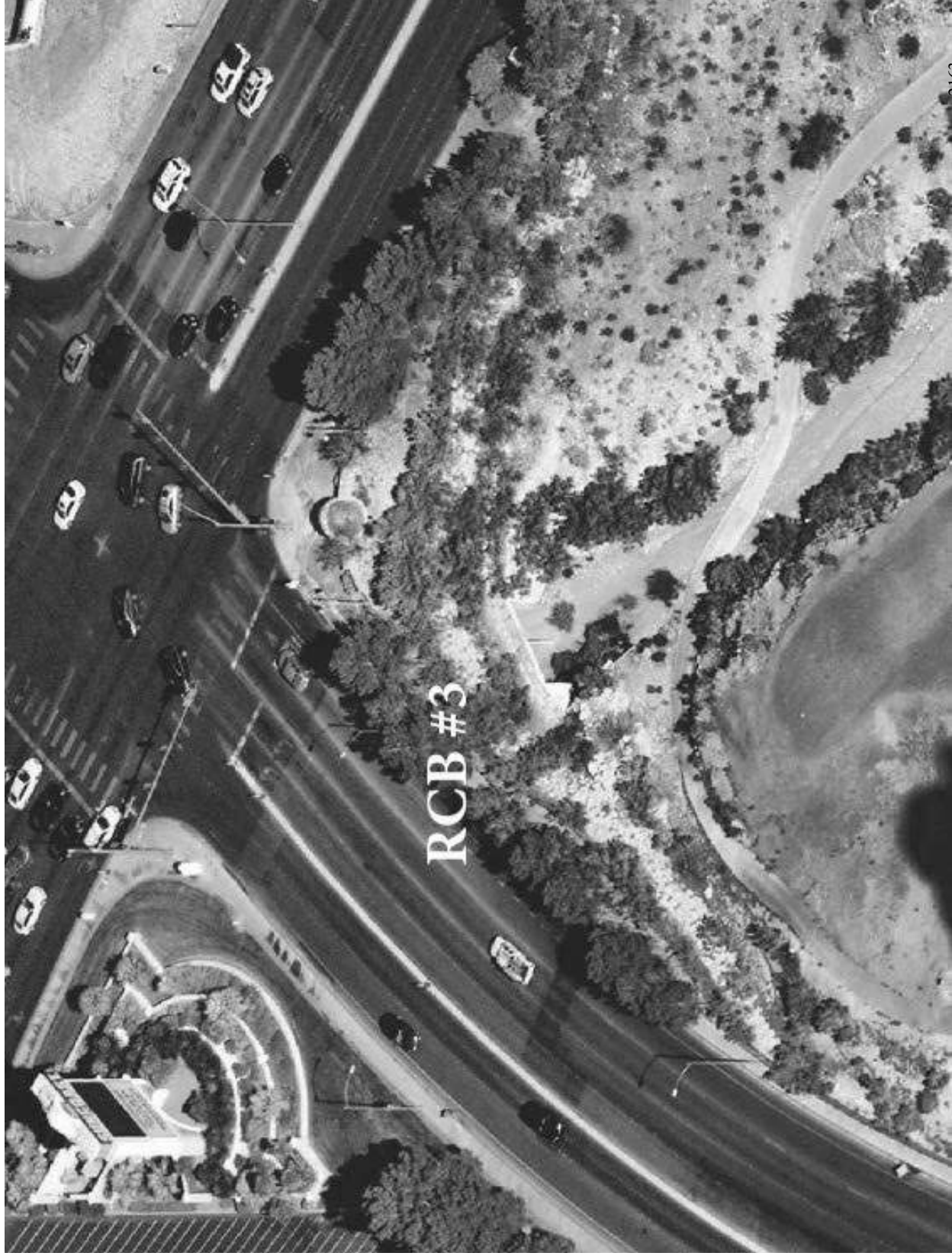


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EXHIBIT “FFFF-46”



LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

LOIS TARKANIAN
STAVROS S. ANTHONY
RICKI Y. BARLOW
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

OPERATIONS AND MAINTENANCE
DIRECTOR
JERRY N. WALKER

CITY OF LAS VEGAS
OPERATIONS AND MAINTENANCE
WEST SERVICES CENTER
2875 RONEMUS DRIVE
LAS VEGAS, NEVADA 89128

VOICE 702.229.6227
FAX 702.256.7818
TTY 702.386.9108
www.lasvegasnevada.gov

EHB Companies
Attn: Yohan Lowie
1215 Fort Apache Road, Suite 120
Las Vegas, NV 89117

August 16, 2016

Certified Mail

Dear Mr. Lowie:


RE: Badlands Golf Course Drainage Maintenance

As you may be aware, there are two grass lined storm drain conveyance channels south of Charleston Boulevard which transport storm flows through Peccole Ranch and converge into a single channel east of Apple Drive. The accumulated flow is then conveyed in a grass lined channel to a three cell concrete box structure under Charleston Boulevard and into an unimproved earthen channel on the Badlands Golf Course. The unimproved earthen channel meanders through the east side of the golf course and converges with another unimproved earthen channel southwest of the Alta Drive and Rampart Boulevard intersection. The combined flow enters a two cell concrete box structure and is conveyed to the Angle Park Detention Basin. The storm flow through the Badlands Golf Course is conveyed through historical drainage features. Attached for your reference is a copy of the parcel maps of the badlands Golf Course. Please note these are dedicated and recorded as privately maintained public drainage easements.

