

# Minutes

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Separator Sheet

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*City of Las Vegas***AGENDA MEMO****ADMINISTRATIVE DATE: OCTOBER 2006****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: EOT-16111 - APPLICANT/OWNER: PICERNE PROVIDENCE, LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL, subject to:**

1. The Order of Relinquishment shall be revised to retain a Public Sewer Easement centered over the existing sewer lines within the proposed vacation area.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required with Site Development Plan Review SDR-4730 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

RL

**EOT-16111 - Conditions Page Two**  
**October 2006 - Administrative Review**

7. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public street light and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
  
8. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is for an Extension of Time for an approved Vacation (VAC-6685) that allowed a Vacation of a U.S. Government Patent Easement generally located north of Deer Springs Way, west of Hualapai Way alignment (APN 125-24-610-004) in Ward 6.

**EXECUTIVE SUMMARY**

The applicant seeks an Extension of Time for an approved Vacation north of Deer Springs Way and west of Hualapai Way. Condition 7 required an Order of Relinquishment of Interest within one year after approval by the City Council. However, Condition 2 required the applicant to complete a Drainage Plan and Technical Drainage Study prior to the recordation of the Order of Relinquishment of Interest. This drainage plan required the construction of an access road prior to the recordation, and that access road is now complete. The applicant seeks an Extension of Time to

**BACKGROUND INFORMATION**

**A) *Property History***

- 02/05/03      The City Council approved an Annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission and staff recommended approval on 09/26/02. The effective date of this annexation was 02/14/03.
- 03/19/03      The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval on 02/13/03.

**EOT-16111 - Staff Report Page Two**  
**October 2006 - Administrative Review**

- 07/16/03 The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. The Planning Commission and staff recommended approval on 06/12/03.
- 02/18/04 The Cliff's Edge Development Agreement (DIR-3451) was introduced to the City Council at this time. It was approved in ordinance form on 03/17/04. The Planning Commission and staff recommended approval on 01/08/04.
- 05/05/04 The City Council approved a Major Modification (MOD-3955) request to the Cliff's Edge Master Development Plan to change land use designations from: village commercial to: medium low density residential and medium residential; from: medium residential to: residential small lot; and from: medium low density residential to: pump & reservoir; to modify section 6.2.3 regarding retaining walls; and to modify table 1 (section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval on 04/08/04.
- 01/19/05 The City Council approved a Variance (VAR-5547) application to allow a 30-foot setback where Residential Adjacency Standards require a minimum of 126 feet on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way. The Planning Commission recommended approval on 12/16/04.
- 01/19/05 The City Council approved a Site Development Plan Review (SDR-4730) application for a proposed 392-unit multi-family residential development and a waiver of cliff's edge master development plan and design guidelines to allow 10-foot setback on the western property line for three-story buildings and a zero-foot setback from the eastern and western property line for one and two-story buildings. The Planning Commission recommended approval on 12/16/04.
- 07/20/05 The City Council approved a Petition to Vacate a U. S. Government Patent Reservations generally located north of Deer Springs Way, west of Hualapai Way. Staff and Planning Commission recommended approval.

***B) Pre-Application Meeting***

A pre-application meeting is not required as part of this application request, nor was one held.

**C) *Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

The subject Vacation is legally described as the South 40 feet of the West half (W½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 24, Township 19, South, Range 59, M.D.M.;

Excepting therefrom: a portion of Lot 125 dedicated to Clark County for right-of-way per that certain map on file in the Clark County recorder's office in Book 118 of plats at Page 88.

**ANALYSIS**

**A) *Planning discussion***

The proposed vacation of the Government Patent Easement will facilitate the development of the proposed residential subdivision and future right-of-ways.

**B) *Public Works discussion***

Public Works has no objection to the request for an Extension of Time of an approved Petition of Vacation for property located north of Deer Springs Way, west of the Hualapai Way alignment, as long as all previously imposed conditions of approval for VAC-6685 and all applicable subsequent site-related actions are ultimately complied with.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

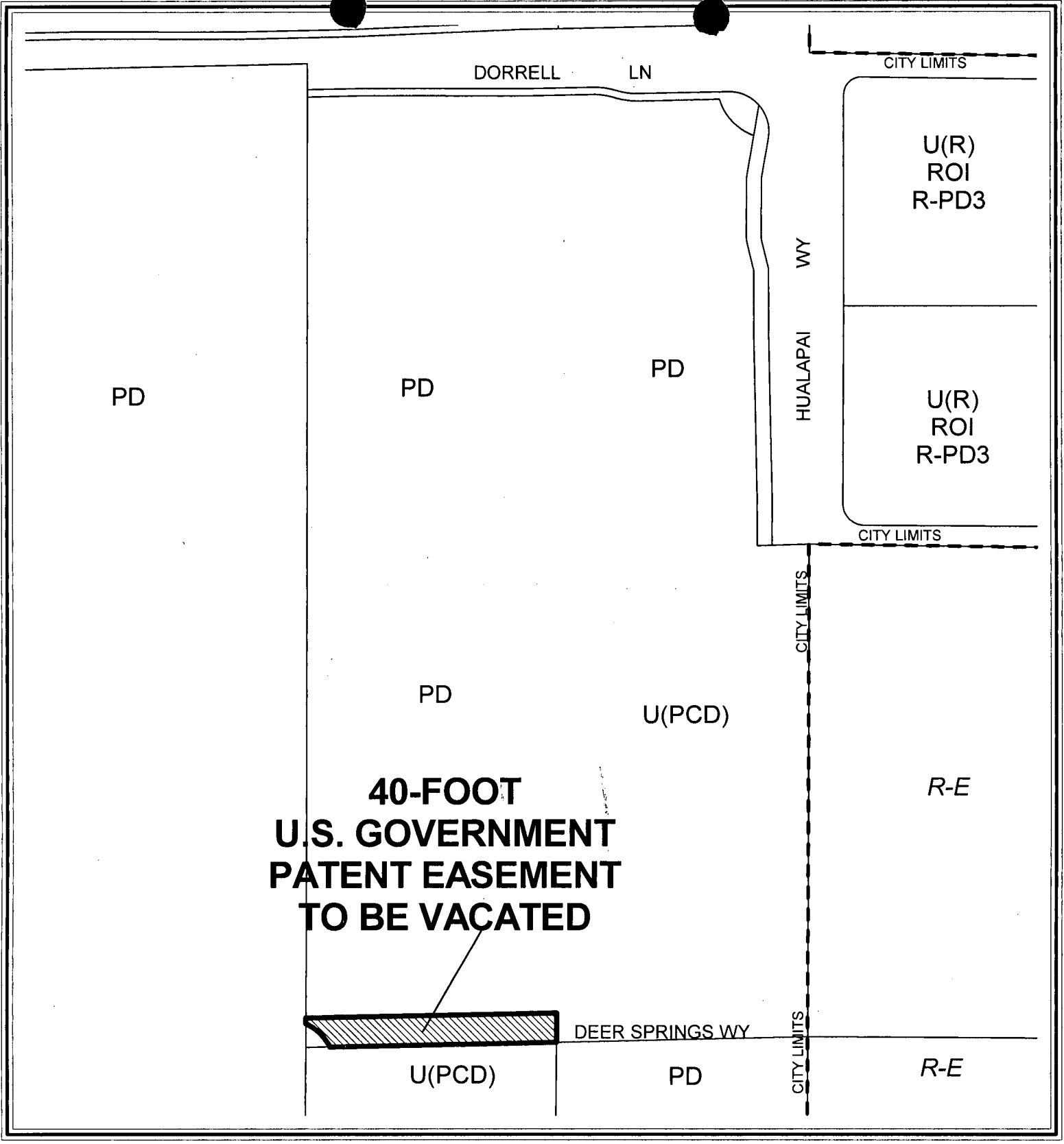
ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



