

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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1 A. No.

2 MR. BICE: Objection to form.

3 BY MR. JIMMERSON:

4 Q. You are doing fine.

5 And is there -- has there been any actions

6 on the part of you or the City of Las Vegas that you

7 are aware of that would be improper or unlawful?

8 A. Not that I'm aware of.

9 Q. Has there been any -- withdraw.

10 Have you met with representatives of the

11 plaintiffs, Mr. Binion or Mr. Schreck or Mr. Bice or

12 anyone else who you understood were some of the

13 individual homeowners who have brought this lawsuit?

14 A. I have.

15 Q. And why did you do that?

16 A. At one point we were invited, Mr. Jerbic

17 and I were invited to meet with -- excuse me,

18 members of the HOA board.

19 Q. Bless you.

20 A. I believe we met with them on two separate

21 occasions. Mr. Jerbic was -- invited me to attend a

22 meeting with him with Mr. Binion and a few other

23 homeowners. And I believe there were two meetings.

24 There -- is this before or after the filing of this

25 Complaint?

1 Q. Well, the amended lawsuit is October.
2 Mr. Bice could probably give us the date of the
3 original. I'm going to say it was something in the
4 neighborhood of, what, February of 2016?
5 MR. BICE: Don't remember. I apologize.
6 And I don't have a copy of it here.
7 MR. JIMMERSON: We could probably find that
8 date.
9 MS. POLSELLI: I can find that out.
10 MR. JIMMERSON: Would you?
11 BY MR. JIMMERSON:
12 Q. But is the purpose of meeting with the
13 various plaintiffs to provide open access to your
14 agency and to your processes?
15 A. Yes.
16 Q. To not conduct business behind closed
17 doors?
18 A. No.
19 Q. To --
20 A. Yes, to not.
21 Q. To -- that was a double negative. I
22 apologize. In other words, to act in an open and
23 transparent manner and not in a secret or
24 inappropriate one?
25 A. Yes.

1 Q. Is there any truth to any of the
2 allegations made by the plaintiffs that the City has
3 been complicit with the other defendants in this
4 case to deprive surrounding homeowners of legal
5 notice?

6 MR. BICE: Objection to the form.

7 Go ahead.

8 THE WITNESS: Not that I'm aware of.

9 BY MR. JIMMERSON:

10 Q. Has the City in any way acted improperly to
11 be complicit to deprive surrounding homeowners of an
12 opportunity to be heard?

13 A. Not that I'm aware of.

14 Q. When it came to the new policy that you
15 were asked by opposing counsel many, many questions,
16 an hour or two at least, in -- that came on board on
17 September 8th of 2015 -- do you recall that line of
18 questioning?

19 A. I do.

20 Q. And you were -- I thought you were very
21 clear that it was the City who developed that
22 policy; is that true?

23 A. Yes.

24 Q. It was not something that had been
25 suggested by Mr. Lowie, Ms. DeHart, Mr. DeHart or

EXHIBIT J

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D R A F T

T R A N S C R I P T

Binion vs. Fore Stars

Deposition of Alan Riecki

Tuesday, May 23, 2017

By: Monice K. Campbell, NV CCR 312

monice@envision.legal

1 sorry -- last June or July of 2016.

2 Have you had a chance to review this or
3 that amended complaint?

4 A. A couple of weeks ago, I read through it
5 once.

6 Q. All right. And in that complaint, or
7 amended complaint, did you read that the allegation
8 by these plaintiffs is that the use -- the approval
9 by the City of Las Vegas of a proposed parcel map
10 submitted by my clients was, quote, unlawful, end of
11 quote, or allegations along those lines?

12 A. I did read that.

13 Q. And did you read that the City of
14 Las Vegas has been complicit -- they use the word
15 "complicit" or "complicity" -- with my clients in
16 having the parcel map approved?