The drainage features have not been properly maintained and in at least one location is holding water. The portion of earthen channel immediately north of Charleston Boulevard is most concerning. This segment of channel has mature vegetation and is littered with debris. The vegetation prevents the daily nuisance water and storm flows from freely flowing through the earthen channel. The water that reaches the north side of the concrete box culvert pools and becomes stagnant due to the heavy vegetation and debris, see attached pictures. These stagnant pools of water have become a breeding ground for mosquitos and are a public health concern due to the lack of maintenance. The Southern Nevada Health District (SNHD) recently received the results from two traps at this location and 163 mosquitos were collected. The 163 mosquitos collected from the two traps are considered to be a high count. The vegetation and irregularities in the earthen channel that allow water to pool and become stagnant need to be eliminated.

We strongly recommend EHB Companies take immediate actions to correct the health concern at this privately maintained drainage feature. I would appreciate it if you notify me of your intended corrective actions. If EHB Companies does not intend on taking corrective actions or does not take action within 7 calendar days of receipt, we will be required to review possible code or regulatory enforcement actions to address this maintenance need. Please contact me at mmeyer@lasvegasnevada.gov or (702) 229-1688 if you have any questions or if I can be of assistance.

Sincerely,


Matthew Meyer, P.E.
Streets & Sanitation Manager

Enclosures: Parcel Map
Pictures of the Drainage Channel

cc: Jerry N. Walker, CLV Director of Operations & Maintenance
Vicki Ozuna, CLV Code Enforcement Supervisor
Vivek Raman, SNHD Environmental Health Supervisor
File

2164

CLV219166

12343



Picture 1: Three cell concrete box structure on south side of Charleston Boulevard



Picture 2: Vegetation obstructing nuisance water in the box culvert on the north side of Charleston Boulevard

2165

CLV219164

12344



Picture 3: Vegetation on north side of Charleston Boulevard



Picture 4: Looking downstream (north) from Charleston Boulevard

EXHIBIT “FFFF-47”

QUEENSRIDGE TODAY

The Community is Not Secure



Due to the public golf course, open flow culverts and low perimeter walls, Queensridge is especially vulnerable to crime.

Solution:

- 1 Installation of underground drainage culverts
- 2 Construction of a 10' wall along the perimeter of The Preserve and The Seventy
- 3 Increasing the height of existing perimeter walls

//// 27% of secured perimeter

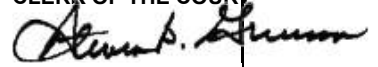


2167

LO 0034791

12347

EXHIBIT “GGGG”



1 **RPLY**

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

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

4 kermitt@kermittwaters.com

5 James J. Leavitt, Esq., Bar No. 6032

6 jim@kermittwaters.com

7 Michael A. Schneider, Esq., Bar No. 8887

8 michael@kermittwaters.com

9 Autumn L. Waters, Esq., Bar No. 8917

10 autumn@kermittwaters.com

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, FORE STARS, Ltd., SEVENTY
20 ACRES, LLC, DOE INDIVIDUALS I through X,
21 DOE CORPORATIONS I through X, DOE LIMITED
22 LIABILITY COMPANIES I through X,

23 Plaintiffs,

24 vs.

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

31 Defendants.

Case No.: A-17-758528-J

Dept. No.: XVI

Hearing Date: March 22, 2019

Hearing Time: 1:30 pm

32 **LANDOWNERS' REPLY IN SUPPORT OF COUNTERMOTION FOR JUDICIAL**
33 **DETERMINATION OF LIABILITY ON THE LANDOWNERS' INVERSE**
34 **CONDEMNATION CLAIMS AND COUNTERMOTION TO SUPPLEMENT/AMEND**
35 **THE PLEADINGS, IF REQUIRED**

1 **I. Introduction**

2 The vast majority of the City’s Opposition is simply a restatement of everything it has
3 previously argued in the instant briefings and, therefore, has already been thoroughly rebutted by the
4 Landowners in Plaintiff Landowners’ Opposition to City’s Motion for Judgment on the Pleadings
5 on Developer’s Inverse Condemnation Claims And Countermotion for Judicial Determination of
6 Liability on the Landowners’ Inverse Condemnation Claims and Countermotion to
7 Supplement/Amend the Pleadings, If Required, accordingly, to save this Court’s time the same will
8 not be readdressed here. However, the City has advanced a few nuanced arguments which are fully
9 rebutted below.

10 **II. Law**

11 **A. A Motion for Judicial Determination is How Liability is Established in Inverse**
12 **Condemnation Cases**

13 The City strangely argues that there is “no such thing as a ‘motion for judicial determination
14 of liability’”¹ This is not true as liability for a taking in inverse condemnation is *always* a judicial
15 determination. McCarran v. Sisolak, 122 Nev. 645, 137 P.3d 1110 (2006) (“[w]hether the
16 government has inversely condemned private property is a question of law that we review de novo.”
17 Id. at 1121.) The question of whether a taking has occurred is based on Government action and can
18 frequently be determined solely based on government documents (the truth and authenticity of the
19 same are rarely in question). Therefore, this Court can review the facts as presented in the City’s
20 own documents and apply the law to those facts to make the judicial determination of a taking.