CASE: EOT-16111



# Project Checklist

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Separator Sheet

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City of Las Vegas

CURRENT PLANNING PROJECT CHECKLIST

Project Name: EOT-16111  
 Applicant Name: Jolene Gramberg Telephone: 270-6119  
 Project Number: \_\_\_\_\_ Ward Number: \_\_\_\_\_

STAFF ACTIONS	Initial/Date	Initial/Date
<input type="checkbox"/> Pre-App. Meeting Date:	_____	<input type="checkbox"/> DRT Outcome: _____
<input type="checkbox"/> App. Filing Date:	_____	<input type="checkbox"/> Applicant Contacted: _____
<input type="checkbox"/> App. Accuracy Checked:	_____	<input type="checkbox"/> Site Visit Completed: _____
<input type="checkbox"/> Routing Form Sent:	<u>08-25-06</u>	<input type="checkbox"/> Photos Taken: _____
<input type="checkbox"/> DRT Meeting Date:	<u>08-29-06</u>	
Notes: _____		

P. C. ACTIONS	Initial/Date	Initial/Date
<input type="checkbox"/> Hearing Notice Rec'd:	_____	<input type="checkbox"/> PC Meeting Date: <u>10-5-06</u>
<input type="checkbox"/> Hearing Notices Mailed:	<u>9-22-06</u>	<input type="checkbox"/> PC Action: _____
<input type="checkbox"/> Draft Report Sent to PC:	<u>9-29-06</u>	<input type="checkbox"/> Letter to Applicant: <u>9-22-06</u>
<input type="checkbox"/> Final Report Reviewed:	_____	<input type="checkbox"/> PC Minutes Filed: _____
Additional PC Conditions: _____		

C. C. ACTIONS	Initial/Date	Initial/Date
<input type="checkbox"/> CC Report Completed:	_____	<input type="checkbox"/> CC Resolution Filed: _____
<input type="checkbox"/> CC Meeting Date:	_____	<input type="checkbox"/> CC Minutes Filed: _____
<input type="checkbox"/> CC Action:	_____	<input type="checkbox"/> Final Plans Submitted: _____
<input type="checkbox"/> Letter to Applicant:	_____	<input type="checkbox"/> Ordinance Completed: _____
<input type="checkbox"/> Conditions Checked:	_____	

RELATED FILES: \_\_\_\_\_

See ADMINISTRATIVE ACTIONS Sheet

*City of Las Vegas*  
**ADMINISTRATIVE ACTIONS**

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Action: \_\_\_\_\_  
Date: \_\_\_\_\_ Staff: \_\_\_\_\_  
Notes: \_\_\_\_\_  
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Action: \_\_\_\_\_  
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Action: \_\_\_\_\_  
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# Action Letter

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ACTION LETTER

Separator Sheet

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# PLANNING & DEVELOPMENT



DEVELOPMENT SERVICES CENTER

731 S. Fourth Street  
Las Vegas, NV 89101

TTY 702-386-9108

Voice:

Administration 229-6353

Comp Planning 229-6022

Current Planning 229-6301

[www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)

October 5, 2006

Ms. Jolene Granberg  
DRC Engineering  
7180 Dean Martin Drive, Suite 800  
Las Vegas, Nevada 89118

Dear Ms. Granberg:

Your request for an Extension of Time of an approved Vacation (VAC-6685) THAT ALLOWED A VACATION OF A U.S. GOVERNMENT PATENT EASEMENT generally located north of Deer Springs Way, west of Hualapai Way alignment (APN 125-24-610-004), Ward 6 (Ross), has been considered administratively by the Planning and Development Department staff.

The Planning and Development Department staff has administratively APPROVED your request subject to the following:

1. The Order of Relinquishment shall be revised to retain a Public Sewer Easement centered over the existing sewer lines within the proposed vacation area.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required with Site Development Plan Review SDR-4730 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City Departments.

Mayor  
Oscar B. Goodman

City Council  
Gary Reese  
(Mayor Pro Tem)  
Larry Brown  
Lawrence Weekly  
Steve Wolfson  
Lois Tarkanian  
Steven D. Ross

City Manager  
Douglas A. Selby

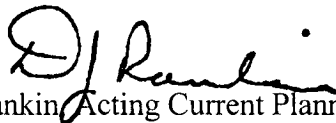


Ms. Jolene Granberg  
EOT-16111 - Page Two  
October 5, 2006

6. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
7. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public street light and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
8. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

This action by the Planning and Development Department staff is final.

Sincerely,



Douglas J. Rankin Acting Current Planning Manager  
Planning and Development Department  
Current Planning Division

DJR:dm

cc: Mr. Kevin Reis  
Picerne Providence LLC  
1420 East Missouri Avenue, Suite 100  
Phoenix, Arizona 85014

# Applicant Letter

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# Separator Sheet

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# PLANNING & DEVELOPMENT



DEVELOPMENT SERVICES CENTER

731 S. Fourth Street  
Las Vegas, NV 89101

TTY 702-386-9108

Voice:

Administration 229-6353

Comp Planning 229-6022

Current Planning 229-6301

[www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)

September 22, 2006

Ms. Jolene Granberg  
DRC Engineering  
7180 Dean Martin Drive, Suite 800  
Las Vegas, Nevada 89118

**RE: EOT-16111 - ADMINISTRATIVE - EXTENTION OF TIME**

Dear Ms. Granberg:

Your request for an Extension of Time of an approved Vacation (VAC-6685) THAT ALLOWED A VACATION OF A U.S. GOVERNMENT PATENT EASEMENT generally located north of Deer Springs Way, west of Hualapai Way alignment (APN 125-24-610-004), Ward 6 (Ross), will be considered administratively by the Planning and Development Department staff.

Staff will determine within thirty (30) days of the date of this letter whether or not your request will be approved as submitted. We will notify you in writing as to our determination after we have reviewed the details of the request.

