

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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- (b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;
  - (c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or
  - (d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,
- may appeal the decision to the governing body. In a county whose population is 700,000 or more, a person shall be deemed to be aggrieved under an ordinance adopted pursuant to this subsection if the person appeared, either in person, through an authorized representative or in writing, before a person or entity described in paragraphs (a) to (d), inclusive, on the matter which is the subject of the decision.
2. Except as otherwise provided in NRS 278.310, an ordinance adopted pursuant to subsection 1 must set forth, without limitation:
- (a) The period within which an appeal must be filed with the governing body.
  - (b) The procedures pursuant to which the governing body will hear the appeal.
  - (c) That the governing body may affirm, modify or reverse a decision.
  - (d) The period within which the governing body must render its decision except that:
    - (1) In a county whose population is 700,000 or more, that period must not exceed 45 days.
    - (2) In a county whose population is less than 700,000, that period must not exceed 60 days.
  - (e) That the decision of the governing body is a final decision for the purpose of judicial review.
  - (f) That, in reviewing a decision, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.
  - (g) That the governing body may charge the appellant a fee for the filing of an appeal.
3. In addition to the requirements set forth in subsection 2, in a county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 must:
- (a) Set forth procedures for the consolidation of appeals; and
  - (b) Prohibit the governing body from granting to an aggrieved person more than two continuances on the same matter, unless the governing body determines, upon good cause shown, that the granting of additional continuances is warranted.
4. Any person who:
- (a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and
  - (b) Is aggrieved by the decision of the governing body,
- may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.
5. As used in this section, "person" includes the Armed Forces of the United States or an official component or representative thereof.
- (Added to NRS by 2001, 2803; A 2003, 1734; 2007, 354; 2011, 1193)

## DIVISIONS OF LAND

### Subdivision of Land: General Provisions

#### NRS 278.320 "Subdivision" defined; exemptions for certain land.

1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:
- (a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.
  - (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
  - (c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:
    - (1) Any division of land which is ordered by any court in this State or created by operation of law;
    - (2) A lien, mortgage, deed of trust or any other security instrument;
    - (3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
    - (4) Cemetery lots; or
    - (5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.
  - 2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.
  - 3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:
    - (a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and
    - (b) Other persons now permanently reside on the land.
  - 4. Except as otherwise provided in subsection 5, this chapter, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each parcel resulting from such a division, exchange or transfer:
    - (a) Is 10 acres or more in size, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;
    - (b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;
    - (c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;
    - (d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and
    - (e) Is accessible:
      - (1) By way of an existing street, road or highway;
      - (2) Through other adjacent lands owned by the same person; or
      - (3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.



5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

- (1) Dilapidated;
- (2) Dangerous;
- (3) At risk of being declared a public nuisance;
- (4) Damaged or destroyed by fire, flood, earthquake or any natural or man-made disaster; or
- (5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

[18.1:110:1941; added 1947, 834; 1943 NCL § 5063.17a]—(NRS A 1971, 938; 1973, 1336; 1975, 6, 1178, 1563; 1977, 1495; 1979, 1498; 1991, 582, 1312, 1318; 2003, 974; 2007, 563; 2013, 3224)

**NRS 278.325 Mapping for industrial or commercial development; restriction on sale of parcel for residential use; requirements for creating boundary by conveyance.**

1. If a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive.

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in NRS 625.340. Any conveyance of such a parcel must contain a legal description of the parcel that is independent of the record of survey.

4. The provisions of subsection 3 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building. A certificate prepared by a professional engineer or registered architect certifying compliance with the applicable law of this State in effect at the time of the preparation of the certificate and with the building code in effect at the time the building was constructed must be attached to any document which proposes to subdivide such a building.

5. A certificate prepared pursuant to subsection 4 for a building located in a county whose population is 700,000 or more must be reviewed, approved and signed by the building official having jurisdiction over the area within which the building is situated.

(Added to NRS by 1969, 723; A 1993, 2560; 2005, 2668; 2007, 2922; 2011, 1194; 2013, 3226)

**NRS 278.326 Local ordinances governing improvements, mapping, accuracy, engineering and related subjects.**

1. Local subdivision ordinances shall be enacted by the governing body of every incorporated city and every county, prescribing regulations which, in addition to the provisions of NRS 278.010 to 278.630, inclusive, govern matters of improvements, mapping, accuracy, engineering and related subjects, but shall not be in conflict with NRS 278.010 to 278.630, inclusive.

2. The subdivider shall comply with the provisions of the appropriate local ordinance before the final map is approved.

[23:110:1941; 1931 NCL § 5063.22]—(NRS A 1973, 1769; 1977, 1500; 2013, 3226)

**NRS 278.327 Approval of map does not preclude further division.** Approval of any map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, does not in itself prohibit the further division of the lots, parcels, sites, units or plots described, but any such further division shall conform to the applicable provisions of those sections.

(Added to NRS by 1975, 1562; A 1977, 1496; 2013, 3227)

**NRS 278.328 Final action by planning commission on tentative map and final map: Authorization; appeal.** The governing body may, by ordinance, authorize the planning commission to take final action on a tentative map and a final map. Any person aggrieved by the commission's action may appeal the commission's decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

(Added to NRS by 1987, 658; A 1997, 2424; 2001, 2808)

**NRS 278.329 Relief from requirement to dedicate certain easements.** A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to NRS 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any video service providers pursuant to paragraph (d) or (e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

(Added to NRS by 2003, 2345; A 2007, 1379)

#### Subdivision of Land: Tentative Maps

**NRS 278.330 Preparation of tentative map; filing and distribution of copies; action by planning commission.**

1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

- (a) In a county whose population is 700,000 or more, within 45 days; or
- (b) In a county whose population is less than 700,000, within 60 days,



➤ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

- (a) In a county whose population is 700,000 or more, within 45 days; or
  - (b) In a county whose population is less than 700,000, within 60 days,
- after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.  
[21:110:1941; 1931 NCL § 5063.20]—(NRS A 1971, 1207; 1973, 1829; 1977, 647, 1496; 1979, 58; 1987, 658; 1993, 2561; 1997, 2424; 2001, 1967, 2808; 2003, 975; 2011, 1194)

**NRS 278.335 Review of tentative map by agencies of State; reviews and inspections by district board of health.**

1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:

- (a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources;
- (b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2; and
- (c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.

4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

(Added to NRS by 1977, 1497; A 1979, 704; 1987, 520; 1993, 2561; 1997, 1984; 2005, 559, 692)

**NRS 278.340 Review by city of tentative map of subdivision proposed to be located within 1 mile of boundary of city.**

Except as otherwise provided in a comprehensive regional plan adopted pursuant to NRS 278.026 to 278.029, inclusive, whenever a subdivider proposes to subdivide any land within 1 mile of the boundary of a city, the planning commission of the county or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body of the county shall forward a copy of the tentative map to the planning commission of the city or, if there is no planning commission, the governing body of the city for review and comment.

(19:110:1941; 1931 NCL § 5063.18)—(NRS A 1959, 499; 1973, 1768; 1993, 2562)

**NRS 278.345 Review by county of tentative map of subdivision proposed to be located within 1 mile of boundary of unincorporated area of county.** Whenever a subdivider proposes to subdivide any land within an incorporated city in a county whose population is 100,000 or more, and the proposed subdivision is within 1 mile of the boundary of an unincorporated area of the county, the planning commission of the city or its designated representative, or, if there is no planning commission, the governing body of the city or its designated representative shall forward a copy of the subdivider's tentative map:

- 1. To the planning commission of the county for review and comment; or
- 2. If there is no planning commission of the county, to the clerk of the governing body of the county. The clerk shall submit the map to the governing body of the county at its next regular meeting for review and comment.

(Added to NRS by 1963, 102; A 1969, 1539; 1973, 1768; 1979, 530; 1989, 1917; 1993, 2563)

**NRS 278.346 Tentative map to be forwarded to school board; acquisition or disposal of school site.**

1. The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall, not more than 10 days after the tentative map is filed pursuant to the provisions of subsection 2 of NRS 278.330, forward a copy of the tentative map to the board of trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the copy, the board of trustees or its designee shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site:

- (a) The subdivider shall, except as otherwise provided in subsection 8, set aside a site of the size which is determined by the board.

(b) The subdivider and the board of trustees shall, except as otherwise provided in subsections 7 and 8, negotiate for the price of the site, which must not exceed the fair market value of the land as determined by an independent appraisal paid for by the board.

3. If any land purchased by the school district pursuant to the provisions of subsection 2 has not been placed in use as a school site at the end of 10 years from the date of purchase, the land must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board.

4. If the subdivider or the successor in interest of the subdivider does not accept an offer made pursuant to the provisions of subsection 3 or 9, then the board of trustees may:

- (a) Sell or lease such property in the manner provided in NRS 277.050 or 393.220 to 393.320, inclusive;
- (b) Exchange such property in the manner provided in NRS 277.050 or 393.326 to 393.3293, inclusive; or
- (c) Retain such property, if such retention is determined to be in the best interests of the school district.

5. Except as otherwise provided in subsection 6, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 4.

6. Land dedicated under the provisions of former NRS 116.020, as it read before April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or the successor or successors in interest of the dedicator.



7. Except as otherwise provided in subsection 8, in a county whose population is 100,000 or more but less than 700,000, the school district may purchase the site for a price negotiated between the subdivider and the board of trustees, which price must not exceed the lesser of:

(a) The fair market value of the land at the time the tentative map was approved, as determined by an independent appraisal paid for by the board, plus any costs paid by the subdivider with respect to that land between the date the tentative map was approved and the date of purchase; or

(b) The fair market value of the land on the date of purchase, as determined by an independent appraisal paid for by the board.

8. If, 5 years after the date on which the final map that contains the school site was approved, a school district has not purchased the site pursuant to the provisions of subsection 7, the subdivider need not continue to set aside the site pursuant to the provisions of subsection 2.

9. If, 10 years after the date on which the final map that contains the school site was approved, construction of a school at the school site has not yet begun, the land purchased by the school district pursuant to subsection 7 must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board.

(Added to NRS by 1977, 1499; A 1993, 2563; 2009, 1234; 2011, 1195)

**NRS 278.347 Review of tentative map by general improvement district.** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the board of trustees of the district. The board of trustees may within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take any such comments into consideration before approving the tentative map.

(Added to NRS by 1977, 424; A 1993, 2564)

**NRS 278.348 Review of tentative map by irrigation district in county whose population is less than 100,000.** In any county whose population is less than 100,000, when any subdivider proposes to subdivide land, any part of which is located within the boundaries of any irrigation district organized pursuant to chapter 539 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the board of directors of the district. The board of directors shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

(Added to NRS by 1987, 1391; A 1993, 2564)

**NRS 278.3485 Review of tentative map for subdivision of land containing irrigation ditch located outside irrigation district in county whose population is less than 100,000.**

1. In any county whose population is less than 100,000, when any subdivider proposes to subdivide land which is located outside the boundaries of any irrigation district organized pursuant to chapter 539 of NRS on which an irrigation ditch is located, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall forward a copy of the subdivider's tentative map, by certified or registered mail, to the last known address of the owner of record of any land to which the irrigation ditch is appurtenant that is on file in the office of the county assessor pursuant to this section. An owner of record who receives a copy of a subdivider's tentative map shall, within 30 days after receiving the map, review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

2. A subdivider whose tentative map is provided to an owner of record pursuant to this section is responsible for any costs incurred by the planning commission or its designated representative, or by the clerk or other designated representative of the governing body, in identifying the owner of record and providing a copy of the tentative map to the owner of record.

(Added to NRS by 2003, 974)

**NRS 278.349 Action on tentative map by governing body; considerations in determining action on tentative map; final disposition.**

1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;



(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.348.5, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

(k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest. Any disapproval or conditional approval must include a statement of the reason for that action.

