

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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Clerk of Supreme Court

No. 84640

**AMENDED  
JOINT APPENDIX  
VOLUME 85, PART 3 OF 6  
(Nos. 14864–14945)**

LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.

Nevada Bar No. 2571

[kermitt@kermittwaters.com](mailto:kermitt@kermittwaters.com)

James J. Leavitt, Esq.

Nevada Bar No. 6032

[jim@kermittwaters.com](mailto:jim@kermittwaters.com)

Michael A. Schneider, Esq.

Nevada Bar No. 8887

[michael@kermittwaters.com](mailto:michael@kermittwaters.com)

Autumn L. Waters, Esq.

Nevada Bar No. 8917

[autumn@kermittwaters.com](mailto:autumn@kermittwaters.com)

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

*Attorneys for 180 Land Co., LLC and  
Fore Stars, Ltd.*

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.

Nevada Bar No. 4381

[bscott@lasvegasnevada.gov](mailto:bscott@lasvegasnevada.gov)

Philip R. Byrnes, Esq.

[pbyrnes@lasvegasnevada.gov](mailto:pbyrnes@lasvegasnevada.gov)

Nevada Bar No. 166

Rebecca Wolfson, Esq.

[rwolfson@lasvegasnevada.gov](mailto:rwolfson@lasvegasnevada.gov)

Nevada Bar No. 14132

495 S. Main Street, 6th Floor

Las Vegas, Nevada 89101

Telephone: (702) 229-6629

*Attorneys for City of Las Vegas*

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

[micah@claggettlaw.com](mailto:micah@claggettlaw.com)

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

*Attorneys for 180 Land Co., LLC and  
Fore Stars, Ltd.*

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

[gogilvie@mcdonaldcarano.com](mailto:gogilvie@mcdonaldcarano.com)

Amanda C. Yen, Esq.

[ayen@mcdonaldcarano.com](mailto:ayen@mcdonaldcarano.com)

Nevada Bar No. 9726

Christopher Molina, Esq.

[cmolina@mcdonaldcarano.com](mailto:cmolina@mcdonaldcarano.com)

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

[debbie@leonardlawpc.com](mailto:debbie@leonardlawpc.com)

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

[schwartz@smwlaw.com](mailto:schwartz@smwlaw.com)

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

[ltarpey@smwlaw.com](mailto:ltarpey@smwlaw.com)

California Bar No. 321775

(admitted pro hac vice)

396 Hayes Street

San Francisco, California 94102

Telephone: (415) 552-7272

*Attorneys for City of Las Vegas*

# Exhibit 153

# Property Account Inquiry - Summary Screen

[New Search](#)
[Recorder](#)
[Treasurer](#)
[Assessor](#)
[Clark County Home](#)

Parcel ID	138-31-801-003	Tax Year	2021	District	200	Rate	3.2782
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Situs Address:	UNASSIGNED SITUS LAS VEGAS
Legal Description:	ASSESSOR DESCRIPTION: PARCEL MAP FILE 121 PAGE 12 LOT 2

Status:	Property Characteristics		Property Values		Property Documents	
Active	Tax Cap Increase Pct.	6.7	Land	719712	2015111600239	11/16/2015
Taxable	Tax Cap Limit Amount	21524.11	Total Assessed Value	719712		
	Tax Cap Reduction	2069.49	Net Assessed Value	719712		
	Land Use	0-00 Vacant - Single Family Re	Exemption Value New Construction	0		
	Cap Type	OTHER	New Construction - Supp Value	0		
	Acreage	5.4400				
	Exemption Amount	0.00				

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

## Summary

Item	Amount
Taxes as Assessed	\$23,593.60
Less Cap Reduction	\$2,069.49
<b>Net Taxes</b>	<b>\$21,524.11</b>

## PAST AND CURRENT CHARGES DUE TODAY

Tax Year	Charge Category	Amount Due Today
<b>THERE IS NO PAST OR CURRENT AMOUNT DUE as of 4/5/2021</b>		<b>\$0.00</b>

## NEXT INSTALLMENT AMOUNTS

Tax Year	Charge Category	Installment Amount Due
<b>THERE IS NO NEXT INSTALLMENT AMOUNT DUE as of 4/5/2021</b>		

## TOTAL AMOUNTS DUE FOR ENTIRE TAX YEAR

Tax Year	Charge Category	Remaining Balance Due
<b>THERE IS NO TOTAL AMOUNT DUE FOR THE ENTIRE TAX YEAR as of 4/5/2021</b>		

## PAYMENT HISTORY

Last Payment Amount	\$5,381.03
Last Payment Date	3/11/2021
Fiscal Tax Year Payments	\$21,526.53
Prior Calendar Year Payments	\$20,850.75
Current Calendar Year Payments	\$10,762.06

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# Property Account Inquiry - Summary Screen

[New Search](#)
[Recorder](#)
[Treasurer](#)
[Assessor](#)
[Clark County Home](#)

Parcel ID	138-31-801-002	Tax Year	2021	District	200	Rate	3.2782
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Situs Address:	UNASSIGNED SITUS LAS VEGAS
Legal Description:	ASSESSOR DESCRIPTION: PARCEL MAP FILE 120 PAGE 49 LOT 4

Status:	Property Characteristics		Property Values		Property Documents	
Active	Tax Cap Increase Pct.	6.7	Land	1741068	2015111600238	11/16/2015
Taxable	Tax Cap Limit Amount	45411.55	Total Assessed Value	1741068	2005041402951	4/14/2005
	Tax Cap Reduction	11664.14	Net Assessed Value	1741068		
	Land Use	0-00 Vacant - Single Family Re	Exemption Value New Construction	0		
	Cap Type	OTHER	New Construction - Supp Value	0		
	Acreage	11.2800				
	Exemption Amount	0.00				

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

## Summary

Item	Amount
Taxes as Assessed	\$57,075.69
Less Cap Reduction	\$11,664.14
<b>Net Taxes</b>	<b>\$45,411.55</b>

## PAST AND CURRENT CHARGES DUE TODAY

Tax Year	Charge Category	Amount Due Today
<b>THERE IS NO PAST OR CURRENT AMOUNT DUE as of 4/5/2021</b>		<b>\$0.00</b>

## NEXT INSTALLMENT AMOUNTS

Tax Year	Charge Category	Installment Amount Due
<b>THERE IS NO NEXT INSTALLMENT AMOUNT DUE as of 4/5/2021</b>		

## TOTAL AMOUNTS DUE FOR ENTIRE TAX YEAR

Tax Year	Charge Category	Remaining Balance Due
<b>THERE IS NO TOTAL AMOUNT DUE FOR THE ENTIRE TAX YEAR as of 4/5/2021</b>		

## PAYMENT HISTORY

Last Payment Amount	\$11,352.89
Last Payment Date	3/11/2021
Fiscal Tax Year Payments	\$45,413.97
Prior Calendar Year Payments	\$43,988.21
Current Calendar Year Payments	\$22,705.78

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# Property Account Inquiry - Summary Screen

[New Search](#)
[Recorder](#)
[Treasurer](#)
[Assessor](#)
[Clark County Home](#)

Parcel ID	138-32-301-007	Tax Year	2021	District	200	Rate	3.2782
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Situs Address:	721 S RAMPART BLVD LAS VEGAS
Legal Description:	ASSESSOR DESCRIPTION: PARCEL MAP FILE 121 PAGE 12 LOT 1

Status:	Property Characteristics		Property Values		Property Documents	
Active	Tax Cap Increase Pct.	6.7	Land	4634671	2015111600239	11/16/2015
Taxable	Tax Cap Limit Amount	139648.01	Total Assessed Value	4634671		
	Tax Cap Reduction	12285.77	Net Assessed Value	4634671		
	Land Use	0-00 Vacant - Single Family Re	Exemption Value New Construction	0		
	Cap Type	OTHER	New Construction - Supp Value	0		
	Acreage	47.5900				
	Exemption Amount	0.00				

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

## Summary

Item	Amount
Taxes as Assessed	\$151,933.78
Less Cap Reduction	\$12,285.77
<b>Net Taxes</b>	<b>\$139,648.01</b>

## PAST AND CURRENT CHARGES DUE TODAY

Tax Year	Charge Category	Amount Due Today
<b>THERE IS NO PAST OR CURRENT AMOUNT DUE as of 4/5/2021</b>		<b>\$0.00</b>

## NEXT INSTALLMENT AMOUNTS

Tax Year	Charge Category	Installment Amount Due
<b>THERE IS NO NEXT INSTALLMENT AMOUNT DUE as of 4/5/2021</b>		

## TOTAL AMOUNTS DUE FOR ENTIRE TAX YEAR

Tax Year	Charge Category	Remaining Balance Due
<b>THERE IS NO TOTAL AMOUNT DUE FOR THE ENTIRE TAX YEAR as of 4/5/2021</b>		

## PAYMENT HISTORY

Last Payment Amount	\$34,912.00
Last Payment Date	3/11/2021
Fiscal Tax Year Payments	\$139,650.43
Prior Calendar Year Payments	\$135,265.99
Current Calendar Year Payments	\$69,824.00

004864

14867

# Exhibit 154

**A. WAYNE SMITH  
& ASSOCIATES**

*A Subsidiary of Cornoyer-Hedrick*

February 6, 1990

Mr. Harold P. Foster,  
Planning Director  
CITY OF LAS VEGAS  
400 East Stewart Avenue  
Las Vegas, Nevada 89101

Dear Mr. Foster:

On behalf of the Peccole Ranch Partnership, we herein submit this application for overall Master Plan Amendment for 1,569.6 acres, and a zoning reclassification for a 996.4 acre Phase Two project

Enclosed, as per your requirements are:

- \* Application for zoning reclassification of property executed by the property owner
- \* Application fee of \$200.00
- \* Eight (8) blueines of the Master Plan for the overall 1,569.6 acres, the 996.4 acre Phase Two area, and the zoning reclassification narrative.

The Legal Descriptions of the Phase Two R-PD7, R-3, and C-1 areas will be prepared and submitted under separate cover from VTN engineers.

If you have any questions or require additional information, please contact us at (602) 234-3474. Your review and approval is respectfully requested.

Very truly yours,

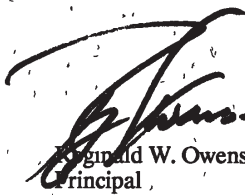
  
A. Wayne Smith, ASLA  
Principal

AWS/RWO/mb

LAND PLANNING  
LANDSCAPE  
ARCHITECTURE  
REAL ESTATE  
ADVISORY SERVICES

1515 East Missouri  
Suite 100  
Phoenix, Arizona  
85014

602 234-3474  
602 230-9143 FAX

  
Reginald W. Owens, AICP  
Principal

*Principals*  
Jeffrey M. Cornoyer  
Robert C. Hedrick  
A. Wayne Smith  
R. Steven Bassett  
Thomas W. Gunther  
Clayton E. Wiseman  
Douglas W. Fredrickson  
Jill F. King  
Reginald W. Owens  
Jackie L. Gullum

*Senior Associates*  
Don Cox  
Louis A. Escolano  
John D. Glasgow  
Barrie L. Lister  
David A. Lockrow  
Donald S. Ziebell

*Associates*  
Betsy Blakely  
Michael F. Burke  
Kristina Flour  
John G. Guelle  
Kimberly Harris  
Carol A. Henderson  
Oscar Hernandez  
James J. Hoffman  
Brent R. Kendle  
Michael L. Kelly  
Karen R. Marotte  
Tom Miller  
Neal Norman  
Dino Orus  
Sally Pickard  
Michael J. Porter  
George C. Rice  
James K. Stroner  
Vincent M. Ferrito  
Joseph H. Worrall III  
Linda J. Young

CLV65-000138

004865

14869

**A WAYNE SMITH  
& ASSOCIATES**  
A Subsidiary of Cornoyer-Hedrick

**T R A N S M I T T A L**

To City of Las Vegas Date February 8, 1990  
400 East Stewart Project Peccole Ranch - Phase II  
Las Vegas, Nevada 89101 Job No L89314-11

Attn Mr. Harold Foster, Director of Community Planning & Development  
Mr. Richard Williams, Chief of Current Planning

We transmit Via Regular Mail Under separate cover via

For your Approval Review + comment Distribution Record ☒ Information

**The following**

Drawings prints reproducible ☒ Documents Samples  
Shop drawings prints reproducible Specifications Other  
Submittal No Change order

copies	date	rev no	description
2			Original Peccole Ranch Master Plan Amendment and Phase II
			Rezoning Application Booklets

**Remarks**

Enclosed are two original Peccole Ranch Master Plan Amendment and  
Phase Two Rezoning Application booklets for your review and use.

**Copies to**

encl

encl

1515 East Missouri  
Suite 100  
Phoenix, Arizona  
85014  
602 234-3474  
602 230-9143 FAX

Reginald W. Owens, AICP  
Signed

CLV65-000139  
004866

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**PECCOLE RANCH**

**MASTER PLAN**

*A Master Plan Amendment and Phase Two Rezoning Application*

**PREPARED FOR:**

**The Peccole Ranch Partnership:**

Peccole Trust  
2300 West Sahara Avenue  
Box 17, Suite 870  
Las Vegas, Nevada 89102  
(702) 871-2700

Triple Five Development Group Central, Ltd.  
Suite 900, Capital Place  
9707 - 110 Street  
Edmonton, Alberta  
Canada T5K 2L9  
(403) 482-7800

**PREPARED BY:**

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

February 6, 1990

CLV65-000140

**004867**

**14871**

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**004868**

**14872**

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**004869**



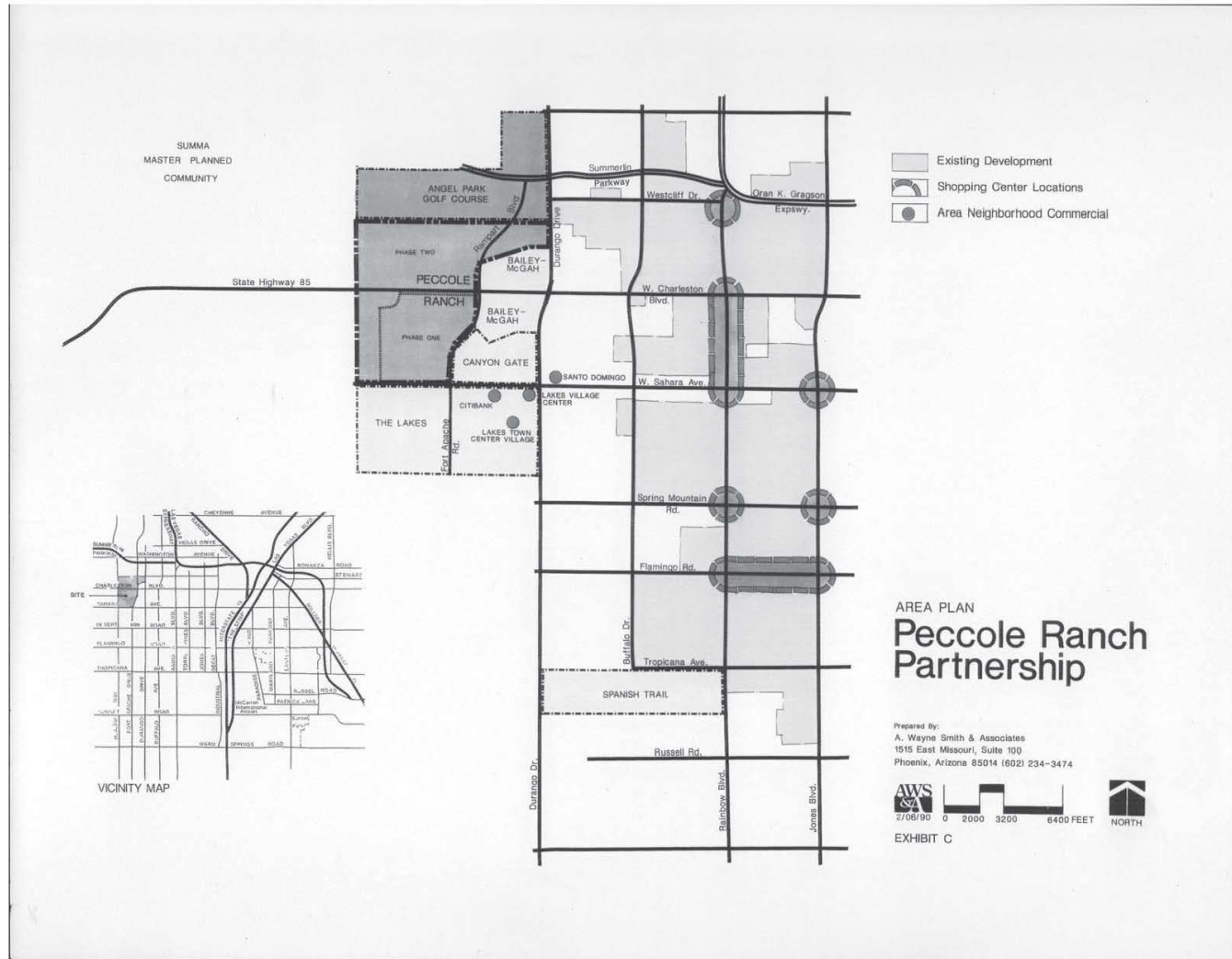
## PECCOLE RANCH

*The proposed 1,569.6 acre Peccole Ranch Master Plan is being submitted to the City of Las Vegas for the approval of an Amendment to the overall **Conceptual Master Plan**, along with the rezoning of the 996.4 acres in Phase Two to R-PD7, R-3, and C-1 designations. The following narrative describes the intent of the proposed overall Master Plan, compares the Plan with the previously approved overall Peccole Ranch Master Plan, and discusses in detail those land uses proposed in the Phase Two development of Peccole Ranch.*

### INTRODUCTION - PECCOLE RANCH OVERALL MASTER PLAN

The Peccole Ranch overall **Conceptual Master Plan** which was approved on February 15, 1989 consisted of 1,716.3 acres. The present overall Plan illustrates a reduction in the 1,716.3 acreage due to the elimination of a previously zoned multi-family parcel and several neighborhood commercial/office parcels totalling 83.9 acres. The existing 10.9 acre water storage parcel owned and managed by the Las Vegas Valley Water District was also removed. The proposed overall Master Plan now consists of 1,569.6 acres

Peccole Ranch is located within the northwest and southwest growth areas of the Las Vegas Metropolitan Area (Exhibit C, page 2), and has an excellent time-distance relationship to surrounding support services, employment centers, and transportation network including McCarran International Airport. This particular area of the Valley has been experiencing a rapid growth rate as demonstrated by those developments occurring in the Peccole Ranch vicinity such as Canyon Gate, Summerlin, and The Lakes. Planning efforts for these planned communities promote viable growth, compatibility with adjacent uses, and a commitment to quality. It is this trend that became the basis of a Plan that would maintain flexibility to accommodate future market changes. The proposed Plan is conceptual in nature to allow detailed planning at the time of development. In this way the lifestyles of the anticipated population can be met. The physical character of Peccole Ranch is enhanced by its higher elevation than the rest of the City. Views of the surrounding mountains provide a visually pleasant backdrop and the evening lights of downtown Las Vegas are in the distant view.