21 **B. This is NOT a Petition for Judicial Review**

22 The City seems forever stuck in a petition for judicial review (“PJR”) wherein the Court is
23 limited in the record it can consider and utilizes case law from other PJR cases. This is NOT a PJR.
24 As this Court is fully aware, this is an inverse condemnation case wherein the “aggregate” of *all* the

25
26 ¹ City of Las Vegas’ Opposition to Plaintiff Landowners’ Countermotion for Judicial
27 Determination of Liability on the Landowners’ Inverse Condemnation Claims and
28 Countermotion to Supplement/Amend the Pleadings, if Required filed 3/18/19 (“City Opp”), 2:2.

1 City's actions must be reviewed to ascertain whether the same rises to the level of a taking requiring
2 the payment of just compensation. Merkur v. City of Detroit, 680 N.W.2d 485, 496 (Mich.Ct.App.
3 2004) ("the form, intensity, and the deliberateness of the government actions toward the property
4 must be examined ... All actions by the [government], in the aggregate, must be analyzed." Id., at
5 496.); McCracken v. City of Philadelphia, 451 A.2d 1046 (Pa.Cmwlth. 1982) (court should focus
6 on the "cumulative effect" of government action and "[a] de facto taking occurs when an entity
7 clothed with eminent domain power substantially deprives an owner of the use and enjoyment of his
8 property" or where there is an "'adverse interim consequence' which deprives an owner of the use
9 and enjoyment of the property." Id., at 1050).

10 **1) This is Not a PJR So This Court Is Not Limited in the Facts it Reviews**

11 This is not a PJR, so this Court is not limited in the facts it reviews. The City's argument that
12 it would be improper to allow the Landowners' to amend or supplement the pleadings to add facts
13 which "post-date the City's denial of the 35-Acre Application" is extremely misplaced and illogical.
14 Under the City's reasoning, the day after the 35 Acre application was denied the City was free to
15 construct City Hall on the Landowners' Property and the Landowners would not have been able to
16 amend their pleadings to bring this fact to the Court's attention. Clearly, this is illogical and the City
17 is flailing in its arguments.

18 Equally illogical and contrary to eminent domain law and practice is the City's argument that
19 allowing the Landowners to amend their complaint to add the "actions that occurred after June 21,
20 2017" would be "impermissible claim splitting" because those actions are the subject of other
21 lawsuits. (City Opp. at 11). Each lawsuit brought by the Landowners deal with separate parcels of
22 property with separate legal ownership. The City's actions here, which will ultimately be defined
23 as the "City Project," for purposes of NRS 37.112, has resulted in the taking of several parcels of
24 property. This is no different than any other government project that results in the taking of several
25 parcel of property, they are the subject of several lawsuits. As one example, the State of Nevada is
26 wrapping up Project Neon which was the large public works project that expanded I-15 between
27

1 Sahara and the Spaghetti Bowl. This project required the taking of many properties in downtown
2 Las Vegas and the filing of many *different lawsuits*. Under the City’s “claims splitting” argument,
3 these cases should all have been tried in one case because the taking was the result of the same
4 government actions, Project Neon. Therefore, this “claim splitting” argument is baseless and needs
5 no further attention. Leave to amend should be freely granted.

6 **2) The Term *Vested Rights* As Used in PJRs is Much Different than a**
7 ***Property Right* in Inverse Condemnation**

8 The City continues to try and confuse the issues by utilizing terms from PJR cases. This is
9 not appropriate as this is not a PJR case, which is one of legislative grace as opposed to inverse
10 condemnation cases which are of constitutional magnitude and cannot be abridged by statute.² This
11 is not a case where the City exercised its discretion and denied an owner’s application to add a shed
12 to his back yard. This is a case where the aggregate or cumulative impact of the City’s actions has
13 resulted in an owner of residentially zoned property being forced to hold his property in a vacant
14 condition so that the City can utilize it as a City park. This is a taking of private property for public
15 use with requires the payment of just compensation. The following further shows the stark
16 difference between PJR legislatively based law and eminent domain constitutionally based law:

17 **Petition for Judicial Review Law:**

18 City has discretion to deny land use
applications. Stratosphere

19 There is no vested right to have a land
20 use application granted. Stratosphere

21
22 Review is limited to the record before
23 the City Council. Stratosphere

24 **Eminent Domain Law:**

25 If City exercises discretion to render a
property valueless or useless, there is a taking.
Hsu, Sisolak, Del Monte Dunes, Lucas.

26 Every landowner in the state of Nevada has
the vested right to possess, use, and enjoy
their property and if this right is taken, just
compensation must be paid. Sisolak.

27 Court must consider the “aggregate” of all
government action. Review is NOT limited to
the record before a City Council. Merkur v.
City of Detroit, State v. Eighth Jud. Dist. Ct.,
Arkansas Game & Fish Comm’s v. United
States.

28 ² Alper v. Clark County, 93 Nev. 569, 571 P.2d 810, 812 (1977).

1 As this Court can see, continually citing to PJR and land use law in this constitutionally based
2 eminent domain action is entirely improper.