(Added to NRS by 1977, 1498; A 1979, 705; 1981, 1707; 1987, 659; 1989, 499; 1993, 2564; 1997, 2424; 2001, 1126, 1968, 2809; 2003, 976; 2009, 1113; 2011, 1196)

**NRS 278.350 Limitations on time for action on tentative or final map; effect of certain agreements extending time limits covering portion of approved tentative map.**

1. Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201:

(a) The time limit for acting and reporting on a tentative or final map may be extended by mutual consent of the subdivider and the governing body or planning commission, as the case may be.

(b) If no action is taken within the time limits set forth in NRS 278.010 to 278.630, inclusive, a tentative map as filed shall be deemed to be approved, and the clerk of the governing body, or the planning commission if it has been authorized to take final action, shall certify the map as approved.

(c) The time limits set forth in NRS 278.010 to 278.630, inclusive, for tentative and final maps are suspended for a period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map or the development, processing or recordation of a final map.

2. If the subdivider enters into an agreement pursuant to paragraph (a) of subsection 1 covering a portion of an approved tentative map, no requirements other than those imposed on each of the final maps in a series of final maps may be placed on a map when the agreement is entered into unless the requirement is directly attributable to a change in applicable laws which affects the public health, safety or welfare.

[Part 22:110:1941; 1931 NCL § 5063.21]—(NRS A 1977, 1499; 1985, 2116; 1987, 660, 1304; 1991, 299; 1997, 2425; 2009, 164)

**NRS 278.353 Disclosure required when property offered for sale before final map recorded.** If any property in a subdivision is offered for sale before a final map is recorded for that subdivision, the seller or his or her agent shall disclose to any potential buyer that the final map has not been recorded.

(Added to NRS by 1979, 1361)

#### Subdivision of Land: Final Maps

**NRS 278.360 Requirements for presentation of final map or series of final maps; extensions of time.**

1. Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201 or 278.350:

(a) Unless the time is extended, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within 4 years after the approval of a tentative map:

(I) A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or

(2) The first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps:

(I) A final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or

(II) The next final map in the series of final maps covering a portion of the approved tentative map.

(b) If the subdivider fails to comply with the provisions of paragraph (a), all proceedings concerning the subdivision are terminated.

(c) The governing body or planning commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired.

2. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.

[Part 22:110:1941; 1931 NCL § 5063.21]—(NRS A 1973, 1768; 1977, 1500; 1981, 165, 1182; 1985, 564, 2116; 1987, 660, 1304; 1993, 2565; 1997, 2426; 2001, 2810; 2003, 2343; 2009, 165; 2011, 695)

**NRS 278.371 Survey, setting of monuments and preparation of final map; performance bond.**

1. The survey, setting of monuments and final map must be made by a professional land surveyor licensed in the State of Nevada.

2. The final monuments must be set before the recordation of the final map unless the subdivider furnishes a performance bond or other suitable assurance to the governing body or planning commission guaranteeing that the subdivider will provide a professional land surveyor to set the monuments on or before a day certain. The governing body or planning commission shall



determine the amount of the performance bond, if any is required. If a surveyor other than the one signing the final plat accepts responsibility for the setting of monuments, a certificate of amendment must be filed and recorded.

3. The final monument must, except as otherwise provided in subsections 6 and 7, consist of a nonferrous tablet, disc or cap securely attached to the top of a metallic shaft solidly embedded in the ground, with a minimum diameter of 5/8 of an inch and a length sufficient to resist removal, and a mark for the exact point and stamped "PLS" followed by the number of the professional land surveyor's license.

4. Final monuments must be set at:

(a) Each corner of the boundary of the subdivision and at any point necessary to ensure that each monument on a given boundary can be seen from the next monument on that boundary.

(b) Intersections of centerlines of streets.

(c) Sufficient locations along the centerlines of streets so that the centerlines may be retraced. These locations may be at, or on an offset to, an angle to the centerline of a street, the center of a cul-de-sac, a point which defines a curve (the beginning or end of a curve or a point of intersection of a tangent) or an intersection with a boundary of the subdivision.

(d) A position for a corner of the system of rectangular surveys which is used as control in the survey required by this chapter to establish property lines and corners of the subdivision.

↪ The governing body shall, by ordinance, adopt any additional standards for the setting of final monuments which are reasonably necessary, including the establishment of Nevada state plane coordinates thereon pursuant to [chapter 327](#) of NRS.

5. A final monument required in subsection 4 which falls in a paved area must:

(a) Consist of a well with lid placed so that the top of the tablet, disc or cap of the monument is not less than 4 inches below the surface of the pavement; or

(b) Be of comparable construction as required by the governing body.

↪ The monument must be set flush with the top of the pavement with such references as are required by the governing body.

6. If a point designated in subsection 4 falls on solid bedrock or on a concrete or stone roadway, curb, gutter or walk, a durable nonferrous metal tablet, disc or cap must be securely anchored in the rock or concrete and marked as required in subsection 3.

7. If a monument required by subsection 3 cannot be set because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of proposed construction, one or more reference monuments must be set. In addition to the physical requirements for a monument set forth in subsections 3 to 6, inclusive, the letters "RM" and "WC" must be stamped in the tablet, disc or cap. If only one reference monument is used, it must be set on the actual line or a prolongation thereof. Otherwise, at least two reference monuments must be set. These monuments shall be deemed final monuments.

8. A corner of a lot must be set by the land surveyor in the manner approved by the governing body.

(Added to NRS by [1977, 1501](#); [A 1985, 564](#); [1987, 660](#); [1989, 790](#); [1993, 1196](#); [1997, 1063](#))

#### **NRS 278.372 Final map: Requirements and contents.**

1. The final map must be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the final map with permanent black ink.

2. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the final map must be large enough to show all details clearly. The final map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the final map must indicate its particular number, the total number of sheets in the final map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered or lettered.

7. Each street must be named, and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The final map must show:

(a) The definite location of the subdivision, particularly its relation to surrounding surveys.

(b) The area of each lot and the total area of the land in the subdivision in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(c) Any roads or easements of access which the owner intends to offer for dedication.

(d) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to [chapter 711](#) of NRS to operate a video service network in that area.

(e) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide water and sewer services.

10. The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in [NRS 116.027](#).

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to [chapter 327](#) of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance.

[Part 26:110:1941; 1931 NCL § 5063.25]—(NRS A 1960, 137; [1973, 1830](#); [1977, 1502](#); [1985, 896](#); [1991, 822](#); [1993, 1197, 2566](#); [2003, 2345](#); [2005, 2669](#); [2007, 1379](#))

**NRS 278.373 Certificates and acknowledgments to appear on final map.** The certificates and acknowledgments required by [NRS 116.2109](#) and [278.374](#) to [278.378](#), inclusive, must appear on a final map and may be combined where appropriate.

(Added to NRS by [1977, 1502](#); [A 1991, 583](#))

#### **NRS 278.374 Certificate of owner of land; report and guarantee of title company.**

1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in [NRS 240.1665](#) or [240.167](#), by each person who is an owner of the land:



- (a) Consenting to the preparation and recordation of the final map.
  - (b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.
  - (c) Reserving any parcel from dedication.
  - (d) Granting any permanent easement for utility or video service network installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, video service provider or person in whose favor the easement is created or whose services are required.
2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.
3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:
- (a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:
    - (1) Each owner of record of the land to be divided; and
    - (2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.
  - ↳ The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.
  - (b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:
    - (1) The final map; or
    - (2) A separate document that is filed with the final map and declares his or her consent to the division of land.
4. For the purpose of this section, the following shall be deemed not to be an interest in land:
- (a) A lien for taxes or special assessments.
  - (b) A trust interest under a bond indenture.
5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (c) of subsection 1 of NRS 692A.120.  
(Added to NRS by 1977, 1502; A 1991, 583; 1993, 205, 2337, 2378, 2566; 1995, 710; 2003, 2346; 2007, 1380)

**NRS 278.375 Certificate of professional land surveyor.** A final map presented for filing must include a certificate of the surveyor responsible for the survey. The certificate must be in the following form:

Surveyor's Certificate

I, .....(Name of Surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:

- 1. This plat represents the results of a survey conducted under my direct supervision at the instance of  
(Owner, Trustee, Etc.).
  - 2. The lands surveyed lie within.....  
(Section, Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less),  
and the survey was completed on.....(date).
  - 3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval.
  - 4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.
- (OR)
- 4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by..... (a day certain) and an appropriate financial guarantee will be posted with the governing body before recordation to ensure the installation of the monuments.

..... License Number and Stamp:  
(Name of Surveyor)

(Added to NRS by 1977, 1503; A 1979, 440; 1981, 1159; 1989, 791; 1993, 2567; 1997, 1064)

**NRS 278.376 Certificate by county or city surveyor or by county or city engineer.**

- 1. A final map presented for filing must include a certificate by the county surveyor or county engineer if a subdivision lies within an unincorporated area, and if a subdivision lies within a city, a certificate by the city surveyor, city engineer or county surveyor when for that purpose appointed by the governing body of the city, stating:
    - (a) That he or she has examined the final map; and
    - (b) That the map is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a day certain.
  - 2. The person certifying the information required by this section must be licensed as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS.
- (Added to NRS by 1977, 1503; A 1989, 792; 1991, 1890; 1997, 1065)

**NRS 278.377 Certificates of certain governmental entities required; appeal from adverse decision of Division of Environmental Protection; copies of certain certificates to be furnished to subdivider and purchaser.**

- 1. A final map presented for filing must include a certificate by:
  - (a) The Division of Environmental Protection of the State Department of Conservation and Natural Resources or the district board of health acting pursuant to NRS 278.335 indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities. The district board of health may not issue a certificate unless it has received:



(1) Written verification from the Division of Environmental Protection that the final map has been approved by the Division with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law; and

(2) If the final map pertains to a subdivision which is subject to the provisions of NRS 704.6672, written verification from the Public Utilities Commission of Nevada that the final map has been approved by the Public Utilities Commission with regard to continuity and adequacy of water supply or sewer service, or both, as applicable.

(b) The Division of Water Resources of the State Department of Conservation and Natural Resources, showing that the final map is approved by the Division of Water Resources concerning water quantity. If the final map pertains to a subdivision which is subject to the provisions of NRS 704.6672, the Division of Water Resources may not issue a certificate unless it has received written verification from the Public Utilities Commission of Nevada that the final map has been approved by the Public Utilities Commission with regard to continuity and adequacy of water supply or sewer service, or both, as applicable.

2. Any person aggrieved by the issuance or denial of approval with regard to water pollution and sewage disposal by the Division of Environmental Protection may appeal to the State Environmental Commission, which shall affirm, modify or reverse the action of the Division of Environmental Protection. The State Environmental Commission shall adopt regulations providing the time within which appeals must be taken and the manner of taking the appeal to the State Environmental Commission.

3. A copy of the certificate by the Division of Water Resources required by subsection 1 must be furnished to the subdivider who in turn shall provide a copy of the certificate to each purchaser of land before the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

(Added to NRS by 1977, 1504; A 1979, 706, 1919, 1920; 1993, 2568; 2005, 560, 693)

**NRS 278.378 Certificate by clerk of governing body, planning commission or other authorized person or agency; clerk to present final map to county recorder for recording.**

1. A final map presented to the county recorder for recording must include a certificate by the clerk of the governing body or planning commission, or the director of planning or other authorized person or agency if authorized to take final action by the governing body, stating that the governing body, planning commission, director of planning or other authorized person or agency:

(a) Approved the map;

(b) Accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication; and

(c) If applicable, determined that a public street, easement or utility easement that will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

2. The director of planning or, if there is no director of planning, the clerk of the governing body shall certify on the final map that it substantially complies with the tentative map and all conditions have been met.

3. The clerk of the governing body or planning commission shall cause the approved final map to be presented to the county recorder for recording.

(Added to NRS by 1977, 1504; A 1985, 566; 1987, 662; 1999, 788; 2001, 1759)

**NRS 278.380 Approval of final map: General requirements; acceptance of dedications; imposition and appeal of requirements for improvements and security.**

1. After receipt of the final map:

(a) The governing body or planning commission, at its next meeting; or

(b) If authorized by the governing body, the director of planning or other authorized person or agency, within 10 days after the map is accepted as a complete application by the governing body, planning commission, the director of planning or other authorized person or agency,

shall approve the map if it conforms to all the requirements of NRS 278.010 to 278.630, inclusive, and of any local ordinance applicable at the time of approval of the final map, or any rulings made thereunder.