If you have any questions or need additional information please do not hesitate to contact me at (702) 229-6301.

Sincerely,

Douglas J. Rankin, Acting Current Planning Manager  
Planning and Development Department  
Current Planning Division

DJR:dm

cc: Mr. Kevin Reis  
Picerne Providence LLC  
1420 East Missouri Avenue,  
Suite 100  
Phoenix, Arizona 85014

Mayor  
Oscar B. Goodman

City Council  
Gary Reese  
(Mayor Pro Tem)  
Larry Brown  
Lawrence Weekly  
Steve Wolfson  
Lois Tarkanian  
Steven D. Ross

City Manager  
Douglas A. Selby



# Hansen Sheet

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# Separator Sheet

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10/15 PC  
Admin.

Report Date 08/18/2006 04:51 PM

Submitted By

Page 1

A/P # 16111 EXTENSION OF TIME

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	08/18/2006 14:53	983052	Temp COO		
Approved			COO Issued		
Final			Expires		

Associated Information

Type of Work	# Plans	0
Dept of Commerce	# Plans	0
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group

Valuation

Declared Valuation	0.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

EOT-16111 - EXTENSION OF TIME - VACATION - APPLICANT/OWNER: PICERNE PROVIDENCE, LLC - Request for an Extension of Time of an approved Vacation (VAC-6685) THAT ALLOWED A VACATION OF A U.S. GOVERNMENT PATENT EASEMENT generally located north of Deer Springs Way, west of Hualapai Way alignment (APN 125-24-610-004), Ward 6 (Ross).

Parent A/P # 6685  
 Project # 16111 Project/Phase Name PROVIDENCE VACATION (VAC-6685) Phase #  
 Size/Area 18.76 ACRE Size Description Subdivision Code  
 Proposed Start Proposed Stop % Completed 0.00  
 % Complete Formula

Property/Site Information

Parcel 12624610004

Location

Owner/Tenant

Contact ID AC1016622 Name  
 Organization % MERITAX PPTY TAX CONSULTA  
 Mailing Address 9201 N 25TH AVE #140  
 City PHOENIX  
 Country  
 Day Phone  
 Pager

Owner From 05/19/2006 To

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

No Parcels are linked to this Application

A/P Linked Parcels

12624610004

Applicants/Contacts

may waye  
has parent file

Profession  
 ZIP/PC 85021-2722  
 reference #  
 file #

Report Date 08/18/2006 04:51 PM

Submitted By

Page 2

Applicants/Contacts

Primary N Capacity APPL Contact ID AC1008301  Foreign  
Effective Expire  
Name PICERNE PROVIDENCE II L L C  
Day Phone (602)279-8484 x Eve Phone Organization  
Pager PIN # Position  
Fax (602)285-6600 Mobile Profession  
E-Mail  
Address 1420 E MISSOURI #100  
PHOENIX, AZ 85014-2470

Seasonal Addr

Valid From To

Comments  
Kevin Reis (602) 279-8484

Primary Y Capacity OTHER Other REP Contact ID AC869910  Foreign  
Effective Expire  
Name DRC ENGINEERING  
Day Phone (702)270-6119 x Eve Phone Organization  
Pager PIN # Position  
Fax (702)270-4899 Mobile Profession  
E-Mail  
Address 7180 DEAN MARTIN DR.  
SUITE 800  
LAS VEGAS, NV 89118

Seasonal Addr

Valid From To

Comments  
Jolene Granberg 270-6119

Contractors

No Contractors

Activity Review Details

Detail SUBMITTAL CHECKLIST (EOT) Modified By FSOLIS Modified Date/Time 08/18/2006 14:53

Comments  
No Comments

SUBMITTAL CHECKLIST

Indicate if item is being submitted

- Y Application/Petition Form
- Y Justificaton Letter
- Y Laser Print Site Plan
- Y Laser Print Floor Plan
- Y Laser Print Elevation
- Y Statement of Financial Interest
- Y Copy of Approval Letter

Report Date 08/18/2006 04:51 PM

Submitted By

Page 3

**EXTENSION OF TIME**

Y Will this go to the City Council? Final City Council letter received

Y Will this go DIRECTLY to City Council? Annotated minutes received

Parent Application Type VAC

Hearing Type

Parent Project # VAC-6685

Public, Non-Public or Admin ADMIN

**Meeting Information**

Meeting Grid Meeting Date Comments Added By	Meeting Type Add Date	Meeting Status Modified by	Modified Date	YES Votes	NO Votes	ABSTENTIONS
10/04/2006 No meeting required for admin approval.	ADMIN	SCHEDULED		0	0	0
FSOLIS	08/18/2006	BSTICKA	08/18/2006			

Template Type A/P #	A/P Type	Status	Stage
No children exist for this project			

Employee Employee ID	Last	First	MI	Comments
No Employee Entries				

Log Action Comments	Description	Entered By	Start	Stop	Hours
PAYMNT	CK NAME,# WHO PICKED UP PERMIT	984018	08/18/2006 15:00		0.00
Jolene Granberg, Picerne Development corp ck #186, 270-6119					

# City Council Action Letter

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CITY COUNCIL ACTION LETTER

Separator Sheet

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3/16/06  
CK BLM app  
9 see w Dist  
126-24-701-014  
of assessment map  
126-24-6  
Dist.

July 26, 2005

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN  
MAYOR

GARY REESE  
MAYOR PRO TEM

LARRY BROWN  
LAWRENCE WEEKLY  
STEVE WOLFSON  
LOIS TARKANIAN  
STEVEN D. ROSS

DOUGLAS A. SELBY  
CITY MANAGER

Mr. Jeff Allen  
Picerne Providence, LLC  
1420 East Missouri Avenue, Suite #100  
Phoenix, Arizona 85014

RE: VAC-6685 VACATION  
CITY COUNCIL MEETING OF JULY 20, 2005

\* NOT PATENT  
BUT A PLAN OF  
BLM R-OF-WAY  
GRANT 61323

Dear Mr. Allen:

The City Council at a regular meeting held July 20, 2005 APPROVED the request for a Petition to Vacate a U.S. Government Patent Easement generally located north of Deer Springs Way, west of Hualapai Way alignment. The Notice of Final Action was filed with the Las Vegas City Clerk on July 21, 2005. This approval is subject to:

1. The Order of Relinquishment shall be revised to retain a Public Sewer Easement centered over the existing sewer lines within the proposed vacation area.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required with Site Development Plan Review SDR-4730 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City departments.

\*  
DS Canal scup  
vac won't  
Recommend  
alluvial  
access is  
provided.