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The proposed Peccole Ranch overall Master Plan (Exhibit A, page 4) incorporates office, neighborhood commercial, a nursing home, and a mixed use village center around a strong residential base in a cohesive manner. A destination resort-casino, commercial/office and commercial center have been proposed in the most northern portion of the project area. Special attention has been given to the compatibility of

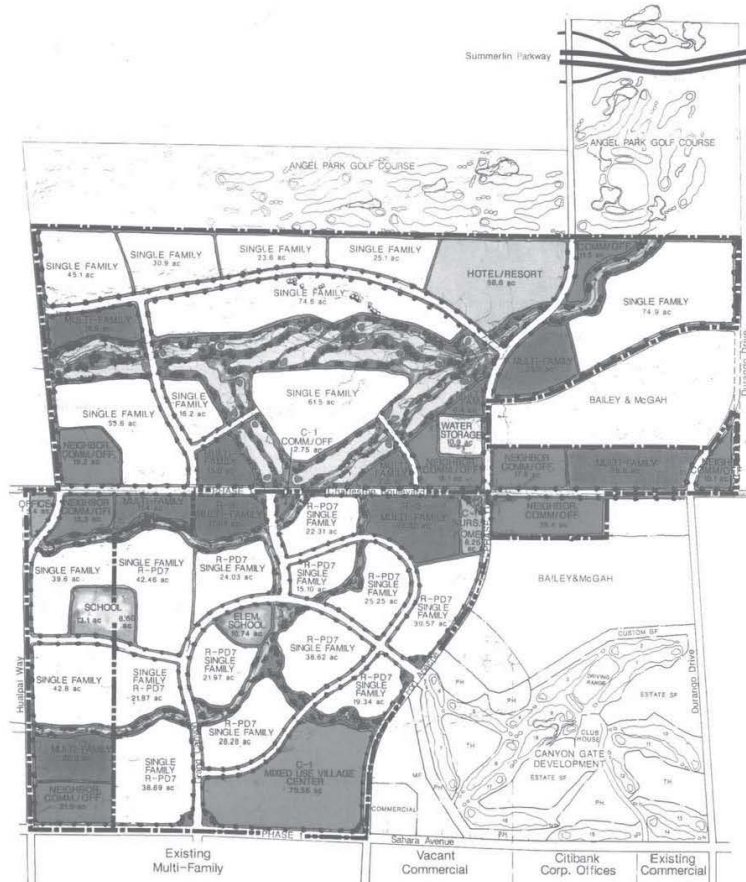
neighboring uses for smooth transitioning, circulation patterns, convenience and aesthetics. An extensive 253 acre golf course and linear open space system winding throughout the community provides a positive focal point while creating a mechanism to handle drainage flows.

Also of importance to Peccole Ranch is the alignment of the Summerlin Parkway under construction north of the Project. The Summerlin Parkway is an east/west expressway which will be approximately three to three and one-half miles long originating at the curve of the Oran A. Gragson Expressway (Westcliff Drive and Rainbow Boulevard) with a terminus at the corner of the two initial Summerlin Villages. Adjacent to the northern boundary of the Peccole Ranch property is the 640 acre Angel Park. When complete, this regional park will include two world class golf courses designed by Arnold Palmer.

The development plan for Peccole Ranch is designed to benefit the current and long range needs of the Las Vegas Metropolitan Area as the population expansion is realized. Overall project character and identity will reflect the high standards of quality envisioned by the developer and a consistency with the pattern of regional community development

**OVERALL MASTER PLAN COMPARISON:  
PROPOSED PECCOLE RANCH MASTER PLAN VS.  
APPROVED PECCOLE RANCH MASTER PLAN**

The proposed Peccole Ranch Master Plan is an amendment to the Peccole Ranch Master Plan which was approved by the City of Las Vegas on February 15, 1989 (Exhibit B, page 5). The main difference between the Plans is the redesignation of 100.1 acres located at the northeast corner of the property to a commercial land use more properly reflecting its location near the Summerlin Parkway and the destination



SITE DATA - PHASE 1			
LAND USE	NET ACRES	NET DENSITY DU/ac	UNITS
Nursing Home	8.25		
Single Family	328.49	7.0	2299
Multi-Family	45.39	24.0	1088
Mixed Use Village Center	40.00		
Commercial/Office	35.96	34.0	1209
Multi-Family	2.75		
Commercial/Office	41.47		
Drainage/Open Space	53.97		
R.O.W.	17.34		
Elementary School	573.19	8.8	4596
PHASE 1 TOTAL			

SITE DATA - FUTURE PHASES	
LAND USE	ACRES
Single Family	487.9
Multi-Family	133.9
Neighborhood Commercial/Office	137.7
Office	5.4
Hotel/Resort	56.6
Water Storage	10.9
Golf Course/Drainage	207.1
R.O.W.	80.5
School	13.1
FUTURE PHASES TOTAL	1143.1
GRAND TOTAL	1716.3

## MASTER PLAN Peccole Ranch Partnership

Suite 900, Capital Place  
9707-110 Street  
Edmonton, Alberta T5K2L9 403-482-7800

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

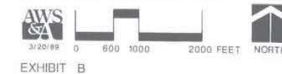


EXHIBIT B

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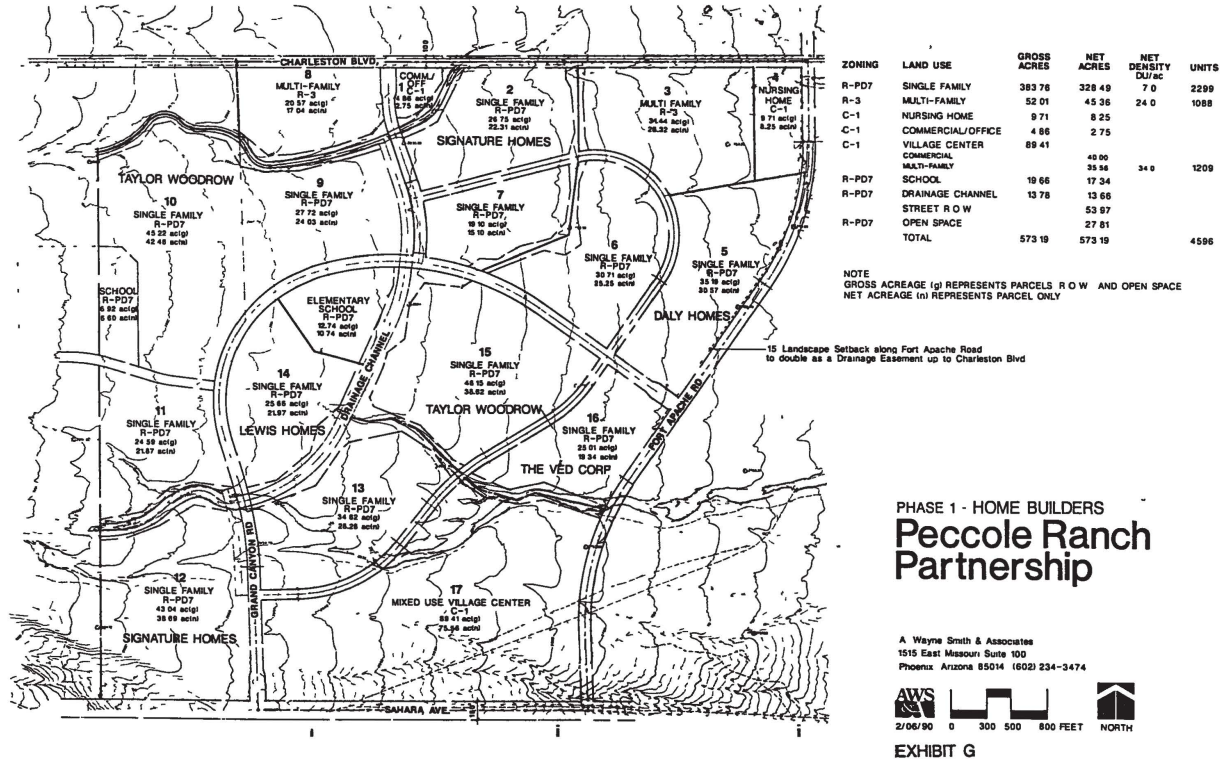
resort-casino. The golf course and drainageways have been refined and roadways were realigned to provide primary visibility and access to all parcels. In addition, the internal collector system will ultimately promote a reduction of traffic along the principle arterials.

The proposed Peccole Ranch Master Plan realigns the major internal collector roadways through the residential and golf course area in Phase Two. The locations for both major entries to the Project were changed. The Charleston Boulevard entry now aligns with Apple Road in Phase One, and the Rampart Boulevard entry was moved to the northern boundary of the Project to avoid the need for an arroyo crossing and to provide a better relationship between the destination resort-casino and the golf course. An additional collector intersecting with Rampart Boulevard provides a second point of ingress/egress and also forms a buffer between a single family neighborhood, and the higher intensity uses along Charleston Boulevard. Alta Road, an east/west arterial, forms the boundary between the proposed Phase Two commercial center and the Bailey-McGah parcel. All arterial roadway names have remained consistent with the exception of Fort Apache Road which becomes Rampart Boulevard north of Charleston Boulevard.

Phase One is currently under development and is anticipated for completion during the early 1990's. Four single family subdivision plats have been recorded the City and several others are in process. Infrastructure for Phase One is anticipated for completion by Spring 1990. Phase One is progressing as planned and is anticipated to continue development to meet the demand for housing alternatives with supporting commercial areas. Exhibit G on page 7 identifies those home builders currently active in Phase One.

Overall, the addition of the commercial center, the refinement of the golf course and drainageways, and the shifting of parcels and parcel boundaries to better use open space areas, creates the difference between the approved Peccole Ranch Master Plan and the proposed Peccole Ranch Master Plan. The proposed Phase Two has become more clearly defined in response to current market trends and remains consistent with the goals and the integrity of the approved Peccole Ranch Master Plan.





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## PHASE TWO - PECCOLE RANCH

*Phase Two of Peccole Ranch comprises approximately 996.4 acres bounded by Angel Park Golf Course on the north, Durango Drive on the east, small sections of Sahara Avenue, Charleston Boulevard, and Alta Road on the south, and the alignment of Hualpai Way on the west. Phase Two encompasses all of the remaining acreage within Peccole Ranch. The zoning designations proposed in Phase Two are R-PD7, R-3, and C-1, as described in the following land use descriptions. Overall density of Phase Two is 4.5 DU/AC.*

### Single Family Residential

The demand for housing remains strong in the Peccole Ranch vicinity, reflecting the continued growth of immigration to the area. The delineation of residential uses (single family and multi-family totalling 461.0 acres) proposed for Peccole Ranch Phase Two is based upon market study documentation of historical and projected single family housing subdivision and multi-family absorption patterns. Approximately 401.0 acres or 40.2 percent of Phase Two is devoted to quality golf course oriented single-family and custom lot developments, reflecting the fact that there is a demand for higher priced single family housing in the strong northwest/southwest markets. This fact is evident particularly at the Project location which is positioned as a natural northerly growth extension to the successful Lakes community, and which will benefit greatly from the surrounding golf environment and the Summerlin Parkway. Recent market data obtained evidences that there is now a growing preference for detached single family homes over apartment and condominiums, reflecting a stabilization of the Las Vegas Metropolitan economy. The significance of this growth is the expanding opportunity to provide single family housing alternatives to an increasingly diverse income base - particularly in association with a golf course community.

There is potential for gated entries to several of the single family parcels. Gated entries into Phase Two residential parcels will not only provide residents with a sense of security, but will promote the construction of quality housing products, and form an enclave within Peccole Ranch. A 50 acre single-family parcel central to Phase Two offers extensive golf course frontage to future residents in an exclusive environment bounded on all sides by the golf course. Depending upon market demand, additional gated neighborhoods can be provided in proximity to the clubhouse and adjacent to the golf course.

#### Multiple-Family Residential

The historical strong consumer demand for apartments has not yet reached a saturation point, however, existing inventory will most likely adequately meet current requirements. Therefore, Phase Two reflects a larger single family environment while still maintaining a small inventory of multi-family land areas which will be geared toward those future residents who prefer a more urban oriented lifestyle.

Two multi-family parcels are planned along Charleston Boulevard, and one 20 acre parcel is planned adjacent to Hualpai Way north of the commercial center on Sahara. Multi-family parcels are located adjacent to principal arterials to maximize exposure and to provide buffering to the internal single family neighborhoods from arterial traffic. Approximately 60 acres, or 60 percent of Phase Two is devoted to multi-family use.

#### Commercial

High intensity uses such as commercial, office, and employment opportunities are incorporated in the commercial/office, neighborhood commercial, and commercial center areas in Phase Two of Peccole Ranch. The largest commercial parcel (100.1 acres), the commercial center, is located adjacent to Angel Park Golf Course on the north, Durango Drive on the east, Alta Road on the south and Rampart Boulevard on the west to provide prime exposure and access. This commercial center is physically well sited in relationship to surrounding high volume major arterials and the future Summerlin Parkway interchange only one-half mile to the north. The site offers an excellent opportunity for internal circulation with arterials on two sides. This may be



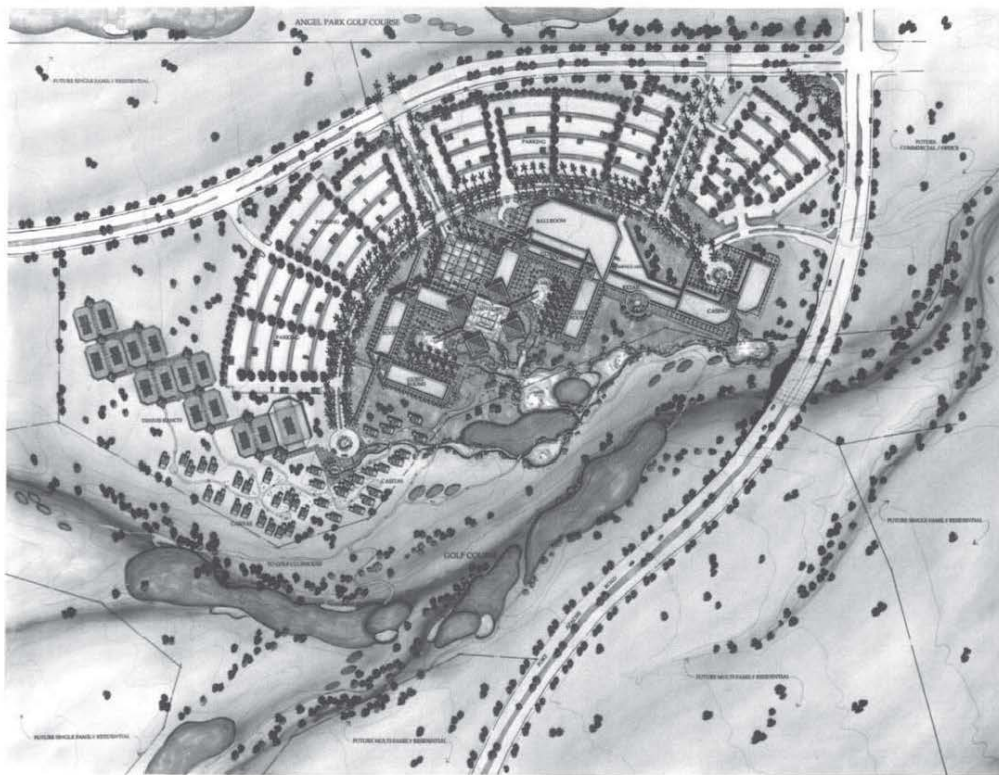
evidenced from a review of the Area Plan (Exhibit C, page 2) which depicts the current lack of commercial centers, and the potential urbanization of the vacant residential lands from Jones Boulevard west to Hualpai Way.