17 MR. BICE: Objection to the form.

18 Go ahead.

19 THE WITNESS: I did read that.

20 BY MR. JIMMERSON:

21 Q. Okay. Now, are either one of those
22 allegations true?

23 A. No.

24 Q. Now, I'm going to go back to this in
25 detail. But just tell us, why is the parcel map not

1 unlawful?

2 MR. BICE: Objection to form.

3 Go ahead.

4 BY MR. JIMMERSON:

5 Q. Why do you believe -- what reasons, if
6 any, do you have to tell Judge Alf that the parcel
7 map is not unlawful?

8 MR. BICE: Same objection.

9 Go ahead.

10 THE WITNESS: The parcel map was submitted
11 in accordance with Chapter 278 of Nevada Revised
12 Statutes and, also, in accordance with local
13 ordinance.

14 BY MR. JIMMERSON:

15 Q. Within the meaning of your last answer,
16 what statute within 278? Do you have a specific
17 statute you could point us to?

18 A. It would fall, in part, under NRS 278,
19 chapter -- or section 461 and, also, within 278.4925,
20 I believe, under the merger and resubdivision
21 statute.

22 Q. All right. And relative to the local
23 ordinance, if you could give us a number for that,
24 sir?

25 A. It's the Unified Development Code. It

1 number -- another; is that right?

2 A. That's correct. The assessor would
3 reassign new assessor's parcel numbers for the
4 resultant lots.

5 Q. Now, as you read the plaintiff's amended
6 complaint, they complain, as I read the complaint as
7 well as you, that you -- that the recording, or that
8 the approval of Exhibit Number 2, the parcel map,
9 that was recorded in or about June 18th, 2015, was,
10 quote, unlawful, end of quote.

11 So knowing what it was before, three
12 parcels, and then having it re -- having been divided
13 into four parcels, why is that not unlawful? Another
14 way to say, why is it proper? Why is it lawful?

15 MR. BICE: Objection. Form.

16 THE WITNESS: I believe it follows the
17 provided-for statute for mergers and resubdivisions.

18 BY MR. JIMMERSON:

19 Q. Now, my understanding -- and can you maybe
20 amplify that answer as to why you believe it follows
21 the provided-for requirements, statutes, and
22 ordinances?

23 A. Under Nevada Revised Statutes 278.4925, it
24 allows for owners of adjoining properties, which were
25 previously mapped, to simultaneously merge all of

1 those parcels together and redivide them with a
2 parcel map, a final map, or a division of lots into
3 large parcels, I believe, without first reverting all
4 of those lots to raw acreage.

5 Prior to -- just for information purposes,
6 prior to 1999, the steps would have been first a
7 reversion to acreage of all the lots, and then a
8 brand-new map would come into the system with the
9 proposed division. The merger and resubdivision law
10 went into effect in '99, I believe.

11 Q. And with the merger and resubdivision law
12 going into effect in 1999, what did it allow the
13 developers to do and what did the City do in
14 response?

15 A. Rather than a two-map process, it could be
16 done simultaneously with the same map. And that's
17 throughout the State of Nevada.

18 Q. Okay. Now, I want you to imagine that
19 this camera is Judge Allf. Okay? Say hello to Judge
20 Allf.

21 A. Hello, Judge Allf.

22 Q. By looking at the maps, would you show the
23 Judge why what has occurred was lawful, in your
24 opinion and your judgment, because you are the City
25 surveyor, and why it falls under 278, 461 and 4925?

1 MR. BICE: Objection to the form.

2 MR. BYRNES: Mr. Jimmerson, are you asking
3 the witness to describe why a parcel map would be
4 proper as opposed to a tentative, slash, final map?

5 MR. JIMMERSON: Yes. But I also want him
6 to show the Judge on videotape what the change was,
7 from what to what, and why it's proper.

8 BY MR. JIMMERSON:

9 Q. So, yes, I'm asking both, but it's sort of
10 in a step-by-step process, like if you were to leave
11 the witness stand and go to an easel and show us
12 exactly what took place.

