

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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**AMENDED
JOINT APPENDIX
VOLUME 60, PART 1**

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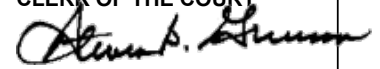
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15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 180 LAND CO LLC, a Nevada limited liability
18 company, FORE STARS, LTD., a Nevada
19 limited liability company and SEVENTY
20 ACRES, LLC, a Nevada limited liability
21 company, DOE INDIVIDUALS I-X, DOE
CORPORATIONS I-X, and DOE LIMITED
LIABILITY COMPANIES I-X,

22 Plaintiffs,

23 v.

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

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

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

VOLUME 4

29 The City of Las Vegas ("City") submits this Appendix of Exhibits in Support of the City's
30 Opposition to Plaintiff's Motion to Determine Take and For Summary Judgment on the First, Third,
31 and Fourth Claims for Relief and its Countermotion for Summary Judgment.

Exhibit	Exhibit Description	Vol.	Bates No.
A	City records regarding Ordinance No. 2136 (Annexing 2,246 acres to the City of Las Vegas)	1	0001-0011
B	City records regarding Peccole Land Use Plan and Z-34-81 rezoning application	1	0012-0030

Exhibit	Exhibit Description	Vol.	Bates No.
C	City records regarding Venetian Foothills Master Plan and Z-30-86 rezoning application	1	0031-0050
D	Excerpts of the 1985 City of Las Vegas General Plan	1	0051-0061
E	City records regarding Peccole Ranch Master Plan and Z-139-88 phase I rezoning application	1	0062-0106
F	City records regarding Z-40-89 rezoning application	1	0107-0113
G	Ordinance No. 3472 and related records	1	0114-0137
H	City records regarding Amendment to Peccole Ranch Master Plan and Z-17-90 phase II rezoning application	1	0138-0194
I	Excerpts of 1992 City of Las Vegas General Plan	2	0195-0248
J	City records related to Badlands Golf Course expansion	2	0249-0254
K	Excerpt of land use case files for GPA-24-98 and GPA-6199	2	0255-0257
L	Ordinance No. 5250 and Excerpts of Las Vegas 2020 Master Plan	2	0258-0273
M	Miscellaneous Southwest Sector Land Use Maps from 2002-2005	2	0274-0277
N	Ordinance No. 5787 and Excerpts of 2005 Land Use Element	2	0278-0291
O	Ordinance No. 6056 and Excerpts of 2009 Land Use & Rural Neighborhoods Preservation Element	2	0292-0301
P	Ordinance No. 6152 and Excerpts of 2012 Land Use & Rural Neighborhoods Preservation Element	2	0302-0317
Q	Ordinance No. 6622 and Excerpts of 2018 Land Use & Rural Neighborhoods Preservation Element	2	0318-0332
R	Ordinance No. 1582	2	0333-0339
S	Ordinance No. 4073 and Excerpt of the 1997 City of Las Vegas Zoning Code	2	0340-0341
T	Ordinance No. 5353	2	0342-0361
U	Ordinance No. 6135 and Excerpts of City of Las Vegas Unified Development Code adopted March 16, 2011	2	0362-0364
V	Deeds transferring ownership of the Badlands Golf Course	2	0365-0377
W	Third Revised Justification Letter regarding the Major Modification to the 1990 Conceptual Peccole Ranch Master Plan	2	0378-0381
X	Parcel maps recorded by the Developer subdividing the Badlands Golf Course	3	0382-0410
Y	EHB Companies promotional materials	3	0411-0445
Z	General Plan Amendment (GPA-62387), Rezoning (ZON-62392) and Site Development Plan Review (SDR-62393) applications	3	0446-0466
AA	Staff Report regarding 17-Acre Applications	3	0467-0482

Exhibit	Exhibit Description	Vol.	Bates No.
BB	Major Modification (MOD-63600), Rezoning (ZON-63601), General Plan Amendment (GPA-63599), and Development Agreement (DIR-63602) applications	3	0483-0582
CC	Letter requesting withdrawal of MOD-63600, GPA-63599, ZON-63601, DIR-63602 applications	4	0583
DD	Transcript of February 15, 2017 City Council meeting	4	0584-0597
EE	Judge Crockett's March 5, 2018 order granting Queensridge homeowners' petition for judicial review, Case No. A-17-752344-J	4	0598-0611
FF	Docket for NSC Case No. 75481	4	0612-0623
GG	Complaint filed by Fore Stars Ltd. and Seventy Acres LLC, Case No. A-18-773268-C	4	0624-0643
HH	General Plan Amendment (GPA-68385), Site Development Plan Review (SDR-68481), Tentative Map (TMP-68482), and Waiver (68480) applications	4	0644-0671
II	June 21, 2017 City Council meeting minutes and transcript excerpt regarding GPA-68385, SDR-68481, TMP-68482, and 68480.	4	0672-0679
JJ	Docket for Case No. A-17-758528-J	4	0680-0768
KK	Judge Williams' Findings of Fact and Conclusions of Law, Case No. A-17-758528-J	5	0769-0793
LL	Development Agreement (DIR-70539) application	5	0794-0879
MM	August 2, 2017 City Council minutes regarding DIR-70539	5	0880-0882
NN	Judge Sturman's February 15, 2019 minute order granting City's motion to dismiss, Case No. A-18-775804-J	5	0883
OO	Excerpts of August 2, 2017 City Council meeting transcript	5	0884-0932
PP	Final maps for Amended Peccole West and Peccole West Lot 10	5	0933-0941
QQ	Excerpt of the 1983 Edition of the Las Vegas Municipal Code	5	0942-0951
RR	Ordinance No. 2185	5	0952-0956
SS	1990 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0957
TT	1996 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0958
UU	1998 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0959

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Exhibit	Exhibit Description	Vol.	Bates No.
VV	2015 aerial photograph identifying Phase I and Phase II boundaries, retail development, hotel/casino, and Developer projects, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0960
WW	2015 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0961
XX	2019 aerial photograph identifying Phase I and Phase II boundaries, and current assessor parcel numbers for the Badlands property, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0962
YY	2019 aerial photograph identifying Phase I and Phase II boundaries, and areas subject to inverse condemnation litigation, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0963
ZZ	2019 aerial photograph identifying areas subject to proposed development agreement (DIR-70539), produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS)	5	0964
AAA	Membership Interest Purchase and Sale Agreement	6	0965-0981
BBB	Transcript of May 16, 2018 City Council meeting	6	0982-0998
CCC	City of Las Vegas' Amicus Curiae Brief, <i>Seventy Acres, LLC v. Binion</i> , Nevada Supreme Court Case No. 75481	6	0999-1009
DDD	Nevada Supreme Court March 5, 2020 Order of Reversal, <i>Seventy Acres, LLC v. Binion</i> , Nevada Supreme Court Case No. 75481	6	1010-1016
EEE	Nevada Supreme Court August 24, 2020 Remittitur, <i>Seventy Acres, LLC v. Binion</i> , Nevada Supreme Court Case No. 75481	6	1017-1018
FFF	March 26, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlements on 17 Acres	6	1019-1020
GGG	September 1, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Final Entitlements for 435-Unit Housing Development Project in Badlands	6	1021-1026
HHH	Complaint Pursuant to 42 U.S.C. § 1983, <i>180 Land Co. LLC et al. v. City of Las Vegas, et al.</i> , 18-cv-00547 (2018)	6	1027-1122
III	9th Circuit Order in <i>180 Land Co. LLC; et al v. City of Las Vegas, et al.</i> , 18-cv-0547 (Oct. 19, 2020)	6	1123-1127
JJJ	Plaintiff Landowners' Second Supplement to Initial Disclosures Pursuant to NRCP 16.1 in 65-Acre case	6	1128-1137
LLL	Bill No. 2019-48: Ordinance No. 6720	7	1138-1142

Exhibit	Exhibit Description	Vol.	Bates No.
MMM	Bill No. 2019-51: Ordinance No. 6722	7	1143-1150
NNN	March 26, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 65 Acres	7	1151-1152
OOO	March 26, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 133 Acres	7	1153-1155
PPP	April 15, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 35 Acres	7	1156-1157
QQQ	Valbridge Property Advisors, Lubawy & Associates Inc., Appraisal Report (Aug. 26, 2015)	7	1158-1247
RRR	Notice of Entry of Order Adopting the Order of the Nevada Supreme Court and Denying Petition for Judicial Review	7	1248-1281
SSS	Letters from City of Las Vegas Approval Letters for 17-Acre Property (Feb. 16, 2017)	8	1282-1287
TTT	Reply Brief of Appellants 180 Land Co. LLC, Fore Stars, LTD, Seventy Acres LLC, and Yohan Lowie in <i>180 Land Co LLC et al v. City of Las Vegas</i> , Court of Appeals for the Ninth Circuit Case No. 19-16114 (June 23, 2020)	8	1288-1294
UUU	Excerpt of Reporter's Transcript of Hearing on City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528-J (Nov. 17, 2020)	8	1295-1306
VVV	Plaintiff Landowners' Sixteenth Supplement to Initial Disclosures in <i>180 Land Co., LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528-J (Nov. 10, 2020)	8	1307-1321
WWW	Excerpt of Transcript of Las Vegas City Council Meeting (Aug. 2, 2017)	8	1322-1371
XXX	Notice of Entry of Findings of Facts and Conclusions of Law on Petition for Judicial Review in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528-J (Nov. 26, 2018)	8	1372-1399
YYY	Notice of Entry of Order <i>Nunc Pro Tunc</i> Regarding Findings of Fact and Conclusion of Law Entered November 21, 2019 in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528 (Feb. 6, 2019)	8	1400-1405
ZZZ	City of Las Vegas Agenda Memo – Planning, for City Council Meeting June 21, 2017, Re: GPA-68385, WVR-68480, SDR-68481, and TMP-68482 [PRJ-67184]	8	1406-1432

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Exhibit	Exhibit Description	Vol.	Bates No.
AAAA	Excerpts from the Land Use and Rural Neighborhoods Preservation Element of the City's 2020 Master Plan adopted by the City Council of the City on September 2, 2009	8	1433-1439
BBBB	Summons and Complaint for Declaratory Relief and Injunctive Relief, and Verified Claims in Inverse Condemnation in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No.A-18-780184-C	8	1440-1477
CCCC	Notice of Entry of Findings of Fact and Conclusions of Law Granting City of Las Vegas' Motion for Summary Judgment in <i>180 Land Co. LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No.A-18-780184-C (Dec. 30, 2020)	8	1478-1515
DDDD	Peter Lowenstein Declaration	9	1516-1522
DDDD-1	Exhibit 1 to Peter Lowenstein Declaration: Diagram of Existing Access Points	9	1523-1526
DDDD-2	Exhibit 2 to Peter Lowenstein Declaration: July 5, 2017 Email from Mark Colloton	9	1527-1531
DDDD-3	Exhibit 3 to Peter Lowenstein Declaration: June 28, 2017 Permit application	9	1532-1533
DDDD-4	Exhibit 4 to Peter Lowenstein Declaration: June 29, 2017 Email from Mark Colloton re Rampart and Hualapai	9	1534-1536
DDDD-5	Exhibit 5 to Peter Lowenstein Declaration: August 24, 2017 Letter from City Department of Planning	9	1537
DDDD-6	Exhibit 6 to Peter Lowenstein Declaration: July 26, 2017 Email from Peter Lowenstein re Wall Fence	9	1538
DDDD-7	Exhibit 7 to Peter Lowenstein Declaration: August 10, 2017 Application for Walls, Fences, or Retaining Walls; related materials	9	1539-1546
DDDD-8	Exhibit 8 to Peter Lowenstein Declaration: August 24, 2017 Email from Steve Gebeke	9	1547-1553
DDDD-9	Exhibit 9 to Peter Lowenstein Declaration: Bill No. 2018-24	9	1554-1569
DDDD-10	Exhibit 10 to Peter Lowenstein Declaration: Las Vegas City Council Ordinance No. 6056 and excerpts from Land Use & Rural Neighborhoods Preservation Element	9	1570-1577
DDDD-11	Exhibit 11 to Peter Lowenstein Declaration: documents submitted to Las Vegas Planning Commission by Jim Jimmerson at February 14, 2017 Planning Commission meeting	9	1578-1587
EEEE	GPA-72220 application form	9	1588-1590
FFFF	Chris Molina Declaration	9	1591-1605
FFFF-1	Fully Executed Copy of Membership Interest Purchase and Sale Agreement for Fore Stars Ltd.	9	1606-1622

Exhibit	Exhibit Description	Vol.	Bates No.
FFFF-2	Summary of Communications between Developer and Peccole family regarding acquisition of Badlands Property	9	1623-1629
FFFF-3	Reference map of properties involved in transactions between Developer and Peccole family	9	1630
FFFF-4	Excerpt of appraisal for One Queensridge place dated October 13, 2005	9	1631-1632
FFFF-5	Site Plan Approval for One Queensridge Place (SDR-4206)	9	1633-1636
FFFF-6	Securities Redemption Agreement dated September 14, 2005	9	1637-1654
FFFF-7	Securities Purchase Agreement dated September 14, 2005	9	1655-1692
FFFF-8	Badlands Golf Course Clubhouse Improvement Agreement dated September 6, 2005	9	1693-1730
FFFF-9	Settlement Agreement and Mutual Release dated June 28, 2013	10	1731-1782
FFFF-10	June 12, 2014 emails and Letter of Intent regarding the Badlands Golf Course	10	1783-1786
FFFF-11	July 25, 2014 email and initial draft of Golf Course Purchase Agreement	10	1787-1813
FFFF-12	August 26, 2014 email from Todd Davis and revised purchase agreement	10	1814-1843
FFFF-13	August 27, 2014 email from Billy Bayne regarding purchase agreement	10	1844-1846
FFFF-14	September 15, 2014 email and draft letter to BGC Holdings LLC regarding right of first refusal	10	1847-1848
FFFF-15	November 3, 2014 email regarding BGC Holdings LLC	10	1849-1851
FFFF-16	November 26, 2014 email and initial draft of stock purchase and sale agreement	10	1852-1870
FFFF-17	December 1, 2015 emails regarding stock purchase agreement	10	1871-1872
FFFF-18	December 1, 2015 email and fully executed signature page for stock purchase agreement	10	1873-1874
FFFF-19	December 23, 2014 emails regarding separation of Fore Stars Ltd. and WRL LLC acquisitions into separate agreements	10	1875-1876
FFFF-20	February 19, 2015 emails regarding notes and clarifications to purchase agreement	10	1877-1879
FFFF-21	February 26, 2015 email regarding revised purchase agreements for Fore Stars Ltd. and WRL LLC	10	1880
FFFF-22	February 27, 2015 emails regarding revised purchase agreements for Fore Stars Ltd. and WRL LLC	10	1881-1882
FFFF-23	Fully executed Membership Interest Purchase Agreement for WRL LLC	10	1883-1890

Exhibit	Exhibit Description	Vol.	Bates No.
FFFF-24	June 12, 2015 email regarding clubhouse parcel and recorded parcel map	10	1891-1895
FFFF-25	Quitclaim deed for Clubhouse Parcel from Queensridge Towers LLC to Fore Stars Ltd.	10	1896-1900
FFFF-26	Record of Survey for Hualapai Commons Ltd.	10	1901
FFFF-27	Deed from Hualapai Commons Ltd. to EHC Hualapai LLC	10	1902-1914
FFFF-28	Purchase Agreement between Hualapai Commons Ltd. and EHC Hualapai LLC	10	1915-1931
FFFF-29	City of Las Vegas' First Set of Interrogatories to Plaintiff	10	1932-1945
FFFF-30	Plaintiff 180 Land Company LLC's Responses to City of Las Vegas' First Set of Interrogatories to Plaintiff, 3 rd Supplement	10	1946-1973
FFFF-31	City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff	11	1974-1981
FFFF-32	Plaintiff 180 Land Company LLC's Response to Defendant City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff	11	1982-1989
FFFF-33	September 14, 2020 Letter to Plaintiff regarding Response to Second Set of Requests for Production of Documents	11	1990-1994
FFFF-34	First Supplement to Plaintiff Landowners Response to Defendant City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff	11	1995-2002
FFFF-35	Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time	11	2003-2032
FFFF-36	Transcript of November 17, 2020 hearing regarding City's Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time	11	2033-2109
FFFF-37	February 24, 2021 Order Granting in Part and denying in part City's Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time	11	2110-2118
FFFF-38	April 1, 2021 Letter to Plaintiff regarding February 24, 2021 Order	11	2119-2120
FFFF-39	April 6, 2021 email from Elizabeth Ghanem Ham regarding letter dated April 1, 2021	11	2121-2123
FFFF-40	Hydrologic Criteria and Drainage Design Manual, Section 200	11	2124-2142
FFFF-41	Hydrologic Criteria and Drainage Design Manual, Standard Form 1	11	2143
FFFF-42	Hydrologic Criteria and Drainage Design Manual, Standard Form 2	11	2144-2148
FFFF-43	Email correspondence regarding minutes of August 13, 2018 meeting with GCW regarding Technical Drainage Study	11	2149-2152