Additional neighborhood commercial/office areas are located at intersection nodes to provide easy access and buffer less intense land uses. These parcels will accommodate basic support facilities and services required by the residential community. Commercial and office areas comprise a total of 83.5 acres in Phase Two.

A 56.0 acre destination resort-casino site is located at the intersection of an internal collector and Rampart Boulevard. The boundary of this parcel was altered from the previously approved overall Master Plan to accommodate the boundary changes of the refined golf course and road system. The golf course along the southern border of the parcel provides an aesthetic quality to the destination resort-casino. The resort-casino is planned as a destination golf resort and casino, and will provide the transition from a commercial center to single family residential. The resort will be comprised of approximately 300 to 500 guest rooms, and other elements which may include meeting, conference and ballroom facilities, restaurants, bars, and a casino including its own specialty restaurant and bar areas. Guest amenities may include use of the adjacent golf course, tennis facilities, fitness center, beauty salon, game rooms, a nursery and swimming pool. Exhibit D on page 11 illustrates the anticipated site layout and character for the resort-casino. The Peccole Ranch Resort will be designed to maximize the beauty of the desert surroundings, maintaining sensitivity to scale, character, landscape, and topography, and represents the true centerpiece of the Peccole Ranch Community.

#### Open Space and Drainage

A focal point of Peccole Ranch Phase Two is the 199.8 acre golf course and open space drainageway system which traverses the site along the natural wash system. All residential parcels within Phase Two, except one, have exposure to the golf course and open space areas. The single family parcel which is not adjacent to the open space system borders Angel Park Golf Course on its northern boundary. Passive and active recreational areas will be provided, and residents will have an opportunity to utilize alternative modes of transportation throughout with the bike paths and pedestrian



# RESORT SITE PLAN

## PROJECT DATA

SITE	
36 ACRES (3,000,000 SQ. FT.)	
RESORT	
EXPANDABLE TO 100 ACRES	
FUNCTION AREAS	
BALL ROOM	10,000 SQ. FT.
MEETING FACILITIES	5,000 SQ. FT.
DINING AREAS	5,000 SQ. FT.
GUEST AMENITIES	
FITNESS CENTER	2,500 SQ. FT.
GAME ROOM	1,000 SQ. FT.
CASINO	
GAMING FLOOR	25,000 SQ. FT.
RESTAURANT	5,000 SQ. FT.
PARKING	
1,500 SPACES	
EXPANDABLE TO 2,000 SPACES	



C.H. ASSOCIATES  
P. STEVEN BARNETT  
SARAH L. TAYLOR  
1001 East Main Street, Suite 400  
Phoenix, Arizona 85001  
480.224.2100  
c.h.a.az.com

**Peccole Ranch Resort**  
LAS VEGAS, NEVADA

Peccole Ranch  
Partnership  
ONE WEST WASHINGTON AVENUE  
SUITE 100, LAS VEGAS, NV  
89101-1000  
(702) 735-1000  
peccoleranch.com

EXHIBIT D

CLV65-000152  
**004879**

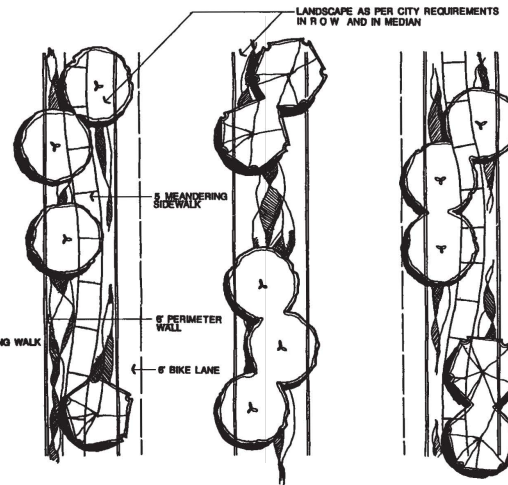
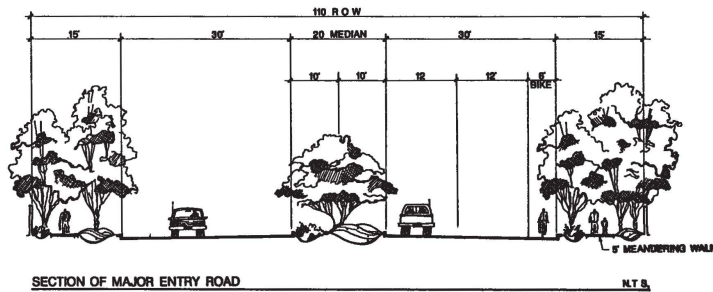
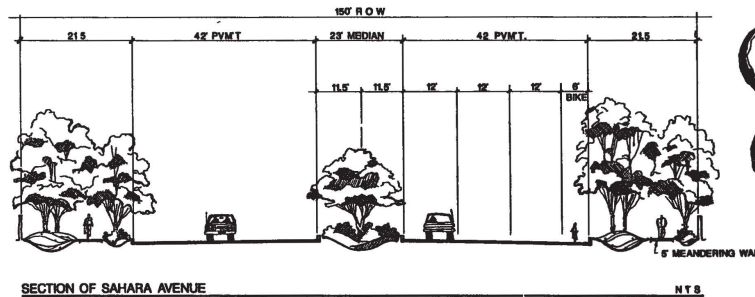
**14883**

walkways (see Exhibits E and F on pages 13 and 14). The surrounding community as well as project residents may use the open space system to travel to neighboring areas including Angel Park. In addition, recreational improvements such as picnic tables, ramadas and pleasing water features will be located in passive gathering areas located throughout the open space.

The close proximity to Angel Park along with the extensive golf course and open space network were determining factors in the decision not to integrate a public park in the proposed Plan. According to the Parks, Recreation and Senior Citizen Activities Division a need for a dedicated public facility within Peccole Ranch is not indicated nor anticipated in the future.

South of Charleston Boulevard, drainage flows through the washes initially enter the site in two locations along the western boundary at a peak rate of 800 cubic feet per second (cfs), and move in a east/northeast direction. Two wash flows are then directed into the main drainage wash which flows northeasterly towards the large Angel Park reservoir at a rate of approximately 1,600 cfs. North of Charleston Boulevard an off-site flow of 2,000 cfs enters the Project. This storm water will be contained within the golf course until it reaches Rampart Boulevard, and will then flow through a channel adjacent to the commercial center to the Angel Park Basin. Based on the golf course routing plan by Mr. Ted Robinson, renowned golf course architect, the golf course has been designed in conjunction with existing drainage features on the site. The design of the golf course has been instrumental in preserving the natural character of the land and controlling drainage on and through the property.

Phase Two of the proposed Peccole Ranch Master Plan has approximately 33.1 additional acres allotted for golf course and drainageways. The additional acreage accommodates a clubhouse and driving range centrally located within the golf course and surrounding residential community. These features are also accessible to visitors staying at the adjacent destination resort-casino.



ROADWAY PLAN AND CROSS SECTIONS

# **Peccole Ranch Partnership**

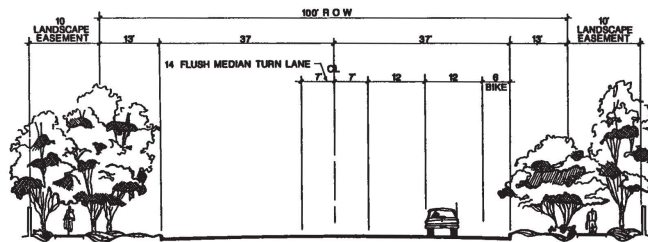
EXHIBIT E  
2-08-90

A WAYNE SMITH  
& ASSOCIATES  
*A Subsidiary of Cowi-Hedrick*

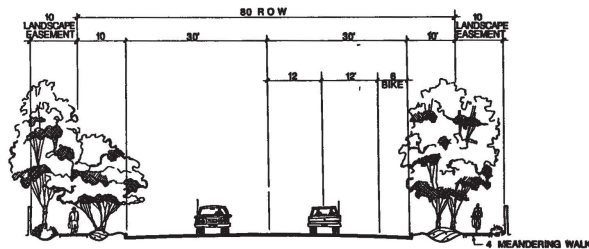
CLV65-000154

**004881**

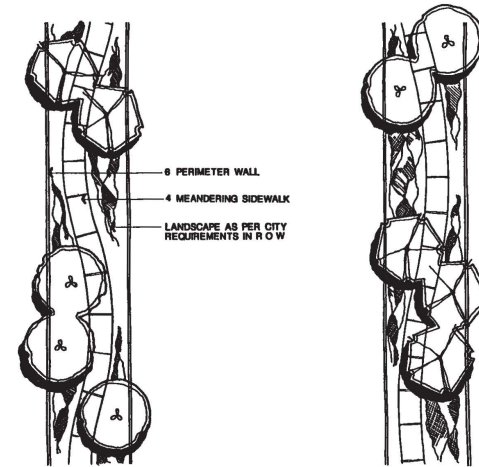
**14885**



SECTION OF ARTERIAL ROADWAY RAMPART ROAD N.T.S.



SECTION OF INTERIOR COLLECTOR ROADWAY N.T.S.



PLAN VIEW OF INTERIOR COLLECTOR ROADWAY N.T.S.

ROADWAY PLAN AND CROSS SECTIONS

# **Peccole Ranch Partnership**

EXHIBIT F  
2-08-90

A WAYNE SMITH  
& ASSOCIATES  
*A Subsidiary of Corrigan Hubick*

CLV65-000155

**004882**

**14886**

#### Schools

A 19.7 acre school site is designated in Phase Two of Peccole Ranch. The level of education served by the site, such as elementary or middle school status, will not be determined until development occurs and the student population becomes more clearly defined. A 10.1 acre elementary school site is reserved in Phase One, and according to the Clark County School District the site has been approved and will be purchased based upon acceptable appraisals. The sites will be developed to meet the requirements of the Clark County School District. According to Clark County School District standards, a typical elementary school requires a student body of approximately 600 to support the facility, whereas a junior high school requires 1,250 students. Student population projections for Phase One and Two are attached.



## DEVELOPMENT PLAN - PHASE TWO

The Peccole Ranch Partnership is the land developer for Peccole Ranch and will assume the responsibility of the following:

- \* Full street improvements for internal collector streets and partial improvements for other public streets adjacent to the development, or as agreed upon with the City of Las Vegas. See roadway Exhibits E and F on the following pages
- \* Delivery of water, sewer, telephone, and power to all parcels.
- \* Rough grade of all parcels
- \* Open Space development and landscaping.
- \* Entry treatments, including landscaping, water features, special pavement, and project signs.
- \* All landscaping along arterial roads (Charleston Boulevard, Sahara Avenue, and Fort Apache Road) and within internal boulevards.
- \* An information center.

Street and utilities are currently under construction in Phase One.

## QUALITY OF DEVELOPMENT

Design, Architecture, and Landscape standards will be established for the development. A Design Review Committee will review and approve all plans for parcel development in Peccole Ranch. Covenants, Conditions and Restrictions will be established to guarantee the continued quality of development, and a Master Homeowner's Association will be established for the maintenance of common landscaping and open space. Separate subsidiary associations will be created within individual development parcels to maintain the common area within these areas.

#### GENERAL PLAN CONFORMANCE

As the City of Las Vegas General Plan is designed as a set of guidelines to help direct the future growth of the City, so is the proposed Peccole Ranch Master Plan designed with an inherent flexibility to meet changing market demands at the time of actual development. Specifically, the proposed Plan is in conformance with the following Las Vegas General Plan Planning Guidelines:

- \* Provide for an efficient, orderly and complementary variety of land uses.
- \* Provide for "activity centers" as a logical concentration of development in each community area of the City to encourage economic, social and physical vitality, and expand the level of services.
- \* Encourage the master planning of large parcels under single ownership in the growth areas of the City to ensure a desirable living environment and maximum efficiency and savings in the provision of new public facilities and services.
- \* Provide for the continuing development of a diverse system of open space.



PECCOLE RANCH

LAND USE DATA

PHASE TWO

<u>LAND USE</u>	<u>ACRES</u>	<u>NET DENSITY</u>	<u>NET UNITS</u>
Single-Family	401.0	7.0 du/ac	2,807
Multi-Family	60.0	24.0 du/ac	1,440
Commercial/Office	194.3	-	-
Resort-Casino	56.0	-	-
Golf Course Drainage	211.6	-	-
Right-of-Way	60.4	-	-
Elementary School	13.1	-	-
TOTAL	996.4	4.5 du/ac	4,247

Note Overall density based upon all areas except R.O.W

PECCOLE RANCH  
LAND USE DATA  
OVERALL MASTER PLAN

<u>LAND USE</u>	<u>NET ACRES</u>	<u>DENSITY RANGES</u>
Single Family	729.49	4.0 - 8.0 du/ac
Multi-Family	105.36	8.0 - 24.0 du/ac
Mixed Use Village Center (Commercial, Office, Multi-Family)	75.56	20.0 - 35.0 du/ac
Neighborhood Commercial/Office	197.05	
Resort-Casino	56.0	
Nursing Home	8.25	
Golf Course/Open Space/Drainage	253.07	
Right-of-Way	114.37	
Schools	30.44	
 TOTAL	 1,569.6	

PECCOLE RANCH  
STUDENT POPULATION PROJECTIONS

<u>GRADE</u>	<u>PHASE ONE</u>	<u>PHASE TWO</u>	<u>MASTER PLAN</u>
K thru 6	902	765	1,667
7 thru 9	347	294	641
10 thru 12	343	291	634
TOTAL	1,592	1,350	2,942



**CONSULTING ENGINEERS**  
**PLANNERS SURVEYORS**

**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

**LETTER OF TRANSMITTAL**

TO CITY OF LAS VEGAS DATE FEBRUARY 9, 1990  
PROJECT PECCOLE RANCH PHASE 2  
ATTN BEN MCGUIRE W O NO 3974  
BY MAIL BY MESSENGER XX PICK-UP EXPRESS MAIL  
FAX FEDERAL EXPRESS

No Copies	Description
1	PACKAGE LEGAL DESCRIPTION

**COMMENTS**

PLEASE FIND ATTACHED THE LEGAL DESCRIPTIONS WHICH SHOULD ACCOMPANY THE ZONE CHANGE FOR WILLIAM PECCOLE PREPARED BY A. WAYNE SMITH & ASSOICATES. IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL. THANK YOU.

**MATERIAL SENT FOR THE FOLLOWING REASONS**

CHECKING FILING APPROVAL YOUR FILES  
OTHER CC

PLEASE SIGN COPIES/ORIGINAL(S) AND RETURN TO OUR OFFICE

SENDER SALLY PELHAM

ABOVE MATERIAL RECEIVED BY

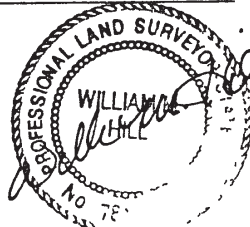
2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102  
TEL (702) 873-7550 FAX 362-2597

CLV65-000162  
**004889**

**14893**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2590

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Charleston Boulevard and Rampart Boulevard.