13 MR. BICE: Objection to form.

14 Go ahead.

15 THE WITNESS: The parcels that were in
16 existence on this particular exhibit were all owned
17 by the same entity. In accordance with state
18 statute, it is perfectly legal to apply for a map to
19 merge all of those parcels into one parcel or to
20 re -- resubdivide them, which is exactly what
21 happened.

22 It's probably harder to explain why it's
23 perfectly legal than it is to explain why it's not
24 illegal. Every step was followed before the map was
25 released for recordation, before I signed it. We

1 insist on seeing a subdivision guarantee from a title
2 company, guaranteeing that the owners of the
3 record -- of the parcels are the owners as listed on
4 that subdivision guarantee. We check to make sure
5 those are the same owners that are signing the map.

6 And if there is a holder of a beneficial
7 interest in any of the parcels which comes to light
8 through the title company and the subdivision
9 guarantee, then we ask further for a beneficiary
10 statement. And the beneficiary has to sign a
11 statement that says that they are aware of and that
12 they consent to the preparation and recordation of
13 the subject map before it's signed.

14 BY MR. JIMMERSON:

15 Q. Okay. All right. Now, would you look at
16 Exhibit 1, which was the parcel map owned by the
17 defendants at the time that they acquired the company
18 that owned it. So could you hold that up for the
19 Judge to look at?

20 So in March of 2015, my clients acquired
21 the membership interest in a company called Fore
22 Stars, Limited, and Fore Stars, Limited, in turn,
23 owned those three parcels: The green to the top
24 left; the light blue to the top of the map; and the
25 rest being in dark blue. Is that right?

1 THE WITNESS: They would fill out a parcel
2 map application with planning, the department of
3 planning at the City of Las Vegas. They would hire a
4 professional land surveyor to survey the property and
5 prepare a parcel map. And that would be submitted,
6 along with the appropriate fees, at the front counter
7 in planning.

8 BY MR. JIMMERSON:

9 Q. Now, I took the deposition a couple of
10 weeks ago of a man named Doug Rankin, who used to be
11 a middle-level manager or manager of some sort at
12 City planning. And he said there's as many as 19
13 different departments or sets of eyes that review a
14 request for a parcel map; in other words, many, many
15 departments. The applicant has to supply 19 copies
16 of his map, and so different people, different
17 agencies in the City, would review and approve it. Is
18 that right?

19 A. That's correct. In fact, there are a
20 couple of copies that go outside of the City.

21 Q. And who do they go to?

22 A. The Health Department and the Department
23 of Water Resources.

24 Q. Can you tell Judge Alf some of the
25 department names who have gotten copies of the 19

1 copies that are required to be submitted for usage to
2 reparcel a property?

3 A. Sure.

4 MR. BICE: Objection to form.

5 Go ahead.

6 THE WITNESS: They're not all full-on
7 departments. There are certainly different sections.
8 The planning department is one. A copy of the map
9 goes to traffic planning. A copy of the map goes to
10 traffic engineering, development coordination. I
11 believe a copy of the map goes to the fire
12 department. A copy of the map goes to the
13 right-of-way section. There's a long list. I would
14 hesitate to try to tell you that I could name them
15 all off the top of my head.

16 We generally, in the survey section, we
17 also get a copy of the map, of course. We mainly
18 deal with planning and development coordination.
19 Development coordination kind of pulls the comments
20 in from all of the other sections in the City that
21 review the map.

22 BY MR. JIMMERSON:

23 Q. And they're sort of the administrative
24 leader in terms of gathering the results of all the
25 investigation from all the different departments or

1 Q. So you would be in a position to be
2 involved in the mapping and allocation of water
3 rights for one parcel to another or one location in
4 the City to another?