Exhibit	Exhibit Description	Vol.	Bates No.
FFFF-44	Excerpts from Peccole Ranch Master Plan Phase II regarding drainage and open space	11	2153-2159
FFFF-45	Aerial photos and demonstrative aids showing Badlands open space and drainage system	11	2160-2163
FFFF-46	August 16, 2016 letter from City Streets & Sanitation Manager regarding Badlands Golf Course Drainage Maintenance	11	2164-2166
FFFF-47	Excerpt from EHB Companies promotional materials regarding security concerns and drainage culverts	11	2167
GGGG	Landowners' Reply in Support of Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims Etc. in <i>180 Land Co., LLC v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528-J (March 21, 2019)	11	2168-2178
HHHH	State of Nevada State Board of Equalization Notice of Decision, <i>In the Matter of Fore Star Ltd., et al.</i> (Nov. 30, 2017)	11	2179-2183
IIII	Clark County Real Property Tax Values	11	2184-2199
JJJJ	Clark County Tax Assessor's Property Account Inquiry - Summary Screen	11	2200-2201
KKKK	February 22, 2017 Clark County Assessor Letter to 180 Land Co. LLC, re Assessor's Golf Course Assessment	11	2202
LLLL	Petitioner's Opening Brief, <i>In the matter of 180 Land Co. LLC</i> (Aug. 29, 2017), State Board of Equalization	12	2203-2240
MMMM	September 21, 2017 Clark County Assessor Stipulation for the State Board of Equalization	12	2241
NNNN	Excerpt of Reporter's Transcript of Hearing in <i>180 Land Co. v. City of Las Vegas</i> , Eighth Judicial District Court Case No. A-17-758528-J (Feb. 16, 2021)	12	2242-2293
OOOO	June 28, 2016 Letter from Mark Colloton re: Reasons for Access Points Off Hualapai Way and Rampart Blvd.	12	2294-2299
PPPP	Transcript of City Council Meeting (May 16, 2018)	12	2300-2375
QQQQ	Supplemental Declaration of Seth T. Floyd	13	2376-2379
QQQQ-1	1981 Peccole Property Land Use Plan	13	2380
QQQQ-2	1985 Las Vegas General Plan	13	2381-2462
QQQQ-3	1975 General Plan	13	2463-2558
QQQQ-4	Planning Commission meeting records regarding 1985 General Plan	14	2559-2786
QQQQ-5	1986 Venetian Foothills Master Plan	14	2787
QQQQ-6	1989 Peccole Ranch Master Plan	14	2788
QQQQ-7	1990 Master Development Plan Amendment	14	2789
QQQQ-8	Citizen's Advisory Committee records regarding 1992 General Plan	14	2790-2807

Exhibit	Exhibit Description	Vol.	Bates No.
QQQQ-9	1992 Las Vegas General Plan	15-16	2808-3257
QQQQ-10	1992 Southwest Sector Map	17	3258
QQQQ-11	Ordinance No. 5250 (Adopting 2020 Master Plan)	17	3259-3266
QQQQ-12	Las Vegas 2020 Master Plan	17	3267-3349
QQQQ-13	Ordinance No. 5787 (Adopting 2005 Land Use Element)	17	3350-3416
QQQQ-14	2005 Land Use Element	17	3417-3474
QQQQ-15	Ordinance No. 6056 (Adopting 2009 Land Use and Rural Neighborhoods Preservation Element)	17	3475-3479
QQQQ-16	2009 Land Use and Rural Neighborhoods Preservation Element	18	3480-3579
QQQQ-17	Ordinance No. 6152 (Adopting revisions to 2009 Land Use and Rural Neighborhoods Preservation Element)	18	3580-3589
QQQQ-18	Ordinance No. 6622 (Adopting 2018 Land Use and Rural Neighborhoods Preservation Element)	18	3590-3600
QQQQ-19	2018 Land Use & Rural Neighborhoods Preservation Element	18	3601-3700

DATED this 25th day of August 2021.

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Attorneys for City of Las Vegas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 25th day of August, 2020, I caused a true and correct copy of the foregoing **APPENDIX OF EXHIBITS IN SUPPORT OF CITY’S OPPOSITION TO PLAINTIFF’S MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD, AND FOURTH CLAIMS FOR RELIEF AND COUNTERMOTION FOR SUMMARY JUDGMENT – VOLUME 4** to be electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ Jelena Jovanovic
An employee of McDonald Carano LLP

EXHIBIT “CC”

180 Land Co LLC, Seventy Acres LLC and Fore Stars Ltd.
1215 S. Fort Apache Rd., Suite # 120
Las Vegas, NV 89117

November 1, 2016

Mr. Tom Perrigo, Planning Director
City of Las Vegas
Department of Planning
333 North Rancho Drive
Las Vegas, NV 89106

RE: Applications MOD-63600, GPA-63599, ZON-63601 & DIR-63602


Dear Mr. Perrigo:

Please be advised that Applicants are withdrawing the above referenced applications without prejudice.

Yours truly,

180 Land Co LLC, Seventy Acres LLC and Fore Stars Ltd.
Nevada limited liability companies

By: EHB Companies LLC
a Nevada limited liability company
Its: Manager

By: 
Name: Frank Pankratz
Its: Manager
Date: 11/1/16

RECEIVED 11.1.16
11.16.16 CC

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EXHIBIT “DD”

CERTIFIED AS A TRUE COPY

Pages: 128 signed/certified
At 8:01 am on April 18, 2017
By Scott D Widney
Enterprise Records Officer
City of Las Vegas

Scott D Widney

CITY COUNCIL MEETING OF
FEBRUARY 15, 2017
VERBATIM TRANSCRIPT – ITEMS 100-102

1 ITEM 100 - GPA-62387 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT -
2 PUBLIC HEARING - APPLICANT/OWNER: SEVENTY ACRES, LLC - For possible
3 action on a request for a General Plan Amendment FROM: PR-OS
4 (PARKS/RECREATION/OPEN SPACE) TO: H (HIGH DENSITY RESIDENTIAL) on
5 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard (APN 138-32-
6 301-005), Ward 2 (Beers) [PRJ-62226].

7 ITEM 101 - ZON-62392 - ABEYANCE ITEM - REZONING RELATED TO GPA-62387 -
8 PUBLIC HEARING - APPLICANT/OWNER: SEVENTY ACRES, LLC - For possible
9 action on a request for a Rezoning FROM: R-PD7 (RESIDENTIAL PLANNED
10 DEVELOPMENT - 7 UNITS PER ACRE) TO: R-4 (HIGH DENSITY RESIDENTIAL) on
11 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard (APN 138-32-
12 301-005), Ward 2 (Beers) [PRJ-62226].

13 ITEM 102 - SDR-62393 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW
14 RELATED TO GPA-62387 AND ZON-62392 - PUBLIC HEARING -
15 APPLICANT/OWNER: SEVENTY ACRES, LLC - For possible action on a request for a
16 Site Development Plan Review FOR A PROPOSED 720-UNIT MULTI-FAMILY
17 RESIDENTIAL (CONDOMINIUM) DEVELOPMENT CONSISTING OF FOUR, FOUR-
18 STORY BUILDINGS on 17.49 acres at the southwest corner of Alta Drive and Rampart
19 Boulevard (APN 138-32-301-005), R-PD7 (Residential Planned Development - 7 Units per
20 Acre) Zone [PROPOSED: R-4 (High Density Residential)], Ward 2 (Beers) [PRJ-62226].

21

22 Appearance List:

23 CAROLYN GOODMAN, Mayor

24 CHRIS KAEMPFER, Attorney for the Applicant

25 BRAD JERBIC, City Attorney

26 STEPHANIE ALLEN, Attorney for the Applicant

27 LOIS TARKANIAN, Councilwoman

28 TOM PERRIGO, Director of Planning

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEMS 100-102**

111 **CHRIS KAEMPFER**

112 Thank you very much, Mr. Jerbic. I'm sure I do not have to remind you that , okay. I'll slow down
113 a little bit. Okay.

114

115 **MAYOR GOODMAN**

116 Well, sometimes speed helpful.

117

118 **CHRIS KAEMPFER**

119 But I appreciate that very much, and I will be as quick as I can and Stephanie, actually, is just
120 supplementing some of the comments I'm making. So we'll be brief.

121 I'm sure I do not have to remind you that the last time we met on this exact same item, we had a
122 seven-hour hearing, something that we are not going to duplicate tonight, I trust, after which, at
123 the request of Your Honor, the item was continued for further discussions to be held between
124 Mr. Frank Pankratz and Ms. Shauna Hughes.

125 The purpose of those discussions were to hopefully reach some kind of universal resolution to
126 this issue. Those discussions have occurred, and they are continuing to take place, but no such
127 resolution has yet happened. That does not mean that with regard to the project before you today
128 that we have not been honoring the admonition of Your Honor to work in good faith, and I can
129 honestly say that we have.

130 And it certainly does not mean that we have not been listening to the dictates of Councilman
131 Beers or the legal opinion of Mr. Jerbic or the opinions and recommendations of Mr. Perrigo and
132 Mr. Lowenstein. My grandfather used to tell me, in German, of course, right after he would hit
133 me in the back of the head, that you don't have to hit a good mule twice. And we would hope
134 that, in that same spirit of understanding and cooperation, we have listened to Councilman Beers,
135 who has told us unequivocally that we have to significantly reduce the density of our previously
136 proposed project.

137 In that same vein, we've also listened to Mr. Jerbic, Mr. Perrigo, and Mr. Lowenstein, who
138 emphasized to us and to the neighbors and to anyone who took time or interest to listen that the
139 importance of compatible and comparable zoning. We have also listened to our immediate

**CITY COUNCIL MEETING OF
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140 neighbors, who have expressed concerns about traffic, height, density, schools, and for rent as
141 opposed to for sale condominiums.
142 And as a consequence, Your Honor and members of the Council, and especially Councilman
143 Beers and Mr. Jerbic, as a result of that, all of that listening, we are advising you today that, as
144 required by Councilman Beers, we are hereby reducing the number of units in this project from
145 the 720, for which we applied and for which Planning Commission granted approval, to 435.
146 That is a reduction of nearly 300 units from the project we originally proposed.
147 In addition and to address both the concerns raised by Councilman Beers and by our neighbors,
148 especially and more importantly the neighbors in the Towers, who are the only ones immediately
149 adjacent to this project, we have changed this project to a for sale condominium development
150 and not a for rent development.
151 So it went from 720 units to 435 and from for rent to for sale. And those are requirements that
152 were imposed on us, I'd like to say that we accepted those graciously, but they were requirements
153 that were imposed on us by Councilman Beers.
154 Now, to address the comments made by Mr. Jerbic, Mr. Perrigo, and Mr. Lowenstein throughout
155 this entire Queensridge zoning process, the reduction to 435 units means that the density of our
156 project will be 24.9 units per acre, and that density will match precisely and exactly the density
157 of the Queensridge Towers, which is our immediate neighbor to the west, as you can see and
158 Stephanie can explain. Why don't you explain what those numbers are?

159

160 **STEPHANIE ALLEN**

161 Sure. If we can have the overhead, please, that would be great. There we go. This exhibit shows
162 the density of One Queensridge Place, Phase I and Phase II. The original Phase I density was
163 24.4 units per acre. Phase II was 25.5 units per acre, which equates to an overall density of 24.9
164 units to acre, which is exactly what we're requesting today with the reduction.

165

166 **CHRIS KAEMPFER**

167 The size of the acreage involved here is 17.49 acres. When you take that times 24.9, it reaches
168 the 435. Why is that important? Because it achieves the exact compatibility and comparability

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312 If somebody were to come to you and say, I have a project that matches exactly the density of the
313 existing project right next to it. I have a project that your Staff is recommending approval on, that
314 your Planning Commission recommended approval on, that your traffic study has approved,
315 that's lower in height than the parcel next to it, and it's closer to main street, if anybody stood up
316 and said, I object to it, you'd say, why? It meets all the requirements of a project that needs to be
317 approved.

318 And we would respectfully ask that this project stand on its own merits and be approved that
319 way. Thank you very much.

320

321 **MAYOR GOODMAN**

322 Thank you.

323

324 **STEPHANIE ALLEN**

325 Thank you.

326

327 **BRAD JERBIC**

328 Mr. Kaempfer, before you walk away -

329

330 **MAYOR GOODMAN**

331 Thank you. Excuse me.

332

333 **BRAD JERBIC**

334 - I don't know if I've taken this out of sequence or not, and if you'd rather address it later, just let
335 me know, but in doing so and reducing your unit count from 720 to 435, are you amending your
336 applications under 100 from high density as a GPA to medium, and are you amending your
337 application under 101 from R-PD4 to R-PD3? Or would you rather address that later?

338

339 **CHRIS KAEMPFER**

340 I'll address it whenever you want to address it.

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341 **BRAD JERBIC**

342 If they're going to be amended, I think there's some value in the individuals who are about to
343 speak in knowing what it is they're speaking about. So if there is an intention to amend those
344 applications, I think this would be a better time to do it.

345

346 **CHRIS KAEMPFER**

347 Absolutely. R-3, by going to R-3, it guarantees that there can be no higher density, obviously,
348 than the 25 units, 24.9, whatever it is. With regard to the high, the only concern we have about
349 the reduction of the high is if we do reach some kind of global settlement, we don't want the
350 argument to be made that, well, you have medium on Rampart, so off of Rampart, even though
351 we'd like to help you out, we can't let you have higher density on the center of that 70 acres. So if
352 that's not really a concern, then we would agree to go the M and the R-3.

353

354 **BRAD JERBIC**

355 Let me see, Mayor, if I can make a record on that, because without going into details of
356 confidential discussions that we're having right now, we have not obviously reached a new
357 development agreement and densities have not been agreed to. And this particular piece may
358 well change as we wade into that discussion.

359 It may become more desirable for higher density, in which case I'll make a record that the
360 applicants can certainly come back later, if that is the case, as part of a global agreement and ask
361 for higher density. They can also come back, as part of a global agreement, and ask for high
362 density next to this medium density, but those are all things that are very premature right now.
363 But I will make a record that your amendment today would not preclude you from doing either
364 of those things in the future, subject, of course, to Council discretion.

365

366 **CHRIS KAEMPFER**

367 Your Honor, Councilman Beers, if that's something that you feel is important, all of the members
368 of the Council, obviously, but especially you as the Mayor here and Councilman Beers as your
369 ward and based on what Mr. Jerbic's representations are, I would accept that with the

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370 understanding that hopefully that's received by neighbors in the good faith that it's being offered
371 by us. So it would be medium and R-3 with the understandings, as Mr. Jerbic has just explained
372 it, that if part of the global discussions that can be modified there or would be modified if it was
373 in the best interests of the neighbors to modify it there. Otherwise, if that didn't occur, then it
374 would stay exactly as you're representing R-3 and M.

375

376 **BRAD JERBIC**

377 If I can go further then. So, for the purposes of everybody participating in today's discussion,
378 you'll be commenting on amended applications 100 from H to M and application or Item 101
379 from R-4 to R-3.

380 Second, the exhibits that you had said the 720. I know you didn't have time to correct them, but
381 the 720 is really the 435 now. Is that correct?

382

383 **STEPHANIE ALLEN**

384 Correct.

385

386 **BRAD JERBIC**

387 And I can also state for the record that your exterior elevations that have been part of the website
388 and other things for the last several months have not changed. Is this the number of units on the
389 inside of that very same building that have been reduced from 720 to 435?

390

391 **STEPHANIE ALLEN**

392 Correct.

393

394 **BRAD JERBIC**

395 Very good.

396

397 **CHRIS KAEMPFER**

398 That is absolutely correct.

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399 **BRAD JERBIC**

400 I hope that's clear for everybody in the audience who's listening so that you don't — if you
401 wonder why at the very end there's a vote on an SDR and there isn't a new SDR, it's because the
402 building on the exterior is the same, it's merely the unit count on the inside that isn't. It's 435, not
403 720. And if that's clear enough for everybody, Your Honor, I'll turn it back over to you to finish
404 the public hearing.

405

406 **CHRIS KAEMPFER**

407 And Your Honor, if I may just follow up, and that means we don't have to come back if we're
408 changing the interior of the building. We can do that administratively, I assume, with your
409 Planning Staff as opposed to come back to a new hearing that shows 435 units instead of 720.

410

411 **MAYOR GOODMAN**

412 You're speaking interior?

413

414 **TOM PERRIGO**

415 Your Honor, yes. That's correct. As long as we're only talking about a revised floor plan and
416 nothing to do with the elevations or the layout of the building, the landscaping, any of that stuff,
417 yeah, that can be just an administrative review of change of the floor plan.

418

419 **MAYOR GOODMAN**

420 Thank you very much.

421

422 **CHRIS KAEMPFER**

423 Thank you, Your Honor. That concludes our presentation.

424

425 **STEPHANIE ALLEN**

426 Just one further comment.

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3466 **COUNCILMAN BEERS**

3467 Okay. So, with that, I'm going to move for on Item 100, the General Plan Amendment approval,
3468 with the amendment that we would instead of changing it from, to high density, we'd change it to
3469 medium, M, density.

3470

3471 **MAYOR GOODMAN**

3472 - Councilman Barlow, did you hear that?

3473

3474 **COUNCILMAN BARLOW**

3475 I did.

3476

3477 **COUNCILMAN BEERS**

3478 Any other Staff conditions? Any other Staff Conditions that would go on that?

3479

3480 **MAYOR GOODMAN**

3481 Okay.

3482

3483 **TOM PERRIGO**

3484 No.

3485

3486 **MAYOR GOODMAN**

3487 Okay. So you are? Would you repeat your motion?

3488

3489 **COUNCILMAN BEERS**

3490 **Approval of Agenda Item 100, with a change from the requested high density residential**
3491 **designation to a medium density residential designation, actually just a medium density**
3492 **designation.**

**CITY COUNCIL MEETING OF
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3493 **MAYOR GOODMAN**

3494 Okay. There is a motion to approve with the amendment mentioned by Councilman Beers. How
3495 say you, Councilman Barlow?

3496

3497 **COUNCILMAN BARLOW**

3498 Yes.

3499

3500 **MAYOR GOODMAN**

3501 Yes. Okay. Will you please post? And we have Councilman Coffin and Councilwoman to still
3502 vote, please.

3503 And the motion carries. **(The motion carried with Coffin, Tarkanian and Anthony voting**

3504 **No.)** And on Agenda Item 101?