**Legal Description  
Lot 31 - R-PD7**

That portion of Section 31 and 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of the South Half (S1/2) of the Northwest Quarter (NW1/4) of Section 31; thence S.89°10'53"E., along the North line thereof, 2886.78 feet; thence S.89°10'39"E., continuing along said North line, 2846.00 feet to the Northeast Corner (NE Cor.) of the aforementioned South Half (S1/2) of the Northwest Quarter (NW1/4); thence N.89°31'58"E., 1278.67 feet; thence S.00°28'02"E., 140.00 feet to a point on a curve concave Southeasterly and having a radius of 1250.00 feet, a radial line to said point bears N.20°24'57"W.; thence Southwesterly along said curve, through a central angle of 07°40'18", an arc distance of 167.37 feet to a point of tangency; thence S.61°54'45"W., 415.38 feet to a point of tangency with a curve concave Northwesterly and having a radius of 2000.00 feet; thence Southwesterly along said curve, through a central angle of 18°58'02", an arc distance of 662.08 feet to a point, a radial line to said point bears S.09°07'13"E.; thence S.04°47'06"W., along a radial line, 857.50 feet to a point on a curve concave Southwesterly and having a radius of 985.00 feet; thence Southeasterly along said curve, through a central angle of 42°07'20", an arc distance of 724.14 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 325.00 feet, a radial line to said point bears N.46°54'26"E.; thence Southeasterly along said curve, through a central angle of 67°27'19", an arc distance of 382.63 feet to a point of compound curvature with a curve concave Northwesterly and having a radius of 625.00 feet, a radial line to said point bears S.20°32'52"E.; thence Northeasterly along said curve, through a central angle of 20°08'35", an arc distance of 219.73 feet to a point of reverse curvature concave Southeasterly and having a radius of 4400.00 feet, a radial to said point bears S.40°41'28"E.; thence Northeasterly along said curve, through a central angle of 14°58'58", an arc distance of 1150.60 feet to a point of compound

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TEL (702) 873-7550 FAX 362-2597

CLV65-000163  
004890

14894

Legal Description  
W.O. 3974  
February 2, 1990  
Page 2

curvature with a curve concave Southerly and having a radius of 375.00 feet, a radial line to said point bears N.25°42'29"W.; thence Easterly along said curve, through a central angle of 38°30'11", an arc distance of 252.00 feet to a point, a radial line to said point bears N.12°47'42"E.; thence S.63°03'01"E., along a radial line, 50.00 feet to a point on a curve concave Northwesterly and having a radius of 1700.00 feet; thence Southwesterly along said curve, through a central angle of 24°54'26", an arc distance of 739.01 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 1700.00 feet, a radial line to said point bears S.38°08'35"E.; thence Southeasterly along said curve, through a central angle of 40°11'32", an arc distance of 1192.52 feet to a point, a radial line to said point bears N.78°20'06"W.; thence S.89°26'21"W., 698.56 feet; thence S.00°33'39"E., 685.00 feet; thence S.89°26'21"W., 267.74 feet to a point of tangency with a curve concave Northeasterly and having a radius of 550.00 feet; thence Northwesterly along said curve, through a central angle of 30°21'23", an arc distance of 291.40 feet to a point of tangency; thence N.60°12'17"W., 316.30 feet; thence S.29°55'31"W., 494.03 feet to a point of tangency with a curve concave Southeasterly and having a radius of 750.00 feet; thence Southwesterly along said curve, through a central angle of 30°15'27", an arc distance of 396.07 feet to a point of tangency; thence S.00°19'56"E. 65.00 feet to a point on the South line of the aforementioned Section 31; thence S.89°40'04"W., along said South line, 1603.27 feet; thence N.00°19'56"W., 260.10 feet to a point of tangency with a curve concave Southwesterly and having a radius of 1200.00 feet; thence Northwesterly along said curve, through a central angle of 29°45'02", an arc distance of 623.09 feet to a point of tangency; thence N.30°04'58"W., 201.28 feet; thence S.72°05'07"W., 1836.70 feet; thence N.52°05'16"W., 527.49 feet; thence S.89°41'18"W., 900.05 feet to a point on the West line of the aforementioned Section 31; thence N.06°05'57"W., along said West line, 3328.05 feet to the POINT OF BEGINNING.



CLV65-000164  
**004891**

**14895**

Legal Description  
W.O. 3974  
February 2, 1990  
Page 3

Containing 519.878 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-2  
3900-3999

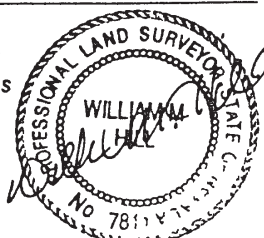


CLV65-000165  
**004892**

**14896**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-590  
This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 generally located East of Hualpai Way approximately 735.00 feet North of Sahara Avenue.

**Legal Description**  
**Lot 20 - R-3**

That portion of the West Half (W1/2) of Section 6, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of said Section 6; thence N.01°20'45"W., along the West line thereof, 734.62 feet to the TRUE POINT OF BEGINNING; thence N.01°20'45"W., continuing along said West line and a radial line, 791.10 feet to a point on a curve concave Southerly and having a radius of 1200.00 feet; thence Easterly along said curve, through a central angle of 10°09'04", an arc distance of 212.60 feet to a point of reverse curvature with a curve concave Northerly and having a radius of 1650.00 feet, a radial line to said point bears N.08°48'19"E.; thence Easterly along said curve, through a central angle of 17°06'58", an arc distance of 492.91 feet to a point of tangency; thence N.81°41'21"E., 126.10 feet to a point of tangency with a curve concave Southerly and having a radius of 800.00 feet; thence Easterly along said curve, through a central angle of 26°50'24", an arc distance of 374.76 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 660.00 feet, a radial line to said point bears N.18°31'45"E.; thence Southeasterly along said curve, through a central angle of 12°55'49", an arc distance of 148.95 feet to a point, a radial line to said point bears S.05°35'56"W.; thence S.00°12'52"E., 723.86 feet; thence S.89°46'34"W., 1327.07 feet to the TRUE POINT OF BEGINNING.

Containing 23.654 acres, more or less.

**BASIS OF BEARINGS**

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-8, 3900-3999  
2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102  
TEL (702) 873-7550 FAX 362-2597

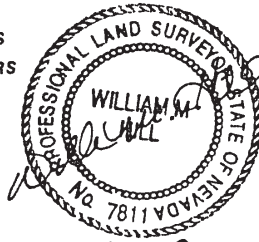
CLV65-000166  
**004893**

**14897**





CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned generally located within the proposed Peccole Ranch - Phase 3 generally located approximately 2200.00 feet North of Sahara Avenue and West of the existing Peccole Ranch Subdivision.

**Legal Description**  
**Lot 21 - R-PD7**

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of the Northwest Quarter (NW1/4) of said Section 6; thence N.01°21'03"W., along the West line thereof, 300.61 feet; thence N.88°38'57"E., 611.22 feet to a point of tangency with a curve concave Southwesterly and having a radius of 3125.00 feet; thence Southeasterly along said curve, through a central angle of 14°02'24", an arc distance of 765.77 feet to a point, a radial line to said point bears N.12°41'21"E.; thence S.00°12'52"E., 1428.83 feet to a point on a curve concave Northeasterly and having a radius of 660.00 feet, a radial line to said point bears S.05°35'56"W.; thence Northwesterly along said curve, through a central angle of 12°55'49", arc distance of 148.95 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 800.00 feet, a radial line to said point bears S.18°31'45"W.; thence Westerly along said curve, through a central angle of 26°50'24", an arc distance of 374.76 feet to a point of tangency; thence S.81°41'21"W., 126.10 feet to a point of tangency with a curve concave Northerly and having a radius of 1650.00 feet; thence Westerly along said curve, through a central angle of 17°06'58", an arc distance of 492.91 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 1200.00 feet, a radial line to said point bears S.08°48'19"W.; thence Westerly along said curve, through a central angle of 10°09'04", an arc distance of 212.60 feet to a point; thence N.01°20'45"W., along a radial line, 1127.82 feet to the POINT OF BEGINNING.

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TEL (702) 873-7550 FAX 362-2597

CLV65-000167  
**004894**

**14898**

Legal Description  
W.O. 3974-9  
February 1, 1989  
Page 2

Containing 44.953 acres, more or less.

BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-9  
3900-3999

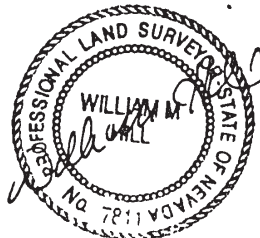


CLV65-000168  
**004895**

**14899**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 3, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land located within the proposed Peccole Ranch - Phase 3 project to be rezoned generally located on the Southeast Corner (SE Cor.) of Hualpai Way and Charleston Boulevard.

**Legal Description  
Lot 24 - C-1**

That portion of the Northwest Quarter (NW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Northwest Corner (NW Cor.) of said Northwest Quarter (NW1/4); thence N.89°41'47"E., along the North line thereof, 529.69 feet to the TRUE POINT OF BEGINNING; thence N.89°41'18"E. continuing along said North line, 2020.58 feet; thence S.01°43'29"E., 789.60 feet to a point on a curve concave Southwesterly and having a radius of 345.00 feet, a radial line to said point bears N.41°18'26"E.; thence Northwesterly along said curve, through a central angle of 43°12'49", an arc distance of 260.21 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 230.00 feet, a radial line to said point bears N.01°54'24"W.; thence Northwesterly along said curve, through a central angle of 70°18'05", an arc distance of 282.21 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 175.00 feet, a radial line to said point bears S.68°23'41"W.; thence Westerly along said curve, through a central angle of 120°10'17", an arc distance of 367.04 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 595.00 feet, a radial line to said point bears N.51°46'35"W.; thence Southwesterly along said curve, through a central angle of 65°57'59", an arc distance of 685.04 feet to a point of reverse curvature with a curve concave Southerly and having a radius of 850.00 feet, a radial line to said point bears S.14°11'23"W.; thence Westerly along said curve, through a central angle of 24°10'09", an arc distance of 358.56 feet to a point of compound curvature with a curve concave Southeasterly and having a radius of 2000.00 feet, a radial line to said point bears N.09°58'45"W.; thence Southwesterly along said curve, through a central angle of 12°19'35", an arc distance of 430.27 feet to a point of reverse

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CLV65-000169  
**004896**

**14900**

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February 3, 1990  
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curvature with a curve concave Northerly and having a radius of 230.00 feet, a radial line to said point bears N.22°18'20"W.; thence Westerly along said curve, through a central angle of 32°28'22", an arc distance of 130.35 feet to a point on a curve concave Northwesterly and having a radius of 800.00 feet, a radial line to said point bears S.10°10'03"W.; thence Northeasterly along said curve, from a radial line which bears S.45°13'48"E., through a central angle of 46°07'15", an arc distance of 643.97 feet to a point of tangency; thence N.01°21'03"W., 250.00 feet to the TRUE POINT OF BEGINNING.

Containing 31.761 acres, more or less.

BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-13  
3900-3999

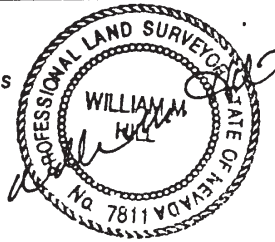


CLV65-000170  
**004897**

**14901**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 3, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-590

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 project generally located West of the existing Peccole Ranch Subdivision and approximately 800.00 feet South Charleston Boulevard.

**Legal Description  
Lot 22 - R-PD7**

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of the Northwest Quarter (NW1/4) of said Section 6; thence N.01°21'03"W., along the West line thereof, 300.61 feet to the TRUE POINT OF BEGINNING; thence continuing N.01°21'03"W., along said West line, 895.46 feet to a point of tangency with a curve concave Southeasterly and having a radius of 800.00 feet; thence Northeasterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 800.00 feet, a radial line to said point bears N.43°20'26"W.; thence Northeasterly along said curve, through a central angle of 01°53'22", an arc distance of 26.38 feet to a point on a curve concave Northwesterly and having a radius of 230.00 feet, a radial line to said point bears S.45°13'48"E.; thence Northeasterly along said curve, from a radial line which bears S.10°10'03"W., through a central angle of 32°28'22", an arc distance of 130.35 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 2000.00 feet, a radial line to said point bears S.22°18'20"E.; thence Northeasterly along said curve, through a central angle of 12°19'35", an arc distance of 430.27 feet to a point of compound curvature with a curve concave Southerly and having a radius of 850.00 feet, line to said point bears N.09°58'45"W.; thence Easterly along said curve, through a central angle of 24°10'09", an arc distance of 358.56 feet to a point of reverse curvature with a curve concave Northeasterly and having a radius of 595.00 feet, a radial line to said point bears N.14°11'23"E.; thence

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004898

14902

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Southeasterly along said curve, through a central angle of 21°22'45", an arc distance of 222.02 feet to a point, a radial line to said point bears S.07°11'22"E.; thence S.00°12'52"E., 1681.82 feet to a point on a curve concave Southwesterly and having a radius of 3125.00 feet, a radial line to said point bears N.12°41'21"E.; thence Northwesterly along said curve, through a central angle of 14°02'24", an arc distance of 765.77 feet to a point of tangency; thence S.88°38'57"W., 611.22 feet to the TRUE POINT OF BEGINNING.

Containing 49.411 acres, more or less.

BASIS OF BEARINGS

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-12  
3900-3999

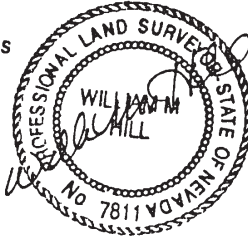


CLV65-000172  
**004899**

**14903**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 project generally located on the Northeast Corner (NE Cor.) of Sahara Avenue and Hualpai Way to be rezoned.

**Legal Description**  
**Lot' 19 - C-1**

That portion of the West Half (W1/2) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of said Section 6; thence N.01°20'45"W., along the West line thereof, 734.62 feet; thence N.89°46'34"E., 1327.07 feet; thence S.00°12'52"E., 734.48 feet to a point on the South line of Section 6; thence S.89°46'34"W., along said South line, 1312.57 feet to the POINT OF BEGINNING.

Containing 22.254 acres, more or less.

**BASIS OF BEARINGS**

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-7  
3900-3999

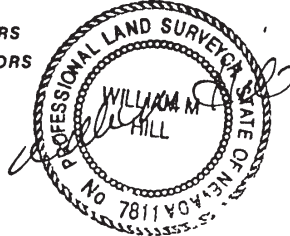
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CLV65-000173  
**004900**

**14904**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 3, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 3 generally located on the Southeast Corner (SE Cor.) of Hualpai Way and Charleston Boulevard.

**Legal Description**  
**Lot 23 - C-1**

That portion of the Northwest Quarter (NW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of said Northwest Quarter (NW1/4); thence N.89°41'47"E., along the North line thereof, 529.69 feet; thence S.01°21'03"E., 250.00 feet to a point of tangency with a curve concave Northwesterly and having a radius of 800.00 feet; thence Southwesterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of reverse curvature with a curve concave Southeasterly and having a radius of 800.00 feet, a radial line to said point bears S.43°20'26"E.; thence Southwesterly along said curve, through a central angle of 48°00'37", an arc distance of 670.35 feet to a point of tangency with the West line of the aforementioned Northwest Quarter (NW1/4); thence N.01°21'03"W., along said West line, 1448.90 feet to the POINT OF BEGINNING.

Containing 10.328 acres, more or less.

**BASIS OF BEARINGS**

N.89°46'34"E., being the South line of the Southwest Quarter (SW1/4) of Section 6, T. 21 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-10  
3900-3999

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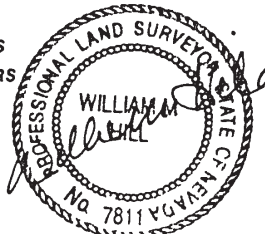
CLV65-000174  
**004901**

**14905**





CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Southwest Corner (SW Cor.) of Rampart Boulevard and Alta Drive.

**Legal Description**  
**Lot 30 - C-1**

That portion of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northwest Corner (NW Cor.) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section 32; thence N.89°46'07"E., along the North line thereof, 2677.87 feet to the Northeast Corner (NE Cor.) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of said Section; thence S.00°18'42"E., along the East line thereof, 1336.70 feet to the Southeast Corner (SE Cor.) of the aforementioned Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4); thence S.89°41'45"W., 604.05 feet to a point of tangency with a curve concave Southeasterly and having a radius of 1500.00 feet; thence Southwesterly along said curve, through a central angle of 39°37'19", an arc distance of 1037.30 feet to a point of tangency; thence S.50°04'26"W., 1015.26 feet to a point of tangency with a curve concave Northwesterly and having a radius of 1500.00 feet; thence Southwesterly along said curve, through a central angle of 39°21'55", an arc distance of 1030.58 feet to a point of tangency; thence S.89°26'21"W., 661.44 feet to a point on a curve concave Southeasterly and having a radius of 1700.00 feet, a radial line to said point bears N.78°20'06"W.; thence Northeasterly along said curve, through a central angle of 40°11'32", an arc distance of 1192.52 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 1700.00 feet, a radial line to said point bears N.38°08'35"W.; thence Northeasterly along said curve, through a central angle of 52°24'05", an arc distance of 1554.78 feet to a point of tangency; thence N.00°32'39"W., 340.02 feet to the POINT OF BEGINNING.