5 A. That's correct.

6 Q. Okay. As a City of Las Vegas land
7 surveyor, how many parcel maps have you approved
8 during your tenure? I think you said since 1997; is
9 that right?

10 A. Since -- I was appointed in 2004. The
11 first six years of my tenure with the City of
12 Las Vegas, we were approving about 30 maps a month.
13 It slowed down considerably. I couldn't tell you how
14 many. I know that we are in, I think it's book 130
15 at the recorder's office, since the -- since we first
16 started putting books in the Clark County Recorder's
17 office.

18 Q. And how many maps would be in a book?

19 A. One hundred maps, one hundred parcel maps.
20 Now, that doesn't include final maps and records of
21 survey. That's just parcel maps.

22 Q. So that's thousands of maps?

23 A. So it's over one -- that's over 13,000
24 parcel maps.

25 Q. Wow. All right. Do you also approve or

1 approved by the City of Las Vegas and then recorded,
2 as shown in Exhibit 2 in June of 2015, at that point,
3 that is to say upon the approval by the City, and by
4 recordation with the County Recorder's Office, the
5 property has been divided or redivided into these
6 chunks of ground, but the property is not ready for
7 development. Would you agree?

8 A. That would be -- I would have to defer to
9 the planning department on that.

10 Q. Well, but in order to build half-acre
11 lots, for example, for a home, you would need to
12 depict that and call for the different things that a
13 tentative map and a final map requires; is that
14 right?

15 A. In this particular case, because the
16 resultant lots are so large, they certainly were not
17 ready for development.

18 Q. And to develop like a subdivision
19 requirement, it would require using a tentative map
20 and then ultimately moving to a final map; is that
21 right?

22 A. That's correct.

23 Q. And there would be notice to adjoining
24 landowners within some radius required by law of that
25 intended development of a subdivision?

1 A. I believe that's a regular step in the
2 tentative map/final map process.

3 Q. But it's not something that you use and
4 notice is not given to landowners for redivision of
5 parcel maps, correct?

6 A. No.

7 Q. And the difference is because of the
8 number of lots and, also, of the requirements that a
9 tentative map has regarding what its relationship is
10 to adjoining land and the like?

11 A. That's correct.

12 MR. BICE: Objection to form.

13 BY MR. JIMMERSON:

14 Q. And with regard to the parcel map, they're
15 just dividing larger parcels that are internal to the
16 property owner's property, is that right?

17 A. In this case, the lines were internal to
18 the property owner's property.

19 Q. All right. Now, have you had an
20 opportunity to read an affidavit -- I'm sorry, not an
21 affidavit -- I'm sorry, an affidavit from a man named
22 Douglas Rankin?

23 A. I have read it.

24 Q. Okay. I want to bring it to your
25 attention. I am going to show it to you.

1 all depositions. We've just got a few left.

2 (Exhibit Number AR-5J was marked.)

3 BY MR. JIMMERSON:

4 Q. Is this the declaration of Doug Rankin
5 that you indicated you have seen sometime in the
6 past, Exhibit 5J?

7 A. I believe it is, yes.

8 Q. All right. Now, in this declaration, he
9 claims that the use of the parcel map by my clients,
10 and the request that it be reparcelled from
11 Exhibit 1, which was shown, to Exhibit 2, was
12 unlawful.

13 Are you familiar with that?

14 MR. BICE: Objection to the form.

15 THE WITNESS: I remember reading that,
16 yes.

17 BY MR. JIMMERSON:

18 Q. All right. And you have made it very
19 clear that you don't believe that to be true and that
20 you believe the City of Las Vegas' actions were
21 entirely lawful; is that right?

22 A. Yes.

23 Q. Now, I want you to look at some of the
24 allegations within the Rankin declaration. And if
25 you could explain why Mr. Rankin is in error and then

1 tell us, you know, what is correct, I would be
2 appreciative. There is just a few that I want to
3 cover.