2. The governing body, planning commission or director of planning or other authorized person or agency shall at that time also accept or reject all offers of dedication and may, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

3. If an agreement for a required improvement is entered into, the governing body or planning commission may require that the agreement be secured by a good and sufficient bond or other security in the amount determined by the governing body, planning commission or director of planning or other authorized person or agency.

4. Any requirement imposed by the planning commission, director of planning or other authorized person or agency pursuant to this section may be appealed in accordance with the ordinance adopted pursuant to NRS 278.3195. If such an appeal is filed, the limit on time to approve or disapprove a final map in subsection 1 is extended until 10 days after:

(a) The decision of the governing body on the appeal; or

(b) The decision of the district court, if the decision of the governing body is appealed to the district court.

[24:110:1941; 1931 NCL § 5063.23]—(NRS A 1977, 1500; 1981, 1183; 1985, 566; 1987, 662; 1997, 2426; 2001, 2811)

**NRS 278.385 Approval of final map: Submission of plans to install water meters.** The governing body, planning commission or director of planning or other authorized person or agency shall not approve any final map for a subdivision served by a public water system which it receives after May 15, 1977, unless the subdivider has submitted plans which provide for the installation of water meters or other devices which will measure water delivered to each water user in the subdivision.

(Added to NRS by 1977, 1401; A 1987, 662; 1997, 2427)

**NRS 278.390 Title to dedicated property passes when final map recorded; offer of dedication may remain open.** Title to property dedicated or accepted for streets and easements passes when the final map is recorded. If at the time the final map is approved any streets are rejected, the offer of dedication shall be deemed to remain open and the governing body or planning commission may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use. Such an acceptance must be recorded in the office of the county recorder and be so noted by the recorder on the subdivision plat, if the county recorder does not maintain a cumulative index for such plats and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the acceptance or amendment.

[25:110:1941; 1931 NCL § 5063.24]—(NRS A 1977, 1501; 1987, 379, 662, 664; 1997, 2427)

**NRS 278.450 Fee for recording final map.** For the recordation of any final map, the county recorder shall collect a fee of \$50 for the first sheet of the map and \$10 for each additional sheet. The fee must be deposited in the general fund of the county where



it is collected.

[32:110:1941; 1931 NCL § 5063.31]—(NRS A 1973, 1773; 1975, 1425; 1977, 1504; 1993, 1357; 2001, 3217)

**NRS 278.460 Requirements for recording final map; county recorder to provide copy of final map or access to digital final map to county assessor.**

1. A county recorder shall not record any final map unless the map:
    - (a) Contains or is accompanied by the report of a title company and all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance; and
    - (b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid and that the full amount of any deferred property taxes for the conversion of the property from agricultural use has been paid pursuant to NRS 361A.265.
  2. The provisions of NRS 278.010 to 278.630, inclusive, do not prevent the recording, pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and any applicable local ordinances, of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, prohibit the recording of a map in accordance with the provisions of any statute requiring the recording of professional land surveyor's records of surveys.
  3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to the county recorder.
  4. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:
    - (a) A duplicate copy of the final map and any supporting documents; or
    - (b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.
- [18.2:110:1941; added 1947, 834; 1943 NCL § 5063.17b]—(NRS A 1973, 1773; 1977, 1504; 1989, 500; 1991, 1383; 1993, 2569; 1997, 1584; 2001, 1559, 1760; 2003, 2785; 2009, 834)

#### Parcel Maps

**NRS 278.461 General requirements; exemptions.**

1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:
  - (a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and
  - (b) Pay a filing fee in an amount determined by the governing body.

↪ unless those requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person who proposes to divide the land or any successor in interest.
2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:
  - (a) Any parcel included in the parcel map:
    - (1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and
    - (2) Will be served by a domestic well; and
  - (b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.
3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.
4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.
5. A parcel map is not required when the division is for the express purpose of:
  - (a) The creation or realignment of a public right-of-way by a public agency.
  - (b) The creation or realignment of an easement.
  - (c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.
  - (d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.
  - (e) Carrying out an order of any court or dividing land as a result of an operation of law.
6. A parcel map is not required for any of the following transactions involving land:
  - (a) The creation of a lien, mortgage, deed of trust or any other security instrument.
  - (b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.
  - (c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.
  - (d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.
  - (e) Filing a certificate of amendment pursuant to NRS 278.473.
7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.
8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.
9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.



[27.1:110:1941; added 1947, 834; 1943 NCL § 5063.26a]—(NRS A 1973, 453, 1338; 1975, 1564; 1977, 1508; 1979, 1499; 1983, 251; 1985, 709; 1989, 501; 1991, 583, 1383, 1387; 1993, 2569; 2007, 849; 2009, 1114)

**NRS 278.462 Requirements which may be imposed by governing body.** The governing body or, if authorized by the governing body, the planning commission or other authorized person:

1. May require street grading, drainage provisions and lot designs as are reasonably necessary.
  2. If it anticipates, based upon duly adopted ordinances and plans, that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body or, if authorized by the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.
  3. For a second or subsequent parcel map with respect to:
    - (a) A single parcel; or
    - (b) A contiguous tract of land under the same ownership,
 may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.
- (Added to NRS by 1977, 1509; A 1991, 624; 1993, 2570; 1995, 710; 2003, 656)

**NRS 278.4625 Minimum size of mobile home lot.** The governing body of a city or county may not require the minimum size of a mobile home lot that is individually owned to be larger than the minimum size of a mobile home lot that is leased to a tenant.

(Added to NRS by 1993, 1470)

**NRS 278.463 Survey required; exception.** Except as otherwise provided in this section, a parcel map must be based on a survey made for that purpose. The county surveyor, city surveyor or professional land surveyor appointed by the governing body, may pursuant to NRS 278.464 waive the requirement of a survey if, in his or her judgment, a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

(Added to NRS by 1975, 1562; A 1993, 2571)

**NRS 278.464 Action on parcel map by planning commission, governing body or other authorized person or agency; waiver of requirement for map and survey; consideration of certain criteria authorized in determining approval of certain parcel maps; appeals; certificate of approval of parcel map.**

1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:
  - (a) In a county whose population is 700,000 or more, within 45 days; or
  - (b) In a county whose population is less than 700,000, within 60 days,
 after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.
2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:
  - (a) In a county whose population is 700,000 or more, within 45 days; or
  - (b) In a county whose population is less than 700,000, within 60 days,
 after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.
3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:
  - (a) In a county whose population is 700,000 or more, within 45 days; or
  - (b) In a county whose population is less than 700,000, within 60 days,
 after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.
4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.
5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:
  - (a) In a county whose population is 700,000 or more, within 45 days; or
  - (b) In a county whose population is less than 700,000, within 60 days,
 after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.
6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.
7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.
8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or



utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

(Added to NRS by 1977, 1510; A 1989, 792; 1993, 2571; 1997, 2427; 1999, 788, 893; 2001, 64, 1969, 2811; 2007, 850; 2009, 1116; 2011, 1197)

**NRS 278.466 Form and contents of parcel map; reference to parcel number and recording.**

1. The parcel map must be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.

3. A parcel map must show:

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(b) All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

(c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

(e) Any easements granted or dedications made.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

4. A parcel map must include:

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

(c) The certificate of the Division of Water Resources of the State Department of Conservation and Natural Resources issued pursuant to NRS 278.461, if any.

(d) The signature of each owner of the land to be divided.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided,

→ if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

(1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his or her consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the division of land.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1960, 138; 1973, 1338; 1975, 1566; 1977, 1510; 1985, 897; 1989, 793; 1993, 2572; 1995, 198; 2007, 852)

**NRS 278.467 Preparation, recordation and contents of document which may be required if parcel map waived; statement indicating that property taxes have been paid; county recorder to provide copy of document or access to digital document to county assessor.**

1. If the requirement for a parcel map is waived, the authority which granted the waiver may require the preparation and recordation of a document which contains:

(a) A legal description of all parts based on a system of rectangular surveys;

(b) A provision for the dedication or reservation of any road right-of-way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his or her signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

5. A county recorder who records a document pursuant to this section shall, within 7 working days after he or she records the document, provide to the county assessor at no charge:

(a) A duplicate copy of the document; or

(b) Access to the digital document. The document must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1977, 1511; A 1989, 501, 794; 1991, 1384; 1993, 2573; 2001, 1560; 2003, 2786)

**NRS 278.468 Duties of preparer of parcel map upon approval; duties of county recorder.**

1. If a parcel map is approved or deemed approved pursuant to NRS 278.464, the preparer of the map shall:

(a) Except as otherwise provided in subsection 2, cause the approved map to be recorded in the office of the county recorder within 1 year after the date the map was approved or deemed approved, unless the governing body establishes by ordinance a longer



period, not to exceed 2 years, for recording the map. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet to the county recorder for filing and indexing.

2. In a county whose population is less than 100,000, if the parcel map shows an area totaling 50 acres or more that is subject to a conservation easement, the preparer of the map shall cause the approved map to be recorded in the office of the county recorder within 3 years after the date the map was approved or deemed approved, unless the governing body grants an extension of time for recording the map, which may not exceed 1 year. As used in this subsection, "conservation easement" means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.

3. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. The county recorder shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

4. A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he or she records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1969, 255; 1973, 1339; 1975, 757; 1981, 214; 1993, 1357, 2574; 1995, 710; 1997, 2428; 1999, 895; 2001, 1560, 3217; 2003, 2786; 2011, 695)

**NRS 278.469 Map to indicate record of survey not in conflict with planning and zoning requirements.** If a record of survey contains two or more lots or parcels, the surveyor or a person for whom the record of survey is made shall place upon the map thereof a statement of the facts which will clearly show that such record of survey is not in conflict with the requirements of NRS 278.010 to 278.630, inclusive, and the regulations of transactions pertaining thereto shall be complied with.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1973, 1339; 1977, 1511)—(Substituted in revision for NRS 278.540)

#### Division of Land Into Large Parcels

**NRS 278.471 Divisions of land subject to NRS 278.471 to 278.472.5, inclusive; exemption.**

1. Except as provided in subsections 2 and 3, a proposed division of land is subject to the provisions of NRS 278.471 to 278.472.5, inclusive, if each proposed lot is at least:

(a) One-sixteenth of a section as described by a government land office survey; or

(b) Forty acres in area, including roads and easements.

2. The governing body of a city, the board of county commissioners with respect to the unincorporated area, may by ordinance elect to make NRS 278.471 to 278.472.5, inclusive, apply to each proposed division of land where each proposed lot is at least:

(a) One-sixty-fourth of a section as described by a government land office survey; or

(b) Ten acres in area, including roads and easements.

3. A proposed division of land into lots or parcels, each of which contains not less than one section or 640 acres, is not subject to NRS 278.471 to 278.472.5, inclusive.

(Added to NRS by 1979, 1504)

**NRS 278.4713 Preparation, contents and filing of tentative map; affidavit required.**

1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.472.5, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission;

(b) Submit an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person who proposes to make a division of land or any successor in interest; and

(c) Pay a filing fee of no more than \$750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

4. The planning commission and the governing body or its authorized representative shall not approve the tentative map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

(Added to NRS by 1979, 1504; A 1989, 794; 1993, 2574; 1997, 2429; 1999, 895; 2003, 2347; 2007, 1381; 2009, 1117)

**NRS 278.4715 Waiver of requirement to file tentative map; designation of easements.**

1. The planning commission or, if there is no planning commission, the governing body or its authorized representative may waive the requirement of filing the tentative map.

2. If the tentative map is filed with the planning commission or with the governing body or its authorized representative, the planning commission or the governing body or its authorized representative may within 60 days after the filing of the tentative map



designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided if there is no master plan.

3. The planning commission or the governing body or its authorized representative shall not designate an easement after the expiration of 60 days from the filing of the tentative map.