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CLV65-000175  
**004902**

**14906**

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W.O. 3974  
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Page 2

Containing 134.394 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974  
3900-3999

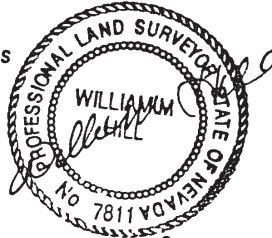


CLV65-000176  
**004903**

**14907**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

*2-5-90*  
This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 project generally located on the Northeast Corner (NE Cor.) of Charleston Boulevard and Hualpai Way.

**Legal Description**  
**Lot 25 - C-1**

That portion of the Southwest Quarter (SW1/4) of Section 31, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southwest Corner (SW Cor.) of said Southwest Quarter (SW1/4); thence N.06°05'57"W., along the West line thereof, 805.43 feet; thence N.89°41'18"E., 900.05 feet; thence S.52°05'16"E., 527.49 feet; thence S.04°52'26"W., 411.63 feet; thence S.00°18'42"E., 65.00 feet to the point on the South line of the aforementioned Southwest Quarter (SW1/4); thence S.89°41'18"W., 1196.03 feet to the POINT OF BEGINNING.

Containing 21.650 acres, more or less.

**BASIS OF BEARINGS**

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-6  
3900-3999

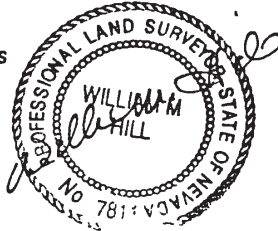
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CLV65-000177  
**004904**

**14908**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

*2-S-90*

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Apple Drive and Charleston Boulevard.

**Legal Description  
Lot 26 - R-3**

That portion of the South Half (S1/2) of Section 31, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southeast Corner (SE Cor.) of the Southwest Quarter (SW1/4) of said Section 31; thence S.89°41'18"W., along the South line thereof, 1546.32 feet; thence N.00°18'42"W., 65.00 feet; thence N.04°52'26"E., 411.63 feet; thence N.72°05'07"E., 1836.70 feet; thence S.30°04'58"E., 201.28 feet to a point of tangency with a curve concave Southwesterly and having a radius of 1200.00 feet; thence Southeasterly along said curve, through a central angle of 29°45'02", an arc distance of 623.09 feet to a point of tangency; thence S.00°19'56"E., 260.10 feet to a point on the South line of the Southeast Quarter (SE1/4) of said Section 31; thence S.89°40'04"W., along said South line, 500.00 feet to the POINT OF BEGINNING.

Containing 35.054 acres, more or less.

**BASIS OF BEARINGS**

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-5  
3900-3999

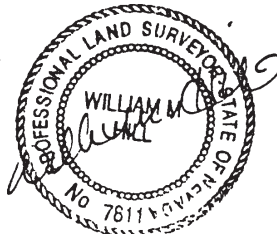
2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102  
TEL (702) 873-7550 FAX 362-2597

CLV65-000178  
**004905**

**14909**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located North of Charleston Boulevard approximately 1050.00 feet West of Rampart Boulevard.

**Legal Description**  
**Lot 27 - R-3**

That portion of the Southeast Quarter (SE1/4) of Section 31 and the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Southeast Corner (SE Cor.) of the Southeast Quarter (SE1/4) of said Section 31; thence S.89°40'04"W., along the South line thereof, 507.92 feet; thence N.00°19'56"W., 65.00 feet to a point of tangency with a curve concave Southeasterly and having a radius of 750.00 feet; thence Northeasterly along said curve, through a central angle of 30°15'27", an arc distance of 396.07 feet to a point of tangency; thence N.29°55'31"E., 494.03 feet; thence S.60°12'17"E., 316.30 feet to a point of tangency with a curve concave Northeasterly and having a radius of 550.00 feet; thence Southeasterly along said curve, through a central angle of 24°12'26", an arc distance of 232.37 feet to a point; thence S.05°35'17"W., along a radial line, 576.48 feet; thence S.00°33'39"E., 65.00 feet to a point on the South line of the aforementioned Southwest Quarter (SW1/4) of Section 32; thence S.89°26'21"W., along said South line, 276.89 feet to the POINT OF BEGINNING.

Containing 12.337 acres, more or less.

**BASIS OF BEARINGS**

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-4  
3900-3999

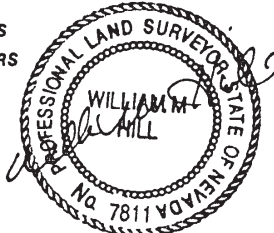
2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102  
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CLV65-000179  
**004906**

**14910**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON, P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located on the Northwest Corner (NW Cor.) of Rampart Boulevard and Charleston Boulevard.

**Legal Description**  
**Lot 28 - C-1**

That portion of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

COMMENCING at the Southwest Corner (SW Cor.) of said Southwest Quarter (SW1/4); thence N.89°26'21"E., along the South line thereof, 276.89 feet to the TRUE POINT OF BEGINNING; thence N.00°33'39"W., 65.00 feet; thence N.05°35'17"E., along a radial line, 576.48 feet to a point on a curve concave Northerly and having a radius of 550.00 feet; thence Easterly along said curve, through a central angle of 06°08'57", an arc distance of 59.03 feet to a point of tangency; thence N.89°26'21"E., 267.74 feet; thence N.00°33'39"W., 25.00 feet; thence N.89°26'21"E., 660.00 feet; thence S.00°33'39"E., 660.00 feet to a point on the South line of the aforementioned Southwest Quarter (SW1/4); thence S.89°26'21"W., along said South line, 1048.41 feet to the TRUE POINT OF BEGINNING.

Containing 15.262 acres, more or less.

**BASIS OF BEARINGS**

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-3  
3900-3999

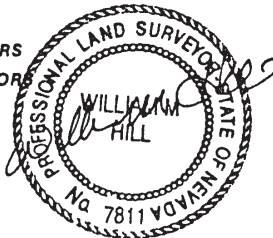
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CLV65-000180  
**004907**

**14911**



CONSULTING ENGINEERS  
PLANNERS SURVEYORS



**PRINCIPALS**

K D WEIR  
C R JOHNSON P E  
J L MacFARLANE, P E, R L S

W.O. 3974  
February 2, 1990  
By: R.M.  
P.R. By: R.M.

**EXPLANATION:**

2-5-90

This legal describes a parcel of land to be rezoned located within the proposed Peccole Ranch - Phase 2 generally located West of Rampart Boulevard and South of Angle Park.

**Legal Description  
Lot 29 - C-1**

That portion of the West Half (W1/2) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, described as follows:

BEGINNING at the Northeast Corner (NE Cor.) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of said Section 32; thence S.00°32'39"E., along the East line thereof, 340.02 feet to a point of tangency with a curve concave Northwesterly and having a radius of 1700.00 feet; thence Southwesterly along said curve, through a central of 27°29'39", an arc distance of 815.77 feet to a point; thence N.63°03'01"W., along a radial line, 50.00 feet to a point on a curve concave Southerly and having a radius of 375.00 feet, a radial line to said point bears N.12°47'42"E.; thence Westerly along said curve, through a central angle of 38°30'11", an arc distance of 252.00 feet to a point of compound curvature with a curve concave Southeasterly and having a radius of 4400.00 feet, a radial line to said point bears N.25°42'29"W.; thence Southwesterly along said curve, through a central angle of 14°58'58", an arc distance of 1150.60 feet to a point of reverse curvature with a curve concave Northwesterly and having a radius of 625.00 feet, a radial line to said point bears N.40°41'28"W.; thence Southwesterly along said curve, through a central angle of 20°08'35", an arc distance of 219.73 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 325.00 feet, a radial line to said point bears S.20°32'52"E.; thence Northwesterly along said curve, through a central angle of 67°27'19", an arc distance of 382.63 feet to a point of reverse curvature with a curve concave Southwesterly and having a radius of 985.00 feet, a radial line to said point bears S.46°54'26"W.; thence Northwesterly along said curve, through a central angle of 42°07'20", an arc distance of 724.14 feet to a point; thence N.04°47'06"E., along a radial line, 857.50 feet to a point on a

2300 PASEO DEL PRADO, BUILDING A, SUITE 100 LAS VEGAS, NEVADA 89102  
TEL (702) 873-7550 FAX 362-2597

CLV65-000181  
**004908**

**14912**

Legal Description  
W.O. 3974  
February 2, 1990  
Page 2

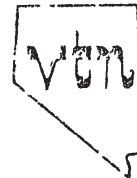
curve concave Northwesterly and having a radius of 2000.00 feet, a radial line to said point bears S.09°07'13"E.; thence Northeasterly along said curve, through a central angle of 18°58'02", an arc distance of 662.08 feet to a point of tangency; thence N.61°54'45"E., 415.38 feet to a point of tangency with a curve concave Southeasterly and having a radius of 1250.00 feet; thence Northeasterly along said curve, through a central angle of 07°40'18", an arc distance of 167.37 feet to a point, a radial line to said point bears N.20°24'57"W.; thence N.00°28'02"W., 140.00 feet to a point on the North line of the South Half (S1/2) of the Northwest Quarter (NW1/4) of said Section; thence N.89°31'58"E., along said North line, 1394.37 feet to the POINT OF BEGINNING.

Containing 75.439 acres, more or less.

BASIS OF BEARINGS

N.89°26'21"E., being the South line of the Southwest Quarter (SW1/4) of Section 32, T. 20 S., R. 60 E., M.D.M., City of Las Vegas, Clark County, Nevada, as shown by a map on file in the Office of the County Recorder in File 36 of Records of Surveys, Page 89.

reference 3974-1  
3900-3999



CLV65-000182  
**004909**

**14913**



**AGENDA**

ANNOTATED AGENDA AND FINAL MINUTES

*City of Las Vegas*

March 8, 1990

**PLANNING COMMISSION**

Page 29

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

COMMISSION ACTION

ITEM

<p>24. <u>MASTER DEVELOPMENT PLAN AMENDMENT</u></p> <p>Applicant: WILLIAM PECCOLE 1982 TRUST Application: Request for approval to amend the Master Development Plan Location: East side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue Size: 996.4 Acres</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to the following:</p> <ol style="list-style-type: none"><li>1. A maximum of 4,247 dwelling units be allowed for Phase II.</li><li>2. Hualpai Way be extended as a public street north of Charleston Boulevard to the north property line as required by the Department of Public Works.</li><li>3. Extend Apple Lane along the north side of this site and adjacent to Angel Park, east of Rampart Boulevard to Durango Drive, as required by the Department of Public Works.</li></ol> <p><u>PROTESTS:</u> 5 Speakers at Meeting</p>	<p>Babero - APPROVED, subject to staff's conditions and Condition No. 4 requiring public notice when there will be an architectural review on the resort/casino and commercial center sites, and Condition No. 5 stating the applicant is to post signs on the property indicating the proposed uses. Unanimous (Bugbee and Dixon excused)</p> <p>MR. WILLIAMS stated this request is to amend the approved Master Development Plan that was approved in 1989. Phase II contains 996.4 acres. It is predominantly single family dwellings. However, there will be multifamily, resort/casino, golf course, commercial office, school and rights-of-way. The significant change is the addition of the golf course and a larger resort/casino site and 100 acre shopping center site. The commercial site was in the 1981 plan and taken out in the 1989 plan. Each parcel will be subject to a review by the Planning Commission. The overall density is 4.3 units per acre. Staff feels Apple Lane should be extended over from Rampart Boulevard to Durango Drive to give better vehicular access to the commercial parcel. Hualpai Way also has to be extended. The Gaming Enterprise District indicates this area could contain one destination resort/casino, but the applicant would have to have a major recreational facility and a minimum of 200 rooms. Staff recommended approval, subject to the conditions.</p> <p>WILLIAM PECCOLE appeared and represented the application. Phase I is 75% complete. This request is for Phase II.</p> <p>A. WAYNE SMITH, Land Planner, 1515 East Missouri Avenue, Phoenix, Arizona, appeared and represented the applicant. The main street will be 80 feet wide from Charleston Boulevard south and then curving to the northeast.</p>
---	--

CLV65-000183

**004910****14914**

# AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

*City of Las Vegas*

March 8, 1990

## PLANNING COMMISSION

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

PHONE 386-6301

COMMISSION ACTION

### 24. MASTER DEVELOPMENT PLAN AMENDMENT (CONT'D)

GREGORY BARLOW, 704 Minto Court, appeared in protest. He was concerned about the 100 acres for a shopping center because of its large size bringing too much traffic into the area and the aesthetics of the center. However, he would like to have some shopping in that area. He would like to have a public hearing held when this project comes back for a design review. The various types of zoning should be posted on the property.

KATHERINE SAUER, 8917 Condotti Court, appeared in protest. She objected to the casino because of the traffic it will generate. There are a lot of children in that area and she does not want the children to live near a casino.

PAM EASTBERG, 7913 Fanciful, appeared in protest. She objected to the casino being in a residential area.

ULRICH SMITH, 8813 Brescia Drive, appeared in protest. He objected to the casino.

RAY BINGHAM, 8345 Cove Landing Avenue, appeared in protest. He objected to locating the shopping center next to a park because of all the traffic the center will generate.

WILLIAM PECCOLE appeared in rebuttal. They are working with the City on the interchange at the Summerlin Parkway so that traffic can move north and south. They will participate in a Special Improvement District for their area. Two schools are being constructed in Phase 1. This will be a quality project. He would be agreeable to an architectural review by the City. All their property shows the zoning. The shopping center will be approximately a million square feet containing stores that are not presently in Las Vegas.

To be heard by the City Council on 4/4/90.

(7:37-8:09)

CLV65-000184

004911

14915

# AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

## PLANNING COMMISSION

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6301

COMMISSION ACTION

ITEM

25. Z-17-90

Applicant: WILLIAM PECCOLE 1982 TRUST  
Application: Zoning Reclassification  
From: N-U (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, C-1, C-2, P-R and C-V)  
To: R-PD7, R-3 and C-1  
Location: East side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue  
Proposed Use: Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino  
Size: 996.4 Acres

STAFF RECOMMENDATION: APPROVAL, subject to the following:

1. A maximum of 4,247 dwelling units be allowed for Phase II.
2. Conformance to the Conditions of Approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works.
5. The existing Resolution of Intent on this property is expunged upon approval of this application.
6. Resolution of Intent with a five year time limit.
7. Standard Conditions 6 - 8 and 11.

PROTESTS: 2 on record with staff  
1 speaker at meeting

FAVOR: 1 speaker at meeting

Babero -  
APPROVED, subject to staff's conditions and additional conditions requiring the applicant to post signs on property indicating the zoning and that a public hearing be held on the development plan on the commercial and casino sites.  
Unanimous  
(Bugbee and Dixon excused)

MR. WILLIAMS stated this request is to approve the zoning that was indicated on the Master Development Plan. The development plans will be submitted to the Planning Commission for review prior to development. Staff recommended approval, subject to the conditions.

WILLIAM PECCOLE appeared and represented the application. He concurred with staff's conditions.

GREGORY BARLOW, 704 Minto Court, appeared in favor if certain conditions are met. He wants a review of each parcel before the Planning Commission with a notice posted announcing that a public hearing will be held. Before any building is completed Rampart Boulevard must be finished. He would like the feeder routes also improved.

ULRICH SMITH, 8813 Brescia Drive, appeared in protest. He objected to the casino.

WILLIAM PECCOLE appeared in rebuttal. The casino will be buffered on the north by the Angel Park Golf Course and on the south by his golf course. On the east side will be commercial and on the west side a tennis court.

A. WAYNE SMITH, Land Planner, 1515 East Missouri Avenue, Phoenix, Arizona, appeared and represented the applicant. The applicant has reduced the density by about 2,200 units to help balance the traffic flow.

To be heard by the City Council on 4/4/90.