4 The way I understand his declaration is,
5 he's saying that once you have a final map, you can
6 never use a parcel map to add lots. I think that's a
7 very succinct statement of what he claims.

8 MR. BICE: Objection to the form.

9 BY MR. JIMMERSON:

10 Q. Do you agree with that?

11 A. No, I do not.

12 Q. Please tell the Court why, if you have a
13 final map, you can still use a parcel map to add lots
14 and not have to use a tentative map?

15 A. The choice of parcel map has to do with
16 the number of resultant lots that you're going to end
17 up with. It has nothing to do with the character of
18 the lots that you start with.

19 I have myself mapped final map lots into
20 parcel map lots. I've divided a single lot in a
21 subdivision into multiple lots. I've taken three
22 lots in a subdivision and merged them into one lot
23 with a merger and resubdivision. I can think of
24 numerous cases where that's been done. And I have
25 never found anything in the code that would give me

1 any pause about doing so.

2 Q. When I took Mr. Rankin's deposition, the
3 only statute or only case or anything he could point
4 to about what he thought might be a reason that you
5 would be forced to use a tentative map and not a
6 parcel map was the provision that said, "You shall
7 take no action to circumvent mapping requirements."

8 Are you familiar with that general statute
9 or rule?

10 MR. BICE: Objection to the form of the
11 question.

12 THE WITNESS: Yes. I believe that falls
13 under exceptions to parcel maps.

14 BY MR. JIMMERSON:

15 Q. Okay. And is that within the exhibit I
16 just showed you, the statute NRS 278.461? I think it
17 was 5P.

18 A. Yes, it's under number 8.

19 Q. All right. And that's at the second page
20 of Exhibit {5P?

21 A. Correct.

22 Q. Would you read the language into the court
23 record for Judge Allf?

24 A. Sure. "Unless a method of dividing land
25 is adopted for the purpose or would have the effect

1 Now, has there been any effort on the part
2 of my clients, with regard to any parcel map that
3 they've asked for the City of Las Vegas' approval and
4 for which approval has been given, and the subject
5 parcel maps recorded, any suggestion from your
6 observation of any intent on its part to evade any
7 provisions of the NRS 278 or the unified -- Unified
8 Development Code?

9 MR. BICE: Objection to form.

10 Go ahead.

11 THE WITNESS: I don't know that I can
12 answer that. I certainly don't see any -- I can't
13 speak to their intent. Every map we look at, we look
14 at the map in front of us. We don't go beyond the
15 four corners of the map.

16 BY MR. JIMMERSON:

17 Q. Okay. But has there been any activity or
18 any actions on the part of my clients that would
19 suggest in any way that they're trying to circumvent
20 the rules and regulations upon which they are obliged
21 to comply?

22 A. No.

23 MR. BICE: Objection to form.

24 BY MR. JIMMERSON:

25 Q. Now, has there been any conduct by any

1 representative of my clients, who you recognize as a
2 representative of my clients, who have conducted
3 themselves in any way to deviate from or to not
4 follow the rules and regulations regarding mapping?

5 MR. BICE: Objection to the form.

6 Go ahead.

7 THE WITNESS: No.

8 BY MR. JIMMERSON:

9 Q. Have they taken any actions that would
10 suggest that they are trying to do something improper
11 in any regard in conjunction with the City of
12 Las Vegas to somehow avoid requirements for mapping
13 or for dividing their property?

14 A. No.

15 Q. Has there been any type of back-door
16 meetings or secret meetings or anything untoward that
17 you observed by my clients or by anyone acting on
18 behalf of the City of Las Vegas?

19 A. No.

20 Q. Has there been anything untoward regarding
21 the City of Las Vegas and my clients regarding any
22 type of a mapping issue?

23 MR. BICE: Objection to form.

24 Go ahead.

25 THE WITNESS: No.

1 BY MR. JIMMERSON:

2 Q. Now, since June of 2015, my clients have
3 submitted different parcel maps, I think another two
4 or three, in the months following 2015 and into early
5 2016; I think even one in 2017.

