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CLERK OF THE COURT

NOTC
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DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES WEINER, Aggrieved Party and Judicial Review Petitioner, vs. CITY OF LAS VEGAS, NEVADA, ex rel. its MAYOR AND CITY COUNCIL, a municipal corporation; REI NEON, LLC, a Foreign Limited Liability Company (Michigan) registered in Nevada, Gaming Enterprise District Designation Petitioner; and REVIEW POLICY COMMITTEE OF THE GAMING REVIEW PANEL, Respondents.	Case No. A547537 Dept. No. VII **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

On the 11th day of August, 2009, the court entered the enclosed Findings of Fact, Conclusions of Law and Order.

Dated this 14th day of July, 2009.

Respectfully submitted,

Chuck Gardner

Chuck Gardner
Attorney for Petitioner

ZON-21166

Certificate of Service

On the 14th day of July, 2009, I served the Notice of Entry of Findings of Fact, Conclusions of Law and Order by mailing a copy in a sealed envelope, first class postage paid, to:

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400 E. Stewart Ave., 9th Floor
Las Vegas, NV 89101

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FFCL

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

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CHARLES WEINER,

Aggrieved Party and Judicial Review Petitioner,

vs.

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

REI NEON, LLC, a Foreign Limited Liability Company (Michigan) registered in Nevada, Gaming Enterprise District Designation Petitioner;

and

REVIEW POLICY COMMITTEE OF THE GAMING REVIEW PANEL,

Respondents.

Case No. A547537
Dept. No. VII

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Having reviewed the briefs of the Petitioner and of Respondent REI Neon, LLC, the Supplement of the Petitioner and the Concurrence of Respondent REI Neon, LLC; having considered the arguments and declarations of counsel at the hearing held August 11, 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 and conclusions of law, and enters the following order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court finds:

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

FROM: C-M (COMMERCIAL/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, City of Las Vegas 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, City of Las Vegas 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.

4. On June 22, 2009, City of Las Vegas 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 terms and is null and void.

5. On June 22, 2009, City of Las Vegas 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 terms and is null and void.

6. On June 22, 2009, City of Las Vegas 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 its terms and is null and void.

7. On June 22, 2009, City of Las Vegas 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 terms and is null and void.

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

FROM: C (COMMERCIAL) AND LI/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 City of Las Vegas ZON-21165, SUP-21168, SUP-21169, SUP 21171, SUP-21172, VAC-21173 and SDR-21175 and is null and void. The applications were presented, considered, and approved as inseparable parts of a whole.

9. At the hearing before the Review Panel of the Gaming Policy Committee, REI Neon, LLC explained that the applications were presented, considered, and approved as inseparable parts of a whole; that if "the vacation does not take place timely, that defeats everything. We either need to get an extension of time, and prove necessity of the extension of time, or everything lapses" [ROA 2792, line 25 to 2793, line 5]; and that "it's very clear that the approval of the GED is dependent upon the site development review approval, which in turn is dependent upon all the prior approvals, the GPA, the general plan amendment, the zone change, all that. So it is bound together, and if one portion of it fails, the GED portion of it fails as well." [ROA 2854, lines 2-7].

Therefore, on June 22, 2009, City of Las Vegas ZON-21166, approval of a

Request for a Rezoning TO EXPAND THE GAMING ENTERPRISE DISTRICT FOR A PROPOSED MIXED-USE DEVELOPMENT AND ESTABLISH A G-O (GAMING OVERLAY) DISTRICT for a portion of 44.49 acres at the southwest corner of Charleston Boulevard and Main Street (APN Multiple),

expired with the expiration of ZON-21165, SUP-21168, SUP-21169, SUP 21171, SUP-21172, VAC-21173, SDR-21175, and GPA-20227 and is null and void.

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

(1) The CITY OF LAS VEGAS, NEVADA, ex rel. its MAYOR AND CITY COUNCIL, shall schedule an item for its next available and convenient public meeting and, if deemed necessary, refer the matter first to the City of Las Vegas Planning Commission, to take all steps necessary to render its land use records in compliance with these Findings of Fact and Conclusions of Law.

(2) The instant action is moot, and as a result, this matter and any claims, counter claims, cross claims or third party claims shall be dismissed.

Dated this 11 day of August, 2009.

LINDA MARIE BELL

DISTRICT JUDGE