3505

3506 **COUNCILMAN BEERS**

3507 **I would move approval of 101, with the change that instead of the requested R-4, it be**
3508 **dropped down to R-3.**

3509

3510 **MAYOR GOODMAN**

3511 And that is your motion?

3512

3513 **COUNCILMAN BEERS**

3514 Are there any other conditions on 101, Staff?

3515

3516 **TOM PERRIGO**

3517 No.

3518

3519 **MAYOR GOODMAN**

3520 Okay.

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3521 **COUNCILMAN BEERS**

3522 That would be where we would, would that not be also? Okay. Yes, ma'am.

3523

3524 **MAYOR GOODMAN**

3525 Okay. That is your motion. Please vote. And Councilman Barlow, how say you?

3526

3527 **COUNCILMAN BARLOW**

3528 Yes.

3529

3530 **MAYOR GOODMAN**

3531 And please post. And that motion carries. **(The motion carried with Coffin, Tarkanian and**

3532 **Anthony voting No.)** And Agenda Item 102?

3533

3534 **COUNCILMAN BEERS**

3535 And I guess I would add to the chorus, it's now six of us have made this comment, but I believe

3536 that Councilman Ross shares it. We would like all parties involved here to go back to the

3537 development agreement that was posted with the November agenda and mark it up, print it out,

3538 go home, mark it up.

3539 If you don't like something, put a red circle around it. If you want to change numbers, change

3540 numbers, but we need to have meetings where those marked-up development agreements are

3541 brought back so that we have concrete starting points for our discussions and hopefully get to the

3542 end of this process.

3543 So with that, **Your Honor, on Item 102, I would move for approval, but we do have a couple**

3544 **of additional -**

3545

3546 **MAYOR PRO TEM ROSS**

3547 Councilman, just for the record, I affirm what you just said about that.

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEMS 100-102**

3548 **COUNCILMAN BEERS**

3549 - thank you.

3550

3551 **MAYOR GOODMAN**

3552 Thank you.

3553

3554 **COUNCILMAN BEERS**

3555 The additional conditions on Number 102 would be the reduction to the number of units at 435,
3556 that the developer has agreed to, changes in floor plan are subject only to administrative review
3557 and will not come back here.

3558

3559 **TOM PERRIGO**

3560 Through you, Mayor, Councilman, we'd like to take a stab at those two conditions, then, if you
3561 please.

3562

3563 **COUNCILMAN BEERS**

3564 I've got one more.

3565

3566 **TOM PERRIGO**

3567 Oh, sorry.

3568

3569 **COUNCILMAN BEERS**

3570 Which is the Suncoast language that I think was submitted to you. I don't have the exact
3571 language, but in concept, if the traffic flow in or out of what we're doing here tonight accesses
3572 Alta, then a new traffic study needs to be conducted and it needs to be approved by the Council.

3573

3574 **MAYOR GOODMAN**

3575 Okay. That's your motion? Anything more there?

**CITY COUNCIL MEETING OF
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3576 **COUNCILMAN BEERS**

3577 Well, let's get Planning to correct my verbiage.

3578

3579 **PETER LOWENSTEIN**

3580 Madame Mayor, the first one would be the maximum number of 435 units shall be allowed.

3581 The second one would be revised floor plans depicting a maximum of 435 units shall be

3582 submitted to the Department of Planning prior to or at the same time as application is

3583 made for building permits.

3584

3585 **MAYOR GOODMAN**

3586 And the condition about this traffic study?

3587

3588 **PETER LOWENSTEIN**

3589 I'll leave that one as it stands.

3590

3591 **MAYOR GOODMAN**

3592 Okay.

3593

3594 **STEPHANIE ALLEN**

3595 Your Honor, just briefly a clarification. Did we want to limit it to for sale product as opposed to

3596 for rent?

3597

3598 **MAYOR GOODMAN**

3599 Oh, right. Yes.

3600

3601 **COUNCILMAN BEERS**

3602 Yes. There's another condition.

3603

3604 **MAYOR GOODMAN**

3605 No rental. For sale project.

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3606 **COUNCILMAN BEERS**

3607 The product will be for sale.

3608

3609 **MAYOR GOODMAN**

3610 Okay. You heard that, Councilman Barlow? That, that was the other piece, that they are not rental

3611 apartment units; they are condos, sale, sale.

3612

3613 **COUNCILMAN BARLOW**

3614 Yes, ma'am.

3615

3616 **MAYOR GOODMAN**

3617 Okay. Is that your motion?

3618

3619 **CHRIS KAEMPFER**

3620 Your Honor?

3621

3622 **COUNCILMAN BEERS**

3623 That's my motion, Your Honor.

3624

3625 **CHRIS KAEMPFER**

3626 **Your Honor, just to be clear for the Suncoast, they wanted to make sure that that traffic**

3627 **study would be part of any kind of public hearing so they would have input. I just wanted**

3628 **to make sure that was the case.**

3629

3630 **MAYOR GOODMAN**

3631 Okay. So there's a motion on Agenda Item 102, subject to the conditions that were put on. And

3632 how say you, Councilman Barlow?

3633

3634 **COUNCILMAN BARLOW**

3635 Yes.

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**CITY COUNCIL MEETING OF
FEBRUARY 15, 2017
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3636 **MAYOR GOODMAN**

3637 Thank you. And will you please post? (**Motion carried with Coffin, Tarkanian and Anthony**
3638 **voting No.**) And the motion carries. So there's a lot ahead. And thank you. Thank you all for
3639 coming. We feel, as you've said -

3640

3641 **COUNCILWOMAN TARKANIAN**

3642 Oh, wait, Madame Mayor?

3643

3644 **MAYOR GOODMAN**

3645 - Yes?

3646

3647 **COUNCILWOMAN TARKANIAN**

3648 Before we finish -

3649

3650 **MAYOR GOODMAN**

3651 We're not through. We have to stay.

3652

3653 **COUNCILWOMAN TARKANIAN**

3654 - no, no, I mean, on this, what we're voting on. We had a lot of good material that came from
3655 Attorney Jimmerson, and we're going to get a copy of that. Could we have the materials that
3656 were referred to by the opposition? Could we each have a copy of that too, you brave people?
3657

3658 **MAYOR GOODMAN**

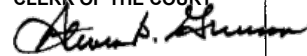
3659 We can get it from our City Clerk's Office.

3660

3661 **COUNCILWOMAN TARKANIAN**

3662 City Clerk has it. So would you give one to each of us please, of what was given to you by the
3663 other? Thank you.

EXHIBIT “EE”



1 Todd L. Bice, Esq., Bar No. 4534
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2 Dustun H. Holmes, Esq., Bar No. 12776
dhh@pisanellibice.com
3 PISANELLI BICE PLLC
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4 Las Vegas, Nevada 89101
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6 *Attorneys for Plaintiffs*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

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

21 **Plaintiffs,**

22 v.

23 THE CITY OF LAS VEGAS; and SEVENTY
ACRES, LLC, a Nevada Limited Liability
24 Company,

25 **Defendants.**

Case No.: A-17-752344-J

Dept. No.: XXIV

**ORDER GRANTING PLAINTIFFS'
PETITION FOR JUDICIAL REVIEW**

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1 On January 11, 2018, Plaintiffs¹ Petition for Judicial Review came before the Court for a
2 hearing. Todd L. Bice, Esq. and Dustun H. Holmes, Esq. of the law firm PISANELLI BICE PLLC
3 appeared on behalf of Plaintiffs, Christopher Kaempfer, Esq., James Smyth, Esq., Stephanie
4 Allen, Esq appeared on behalf of Defendant Seventy Acres, LLC ("Seventy Acres"), and Philip T.
5 Byrnes, Esq., with the LAS VEGAS CITY ATTORNEY'S OFFICE appeared on behalf of the
6 Defendant City of Las Vegas ("City"). The Court, having reviewed Plaintiffs' Memorandum in
7 Support of the Petition for Judicial Review, the City's Answering Brief, Seventy Acres'
8 Opposition Brief, Plaintiffs' Reply Brief, the Record for Review, and considered the matter and
9 being fully advised, and good cause appearing makes the following findings of fact and
10 conclusions of law:

11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW²**

12 **A. FINDINGS OF FACT**

13 1. Plaintiffs challenge the City's actions and the final decision entered on February
14 16, 2017 regarding the approval of Seventy Acres' applications GPA-62387 for a General Plan
15 Amendment from parks/recreation/open space (PR-OS) to medium density (M), ZON-62392 for
16 rezoning from residential planned development – 7 units per acre (R-PD7) to medium density
17 residential (R-3), and SDR-62393 site development plan related to GPA-62387 and ZON-62392
18 (collectively the "Applications") on 17.49 acres at the southwest corner of Alta Drive and
19
20
21

22 ¹ Jack B. Binion, Duncan R. and Irene Lee, individuals and trustees of the Lee Family
23 Trust, Frank A. Schreck, Turner Investments, LTD, Rover P. and Carolyn G. Wagner, individuals
24 and trustees of the Wagner Family Trust, Betty Englestad as trustee of the Betty Englestad Trust,
25 Pyramid Lake Holdings, LLC, Jason and Shereen Awad as trustees of the Awad Asset Protection
26 Trust, Thomas Love as trustee of the Zena Trust, Steve and Karen Thomas as trustees of the Steve
27 and Karen Thomas Trust, Susan Sullivan as trustee of the Kenneth J. Sullivan Family Trust, and
28 Dr. Gregory Bigler and Sally Bigler

² Any findings of fact which are more properly considered conclusions of law shall be
treated as such, and any conclusions of law which are more properly considered findings of fact
shall be treated as such.

1 Rampart Boulevard, more particularly described as Assessor's Parcel Number 138-32-301-005
2 (the "Property").³

3 2. The Property at issue in the Applications is a portion of land which was previously
4 known as Badlands Golf Course and is part of the Peccole Ranch Master Plan.

5 3. In 1986, the William Peccole Family presented their initial Master Planned
6 Development under the name Venetian Foothills to the City ("Peccole Ranch"). ROR002620-
7 2639.

8 4. The original Master Plan contemplated two 18-hole golf courses, which would
9 become known as Canyon Gate in Phase I of Peccole Ranch and Badlands in Phase II of Peccole
10 Ranch. Both golf courses were designed to be in a major flood zone and were designated as flood
11 drainage and open space. ROR002634. The City mandated these designations so as to address the
12 natural flood problem and the open space necessary for master plan development. ROR002595—
13 2604.

14 5. The William Peccole Family developed the area from W. Sahara north to W.
15 Charleston Blvd. within the boundaries of Hualapai Way on the west and Durango Dr. on the east
16 ("Phase I"). In 1989, the Peccole family submitted what was known as the Peccole Ranch Master
17 Plan, which was principally focused on what was then commonly known as Phase I.

18 6. In 1990 the William Peccole Family presented their Phase II Master Plan under the
19 name Peccole Ranch Master Plan Phase II (the "Phase II Master Plan") and it encompassed the
20 land located from W Charleston Blvd. north to Alta Dr. west to Hualapai Way and east to
21 Durango Dr. ("Phase II"). Queensridge was included as part of this plan and covered W.
22

23
24 ³ The Applications as originally submitted were for a General Plan Amendment from
25 parks/recreation/open space (PR-OS) to high density residential (H), for rezoning from residential
26 planned development – 7 units per acre (R-PD7) to high density residential (R-4). At the February
27 15, 2017 City Council meeting, Seventy Acres indicated that it was amending its Applications
28 from 720 units on the Property to 435 units. The corresponding effect was an amendment to its
General Plan Amendment from PR-OS to medium density (M) and rezoning from R-PD7 to
medium density residential (R-3).

1 Charleston Blvd. north to Alta Dr., west to Hualapai Way and east to Rampart Blvd. ROR002641-
2 2670.

3 7. Phase II of the Peccole Ranch Master Plan was approved by the City Council of
4 the City of Las Vegas on April 4, 1990 in Case No. Z-17-90. ROR007612, ROR007702-7704.
5 The Phase II Master Plan specifically defined the Badlands 18 hole Golf Course as flood
6 drainage/golf course in addition to satisfying the required open space necessitated by the City for
7 Master Planned Development. ROR002658-2660.

8 8. The Phase II golf course open space designation was for 211.6 acres and
9 specifically was presented as zero net density and zero net units. (ROR002666). The William
10 Peccole Family knew that residential development would not be feasible in the flood zone, but as
11 a golf course could be used to enhance the value of the surrounding residential lots. As the Master
12 Plan for Phase II submitted to the City outlines:

13 A focal point of Peccole Ranch Phase Two is the 199.8 acre golf
14 course and open space drainage way system which traverses the site
15 along the natural wash system. All residential parcels within Phase
16 Two, except one, have exposure to the golf course and open space
17 areas . . . The close proximity to Angel Park along with the
18 extensive golf course and open space network were determining
19 factors in the decision not to integrate a public park in the proposed
20 Plan."

21 ROR002658-2660.

22 9. The Phase II Master Plan amplifies that it is a planned development, incorporating
23 a multitude of permitted land uses as well as special emphasis the open space and:

24 Incorporates office, neighborhood commercial, a nursing home, and
25 a mixed-use village center around a strong residential base in a
26 cohesive manner. A destination resort-casino, commercial/office
27 and commercial center have been proposed in the most northern
28 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.

29 ROR00264-2669.

30 10. As the Plan for Phase II outlined, there would be up to 2,807 single-family
31 residential units on 401 acres, 1,440 multi-family units on 60 acres and open space/golf

1 course/drainage on approximately 211 acres. ROR002666-2667. For the single-family units
2 which would border the proposed golf course/open space, the zoning sought was for R-PD7,
3 which equates to a maximum of seven (7) single-family units per acre on average. ROR002666-
4 2667. Such a zoning approval for a planned development like Peccole Ranch Phase II and its
5 proposed golf course/open space/drainage is common as confirmed by the City's own code at the
6 time because R-PD zoning category was specifically designed to encourage and facilitate the
7 extensive use of open space within a planned development, such as that being proposed by the
8 Peccole Family. ROR02716-2717.

9 11. Both the Planning Commission and the City Council approved this 1990
10 Amendment for the Phase II Plan (the "Plan"). ROR007612, ROR007702-7704.

11 12. The City confirmed the Phase II Plan in subsequent amendments and re-adoption
12 of its own General Plan, both in 1992 and again in 1999. ROR002735-2736.

13 13. On the maps of the City's General Plan, the land for the golf course/open
14 space/drainage is expressly designated as PR-OS, meaning Parks/Recreation/Open Space.
15 ROR002735-2736. There are no residential units permitted in an area designated as PR-OS.

16 14. The City's 2020 Master Plan specifically lists Peccole Ranch as a Master
17 Development Plan in the Southwest Sector.

18 15. In early 2015, the land was acquired by a developer and as a representative of the
19 developer, Yohan Lowie, would testify at the November 16, 2016 City Council meeting that
20 before purchasing the property he had conversations with the City Council members from which
21 he inferred that he would be able to secure approvals to redevelop the golf course/open space of
22 this master planned community with housing units. ROR001327-1328; ROR007364-7365. The
23 purchaser elected to take on the risk of acquiring the property and did not provide for typical
24 contingencies, such as a condition of land use approvals prior to closing.

25 16. Instead, it was after acquiring the land that one of the developer's entities, Seventy
26 Acres, filed the Applications with the City in November 2015.

27 17. When the Applications were initially submitted they were set to be heard in front
28 of the City's Planning Commission on January 12, 2016. ROR017362-17377. The Staff Report

1 prepared in advance of this meeting states that the City's Planning Department had no
2 recommendation at the time because the City's code required an application for a major
3 modification of the Peccole Ranch Master Plan prior to the approval of the Applications.
4 ROR017365. Specifically, the Staff Report states:

5 The site is part of the Peccole Ranch Master Plan. The appropriate
6 avenue for considering any amendment to the Peccole Ranch
7 Master Plan is through the Major Modification process as outline in
8 Title 19.10.040. As this request has not been submitted, staff
 recommends that the [Applications] be held in abeyance has no
 recommendation on these items at the time.
 (*Id.*)

9 18. Indeed, a critical issue noted by the City pertaining to the Applications was that
10 "[t]he proposed development requires a Major Modification of the Peccole Ranch Master Plan,
11 specifically the Phase Two area as established by Z-0017-90. As such, staff is recommending that
12 these items be held in abeyance." (*Id.*)

13 19. Following staff's recommendation, the Applications were held over to the March 8,
14 2016 Planning Commission meeting.

15 20. Again, the Staff Report prepared in advance of the meeting states, "[t]he site is part
16 of the Peccole Ranch Master Plan. The appropriate avenue for considering any amendment to the
17 Peccole Ranch Master Plan is through the Major Modification process as outline in Title
18 19.10.040." ROR017445-17538. As no Major Modification had been submitted the City's staff
19 had no recommendation on the Applications at the time. *Id.*

20 21. As a result, the Applications were held over to the April 12, 2016 Planning
21 Commission meeting.

22 22. Consistent with the City's requirements, the developer subsequently filed an
23 application MOD-63600 for a Major Modification of the Peccole Ranch Master Plan to amend the
24 number of allowable units, to change the land use designation of parcel, and to provide standards
25 for redevelopment.

26 23. As the Staff Report prepared in advance of an April 12, 2016 Planning
27 Commission meeting states, "[p]ursuant to 19.10.040, a request has been submitted for a
28 modification to the Peccole Ranch Master Plan to authorize removal of the golf course, change

1 the designated land uses on those parcels to single family and multi-family residential and allow
2 for additional residential units." ROR017550-17566.