3 **C. The City's Bundle of Sticks Argument Lacks a Fundamental Understanding of**
4 **Property Law**

5 The City makes the argument that because the Landowners' Property was utilized as a golf
6 course that this forever defines its "bundle of sticks."³ This argument violates fundamental
7 principles of property law. "The term 'property' includes all rights inherent in ownership, including
8 the right to possess, *use* and enjoy property." Sisolak at 1120 (emphasis added). What the City is
9 arguing is that since the Landowners were not *using* their property they forever waive that property
10 right. Again, the City is flailing in its argument. The property at the corner of Las Vegas Boulevard
11 and Sahara has been vacant for years. Under the City's argument, the City could prevent any
12 development of that property, turn it into a City Park, and not trigger the constitutional right to
13 payment of just compensation, because it has only been *used* as a vacant parcel. The law has never
14 and will never support this argument.

15 **D. The City's Statute of Limitations Argument is Contrary to Fundamental**
16 **Understandings of How Property Transfers and Constitutional Rights Are**
17 **Waived**

18 The City argues that the Landowners' predecessor sought and obtained densities from the
19 City more than 15 years ago and, in exchange, the City obtained certain property rights to the 35 Acre
20 Property. Assuming, in arguendo, that this argument is factually correct, which it is not, this
21 argument is fatally flawed for many reasons. First, as shown by the cases cited by the City, a
22 recorded document like a deed must be signed and recorded to transfer any property rights. (City Opp
23 at 6:2 "restriction recorded by predecessor"(emphasis added)). The City has no such deed granting
24 it any rights to the 35 Acre Property and, if it did, the Court certainly would have seen the same by
25 now. Second, in the absence of a deed, such an argument would require the predecessor to waive
26 his constitutional right to use his property or to receive just compensation for the denial of such use.

27 ³ City Opp 5:10-15.

1 A clear principle of Constitutional law is that a valid waiver of a constitutional right must be made
2 knowingly, voluntarily and intentionally. *Lowe Enterprises Residential Partners, LP v. Eighth*
3 *Judicial District Court of Nevada*, 118 Nev. 92, 40 P.3d 405 (2002). In *Lowe*, the Nevada Supreme
4 Court provided four factors which must be met for a party to a contract to knowingly and voluntarily
5 waive a Fifth Amendment right. These factors include: “(1) the parties’ negotiations concerning the
6 waiver provision, if any, (2) the conspicuousness of the provision, (3) the relative bargaining power
7 of the parties and (4) whether the waiving party’s counsel had an opportunity to review the
8 agreement.” *Id.* at 411. If one of these factors is not met then the waiver is not made knowingly,
9 voluntarily and intentionally and is not effective to relinquish a constitutional right. Neither the
10 Landowners nor their predecessor ever waived any constitutional rights as it relates to the 35 Acre
11 Property. In fact, as explained in the Landowners’ motion for a judicial determination of liability
12 for the taking, the City has on multiple occasions confirmed the residential use of the 35 Acre
13 Property and its surrounding properties.

14 To the extent the City is arguing that because the City has a *City Plan* that listed the
15 Landowners’ Property as Parks and Open Space, and that since this *City Plan* has been around for
16 more than 15 years that the Landowners are now barred by the statute of limitation, this too is
17 contrary to long standing Nevada law. In Nevada, placing something on a government *plan* is
18 resoundingly understood not to amount to a taking triggering any time barring statutes.⁴ It is not the
19 placing of a parcel of property on a plan for potential public use that is the taking, it is the
20

21
22 ⁴“If a governmental entity and its responsible officials were held subject to a claim for
23 inverse condemnation merely because a parcel of land was designated for potential public use on
24 one of the several authorized plans, the process of community planning would either grind to a
25 halt, or deteriorate to publication of vacuous generalizations regarding the future use of land. We
26 indulge in no hyperbole to suggest that if every landowner whose property might be affected at
27 some vague and distant future time by any of these legislatively permissible plans was entitled to
bring an action in declaratory relief to obtain a judicial declaration as to the validity and potential
effect of the plan upon his land, the courts of this state would be inundated with futile litigation.”
Sproul Homes of Nevada v. State ex rel. Dept. of Highways, 96 Nev. 441, 611 P.2d 620, 622
(1980).

1 enforcement of the plan, which is what the City did here when it denied the Landowners the use of
2 their Property. And, as explained, all of these City actions to deny the Landowners' use of the 35
3 Acre Property occurred within 15 years (the inverse condemnation statute of limitations in Nevada)
4 of the Landowners' filing their inverse condemnation claims.

5 **E. The City's Argument that the Landowners have Not lost Anything is Without**
6 **Merit**

7 The City argues that the Landowners have not lost anything, that the Landowners
8 "speculated" on a golf course and the City's denial of any use and enjoyment of the property other
9 than open space is no harm no foul. (City Opp. 4:9-15). This is patently false. The Landowners did
10 not speculate on anything, prior to purchasing their residentially zoned Property, the Landowners
11 received written confirmation from the City of this residential zoning that "allows" up to 7 units per
12 acre. (Exhibit 3: 1 App. LO 00000084). This written confirmation defeats any "speculative"
13 argument advanced by the City at this late date. Furthermore, this City argument violates the long
14 standing Nevada law that a landowner is entitled to the highest and best use of his property "and is
15 not limited by the use actually made of it." Andrews v. Kingsbury Gen. Improvement Dist. No. 2,
16 84 Nev. 88, 436 P.2d 813, 814 (1968).