6 Are you familiar with that?

7 A. I am aware that there are more maps.

8 Q. Okay. And those are parcel maps, correct?

9 A. Yes.

10 Q. Because they involve four or less lots?

11 A. Yes.

12 Q. And each of them were approved by or, as
13 you say, released for recording by the City of
14 Las Vegas; is that right?

15 A. I haven't checked that, but I believe
16 there were several that recorded.

17 Q. I would submit there is only two or three
18 others, three or four others, but not very many. And
19 then they were subsequently recorded, as far as you
20 know?

21 A. As far as I know.

22 Q. During that process, at any time, did my
23 clients act in any inappropriate or improper manner
24 to avoid their obligation to comply with the Nevada
25 Revised Statutes and Uniform Development Code?

1 MR. BICE: Objection to the form.

2 THE WITNESS: No.

3 BY MR. JIMMERSON:

4 Q. Has the City of Las Vegas, in any of the
5 reviews that they've conducted and in the decision to
6 release for recordation the requested parcel maps of
7 my clients, acted in any proper -- improper or
8 untoward regarding the -- to avoid the requirement of
9 the laws?

10 A. No.

11 Q. Requirement of the laws under 278 or the
12 Unified Development Code?

13 A. No.

14 MR. BICE: Objection to the form.

15 BY MR. JIMMERSON:

16 Q. Do you have any information whatsoever to
17 suggest or support the allegations by these
18 plaintiffs that the City of Las Vegas has been
19 complicit with the other codefendants, the developers
20 here, my clients, with regard an attempt to evade any
21 laws of mapping whatsoever?

22 MR. BICE: Objections to form.

23 THE WITNESS: No.

24 BY MR. JIMMERSON:

25 Q. Are you familiar with any -- do you have

1 Q. And you have seen 13,000 parcel maps,
2 approximately, over your years?

3 A. I haven't seen them personally, but
4 certainly every parcel map processed through the City
5 of Las Vegas since January of 2004, yes.

6 Q. Now, you mentioned that you, of course,
7 are reviewing the applicants' submission to the City
8 and to its 19, you know, different parts to review
9 this. Agreed?

10 A. Agreed.

11 Q. And in the unique facts of our case, you
12 have some additional reassurance in the sense that
13 it's -- the submitting company for my clients was
14 also a qualified surveyor at GCW; is that right?

15 MR. BICE: Objection to form.

16 THE WITNESS: Correct.

17 BY MR. JIMMERSON:

18 Q. Please tell me why that gives you comfort,
19 who GCW is and what their role is, and then how it
20 interplays with the City of Las Vegas' role and the
21 City of Las Vegas' approval and release for
22 recordation?

23 MR. BICE: Objection to form.

24 THE WITNESS: Well, of course, anyone
25 submitting a map to the entity has to engage a

1 professional land surveyor that is licensed by the
2 state licensing board, and that license guarantees
3 that the licensee, the professional land surveyor,
4 has a minimum professional competency.

5 Some firms submit more maps than others.
6 There are many professional land surveyors who never
7 submit a map or limit their practice specifically to
8 construction staking, for example, layout.

9 GCW puts a great number of maps through
10 the system. I would hesitate to, you know, go on
11 record as saying that one firm is better than
12 another, one professional land surveyor is better
13 than another.

14 BY MR. JIMMERSON:

15 Q. All right. This gentleman to my right is
16 man named Paul Burn. Do you know him?

17 A. I do.

18 Q. How do you know him?

19 A. I first met Paul through the Southern
20 Nevada Chapter of the Nevada Association of Land
21 Surveyors. And I think Paul was the president of the
22 Southern Chapter -- was it the year after?