3 24. The Staff Report goes on to state that "[i]t is the determination of the Department
4 of Planning that any proposed development not in conformance with the approved Peccole Ranch
5 Master Plan would be required to pursue a Major Modification of the Plan prior to or concurrently
6 with any new entitlements. *Id.* Such an application (MOD-63600) was filed with the City of Las
7 Vegas on 02/25/16 along with a Development Agreement (DIR-63602) for redevelopment of the
8 golf course parcels." *Id.*

9 25. As the Staff Report indicates, "[a]n additional set of applications were submitted
10 concurrently with the Major Modification that apply to the whole of the 250.92-acre golf course
11 property." These applications were submitted by entities – 180 Land Co LLC and Fore Stars, Ltd-
12 controlled and related to the developer submitting the Applications at issue here. *Id.*

13 26. As with the previous Staff Reports, the Staff emphasized that "[t]he proposed
14 development requires a Major Modification of the Peccole Ranch Master Plan, specifically the
15 Phase Two area as established by Z-0017-90." *Id.* However, the City's Staff was now
16 recommending the Applications be held in abeyance as additional time was needed for "review of
17 the Major Modification and related development agreement." *Id.*

18 27. Over the next several months the Applications were held in abeyance at the request
19 of Seventy Acres and/or the City. Specifically, the Staff Reports prepared in advance of every
20 meeting continuously noted that approval of the Applications was dependent upon an approval of
21 a Major Modification of the Peccole Ranch Master Plan.

22 28. For example, the May 10, 2016 Staff Report provides "[t]he proposed development
23 requires a Major Modification (MOD-6300) of the Peccole Ranch Master Plan, specifically the
24 Phase Two area as established by Z-0017-90." ROR018033-18150. The Staff findings likewise
25 provide the Applications "would result in the modification of the Peccole Ranch Master Plan.
26 Without the approval of a Major Modification to said plan, no finding can be reached at this
27 time." *Id.*

28

1 29. In the July 12, 2016 Staff Report, staff states "[t]he Peccole Ranch Master Plan
2 must be modified to change the land use designations from Golf Course/Drainage to Multi-Family
3 Residential and Single Family Residential prior to approval of the proposed" Applications.
4 ROR018732-18749. ROR0198882-

5 30. Less than two months later, in an August 9, 2016 Staff Report, the City's Staff
6 reiterated that "[t]he proposed development requires a Major Modification (MOD-6300) of the
7 Peccole Ranch Master Plan, specifically the Phase Two area as established by Z-0017-90."
8 ROR0198882-19895.

9 31. Ultimately, the Applications came before a special Planning Commission meeting
10 on October 18, 2016. ROR000725-870. The Applications were heard along with other
11 applications from the developer, including application for a Major Modification of the Peccole
12 Ranch Master Plan. (MOD-63600).

13 32. The City's Planning Commission denied all other applications, including MOD-
14 63600, except for the Applications at issue in this case by a five-to-two margin. ROR00865-870.
15 In other words, the Planning Commission approved certain applications notwithstanding that it
16 had expressly denied the Major Modification (MOD-63600) that the City's Staff recognized as a
17 required prerequisite to any applications moving forward.

18 33. The Applications, along with all other applications from the developer, were then
19 scheduled to be heard in front of the City Council on November 16, 2016.

20 34. Prior to the City Council Meeting the developer requested that the City permit it to
21 withdraw without prejudice all other applications, including the Major Modification (MOD-
22 63600), leaving the Applications at issue relating to the 720 multifamily residential buildings on
23 17.49 acres located on Alta/Rampart southwest corner. ROR001081-1135.

24 35. But again, the City's Staff Report prepared in advance of the City Council meeting
25 confirmed that one of the conditions for approving these Applications was that there be a Major
26 Modification of the Peccole Ranch Master Plan. ROR002421-2441. As the City's staff explains,
27 the Applications "are dependent on action taken on the Major Modification and the related
28 Development Agreement between the application and the City for the development of the golf

1 course property." ROR002425. This point is reiterated in the report that "[t]he proposed
2 development requires a Major Modification (MOD-63600) of the Peccole Ranch Master Plan."
3 (*Id.*).

4 36. Yet, as the City's Staff Report confirms, the developer had submitted no request
5 for a Major Modification to the 1990 Peccole Ranch Master Development Plan Phase II to
6 authorize modification for the 17.49 acres of golf course/drainage/open space land use to change
7 the designated land uses, and increase in net units, density, and maximum units per acre. Rather,
8 the application for a Major Modification was submitted on February 25, 2016, relating to the
9 entirety of the Badlands Golf Course, along with an application for a development agreement, and
10 the developer had now withdrawn any request for a major modification.

11 37. The City Council voted to hold the matter in abeyance. ROR001342.

12 38. Subsequently, the Applications came back before the City Council on February 15,
13 2017.

14 39. The Staff Report again provided that "[p]ursuant to Title 19.10.040, a request has
15 been submitted for a Modification to the 1990 Peccole Ranch Master Plan to authorize removal of
16 the golf course, change the designated land uses on those parcels to single-family and multi-
17 family residential and allow for additional residential units." The City's Staff maintained that
18 Applications "are dependent on action taken on the Major Modification," and that the "the
19 proposed development requires a Major Modification (MOD-63600) of the Peccole Ranch Master
20 Plan." ROR011240.

21 40. There is no question that the City's own Staff had long recognized that these
22 Applications were dependent upon a Major Modification of the Peccole Ranch Master Plan.

23 41. At the February 15, 2017 City Council meeting, Seventy Acres announced that it
24 was amending its Applications by reducing the units from 720 to 435 units on 17.49 acres located
25 on Alta/Rampart southwest corner. ROR017237-17358. The corresponding effect was an
26 amendment to its application for a general plan amendment PR-OS to medium density,
27 application for rezoning from R-PD7 to medium density residential, and application for SDR-
28 62393 site development plan subject to certain conditions. *Id.*

1 42. Despite no Major Modification as the City had long recognized as required, the
2 City Council by a four-to-three vote proceeded anyway and approved the Applications.

3 43. On or about February 16, 2017, a Notice of Final Action was issued.

4 44. On March 10, 2017, Plaintiffs timely filed this Petition seeking judicial review of
5 the City's decision.

6 **B. CONCLUSIONS OF LAW**

7 1. The City's decision to approve the Applications is reviewed by the district court for
8 abuse of discretion. *Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 96 P.3d
9 756, 760 (2004). "A decision that lacks support in the form of substantial evidence is arbitrary or
10 capricious, and thus an abuse of discretion that warrants reversal." *Tighe v. Las Vegas Metro.*
11 *Police Dep't*, 110 Nev. 632, 634, 877 P.2d 1032, 1034 (1994). Substantial evidence is evidence
12 that "a reasonable mind might accept as adequate to support a conclusion." *Id.* Yet, on issue of
13 law, the district court conducts an independent review with no deference to the agency's
14 determination. *Maxwell v. State Indus. Ins. Sys.*, 109 Nev. 327, 329, 849 P.2d 267, 269 (1993).

15 2. Although the City's interpretation of its land use laws is cloaked with a
16 presumption of validity absent manifest abuse of discretion, questions of law, including
17 Municipal Codes, are ultimately for the Court's determination. *See Boulder City v. Cinnamon*
18 *Hills Assocs.*, 110 Nev. 238, 247, 871 P.2d 320, 326 (1994); *City of N. Las Vegas v. Eighth*
19 *Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 1197, 1208, 147 P.3d 1109, 1116 (2006).

20 3. Here, while the City says that this Court should defer to its interpretation, the
21 Court must note that what the City is now claiming as its interpretation of its own Code appears to
22 have been developed purely as a litigation strategy. Before the homeowners filed this suit, the
23 City and its Planning Director had consistently interpreted the Code as requiring a major
24 modification as a precondition for any application to change the terms of the Peccole Ranch
25 Master Plan. Indeed, it was not until oral argument on this Petition for Judicial Review that the
26 City Attorneys' office suggested that the terms of LVMC 19.10.040(G) only applied to property
27 that is technically zoned for "Planned Development" as opposed to property that is zoned R-PD
28 which is "Residential-Planned Development." This position is completely at odds with the City's

1 own longstanding interpretation of its own Code and that its own Director of Development had
2 long determined that a major modification was required and that the terms of LVMC
3 19.10.040(G) applied here. Respectfully, interpretations that are developed by legal counsel, as
4 part of a litigation strategy, are not entitled to any form of deference by the judiciary. *See*
5 *Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 155, 132 S. Ct. 2156, 2166, 183 L. Ed.
6 2d 153 (2012)(no deference is provided when the agency's interpretation is nothing more than a
7 "convenient litigating position."). What is most revealing is the City's interpretation of its own
8 Code before it felt compelled to adopt a different interpretation as a defense strategy to this
9 litigation.

10 4. The Court finds the City's pre-litigation interpretation and enforcement of its own
11 Code – that a major modification to the Peccole Ranch Master Plan is required to proceed with
12 these Applications – to be highly revealing and consistent with the Code's actual terms.

13 5. LVMC 19.10.040(G) is entitled "Modification of Master Development Plan and
14 Development Standards." It provides, in relevant part, that:

15 The development of property within the Planned Development District may
16 proceed only in strict accordance with the approved Master Development Plan and
17 Development Standards. Any request by or on behalf of the property owner, or any
18 proposal by the City, to modify the approved Master Development Plan or
19 Development Standards shall be filed with the Department. In accordance with
20 Paragraphs (1) and (2) of this Subsection, the Director shall determine if the
21 proposed modification is "minor" or "major," and the request or proposal shall be
22 processed accordingly.

23 *See* LVMC 19.10.040(G).

24 6. Accordingly, under the Code, "[a]ny request by or on behalf of the property owner,
25 or any proposal by the City, to modify the approved Master Development Plan or Development
26 Standards shall be filed with the Department." LVMC 19.10.040(G). It is the City's Planning
27 Department who "shall determine if the proposed modification is minor or major, and the request
28 or proposal shall be processed accordingly." *Id.*

7. There is no dispute that the Peccole Ranch Master Plan is a Master Development
Plan recognized by the City and listed in the City's 2020 Master Plan accordingly.

1 8. Likewise, there is no dispute that throughout the application process, the City's
2 Planning Department continually emphasized that approval of the Applications was dependent
3 upon approval of a major modification of the Peccole Ranch Master Plan. For example, the record
4 contains the following representations from the City:

- 5 • "The site is part of the 1,569-acre Peccole Ranch Master Plan. Pursuant to Title
6 19.10.040, a request has been submitted for a Modification to the 1990 Peccole
7 Ranch Master Plan to authorize removal of the golf course, change the designated
8 land uses on those parcels to single family and multi-family residential and allow
9 for additional residential units."
- 10 • "The site is part of the Peccole Ranch Master Plan. The appropriate avenue for
11 considering any amendment to the Peccole Ranch Master Plan is through the
12 Major Modification process as outline in Title 19.10.040..."
- 13 • "The current General Plan Amendment, Rezoning and Site Development Plan
14 Review requests are dependent upon on action taken on the Major Modification..."
- 15 • "The proposed Development requires a Major Modification (MOD-63600) of the
16 Peccole Ranch Master Plan...."
- 17 • "The Department of Planning has determined that any proposed development not
18 in conformance with the approved (1990) Peccole Ranch Master Plan would be
19 required to pursue a Major Modification..."
- 20 • "The Peccole Ranch Master Plan must be modified to change the land use
21 designations from Golf Course/Drainage to Multi-Family prior to approval of the
22 proposed General Plan Amendment..."
- 23 • "In order to redevelop the Property as anything other than a golf course or open
24 space, the applicant has proposed a Major Modification of the 1990 Peccole
25 Master Plan."
- 26 • "In order to address all previous entitlements on this property, to clarify intended
27 future development relative to existing development, and because of the acreage of
28

1 the proposed for development, staff has required a modification to the conceptual
2 plan adopted in 1989 and revised in 1990."

3 ROR000001-27; ROR002425-2428; ROR006480-6490; ROR017362-17377.

4 9. The City's failure to require or approve of a major modification, without getting
5 into the question of substantial evidence, is legally fatal to the City's approval of the Applications
6 because under the City's Code, as confirmed by the City's Planning Department, the City was
7 required to first approve of a major modification of the Peccole Ranch Master Plan, which was
8 never done. That, by itself, shows the City abused its discretion in approving the Applications.

9 10. Instead of following the law and the recommendations from the City's Planning
10 Department, over the course of many months there was a gradual retreat from talking about a
11 major modification and all of a sudden that discussion and the need for following Staff's
12 recommendation just went out the window.

13 11. The City is not permitted to change the rules and follow something other than the
14 law in place. The Staff made it clear that a major modification was mandatory. The record
15 indicates that the City Council chose to just ignore and move past this requirement and did what
16 the developer wanted, without justification for it, other than the developer's will that it be done.

17 12. In light of the foregoing, the Court finds that the City abused its discretion in
18 approving the Applications. The Court interprets the City's Code, just as the City itself had long
19 interpreted it, as requiring a major modification of the Peccole Ranch Master Plan. Since the City
20 failed to approve of a major modification prior to the approval of these Applications the City
21 abused its discretion and acted in contravention of the law.

22 Based upon the Findings and Facts and Conclusions of Law above:

23 **IT IS HEREBY ORDERED** that Plaintiffs' Petition for Judicial Review is **GRANTED**.

24 ...

25 ...

26 ...

27

28

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1 IT IS FURTHER ORDERED that the approval of the applications GPA-62387, ZON-
2 62392, and SDR-62393 are hereby vacated, set aside, and shall be void, and judgment shall be
3 entered against Defendant City of Las Vegas and Seventy Acres, LLC in favor of Plaintiffs
4 accordingly.

5 DATED: March 1, 2018

6
7
8 THE HONORABLE JIM CROCKETT
EIGHTH JUDICIAL DISTRICT COURT

9 Submitted by:

10 PISANELLI BICE PLLC

11 By: [Signature]
12 Todd L. Bice, Esq., Bar No. 4534
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13 Attorneys for Plaintiffs

14 Approved as to Form and Content by:

15 KAEMPFER CROWELL

16 By: NOT SIGNED
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20 Attorneys for Seventy Acres, LLC

21 Approved as to Form and Content by:


22 By: NOT SIGNED
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24 Attorneys for City of Las Vegas
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EXHIBIT “FF”



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Case Information: 75481

Short Caption:	SEVENTY ACRES, LLC VS. BINION	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A752344	Classification:	Civil Appeal - General - Other
Disqualifications:	Douglas, Gibbons, Hardesty, Parraguirre, Pickering, Silver	Case Status:	Briefing Completed/To Screening
Replacement:	Senior Justice None for Justice Hardesty Justice Stiglich for Justice Parraguirre	Panel Assigned:	Panel
To SP/Judge:	04/04/2018 / Shirinian, Ara	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:		How Submitted:	

- Party Information

Role	Party Name	Represented By
Amicus Curiae	City of Las Vegas	Philip R. Byrnes, Jr. (Las Vegas City Attorney)
Appellant	Seventy Acres, LLC	Micah S. Echols (Marquis Aurbach Coffing) Elizabeth Ghanem Ham (EHB Companies, LLC) Mark A. Hutchison (Hutchison & Steffen, LLC/Las Vegas) Adele V. Karoum (Marquis Aurbach Coffing) Joseph S. Kistler (Hutchison & Steffen, LLC/Las Vegas) James Jack Leavitt (Law Offices of Kermit L. Waters) Michael A. Schneider (Law Offices of Kermit L. Waters) Matthew K. Schriever (Hutchison & Steffen, LLC/Las Vegas) Michael K. Wall (Hutchison & Steffen, LLC/Las Vegas) Kermit L. Waters (Law Offices of Kermit L. Waters)

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0612

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		Autumn L. Waters (Law Offices of Kermit L. Waters) Kathleen A. Wilde (Marquis Aurbach Coffing)
Respondent	Awad Asset Protection Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Betty Englestad	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Betty Englestad Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
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Respondent	Irene Lee	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Jack B. Binion	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Jason Awad	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Karen Thomas	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Kenneth J. Sullivan Family Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Lee Family Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Pyramid Lake Holdings, LLC	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Roger P. Wagner	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Sally Bigler	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Shereen Awad	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Steve and Karen Thomas Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Steve Thomas	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Susan Sullivan	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Thomas Love	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Turner Investments, Ltd.	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Wagner Family Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)
Respondent	Zena Trust	Todd L. Bice (Pisanelli Bice, PLLC) Dustun H. Holmes (Pisanelli Bice, PLLC)

+ Due Items

Docket Entries

Date	Type	Description	Pending?	Document
04/02/2018	Filing Fee	Filing Fee Paid. \$250.00 from Marquis Aurbach		

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0613

10663

		Coffing. Check no. 123739.	
04/02/2018	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)	18-12550
04/02/2018	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.	18-12552
04/04/2018	Settlement Notice	Issued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Ara H. Shirinian.	18-12835
04/23/2018	Docketing Statement	Filed Docketing Statement.	18-15494
05/07/2018	Settlement Program Report	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference is scheduled for May 1, 2018.	18-17273
05/07/2018	Settlement Program Report	Filed Final Report/No Settlement. The parties were unable to agree to a settlement of this matter.	18-17274
05/08/2018	Settlement Order/Procedural	Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 15 days transcript request; 90 days opening brief and appendix.	18-17454
05/18/2018	Notice/Incoming	Filed Notice of Change of Counsel. (Micah Echols and Kathleen Wilde as counsel for Appellant).	18-19056
05/18/2018	Transcript Request	Filed Notice of No Transcripts to Be Requested.	18-19058
08/01/2018	Motion	Filed Appellant's Motion for Extension of Time to File Opening Brief and Appendix.	18-29513
08/01/2018	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Appellant's Opening Brief and Appendix due: September 5, 2018.	18-29516
09/04/2018	Motion	Filed Appellant's Motion for Extension of Time to File Opening Brief and Appendix.	18-34379
09/13/2018	Other	Chief Justice Michael L. Douglas disqualified from participation in this matter.	