CITY OF LAS VEGAS  
400 STEWART AVENUE  
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011  
TTY 702.386.9108

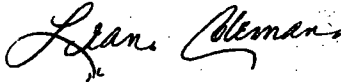
www.lasvegasnevada.gov  
18112-001-06-05  
CLV 7009

EOT-16111  
10/05/06 ADMIN

Mr. Jeff Allen  
VAC-6685 – Page Two  
July 26, 2005

6. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
7. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

Sincerely,



Lean Coleman  
Deputy City Clerk II for  
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.  
Development Coordination-DPW  
Dept. Of Fire Services

Ms. Jody Brewer  
Stantec Consulting  
7251 West Charleston Boulevard  
Las Vegas, Nevada 89117

**EOT-16111**  
**10/05/06 ADMIN**

# Application

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Separator Sheet

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**PLANNING & DEVELOPMENT DEPARTMENT**

**APPLICATION / PETITION FORM**

Application/Petition For: Extension of Time for VAC-6685  
 Project Address (Location) Deer Springs and Hualapai  
 Project Name Providence Proposed Use \_\_\_\_\_  
 Assessor's Parcel #(s) 126-24-610-004 Ward # \_\_\_\_\_  
 General Plan: existing \_\_\_\_\_ proposed \_\_\_\_\_ Zoning: existing \_\_\_\_\_ proposed \_\_\_\_\_  
 Commercial Square Footage \_\_\_\_\_ Floor Area Ratio \_\_\_\_\_  
 Gross Acres 18.76 +/- Lots/Units \_\_\_\_\_ Density \_\_\_\_\_  
 Additional Information \_\_\_\_\_

**PROPERTY OWNER** Picerne Providence LLC Contact Kevin Reis  
 Address 1420 E. Missouri Ave., #100 Phone: 602-279-8484 Fax: 602-285-6600  
 City Phoenix State AZ Zip 85014

**APPLICANT** Same Contact \_\_\_\_\_  
 Address \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

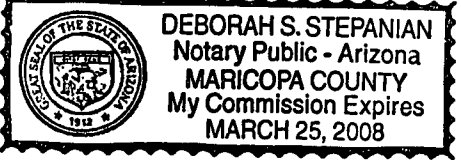
**REPRESENTATIVE** DRC Engineering Contact Jolene Granberg  
 Address 7180 Dean Martin Dr., #800 Phone: 270-6119 Fax: 270-4899  
 City Las Vegas State NV Zip 89118

**FOR DEPARTMENT USE ONLY** *Picerne Development Corporation  
 Developer Authorized Agent*  
 Property Owner Signature\* \_\_\_\_\_

\*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.  
 Print Name Ernesto R. Alvarez, Sr. Vice President

Subscribed and sworn before me  
 This 14th day of August, 2006.  
Deborah S. Stepanian

Notary Public in and for said County and State



Case #	<u>505-16111</u>
Meeting Date	<u>10-5-06</u> <i>Admin item</i>
Total Fee:	<u>300.00</u>
Date Received:	<u>8-12-06</u>
Received By:	<u>F-S</u>

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

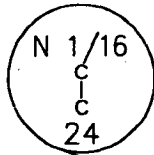
Deed

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Separator Sheet

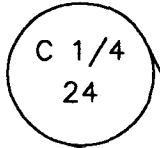
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FOUND NAIL AND TAG  
STAMPED "PLS 9047"  
PER FILE 123, PAGE 32  
OF SURVEYS

ALPINE RIDGE WAY  
1338.51'  
BASIS OF BEARING  
N00°04'41"E

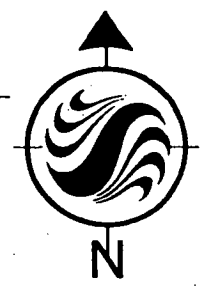
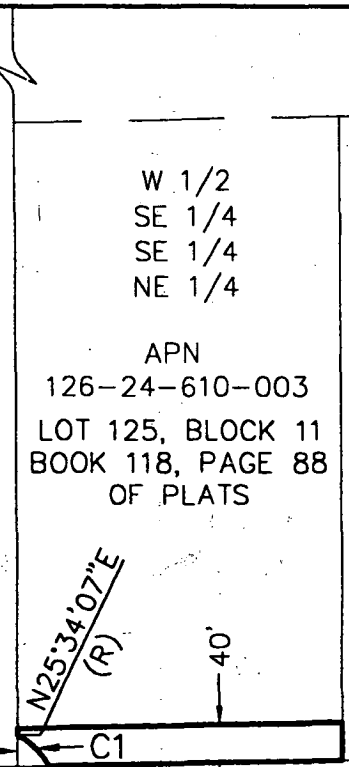
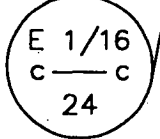
LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°50'11"W	32.50'
L2	N00°08'34"E	32.53'



FOUND ALUMINUM CAP  
STAMPED "PLS 11585"  
PER FILE 123, PAGE 32

FOUND BRASS CAP  
STAMPED "PLS 4134"  
PER FILE 123, PAGE  
32 OF SURVEYS

S88°50'46"W 1357.15'  
680.43'



NOT TO SCALE

FOUND ALUMINUM CAP  
STAMPED "G. C. WALLACE  
PLS 9389" PER FILE 123,  
PAGE 32

DEER SPRINGS WAY

S88°50'11"W 1360.86'

POINT OF COMMENCEMENT  
POINT OF BEGINNING

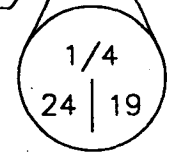


EXHIBIT TO ACCOMPANY  
LAND DESCRIPTION

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGHT	TANGENT
C1	37°53'27"	70.00'	46.29'	24.03'



**Stantec**

Stantec Consulting Inc.  
7251 W. Charleston Blvd.  
Las Vegas NV U.S.A.  
89117  
Tel: 702.258.0115  
Fax: 702.258.4956  
www.stantec.com



20040701-0000784

Fee \$20.00 RPTT: \$28,006.65  
07/01/2004 09:01:32 T20040048092  
Rec UNITED TITLE OF NEVADA  
Frances Deane  
Clark County Recorder Pgs: 7

APN: 126-24-601-002/003  
126-24-601-001 (New APN: 126-24-601-021)  
Escrow No. 94-14-3049-112-LMH

R.P.T.T. \$ 28,006.65

7

**MAIL TAX STATEMENTS TO:**

**RECORDING REQUESTED BY, AND  
WHEN RECORDED, RETURN TO:**

United Title of Nevada, Inc.  
1700 West Horizon Ridge Parkway  
Suite 203  
Henderson, Nevada 89012  
Attention: Lorraine Hill

(Space above line for Recorder's use only)