17 As an example, the 40 acre property located in Las Vegas to the North of McCarran
18 International Airport on Tropicana Avenue was used as a mobile home park for more than 15 years
19 prior to the time the County of Clark imposed height restrictions over the property. The landowner
20 in that case filed an inverse condemnation claim asserting that the County imposed height restriction
21 amounted to a taking of his airspace. Exactly as the City is trying to argue in this case, the County
22 argued in that case that nothing was taken from the landowner, because he could continue to use the
23 property for a mobile home park. This argument was resoundingly rejected by then district court
24 judge Mark Gibbons and later the Nevada Supreme Court.⁵ The reason it was rejected is, as

25
26 ⁵ The Law Offices of Kermitt L. Waters was counsel for the landowner in this case,
27 which is a companion case to McCarran v. Sisolak, 122 Nev. 645 (2006) and is published as Tien
Fu Hsu v. County of Clark, 123 Nev. 625 (2007).

1 explained, landowners in Nevada are entitled to *use* their property to its highest and best use and are
2 not limited to the use actually made of the property.

3 **F. Baseless Statements by the City**

4 **1) Major Modification**

5 First, the City claims that the Landowners have not submitted a major modification, then
6 it claims that the Landowners submitted one but then withdrew it. (City Opp at 10). As
7 explained in the Landowners motion for judicial determination of liability for a taking, the
8 “procedures and standards” for a major modification are identified as elements “a” through “I” of
9 19.10.040(D) of the City’s Code. And, as explained, the Landowners met these elements “a”
10 through “I” when they submitted the Master Development Agreement to the City. Even though
11 the Master Development Agreement met elements “a” through “I”, the City still struck the
12 Master Development Agreement and refused development on the 35 Acre Property. Therefore, a
13 Major Modification was submitted to the City and the City denied it.

14 Moreover, the Landowners also submitted a General Plan Amendment GPA, which
15 requirements meet and far exceed all Major Modification requirements. Attached as Exhibit 109
16 is City Code provision 19.16.030, which identifies the City’s GPA requirements and the
17 additional steps an applicant is required to take to submit a GPA to the City. As this Court can
18 see the GPA requirements meet and far exceed the Major Modification requirements. And, as
19 explained, the Landowners submitted to the City Council GPA 68385, which met all of these
20 City requirements. Exhibit 5. As explained, the City denied the GPA.

21 Therefore, even though the Landowners met and far exceeded the City’s Major
22 Modification requirements in the Master Development Agreement AND in GPA 68385, the City
23 still either denied or struck the applications. Accordingly, the City’s argument that the
24 Landowners did not file for a Major Modification is misplaced.

25 Additionally, as discussed in the Landowners’ moving papers, the City’s Major
26 Modification argument relates only to the City’s exhaustion of administrative remedies / ripeness

1 argument. And, a ripeness analysis only applies to the Landowners' Penn Central regulatory
2 takings claims for which the Landowners have not sought a judicial determination of liability, at
3 this time.

4 **2) Waters Rights**

5 Without any citation to any document, the City makes the baseless and incorrect
6 statement that the Landowners' sold their waters rights. Arguments of counsel are not evidence.⁶
7 The Landowners have not sold their water rights, but even if they had this has no bearing on the
8 City's liability for a taking, unless the City is also now admitting that it has taken the
9 Landowners' water rights.

10 **3) A Golf Course Use Is Uneconomic**

11 Again, without any citation to any document, the City claims that a golf course on the
12 Subject Property is an economic use.⁷ This is a stunning statement as the City knows: 1) the
13 operator of the golf course left because it was uneconomic; 2) the Landowners tried to get other
14 operators to come to the golf course but none would undertake it; 3) the Landowners even
15 offered the Queensridge Home Owners the option to lease the golf course for \$1 a year, and the
16 Home Owners declined (*Exhibit 97; 15 App LO 3709-3710*); and, 4) it is well know that golf
17 courses across the County are being shuttered because they are not economic.

18 //

19 //

20 //

21 //

22 //

23

24

25 ⁶ Glover v. Eight Judicial Dist. Court for State ex. Rel. County of Clark, 125 Nev.691,
26 705 (2009).

27 ⁷ Argument of counsel are not evidence. Id.

1 **III. Conclusion**

2 Based on the foregoing and the Landowners' moving papers, the Landowners respectfully
3 request that this Court enter a judicial determination that the City has taken by inverse
4 condemnation the 35 Acre Property based on the three taking claims alleged by the Landowners -
5 categorical taking, regulatory per se taking, and non-regulatory/de facto taking. The Landowners
6 also request leave to file the Proposed amended/supplemental complaint previously submitted.