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09/13/2018	Order/Procedural	Filed Order Granting Motion. Appellant's Opening Brief and Appendix due: October 5, 2018.	18-35756
09/25/2018	Other	Justice Mark Gibbons disqualified from participation in this matter. Disqualification Reason: Parties	
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 1	18-38649
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 2.	18-38650
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 3.	18-38652
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 4.	18-38654
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 5.	18-38657
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 6.	18-38660
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 7.	18-38665
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 8.	18-38667
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 9.	18-38669
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 10.	18-38671
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 11.	18-38675
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 12.	18-38677
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 13.	18-38680
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 14.	18-38683
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 15.	18-38684
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 16.	18-38685
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 17.	18-38688
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 18.	18-38689
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 19.	18-38690
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 20.	18-38691
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 21.	18-38692
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 22.	18-38693
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 23.	18-38695
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 24.	18-38696
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 25.	18-38697
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 26.	18-38698

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0615

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10/03/2018	Appendix	Filed Appellant's Appendix, Volume 27.	18-38699
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 28.	18-38701
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 29.	18-38702
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 30.	18-38705
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 31.	18-38706
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 32.	18-38708
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 33.	18-38709
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 34.	18-38711
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 35.	18-38712
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 36.	18-38713
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 37.	18-38727
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 38.	18-38728
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 39.	18-38730
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 40.	18-38733
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 41.	18-38736
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 42.	18-38737
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 43.	18-38745
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 44.	18-38748
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 45.	18-38749
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 46.	18-38797
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 47.	18-38798
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 48.	18-38799
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 49.	18-38800
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 50.	18-38801
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 51.	18-38802
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 52.	18-38803
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 53.	18-38804
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 54.	18-38806
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 55.	18-38807
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 56.	18-38809
10/03/2018	Appendix	Filed Appellant's	18-38810

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0616

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		Appendix, Volume 57.	
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 58.	18-38811
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 59.	18-38813
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 60.	18-38814
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 61.	18-38816
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 62.	18-38817
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 63.	18-38818
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 64.	18-38826
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 65.	18-38828
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 66.	18-38833
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 67.	18-38834
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 68.	18-38836
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 69.	18-38840
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 70.	18-38842
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 71.	18-38843
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 72.	18-38844
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 73.	18-38845
10/03/2018	Appendix	Filed Appellant's Appendix, Volume 74.	18-38846
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 75.	18-38849
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 76.	18-38850
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 77.	18-38851
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 78.	18-38853
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 79.	18-38854
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 80.	18-38855
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 81.	18-38856
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 82.	18-38858
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 83.	18-38859
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 84.	18-38863
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 85.	18-38864
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 86.	18-38866
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 87.	18-38867

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10/04/2018	Appendix	Filed Appellant's Appendix, Volume 88.	18-38869
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 89.	18-38870
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 90.	18-38871
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 91.	18-38872
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 92.	18-38875
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 93.	18-38876
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 94.	18-38878
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 95.	18-38884
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 96.	18-38885
10/04/2018	Appendix	Filed Appellant's Appendix, Volume 97.	18-38888
10/05/2018	Notice/Incoming	Filed Certificate of Service for Appellant's Appendix.	18-39198
10/08/2018	Motion	Filed Appellant's Motion for Extension of Time to File Opening Brief.	18-39248
10/11/2018	Order/Procedural	Filed Order Granting Motion. Appellant's Opening Brief due: November 5, 2018.	18-39922
11/06/2018	Brief	Filed Appellant's Opening Brief. (SC)	18-903105
12/04/2018	Motion	Filed Motion for Extension of Time to File Answering Brief (First Request). (SC)	18-906923
12/04/2018	Notice/Outgoing	Issued Notice Motion Approved. Respondent's Answering Brief due: January 7, 2018. (SC)	18-906932
01/04/2019	Motion	Filed Respondent's Motion for Extension of Time to File Answering Brief (Second Request). (SC)	19-00620
01/11/2019	Order/Procedural	Filed Order Granting Motion. Respondents' Answering Brief due: February 6, 2019. (SC)	19-01780
02/07/2019	Brief	Filed Respondent's Answering Brief. (SC)	19-05876
02/12/2019	Notice/Incoming	Filed Notice of Appearance of Counsel (Kermitt L. Waters, James J. Leavitt, Michael A. Schneider, and Autumn L. Waters for Appellant). (SC)	19-06680
02/14/2019	Notice/Incoming	Filed Certificate of Service for Notice of Appearance. (SC)	19-07031
03/11/2019	Order/Clerk's	Filed Order Granting Telephonic Extension. Appellant's Reply Brief due: March 25, 2019. (SC)	19-10648
03/22/2019	Brief	Filed Appellant's Reply Brief. (SC). (STRICKEN	

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0618

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		PER 04/25/19 ORDER).	
03/23/2019	Appendix	Filed Appendix to Reply Brief. (SC). (STRUCK BATES NUMBERED 1-22 PER 04/25/19 ORDER).	19-12953
03/25/2019	Case Status Update	Briefing Completed/To Screening. (SC)	
04/05/2019	Motion	Filed Respondents' Motion to Strike Appellant's Reply Brief and Reply Appendix. (SC)	19-14894
04/12/2019	Motion	Filed Appellant's Opposition to Motion to Strike Appellant's Reply Brief and Reply Appendix. (SC).	19-16144
04/19/2019	Motion	Filed Respondents' Reply in Support of Motion to Strike Appellant's Reply Brief and Reply Appendix. (SC)	19-17292
04/25/2019	Order/Procedural	Filed Order. Respondents have moved to strike appellant's reply appendix on the ground that the documents included therein were not part of the record before the district court and to strike the reply brief because it contains numerous references to these documents. Respondent's motion to strike is granted, in part, as follows. The clerk of this court shall strike pages Bates numbered 1-22 from appellant's reply appendix. The request to take judicial notice as to pages of appellant's reply appendix Bates numbered 23-27 and 203-205, is granted. The request to take judicial notice is granted as it relates to pages Bates numbered 28-202. In addition, rather than strike portions of the reply brief that refer to the stricken documents, the clerk shall strike the entire reply brief. Appellant's Amended Reply Brief due: 14 days. (SC).	19-18160
05/01/2019	Brief	Filed Appellant's Amended Reply Brief. (SC)	19-19206
05/08/2019	Notice/Incoming	Filed Notice of Appearance (Michael K. Wall as counsel for Appellant). (SC)	19-20210
05/08/2019	Motion	Filed Appellant's Motion for Case to be Assigned to the Entire Court for En Banc Consideration, for the Justices of this Court	

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		Not to Recuse Themselves, and for Disclosure of Any Possible Conflicts of Interest of Any Law Clerk Who May Be Assigned to Work on This Case (REJECTED PER NOTICE ISSUED ON MAY 9, 2019).	
05/09/2019	Notice/Outgoing	Issued Notice of Rejection of Filed Document.	19-20275
05/09/2019	Motion	Filed Appellant's Motion for Case to be Assigned to the Entire Court for En Banc Consideration, for the Justices of this Court Not to Recuse Themselves, and for Disclosure of Any Possible Conflicts of Interest of Any Law Clerk Who May Be Assigned to Work on This Case. (SC)	19-20440
05/16/2019	Motion	Filed Respondents' Response to Motion for Case to Be Assigned to the Entire Court for En Banc Consideration, for the Justices of this Court Not to Recuse Themselves, and for Disclosure of any Possible Conflicts of Interest of Any Law Clerk Who May Be Assigned to Work on this Case. (SC)	19-21686
05/17/2019	Motion	Filed Respondents' Amended Response to Motion for Case to be Assigned to the Entire Court for En Banc Consideration, for the Justices of this Court Not to Recuse Themselves, and for Disclosure of Any Possible Conflicts of Interest of Any Law Clerk Who May be Assigned to Work on this Case. (SC)	19-21737
05/23/2019	Notice/Incoming	Filed Notice of Appearance of Counsel (Mark A. Hutchison, Joseph S. Kistler and Matthew K. Schriever as counsel for Appellant). (SC)	19-22672
05/23/2019	Notice/Incoming	Filed Notice of Appearance of Counsel (Elizabeth Ham as counsel for Appellant). (SC)	19-22673
05/23/2019	Motion	Filed Appellant's Reply to Motion for Case to be Assigned to Entire Court for En Banc Consideration, for the Justices of this Court Not to Recuse Themselves, and for Disclosure of Any Possible	19-22676

		Conflicts of Interest of Any Law Clerk Who May Be Assigned to Work on this Case. (SC)	
07/08/2019	Order/Procedural	Filed Order Notice of Voluntary Recusal. Pursuant to NCJC Canon 3E(1)(a), I recuse myself from participation in this matter as Dr. Gregory Bigler has been my orthopedic surgeon from 2013 to present. (SC).	19-28997
07/08/2019	Other	Justice Abbi Silver disqualified from participation in this matter. Disqualification Reason: Voluntary Recusal. (SC).	
07/08/2019	Other	Justice James W. Hardesty disqualified from participation in this matter. Disqualification Reason: Voluntary Recusal. (SC)	
10/15/2019	Motion	Filed City of Las Vegas' Motion for Leave to File Brief of Amicus Curiae. (DETACHED AMICUS BRIEF AND FILED SEPARATELY PER ORDER 11/14/19). (SC)	19-42717
10/22/2019	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Respondents' Opposition to the City of Las Vegas' Motion for Leave to File Amicus Brief due: November 5, 2019. (SC).	19-43588
10/22/2019	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Appellant's Opposition to the City of Las Vegas' Motion for Leave to File Amicus Brief due: November 5, 2019. (SC).	19-43702
10/23/2019	Order/Procedural	Filed Order. Appellant's request that the Justices of this court not recuse themselves is denied. Appellant's request that this court retain this appeal and consider the matter en banc is likewise denied at this time. This court will consider appellant's routing statement, contained in its opening brief, and the arguments advanced in this motion when making a routing determination in regard to this appeal. Appellant's request that this court disclose the names of any law clerks who may work on the substance of this appeal is denied. (SC)	19-43762

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11/05/2019	Motion	Filed Respondents' Response To City Of Las Vegas' Motion For Leave To File Brief Of Amicus Curiae. (SC)		19-45474
11/05/2019	Motion	Filed Appellant's Response to City of Las Vegas' Motion for Leave to File Brief of Amicus Curiae. (SC)		19-45540
11/13/2019	Other	Justice Ron Parraguirre disqualified from participation in this matter. Disqualification Reason: Parties		
11/14/2019	Order/Procedural	Filed Order Granting Motion. The clerk of this court shall detach the amicus brief from the motion filed on October 15, 2019, and file it separately. Appellant and respondents shall have 14 days from the date of this order to file and serve any responsive briefs. Any responsive brief shall not exceed 7,000 words or 15 pages. (SC)		19-46744
11/14/2019	Brief	Filed City of Las Vegas' Amicus Curiae Brief. (SC)		19-46745
11/14/2019	Other	Justice Kristina Pickering disqualified from participation in this matter.		
11/26/2019	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Respondents' Response to Amicus Curiae Brief due: December 16, 2019. (SC).		19-48255
12/03/2019	Order/Clerk's	Filed Order Granting Telephonic Extension. Appellant's Response to City of Las Vegas' amicus curiae brief due: December 16, 2019. (SC)		19-48860
12/12/2019	Order/Incoming	Filed Executive Order. Honorable Lynne Simons appointed to sit in the place of Chief Justice Gibbons.		19-50364
12/16/2019	Brief	Filed Respondents' Brief in Response to City of Las Vegas' Amicus Curiae Brief. (SC)		19-50947
12/16/2019	Appendix	Filed Appendix to Respondents' Brief in Response to City of Las Vegas' Amicus Curiae Brief Volume I. (SC)		19-50948
12/16/2019	Motion	Filed Respondents' Motion to Supplement the Record. (SC)	Y	19-50949
12/16/2019	Brief	Filed Appellant's Response to City of Las		19-50954

1/4/2020

75481: Case View


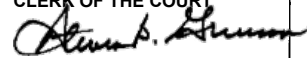
		Vegas' Amicus Curiae Brief. (SC)	
12/16/2019	Appendix	Filed Appellant's Amicus Response Appendix Volume 1. (SC)	19-50955
 Combined Case View			

EXHIBIT “GG”



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

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8 *Attorneys for Plaintiff Landowners*

9
10 DISTRICT COURT
CLARK COUNTY, NEVADA

11 FORE STARS, Ltd, SEVENTY ACRES, LLC, a
12 Nevada limited liability company, DOE
13 INDIVIDUALS I through X, DOE
14 CORPORATIONS I through X, and DOE
LIMITED LIABILITY COMPANIES I through
X,

15 Plaintiff,

16 vs.

17 CITY OF LAS VEGAS, political subdivision of
the State of Nevada, THE EIGHTH JUDICIAL
18 DISTRICT COURT, County of Clark, State of
Nevada DEPARTMENT 24 (the HONORABLE
19 JIM CROCKETT, DISTRICT COURT JUDGE,
IN HIS OFFICIAL CAPACITY), ROE
20 government entities I through X, ROE
CORPORATIONS I through X, ROE
21 INDIVIDUALS I through X, ROE LIMITED
LIABILITY COMPANIES I through X, ROE
22 quasi-governmental entities I through X,

23 Defendant.
24

Case No.: A-18-773268-C

Dept. No.: Department 29

**COMPLAINT FOR DECLARTORY AND
INJUNCTIVE RELIEF AND IN INVERSE
CONDEMNATION**

**(Exempt from Arbitration – Action
Concerning Title To Real Property)**

1 COMES NOW Plaintiff, FORE STARS, Ltd. and SEVENTY ACRES, LLC, a Nevada
2 Limited Liability Company ("Landowners") by and through its attorney of record, The Law
3 Offices of Kermitt L. Waters, for its Complaint for Declaratory and Injunctive Relief and In
4 Inverse Condemnation alleges as follows:

5 **PARTIES**

6 1. The Landowners are organized and existing under the laws of the state of Nevada.
7 2. Defendant City of Las Vegas ("City") is a political subdivision of the State of
8 Nevada and is a municipal corporation and The Eighth Judicial District Court, County of Clark,
9 State of Nevada Department 24 (the Honorable Jim Crockett, District Court Judge, In His Official
10 Capacity) ("Crockett Court") are subject to the provisions of the Nevada Revised Statutes,
11 including NRS 342.105, which makes obligatory on the City and the Crockett Court all of the
12 Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42
13 USC §4601-4655, and the regulations adopted pursuant thereto. The City and the Crockett Court
14 are also subject to all of the provisions of the Just Compensation Clause of the United States
15 Constitution and Article 1, sections 8 and 22 of the Nevada Constitution, also known as PISTOL
16 (Peoples Initiative to Stop the Taking of Our Land) and the Nevada Revised Statutes applicable to
17 eminent domain actions.

18 3. That the true names and capacities, whether individual, corporate, associate, or
19 otherwise of Plaintiffs named herein as DOE INDIVIDUALS I through X, DOE
20 CORPORATIONS I through X, and DOE LIMITED LIABILITY COMPANIES I through X
21 (hereinafter collectively referred to as "DOEs") inclusive are unknown to the Landowners at this
22 time, or it may later be discovered that Plaintiff DOEs should be joined in this action, and who
23 may have standing to sue in this matter and who, therefore, sue the Defendants by fictitious names
24 and will ask leave of the Court to amend this Complaint to show the true names and capacities of

1 Plaintiffs if and when the same are ascertained; that said Plaintiffs sue as principles; that at all
2 times relevant herein, Plaintiff DOEs were persons, corporations, or other entities with standing to
3 sue under the allegations set forth herein.

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

14 **JURISDICTION AND VENUE**

15 5. The Court has jurisdiction over the claims set forth herein pursuant to the United
16 States Constitution, Nevada State Constitution, and the Nevada Revised Statutes, including the
17 Chapter 30 provisions applicable to declaratory relief actions.

18 6. Venue is proper in this judicial district pursuant to NRS 13.040.
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1
2 **GENERAL ALLEGATIONS**

3 7. The Landowners own 17.49 acres of real property generally located south of Alta
4 Drive, east of Hualapai Way and north of Charleston Boulevard within the City of Las Vegas,
5 Nevada; all of which acreage is more particularly described as Assessor's Parcel Number 138-32-
6 301-005 (hereinafter referred to as the "17 Acres" or "Property").

7 8. On or about August 15, 2001, the City of Las Vegas City Council, at a public
8 hearing, adopted ordinance No. 5353, which:

9 a. amended the "Official Zoning Map Atlas of the City of Las Vegas, as adopted
10 in title 19A, Chapter 2, Section 10 of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition" to change the then "Current Zoning" on the 17
12 acres (then a portion of a 184.83 acre parcel identified by Parcel Number 138-
13 31-312-002) from U(M) to RPD-7 hard zoning; and

14 b. Confirmed that all ordinances, sections, subsections, phrases, sentences,
15 clauses, or paragraphs contained in the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, in conflict with the hard zoning of the 17 Acres
17 "are hereby repealed."

18 9. The R-PD7 zoning district on the 17 Acres allows for up to 7.49 residential units
19 per acre, subject to compliance with applicable provisions of City of Las Vegas Title 19 – Unified
20 Development Code.

21 10. Under the R-PD7 zoning, Landowners had the vested right to use and develop the
22 17 Acres, at a density of up to 7.49 residential units per acre, subject to compliance with applicable
23 provisions of City of Las Vegas Title 19 – Unified Development Code.
24

1 11. On or about December 30, 2014, the zoning of the 17 Acres as R-PD7 and the
2 vested right to use and develop the 17 Acres was confirmed in writing by the City.

3 12. On October 18, 2016, at a Las Vegas Special Planning Commission Meeting related
4 to the 17 Acres, City Attorney Brad Jerbic confirmed that the Property is “hard zoned” R-PD7.

5 13. On or about November 30, 2016, an order was entered by a District Court Judge in
6 the State of Nevada ruling that the 17 Acres has been zoned R-PD7 and that the R-PD7 zoning for
7 the 17 Acres was codified and incorporated into the Amended Zoning Map Atlas in 2001.