(Added to NRS by 1979, 1505; A 1997, 2429)

**NRS 278.472 Final map: Filing; form and contents.**

1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or the governing body or its authorized representative or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to NRS 278.375.

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or the governing body or its authorized representative.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(Added to NRS by 1979, 1505; A 1989, 502, 795; 1991, 280, 1384; 1993, 2575; 1997, 2430; 2003, 2348; 2007, 1382)

**NRS 278.4725 Final map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for recording; county recorder to provide copy of final map or access to digital final map to county assessor.**

1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.



(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than \$50 for the first sheet of the map plus \$10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1979, 1506; 1979, 1506; 1989, 503; 1991, 281, 1385; 1993, 1358, 2576; 1995, 199, 710; 1997, 2430; 1999, 790; 2001, 1561, 1970, 2813, 3218; 2003, 227, 2787; 2011, 1199)

#### Amendment of Plats, Surveys and Maps

**NRS 278.473** Certificate of amendment to correct or amend recorded plat, survey or map if correction or amendment does not change location of survey monument, property line or boundary line: Request; preparation, contents and recordation.

1. To correct an error or omission in or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels or reversionary map, if the correction or amendment does not change or purport to change the physical location of any survey monument, property line or boundary line, a certificate of amendment must be requested and recorded pursuant to this section.

2. A certificate of amendment may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city;

(c) The planning commission if authorized by local ordinance; or

(d) A professional land surveyor registered pursuant to chapter 625 of NRS.

3. If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who:

(a) Requests the certificate of amendment; or

(b) Is responsible for an error or omission which is to be corrected,

shall prepare and record the certificate of amendment within 90 days after the surveyor receives notification of the request made pursuant to subsection 2. If the surveyor is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the certificate.

4. The certificate of amendment must:

(a) Be in the form of a letter addressed to the county surveyor, the city surveyor, a professional land surveyor appointed by the governing body of the city or, if authorized by local ordinance, the planning commission;

(b) Specify the title, legal description and recording date of the document being corrected or amended;

(c) Concisely state the data being changed and the correction or amendment;

(d) Be dated, signed and sealed by the surveyor preparing the certificate; and

(e) Contain the following statement, dated and signed by the county surveyor, city surveyor or a professional land surveyor appointed by the governing body:

I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive, 625.340 to 625.380, inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends or corrects the document as to make it technically correct.

5. Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

(Added to NRS by 1977, 1505; A 1979, 1500; 1987, 380; 1989, 795; 1991, 1151; 1993, 2577; 1997, 2432)



(b) Access to the digital map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

[31:110;1941; 1931 NCL § 5063.30]—(NRS A 1973, 1774; 1977, 1507; 1979, 1502; 1981, 1160; 1985, 1689; 1987, 381; 1991, 1152, 1891; 1993, 580, 2581; 1997, 2437; 1999, 792; 2001, 1564; 2003, 2790)

**NRS 278.4925 Merger and resubdivision of land without reversion to acreage: Authority; procedure; delineation of remaining streets and easements; crediting of security.**

1. An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.

2. Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725, inclusive, and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

3. With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that streets, easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

4. If a governing body required an owner or governing body to post security to secure the completion of improvements to two or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the governing body shall credit on a pro rata basis the security posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided.

(Added to NRS by 1999, 784)

**NRS 278.4955 Requirements for submitting map of reversion.**

1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 and 278.377 for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

(Added to NRS by 1993, 2558; A 1997, 1066, 2438; 2003, 2791)

**NRS 278.496 Requirements for presenting map of reversion for recording.**

1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS 240.166, 240.1665 or 240.167, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.

2. A governing body may by ordinance require a map of reversion presented for recording to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land; and

(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:

(1) The map of reversion; or

(2) A separate document that is recorded with the map of reversion and declares his or her consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.

3. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

(Added to NRS by 1993, 2559)

**NRS 278.4965 Map of reversion must include certificate of approval from appropriate person.** A map of reversion presented to the county recorder for recording must include a certificate by the clerk of the governing body or the planning commission or other authorized person stating that it approved the map.

(Added to NRS by 1993, 2559)

#### Parks and Playgrounds for Residential Developments



# EXHIBIT M

ROR024174

**25583**

# 19.16.050

## TENTATIVE MAP

### A. Purpose

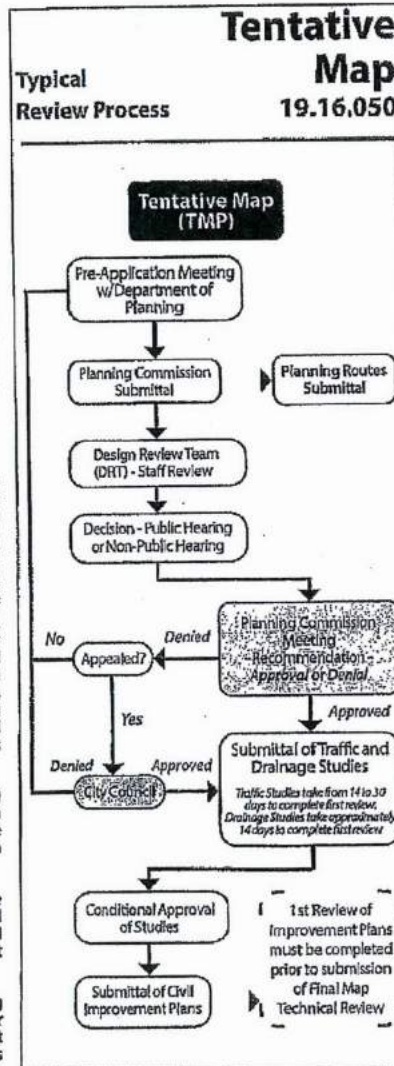
The provisions of this Section set forth the administrative and procedural requirements for the subdivision of land by means of a tentative map. The tentative map process requires Planning Commission review and action.

### B. Applicability

Whenever a division of land is proposed that does not meet the criteria for a parcel map, the applicant shall file a tentative map of the proposed subdivision with the Secretary of the Planning Commission at the office of the Department. The preparation and submission of a tentative map shall be in compliance with the provisions of NRS Chapter 278 and any additional regulations contained in this Title.

### C. Conformance with Zoning Requirements

1. No application for a tentative map is eligible for approval unless it is determined that the proposed subdivision will be in conformance with all applicable zoning regulations, including all applicable provisions of this Title; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect. If the proposed subdivision will not so conform, the Director is under no obligation to accept or process an application for a tentative map until the applicant has made any necessary application for rezoning or site development plan review, or both; the Planning Commission has made a recommendation in support of the zoning-related application(s); and a City Council hearing date has been set for the zoning-related application(s).
2. Except as otherwise provided in Paragraph (4) of this Section (C), in cases where approval of a rezoning or a site development plan review by the City Council is necessary before a tentative map can be approved:
  - a. The Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the City Council's final approval of the rezoning or site development plan review application, or both; and
  - b. The Director may extend the time for reviewing the tentative map if the Council's rezoning or site development plan approval requires that additional issues be addressed or changes



City of Las Vegas  
Unified Development Code

March 16, 2011



Page 417  
Chapter 19.16

Motion Exhibit Page 020  
FORE000153

ROR024175

25584



made before map approval can occur.

3. Except as otherwise provided in Paragraph (4) of this Section (C), in cases where a rezoning is unnecessary and the Planning Commission is authorized to take final action on a site development plan review, the Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the Planning Commission has approved the application for site development plan review.

4. Notwithstanding any provision of Paragraphs (2) and (3) above relative to the timing of the presentation of a tentative map, a subdivider or representative may elect an alternative procedure whereby a tentative map application may be submitted and processed concurrent with any related application for rezoning or site development plan review. The intent to elect the alternative procedure should be indicated at the time of the pre-application conference and the election must be made at the time of submittal of the tentative map application, on a form provided by the Department. In the case of any such election:

1. The election to use the alternative procedure and the Director's acceptance of a tentative map application as complete shall be deemed to constitute the parties' mutual consent to extend the time limits pursuant to NRS 278.350; and
  2. Final action on the tentative map may not occur until final action has been taken on any related rezoning application, site development plan review, or both.
5. The Director's obligation to withhold action or ability to extend time under Paragraph (2) is subject to the time limits referred to in NRS 278.350, as they may be extended by mutual consent. In addition, the Director's failure to comply with any obligation described in this Subsection shall not be deemed a violation subject to criminal or administrative action and shall not invalidate any action taken.

(Ord. 628252, 10/02/13)

#### D. Procedure.

Tentative maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Section.

#### E. Pre-Application Conference Required

Before submitting an application for tentative map, the subdivider or a representative shall attend a pre-application conference with the Department to obtain the Department's assessment of the proposed tentative map and notice of any changes necessary to bring the application into conformance with City requirements.

#### F. Application -- Form -- Copies

A complete application for a tentative map shall be made to the Planning Commission on a separate application form to be provided by the Department. An application for a tentative map shall be accompanied by a sufficient number of copies, as determined by the Director, each twenty-four by thirty-six inches in size, of a tentative map drawing and contain the items set forth in Appendix B to this title. The drawing shall be made at an engineer's scale and should be such that it will fill no less than seventy-five percent of the sheet. A scale of 1"=30' is preferred, with 1"=40', 1"=100' and 1"=200' the next most preferred scales. If the Director determines that the tentative map will not fit on a twenty-four by thirty-six inch drawing such that all pertinent information is clearly legible, the Director may approve the use of a larger map size that does not exceed thirty-six by forty-eight inches.

#### G. Application -- Determination of Completeness

The Director shall determine if the application is complete and includes all required data and information necessary to conduct a complete evaluation. Within five working days after submittal of a tentative map application, the Director shall:

1. Accept the application as complete and begin the review process, scheduling the map for consideration on the next available Planning Commission agenda; or
2. Provide written notice to the applicant specifying the deficiencies of the application. Such notice is sufficient if it has been delivered, mailed or faxed to the applicant. The Director shall take no further action on the application until the deficiencies are remedied.

#### H. Application -- Review

Upon determining that the tentative map application is complete, the Director shall cause review of the application and preparation of a staff report. The Director shall coordinate the review of the application by other departments and shall incorporate appropriate recommendations by those Departments into the staff report.



The report shall be made available to the applicant, if possible, at least five days before the Planning Commission meeting for which the application is scheduled to be heard. The Director shall recommend any changes in the design of the proposed subdivision necessary to achieve the purposes of this Title.

#### I. Tentative Map Requirements

A tentative map shall indicate, without limitation:

1. Demonstration of compliance with the necessary traffic circulation and access requirements set forth in this Title, including those relating to streets, access points, driveways, and site visibility restriction zones, as well as compliance with LVMC 19.02.170 and 19.02.280;
2. Demonstration, by means of preliminary drawings, of compliance with good traffic control practices and applicable standards and ordinances, as determined by the Traffic Engineer;
3. Demonstration of compliance with the requirements of the Title regarding residential parking, walls and landscaping; and
4. Demonstration of how each parcel will be served by the public sewer system including the proposed sanitary sewer layout;
5. Any and all trails that are necessary to be provided in accordance with the City's Master Plan and ordinances.

#### J. Proposed Perimeter Grades

1. It is the intent of the City to minimize to the extent possible those instances in which grade changes result in large expanses of monotonous walls facing adjacent property or public streets. Type "B" and Type "C" drainage and cross-fall streets, while undesirable, may be allowed on a case-by-case basis as measures to mitigate large expanses of monotonous walls.
2. Each tentative map application must include, for all sites, a legible schematic cross section drawing which:
  - a. Has a minimum size of eleven inches by seventeen inches and a maximum size of twenty-four inches by thirty-six inches;
  - b. Has an exaggerated vertical scale, with labeled horizontal and vertical dimensions at the property lines;

c. Shows the maximum grade differentials;

d. Includes the existing and proposed condition elevations on the cross sections;

e. Includes cross sections that extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures. Measurements shall be made from the centerline of adjacent streets, or from the property line where no street exists. The Department may require cross sections for up to one hundred feet beyond the property line of the centerline of an abutting street, whichever is greater; and

f. Includes cross sections, to scale, for maximum wall heights, typical wall heights and wall elevations.

