Administrative Amendments

ADMINISTRATIVE AMENDMENTS

Separator Sheet

NOTC
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JUL 24 2009

DISTRICT COURT

CLARK COUNTY, NEVADA

CULINARY WORKERS UNION, LOCAL 226,

Plaintiff(s)

v.

CITY OF LAS VEGAS; CITY COUNCIL OF CITY OF LAS VEGAS; DOES 1-50,

Defendant(s)

REI NEON LLC; BLUE DAYDREAMS, LLC; DOES 51-100

Real Parties in Interest.

MICHELLE QUINN, TODD VON BASTIAANS, DONALD R. HICKEY, AMANDA J. FARRAR, EMILY STRONGIN, MARLENE ADRIAN and CHARLES WEINER,

Petitioners,

vs.

CITY OF LAS VEGAS, NEVADA, ex rel. its MAYOR AND CITY COUNCIL,
a municipal corporation,

and

REI NEON, LLC, a Foreign Limited Liability Company (Michigan), registered in Nevada,
Real party in interest,

Respondents.

Consolidated Cases A544541 & A544663

Dept. No. XVI

NOTICE OF ENTRY OF ORDER

On the 17th day of July, 2009, the Court entered the attached *Findings of Fact, Conclusions of Law and Order.*

Dated this 22 day of July, 2009.

Chuck Gardner
Attorney for Petitioner

Certificate of Service

On the 22 day of July, 2009, I served this *Notice of Entry of Order* by mailing a copy in a sealed envelope, first class postage paid, to:

Brad Jerbic, City Attorney
400 E. Stewart Ave., 9th Floor
Las Vegas, NV 89101

Paul Larsen
Lionel Sawyer & Collins
300 S. 4th Street, #1700
Las Vegas, NV 89101

Richard G. McCracken
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1630 S. Commerce Street, Suite A-1
Las Vegas, NV 89102

FFCL

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DISTRICT COURT
CLARK COUNTY, NEVADA

CULINARY WORKERS UNION, LOCAL 226, Plaintiff, vs. CITY OF LAS VEGAS; CITY COUNCIL OF CITY OF LAS VEGAS; DOES 1-50, Defendants.	CASE NO.: A544541 DEPT. NO.: XVI (Consolidated with A544663)
REI NEON LLC; BLUE DAYDREAMS, LLC; DOES 51-100 Real Parties in Interest.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
MICHELLE QUINN, TODD VON BASTIAANS, DONALD R. HICKEY, AMANDA J. FARRAR, EMILY STRONGIN, MARLENE ADRIAN and CHARLES WEINER, Petitioners, vs. CITY OF LAS VEGAS, NEVADA, ex rel. Its MAYOR AND CITY COUNCIL, A Municipal corporation, and REI NEON, LLC, a Foreign Limited Liability Company (Michigan), registered in Nevada, Real party in interest, Respondents.	

TIMOTHY C. WILLIAMS
DISTRICT JUDGE

DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

Having reviewed the briefs of the Plaintiff, Defendants, Petitioners, Real Parties in Interest, and Respondents, the Supplement of the Petitioner and the Concurrence of Respondent/Real Party in Interest REI Neon, LLC; having considered the arguments and declarations of counsel at the hearing held July 14, 2009; having taken notice of interim events and the fact that certain land use entitlements that are the subject of the petition for judicial review have expired, either by law or by their terms or both; the Court makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court finds:

1. On June 22, 2009, ZON-21165, a resolution of intent to rezone certain listed properties

> FROM: C-M (COMMERICAL/INDUSTRIAL) AND M (INDUSTRIAL) to: C-2 (GENERAL COMMERCIAL) FOR A PROPOSED MIXED-USE DEVELOPMENT on 71.65 acres at the southwest corner of Charleston Boulevard and Main Street (APN Multiple),

expired by law and by its terms and is null and void.

2. On June 22, 2009, SUP-21168, a Special Use Permit

> FOR A PROPOSED PRIVATE SPORTS ARENA at the southwest corner of Charleston Boulevard and Main Street (APN Multiple), M (Industrial), C-M (Commercial/Industrial) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial)],

expired by law and by its terms and is null and void.

3. On June 22, 2009, SUP-21169, a Special Use Permit

> FOR A PROPOSED MIXED-USE DEVELOPMENT at the southwest corner of Charleston Boulevard and Main Street (APN Multiple), M (Industrial), C-M (Commercial/Industrial) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial)],

expired by law and by its terms and is null and void.