8 14. NRS 278.349(3)(e) provides that this recognized hard zoning on the 17 Acres takes
9 precedence over any other master plan designation and directs the City Council that “if it is
10 authorized to take final action on a tentative map, [it] shall consider . . . [c]onformity with the
11 zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent
12 with the master plan, the zoning ordinance takes precedence.”

13 15. At all relevant times herein the Landowners have materially relied upon the City’s
14 action in zoning the 17 Acres and the City’s confirmation in writing regarding the 17 Acre’s vested
15 R-PD7 zoning rights.

16 16. The Landowners’ vested property rights in the 17 Acres are recognized under the
17 United States and Nevada Constitutions, Nevada case law, and the Nevada Revised Statutes.

18 17. After the Landowners gained ownership of the 17 Acres, a City employee, based
19 upon information and belief, hand wrote PR-OS (Parks/Recreation/Open Space) on a general
20 planning map that included an area of property on the map encompassing the 17 Acres.

21 18. This general planning map was, based upon information and belief, located in the
22 City of Las Vegas offices.

23 19. The City did not provide any notice whatsoever that it, or one of its employees, had
24 written PR-OS on the general planning map on an area that encompassed the 17 Acres.

1 20. The City did not follow its own necessary procedures to amend or change the
2 general planning map to place the PR-OS designation on the 17 Acres on the general planning
3 map.

4 21. Despite the failure to provide notice or even follow the proper procedure to change
5 or amend the City's general planning map(s), the 17 Acres currently shows the General Plan
6 Designation of PR-OS.

7 22. Because the PR-OS General Plan Designation was not properly placed upon the 17
8 Acres, it is illegal and has no effect upon the 17 Acres,

9 23. The General Plan Designation of PR-OS is being shown on the 17 Acres in error.

10 24. Pursuant to NRS 278.349(3)(e), the R-PD7 zoning on the 17 Acres takes
11 precedence over the "PR-OS" General Plan Designation.

12 25. On or about November 23, 2015, the Landowners filed the necessary applications
13 to develop the 17 Acres with 720 luxury condominiums: GPA-62387, ZON-62392 and SDR-
14 62393 (collectively the "Applications").

15 26. GPA-62387 – an application for a General Plan Amendment to change the General
16 Plan Designation on the 17 Acres from PR-OS (Parks/Recreation/Open Space) to H (High Density
17 Residential) - was filed at the suggestion of the City.

18 27. The GPA-62387 was filed by Landowners solely due to the request of the City,
19 because the Landowners always asserted that the PR-OS did not apply to the 17 Acres.

20 28. The 17 Acres are adjacent to the One Queensridge Place high rise condominium
21 towers and the Sir Williams Court office complex and event center. The proposed project /
22 development as detailed in the Applications is "comparable and compatible" to the adjacent
23 properties.

1 29. The Applications were recommended for approval by the City Staff, approved by
2 the City of Las Vegas Planning Commission, and approved by the City of Las Vegas City Council
3 (on February 16, 2017).

4 30. After the City approved the Applications for development of the 17 Acres, several
5 wealthy and influential landowners who live in the adjacent common interest community called
6 “Queensridge” filed a petition for judicial review of the City’s approval of the Applications
7 (hereinafter “Queensridge Elite”).

8 31. The petition for judicial review was presented to the honorable District Court Judge
9 Jim Crockett, department 24 of the Eighth Judicial District Court, County of Clark, State of Nevada
10 (hereinafter “Judge Crockett”) and assigned case number A-17-752344-J.

11 32. The City and the Landowners opposed the petition for judicial review, maintaining
12 that the City approval to develop the 17 Acres was legally appropriate and not an abuse of
13 discretion.

14 33. On January 11, 2018, after entertaining brief oral argument, Judge Crockett made,
15 in part, the following findings at the hearing: 1) “the City failed to follow LVMC, Las Vegas
16 Municipal [Code], Rule 19.040, and staff recommendations that a major modification needed to
17 be approved in order for the application to be approved;” 2) Judge Crockett based this decision on
18 purely legal grounds, stating that it is “not going to weigh evidence or offer my opinions on
19 whether the evidence was greater or less than something to substitute fact finding by the City, but
20 the initial flaw, which is a fatal one, is the legal flaw;” 3) the City “need[s] to protect the property
21 rights of those who are already committed and invested in a project (the Queensridge Elite);” and
22 4) “parenthetically” the applicant created his own problems and Judge Crockett indicated that the
23 Landowners purchased a pig in a poke, which, according to Judge Crockett, is merely mentioned
24

1 parenthetically, because, his decision is based on “purely legal determination that LVMC 19.040
2 was not complied with.”

3 34. Because Judge Crockett based his decision on a “purely legal determination that
4 LVMC 19.040 was not complied with,” a two page order, at most, is all that would have been
5 required to state this finding.

6 35. The Queensridge Elite, however, presented Judge Crockett with a 14 page detailed
7 order that went well beyond the oral argument and his “purely legal determination” and, over the
8 objection of the Landowners, Judge Crockett signed this 14 page proposed order without any
9 changes – Order Granting Plaintiffs’ Petition for Judicial Review, signed on March 1, 2018, case
10 number A-17-752344-J. (hereinafter “Crockett Order”).

11 36. The Crockett Order is significantly overreaching in that it goes beyond the conduct
12 of a judicial review of the February 16, 2017 decision of the City Council approving the
13 Applications, and overturns the underlying R-PD7 zoning codified in the August 31, 2001 adopted
14 Ordinance No. 5353 and materially impairs the property rights of the Landowners.

15 37. The Crockett Order includes, in part, the following finding: “On the maps of the
16 City’s General Plan, the land for the golf course/open space/drainage is expressly designated as
17 PR-OS, meaning Parks/Recreation/Open Space. ROR002735-2736. There are no residential units
18 permitted in an area designated as PR-OS.”

19 38. On March 21, 2018, the City, even though it recognized that the Crockett Order
20 was an abuse of discretion and should be reversed by the Nevada Supreme Court, voted not to
21 pursue an appeal of the Crockett Order to the Nevada Supreme Court.

22 39. The overreaching Crockett Order holding that the PR-OS designation does not
23 allow residential development is action by the judiciary that amounts to a taking of the
24 Landowners’ Property without payment of just compensation.

1 40. The City Attorney's Office considers the Crocket Order legally improper and
2 believes that a legal basis exists to appeal the matter to the Nevada Supreme Court.

3 41. The City Council's refusal to appeal the Crockett Order, after having been advised
4 by the City Attorney's Office that it is legally improper, is government action that amounts to a
5 taking of the Landowners' property without payment of just compensation.

6 42. This Government action individually and/ or collectively is final government action
7 that amounts to a taking of the Landowners' property without payment of just compensation.

8 43. Based on information and belief, the City and the Crockett Court have engaged in
9 other government action amounting to a taking.

10 44. The Landowners' Complaint in Inverse Condemnation has been timely filed and is
11 ripe.

12 **FIRST CAUSE OF ACTION FOR DECLARATORY RELIEF**

13 45. The Landowners repeat, re-allege and incorporate by reference all paragraphs
14 included in this pleading as if set forth in full herein.

15 46. As a result of the PR-OS being improperly placed on the 17 Acres, there is
16 uncertainty as to its validity and application to the 17 Acres (although the Landowners deny that
17 the PR-OS should even apply to the 17 Acres).

18 47. Declaratory relief is necessary to terminate or resolve the uncertainty.

19 48. Declaratory relief is permitted under Nevada law, including but not limited to NRS
20 Chapter 30.

21 49. Therefore, the Landowners request that this Court immediately enter an order
22 finding the PR-OS designation on the 17 Acres is invalid and of no effect on the 17 Acres, thereby
23 prohibiting the City or any other person, agency, or entity from applying the PR-OS to any land
24 use decision, or otherwise, to the 17 Acres.

1 50. This requested relief is in excess of fifteen thousand dollars (\$15,000.00).

2 **SECOND CAUSE OF ACTION FOR PRELIMINARY INJUNCTION**

3 51. The Landowners repeat, re-allege, and incorporate by reference all paragraphs
4 included in this pleading as if set forth in full herein.

5 52. Any action that placed a designation of PR-OS on the 17 Acres was without legal
6 authority and, therefore, entirely invalid.

7 53. There is a reasonable and strong likelihood of success in the merits which will
8 invalidate the improper PR-OS designation on the 17 Acres.

9 54. Continued application of the PR-OS designation on the 17 Acres will result in
10 irreparable harm and cause a significant hardship on the Landowners as: 1) the 17 Acres is legally
11 recognized real property and as unique in the State of Nevada; 2) in light of the Crocket Order,
12 applying the PR-OS designation on the 17 Acres prevents the Landowners from using the Property
13 for any beneficial use; 3) the Landowners rely upon the purchase and development of property,
14 including the 17 Acres, to provide a livelihood for numerous individuals and continued application
15 of the PR-OS to prevent development of the 17 Acres will interfere with the livelihood of these
16 individuals; and, 4) allowing the development of the 17 Acres will result in significant financial
17 benefit to the City, including but not limited to increasing the City tax base and creating additional
18 jobs for its citizens.

19 55. There is no plain, adequate or speedy remedy at law.

20 56. Therefore, the Landowners are entitled to injunctive relief prohibiting the City or
21 any other person, agency, or entity from applying the PR-OS to any land use decision, or otherwise,
22 to the 17 Acres.

23 57. This requested relief is in excess of fifteen thousand dollars (\$15,000.00).

24

1 **THIRD CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

2 **(Categorical Taking)**

3 58. The Landowners repeat, re-allege and incorporate by reference all paragraphs
4 included in this pleading as if set forth in full herein.

5 59. The City action improperly designating the Landowners' Property PR-OS, the
6 Crockett Order, and the City refusal to appeal the Crockett Order (which the City recognized was
7 an abuse of discretion), is government action, individually and/or cumulatively, that has reached a
8 final decision demonstrating that the City will not allow development of the 17 Acres and the
9 government action will prevent any development of the 17 Acres. When appropriate, the City,
10 and the Crockett Court will be referred to herein collectively as the "Government", and the actions
11 of the Government and the Crockett Order will be referred to collectively hereinafter as the
12 "Government Action."

13 60. Any further requests to the City or the Crockett Court to develop the 17 Acres
14 would be futile.

15 61. The Government Action in this case has resulted in a direct appropriation of the
16 Landowners' 17 Acre property by entirely prohibiting the Landowners from using the 17 Acres
17 for any purpose and reserving the 17 Acres undeveloped.

18 62. As a result of the Government Action, the Landowners are unable to develop the
19 17 Acres and any and all value in the 17 Acres has been entirely eliminated.

20 63. The Government Action has completely deprived the Landowners of all
21 economically beneficial use of the 17 Acres.

22 64. The Government Action has resulted in a direct and substantial impact on the
23 Landowners and on the 17 Acres.

1 65. The Government Action results in a categorical taking of the Landowners' 17
2 Acre property.

3 66. The Government has not paid just compensation to the Landowners for this taking
4 of its 17 Acre property.

5 67. The Government's failure to pay just compensation to the Landowners for the
6 taking of its 17 Acre property is a violation of the United States Constitution, the Nevada State
7 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
8 when private property is taken for a public use.

9 68. Therefore, the Landowners are compelled to bring this cause of action for the taking
10 of the 17 Acre property to recover just compensation for property the Government is taking without
11 payment of just compensation.

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

13 **FOURTH CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

14 **(Penn Central Regulatory Taking)**

15 70. The Landowners repeat, re-allege and incorporate by reference all paragraphs
16 included in this pleading as if set forth in full herein.

17 71. The Government reached a final decision that it will not allow development of the
18 Landowners' 17 Acres.

19 72. Any further requests to the Government to develop the 17 Acres would be futile.

20 73. The Government Action has caused a direct and substantial economic impact on
21 the Landowners, including but not limited to preventing development of the 17 Acres.

22 74. The Government was expressly advised of the economic impact its actions were
23 having on the Landowners.

1 75. At all relevant times herein, the Landowners had specific and distinct investment
2 backed expectations to develop the 17 Acres.

3 76. These investment backed expectations are further supported by the fact that the
4 City, itself, advised the Landowners of their vested rights to develop the 17 Acre property prior to
5 acquiring the 17 Acres and the Crockett Court was expressly advised of these facts and even
6 referenced them at the January 11, 2018, hearing.

7 77. The Government was expressly advised of Landowners' investment backed
8 expectations prior to denying Landowners the use of the 17 Acres.

9 78. The Government Action has the effect of preserving the 17 Acres as open space for
10 a public use and the public is actively using the 17 Acres.

11 79. The Government actions have resulted in the loss of the Landowners' investment
12 backed expectations in the 17 Acres.

13 80. The character of the Government Action to deny the Landowners' use of the 17
14 Acres is arbitrary, capricious, and fails to advance any legitimate government interest and is more
15 akin to a physical acquisition than adjusting the benefits and burdens of economic life to promote
16 the common good.

17 81. The City never stated that the proposed development on the 17 Acres violated any
18 relevant and applicable code, regulation, statute, policy, etc. or that the Landowner did not have a
19 vested property right to develop the 17 Acres.

20 82. The Government Action meets all of the elements for a Penn Central regulatory
21 taking.

22 83. The Government has not paid just compensation to the Landowners for this taking
23 of its 17 Acre property.

1 84. The Government failure to pay just compensation to the Landowners for the taking
2 of its 17 Acre property is a violation of the United States Constitution, the Nevada State
3 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
4 when private property is taken for a public use.

5 85. Therefore, the Landowners are compelled to bring this cause of action for the taking
6 of the 17 Acre property to recover just compensation for property the City is taking without
7 payment of just compensation.

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

9 **FIFTH CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

10 **(Regulatory Per Se Taking)**

11 87. The Landowners repeat, re-allege and incorporate by reference all paragraphs
12 included in this pleading as if set forth in full herein.

13 88. The Government Action stated above fails to follow the procedures for taking
14 property set forth in Chapters 37 and 342 of the Nevada Revised Statutes, Nevada's statutory
15 provisions on eminent domain, and the United States and Nevada State Constitutions.

16 89. The Government Action excludes the Landowners from using the 17 Acres and,
17 instead, permanently reserves the 17 Acres for a public use and the public is using the 17 Acres.

18 90. The Government Action has shown an unconditional and permanent taking of the
19 17 Acres.

20 91. The Government has not paid just compensation to the Landowners for this taking
21 of its 17 Acre property.

22 92. The Government failure to pay just compensation to the Landowners for the taking
23 of their 17 Acre property is a violation of the United States Constitution, the Nevada State
24

1 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
2 when private property is taken for a public use.

3 93. Therefore, the Landowners are compelled to bring this cause of action for the taking
4 of the 17 Acre property to recover just compensation for property the City is taking without
5 payment of just compensation.

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

7 **SIXTH CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

8 **(Nonregulatory Taking)**

9 95. The Landowners repeat, re-allege and incorporate by reference all paragraphs
10 included in this pleading as if set forth in full herein.

11 96. The Government Action directly and substantially interferes with Landowners'
12 vested property rights rendering the 17 Acres unusable and/or valueless.

13 97. The Government has taken action to intentionally delay development on the 17
14 Acres and, ultimately, has engaged in a bad faith effort to preclude any use of the 17 Acres.

15 98. The Government actions are oppressive and unreasonable.

16 99. The Government actions result in a nonregulatory taking of Landowner's 17 Acres.

17 100. The Government has not paid just compensation to the Landowners for this taking
18 of its 17 Acre property.

19 101. The Government failure to pay just compensation to the Landowners for the taking
20 of its 17 Acre property is a violation of the United States Constitution, the Nevada State
21 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
22 when private property is taken for a public use.

1 102. Therefore, the Landowners are compelled to bring this cause of action for the taking
2 of the 17 Acre property to recover just compensation for property the City is taking without
3 payment of just compensation.

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

5 **SEVENTH CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

6 **(Judicial Taking)**

7 104. The Landowners repeat, re-allege and incorporate by reference all paragraphs
8 included in this pleading as if set forth in full herein.

9 105. The Takings Clauses of the United States and Nevada Constitutions bar the
10 Government from taking private property without paying for it, no matter what branch is the
11 instrument of the taking.

12 106. The particular state actor in an inverse condemnation action is irrelevant if that
13 state actor, including the judiciary, engages in action that results in a taking.

14 107. The Government action in this case, specifically, those actions taken by the
15 Crockett Court, amount to a judicial taking.

16 108. The Government has not paid just compensation to the Landowners for this taking
17 of its 17 Acre property.

18 109. The Government failure to pay just compensation to the Landowners for the
19 taking of their 17 Acre property is a violation of the United States Constitution, the Nevada State
20 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
21 when private property is taken for a public use.

22 110. Therefore, the Landowners are compelled to bring this cause of action for the
23 taking of the 17 Acre property to recover just compensation for property the City is taking without
24 payment of just compensation.

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

2 **EIGHTH CLAIM FOR RELIEF IN INVERSE CONDEMNATION**

3 **(Temporary Taking)**

4 112. The Landowners repeat, re-allege and incorporate by reference all paragraphs
5 included in this pleading as if set forth in full herein.

6 113. If there is subsequent Government Action or a finding by the Nevada Supreme
7 Court, or otherwise, that the Landowners may develop the 17 Acre property, then there has been a
8 temporary taking of the Landowners' 17 Acres for which just compensation must be paid.

9 114. The Government has not offered to pay just compensation for this temporary taking.

10 115. The Government failure to pay just compensation to the Landowners for the taking
11 of their 17 Acre property is a violation of the United States Constitution, the Nevada State
12 Constitution, and the Nevada Revised Statutes, which require the payment of just compensation
13 when private property is taken for a public use.