(8:09-8:23)

CLV65-000185

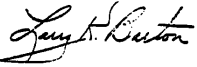
004912

14916

CITY COUNCIL MINUTES  
MEETING OF  
APRIL 4, 1990  
**AGENDA** *City of Las Vegas*  
CITY COUNCIL  
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE  
PHONE 386-6011

000648

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	ITEM	ACTION
1433 to 1437	<p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPT. (CONTINUED)</p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>3. <u>Master Development Plan Amendment related to Z-17-90</u></p> <p>Request for approval to amend the Master Development Plan for property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue.</p> <p>Planning Commission unanimously recommended APPROVAL, subject to:</p> <ol style="list-style-type: none"><li>1. A maximum of 4,247 dwelling units be allowed for Phase II.</li><li>2. Hualpai Way be extended as a public street north of Charleston Boulevard to the north property line as required by the Department of Public Works.</li><li>3. Extend Apple Lane along the north side of this site and adjacent to Angel Park, east of Rampart Boulevard to Durango Drive, as required by the Department of Public Works.</li><li>4. Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.</li><li>5. The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.</li></ol> <p>Staff Recommendation: APPROVAL</p> <p>PROTESTS: 5 (at meeting)</p> <p style="text-align: center;">APPROVED AGENDA ITEM: </p>	<p>NOLEN - APPROVED as recommended subject to the conditions. Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.</p> <p>Clerk to Notify and Planning to Proceed.</p> <p style="text-align: center;">*****</p> <p>ROBERT PECCOLE, 2760 Tioga Pine Circle, appeared. He stipulated to the conditions indicating that the hotel and casino along with the commercial center plans would be approved by the Council.</p> <p>COUNCILMAN ADAMSEN said he previously wrote a letter to both the Peccole and Summerlin people asking them to post signs on the property indicating the hotel and casino sites. He also asked that when people buy property they be given a plot plan and a map which would show the future casino site in relation to their property and they are asked to sign an acknowledgment when they receive this information to resolve any problems of notification.</p> <p>No one appeared in opposition.</p>

CLV65-000186  
004913

14917

X.

G. ZONE CHANGE - PUBLIC HEARING

3. Master Development Plan Amendment related to Z-17-90

This is a request to amend a portion of a previously approved Master Plan for the Peccole Ranch Property, Phase II. Phase II contains 996.4 acres and comprises property located south of Angel Park between Durango Drive and Hualpai Way extending south to Sahara Avenue. There are 4,247 units proposed and the gross density for Phase II is 4.3 dwelling units per acre. A related item, Z-17-90, is Item X.G.4. on this agenda.

Master Development Plans have been approved for this property in 1981, 1986 and 1989. The portion identified as Phase I was approved as part of the 1989 Plan and is currently under development. The significant changes to this plan from the 1989 plan is the addition of a golf course, a larger resort/casino site and the 100 acre commercial center site north of Alta Drive, between Durango Drive and Rampart Boulevard. The proposed multi-family uses have been reduced from 105 acres to 60 acres. A 19.7 acre school site is designated on a site south of Charleston Boulevard. The following table indicates the proposed land uses and acreage for Phase II:

<u>LAND USE</u>	<u>PHASE II ACREAGE</u>	<u>PERCENT OF SITE</u>
Single Family	401	40.30%
Multi-family	60	6.02%
Neighborhood Commercial/Office	194.3	19.50%
Resort/Casino	56.0	5.62%
Golf Course/Drainage	211.6	21.24%
School	13.1	1.31%
Rights-of-Way	60.4	6.07%

At the Planning Commission meeting, staff indicated that the density of this Master Plan was within the average density of 7 units per acre recommended in the General Plan. Staff recommended, however, that Apple Lane should be extended to Durango Drive in conjunction with the shopping center site. The Planning Commission recommended approval of the Plan subject to the resort site and shopping center uses being posted with signs to indicate the proposed uses. The Planning Commission also required that the surrounding property owners be notified when development plans for the resort and commercial center sites are submitted for review.


There were several protestants at the meeting who voiced their objection to the size of the shopping center site and the proposed destination resort site.

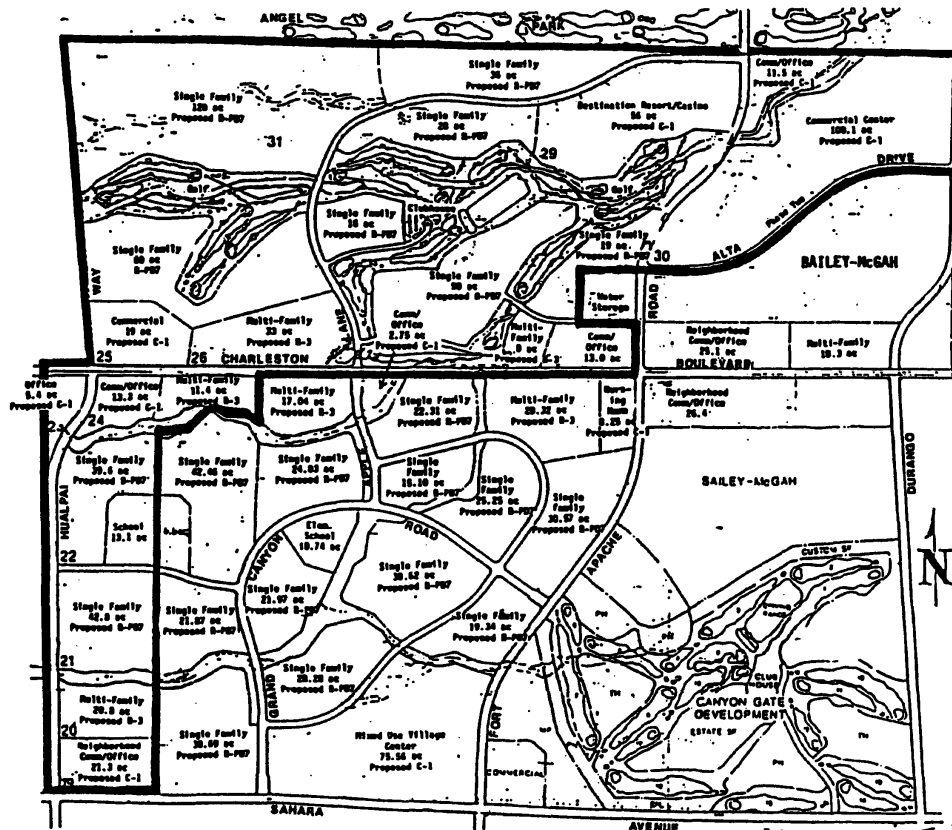
Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 5 (at meeting)

SEE ATTACHED LOCATION MAP

  
HAROLD P. FOSTER, DIRECTOR  
DEPARTMENT OF COMMUNITY PLANNING  
AND DEVELOPMENT



## MASTER DEVELOPMENT PLAN AMENDMENT

LOCATION MAP - ITEM X.6.3. - Master Development Plan Amendment

CITY COUNCIL MINUTES  
MEETING OF  
APR 04 1990

000650

CLV65-000188

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14919

CITY COUNCIL MINUTES  
MEETING OF  
APRIL 4, 1990  
**AGENDA** *City of Las Vegas*  
CITY COUNCIL  
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE  
PHONE 386-6011

000651

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ITEM	ACTION
1437 to 1438	<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPT.</u> <u>(CONTINUED)</u></p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>4. <u>Z-17-90 - William Peccole 1982</u> <u>Trust</u></p> <p>Request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue.</p> <p>From: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V)</p> <p>To: R-PD3 (Residential Planned Development) R-PD7 (Residential Planned Development) and C-1 (Limited Commercial)</p> <p>Proposed Use: SINGLE FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, COMMERCIAL, OFFICE AND RESORT/CASINO</p> <p>Planning Commission unanimously recommended APPROVAL, subject to:</p> <ol style="list-style-type: none"><li>1. A maximum of 4,247 dwelling units be allowed for Phase II.</li><li>2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II.</li><li>3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.</li><li>4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works.</li></ol> <p>- continued - APPROVED AGENDA ITEM <i>L. H. B. L.</i></p>

NOLEN - APPROVED as recommended subject to the conditions.  
Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.

Clerk to Notify and Planning to Proceed.

\*\*\*\*\*

WILLIAM PECCOLE, 2760 Tioga Pine Circle, was present.

COUNCILMAN ADAMSEN said this was in conformance with the General Plan. The multi-family acreage was reduced from 100 to 60 and it will all be located on the major streets.

No one appeared in opposition.

There was no discussion.

NOTE: The portion of this agenda which indicates this reclassification includes a request for R-PD3 zoning, in addition to R-PD7 and C-1, is a typographical error. The application and all other documentation correctly identifies the request as R-3 (Limited Multiple Residence), R-PD7 and C-1.

CLV65-000189

004916

14920

CITY COUNCIL MINUTES  
MEETING OF  
APRIL 4, 1990  
**AGENDA** *City of Las Vegas*  
CITY COUNCIL  
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE  
PHONE 388-8011

000652

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ITEM	ACTION
<p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPT. (CONTINUED)</p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>4. <u>Z-17-90 - William Peccole 1982</u> <u>Trust (continued)</u></p> <p>5. Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.</p> <p>6. The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.</p> <p>7. The existing Resolution of Intent on this property is expunged upon approval of this application.</p> <p>8. Resolution of Intent with a five year time limit.</p> <p>9. Standard conditions 6-8 and 11.</p> <p>Staff Recommendation: APPROVAL</p> <p>PROTESTS: 3 (2 letters, 1 at meeting)</p> <p>APPROVED AGENDA ITEM <i>Gay L. Boston</i></p>	<p>APPROVED - See page 49</p>

CLV65-000190  
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CITY COUNCIL MINUTES  
MEETING OF  
APRIL 4, 1990

000653

X.

G. ZONE CHANGE - PUBLIC HEARING

4. Z-17-90 - William Peccole 1982 Trust

This is a request to rezone 996.4 acres from N-U (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, C-1, C-2, P-R and C-V) to R-PD7, R-3 and C-1 for Phase II of Peccole Ranch. The proposal includes 401 acres for single family development at a density of 7 units per acre, 60 acres of multi-family at a density of 24 units per acre, 194.3 acres for commercial/office uses, 56 acres for a resort/casino, approximately 212 acres for a golf course and drainage, 13.1 acres for a school and approximately 61 acres for rights-of-way. The Master Development Plan Amendment for this property is Item X.G.3. on this agenda.

To the north is Angel Park in a C-V zone. To the west is vacant land in the County. There is N-U, R-PD7, R-PD20, R-3 and C-1 zoning to the east and south.

Last year, Phase I on the south side of Charleston Boulevard was approved to develop 3,150 dwelling units on 448.8 acres at a density of seven units per acre. Another zoning request expanded Phase I and allowed 931 additional dwelling units also at a density of seven units per acre.

Phase II of the proposed development will contain 4,247 dwelling units at an overall gross density of 4.3 units per acre for the entire 746.1 acres of residential zoning. This is below the 7 units per acre allowed in the General Plan.

Staff recommended approval of the application and the Planning Commission concurred, subject to the resort and commercial center uses being posted with signs that indicate the proposed uses. The Planning Commission also required that the surrounding property owners be notified when development plans for the resort/casino and the commercial center sites are submitted for review.

General Plan Conformance: Yes. Conforms to the density recommendations of the General Plan.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 3 (2 letters, 1 at meeting)

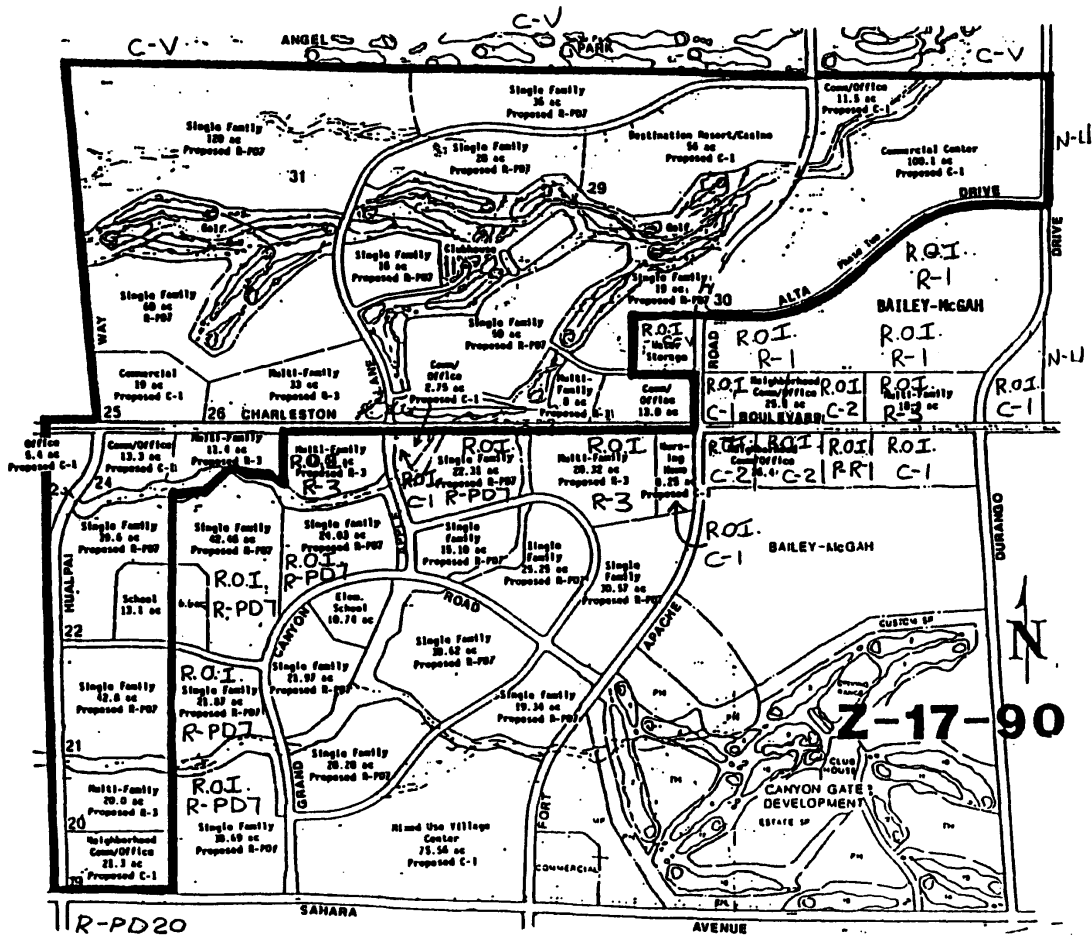
SEE ATTACHED LOCATION MAP

  
HAROLD P. FOSTER, DIRECTOR  
DEPARTMENT OF COMMUNITY PLANNING  
AND DEVELOPMENT

CLV65-000191

004918

14922



LOCATION MAP - ITEM X.6.4. - Z-17-90 - WILLIAM PECCOLE 1982 Trust

CITY COUNCIL MINUTES  
MEETING OF  
APR 04 1990

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CLV 65 04 1990

14923

MAYOR RON LURIE

COUNCILMEN  
BOB NOLEN  
STEVE MILLER  
ARNIE ADAMSEN  
SCOTT HIGGINSON



# CITY of LAS VEGAS

## CORRECTED LETTER

January 29, 1991

William Peccole 1982 Trust  
2760 Tioga Pines Circle  
Las Vegas, Nevada 89117

RE: Z-17-90 - ZONE CHANGE

Gentlemen

The City Council at a regular meeting held April 4, 1990 APPROVED the request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue, from: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), to: R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial), Proposed Use Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino, subject to:

1. A maximum of 4,247 dwelling units be allowed for Phase II
2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works



400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101 • (702) 386-6011


004920 000193

14924

William Peccole 1982 Trust  
January 29, 1991  
RE. Z-17-90 - ZONE CHANGE  
Page 2.

- 5 Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.
- 6 The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.
7. The existing Resolution of Intent on this property is expunged upon approval of this application.
8. Resolution of Intent with a five year time limit.
- 9 Satisfaction of City Code requirements and design standards of all City departments.
10. Approval of the parking and driveway plans by the Traffic Engineer.
11. Repair of any damage to the existing street improvements resulting from this development as required by the Department of Public Works
12. Provision of fire hydrants and water flow as required by the Department of Fire Services.

Sincerely,

  
KATHLEEN M TIGHE  
City Clerk

KMT.cmp

cc: Dept. of Community Planning & Development  
Dept of Public Works  
Dept of Fire Services  
Dept. of Building & Safety  
Land Development Services

Mr. A. Wayne Smith  
A. Wayne Smith & Associates  
~~1414~~ E. Missouri, Suite 100  
Phoenix, Arizona 85014

1515

VTN Nevada  
2300 Paseo Del Prado, A-100  
Las Vegas, Nevada 89102

Sean McGowan  
2300 W. Sahara, Box 10  
Las Vegas, Nevada 89102

004921 000194

14925

# Exhibit 155

district for a specified time would violate [NRS 391.350](#) by executing a contract with another school district without the written consent of the board currently employing him. An employee who merely indicates an intention to accept reemployment with a particular school district is under no contractual obligation to that district and would, therefore, not violate [NRS 391.350](#) by executing an employment contract with another school district.

If we can be of any further assistance in this area, please do not hesitate to contact us.