7 Respectfully submitted this 21st day of March, 2019.

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

9 By: /s/ James J. Leavitt

10 KERMIT L. WATERS, ESQ.

11 Nevada Bar No. 2571

12 JAMES J. LEAVITT, ESQ.

13 Nevada Bar No. 6032

14 MICHAEL SCHNEIDER, ESQ.

15 Nevada Bar No. 8887

16 AUTUMN WATERS, ESQ.

17 Nevada Bar No. 8917

18 *Attorneys for Plaintiff Landowners*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 21st day of March, 2019, a true and correct copy of the foregoing **LANDOWNERS' REPLY IN SUPPORT OF COUNTERMOTION FOR JUDICIAL DETERMINATION OF LIABILITY ON THE LANDOWNERS' INVERSE CONDEMNATION CLAIMS AND COUNTERMOTION TO SUPPLEMENT/AMEND THE PLEADINGS, IF REQUIRED** was made by electronic means pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail and addressed to each of the following:

McDonald Carano LLP

George F. Ogilvie III
Debbie Leonard
Amanda C. Yen
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Las Vegas, Nevada 89102
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/s/ Erelyn Washington
An employee of the Law Offices of
Kermitt L. Waters

EXHIBIT “HHHH”



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

BRIAN SANDOVAL
Governor

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7921
Telephone (775) 684-2160
Fax (775) 684-2020

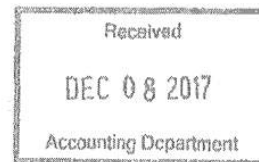
DEONNE E. CONTINE
Secretary

In the Matter of

Fore Stars LTD, 180 Land Co LLC, and
Seventy Acres, LLC
PETITIONERS

Michele Shafe, Clark County Assessor
RESPONDENT

)
) Case Nos. 17-175; 17-176; 17-177
)
)
)
)
)
)
)



NOTICE OF DECISION

Appearances

Andrew Glendon, appeared on behalf of Fore Stars LTD, 180 Land Co LLC, and Seventy Acres, LLC (Taxpayers).

Jeff Payson appeared on behalf of the Clark County Assessor (Assessor).

Summary

The matter of the Taxpayers' direct appeal of conversion of golf course property came before the State Board of Equalization (State Board) on October 17, 2017 via telephone conference in Carson City, Nevada. The cases were consolidated at the request of the parties.

The Assessor and Mr. Glendon presented the State Board with a signed stipulation for review and approval of the State Board for each case number.

DECISION

The State Board, having considered the signed stipulations, hereby approves, by unanimous vote, the signed stipulations presented by the Department. The stipulations provide that the Taxpayers stipulated to and accepted the Assessor's determinations with the Taxpayers reserving their rights to appeal the 2017/2018 tax year valuations.

BY THE STATE BOARD OF EQUALIZATION THIS 30th DAY OF NOVEMBER, 2017.

Deonne E. Contine
Deonne Contine, Secretary
DC/jm

Submitted at City Council
Date 5/16/18 Item 71 ^{for} (74-83)
By: MARK Hutchison
2179

004220

12361

CERTIFICATE OF SERVICE

Fore Stars Ltd Case No. 17-175, 176, 177

I hereby certify on the 20th day of November 2017, I served the foregoing Findings of Fact, Conclusions of Law, and Decision by placing a true and correct copy thereof in the United States Mail, postage prepaid, and properly addressed to the following:

CERTIFIED MAIL: 7013 1090 0000 7280 8415

PETITIONER'S REPRESENTATIVE

17-175

FORE STARS LTD

ANDREW J GLENDON

C/O SANTORO WHITMIRE LTD

10100 W CHARLESTON BLVD SUITE 250

LAS VEGAS NV 89135

CERTIFIED MAIL: 7013 1090 0000 7280 8460

RESPONDENT

17-175

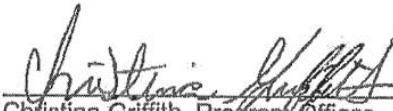
MS. MICHELE SHAFE

CLARK COUNTY ASSESSOR

500 SOUTH GRAND CENTRAL PARKWAY 2ND FLOOR

LAS VEGAS NV 89155-1401

Copy: Clark County Clerk
Clark County Comptroller
Clark County Treasurer


Christina Griffith, Program Officer
Department of Taxation
State Board of Equalization



MICHELE W. SHAFE

Clark County Assessor
APPRAISAL DIVISION
500 S. Grand Central Pkwy, PO Box 561401, Las Vegas NV 89155-1401
Telephone 702-455-4997
www.ClarkCountyNV.gov/assessor



Stipulation for the State Board of Equalization

September 21, 2017

180 Land Co LLC ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117

RE: Appeal No. 17-176
Parcel No(s). 138-31-801-002; 138-31-201-005; 138-31-601-008;
138-31-702-003; 138-31-702-004; 138-31-712-004 (collectively "Land")

The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Petitioner reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17

Jeff Payson
Appraisal Division

DATE: 9/25/17

Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: 180 Land Co LLC.



MICHELE W. SHAFE

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APPRAISAL DIVISION

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Stipulation for the State Board of Equalization

September 21, 2017

Seventy Acres LLC ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117

RE: Appeal No. 17-177
Parcel No(s). 138-31-801-003; 138-32-301-005; 138-32-301-007; 138-32-301-004 (collectively "Land")

The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Taxpayer reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17

Jeff Payson
Jeff Payson
Appraisal Division

DATE: 9/25/17

Vickie De Hart
Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: Seventy Acres LLC

1 | Page

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MICHELE W. SHAFE

Clark County Assessor
APPRAISAL DIVISION

500 S. Grand Central Pkwy, PO Box 561401, Las Vegas NV 89155-1401

Telephone 702-455-4997

www.ClarkCountyNV.gov/assessor



Stipulation for the State Board of Equalization

September 21, 2017

Fore Stars, Ltd ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117

RE: Appeal No. 17-175
Parcel No(s). 138-32-202-001; 138-32-210-008; 138-31-212-002;
138-31-610-002; 138-31-713-002; 138-32-210-005 (collectively "Land")

The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Taxpayer reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17

Jeff Payson
Appraisal Division

DATE: 9/25/17

Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: Fore Stars Ltd.