14 116. Therefore, the Landowners are compelled to bring this cause of action for the taking
15 of the 17 Acre property to recover just compensation for property the City is taking without
16 payment of just compensation.

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

18
19 **NINTH CLAIM FOR VIOLATION OF**

20 **THE LANDOWNERS' DUE PROCESS RIGHTS**

21 118. The Landowners repeat, re-allege and incorporate by reference all paragraphs
22 included in this pleading as if set forth in full herein.

23 119. The Government action in this case retroactively and without due process
24 transformed the Landowners' vested property right to a property without any value.

1 120. The Government action in this case was taken without proper notice to the
2 Landowners.

3 121. This Government action to eliminate or substantially change the Landowners'
4 vested and established property rights, had the effect of depriving the Landowners of their
5 legitimate constitutionally protected property rights.

6 122. This Government action was arbitrary and/or irrational and unrelated to any
7 legitimate governmental objective.

8 123. This a violation of the Landowners substantive and procedural due process rights
9 under the United States and Nevada State Constitutions.

10 124. The Government action should be invalidated to return the Landowners' property
11 rights to the Landowners thereby allowing development of the 17 Acres.

12 125. This requested relief is in excess of fifteen thousand dollars (\$15,000.00).

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiffs pray for judgment as follows:

15 1. Declaratory judgment with this Court immediately entering an order finding the
16 PR-OS designation on the 17 Acres is invalid and of no effect on the 17 Acres and prohibiting the
17 City or any other person, agency, or entity from applying the PR-OS to any land use decision, or
18 otherwise, to the Landowners' property;

19 2. Injunctive relief prohibiting the City or any other person, agency, or entity from
20 applying the PR-OS to any land use decision, or otherwise, to the 17 Acres.

21 3. An award of just compensation according to the proof for the taking (permanent or
22 temporary) and/or damaging of the Landowners' property by inverse condemnation;

23 4. Prejudgment interest commencing from the date the Government first froze the use
24 of the 17 Acre property which is prior to the filing of this Complaint in Inverse Condemnation;

1 5. Invalidation of the Government action, returning the vested property rights to the
2 Landowners thereby allowing development of the 17 Acres;

3 6. A preferential trial setting pursuant to NRS 37.055;

4 7. Payment for all costs incurred in attempting to develop the 17 Acres;

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

6 9. For such further relief as the Court deems just and equitable under the
7 circumstances.

8 DATED THIS 20th day of April, 2018.

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

10 BY: /s/ Kermit L. Waters

 KERMIT L. WATERS, ESQ. (NBN 2571)

 JAMES J. LEAVITT, ESQ. (NBN 6032)

 MICHAEL SCHNEIDER, ESQ. (NBN 8887)

 AUTUMN WATERS, ESQ. (NBN 8917)

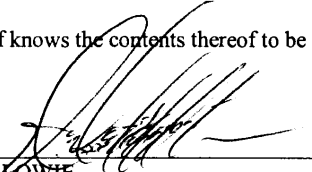
Attorneys for Plaintiff Landowners

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VERIFICATION

STATE OF NEVADA)
):ss
COUNTY OF CLARK)

Yohan Lowie, on behalf of the Landowners, being first duly sworn, upon oath, deposes
and says: that he has read the foregoing **COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND IN INVERSE CONDEMNATION** and based upon information
and belief knows the contents thereof to be true and correct to the best of his knowledge.



YOHAN LOWIE

SUBSCRIBED and SWORN to before me
This 20th day of April, 2018.



JENNIFER KNIGHTON
NOTARY PUBLIC



EXHIBIT “HH”

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: GFA
Project Address (Location) Alta Drive and Hualapai Way
Project Name Parcel 1 @ the 180 Proposed Use R-PD7
Assessor's Parcel #(s) 138-31-702-002 Ward # 2
General Plan: existing PROS proposed L Zoning: existing R-PD7 proposed _____
Commercial Square Footage _____ Floor Area Ratio _____
Gross Acres 166.99 Lots/Units 1 Density 1.79
Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
Address 1215 South Fort Apache Road #120 Phone: (702) 840-6930 Fax: (702) 840-6931
City Las Vegas State NV Zip 89117
E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
Address 1215 South Fort Apache Road #120 Phone: (702) 840-6930 Fax: (702) 840-6931
City Las Vegas State NV Zip 89117
E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc. Contact Cindie Gee
Address 1555 South Rainbow Blvd Phone: (702) 804-2107 Fax: (702) 804-2290
City Las Vegas State NV Zip 89146
E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the owner or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* [Signature]
 * An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parent Maps.
 Print Name Yohan Lowie

Subscribed and sworn before me
This 28th day of December, 2016
LeAnn Stewart-Schoracke

Notary Public in and for said County and State

Revised 03/28/16



FOR DEPARTMENT USE ONLY

Case # **GPA-68385**

Meeting Date:

Total Fee:

Date Received: *

Received By:

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

PRJ-67184
12/29/16

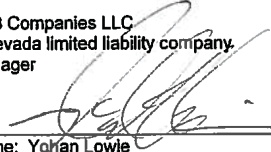
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180 Land Co LLC
1215 S. Fort Apache Rd., Suite #120
Las Vegas, NV 89117

180 Land Co. LLC
Nevada limited liability company

By: EHB Companies LLC
a Nevada limited liability company.
Its: Manager

By: 
Name: Yohann Lowie
Its: Manager
Date: 12/28/16

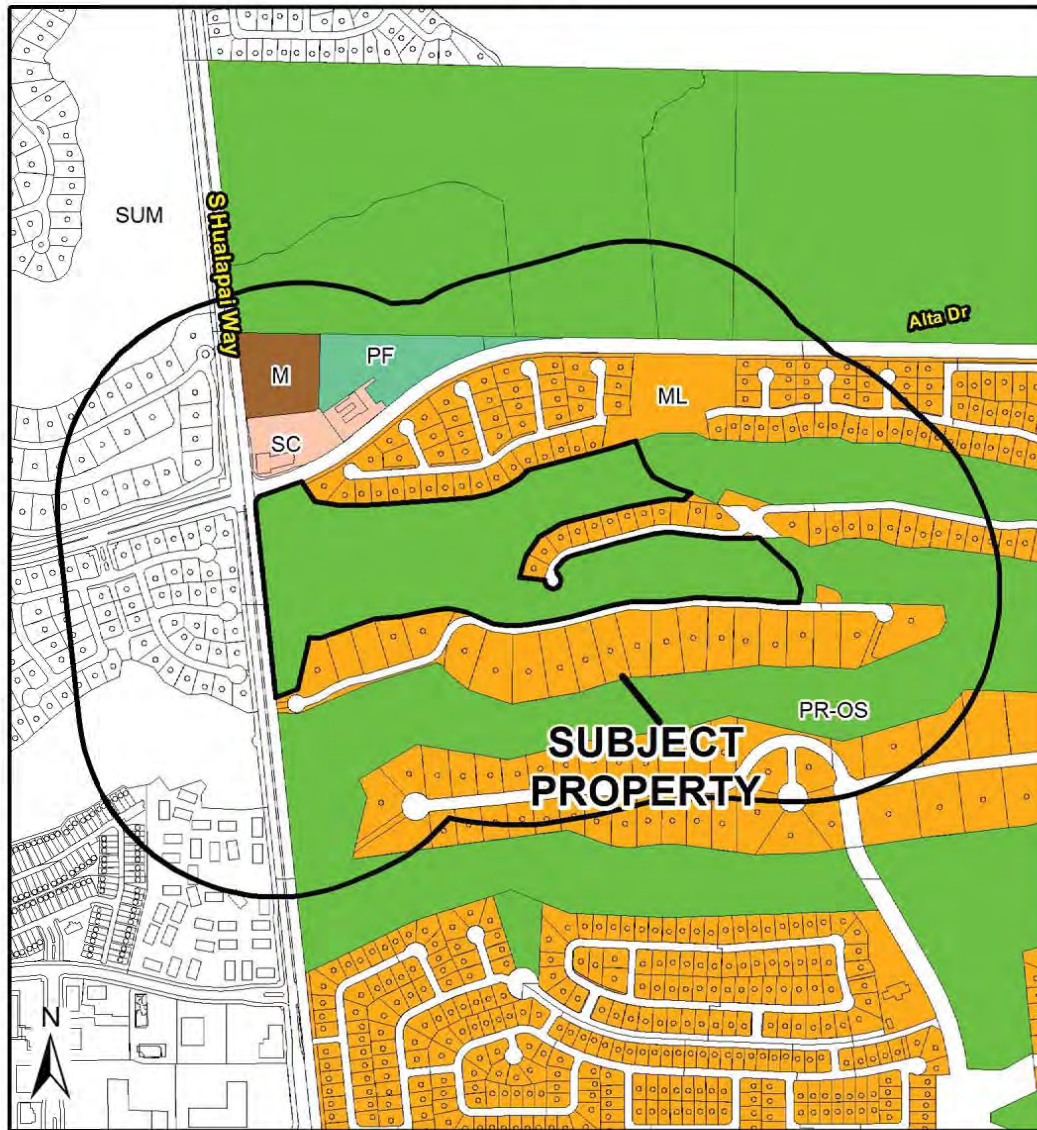
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GPA-68385

CLV65-000645
0645

10697

GPA-68385



FROM PR-OS TO L

General Plan Amendment

RNP - Rural Neighborhood Preservation	MLA - Medium - Low Attached	GTC - Tourist Commercial	PF-CC Public Facility Clark County
RE - Rural Estates	M - Medium	LVMD - Las Vegas Medical District	TC - Town Center
DR - Desert Rural	H - High	L/R - Light Industrial / Research	RC - Resource Conservation
R - Rural	O - Office	PCD - Planned Community Development	C - Downtown - Commercial
L - Low	SC - Service Commercial	PR-OS - Park/Recreation/Open Space	MXU - Downtown - Mixed Use
ML - Medium - Low	GC - General Commercial	PF - Public Facility	TND - Traditional Neighborhood Development

- 1000' Buffer
- Subject Property
- City Limits
- Not City



GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity, this map is for reference only. Geographic Information Systems Planning & Development Dept. 702-228-0301

Date: Tuesday, January 24, 2017

CLV65-000646

0646

10698



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SDR
Project Address (Location) Alta Drive and Hualapai Way
Project Name Parcel 1 @ the 180 Proposed Use R-PD7
Assessor's Parcel #(s) 138-31-702-002 Ward # 2
General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
Commercial Square Footage _____ Floor Area Ratio _____
Gross Acres 34.07 Acres Lots/Units 61⁺ 12 Density 1.79
Additional Information CL

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
Address 1215 South Fort Apache Road # 120 Phone: (702) 940-6930 Fax: (702) 940-6931
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Address 1555 South Rainbow Blvd Phone: (702) 804-2107 Fax: (702) 804-2299
City Las Vegas State NV Zip 89146
E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* see attached

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 21st day of December, 2016.

Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16



FOR DEPARTMENT USE ONLY

Case # SDR-68481

Meeting Date:

Total Fee:

Date Received:*

Received By:

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

PRJ-67184
01/04/17

CLV65-000647

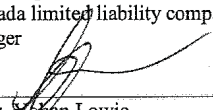
0647

10699

180 Land Co LLC
1215 S. Fort Apache Rd., Suite # 120
Las Vegas, NV 89117

180 Land Co LLC
Nevada limited liability company

By: EHB Companies LLC
a Nevada limited liability company
Its: Manager

By: 
Name: Johan Lowie
Its: Manager
Date: 12-21-16

SDR-68481

PRJ-67184
01/04/17

CLV65-000648
0648

10700



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Tentative Map
 Project Address (Location) Alta Drive and Hualapai Way
 Project Name Parcel 1 @ the 180 Proposed Use R-PD7
 Assessor's Parcel #(s) 138-31-702-002 Ward # 2
 General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 34.07 Acres Lots/Units 61 + 12 Density 1.79
 Additional Information CL

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road # 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State NV Zip 89117
 E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road # 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State NV Zip 89117
 E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc. Contact Cindie Gee
 Address 1555 South Rainbow Blvd Phone: (702) 804-2107 Fax: (702) 804-2299
 City Las Vegas State NV Zip 89146
 E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* see attached

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 21st day of December, 2016
Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16



FOR DEPARTMENT USE ONLY

Case # **TMP-68482**
 Meeting Date: _____
 Total Fee: _____
 Date Received: * _____
 Received By: _____

Application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable provisions of the Zoning Ordinance.

PRJ-67184
 01/04/17

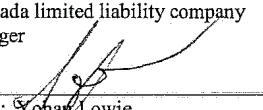
CLV65-000649
 0649

10701

180 Land Co LLC
1215 S. Fort Apache Rd., Suite # 120
Las Vegas, NV 89117

180 Land Co LLC
Nevada limited liability company

By: EHB Companies LLC
a Nevada limited liability company
Its: Manager

By: 
Name: Yonah Lowie
Its: Manager
Date: 12-21-16

TMP-68482

PRJ-67184
01/04/17

CLV65-000650
0650

10702



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Revised Waiver - allowing for 44' private street sections with sidewalk (1 side)
 Project Address (Location) Alta Drive and Hualapai Way
 Project Name Parcel 1 @ the 180 Proposed Use R-PD7
 Assessor's Parcel #(s) 138-31-702-002 Ward # 2
 General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 34.07 Lots/Units 61+12 (CL) Density 1.79
 Additional Information This street section is generally similar to the as-built street section condition of the adjacent San Michelle neighborhood of Queensridge (not part of the property).

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road #120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State NV Zip 89117
 E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road #120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State NV Zip 89117
 E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc. Contact Cindie Gee
 Address 1555 South Rainbow Blvd. Phone: (702) 804-2107 Fax: (702) 804-2299
 City Las Vegas State NV Zip 89146
 E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* see attached
 *An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps
 Print Name _____

Subscribed and sworn before me
 This 24th day of January, 20 17.
Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16



FOR DEPARTMENT USE ONLY

Case # **WVR-68480**
 Meeting Date: _____
 Total Fee: _____
 Date Received: * _____
 Received By: _____

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

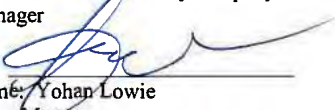
CLV65-000651
0651

10703

180 Land Co LLC
1215 S. Fort Apache Rd., Suite # 120
Las Vegas, NV 89117

180 Land Co LLC
Nevada limited liability company

By: EHB Companies LLC
a Nevada limited liability company
Its: Manager

By: 
Name: Yohan Lowie
Its: Manager
Date: January 4, 2017

WVR-68480

PRJ-67184
01/04/17

CLV65-000652
0652

10704



December 27, 2016

Mr. Tom Perrigo
City of Las Vegas Department of Planning
333 North Rancho Drive
Las Vegas, Nevada 89106

Justification Letter for General Plan Amendment of Parcel No. 138-31-702-002

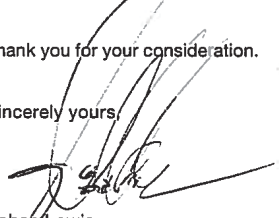
Dear Mr. Perrigo,

Though we understand that this change to the General Plan should be the responsibility of the City of Las Vegas, per your request, we are submitting an application to amend the General Plan designation on Parcel No. 138-31-702-002, as the current designation of Parks Recreation and Open Space (PR-OS) does not reflect the underlying residential zoning of RPD-7 (Residential Planned Development District – 7.49 Units per Acre) or the intended residential development use of the Property. We have also attached a letter from Clyde Spitze, a representative of the owner of the Property at the time, requesting to maintain the approved RPD-7 zoning while at the same time developing a golf course on the Property. In response, former City of Las Vegas Planning Supervisor Robert S. Genzer, recognized that the approved 18-hole golf course was in fact zoned RPD-7 and would allow the further expansion of nine holes of the golf course on the Property into zoned RPD-7 property.

Therefore, we are requesting that the General Plan designation be changed to the more appropriate L (Low Density Residential) designation, which would be consistent both with the density being proposed by the accompanying Tentative Map and Site Development Review and with the existing RPD-7 zoning.

Thank you for your consideration.

Sincerely yours,


Yohan Lowie,
as Manager of EHB Companies LLC,
the Manager of 180 Land Company LLC

GPA-68385

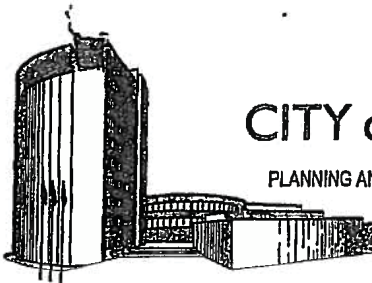
PRJ-67184
12/28/16

p 702-940-6930 f 702-940-6931 1215 S. Fort Apache Drive, Suite 120 Las Vegas, NV 89117 ehbcompanies.com

CLV65-000653
0653

10705

MAYOR
JAN LAVERTY JONES
COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. McDONALD
GARY REESE
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

October 8, 1996

Mr. Clyde O. Spitze, Vice President
Pentacore
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

Re: BADLANDS GOLF COURSE, PHASE 2

Dear Mr. Spitze:

City records indicate that an 18 hole golf course with associated facilities was approved as part of the Peccole Ranch Master Plan in 1990. The property was subsequently zoned R-PD7 (Residential Planned Development - 7 Units Per Acre). Any expansion of the golf course within the R-PD7 area would be allowed subject to the approval of a plot plan by the Planning Commission.

If any additional information is needed regarding this property please do not hesitate to contact me.

