

**Case No. 84345; 84640**

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IN THE SUPREME COURT OF  
THE STATE OF NEVADA

Electronically Filed  
Dec 15 2022 05:23 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

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CITY OF LAS VEGAS

Appellant,

vs.

180 Land Co, LLC, a Nevada Limited-liability Company; FORE  
STARS, LTD., a Nevada limited-liability company,

Respondents.

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**CITY OF HENDERSON'S MOTION FOR LEAVE TO FILE  
JOINDER TO BRIEF OF AMICI CURIAE CITY OF RENO, CITY  
OF NORTH LAS VEGAS, AND INTERNATIONAL MUNICIPAL  
LAWYER'S ASSOCIATION IN SUPPORT OF APPELLANT**

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HENDERSON CITY  
ATTORNEY'S OFFICE  
Nicholas G. Vaskov (#8298)  
Amanda Kern (#9218)  
Brandon P. Kemble (#11175)  
240 Water Street, MSC 144  
Henderson, NV 89015

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*Attorneys for CITY OF HENDERSON*

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**December 15, 2022.**

The City of Henderson (“City”) requests that this Court permit the City to join the “BRIEF OF AMICI CURIAE CITY OF RENO, CITY OF NORTH LAS VEGAS, AND INTERNATIONAL MUNICIPAL LAWYER’S ASSOCIATION IN SUPPORT OF APPELLANT,” filed in this appellate proceeding by the City of Reno, City of North Las Vegas and the International Municipal Lawyer’s Association (collectively the “Municipalities”) on December 5, 2022 (22381-87).

NRAP 29 does not require the City to seek leave of the Court or to obtain the consent of the parties to file a joinder; however, the City files this motion consistent with the motions seeking leave (22-33394) and orders granting leave in this case (22-38167).

The City’s proposed joinder does not raise new arguments and as a result, will not prejudice any party. Therefore, the City respectfully

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requests that this Court allow the City to file the joinder attached as Exhibit 1 to this matter or direct the clerk of this Court to file it on the City's behalf.

DATED this 15th day of December, 2022.

CITY OF HENDERSON

/s/ *Brandon P. Kemble*

Nicholas G. Vaskov (#8298)

Amanda Kern (#9218)

Brandon P. Kemble (#11175)

240 Water Street, MSC 144

Henderson, NV 89015

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing CITY OF HENDERSON'S MOTION FOR LEAVE TO FILE JOINDER TO BRIEF OF AMICI CURIAE CITY OF RENO, CITY OF NORTH LAS VEGAS, AND INTERNATIONAL MUNICIPAL LAWYER'S ASSOCIATION IN SUPPORT OF APPELLANT was ELECTRONICALLY FILED WITH THE Clerk of the Court for the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with the E-Flex as users will be served by the e-Flex system. All others will be served by U.S. Mail.

Dated: December 15, 2022

By: /s/ Cheryl Boyd  
An Employee of the  
Henderson City Attorney's Office

**EXHIBIT 1**

**CITY OF HENDERSON'S JOINDER TO BRIEF OF AMICI  
CURIAE CITY OF RENO, CITY OF NORTH LAS VEGAS, AND  
INTERNATIONAL MUNICIPAL LAWYER'S ASSOCIATION  
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Henderson, NV 89015

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*Attorneys for CITY OF HENDERSON*

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**December 15, 2022.**

The City of Henderson hereby joins the “BRIEF OF AMICI CURIAE CITY OF RENO, CITY OF NORTH LAS VEGAS, AND INTERNATIONAL MUNICIPAL LAWYER’S ASSOCIATION IN SUPPORT OF APPELLANT,” (22-33948) (referred to here as the “Municipalities’ Brief”) filed in this appellate proceeding by the City of Reno, City of North Las Vegas and the International Municipal Lawyer’s Association (collectively the “Municipalities”) on December 5, 2022.

The City of Henderson concurs with the positions which the Municipalities have set forth in the Municipalities’ Brief. The following matters set forth in the Municipalities’ Brief are of critical importance to the City of Henderson and are essential for conducting one of its core functions—land use regulation. The City joins the Municipalities in the following arguments:

- The denial of the petition for judicial review in this matter should have been determinative of any alleged vested property rights and precluded a taking’s claim. *See* Municipalities’ Brief at p. 5.
- There is no vested right to develop, and no bases for a taking, where the governing body denies a project that complies with

zoning but violates the general plan. More simply put – a Zoning designation alone does confer a vested right to develop. See Municipalities’ Brief at pp. 8-22.

- A takings claim cannot be based on the denial of a single application and where alternative economic uses are available. See Municipalities’ Brief at pp. 22-28.
- There can be no taking’s claim where a landowner deprives the government body of the opportunity to properly consider a land use request by failing to properly complete the application process. Again, simply stated – where an application is not completed, no application is made, and the governing body cannot make a final decision. Without a final decision, there can be no taking. See Municipalities’ Brief at pp. 28-30.

DATED this 15th day of December, 2022.

CITY OF HENDERSON

/s/ Brandon P. Kemble  
Nicholas G. Vaskov (#8298)  
Amanda Kern (#9218)  
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240 Water Street, MSC 144  
Henderson, NV 89015



## **NRAP 28.2 CERTIFICATE OF COMPLIANCE**

I hereby certify that this joinder complies with the formatting requirements of NRAP 29, NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in Century Schoolbook in font size 14. I further certify that this joinder complies with the page or type-volume limitations of NRAP 29(3) because it contains approximately 297 words as measured by the word count function of Microsoft Word.

Finally, I certify that I have read this amicus brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure.

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I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

CITY OF HENDERSON

/s/ *Brandon P. Kemble*

Nicholas G. Vaskov (#8298)

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