EXHIBIT “III”

GENERAL INFORMATION	
PARCEL NO.	138-31-601-008
OWNER AND MAILING ADDRESS	180 LAND CO L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 100 LOT 2
RECORDED DOCUMENT NO.	* 20151116:00238
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	3669671	3669671
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	3669671	3669671
TAXABLE LAND+IMP (SUBTOTAL)	10484774	10484774
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	3669671	3669671
TOTAL TAXABLE VALUE	10484774	10484774

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	22.19 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001164²¹⁸⁴

<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831601008&hdn...> 9/7/2018
LO 00001923

12367

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001165²¹⁸⁵
<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831601008&hdn...> 9/7/2018
LO 00001924

12368

GENERAL INFORMATION	
PARCEL NO.	138-31-702-003
OWNER AND MAILING ADDRESS	180 LAND CO L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 100 LOT 3
RECORDED DOCUMENT NO.	* 20151116:00238
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	8198815	8198815
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	8198815	8198815
TAXABLE LAND+IMP (SUBTOTAL)	23425186	23425186
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	8198815	8198815
TOTAL TAXABLE VALUE	23425186	23425186

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	76.93 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001166₂₁₈₆

<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831702003&hdn...> 9/7/2018
LO 00001925

12369

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001167₂₁₈₇
<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831702003&hdn...> 9/7/2018
 LO 00001926

12370

GENERAL INFORMATION	
PARCEL NO.	138-31-702-004
OWNER AND MAILING ADDRESS	180 LAND CO L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 100 LOT 4
RECORDED DOCUMENT NO.	* 20151116:00238
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	4223310	4223310
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	4223310	4223310
TAXABLE LAND+IMP (SUBTOTAL)	12066600	12066600
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	4223310	4223310
TOTAL TAXABLE VALUE	12066600	12066600

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	33.80 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001168₂₁₈₈

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13831702004&hdn...> 9/7/2018
EO 00001927

12371

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001169₂₁₈₉<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831702004&hdn...> 9/7/2018 EO 00001928

12372

GENERAL INFORMATION	
PARCEL NO.	138-31-801-002
OWNER AND MAILING ADDRESS	180 LAND CO L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 120 PAGE 49 LOT 4
RECORDED DOCUMENT NO.	* 20151116:00238
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	1741068	1741068
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	1741068	1741068
TAXABLE LAND+IMP (SUBTOTAL)	4974480	4974480
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	1741068	1741068
TOTAL TAXABLE VALUE	4974480	4974480

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	11.28 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE

001170₂₁₉₀

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13831801002&hdn...> 9/7/2018
EO 00001929

12373

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001171₂₁₉₁
<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831801002&hdn...> 9/7/2018
 LO 00001930

12374

GENERAL INFORMATION	
PARCEL NO.	138-31-201-005
OWNER AND MAILING ADDRESS	180 LAND CO L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 100 LOT 1
RECORDED DOCUMENT NO.	* 20151116:00238
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	6260363	6260363
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	6260363	6260363
TAXABLE LAND+IMP (SUBTOTAL)	17886751	17886751
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	6260363	6260363
TOTAL TAXABLE VALUE	17886751	17886751

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	34.07 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001172₂₁₉₂

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13831201005&hdn...> 9/7/2018
EO 00001931

12375

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001173₂₁₉₃

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13831201005&hdn...> 9/7/2018
LO 00001932

12376

GENERAL INFORMATION	
PARCEL NO.	138-32-301-005
OWNER AND MAILING ADDRESS	SEVENTY ACRES L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 120 PAGE 91 LOT 1
RECORDED DOCUMENT NO.	* 20151116:00239
RECORDED DATE	Nov 16 2015
VESTING	NS
COMMENTS	SF 199-19

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	1606894	1989488
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	1606894	1989488
TAXABLE LAND+IMP (SUBTOTAL)	4591126	5684251
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	1606894	1989488
TOTAL TAXABLE VALUE	4591126	5684251

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	17.49 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	13.000 - Vacant - Multi-residential
DWELLING UNITS	0

001174
2194

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13832301005&hdn...> 9/7/2018
EO 00001933

12377

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001175²¹⁹⁵

<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13832301005&hdn...> 9/7/2018
LO 00001934

12378

GENERAL INFORMATION	
PARCEL NO.	138-32-301-007
OWNER AND MAILING ADDRESS	SEVENTY ACRES L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	721 S RAMPART BLVD LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 12 LOT 1
RECORDED DOCUMENT NO.	* 20151116:00239
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	4634671	4634671
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	4634671	4634671
TAXABLE LAND+IMP (SUBTOTAL)	13241917	13241917
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	4634671	4634671
TOTAL TAXABLE VALUE	13241917	13241917

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	47.59 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001176₂₁₉₆

<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13832301007&hdn...> 9/7/2018
LO 00001935

12379

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001177₂₁₉₇
<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13832301007&hdn...> 9/7/2018
LO 00001936