**GRANT BARGAIN AND SALE DEED**

CLIFFS EDGE, LLC a Nevada limited liability company ("Grantor"), having an office at 3455 Cliff Shadows Parkway, Suite 220, Las Vegas, Nevada 89129, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey to PICERNE PROVIDENCE, LLC, a Nevada limited liability company, its successors and assigns, all right, title and interest in, to and under the tracts, pieces or parcels of real property situated in the County of Clark, State of Nevada, more particularly described in Attachment A attached hereto and incorporated herein by reference, together with all improvements thereon and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

RESERVING UNTO Grantor all mineral rights, but without right of entry on the surface of such real property nor the right to drill, mine, store, explore or operate through the surface of such real property or within five hundred feet (500') from the surface of such real property;

RESERVING UNTO Grantor an exclusive easement in, to, upon, over, under, across and through the Community Common Areas described in Attachment B hereto, to be used by Grantor, its agents and contractors, for the construction and installation of common area improvements and landscaping, which easement may be assigned by Grantor to the Cliffs Edge Master Association;

////

////



**ATTACHMENT "A"**  
**TO GBS DEED**  
**DESCRIPTION OF THE PROPERTY**

COPY

ASSESSOR'S

Attachment "A"

All that land situated in the County of Clark, State of Nevada, more particularly described as follows:

**PARCEL A:**

**PARCEL 1: POD 125**

The West Half (W ½) of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 24, Township 19 South, Range 59 East, M.D.M.

**PARCEL 2: POD 125**

The East Half (E ½) of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 24, Township 19 South, Range 59 East, M.D.M., Clark County, Nevada.

**PARCEL 3: POD 125**

The West Half (W ½) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 24, Township 19 South, Range 59 East, M.D.M., Clark County, Nevada.

**PARCEL B:**

Non-exclusive easements for vehicular and pedestrian traffic, as provided for and subject to the terms and conditions as set forth in that certain "Master Declaration of Covenants Conditions and Restrictions and Reservation of Easements for Cliff's Edge", recorded October 15, 2003, in Book 20031015 as Document No. 02964, of Official Records.

**ATTACHMENT "B"**  
**TO GBS DEED**  
**COMMUNITY COMMON AREA EASEMENT**

BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTH SIXTEENTH CORNER COMMON TO SECTION 19 AND SECTION 24, SAID TOWNSHIP AND RANGE, SAME BEING THE CENTERLINE INTERSECTION OF DORRELL LANE AND HUALAPAI WAY; THENCE SOUTH 88°48'37" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) AND SAID CENTERLINE OF DORRELL LANE, 112.32 FEET; THENCE SOUTH 01°11'23" EAST, DEPARTING SAID NORTH LINE AND SAID CENTERLINE, 50.00 FEET TO THE POINT OF BEGINNING;**

THENCE CONTINUING SOUTH 01°11'23" EAST, 5.00 FEET RADIALLY TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 54.00 FEET; THENCE SOUTHEASTERLY, 94.99 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100°47'23" TO THE WESTERLY RIGHT-OF-WAY OF HUALAPAI WAY; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF SAID HUALAPAI WAY THROUGH THE VARIOUS FOLLOWING CURVES AND COURSES: THENCE SOUTH 09°36'01" WEST, 49.23 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY, 4.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'44";

THENCE SOUTH 00°08'16" WEST, 74.85 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY, 7.35 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'10"; THENCE SOUTH 13°53'54" EAST, 35.08 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHERLY, 4.90 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'10"; THENCE SOUTH 00°08'16" WEST, 86.98 FEET; THENCE SOUTH 01°08'07" EAST, 225.06 FEET; THENCE SOUTH 00°08'16" WEST, 64.22 FEET; THENCE SOUTH 88°49'24" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY, 20.01 FEET; THENCE NORTH 00°08'16" EAST, 64.46 FEET; THENCE NORTH 01°08'07" WEST, 225.06 FEET; THENCE NORTH 00°08'16" EAST, 87.20 FEET; THENCE NORTH 13°53'54" WEST, 35.08 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY, 12.25 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'10"; THENCE NORTH 00°08'16" EAST, 74.85 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY, 8.26 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'44"; THENCE NORTH 09°36'01" EAST, 54.70 FEET TO THE BEGINNING OF A

NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 75.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 19°52'25" WEST; THENCE NORTHWESTERLY, 69.99 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°28'14"; THENCE SOUTH 88°48'37" WEST, 108.65 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY, 34.93 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°11'42" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 90.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 17°00'19" EAST; THENCE WESTERLY, 28.58 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°11'42"; THENCE SOUTH 88°48'37" WEST, 87.66 FEET; THENCE NORTH 89°55'00" WEST, 225.06 FEET; THENCE SOUTH 88°48'37" WEST, 74.38 FEET; THENCE NORTH 00°08'34" EAST, 10.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF DORRELL LANE; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF DORRELL LANE THROUGH THE FOLLOWING VARIOUS CURVES AND COURSES: THENCE NORTH 88°48'37" EAST, 74.26 FEET; THENCE SOUTH 89°55'00" EAST, 225.06 FEET; THENCE NORTH 88°48'37" EAST, 87.55 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY, 31.76 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°11'42" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 100.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 17°00'19" WEST;

THENCE EASTERLY, 31.76 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°11'42"; THENCE NORTH 88°48'37" EAST, 120.51 FEET TO THE POINT OF BEGINNING.

ASSESSOR

**State of Nevada  
Declaration of Value**

**I. Assessor's Parcel Number(s)**

- a) 126-24-601-002
- b) 126-24-601-003
- c) 126-24-601-001(now 021)
- d) \_\_\_\_\_

**2. Type of Property:**

- a)  Vacant Land
- b)  Single Fam. Resi
- c)  Condo/Twnhse
- d)  2-4 Plex
- e)  Apt. Bldg.
- f)  Comm'l/Ind'l
- g)  Agricultural
- h)  Mobile Home
- i)  Other \_\_\_\_\_

FOR RECORDER'S OPTIONAL USE ONLY	
Documentation/Instrument #:	_____
Book:	Page: _____
Date of Recording:	_____
Notes:	_____

3. Total Value/Sales Price of Property: \$5,491,500.00  
 Deed in Lieu of Foreclosure Only (value of property): ( )  
 Transfer Tax Value: \$5,491,500.00  
 Real Property Transfer Tax Due: \$28,006.65

**4. If Exemption Claimed:**

- a. Transfer Tax Exemption, per NRS 375.090, Section: \_\_\_\_\_
- b. Explain Reason for Exemption: \_\_\_\_\_

5. Partial Interest: Percentage being transferred: \_\_\_\_\_ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature \_\_\_\_\_  
 Signature \_\_\_\_\_

Capacity Senior Vice President  
 Capacity \_\_\_\_\_

**SELLER (GRANTOR) INFORMATION**  
**(REQUIRED)**

Print Name: Cliffs Edge, LLC  
 Address: 3455 Cliff Shadows Pkwy #220  
 City: Las Vegas  
 State: NV Zip: 89129

**BUYER (GRANTEE) INFORMATION**  
**(REQUIRED)**

Print Name: Picerne Development Corporation  
 Address: 1420 E. Missouri, #100  
 City: Phoenix  
 State: AZ Zip: 85014

**COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)**

Print Name: United Title of Nevada Escrow #: 04143049-112  
 Address: P.O. Box 70480  
 City/State/Zip: Las Vegas, Nevada 89170-0480

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/ MICROFILMED)

## DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into as of March 9, 2006, between PICERNE PROVIDENCE, LLC, a Nevada limited liability Company (the "Company") and PICERNE DEVELOPMENT CORPORATION, an Arizona corporation (referred to herein as the "Developer").