3. When considering the tentative map application, the Planning Commission shall take into account the submitted plan of proposed project perimeter grades. Approval of the tentative map shall constitute approval of the associated plan of project perimeter grades.

4. If the final drainage and grading plan for the project changes an approved plan for project perimeter grades by more than two feet in either direction, as determined by the Director or by the Director of Public Works, the tentative map and a new project perimeter grade plan must be reviewed and approved by the Planning Commission as in the first instance. Nothing in this Paragraph (4) affects the application of the maximum retaining wall height limitations contained in this Title.

#### K. Parks And Playgrounds In Lieu Of Residential Construction Tax

A subdivider who desires to construct parks or playgrounds in lieu of paying the residential construction tax described in LVMC Chapter 4.24 shall show such parks or playgrounds on the tentative map, demonstrating that the parks and playgrounds will conform to all applicable City standards, regulations, plans and policies regarding the construction of such facilities in lieu of paying the tax.

#### L. Forwarding Copy of Map

1. In connection with an application for tentative map that proposes to subdivide land within one mile of the boundary of an unincorporated area of the county, the City shall forward a copy of



City of Las Vegas  
Unified Development Code

March 16, 2011



Page 419  
Chapter 19.16

Motion Exhibit Page 022  
FORE000155

ROR024177

25586



the proposed map to the Clark County Planning Commission or its designated representative, as required by NRS 278.345.

2. In connection with any application for tentative map, the City shall forward a copy of the proposed map to the Clark County School District and to any general improvement district in which the property is located, as required by NRS 278.346 and 278.347.
3. Comment and action by the agencies described in this Subsection concerning the proposed map shall be in accordance with and subject to the provisions of NRS 278.345 to 278.347, inclusive.

**M. Planning Commission Review**

The Planning Commission shall conduct its review and take action on the application for tentative map in accordance with NRS Chapter 278, and within the time frames set forth in NRS 278.349 and 278.350.

**N. Revisions or Amendments to Tentative Map**

In the event that Planning Commission approval of a tentative map is contingent upon significant revisions or amendments, the applicant shall submit to the Director four new prints of the revised tentative map incorporating such revisions or amendments before the submission of an application for final map.

**O. Recordation Time Limits**

1. If a final map is not approved and recorded within
  - a. Four years following the date of approval of the tentative map;
  - b. Two years following the date of approval of a previously-recorded final map covering a portion of the tentative map; or
  - c. Two years following an extension of time granted pursuant to Subsection (P) of this Section, the tentative map application and approval shall lapse and a new tentative map shall be required.
2. For a phased project, the first of a series of final maps covering a portion of the approved tentative map must be approved and recorded within four years following the date of approval of the tentative map. Subsequent final maps must be approved and recorded within two years following the date of the approval of the previously recorded final map, unless an extension is granted pursuant to Subsection (P) of this Section, or all further

proceedings concerning the subdivision shall be terminated.

**P. Recordation Extension of Time**

By delegation, the Director, upon application, may grant a single two-year extension of time within which to present and record a final map or any one of a series of final maps covering a portion of the tentative map, except that no extension may be granted if a final map, or the first in a series of final maps, is not recorded within four years following the date of approval of the tentative map. In order to qualify for an extension of time under this Subsection, application therefore must be made prior to expiration of the approval.

**Q. Appeals**

Any person aggrieved by the final action of the Planning Commission with respect to a tentative map may appeal that action, in writing, to the City Council within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The City Council shall hear the appeal within thirty days after the appeal is filed.



# EXHIBIT N

ROR024179

**25588**



# 19.16.040

## PARCEL MAP

### A. Purpose

The provisions of this Section set forth the administrative and procedural requirements for the division of land by a parcel map. The parcel map process does not require Planning Commission or City Council action.

### B. Applicability

Whenever a division of real property into four or fewer lots is proposed for purposes of sale, transfer or development, the submittal, approval and recording of a parcel map is required. Parcel maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Section.

### C. Application -- Form and Copies

The owner of property to be divided by means of the parcel map process shall file with the Director an application on a form to be provided by the Department and made available to the public. The complete parcel map application submission shall be accompanied by a sufficient number of copies, as determined by the Director, of a twenty-four by thirty-two inch original of a parcel map drawing and shall contain the items set forth in Appendix A to this Title.

### D. Application -- Review

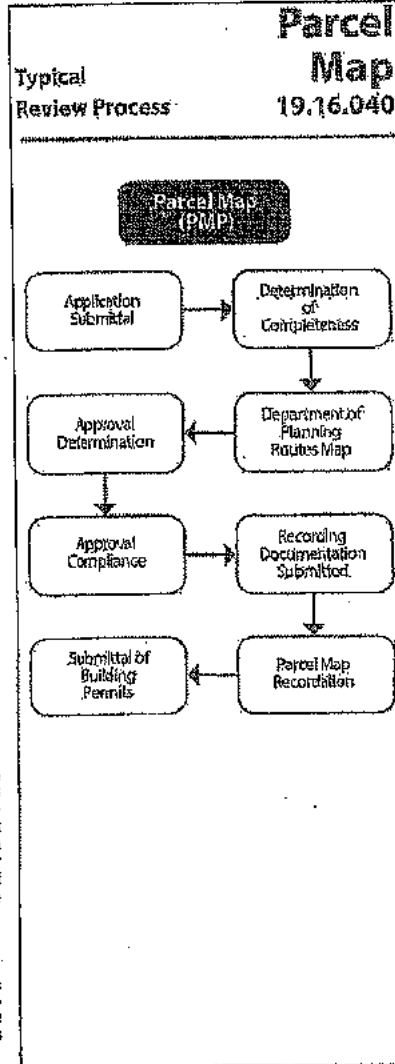
Upon determining that a parcel map application is complete, the Director shall cause review of the application for a parcel map and obtain comments from other affected departments. This review shall be conducted within the time period specified by NRS Chapter 272.

### E. Approval -- Determination

The Director, in conjunction with the Director of Public Works, shall determine whether or not a parcel map complies with this Section. Upon determining, pursuant to this Section, that all conditions and requirements have been met and that all appropriate certification signatures are complete, the Director and the Director of Public Works shall give final approval for the parcel map, sign the appropriate certifications, and release the parcel map for recordation.

### F. Approval -- Compliance

Approval of a parcel map shall be contingent upon a determination that the map and the proposed development comply with applicable zoning regulations, the provisions of this Title and all requirements set forth in



City of Las Vegas  
Unified Development Code

March 16, 2017



Page 413  
Chapter 19.16

Motion Exhibit Page 016  
FORE000149

ROR024180

25589

Subsections (G) to (S), inclusive, of this Section.

**G. Water Supply Systems**

Water supply systems shall be installed and maintained in accordance with City standards, Las Vegas Valley Water District standards, Clark County District Board of Health standards or State of Nevada standards, whichever are applicable. Approval of a parcel map does not in any manner ensure the adequacy or availability of future water supplies to service the proposed development.

**H. Sanitary Sewer Collection and Disposal Systems**

Sanitary sewer collection and disposal systems shall be required, installed and maintained in accordance with City standards. Unless septic systems are permitted by the Clark County Health District, connection to the public sanitary sewer system shall be required. If required improvements are deferred, a public improvements covenant which runs with the land shall be recorded which ensures future installation of any deferred improvements.

**I. Public Street Access**

All lots resulting from the division of land in accordance with the parcel map process shall have frontage on a public street or access to a public street via a private street or private drive. Public street dedications to ensure lot access or the continuity of necessary public streets adjacent to or through the parcel map site also may be required, as necessary, by the Department of Public Works.

**J. Lots Less Than Two And One-Half Acres -- Access By Way of All-Weather Street Required**

All lots resulting from the division of land in accordance with the parcel map process that are less than two and one-half acres in size shall have access by way of an all-weather street which meets the requirements of the Air Pollution Control Regulations of the Clark County District Board of Health. Proof of legal access to the parcel map site may be required to be submitted prior to approval of the parcel map.

**K. Public Improvements**

Except as otherwise specifically provided in this Subsection or in a development agreement, all public improvements adjacent to and, if proposed, interior to the parcel map site shall be fully installed, to current City standards, before the parcel map is released for recordation. The Director of Public Works is authorized to allow the installation of public improvements or any

portion thereof to be delayed for any of the following reasons, but only if the applicant provides security, in accordance with Subsection (O), for the installation of all improvements so delayed prior to the release of the parcel map for recordation:

1. The parcel map will create large lots upon which no immediate development is intended;
2. The parcel map site is located more than six hundred sixty feet (one nominal block) from existing full or partial improvements;
3. The parcel map site is located in an area where partial or full public street improvements are not customary;
4. The parcel map site is located in an area where no street improvements currently exist and none have been obligated by means of a public improvements covenant, a covenant running with land agreement, a valid outstanding condition of approval, for zoning or site development plan review, a budget appropriation or signed contract, or another similar document or evidence of commitment; or
5. Other extenuating site-related circumstances exist.

**L. Dust Control Improvements**

The applicant shall be responsible for the installation of all dust control improvements that may be required under applicable law, or the contribution of moneys in lieu of improvements, on all public streets adjacent to the parcel map site. Bonds will not be allowed in lieu of improvements for dust control improvements.

**M. Private Street Improvements**

Private streets shall be constructed to applicable City standards.

**N. Flood Control Requirements**

A parcel map site two gross acres or larger in size shall comply with the requirements of LV/MC Title 20, relating to flood control. A parcel map site smaller than two acres gross may be required to meet such requirements if the site is determined by the Department of Public Works to be in an area of known flooding or if the site is in an area of unknown flood potential.

**O. Completion of Dedication and Required Improvements**

Prior to or concurrent with the release of the parcel map for recordation, all dedications and required improve-





ments shall be completed, unless additional time has been granted pursuant to Subsection (3) for the installation of improvements, and security for their installation has been provided. The installation of improvements shall be secured by means of a recorded covenant running with land agreement or as otherwise provided under LVMC Chapter 19.02.

**P. Memorandum of Oaths and Certificate of Surveyor**

The parcel map shall include the memorandum of oaths described in NRS 625.320 and the certificate of the surveyor required pursuant to NRS 278.375.

**Q. Recording -- Documentation Requirements**

A parcel map presented for recording shall include the following items:

1. A report from a title company which lists the names of each owner of record of the land to be divided and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording;
2. The written consent of each holder of record of a security interest described in Paragraph (1), consenting to the preparation and recordation of the parcel map. A holder of record may consent by signing the parcel map or a separate document that is filed with the parcel map and that declares his consent to the division of land;
3. Certificates that are in substantial compliance with Appendix E; and
4. All other information required by NRS Chapter 278.

**R. Recordation**

The parcel map shall be recorded within one year after the map has been approved by the City, or such approval shall become null and void. The approved parcel map and any covenants shall be filed and recorded with the County Recorder prior to the sale or transfer of land that is included within a parcel map. Immediately following recordation of the parcel map, the surveyor (or a designee) shall submit to the Director a reproducible copy of the recorded parcel map or a compatible digital format (or both, if required by the Director).

**5. Issuance of Building Permit**

No building permit shall be issued for any structure on property within a parcel map land division until:

1. The parcel map has been recorded with the County Recorder;
2. A reproducible copy of the recorded parcel map has been filed in accordance with Subsection (R);
3. All required public streets and easements, including access from public streets to the parcels, have been dedicated; and
4. Required street improvements have been constructed or their construction adequately secured or guaranteed.

**T. Appeals**

Any person aggrieved by a decision of the Director or the Director of Public Works to approve or deny a parcel map may appeal to the Planning Commission in writing within fifteen days after receiving written notice of the decision. All appeals of parcel map decisions shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning Commission shall hear the appeal within thirty days after the appeal is filed. If the appeal is denied, the applicant shall have seven days in which to file an appeal with the City Council. The City Council shall hear the appeal within thirty days after the appeal to the City Council is filed. All appeals granted by the Planning Commission shall be forwarded automatically to the City Council for final action.