23 MR. BURN: Before you.

24 THE WITNESS: He was my predecessor as
25 president of the association.

1 Q. Why would it be an irritation?

2 A. Well, not knowing the reason for the lines
3 that were being drawn by the maps -- and I have seen
4 situations where developers began a mapping process,
5 changed their mind, changed their product, and came
6 back in and filed another map, changed their mind
7 again, or sold a portion off because of financial
8 purposes, and then came back in with another map.

9 And you have to remember that the City of
10 Las Vegas collects a very, very nominal fee to check
11 these maps. It's just irritating to see another map
12 come in when you've just barely finished looking at
13 the last one.

14 Q. All right. So your only issue would just
15 be the time and expense that it would take the City
16 to process each successive map?

17 A. Yes.

18 Q. In this particular case, have you obtained
19 any form of beneficiary statement from the property
20 owner?

21 A. I believe at the time of the signing and
22 release of the map, there was a beneficiary
23 statement.

24 Q. Do you recall who had signed it?

25 A. I believe it was a company, something like

1 PNC or N -- it was a series of initials. It was an
2 LLC that had a beneficiary interest in the property.

3 Q. And you received that before you released
4 the map?

5 A. Yes, sir.

6 Q. And that would be docketed where in the
7 City's records on the date it was received?

8 A. It's in the survey -- we have a copy of
9 the original document. I believe the original
10 document is required for recording at the Clark
11 County Recorder's office. So we insist on seeing the
12 original beneficiary statement, as well as a
13 subdivision guarantee. We make a copy of it for our
14 records.

15 Q. So you have that in your mapping file that
16 you just described?

17 A. Yes, sir.

18 Q. Do you have any other than just that one?

19 A. No, there was just the one beneficiary
20 statement listed on the subdivision guarantee.

21 Q. I wrote this down. Tell me if I got this
22 wrong. Did you say that a tentative map is for
23 planning purposes?

24 A. Yes, planning and entitlements, I believe.

25 Q. Okay. And then a final map is just a

1 BY MR. BYRNES:

2 Q. Right.

3 Now, somebody comes to -- or a landowner
4 decides in lot number 1, I want to put 40 houses on
5 the west 10 acres of lot number 1. And I come to the
6 City with a subdivision, with a tentative map,
7 showing 40 acres only on the west 10 acres.

8 Would the City accept that?

9 A. In other words, a tentative map that only
10 covered a portion of Lot 1?

11 Q. Yes.

12 A. No.

13 Q. What would the City make you do?

14 A. They would make you do a parcel map to
15 create that boundary.

16 Q. So you create a boundary dividing lot
17 number 1 in half?

18 A. Uh-huh.

19 Q. And then you would accept the 10-acre lot.

20 A. Then we would accept the tentative map
21 that covered the west 10 acres.

22 Q. And that wouldn't be serial mapping?

23 A. No.

24 Q. Or wouldn't violate the law?

25 A. No.

1 shown you here today, to get a building permit, you
2 would have to go to a tentative map/final map
3 process, agreed?

4 A. I don't think a tentative map or final map
5 process is part of the requirements for the building
6 permit.

7 If the zoning was appropriate and they
8 wanted to put a gas station on the corner, I suppose
9 they could. But that would have been true for the
10 entire golf course parcel to begin with. Anything
11 that they could have done with the original four lots
12 in the golf course, they could do today. But again,
13 I -- I'm not aware of those criteria.

14 Q. All right. But to follow up -- again, I'm
15 trying to get specific to my clients.

16 Their desire to build residential housing
17 would require, at some point, their submission of a
18 tentative map and final map or a final map?

19 MR. BICE: Objection to form.

20 THE WITNESS: Unless they wanted to build
21 eight 50-, 60-, 70-, 80-, 90-acre home sites.

22 BY MR. JIMMERSON:

23 Q. Was there ever any intention or
24 information you've acquired from my client that they
25 wanted to build eight 50-, 60-, 70-, 80-, or 90-acre