WHEREAS, the Company has been formed to develop, construct, own, maintain and operate a 515 unit multifamily apartment complex, to be known as The Pavillions Apartments, to be located at the southwest corner of Hualapai Way and Dorrell Lane and the northwest corner of Deer Springs Way and Hualapai Way in Las Vegas, Clark County, Nevada (the "Apartment Complex" or the "Project"); and

WHEREAS, the Company desires to appoint the Developer to provide certain services for the Company with respect to overseeing the development of the Apartment Complex until all development work is completed; and

NOW, THEREFORE, in consideration of the foregoing, of the mutual promises of the parties hereto and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. Appointment. The Company hereby appoints the Developer to render services for the Company, and confirms and ratifies the appointment of the Developer with respect to services rendered for the Company to date, in supervising and overseeing the development of the Apartment Complex as herein contemplated.
2. Authority. Pursuant to this Agreement, the Developer shall have, and has had (and the same are hereby ratified by the Company), the authority and the obligation to enter into agreements and execute documents on behalf of the Company, in its capacity as Developer, that may be deemed necessary or required to implement the construction of improvements, including but not limited to, easements, utility agreements, dedications, permits, and as further defined below:
  - (a) select the architect ("Architect"), coordinate the preparation of the plans and specifications (the "Plans and Specs") and recommend alternative solutions whenever design details affect construction feasibility or schedules;
  - (b) insure that the Plans and Specs are in material compliance with applicable codes, laws, ordinances, rules and regulations;
  - (c) negotiate and execute a construction contract with Picerne Construction Corp. (hereinafter "General Contractor"), an affiliate of the Developer, or such other general contractor selected by the Developer, for the construction of the Apartment Complex ("Construction Contract");

- (d) negotiate and execute all other necessary contracts in connection with the development of the Apartment Complex;
- (e) choose the products and materials necessary to equip the Apartment Complex in a manner which satisfies all requirements of a lender (the "Lender") in connection with the financing of the construction of the Apartment Complex (the "Loan") and the Plans and Specs;
- (f) monitor, approve and submit construction loan draws in accordance with the terms of the Construction Loan Agreement between Picerne Providence, LLC and Charter One Bank, NA, dated May 2006, for the development of the Apartment Complex, which defines Authorized Draw Representatives in Article 1, Section 1.2;
- (g) monitor and approve disbursements and payments of amounts owed to Architects, the General Contractor and other vendors;
- (h) cause the Apartment Complex to be constructed free and clear of all mechanic's and materialmen's liens other than those in the ordinary course of business which are timely discharged;
- (i) execute and provide to the title company in connection with construction loan closings an indemnification and security agreement for mechanic's liens/creditors rights for "broken priority" in lieu of and on behalf of the Company.
- (j) obtain an Architect's certificate that the work on the Apartment Complex is substantially complete;
- (k) secure building code approvals and obtain certificates of occupancy for all of the units of the Apartment Complex;
- (l) cause the Apartment Complex to be completed in a reasonably prompt and expeditious manner, consistent with good workmanship, and in substantial compliance with the following:
  - (i) the Plans and Specs for the Project; and
  - (ii) zoning regulations, county ordinances, including health, fire and safety regulations, and any other requirements of federal, state and local laws, rules, regulations and ordinances applicable to construction of the Apartment Complex;
- (m) cause to be performed in a diligent and efficient manner the following:
  - (i) construction of the Apartment Complex substantially in accordance with the Plans and Specs, including any required off-site work; and

- (ii) general administration and supervision of construction of the Apartment Complex, including but not limited to activities of the General Contractor and their employees and agents in a manner which complies in all material respects with the Loan and the Plans and Specs;
- (n) keep, or cause to be kept, accounts and cost records as to the construction of the Project;
  - (o) maintain, or cause to be maintained, at its expense, all office and accounting facilities and equipment necessary to adequately perform the foregoing functions;
  - (p) make available to the Company, during normal business hours and upon the Company's written request, copies of all material contracts and subcontracts;
  - (q) deliver to the Company a dimensioned as-built survey of the real property (locating only buildings) and as-built drawings of the Apartment Complex construction;
  - (r) provide and periodically update an Apartment Complex construction time schedule;
  - (s) investigate and recommend a schedule for purchase by the Company of all materials and equipment requiring long lead time procurement, and expedite and coordinate delivery of such purchases;
  - (t) prepare pre-qualification criteria for bidders interested in the Apartment Complex, establish bidding schedules and conduct pre-bid conferences to familiarize bidders with the bidding documents and management techniques with any special systems, materials or methods;
  - (u) receive bids, prepare bid analyses and make recommendations to the Company for award of contracts or rejection of bids;
  - (v) coordinate the work of General Contractor to complete the Apartment Complex in accordance with the objectives as to cost, time and quality, as set by the Companies, and provide sufficient personnel at the Apartment Complex with authority to achieve such objectives;
  - (w) provide a detailed schedule of realistic activity sequences and durations, allocation of labor and materials and processing of shop drawings and samples;
  - (x) provide regular monitoring of the schedule as construction progresses, identify potential variances between scheduled and probable completion dates, review the schedule for work not started or incomplete, recommend to the Company adjustments in the schedule to meet the probable completion date, provide summary reports of such monitoring, and document all changes in the schedule;
  - (y) recommend courses of action to the Company when requirements of the Construction Contract are not being fulfilled;