Sincerely,

BRIAN MCKAY, *Attorney General*

By SCOTT W. DOYLE., *Chief Deputy Attorney General,  
Civil Division*

---

**OPINION NO. 84-6 Planning and Zoning: Amendment of land use element of master plan does not require immediate amendment of pre-existing zoning ordinances that are not in strict compliance with amended master plan.**

LAS VEGAS, April 11, 1984

THE HONORABLE ROBERT L. VAN WAGONER, *City Attorney, City of Reno*, Post Office Box 1900, Reno, Nevada 89505

DEAR MR. VAN WAGONER:

This is in response to your March 12, 1984 request for advice on behalf of your client, the Reno City Council, concerning several provisions of Chapter 278 of the Nevada Revised Statutes. You have asked several questions regarding the same issue, and we believe they may all be answered by a response to the following:

QUESTION

Does an amendment of the Reno City Land-Use Plan map invalidate existing zoning ordinances that are in conflict with the amendment or, alternatively, require the Reno City Council to amend any existing zoning ordinances not in strict conformity with the newly-adopted map?

ANALYSIS

The Nevada Legislature has enacted a comprehensive statutory scheme authorizing cities and counties to plan and zone land use in their respective jurisdictions for the purpose of promoting health, safety, morals and the general welfare of the community. [NRS 278.020](#). As noted by our Supreme Court:

The State of Nevada has delegated comprehensive powers to cities and towns in the area of zoning regulation. The legislative body of a city or of a county of at least 15,000 people must, under Chapter 278, create a planning commission which in turn must adopt a long-term plan of physical development. [NRS 278.030](#), [278.150](#). Elements of the plan include community design, conservation, economics, housing, land use, public buildings, public services and facilities, recreation, streets and highways, transit and transportation.

[NRS 278.160](#). The commission may adopt the plan in whole or in part after prescribed notice and public hearing and by a two-thirds vote. [NRS 278.170](#), [278.210](#). The legislative body may adopt all or any part of this plan after giving prescribed notice and holding a public hearing; any change or addition must be referred to the commission. [NRS 278.220](#).

Pursuant to this legislative directive the City of Reno adopted a comprehensive land-use program embodied in Title 16 of the Reno Municipal Code.

*Forman v. Eagle Thrifty Drugs and Markets*, [89 Nev. 533](#), 538, 516 P.2d 1234 (1973).

You have informed us that the Reno City Council is presently considering adoption of an amended map which is to become part of the “land-use plan” element of the Reno City Master Plan. The starting point for an attempt to determine the legal effect of such an amended map must, as always, be with the intent of the legislature in enacting the provisions of Chapter 278. *Acklin v. McCarthy*, [96 Nev. 520](#), 612 P.2d 219 (1980); *Thomas v. State*, [88 Nev. 382](#), 498 P.2d 1314 (1972); *Ex parte Iratacable*, [55 Nev. 263](#), 30 P.2d 284 (1934). Additionally, the Nevada Supreme Court has delineated the guidelines for such an inquiry.

Our prime concern is to ascertain the intent of the legislature. The court must, if possible, and if consistent with the intention of the legislature, give effect to all the statutory provisions in controversy, and to every part of them. It is our duty, so far as practicable, to reconcile the various provisions so as to make them consistent and harmonious. The court, in interpreting these provisions, must also have in mind the purposes sought to be accomplished and the benefits intended to be attained.

*School Trustees v. Bray*, [60 Nev. 345](#), 353-4, 109 P.2d 274 (1941).

With these requirements of statutory construction in mind, we turn now to consider the pertinent provisions of Chapter 278.

As noted above, [NRS 278.020](#) provides a statement of the purpose of the legislature in enacting Chapter 278 and giving authority to regulate land-use control to the local government entities. Under the Nevada statutory scheme, once a “Master Plan” has been adopted by a planning commission and that plan or any part thereof has been adopted by the governing body, there is a duty for the local government entity to determine the means of putting the plan into effect. [NRS 278.230](#) provides:

1. Whenever the governing body of any city or county shall have adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, *determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as a pattern and guide for the kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment* and will conform to the adopted population plan where required, and as a basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose. (Emphasis supplied.)

Aside from this general grant of authority to implement the master plan as a pattern and guide, the legislature has also provided specific power to local government entities to create zoning districts and enact zoning regulations. [NRS 278.250](#) provides, in pertinent part:

1. For the purposes of [NRS 278.010](#) to [278.630](#), inclusive, the governing body

may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of [NRS 278.010](#) to [278.630](#), inclusive. Within the zoning district it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations shall be adopted in accordance with the master plan for land use and shall be designed:

3. The zoning regulations shall be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region. (Emphasis supplied.)

In attempting to construe these two statutory provisions ([NRS 278.230](#) and [278.250](#)) with an eye towards harmonizing them, we are also required to give the language used by the legislature a reasonable and common sense construction.

In construing statutes, the court must consider sections together and place upon language the interpretation which will give to each section of an act its proper effect, and which at least will make it compatible with common sense and plain dictates of justice.

*Gruber v. Baker*, [20 Nev. 453](#), 467-8, 23 P. 858 (1890).

It has always been the rule in Nevada that when language is plain and unambiguous in a statute there is no room for construction. *Brown v. Davis*, [1 Nev. 346](#) (1865); *Lynip v. Buckner*, [22 Nev. 426](#), 41 P. 762 (1895); *Seaborn v. District Court*, [55 Nev. 206](#), 29 P.2d 500 (1934).

[NRS 278.230](#) provides that the master plan shall be a “pattern and guide” for the development of cities, counties or regions. “Pattern” is defined by *Webster’s New World Dictionary*, p. 1042 (2d ed. 1980), as:

1. a person or thing considered worthy of imitation or copying;
2. a model or plan used as a guide in making things; . . .

“Guide” has been defined, in relation to the question presented here, as “applied to various contrivances intended to direct or keep to a fixed course or motion.” *Webster’s Encyclopedic Dictionary*, p. 867 (1967).

[NRS 278.250](#) provides that zoning regulations be adopted “in accordance with the master plan for land use.” “Accordance” has been defined as “agreement, harmony, conformity.” *Webster’s New World Dictionary*, p. 9 (2d ed. 1976). We believe the above-cited language is clear and unambiguous and requires a local government entity to adopt zoning regulations that are in substantial agreement or conformity with the principles, directions and general provisions of the adopted master plan for land use. It should be noted, however, that the agreement or conformity is not required to be strict or absolute.

Moreover, a zoning ordinance must be pursuant to, and in *substantial conformity with, the zoning or enabling act authorizing it*. 8 McQuillan, *Municipal Corporations*, Sec. 25.58. The legislature has delegated the power to zone to the legislative bodies of cities and towns, *so that the need for a comprehensive plan might be met*, and has provided means for the protection of private property through notice and public hearing. (Emphasis supplied.)

*Forman, supra*, at 539.

In 1977 the Nevada Legislature expressly declared its intention that zoning ordinances take precedence over provisions contained in a master plan. 1977 Nev. Stat. Ch. 580, §§ 4-10, at 1496-1500. This recent enactment buttresses our conclusion that the Nevada Legislature has



always intended local zoning ordinances to control over general statements or provisions of a master plan. This express declaration is contained in the statutory requirements for approval of a tentative subdivision map contained in chapter 278 of the Nevada Revised Statutes. Pursuant to these provisions any person wishing to subdivide land in Nevada is required to take specified steps and prepare various maps for approval by the local government entities. [NRS 278.349](#) sets out the procedure for action by a local governing body on a tentative map submitted by any person wishing to subdivide. The pertinent language of [NRS 278.349](#) provides:

1. Except as provided in subsection 2, the governing body shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed with it pursuant to [NRS 278.330](#) within 30 days after receipt of the planning commission's recommendations.

....

3. The governing body shall consider:

....

(e) *General 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;*

....

(Emphasis supplied.)

A further rule of statutory construction requires that statutes are to be construed and harmonized so as to avoid absurd results. Thus, the language of this statute must also be given meaning and effect. *School Trustees v. Bray*, *supra*; *Lynip v. Buckner*, [22 Nev. 426](#), 41 P. 762 (1895); *Corbett v. Bradley*, [7 Nev. 106](#) (1871). We, therefore, view the statutory provision of [NRS 278.349\(3\)\(e\)](#) as providing that local zoning ordinances enacted pursuant to the “guide” of a master plan take precedence until modified or amended in a particular zoning or rezoning case. To interpret the statutory scheme in any other manner would be to leave this statutory provision devoid of any meaning.

We are aware of the recent Supreme Court decisions of the State of Oregon which judicially construed their statutes as requiring strict compliance of zoning ordinances with a comprehensive plan, even to the extent of requiring amendment of local zoning ordinances in light of the later adoption of a plan or an amendment to a plan *Fasano v. Board of County Commissioners*, 507 P.2d 23 (Ore. 1973); *Baker v. City of Milwaukie*, 533 P.2d 772 (Ore. 1975). We are also aware of a trend amongst a minority of states to legislatively require strict compliance of local zoning regulations with a comprehensive plan. (See generally J. Sullivan and L. Kressel, *Twenty Years After—Renewed Significance of the Comprehensive Plan Requirement*, 9 Urban L. Ann. 33 (1975); D. Mandelker, *The Role of the Local Comprehensive Plan in Land Use Regulation*, 74 Mich.L.Rev. 899 (1976); Note—*Developments in Zoning*, 91 Harv.L.Rev. 1548-1550 (1978). However, in our opinion, the Nevada Supreme Court would not undertake such judicial activism without first recognizing a clear legislative initiative to modify our existing statutory framework.

The Nevada Supreme Court has long recognized that zoning is a matter properly within the province of the legislature and that the judiciary should not interfere unless it is proven to be clearly necessary. *Henderson v. Henderson Auto*, [77 Nev. 118](#), 359 P.2d 743 (1961), (judicial interference justified to correct a manifest abuse of discretion); *McKenzie v. Shelly*, [77 Nev. 237](#), 362 P.2d 268 (1961), (judiciary must not interfere with board's determination to recognize desirability of commercial growth within a zoning district); *Coronet Homes, Inc. v. McKenzie*, [84 Nev. 250](#), 439 P.2d 219 (1968), (judiciary must not interfere with the zoning power unless clearly necessary); *Eagle Thrifty v. Hunter Lake P.T.A.*, [85 Nev. 162](#), 451 P.2d 713 (1969), (it is not the business of the judiciary to write a new city zoning ordinance, overruling the court's opinion in *Eagle Thrifty v. Hunter Lake P.T.A.*, [84 Nev. 466](#), 443 P.2d 608 (1968)); *Forman v. Eagle Thrifty Drugs and Markets*, [89 Nev. 533](#), 516 P.2d 1234 (1973), (statutes guide the zoning

process and the means of implementation until amended, repealed, referred or changed through initiative); *State ex rel. Johns v. Gragson*, [89 Nev. 478](#), 515 P.2d 65 (1973), (court will interfere where administrative decision is arbitrary, oppressive or accompanied by manifest abuse). As stated by the court:

Zoning is a legislative matter, and the legislature has acted. *Eagle Thrifty v. Hunter Lake P.T.A.*, [85 Nev. 162](#), 451 P.2d 713 (1969). It has authorized ‘the governing body’ to provide for zoning districts and to establish the administrative machinery to amend, supplement and change zoning districts. [NRS 278.260](#). *As a general proposition, the zoning powers should not be subjected to judicial interference unless clearly necessary.* *Coronet Homes, Inc. v. McKenzie*, [84 Nev. 250](#), 439 P.2d 219 (1968). (Emphasis supplied.)

*Board of Commissioners v. Dayton Dev. Co.*, [91 Nev. 71](#), 530 P.2d 1187 (1975).

In view of the above-described history of judicial restraint, it is our opinion that the Nevada Supreme Court would more likely adopt the judicial reasoning of the Supreme Courts sitting in the States of Washington, Colorado and Montana which have recently considered this exact question.

It may be argued that the purpose of the act assuring the highest standards of environment for living—is defeated when the plan is not strictly followed. However, since planning agency reports and recommendations on proposed projects and controls—which must indicate conformity or nonconformity with the comprehensive plan—are ‘advisory only’ (RCW 36.70.650 and RCW 36.70.540), it is evident the legislature intended that nonconformance with the plan should not necessarily block a project. *South Hills Sewer District v. Pierce Co.*, 22 Wash.App. 738, 745-46, 591 P.2d 877 (1979). *This is confirmed by the admonition that the comprehensive plan shall not be considered other than a guide to development and adoption of official controls.* RCW 36.70.340.

Appellants argue that the court should follow Oregon by holding that the plan should be given preference over conflicting ordinances. But Oregon’s statutory scheme substantially differs from Washington’s. (Emphasis supplied.)

*Barrie v. Kitsap County*, 613 P.2d 1148 (Wash. 1980).

At least one of the differences between the Oregon statutory scheme and that of Nevada is the former’s requirement that a master plan can only be adopted by a planning commission which then recommends zoning ordinances to be enacted by the governing body of a county to carry out the objectives of the plan. *Fasano, supra*, at 27. In Nevada, however, statutes give the local governing body the discretion to adopt or not adopt all or part of a master plan that has previously been adopted by a planning commission. [NRS 278.220](#). Only after adopting all or part of a master plan is a governing body required to adopt regulations to implement it as a pattern and guide for development. [NRS 278.230](#).

The Colorado Supreme Court addressed the issue of requiring strict compliance of zoning ordinances to the master plan in *Theobald v. Board of County Commissioners*, 644 P.2d 942 (Colo. 1982), and determined:

The master plan is the planning commission’s recommendation of the most desirable use of land (citations omitted). *Conceptually, a master plan is a guide to development rather than an instrument to control land use.* *R. Anderson, American Law of Zoning*, §§ 21.15, 22.12 (2d ed.); *E. McQuillan, Municipal Corporations, Zoning*, § 25.08 (3d ed., 1976 Repl. Vol.).

The general rule is that zoning should be enacted in conformance with the comprehensive plan for development of an area, *Fasano, supra*; *Harr, In Accordance*

with the Comprehensive Plan, 68 Harv.L.Rev. 1154 (1955); 1 E. Yokely, *Zoning Law Practice*, § 2-1 (4th ed. 1978). However, the Master Plan itself is only one source of comprehensive planning and is generally held to be advisory only and not the equivalent of zoning, nor binding upon the zoning discretion of the legislative body. 1 & 2a. Rathkopf, *Law of Zoning and Planning*, § 12.01, et seq., § 30.02 (4th ed.); *State ex rel. Rochester Ass'n of Neighborhoods v. City of Rochester*, 268 N.W.2d 885 (Minn. 1978); *Holmgren v. City of Lincoln*, 199 Neb. 178, 256 N.W.2d 686 (1977); *Todrin v. Board of Supervisors*, 27 Pa.Cmwlth. 583, 367 A.2d 332 (1976); *Coughlin v. City of Topeka*, 206 Kan. 552, 480 P.2d 91 (1971); *Sharninghouse v. City of Bellingham*, 4 Wash.App. 198, 480 P.2d 233 (1971).

This rule is embodied in our statute. While the statute provides for master planning on a county level, the board of county commissioners is specifically empowered, by majority vote, to disregard the recommendations of the planning commission as set forth in the master plan. (Citations omitted.) (Emphasis supplied.)

*Id.* at 948-949.

It should be noted that a local governing body in Nevada may also disregard the recommendations of a planning commission as set forth in a master plan. [NRS 278.220-278.240](#).

The court went on to consider what standard of review was appropriate when confronted with an amendment to a master plan.

The Barries third argument that the council acted arbitrarily and capriciously presents this question: Does a comprehensive plan amendment require a showing of changed circumstances and, if so, has this showing been made? *A comprehensive plan amendment, the Barries argue, affects landowners' property rights so a showing that conditions have changed is necessary. This court, however, has only required this showing where a municipality rezones property.* (Citations omitted.) (Emphasis supplied.)

*Theobald, supra*, at 1154.

In reviewing the statutory scheme for planning and zoning in the State of Montana, their Supreme Court determined that substantial conformity to a master plan was required of zoning ordinances but strict compliance was unnecessary and unworkable.

The first phrase of section 76-2-304, sets the tone for all that comes after it. It states that '*the zoning regulations shall be made in accordance with a comprehensive development plan . . .*' (emphasis in original). We assume here that the term 'zoning regulations' is also meant to cover the term 'zoning districts.' We cannot ignore the mandatory language ('shall') of this statute.

The vital role given the planning board by these statutes cannot be undercut by giving the governing body the freedom to ignore the product of these boards—the master plan. We hold that the governmental unit, when zoning, must substantially adhere to the master plan.

*To require strict compliance with the master plan would result in a master plan so unworkable that it would have to be constantly changed to comply with the realities. The master plan is, after all, a plan.* On the other hand, to require no compliance at all would defeat the whole idea of planning. Why have a plan if the local government units are free to ignore it at any time? *The statutes are clear enough to send the message that in reaching zoning decisions, the local governmental unit should at least substantially comply with the comprehensive plan (or master plan).*

This standard is flexible enough so that the master plan would not have to be undergoing constant change. Yet, this standard is sufficiently definite so that those charged with adhering to it will know when there is an acceptable deviation, and when there is an unacceptable deviation from the master plan.