City of Las Vegas  
Unified Development Code

March 16, 2011



Page 415  
Chapter 19.16

Motion Exhibit Page 018  
FORE000151

ROR024182

25591

Page 416  
Chapter 19.16



March 16, 2011

City of Las Vegas  
Unified Development Code



Motion Exhibit Page 019  
FORE000152

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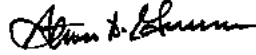
**25592**



# EXHIBIT O

ROR024184

**25593**

  
CLERK OF THE COURT

OGM

DISTRICT COURT  
CLARK COUNTY, NEVADA

ROBERT N. PECCOLE and NANCY A.  
PECCOLE, individuals, and Trustees of the  
ROBERT N. and NANCY A. PECCOLE  
FAMILY TRUST,

Plaintiffs,

vs.

FORE STARS, LTD., a Nevada Limited  
Liability Company; 180 LAND CO., LLC., a  
Nevada Limited Liability Company;  
SEVENTY ACRES, LLC., a Nevada Limited  
Liability Company; EHB COMPANIES,  
LLC., a Nevada Limited Liability Company;  
THE CITY OF LAS VEGAS; YOHAN  
LOWIE, an individual; VICKIE DEHART,  
an individual; FRANK PANKRATZ, an  
individual,

Defendants.

CASE NO. A-16-739654-C  
DEPT. NO. VIII

**ORDER GRANTING CITY OF LAS VEGAS' MOTION TO DISMISS**

Defendant City of Las Vegas' Motion to Dismiss came on for hearing before this Court on October 11, 2016. Robert N. Peccole of Peccole & Peccole, Ltd. appeared on behalf of the Plaintiffs; Philip R. Byrnes, appeared on behalf of the Defendant City of Las Vegas; James J. Jimmerson of the Jimmerson Law Firm, P.C., appeared on behalf of Defendants Fore Stars, Ltd., 180 Land Co., LLC, Seventy Acres, LLC, Yohan Lowie, Vickie DeHart and Frank Pankratz; Steven R. Hackett of Sklar Williams, PLLC appeared on behalf of Defendant EHB Companies, LLC; and Donald H. Williams of Williams & Associates, and Lance C. Earl of Holland & Hart LLP appeared on behalf of Defendants Peccole Nevada Corporation, Bruce Bayne, Laurretta P. Bayne, Laurretta P. Bayne 1976 Trust, Leann P. Goorjian 1976 Trust, Lisa P. Miller 1976 Trust, Larry Miller, Lisa Miller, William Peccole 1982 Trust, William Peccole and

DOUGLAS E. SMITH  
DISTRICT JUDGE  
DEPARTMENT EIGHT  
LAS VEGAS NV 89155

FORE000401

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1 Wanda Peccole 1991 Trust, William Peccole and Wanda Peccole 1971 Trust, and the William  
2 Peter and Wanda Peccole Family Limited Partnership.

3 The Court having fully considered the motion, the Plaintiffs' opposition thereto, the  
4 City's reply and all other necessary papers on file therein, hearing oral argument, and good  
5 cause appearing, finds as follows:

6 1. The Amended Complaint alleges the following claims against the City of Las  
7 Vegas ("City"):

8 (a) The City Director of Planning certified a parcel map merging three lots  
9 constituting the site of Badlands Golf Course. Amended Complaint ¶¶ 47, 49.

10 (b) The Planning Director did not follow the procedures for a tentative map in  
11 certifying the parcel map. Amended Complaint ¶¶ 50, 51.

12 (c) The City accepted applications for a general plan amendment, zone change and  
13 site development review for the site of the Badlands Golf Course and has scheduled a hearing  
14 before the Planning Commission on the applications. Amended Complaint ¶ 53.

15 2. Defendants Fore Stars, Ltd., 180 Land Co., LLC, Seventy Acres LLC, Yohan  
16 Lowie, Vickie DeHart and Frank Pankratz filed a Joinder to the City of Las Vegas' Motion to  
17 Dismiss Amended Complaint on October 5, 2016.

18 3. Defendant EHB Companies, LLC filed a Joinder to the City of Las Vegas'  
19 Motion to Dismiss Amended Complaint on October 6, 2016.

20 4. Section 19.16.040(T) of the City's Uniform Development Code ("UDC")  
21 provides an administrative appeal process for a person aggrieved by the decision of the  
22 Planning Director to approve a parcel map:

23 Any person aggrieved by a decision of the Director or the  
24 Director of Public Works to approve or deny a parcel map may  
25 appeal to the Planning Commission in writing within fifteen days  
26 after receiving written notice of the decision. All appeals of  
27 parcel map decisions shall be filed with the Director and be  
28 accompanied by a nonrefundable fee as set forth in the fee  
schedule. The Planning Commission shall hear the appeal within  
thirty days after the appeal is filed. If the appeal is denied, the  
applicant shall have seven days in which to file an appeal with

1 the City Council. The City Council shall hear the appeal within  
2 thirty days after the appeal to the City Council is filed. All  
3 appeals granted by the Planning Commission shall be forwarded  
4 automatically to the City Council for final action.

5 5. A party is required to exhaust available administrative remedies before seeking  
6 relief from the district court. *Benson v. State Engineer*, 131 Nev. \_\_\_, 358 P.3d 221, 224  
7 (2015). In *Allstate Insurance Co. v. Thorpe*, 123 Nev. 565, 571, 170 P.3d 989, 993-94 (2007),  
8 the Nevada Supreme Court stated:

9 While in the past we have held that the failure to exhaust  
10 administrative remedies deprives the district court of subject-  
11 matter jurisdiction, more recently, in *City of Henderson v.*  
12 *Kilgore*, we noted that failure to exhaust all available  
13 administrative remedies before proceeding in district court  
14 renders the matter unripe for district court review. Nevertheless,  
15 whether couched in terms of subject-matter jurisdiction or  
16 ripeness, a person generally must exhaust all available  
17 administrative remedies before initiating a lawsuit, and  
18 failure to do so renders the controversy nonjusticiable. The  
19 exhaustion doctrine gives administrative agencies an opportunity  
20 to correct mistakes and conserves judicial resources, so its  
21 purpose is valuable; requiring exhaustion of administrative  
22 remedies often resolves disputes without the need for judicial  
23 involvement. [Emphasis added.]

24 6. Plaintiffs failed to exhaust the administrative remedies set forth in UDC  
25 19.16.040(T) prior to filing the instant action.

26 7. Plaintiffs' failure to exhaust their administrative remedies regarding the  
27 approval of the parcel map renders their claims against the City of Las Vegas nonjusticiable.

28 8. Planning Commission decisions may be challenged in accordance with local  
ordinances adopted under NRS 278.3195. See *City of North Las Vegas v. Eighth Judicial*  
*District Court ex rel. County of Clark*, 122 Nev. 1197, 147 P.3d 1109 (2006). UDC  
19.00.080(N) permits any person aggrieved in connection with the decision of any  
administrative officer or agency based upon or made in the course of the administration or  
enforcement of any provision of the UDC to appeal the decision to the City Council.

....



1 9. City Council decisions also may be challenged in applicable law. NRS  
2 278.0235 permits judicial relief or review of any final action, decision or order of the City  
3 Council.

4 10. In *Eagle Thrifty Drugs & Markets, Inc. v. Hunter Lake Parent Teachers*  
5 *Association*, 85 Nev. 162, 165, 451 P.2d 713, 714 (1969), the Nevada Supreme Court held, in  
6 relevant part:

7 In Nevada it is established that equity cannot directly interfere  
8 with, or in advance restrain, the discretion of an administrative  
9 body's exercise of legislative power. This means that a court  
10 could not enjoin the City of Reno from entertaining Eagle  
Thrifty's request to review the planning commission  
recommendation. This established principle may not be avoided  
by the expedient of directing the injunction to the applicant  
instead of the City Council. [Citation omitted.]

11 11. Plaintiffs have not exhausted their administrative remedies regarding the  
12 applications pending hearing before the City Council. Plaintiffs' claims regarding the pending  
13 applications are nonjusticiable and cannot become justiciable until the completion of the City's  
14 administrative procedures and judicial review of the final decision of the Las Vegas City  
15 Council pursuant to NRS 278.0235.

16 12. Plaintiffs contend that the actions of the City violate the Master Declaration of  
17 Covenants, Conditions, Restrictions and Easements for Queensridge in effect as of July 25,  
18 2000, when Plaintiffs Robert and Nancy Peccole purchased property within the Queensridge  
19 common interest community.

20 13. UDC 19.00.080(J) provides:

21 No provision of this Title is intended to interfere with or  
22 abrogate or annul any easement, private covenants, deed  
23 restriction or other agreement between private parties. In cases in  
24 which this Title imposes a greater restriction upon the use of land  
25 or structures, the provisions of this Title shall prevail and control.  
26 By virtue of this Title, the City is not a party to and has no power  
27 or authority to enforce private deed covenants, conditions or  
28 restrictions. Private covenants or deed restrictions which impose  
conditions more restrictive than those imposed by this Title, or  
which impose restrictions not covered by this Title, are not  
implemented nor superseded by this Title.

1 See also *Western Land Co. v. Truskolaski*, 88 Nev. 200, 495 P.2d 624 (1972) (a zoning  
2 ordinance cannot override privately-placed restrictions, and a trial court cannot be compelled to  
3 invalidate restrictive covenants merely because of a zoning change). The City ordinance is not  
4 inconsistent with *Gladstone v. Gregory*, 95 Nev. 474, 596 P.2d 491 (1979), cited by Plaintiffs.  
5 Specifically, the Nevada Supreme Court noted that zoning regulations permitted two-story  
6 residences that restrictive covenants in the recorded declaration did not.

7 14. NRS 278.4925 states, in pertinent part:

8 1. An owner or governing body that owns two or more  
9 contiguous parcels may merge and resubdivide the land into new  
10 parcels or lots without reverting the preexisting parcels to acreage  
11 pursuant to NRS 278.490.

12 2. Parcels merged without reversion to acreage pursuant  
13 to this section must be resubdivided and recorded on a final map,  
14 parcel map or map of division into large parcels, as appropriate,  
15 in accordance with NRS 278.320 to 278.4725, inclusive, and any  
16 applicable local ordinances. The recording of the resubdivided  
17 parcels or lots on a final map, parcel map or map of division into  
18 large parcels, as appropriate, constitutes the merging of the  
19 preexisting parcels into a single parcel and the simultaneous  
20 resubdivision of that single parcel into parcels or lots of a size  
21 and description set forth in the final map, parcel map or map of  
22 division into large parcels, as appropriate.

23 15. Paragraph 47 of the Amended Complaint alleges that the subject parcel map  
24 merged three parcels into one.

25 16. NRS 278.461(1)(a) provides: "[a] person who proposes to divide any land for  
26 transfer or development into four lots or less shall . . . [p]repare a parcel map . . ."

27 17. The procedures applicable to the tentative and final maps are only applicable to  
28 transactions involving "five or more lots." NRS 278.320(1).

18 18. The City Planning Director properly followed the procedure for approval of a  
19 parcel map rather than for a tentative map.

20 19. Plaintiffs' allegations of fraud fail as insufficient pursuant to N.R.C.P. 9(b)  
21 because they are not pled with particularity and do not include averments as to time, place,  
22 identity of parties involved and the nature of the fraud. This is all the more so since the  
23



1 Plaintiffs have voluntarily dismissed the Peccole Defendants who allegedly engaged in said  
2 alleged fraud.

3 20. Plaintiffs cannot prove a set of facts under which the City can be guilty of fraud  
4 because both the City Council and City Planning Commission have yet to vote.

5 21. Plaintiffs are alleging a conspiracy, but that would be a criminal matter. What  
6 they are trying to do is stop an administrative arm of the City from doing their job so that they  
7 cannot make a recommendation to the City Planning Commission.

8 22. The Court does not understand what benefit the City Planning Commission  
9 would receive in this alleged conspiracy. This allegation does not make sense to the Court. The  
10 Court has experience with white collar crime prosecution and is familiar with conspiracies.