12380

GENERAL INFORMATION	
PARCEL NO.	138-31-801-003
OWNER AND MAILING ADDRESS	SEVENTY ACRES L L C %V DEHART 1215 S FORT APACHE RD #120 LAS VEGAS NV 89117
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 12 LOT 2
RECORDED DOCUMENT NO.	* 20151116:00239
RECORDED DATE	Nov 16 2015
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	719712	719712
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	719712	719712
TAXABLE LAND+IMP (SUBTOTAL)	2056320	2056320
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	719712	719712
TOTAL TAXABLE VALUE	2056320	2056320

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	5.44 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR SALE TYPE	0
LAND USE	12.000 - Vacant - Single Family Residential
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE

001178₂₁₉₈

<http://sandgate.co.clark.nv.us/assrealprop/ParcelDetail.aspx?hdnParcel=13831801003&hdn...> 9/7/2018
LO 00001937

12381

1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

001179₂₁₉₉
<http://sandgate.co.clark.nv.us/assrrealprop/ParcelDetail.aspx?hdnParcel=13831801003&hdn...> 9/7/2018
LO 00001938

12382

EXHIBIT “JJJJ”

Property Account Inquiry - Summary Screen

New Search	Recorder	Treasurer	Assessor	Clark County Home			
Parcel ID	138-31-201-005	Tax Year	2021	District	200	Rate	3.2782
Situs Address:	UNASSIGNED SITUS LAS VEGAS						
Legal Description:	ASSESSOR DESCRIPTION: PARCEL MAP FILE 121 PAGE 100 LOT 1						

Status:	Property Characteristics		Property Values		Property Documents	
Active	Tax Cap Increase Pct.	6.7	Land	6260363	2015111600238	11/16/2015
Taxable	Tax Cap Limit Amount	218977.44	Total Assessed Value	6260363		
	Tax Cap Reduction	0.00	Net Assessed Value	6260363		
	Land Use	0-00 Vacant - Single Family Re	Exemption Value New Construction	0		
	Cap Type	OTHER	New Construction - Supp Value	0		
	Acreage	34.0700				
	Exemption Amount	0.00				

Role	Name	Address	Since	To
Owner	180 LAND CO L L C	C/O V DEHART 1215 S FORT APACHE RD #120 , LAS VEGAS, NV 89117 UNITED STATES	6/14/2019	Current

Summary	
Item	Amount
Taxes as Assessed	\$205,227.22
Less Cap Reduction	\$0.00
Net Taxes	\$205,227.22

PAST AND CURRENT CHARGES DUE TODAY		
Tax Year	Charge Category	Amount Due Today
THERE IS NO PAST OR CURRENT AMOUNT DUE as of 9/2/2020		\$0.00

NEXT INSTALLMENT AMOUNTS		
Tax Year	Charge Category	Installment Amount Due
2021	Property Tax Principal	\$51,306.81
NEXT INSTALLMENT DUE AMOUNT due on 10/5/2020		\$51,306.81

TOTAL AMOUNTS DUE FOR ENTIRE TAX YEAR		
Tax Year	Charge Category	Remaining Balance Due
2021	Property Tax Principal	\$153,920.43
2021	Las Vegas Artesian Basin	\$0.00
TAX YEAR TOTAL AMOUNTS DUE as of 9/2/2020		\$153,920.43

PAYMENT HISTORY	
Last Payment Amount	\$51,309.21
Last Payment Date	8/19/2020

001180

2200

12384

Fiscal Tax Year Payments	\$51,309.21
Prior Calendar Year Payments	\$205,228.96
Current Calendar Year Payments	\$153,922.83

001181

2201

12385

EXHIBIT “KKKK”



Michele W. Shafe

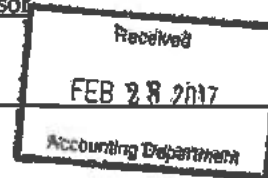
Clark County Assessor

APPRAISAL DIVISION

500 S. Grand Central Pkwy, PO Box 551401, Las Vegas NV 89155-1401

702-455-4997 • Fax: 702-455-0191

www.ClarkCountyNV.gov/assessor



February 22, 2017

180 LAND CO LLC
SEVENTY ACRES LLC
1215 S FORT APACHE RD #120
LAS VEGAS, NV 89117

RE: Assessor's Golf Course Assessment

To Whom It May Concern:

It has come to our attention that the Badlands Golf Course has been closed for play and is therefore disqualified for open-space assessment based on NRS 361A.230. We have removed the following list of parcels from the reduced value open-space golf course assessment and will value them at current market value for the upcoming 2017-2018 tax year. Parcels listed below.

Parcel Number
138-31-201-005 ✓
138-31-601-008 ✓
138-31-702-003 ✓
138-31-702-004 ✓
138-31-801-002 ✓
138-31-801-003 ✓
138-32-202-001 ✓
138-32-210-008 ✓
138-32-301-005 ✓
138-32-301-007 ✓

gave original to Vickie

In addition, our office is required by statute to assess the deferred taxes for the current year and the previous 6 years. We are in the process of computing your deferred taxes and will forward the information as soon as we have completed our computations.

Please give me a call at 702-455-5582 if you have any questions regarding this matter.

Sincerely,

David Bichsel
Sr. Property Appraiser

Enc.
Certified Mail

9171 9690 0935 0138 1750 73

LO 00006190

2202

12387