....  
*We are aware that changes in the master plan may well be dictated by changed circumstances occurring after the adoption of the plan. If this is so, the correct procedure is to amend the master plan rather than to erode the master plan by simply refusing to adhere to its guidelines. If the local governing bodies cannot cooperate to this end, the only alternative is to ask the Legislature to change the statutes governing planning and zoning. (Emphasis supplied.)*

*Little v. Board of County Commissioners*, 631 P.2d 1282 (Mont. 1981).

These courts' opinions have been well reasoned and reflect the majority view. We find no reason to believe that the Nevada courts would take any different position.

#### CONCLUSION

An amendment of a land-use map, which is part of a Master Plan as that term is defined in NRS 278.150 and NRS 278.160, does not require immediate amendment of all local zoning ordinances which are not in strict conformity with the map as amended. Additionally, all ordinances that exist at the time of a land-use map amendment remain in effect until modified or amended by the local governing body.

BRIAN MCKAY, *Attorney General*

By: MICHAEL D. RUMBOLZ, *Chief Deputy Attorney General*

---

**OPINION NO. 84-7 County Clerks; Elections; Initiative and Referendum; Secretary of State: Nev. Admin. Code § 295.010 is not in conflict with constitutional and statutory provisions relating to the filing of statewide petitions for initiative and referendum. County clerks should not accept submission of any statewide petition for initiative or referendum which is not presented within the time limits established by Nev. Admin. Code § 295.010.**

CARSON CITY, April 16, 1984

ROBERT J. MILLER, *Clark County District Attorney*, Clark County Courthouse, Las Vegas, Nevada 89155

ATTENTION: CHARLES K. HAUSER, *Deputy District Attorney*

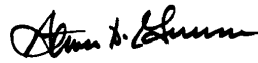
DEAR MR. MILLER:

You have sought our opinion concerning the validity of Nev. Admin. Code § 295.010.

#### QUESTION

Does Nev. Admin. Code § 295.010 conflict with Nev. [Const. art. 19, § 2](#), or Nev. Rev. Stat. §§ 295.025(1), 295.035(1), 295.045(2), 295.056, 295.057, 295.058 and 295.059?

# Exhibit 156



CLERK OF THE COURT

1 OPPM  
2 BRADFORD R. JERBIC  
3 City Attorney  
4 Nevada Bar No. 1056  
5 By: PHILIP R. BYRNES  
6 Deputy City Attorney  
7 Nevada Bar No. 166  
8 400 Stewart Avenue, Ninth Floor  
9 Las Vegas, NV 89101  
10 (702) 229-6629  
11 (702) 386-1749 (fax)  
12 Email: pbyrnes@lasvegasnevada.gov  
13 Attorneys for CITY OF LAS VEGAS  
14 and REGIONAL TRANSPORTATION COMMISSION

DISTRICT COURT

CLARK COUNTY, NEVADA

11 MOCCASIN & 95 LLC, a Nevada Limited  
12 Liability Company; DOE INDIVIDUALS I  
13 through XXX; DOE CORPORATIONS I  
14 through XXX; DOE LIMITED LIABILITY  
15 COMPANIES I through XXX,

14 Plaintiffs,

15 vs.

16 CITY OF LAS VEGAS, a political  
17 subdivision of the State of Nevada; THE  
18 REGIONAL TRANSPORTATION  
19 COMMISSION OF SOUTHERN  
20 NEVADA; ROE government entities I  
21 through XXX; ROE CORPORATIONS I  
22 through XXX; ROE INDIVIDUALS I  
23 through XXX; ROE LIMITED LIABILITY  
24 COMPANIES I through XXX, ROE quasi-  
25 governmental entities I through XXX,

22 Defendants.

CASE NO. A-10-627506-C  
DEPT. NO. XXVI

24 **OPPOSITION TO PLAINTIFF LANDOWNER'S MOTION FOR**  
25 **PARTIAL SUMMARY JUDGMENT ON LIABILITY FOR A TAKING**

26 Defendants **CITY OF LAS VEGAS** and REGIONAL TRANSPORTATION  
27 COMMISSION OF SOUTHERN NEVADA, through their attorneys BRADFORD R. JERBIC,  
28 City Attorney, by PHILIP R. BYRNES, Deputy City Attorney, files the following points and

1 approval. If denied, the proposed changes could not be made to  
2 the Master Plan of Streets and Highways and the Las Vegas  
3 2020 Master Plan, and the approved Sheep Mountain Parkway  
and master planned streets would remain in their current  
alignments.

4 *Id.*

5 **III.**

6 **THE SUMMARY JUDGMENT STANDARD**

7 In *Butler ex rel. Biller v. Bayer*, 123 Nev. 450, 457-58, 168 P.3d 1055, 1061 (2007), the  
8 Nevada Supreme Court described the standards for granting a motion for summary judgment:

9 This court reviews a summary judgment order de novo.  
10 We have previously explained that “[s]ummary judgment is  
11 appropriate when the pleadings, depositions, answers to  
interrogatories, admissions, and affidavits on file show that there  
12 exists no genuine issue as to any material fact and that the moving  
party is entitled to judgment as a matter of law.” A genuine issue  
of material fact exists if, based on the evidence presented, a  
reasonable jury could return a verdict for the nonmoving party.

13  
14 The party requesting summary judgment bears the burden of establishing that no triable issues  
15 remain. *Butler v. Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663 (1985). All reasonable  
16 inferences must be made in favor of the opposing party and the Court may not weigh the  
17 credibility of the evidence. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 714, 57 P.3d 82,  
18 87 (2002).

19 **IV.**

20 **THE PLACEMENT OF THE NORTH ALIGNMENT ON**  
21 **THE CITY’S MASTER PLAN OF STREETS AND HIGHWAYS**  
22 **DID NOT CONSTITUTE A TAKING OF THE SUBJECT PROPERTY**

23 The City’s Master Plan of Streets and Highways is a planning document. Nevada law  
24 clearly provides that planning activities do not constitute a taking. In an effort to circumvent this  
25 clearly established law, Plaintiff argues that the setback requirements of Las Vegas Municipal  
26 Code (LVMC) 13.12.150 preclude all development of the subject property under the unique  
27 circumstances of this case. The setback requirements of LVMC 13.12.150 do not even apply to  
28 the subject property since the City Council never adopted an ordinance establishing a center line  
for the North Alignment. The placement of the North Alignment on the City’s Master Plan of



1 Streets and Highways was a routine planning activity that had no legal effect on the use and  
2 development of the subject property. The amendment did not constitute taking of the subject  
3 property.  
4 The Master Plan of Streets and Highways is part of the City's Master Plan. LVMC  
5 13.12.020. NRS 278.230(1)(a) describes the purpose of the Master Plan:  
6 A pattern and guide for that kind of orderly physical growth  
7 and development of the city or county which will cause the least  
8 amount of natural resource impairment and will conform to the  
9 adopted population plan, where required, and ensure an adequate  
10 supply of housing, including affordable housing . . . .  
11 The purpose of the City's Master Plan of Streets and Highways is described in LVMC 13.12.010:  
12 The Master Plan of Streets and Highways has been  
13 prepared by the City Planning Commission to promote the orderly  
14 development of land which an increasing population will require,  
15 to eliminate existing congestion and facilitate rapid traffic  
16 movement, and to make provisions for anticipated future traffic  
17 needs.  
18 The Master Plan of Streets and Highways is a planning document and the placement of a  
19 potential roadway on the Plan does not constitute a taking of private property.  
20 In *Sproul Homes of Nevada v. State ex rel. Department of Highways*, 96 Nev. 441, 444,  
21 611 P.2d 620, 621 (1980), the Nevada Supreme Court found that inclusion of a street on a master  
22 plan does not constitute a taking:  
23 It is well-established that the mere planning of a project is  
24 insufficient to constitute a taking for which an inverse  
25 condemnation action will lie.  
26 The Court adopted the reasoning of a California court in *Selby Realty Company v. City of San*  
27 *Buenaventura*, 514 P.2d 111 (Cal. 1973):  
28 On appeal, the court stated: "In order to state a cause of action for  
inverse condemnation, there must be an invasion or an  
appropriation of some valuable property right which the landowner  
possesses and the invasion or appropriation must directly and  
specially affect the landowner to his injury." *Id.* at 117. The court  
continued:  
If a governmental entity and its responsible officials were  
held subject to a claim for inverse condemnation merely because a  
parcel of land was designated for potential public use on one of the  
several authorized plans, the process of community planning would



1 either grind to a halt, or deteriorate to publication of vacuous  
2 generalizations regarding the future use of land. We indulge in no  
3 hyperbole to suggest that if every landowner whose property might  
4 be affected at some vague and distant future time by any of these  
5 legislatively permissible plans was entitled to bring an action in  
6 declaratory relief to obtain a judicial declaration as to the validity  
7 and potential effect of the plan upon his land, the courts of this  
8 state would be inundated with futile litigation.

9 *Id.* at 117-18 (emphasis added). We agree with this reasoning.

10 96 Nev. at 444, 514 P.2d at 621-22.

11 In an effort to avoid the clear reasoning of *Sproul Homes*, Plaintiff argues that the  
12 amendment of the Master Plan of Streets and Highways in conjunction with the setback  
13 requirements of LVMC 13.12.150 constitutes a taking. LVMC 13.12.150 provides:

14 All buildings or structures to be built along any major street  
15 or highway embraced by the Master Plan shall be set back from the  
16 centerline of any existing or proposed major street or highway a  
17 distance equal to one-half the proposed right-of way width, plus the  
18 distance required by the particular zone in which the property is  
19 located, unless an ordinance is adopted to establish a distance other  
20 than one-half the proposed right-of-way width. With respect to any  
21 building or structure located at any intersection described in  
22 Section 13.12.100, the foregoing setback requirements shall be  
23 increased to conform to the property line radius specified in that  
24 Section.

25 A setback requirement is a legitimate exercise of the city's police power and does not  
26 amount to a per se taking. *Echevarrieta v. City of Rancho Palos Verdes*, 103 Cal. Rptr. 2d 165,  
27 171 (Cal. App. 2001), the Court stated:

28 Here, while the City has imposed limitations on the height  
of pre-existing foliage, it is a legitimate exercise of police power  
which does not rise to the level of a taking. Contrary to "per se"  
takings, "traditional land-use regulations" such as the  
imposition of minimal building setbacks, parking and lighting  
conditions, landscaping requirements, and other design  
conditions "have long been held to be valid exercises of the  
city's traditional police power, and do not amount to a taking  
merely because they might incidentally restrict a use, diminish  
the value, or impose a cost in connection with the property.  
[Citations.]" ( *Ehrlich v. City of Culver City*, *supra*, 12 Cal. 4<sup>th</sup> at p.  
886, 50 Cal. Rptr. 2d 242, 911 P.2d 429; *HFH, Ltd. v. Superior  
Court* (1975) 15 Cal. 3d 508, 518, 125 Cal. Rptr. 365, 542 P.2d  
237 ["[A] zoning action which merely decreases the market value  
of property does not violate the constitutional provisions  
forbidding uncompensated taking or damaging. . . ."] ) "The denial  
of the highest and best use does not constitute an unconstitutional

1 taking of property. [Citation.] ‘Even where there is a very  
2 substantial diminution in the value of land, there is no taking . . .’  
[Emphasis added.]  
3 See also *R & Y, Inc. v. Municipality of Anchorage*, 34 P.3d 289, 296-97 (Alaska 2001).  
4 In the case of the subject property, the setback requirements of LVMC 13.12.150 are not  
5 even applicable since the City Council did not adopt an ordinance establishing a centerline for  
6 the North Alignment. LVMC 13.12.130 provides:  
7 With respect to any major street or highway located on a  
8 section line, the section line shall be the centerline unless the  
9 Board of Commissioners adopts an ordinance which establishes a  
10 different centerline. **With respect to any proposed or existing  
major street or highway which does not follow a  
predetermined line, the location of the centerline in each case  
shall be described by ordinance.** [Emphasis added.]  
11 Since the setback requirements of LVMC 13.12.150 are measured from the centerline of the  
12 roadway and the City Council did not establish a centerline by ordinance, the setback  
13 requirements of LVMC 13.12.150 could not be enforced in any land use application regarding  
14 the subject property.<sup>2</sup> See Exhibit A; Affidavit of Bryan K. Scott, attached as Exhibit K;  
15 Affidavit of James B. Lewis, attached as Exhibit L.  
16 The placement of the North Alignment on the Master Plan of Streets and Highways was a  
17 planning activity that did not legally effect Plaintiff’s ability to use or develop the subject  
18 property. This amendment did not constitute a taking of the subject property.  
19 . . . .  
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21 . . . .  
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26 <sup>2</sup> In *Boulder City v. Cinnamon Hills Associates*, 110 Nev. 238, 247, 871 P.2d 320, 326  
27 (1994), the Nevada Supreme Court noted that a city’s “interpretation of its own land use laws is  
28 cloaked with a presumption of validity and will not be disturbed absent a manifest abuse of  
discretion.”

# Exhibit 157

AFFIDAVIT OF BRYAN K. SCOTT

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF CLARK        )

BRYAN K. SCOTT, being first duly sworn, deposes and says:

1. I am employed by the City of Las Vegas as an Assistant City Attorney. I have personal knowledge of the matters stated herein; and, if called upon, I am competent to testify thereto.

2. I have been assigned as counsel for the City regarding land use and planning matters for more than eleven years.

3. During my tenure with the City, the Office of the City Attorney has consistently advised the City Council and the City staff that the City's Master Plan of Streets and Highways is a planning document only and that the placement of a roadway on the Master Plan cannot be used to restrict or impair the development of adjoining parcels.

4. I am aware of the setback requirements of LVMC 13.12.150. I cannot recall any situation in my tenure when those setback requirements have been enforced against any proposed project on a parcel abutting a roadway placed on the Master Plan.

5. The proposals for the Sheep Mountain Parkway do not follow a predetermined section line. LVMC 13.12.130 requires the City Council to describe the centerline of the roadway by ordinance. The City Council did not adopt an ordinance describing the centerline of the North Alignment of the Sheep Mountain Parkway.

6. The setback requirements of LVMC 13.12.150 are calculated from the centerline of a roadway placed on the Master Plan of Streets and Highways. Since the City Council did not describe the centerline of the North Alignment of the Sheep Mountain Parkway by ordinance, the

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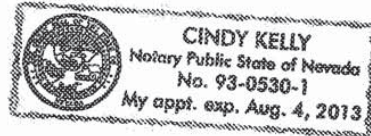
1 setback requirements of LVMC 13.12.150 could not be applied to parcels abutting the North  
2 Alignment.

3 DATED this 13<sup>th</sup> day of December, 2011.

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6 BRYAN K. SCOTT

7 SUBSCRIBED and SWORN to before  
8 me this 13<sup>th</sup> day of December, 2011.

9   
10 NOTARY PUBLIC



# Exhibit 158

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AFFIDAVIT OF JAMES B. LEWIS

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF CLARK        )

JAMES B. LEWIS, being first duly sworn, deposes and says:

1. I am employed by the City of Las Vegas as a Deputy City Attorney. I have personal knowledge of the matters stated herein; and, if called upon, I am competent to testify thereto.

2. I have been assigned as counsel for the City regarding land use and planning matters for more than six years.

3. During my tenure with the City, the Office of the City Attorney has consistently advised the City Council and the City staff that the City's Master Plan of Streets and Highways is a planning document only and that the placement of a roadway on the Master Plan cannot be used to restrict or impair the development of adjoining parcels.

4. I am aware of the setback requirements of LVMC 13.12.150. I cannot recall any situation in my tenure when those setback requirements have been enforced against any proposed project on a parcel abutting a roadway placed on the Master Plan.

5. The proposals for the Sheep Mountain Parkway do not follow a predetermined section line. LVMC 13.12.130 requires the City Council to describe the centerline of the roadway by ordinance. The City Council did not adopt an ordinance describing the centerline of the North Alignment of the Sheep Mountain Parkway.

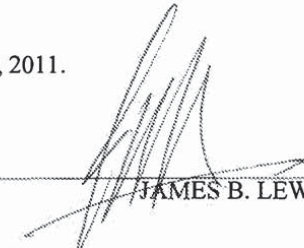
6. The setback requirements of LVMC 13.12.150 are calculated from the centerline of a roadway placed on the Master Plan of Streets and Highways. Since the City Council did not describe the centerline of the North Alignment of the Sheep Mountain Parkway by ordinance, the

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1 setback requirements of LVMC 13.12.150 could not be applied to parcels abutting the North  
2 Alignment.

3 DATED this 13<sup>th</sup> day of December, 2011.

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JAMES B. LEWIS

7 SUBSCRIBED and SWORN to before  
8 me this 13<sup>th</sup> day of December, 2011.

9 Cindy Kelly  
10 NOTARY PUBLIC