11 23. Plaintiffs' general and unsupported allegations of a "scheme" involving several  
12 Defendants do not meet the legal burden of stating a fraud claim with particularity. There is  
13 quite simply no competent evidence to even begin to suggest the truth of such scurrilous  
14 allegations. Accordingly,

15 IT IS HEREBY ORDERED that Defendant City of Las Vegas' Motion to Dismiss is  
16 hereby GRANTED; and

17 IT IS FURTHER ORDERED that the above-entitled action is DISMISSED as to  
18 Defendant City of Las Vegas.

19 DATED this 19 day of October, 2016.

20  
21   
22 DISTRICT COURT JUDGE  
23 RA

**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date effiled,  
a copy of the foregoing was served on the  
parties by electronic service, by placing a copy  
in the attorneys' folders in the Clerk's Office, by mailing,  
emailing or faxing to the following:

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DOUGLAS E. SMITH  
DISTRICT JUDGE

DEPT. 8  
LAS VEGAS, NV 89155



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13	Stephen R. Hackett, Esq.	shackett@sklar-law.com	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
14	Steve Hackett	shackett@sklar-law.com	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

*Paula Walsh*

Paula Walsh  
Relief Judicial Executive Assistant

# EXHIBIT P

ROR024193

**25602**

1/27/2017

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### Planning Land Use - Case Files

View	Case Number	Project Description	Project Name	Applicant	Owner	APN Parcel Number	Address
	<a href="#">Hansen Number</a>						
	ME-0013-98	9500 W CHARLESTON BLVD	MINOR EXCEPTION ON PROPERTY LOCATED AT 9500 WEST CHARLESTON BOULEVARD FOR A 7 FT 4 IN HIGH WALL ALONG RTHE PERIMETER PROPERTY LINE WHERE 6 FT IS THE MAXIMUM HEIGHT ALLOWED	PECCOLE FAMILY TRUST			
	PM-0010-92	CHARLESTON BLVD AND HUALAPAI WAY	PARCEL MAP FOR RECORDATION	PECCOLE 1982 TRUST			
	PM-0011-93	CHARLESTON BLVD & FORT APACHE RD	PARCEL MAP FOR RECORDATION	PECCOLE 1982 TRUST			
	PM-0012-93	ALTA DR & DURANGO DR	PARCEL MAP FOR RECORDATION	PECCOLE 1982 TRUST			
	PM-0024-95	CHARLESTON & RAMFART	PARCEL MAP APPLICATION.	PECCOLE 1971, 1982 & 1991 TRUST			
	PM-0048-91	Durango Dr & Charleston Blvd	Parcel Map	Peccole 1982 Trust			
	PM-0059-89	DURANGO & CHARLSTON	CREATING THREE PARCELS	WILLIAM PECCOLE			
	PM-0064-90	Charleston & Sahara	Partial improvements on both streets	Peccole 1982 Trust			
	PM-06-02	NE RAMPART AND ALTA	PARCEL MAP FOR CHEVRON SERVICE STATION	PECCOLE 1982 TRUST			
	PM-23-00	SW CORNER OF CHARLESTON & FORT APACHE	PARCEL MAP	PECCOLE NEVADA CORPORATION			
	PM-24-02	CHARLESTON & FORT APACHE	PARCEL MAP FOR FORT APACHE COMMONS I	PECCOLE NEVADA CORP.			
	PM-26-01	SAHARA & CIMARRON	PARCEL MAP FOR 24 HOJR FITNESS COMMERCIAL USE	PECCOLENEVADA CORP -			

FORE002978

[http://www5.lasvegasnevada.gov/sirepub/docs.aspx?tab=RD&pagetype=results&Planning%20Land%20Use%20-%20Case%20Files=\(Applicant%20like%20...](http://www5.lasvegasnevada.gov/sirepub/docs.aspx?tab=RD&pagetype=results&Planning%20Land%20Use%20-%20Case%20Files=(Applicant%20like%20...) '17

ROR024194

25603



1/27/2017

## SIRE Public Access

PM-26-99	SE CORNER CHARLESTON BLVD & HUALAPAI-WY	PARCEL MAP	PECCOLE NEVADA CORPORATION
PM-3-98	S of Alta Dr & W of Rampart Blvd		William Peter & Wanda Ruth Peccole
PM-36-97	South of Alta Dr & East of Hualapai Way	APN: 138-31-210-001, 138-31-210-001-002	Peccole Family Limited Partnership
PM-37-88	Charleston & Durango		William Peccole 1982 Trust
PM-41-97	Charleston Blvd & Fort Apache Rd		Peccole Family Trust Partnership
PM-43-95	Alta, Rampart & Charleston	138-32-201-002; 138-31-601-003	Peccole Family Partnership
PM-45-96	Alta Drive & hualapai Way		Peccole Trust
PM-64-87	SEE BELOW	PARCEL MAP TO CREATE FOUR PARCELS IN THE AREA BOUNDED BY CHARLESTON BLVD, ODETTE LANE, FORT APACHE RD AND SAHARA AVE	PECCOLE 1982 TRUST, ET AL
PM-8-98	Rampart & Charleston		Peccole Town Center
SO-0018-90	Timberltop Dr and Fort Apache Rd		Wm. Peccole Trust
V-0010-82	W Meriardo btwn Angelo	To allow (parcel 1) a permanent Las Vegas Valley Water District pumping station with an 8' high chain link fence (parcel 2) a temporary pump station with an 8' high chain link fence.	W Peccole et al/B & McGah
V-0039-89	NWC of Charleston Blvd and Durango Dr	To allow a proposed 8' high block wall where 6' is the maximum height permitted in the rear and side yard areas., and 4' with the top 2' 50% open is the maximum height permitted in the front yard area.	William Peccole, Trustee
V-0143-85	NW of Durango Dr and Sahara Ave	Allow public restaurant, pro-shop, cocktail lounge, golf course, and related miscellaneous commercial uses in ocotillo Country Club Development	William Peccole
		PETITION OF VACATION TO VACATE A 100FT WIDE DRAINAGE ROW	

FORE002979

[http://www5.lasvegasnevada.gov/sirepub/docs.aspx?tab=RD&pagetype=results&Planning%20Land%20Use%20-%20Case%20Files=\(Applicant%20like%20%...](http://www5.lasvegasnevada.gov/sirepub/docs.aspx?tab=RD&pagetype=results&Planning%20Land%20Use%20-%20Case%20Files=(Applicant%20like%20%...) 2/7

ROR024195

25604

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

1 **NOTE: This combined verbatim transcript includes Items 82 and 130 through 134, which**  
2 **were heard in the following order: Items 131-134; Item 130; Item 82.**

3

4 **ITEM 82 - NOT TO BE HEARD BEFORE 3:00 P.M. - Bill No. 2017-27 - For possible**  
5 **action - Adopts that certain development agreement entitled “Development Agreement For**  
6 **The Two Fifty,” entered into between the City and 180 Land Co, LLC, et al., pertaining to**  
7 **property generally located at the southwest corner of Alta Drive and Rampart Boulevard.**  
8 **Sponsored by: Councilman Bob Beers**

9 **ITEM 130 - NOT TO BE HEARD BEFORE 3:00 P.M. - DIR-70539 - DIRECTOR'S**  
10 **BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL -**  
11 **For possible action on a request for a Development Agreement between 180 Land Co, LLC,**  
12 **et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and**  
13 **Rampart Boulevard (APNs 138-31-201-005; 138-31-601-008; 138-31-702-003 and 004; 138-**  
14 **31-801-002 and 003; 138-32-202-001; and 138-32-301-005 and 007), Ward 2 (Beers) [PRJ-**  
15 **70542]. Staff recommends APPROVAL.**

16 **ITEM 131 - NOT TO BE HEARD BEFORE 3:00 P.M. - GPA-68385 - ABEYANCE ITEM -**  
17 **GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: 180**  
18 **LAND COMPANY, LLC - For possible action on a request for a General Plan Amendment**  
19 **FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY**  
20 **RESIDENTIAL) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way**  
21 **(APN 138-31-702-002), Ward 2 (Beers) [PRJ-67184]. Staff has NO RECOMMENDATION.**  
22 **The Planning Commission failed to obtain a supermajority vote which is tantamount to**  
23 **DENIAL.**

**CITY COUNCIL MEETING**

**JUNE 21, 2017**

**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

24 **ITEM 132 - NOT TO BE HEARD BEFORE 3:00 P.M. - WVR-68480 - ABEYANCE ITEM**  
25 **- WAIVER RELATED TO GPA-68385 - PUBLIC HEARING - APPLICANT/OWNER: 180**  
26 **LAND COMPANY, LLC - For possible action on a request for a Waiver TO ALLOW 32-**  
27 **FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT**  
28 **PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN**  
29 **A PROPOSED GATED RESIDENTIAL DEVELOPMENT on 34.07 acres at the southeast**  
30 **corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file**  
31 **at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7**  
32 **(Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184].**  
33 **The Planning Commission (4-2 vote) and Staff recommend APPROVAL.**  
34 **ITEM 133 - NOT TO BE HEARD BEFORE 3:00 P.M. - SDR-68481 - ABEYANCE ITEM -**  
35 **SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-68385 AND WVR-68480 -**  
36 **PUBLIC HEARING - APPLICANT/OWNER: 180 LAND COMPANY, LLC - For possible**  
37 **action on a request for a Site Development Plan Review FOR A PROPOSED 61-LOT**  
38 **SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 34.07 acres at the southeast**  
39 **corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file**  
40 **at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7**  
41 **(Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184].**  
42 **The Planning Commission (4-2 vote) and Staff recommend APPROVAL.**  
43 **ITEM 134 - NOT TO BE HEARD BEFORE 3:00 P.M. - TMP-68482 - ABEYANCE ITEM -**  
44 **TENTATIVE MAP RELATED TO GPA-68385, WVR-68480 AND SDR-68481 - PARCEL 1**  
45 **@ THE 180 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND COMPANY, LLC**  
46 **- For possible action on a request for a Tentative Map FOR A 61-LOT SINGLE FAMILY**  
47 **RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and**  
48 **Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County**  
49 **Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential**  
50 **Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184]. The Planning**  
51 **Commission (4-2 vote) and Staff recommend APPROVAL.**



**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

52    **Appearance List – Items 131-134:**

53    CAROLYN GOODMAN, Mayor  
54    BRAD JERBIC, City Attorney  
55    BOB COFFIN, Councilman  
56    TODD BICE, Legal Counsel for the Queensridge Homeowners  
57    STEPHANIE ALLEN, Legal Counsel for the Applicant  
58    FRANK SCHRECK, Queensridge resident  
59    CHRIS KAEMPFER, Legal Counsel for the Applicant  
60    TOM PERRIGO, Planning Director  
61    GEORGE C. SCOTT WALLACE  
62    LILIAN MANDEL, Fairway Pointe resident  
63    DAN OMERZA, Queensridge resident  
64    TRESSA STEVENS HADDOCK, Queensridge resident  
65    NGAI PINDELL, William S. Boyd School of Law  
66    DOUG RANKIN, 1055 Whitney Ranch Drive  
67    LOIS TARKANIAN, Councilwoman  
68    GEORGE GARCIA, 1055 Whitney Ranch Drive  
69    MICHAEL BUCKLEY, on behalf of Frank and Jill Fertitta Family Trust  
70    STAVROS ANTHONY, Councilman  
71    SHAUNA HUGHES, on behalf of the Queensridge homeowners  
72    HERMAN AHLERS, Queensridge resident  
73    BOB PECCOLE, on behalf of Appellants in the Nevada Supreme Court  
74    DALE ROESSNER, Queensridge resident  
75    ANNE SMITH, Queensridge resident  
76    KARA KELLEY, Queensridge resident  
77    PAUL LARSEN, Queensridge resident  
78    LARRY SADOFF, Queensridge resident  
79    LUCILLE MONGELLI, Queensridge resident