TIMOTHY C. WILLIAMS
DISTRICT JUDGE
DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

4. On June 22, 2009, SUP-21171, a Special Use Permit

FOR A PROPOSED HIGH RISE MIXED-USE DEVELOPMENT IN THE AIRPORT OVERLAY DISTRICT at the southwest corner of Charleston Boulevard and Main Street (APN Multiple), M (Industrial), C-M (Commercial/Industrial) and C-2 (General Commercial) zones [PROPOSED: C-2 (General Commercial)],

expired by law and by its term and is null and void.

5. On June 22, 2009, SUP-21172, a Special Use Permit

FOR A PROPOSED GAMING ESTABLISHMENT, NON-RESTRICTED at the southwest corner of Charleston Boulevard and Main Street (APN Multiple), M (Industrial), C-M (Commercial/Industrial) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial)],

expired by law and by its term and is null and void.

6. On June 22, 2009, VAC-21173, approval of a Request to

Vacate the existing 80-foot rights-of-way of Commerce Street, Industrial Road, Utah Avenue, Imperial Street, Colorado Street, and California Street, the 60-foot right-of-way of Fairfield Avenue, a 25-foot alley right-of-way generally located between Fairfield Avenue and Commerce Street, and a 20-foot alley right-of-way generally located between Commerce Street and Main Street, all bounded by Main Street to the east, Charleston Boulevard to the north, the Union Pacific Railroad to the west and Wyoming Avenue to the south, Ward 3 (Reese),

expired by law and by its term and is null and void.

7. On June 22, 2009, SDR-21175, a Site Development Plan Review

FOR A PROPOSED MIXED-USE DEVELOPMENT INCLUDING 1,500 RESIDENTIAL CONDOMINIUM UNITS, 1,600 TIME SHARE DEVELOPMENT UNITS, 6,000 HOTEL ROOMS, PRIVATE SPORTS ARENA, 1,235,000 SQUARE FEET OF COMMERCIAL SPACE AND 300,000 SQUARE FEET OF NON-RESTRICTED GAMING SPACE WITH WAIVERS OF THE DOWNTOWN BUILD-TO-LINE REQUIREMENT AND DOWNTOWN ARCHITECTURAL DESIGN STANDARDS at the southwest corner of Charleston Boulevard and Main Street (APNs Multiple), M (Industrial), C-M (Commercial/Industrial) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial)],

expired by law and by its term and is null and void.

TIMOTHY C. WILLIAMS
DISTRICT JUDGE
DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

8. On June 22, 2009, GPA-20227, approval of a request to Amend a portion of the Southeast Sector Plan of the General Plan

> FROM: C (COMMERCIAL) AND L1/R (LIGHT INDUSTRIAL/RESEARCH) TO: MXU (MIXED USE) on 73.5 acres generally located south of Charleston Boulevard, west of Main Street, north of Wyoming Avenue and east of the UPRR Right-of-Way (APN Multiple). NOTE: A PORTION OF THESE PARCELS EAST OF COMMERCE TO THE SOUTH SIDE OF COLORADO ARE TO BE REMOVED FROM THE 18B LAS VEGAS ARTS DISTRICT AND ADDED TO THE DOWNTOWN SOUTH DISTRICT

expired with the expiration of ZON-21165, SUP-21168, SUP-21169, SUP 21171, SUP-21172, VAC-21173 and SDR-21175 and is null and void. The applications were presented as parts of a whole.

All other points, authorities and arguments presented are therefore moot and the Court renders no findings, conclusions, decision or judgment upon them.

ORDER

IT IS HEREBY ADJUDGED AND DECREED that the instant consolidated actions and Plaintiff's Complaint for Injunctive Relief; Petition for Writ of Mandate and/or Judicial Review is moot, and as a result, this matter and any claims, counter claims, cross claims or third-party claims shall be dismissed, with each party bearing its own costs and attorney's fees.

DATED this 17th day of July, 2009.

TIMOTHY C. WILLIAMS

DISTRICT COURT JUDGE

TIMOTHY C. WILLIAMS
DISTRICT JUDGE
DEPARTMENT SIXTEEN
LAS VEGAS NV 89155

CERTIFICATE OF SERVICE

I hereby certify that on the date filed, I placed a copy of this order in the in the attorney folders in the Clerk's office or mailed a copy to the following attorneys or parties in proper person:

Chuck Gardner, Esq.
Attorney for Petitioners

Andrew Kahn, Esq., McCRACKEN, STEMERMAN & HOLSBERRY
Attorney for Culinary Workers Union

Bradford R. Jerbic, Esq., Deputy City Attorney
Attorney for City of Las Vegas

Paul E. Larsen, Esq., LIONEL SAWYER & COLLINS
Attorney for REI Neon, LLC

LYNN BERKHEIMER

Lynn Berkheimer
Judicial Executive Assistant

TIMOTHY C. WILLIAMS
DISTRICT JUDGE
DEPARTMENT SIXTEEN
LAS VEGAS NV 89155