- (z) revise and refine the estimate of construction cost which are approved by the Company, incorporate changes as they occur, and develop cash flow reports and forecasts as needed;
  - (aa) provide regular monitoring of the estimate of construction cost which are approved by the Company, show actual costs for activities in process and estimates for uncompleted tasks, identify variances between actual and budgeted or estimated costs and advise the Company whenever projected costs exceed budgets or estimates;
  - (bb) develop and implement a system for review and processing of change orders as to construction of the Apartment Complex;
  - (cc) develop and implement a procedure for the review and processing of applications for progress and final payments;
  - (dd) in collaboration with Architect, establish and implement procedures for expediting the processing and approval of shop drawings and samples; and
  - (ee) record the progress of the Apartment Complex and submit written progress reports to the Company, including the percentage of completion and the number and amounts of change orders.
3. Development Fee. For services performed and to be performed under Sections 1 and 2 of this Agreement, the Company shall pay the Developer a Predevelopment fee and Development Fee in the aggregate amount of \$2,322,000 as its sole compensation for the performance of its services under and in connection with this Agreement. The Development Fee will be based on 3.34% of the Gross Project Cost and may be subject to adjustment as needed when the Final Budget has been approved by the Lender. Payment of the Development Fee shall be made as follows: considering the significant up-front work performed under the terms of this Agreement, 80% of the Development Fee shall be deemed earned and payable within 45 days of effective date of this Agreement. The balance shall be payable on a monthly basis prior to the completion of construction of the Project.
4. Assignment of Fees. The Developer shall not assign, pledge or otherwise encumber, for security or otherwise, the Development Fee set forth above to be made by the Company, or any portion(s) thereof or any right(s) of the Developer thereto, without the written consent of the Company.
5. Construction Warranty.
- (a) The Developer shall engage a contractor that shall warrant to the Company that the materials and equipment furnished in accordance with this Agreement will be of good quality, that the work will be free from defects, and that the work will conform in all material respects with the requirements of the Plans and Specs. Work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered defective. If requested by the Company or the Lender, the Developer shall

furnish satisfactory evidence as to the kind or quality of materials and equipment used in the construction of the Apartment Complex.

6. Successors and Assigns. This Agreement shall be binding on the parties hereto, their heirs, successors and assigns. However, this Agreement may not be assigned by any party hereto without the written consent of the Company, nor may it be terminated without the written consent of the Company.
7. Termination. If an early termination occurs, the Developer shall be entitled to any earned but unpaid Development Fees, commensurate with the level of work performed through the date of termination. All Development Fees paid are considered earned and shall not be refundable to the Company. The Developer shall remain liable for all damages, liabilities and claims ("Claims") arising under or in connection with this Agreement which are based on acts or omissions prior to the date of such termination, including Claims which do not become manifest until after the date of such termination. Unless the Company has failed to make payments rightfully due to the Developer, the Developer shall have no right to terminate this Agreement without the consent of the Company, which consent may be withheld in the sole discretion of either party.
8. Separability of Provisions. Each provision of this Agreement shall be considered separable and if for any reason any provision which is not essential to the effectuation of the basic purposes of this Agreement is determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those provisions of this Agreement which are valid.
9. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.
10. No Continuing Waiver. The waiver by any party of any breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.
11. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of Nevada.

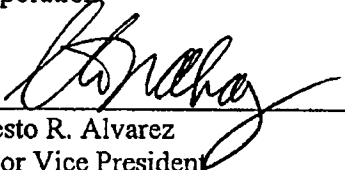
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Development Agreement to be duly executed as of the date first written above.

DEVELOPER:

PICERNE DEVELOPMENT CORPORATION, an Arizona corporation

By: \_\_\_\_\_

  
Ernesto R. Alvarez  
Senior Vice President


COMPANY:

PICERNE PROVIDENCE, LLC, a Nevada limited liability company

By: \_\_\_\_\_

*National*  
~~NEVADA~~ SAFE HARBOUR  
EXCHANGES, Its ~~Manager~~ *Sole Member*

By: \_\_\_\_\_

  
Karin Church, Vice President

As Qualified Intermediary for:

  
Ronald R.S. Picerne

SOFI

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Separator Sheet

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**PLANNING & DEVELOPMENT DEPARTMENT**

**STATEMENT OF FINANCIAL INTEREST**

Case Number: **EOT-16111** APN: 126-24-610-004

Name of Property Owner: Picerne Providence, LLC

Name of Applicant: Same

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: \_\_\_\_\_

Partner(s): \_\_\_\_\_

APN: \_\_\_\_\_

Signature of Property Owner: *Picerne Development Corporation  
Developer, Authorized Agent*  
*[Handwritten Signature]*

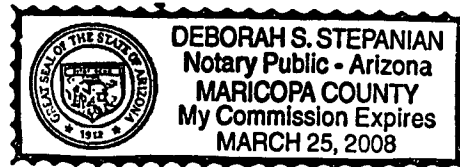
Print Name: Ernesto R. Alvarez, Sr. Vice President

Subscribed and sworn before me

This 14th day of August, 2006

Deborah S. Stepanian

Notary Public in and for said County and State



# Justification Letter

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JUSTIFICATION LETTER

Separator Sheet

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# Comments

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Separator Sheet

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REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM

<b>FROM: PLANNING AND DEVELOPMENT DEPARTMENT</b>		<b>DATE: 08/25/06</b>
<b>TO: OFFICE OF BUSINESS DEVELOPMENT</b> CCS [REDACTED] COMMUNICATIONS NEIGHBORHOOD SERVICES METRO	<b>BILL ARENT</b> <b>GUY CORRADO</b> <b>OZZIE MIRKHAH</b>	<b>ANNE KILPONEN</b> <b>SGT. ROBERT ROSHACK</b>
<b>SUBJECT: PETITION OF VACATION</b>		
<b>APPLICANT: PICERNE PROVIDENCE, LLC</b>		
<b>FILE NUMBER: EOT-16111</b>		

A REQUEST HAS BEEN SUBMITTED BY PICERNE PROVIDENCE, LLC FOR AN EXTENSION OF TIME OF AN APPROVED VACATION (VAC-6685) THAT ALLOWED A VACATION OF A U.S. GOVERNMENT PATENT EASEMENT GENERALLY LOCATED NORTH OF DEER SPRINGS WAY, WEST OF HUALAPAI WAY ALIGNMENT (APN 125-24-610-004), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF LOT 125 AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE IN BOOK 118 OF PLATS AT PAGE 88, SITUATE IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ ) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$ ) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, MOUNT DIABLO MERIDIAN, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS: THE SOUTH 40 FEET OF THE WEST HALF (W $\frac{1}{2}$ ) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ ) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ ) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 24; EXCEPTING THEREFROM A PORTION OF LOT 125 DEDICATED TO CLARK COUNTY FOR RIGHT-OF-WAY PER THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE IN BOOK 118 OF PLATS AT PAGE 88;

**COMMENTS DUE BY: SEPTEMBER 5, 2006**

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

ATTACHMENT:  
All others: location map

*no comment*  
*Guy Corrado*

(Revised 3/02)

**REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM**

<b>FROM:</b> PLANNING AND DEVELOPMENT DEPARTMENT	<b>DATE:</b> 08/25/06
<b>TO:</b> OFFICE OF BUSINESS DEVELOPMENT CCSD FIRE ENGINEERING FIRE SERVICES, COMMUNICATIONS NEIGHBORHOOD SERVICES METRO	BILL ARENT GUY CORRADO OZZIE MIRKHAH  ANNE KILPONEN SGT. ROBERT ROSHACK
<b>SUBJECT:</b> PETITION OF VACATION	
<b>APPLICANT:</b> PICERNE PROVIDENCE, LLC	
<b>FILE NUMBER:</b> EOT-16111	