Very truly yours,

Robert S. Genzer, Planning Supervisor
Current Planning Division

RSG:erh

GPA-68385

400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

CLV 7008
3810 015 8/95



CLV65-000654
0654

10706



PENTACORE

Civil Engineering
Construction
Management
Land Surveying
Planning
ADA Consulting

0171 0030

September 4, 1996

Mr Robert Genzer
City of Las Vegas
Planning Division
400 E Stewart Avenue
Las Vegas, NV 89101

RE Badlands Golf Course, Phase 2

Dear Bob

As you know the Badlands Golf Course in Peccole Ranch is proposing to develop an additional 9 hole course between the existing golf course and Alta Drive. The existing Master Plan zoning of this area is RPD-7, and the golf course would be developed within this zoned parcel. I would like a letter from the City stating that a golf course would be compatible within this zoning. I need the letter for the bank.

Thank you for your consideration in this matter.

Sincerely,


Clyde O. Spitzer
Vice President

RECEIVED
SEP 4 4 58 PM '96
PLANNING AND
DEVELOPMENT

7-146-94
2-17-90
GPA-68385

6763 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 258-0115 • Fax (702) 258-4953

PRJ-67184
9/28/16

CLV65-000655
0655

10707



December 12, 2016

Mr. Tom Perrigo
City of Las Vegas Department of Planning
333 North Rancho Drive
Las Vegas, Nevada 89106

Justification Letter for Tentative Map and Site Development Plan Review on 61 Lot Subdivision

Dear Mr. Perrigo,

We are requesting a Tentative Map and Site Development Plan Review for a 61 lot single-family residential subdivision ("Subdivision") on a 34.07 acre portion of Parcel No. 138-31-702-002 which is zoned RPD-7 (Residential Planned Development District – 7.49 Units per Acre). The Subdivision will be located just south of Alta Drive and east of Hualapai Way. Access to the subdivision will be provided by private road off of Hualapai Way.

The Subdivision will be compatible with, and complementary to, existing adjacent and nearby residential land uses and will be appropriately suited for the type of low-intensity residential land use being proposed. The overall density of the Subdivision is 1.79 du/ac with lots ranging from .23 acres to 1.09 acres, an average of .57 acres or 24,953 square feet. Lots will be developed as custom home sites and the Subdivision will meet the City of Las Vegas open space requirements of .98 acres. Development Standards do not include architectural design, but do include building setbacks (primary and accessory), lot widths, building heights, and wall heights and type.
Thank you for your consideration.

Sincerely yours,


Yogan Lowie,
as Manager of EHB Companies LLC,
the Manager of 180 Land Company LLC

SDR-68481 and TMP-68482

PRJ-67184
01/04/17

p 702-940-6930 f 702-940-6931 1215 S. Fort Apache Drive, Suite 120 Las Vegas, NV 89117 ehbcompanies.com

CLV65-000656
0656

10708

DEVELOPMENT STANDARDS

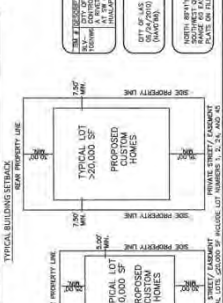
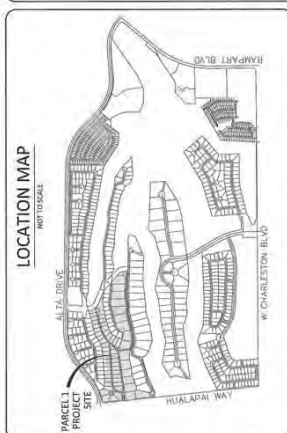
DESIGN STRUCTURAL BASES (MINIMUM)	LOADS $\leq 20,000$ LB	LOADS $> 20,000$ LB
ITE. JOISTE TO TRANSVERSE BEAMS	15'	15'
TRANSVERSE TO LONGITUDINAL BEAMS	15'	15'
TO CORNERS/END PORT DECKS	20'	20'
PARALLEL FROM MAIN DECK PLATING	5'	5'
INNER SIDE YARD	5'	5'
AT YARD	5'	5'
BE YARD	5'	5'

NOTE: STRUCTURES MAY HAVE OTHER CATCH/LOADS
FOR COLLISIONS WITH STRUCTURES AND VESSELS

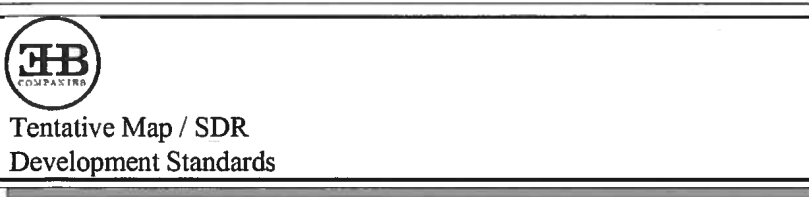
ES - SHIRE FAMILY RESOURCES AND ACCESSORY STRUCTURES

REGIONAL COMMON LIT. RATE	PRIVATE PAIN	PRIVATE PAIN ENTERIES	EMERGENCY ADMISSIONS
C-1	0.15 AC		0.35 AC
C-2	0.30 AC		0.35 AC
C-3	0.09 AC	0.09 AC	
C-4	0.09 AC		0.38 AC
C-5	0.03 AC	0.03 AC	
C-6	0.33 AC		0.38 AC
C-7	0.38 AC		
C-8	0.09 AC	0.09 AC	
C-9	0.34 AC	0.34 AC	
C-10	0.04 AC		0.38 AC
C-11	0.04 AC		
C-12	0.36 AC	0.36 AC	
C-13	0.05 AC		0.39 AC
C-14	0.34 AC		0.39 AC
TOTAL	1.53 AC	4.28 AC	8.88 AC

TENTATIVE MAP
FOR
PARCEL 1 @ THE 180
A PORTION OF APN 138-31-702-002

[illegible][illegible]

LEGAL DESCRIPTION	PRJ-67184 CLARK COUNTY 01/25/17
HANDCL 1 AS SHOWN BY MAP THERE OF OF PARCEL MAPS, PAGE _____ IN THE RECORDERS OFFICE, CLARK COUNTY, NV	



04-Jan-17

Description	Lots \leq 20,000 sf	Lots > 20,000 sf
<u>Main Structure Setbacks (Minimum)</u>		
Minimum Lot Size	10,000 sf	20,000 sf
Front Yard to Private Street or Access Easement	30'	35'
Side Yard	5'	7.5'
Corner Side Yard	12.5'	15'
Rear Yard	25'	30'
Lot Coverage	Dictated by Setbacks	Dictated by Setbacks
<u>Accessory Structures Setbacks (Minimum)</u>		
Porte Cochere to Private Street	15'	15'
Side Load Garage to Side Yard PL	15'	15'
Patio Covers / 2nd Story Decks	20'	20'
Separation from Main Building	6'	6'
Corner Side Yard	5'	5'
Rear Yard	5'	5'
Side Yard	5'	5'
Accessory Structures May Have Trellis/Canopy Connecting to Main Structure		
<u>Building Heights</u>		
Main Structure	40'	50'
Accessory Structures	25'	30'
# of Floors - Single and Two Story on Slab or Over Basement		
# of Floors - On Lots > 35,000sf a 3rd story is allowed		
<u>Uses</u>		
	Single Family Residences and Accessory Structures	Single Family Residences and Accessory Structures

PRJ-67184
01/04/17

GPA-68385, WVR-68480, SDR-68481 and TMP-68482

CLV65-000661
0661

10713



**Tentative Map / SDR
Development Standards**

16-Dec-16

Description	Lots < 20,000 sf	Lots > 20,000 sf
<u>Main Structure Setbacks (Minimum)</u>		
Minimum Lot Size	10,000 sf	20,000 sf
Front Yard to Private Street or Access Easement	30'	35'
Side Yard	5'	10'
Corner Side Yard	12.5'	15'
Rear Yard	25'	30'
Lot Coverage	Dictated by Setbacks	Dictated by Setbacks
Size	Min. 3,000 sf	Min. 4,000 sf
<u>Accessory Structures Setbacks (Minimum)</u>		
Porte Cochere to Private Street	15'	15'
Side Load Garage to Side Yard PL	15'	15'
Patio Covers / 2nd Story Decks	20'	20'
Separation from Main Building	6'	6'
Corner Side Yard	5'	5'
Rear Yard	5'	5'
Side Yard	5'	5'
Accessory Structures May Have Trellis/Canopy Connecting to Main Structure		
<u>Patio Covers / 2nd Story Heights</u>		
Main Structure	40'	50'
Accessory Structures	25'	30'
# of Floors - Single and Two Story on Slab or Over Basement		

PRJ-67184
01/04/17

SDR-68481 and TMP-68482

CLV65-000662
0662

10714

6. The standards for this development shall include the following:

Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Minimum Lot Size	10,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet
• Corner side yard	12.5 feet	15 feet
• Rear yard	25 feet	30 feet

Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Accessory structure setbacks:		
• Porte cochere to private street	15 feet	15 feet
• Side loaded garage to side yard property line	15 feet	15 feet
• Patio covers and/or 2 nd story decks	20 feet	20 feet
• Separation from principal dwelling	6 feet	6 feet
• Side yard	5 feet	5 feet
• Corner side yard	5 feet	5 feet
• Rear yard	5 feet	5 feet
Building Heights:		
• Principal dwelling	46 feet	46 feet
• Accessory structures	25 feet	30 feet
• Floors	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures**	Single family residence and accessory structures**

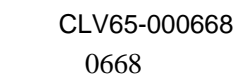
*Includes Lots 1, 2 and 24.

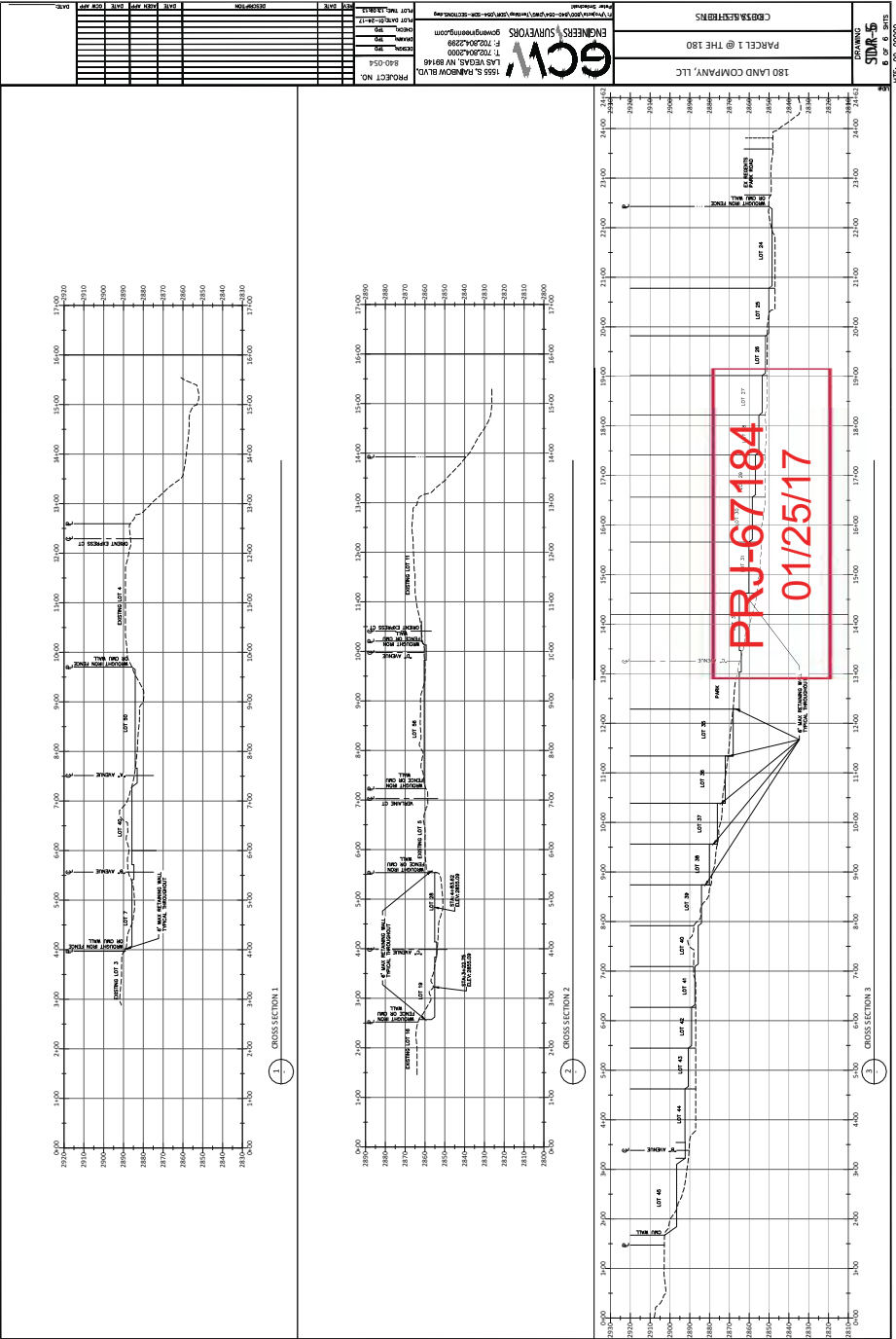
**Accessory structures may have a trellis or canopy attached to the principal dwelling.

CLV65-000663
0663

10715

CLV65-000668
0668





GPA-68385, WVR-68480, SDR-68481 and TMP-68482 - REVISED

CLV65-000669
0669

10721



January 24, 2017

Mr. Tom Perrigo
City of Las Vegas Department of Planning
333 North Rancho Drive
Las Vegas, Nevada 89106

Revised Justification Letter for Waiver on 34.07 acre portion of Parcel No. 138-31-702-002

Dear Mr. Perrigo,

We are requesting a waiver allowing for 32' private streets (pursuant to the Fire Department's requirement) in addition to:

- on one side a 7' easement on the adjacent lots that will contain a 3' landscape separation back of curb and a 4' sidewalk; and,
- on the other side a 5' landscape easement on the adjacent lots

The above provides for a total street section of 44'.

The above street section is generally similar to the private street section in the adjacent San Michelle subdivision located in the adjacent Queensridge (not a part of this property).

The above comparative private street sections, in addition to the City standard section, are reflected on the attached. The City's standard section contains sidewalk on each side of the street which is not warranted in this application's streets due to the small number of lots in this subdivision.

Thank you for your consideration.
Sincerely yours,

Johan Lowie,
*as Manager of EHB Companies LLC,
the Manager of 180 Land Company LLC*

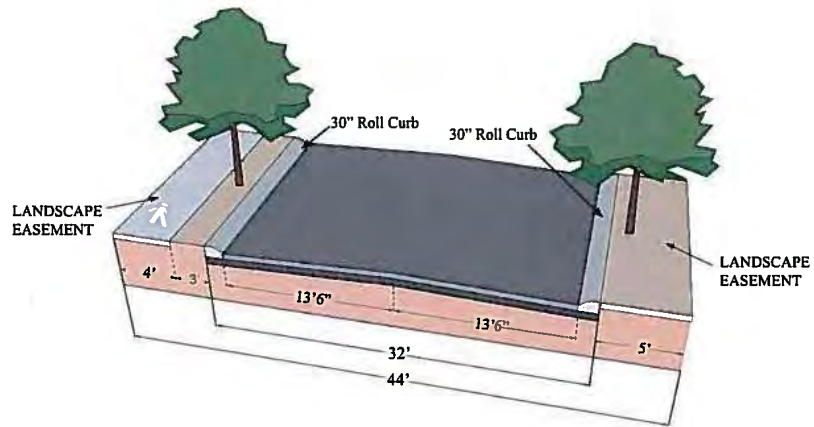
p 702-940-6930 f 702-940-6931 1215 S. Fort Apache Drive, Suite 120 Las Vegas, NV 89117 ehbcompanies.com

WVR-68480 - REVISED

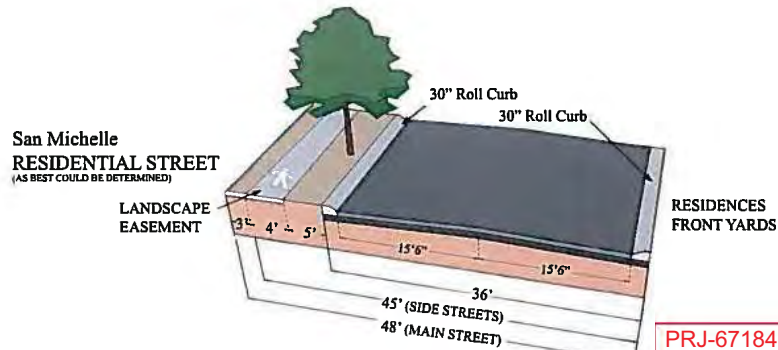
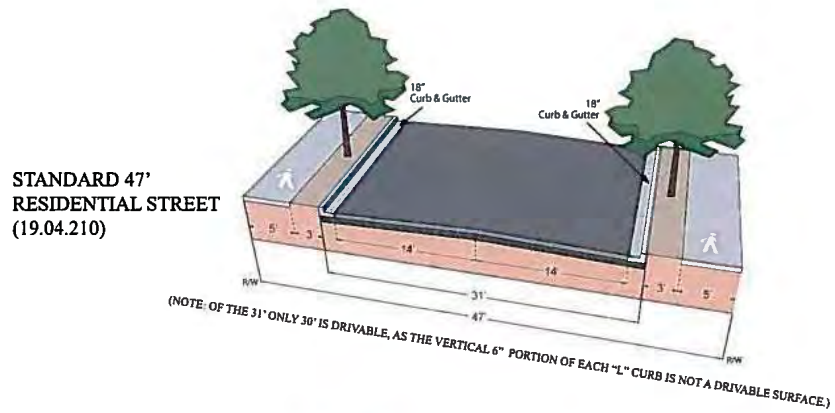
PRJ-67184
01/25/17

CLV65-000670
0670

10722



PARCEL 1 @ 180 RESIDENTIAL STREET



WVR-68480 - REVISED

PRJ-67184
01/25/17

CLV65-000671
0671

10723