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

80    **Appearance List continued – Items 131-134:**

81    RICK KOSS, St. Michelle resident  
82    HOWARD PEARLMAN  
83    SALLY JOHNSON-BIGLER, Queensridge resident  
84    DAVID MASON, Queensridge resident  
85    TERRY MURPHY, on behalf of the Frank and Jill Fertitta Trust  
86    ELAINE WENGER-ROESSNER  
87    TALI LOWIE, Queensridge resident  
88    JAMES JIMMERSON, Legal Counsel for the Applicant  
89    YOHAN LOWIE, Applicant/Owner  
90    RICKI BARLOW, Councilman  
91    BOB BEERS, Councilman

92

93

94    **Appearance List – Item 130:**

95    CAROLYN GOODMAN, Mayor  
96    BRAD JERBIC, City Attorney  
97    LOIS TARKANIAN, Councilman  
98    CHRIS KAEMPFER, Legal Counsel for the Applicant  
99    YOHAN LOWIE, Applicant/Owner  
100   BOB COFFIN, Councilman  
101   JAMES JIMMERSON, Legal Counsel for the Applicant  
102   STEVEN D. ROSS, Councilman  
103   STEPHANIE ALLEN, Legal Counsel for the Applicant

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

104    **Appearance List – Item 82:**

105    CAROLYN GOODMAN, Mayor

106    BRAD JERBIC, City Attorney

107    CHRIS KAEMPFER, Legal Counsel for the Applicant

108    STEVEN D. ROSS, Councilman

109    STEPHANIE ALLEN, Legal Counsel for the Applicant

110

111

112

113    In the order noted above:

114    **Items 131-134**

115    (7:29:35 – 10:27:00) [2 hours, 58 minutes, 35 seconds]

116    **Item 130**

117    (10:27:00 – 10:48:47) [21 minutes, 47 seconds]

118    **Item 82**

119    (10:48:47 – 10:51:57) [3 minutes, 10 seconds]

120

121    Typed by: Speechpad.com

122    Proofed by: Arlene Coleman



**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

123 **ITEMS 131-134**

124 **MAYOR GOODMAN**

125 Alright, we're on to Agenda Item 130.

126

127 **BRAD JERBIC**

128 Your Honor, if I could interrupt for a moment.

129

130 **MAYOR GOODMAN**

131 Okay. Hold on one second until I've got everybody here. Okay. We have to have – excuse me.

132

133 **COUNCILMAN COFFIN**

134 Well, I can hear it.

135

136 **MAYOR GOODMAN**

137 You can hear it as you walk in back?

138

139 **COUNCILMAN COFFIN**

140 Yes, I can hear it.

141

142 **MAYOR GOODMAN**

143 Okay. Wait. They're still talking. Okay, Mr. Jerbic.

144

145 **BRAD JERBIC**

146 Thank you. As I indicated earlier, I have a recommendation on 130 and Item 82, which are kind  
147 of companion items. But I've been in contact with the developer's attorney, and I believe it would  
148 be in the interest of the Council to hear four other items before you hear the Development  
149 Agreement for Badlands. There happen to be four other items that are not related to the  
150 Development Agreement, they are standalone items: Items 131, 132, 133 and 134, that all relate

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

151 to a request for 61 individual home sites on the property known as Badlands. I would ask that  
152 you at this time call 131 through 134 and hold that hearing before we discuss Item 130.

153

154 **MAYOR GOODMAN**

155 And when do we get to 82?

156

157 **BRAD JERBIC**

158 After you vote on 131 through 134 -

159

160 **MAYOR GOODMAN**

161 Okay.

162

163 **BRAD JERBIC**

164 We'll hear –

165

166 **MAYOR GOODMAN**

167 Okay. So 131 through – okay, 131 through 134.

168

169 **BRAD JERBIC**

170 That's correct.

171

172 **MAYOR GOODMAN**

173 Then back to 130, then to 82.

174

175 **BRAD JERBIC**

176 That's correct. Okay. So I will read –

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

177 **TODD BICE**

178 We'd like to be heard on this abeyance issue.

179

180 **BRAD JERBIC**

181 We haven't gotten to that yet, Mr. Bice.

182

183 **MAYOR GOODMAN**

184 What abeyance issue?

185

186 **TODD BICE**

187 I think the problem with that is, is that -

188

189 **MAYOR GOODMAN**

190 You want to go to the microphone? Please.

191

192 **TODD BICE**

193 My apologies.

194

195 **MAYOR GOODMAN**

196 And then who are you, please, for the record.

197

198 **TODD BICE**

199 Todd Bice. My address is 400 South 7th Street. We don't believe that it's accurate to say that  
200 these items are unrelated to Item 82 and Item 130, which pertain to the Development Agreement.

201 This is all part and parcel of the same development.

202 I do agree with the City Attorney that the Development Agreement, quite frankly, has to be held.

203 We dispute that it is even properly on this agenda. But nonetheless, with respect to that item,



**CITY COUNCIL MEETING**

**JUNE 21, 2017**

**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

204 these other items are – the City is allowing the developer to submit competing items. These are  
205 competing with that, and you don't allow any other developer to do that.  
206 So, with all due respect, not only does that Development Agreement need to be held, which  
207 applies to this same property, so do these items. Otherwise, you're allowing competing items to  
208 be put on the agenda, or you then turn around and you're allowing this sort of piecemeal  
209 development, where well, we'll consider this application, we'll consider that application, we  
210 won't consider others. That is, again, inconsistent with everything you do for every other  
211 developer. It's just simply not consistent with your conduct on everyone else.  
212 So we ask that if you're, that all these items should be considered together and they should all be  
213 held. Just because, as I agree with the City Attorney, the Development Agreement has to be held.  
214 So that's our position. I thank you.

215

216 **STEPHANIE ALLEN**

217 Your Honor, members of the Council, Stephanie Allen here on behalf of the applicant for all of  
218 the items listed. The reason we prefer to hear the former items rather than the earlier items is to  
219 avoid, basically, a multiple-hour discussion on the abeyance issue. We've had 19 abeyances up  
220 'til today's date. We've been going at this for two years.  
221 So we'd very much appreciate your consideration on the items that have been on the agenda.  
222 They were held intentionally so that the holistic project could catch up to them and you'd have  
223 them both on your agenda, with the idea that one of them would be withdrawn. To the extent the  
224 Development Agreement is going to be held tonight, we'd very much appreciate your  
225 consideration on those items that have been held in abeyance.

226

227 **MAYOR GOODMAN**

228 Okay. So returning back, as stated.

**CITY COUNCIL MEETING**

**JUNE 21, 2017**

**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

229 **BRAD JERBIC**

230 Again, I believe the request for the applicant is to have 131 through 134 heard first. Mr. Bice, let  
231 me ask you a question. I assume you intend to ask for an abeyance on 131 through 134. And my  
232 question to you is: Do you want to make that case right now, or do you want to make it after the  
233 developer does their presentation?

234

235 **TODD BICE**

236 No. I think they need to be held in an abeyance just like the – you can't, with all due respect, I  
237 don't believe it's appropriate to separate the Development Agreement aspect out of these  
238 applications and say, well, let's consider that after the fact. That's an admission by the developer  
239 that he's trying to use one as a bargaining chip for the other to try and offer up inconsistent  
240 positions. That's not the purpose of a planning meeting for the City Council. We have simply  
241 made the point all along. They've brought this Development Agreement forward. The  
242 Development Agreement governs the entire project. It has to be held in abeyance.  
243 This attempt to thread – spot zone isn't the right terminology, but it's the equivalent of  
244 piecemealing a project by these individual applications, which are then, in fact, in competition  
245 and in conflict with the very application for the Development Agreement, that the developer has  
246 proposed and sought an approval of from the Planning Commission. It's just simply not the way  
247 in which the City has done business for anyone else, and it's inconsistent with the City Code.  
248 So yes, we ask right now all of these items be held in abeyance until the Development  
249 Agreement is considered, because that's ultimately what overrides all of this.  
250 I thank you. Go ahead.

251

252 **FRANK SCHRECK**

253 Frank Schreck, 9824 Winter Palace. This item has been held three times. It's been held at the  
254 request of the City. It's been held at the request of the City and then the request of the developer.  
255 It was held four months in a row – April, March, April and May. Or no, I guess April, May and  
256 June at the request of the City and a request of the developer. We were all here, but those were

**CITY COUNCIL MEETING**

**JUNE 21, 2017**

**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

257 held in abeyance. We've asked to have this held in abeyance, because it conflicts, you know, with  
258 the Development Agreement which covers the same land.  
259 So now you're piecemealing it and doing this now. What are you going to approve when you  
260 approve a development agreement later? They already have this already approved. It's  
261 inconsistent. They shouldn't be on the same agenda, as Todd said, and the three continuances  
262 were asked by them and the City, not us.

263

264 **CHRIS KAEMPFER**

265 First of all, Your Honor, may I respond to those comments and actually those of Mr. Bice? It is  
266 not fair to say that considerations like this have never been granted to any other developer in the  
267 history of the City of Las Vegas. I have been around for a lot of years, and I can tell you  
268 considerations are granted when it's fair and when it's right. The application that is before you  
269 now, the first is (sic) the applications 131 through 134. Those are the applications that in due  
270 course are said here.

271 Now, were they delayed at the request of the City a couple of times? Yes. And then the other one,  
272 the neighbors suggested to us that they should be delayed, and we said okay. So it was our  
273 request working with the neighborhood to delay it. But we are entitled to be heard on an  
274 application that staff is recommending approval on, that the Planning Commission recommended  
275 approval on and that conforms to every standard of zoning practice in the City of Las Vegas.  
276 We're saying if this item is heard and approved, then the holding of the other item and working  
277 with that to get that thing resolved would then handle the whole thing. But right now, we would  
278 like to proceed with an application that has been noticed properly for this hearing now.

279

280 **MAYOR GOODMAN**

281 Well, what I'm going to do is I'm going to do as our attorney has suggested. I am going to read  
282 Items 131 through 134, because you will understand as we get to the commentary at the end of  
283 that, then I will read 130, and then we'll go back to Agenda Item whatever that is, 82.

**CITY COUNCIL MEETING**  
**JUNE 21, 2017**  
**COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134**

284 So 131, GPA-68385, on a request for a General Plan Amendment from PR-OS  
285 (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast  
286 corner of Alta and Hualapai Way.  
287 Agenda Item 132, WVR-68480, on a request for a waiver to allow 32-foot private streets with a  
288 sidewalk on one side where 47-foot private streets with sidewalks on both sides are required  
289 within a proposed gated residential development.  
290 And related Item 133, SDR-68481, on a request for a Site Development Plan Review for a  
291 proposed 61-lot single-family residential development.  
292 And related Item 134, TMP-68482, on a request for a tentative map for a 61-lot single-family  
293 residential subdivision on 34.07 acres, southeast corner of Alta and Hualapai Way (Lot 1 in File  
294 121 Page 100 of Parcel Maps on file at the Clark County Recorder's Office, formerly a portion of  
295 APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone.  
296 The Applicant/Owner is 180 Land Company, LLC. Staff has no recommendation on Item 131,  
297 and the Planning Commission failed to obtain a supermajority vote on Item 131, which is  
298 tantamount to denial. The Planning Commission and Staff recommend approval on Items 132  
299 through 134. These are in Ward 2, with Councilman Beers, and are public hearings which I  
300 declare open.  
301 So, at this point, to continue on with that, we will go forward on these, or shall I read in 130 at  
302 this point and include that?

303

304 **BRAD JERBIC**

305 No. I believe that you should hear these at this point. Let me say for the record too that I agree  
306 with Mr. Bice that these two things are incompatible. The Development Agreement, as  
307 contemplated, does not have 61 custom home sites. It's got 65 total for the whole 183 acres of the  
308 golf course. This is simply 61 sites at 34 acres.  
309 I think the answer is pretty clear. If this passes, then there will have to be a reconciliation in the  
310 future if there is a development agreement. And I think that Mr. Kaempfer will be the first to  
311 stipulate that if the Development Agreement contains 65 custom home sites, then they'll rescind