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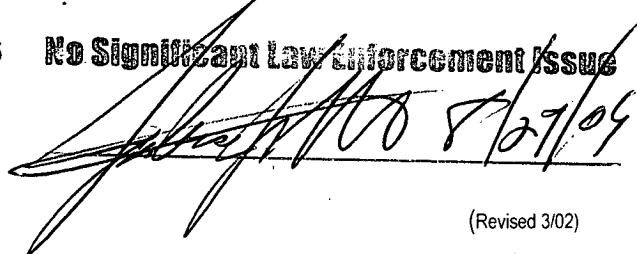
**Las Vegas Metropolitan Police Dept.**  
**Office of Intergovernmental Services**

**COMMENTS DUE BY: SEPTEMBER 5, 2006**

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

**No Significant Law Enforcement Issue**

ATTACHMENT:  
All others: location map



REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM

<b>FROM:</b> PLANNING AND DEVELOPMENT DEPARTMENT	<b>DATE:</b> 08/25/06
<b>TO:</b> OFFICE OF BUSINESS DEVELOPMENT CCSD FIRE ENGINEERING FIRE SERVICES, COMMUNICATIONS NEIGHBORHOOD SERVICES METRO	BILL ARENT GUY CORRADO OZZIE MIRKHAH  ANNE KILPONEN SGT. ROBERT ROSHACK
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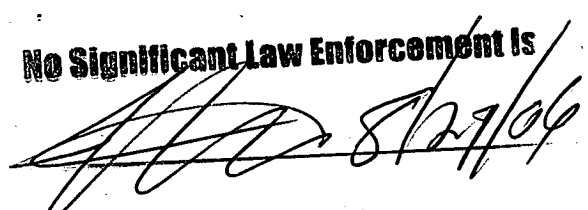
**COMMENTS DUE BY: SEPTEMBER 5, 2006**

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

ATTACHMENT:  
All others: location map

**Las Vegas Metropolitan Police Department  
Office of Intergovernmental Services**

**No Significant Law Enforcement Is**



(Revised 3/02)

# Memorandum

City of Las Vegas  
Department of Public Works  
Development Coordination

**To:** Department of Planning and Development  
**From:** Bart Anderson, Manager, Development Coordination, Department of Public Works *BA*  
**CC:** Ed Byrge, Right-of-Way; Wayne Dowdey, Land Development; O. C. White, Traffic Engineering; Alan R. Riecki, Survey (FM, PM, & A's only)  
**Date:** September 5, 2006  
**Re:** EOT-16111 Piceme Providence, LLC N of Deer Springs Way, W of Hualapai Way  
Request for an Extension of Time of an approved Petition of Vacation

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## COMMENTS:

We have no objection to the request for an Extension of Time of an approved Petition of Vacation for property located north of Deer Springs Way, west of the Hualapai Way alignment, as long as all previously imposed conditions of approval for VAC-6685 and all applicable subsequent site-related actions are ultimately complied with.

**REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM**

<b>FROM:</b> PLANNING AND DEVELOPMENT DEPARTMENT	<b>DATE:</b> 08/25/06
<b>TO:</b> DEVELOPMENT COORDINATION TEFO FLOOD CONTROL LAND DEVELOPMENT RIGHT-OF-WAY ROADWAY PLANNING SANITARY SEWERS SID SURVEY TRAFFIC ENGINEERING	GARY REID TOM WILKING RAUL CRUZ JEFF GALAMBAS CAROLYN CAVINESS  TIM PARKS TIM McDANIEL ALAN RIEKKI RICK SCHROEDER
<b>SUBJECT:</b> PETITION OF VACATION	
<b>APPLICANT:</b> PICERNE PROVIDENCE, LLC	
<b>FILE NUMBER:</b> EOT-16111	

A REQUEST HAS BEEN SUBMITTED BY PICERNE PROVIDENCE, LLC FOR AN EXTENSION OF TIME OF AN APPROVED VACATION (VAC-6685) THAT ALLOWED A VACATION OF A U.S. GOVERNMENT PATENT EASEMENT GENERALLY LOCATED NORTH OF DEER SPRINGS WAY, WEST OF HUALAPAI WAY ALIGNMENT (APN 125-24-610-004), WARD 6 (ROSS).

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**COMMENTS DUE TO BART ANDERSON BY: SEPTEMBER 5, 2006**

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

**ATTACHMENT:**

1. Right-of-way & Devco (Map, Petition, Justification Letter, Deed)
2. All others (Map)

**REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM**

<b>FROM:</b>	<b>PLANNING AND DEVELOPMENT DEPARTMENT</b>	<b>DATE:</b>	<b>08/25/06</b>
<b>TO:</b>	<b>OFFICE OF BUSINESS DEVELOPMENT CCSD FIRE ENGINEERING FIRE SERVICES, COMMUNICATIONS NEIGHBORHOOD SERVICES METRO</b>	<b>BILL ARENT GUY CORRADO OZZIE MIRKHAH  ANNE KILPONEN SGT. ROBERT ROSHACK</b>	
<b>SUBJECT:</b>	<b>PETITION OF VACATION</b>		
<b>APPLICANT:</b>	<b>PICERNE PROVIDENCE, LLC</b>		
<b>FILE NUMBER:</b>	<b>EOT-16111</b>		

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**COMMENTS DUE BY: SEPTEMBER 5, 2006**

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

ATTACHMENT:  
All others: location map

(Revised 3/02)

**REQUEST FOR COMMENTS  
CITY OF LAS VEGAS  
INTER-OFFICE MEMORANDUM**

<b>FROM:</b> PLANNING AND DEVELOPMENT DEPARTMENT	<b>DATE:</b> 08/25/06
<b>TO:</b> COX COMMUNICATIONS NEVADA POWER COMPANY SOUTHWEST GAS CORPORATION SOUTHERN NEVADA WATER AUTHORITY EMBARQ LAS VEGAS VALLEY WATER DISTRICT	DAN DeFIESTA  SHARON KENNEMER  SUE MULANAX
<b>SUBJECT:</b>	PETITION OF VACATION
<b>APPLICANT:</b>	PICERNE PROVIDENCE, LLC
<b>FILE NUMBER:</b>	EOT-16111

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**COMMENTS DUE BY: SEPTEMBER 5, 2006**

PLEASE SEND COMMENTS TO:  
DEPARTMENT OF PUBLIC WORKS  
RIGHT-OF-WAY DIVISION  
731 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
ATTN: CAROLYN CAVINESS

PLANNING COMMISSION MEETING: OCTOBER 5, 2006

ATTACHMENT:  
Nevada Power: application  
All others: location map