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FAX PAGE ONE OF NINE

2006 DEC 15 A 11: 33

December 15, 2006

To:

City Clerk's Office  
Attention: Paula Clark  
Fax number: 702.382.4803

From:

Palmer Christopher  
[reachpalmer@yahoo.com](mailto:reachpalmer@yahoo.com)  
702.396.2032

Re: City Council meeting scheduled for December 20, 2006  
Subject: Our address to council members during public comment segment

As we would like to address the City Council members during the public comment section of the council meeting scheduled for December 20, 2006, we would appreciate your forwarding copy of these documents to the council members.

Thank you.

*Citizen Participation*

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Paul and Palmer Christopher  
5231 N. Durango Drive  
Las Vegas, NV 89149  
702.396.2032

December 15, 2006

Members of the Las Vegas City Council  
CITY OF LAS VEGAS  
400 Stewart Avenue  
Las Vegas, NV  
Fax: 702.382.4803

Re: Inequitable treatment by the City of developers of a portion of its sewer line (in particular, relating to the proposed extension from Craig Road and El Capitan Way to Helena Avenue and El Capitan Way)

Dear Gentlepeople:

On December 20, 2006, at your regular meeting, or as soon thereafter as is possible, we intend to set forth reasons why the City of Las Vegas, and in particular its Department of Public Works of the Development Services Center, should in *fairness and consistency* with its earlier requirements withhold permits for the construction and completion of the sewer line that will serve the Southeast corner of Helena Avenue and El Capitan Way (also known as APN: 138-05-701-021, hereinafter referred to as the SE corner) *until* such time as the owners of said property resolve the issue of equitably bearing the financial burden of the construction of the aforesaid sewer line with the owners of the Northwest Corner of Helena Avenue and El Capitan Way (also known as APN: 138-05-301-049, hereinafter referred to as the NW corner). We, Paul and Palmer Christopher are the owners of said NW corner.

Attached please find a brief history of the events that lead to this matter, as well as related exhibits in support.

Members of the Las Vegas City Council  
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A Brief History of this matter is as follows:

During the course of our submittal and re-submittals of the plans and applications for the development of the Northwest corner of Helena Avenue and El Capitan Way, and more particularly the sewer extension to serve said location (former City of Las Vegas project number 7242, current project number we are informed is 11358, APN: 138-05-301-049, referred to as the "NW corner") there came a time when the plans for the NW corner were ready for approval and just prior to receiving project approval, we were contacted by a representative for the City who explicitly told us that we were required to, and in reliance on what we were told, we did both of the following: 1) amend our civil plans to accommodate the more extensive construction needs of the SE corner for extension of the sewer line, and 2) send in a written communication saying that we would cooperate with the owners of the SE corner so that all parties would share the burden of the construction that was to serve us all (see, Exhibit A, note to Kent Chang, P.E., dated October 13, 2004). We were told that the SE corner owners, who were in the same application for development process, were being required to commit and cooperate in the same manner.

Since as we were told the owners of the Southeast corner were making similar permit applications we willingly cooperated as per the City's directions including civil plans amendments to accommodate the needs of the Southeast corner (which is at a lower elevation), and associated bonding requirements and permit fees. However, the owners of the Southeast corner have since, we are told, abandoned their development applications.

Further, we have been informed by one of the bidding contractors for this job that the Southeast corner owners are fully aware of this situation and had in fact *given him a copy of our civil plans* to in order to get a construction estimate. He told us that the fact that as we received our permits first, and that with the ramifications of our earlier permits, including although not limited to the window of time for permit and related construction expiring first and the tremendous costs associated with delays and amendments to plans for permits that are not timely constructed, that the owners of the Southeast corner have decided to merely wait for us to complete the construction before they make further applications for permits.

Finally, we notified the public works department that the owners of the SE corner are ignoring our requests to cooperate, either now or in the future, and the response has been pretty much that we are on our own in this matter. [See Exhibit B- letter of November 17, 2006 from Tim Parks and Lucien Paet]

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Discussion:

If we were to complete the job now- *without any further assurances from the City*- the result would be unfairly detrimental to us financially and extremely beneficial to the owners of the Southeast corner, because they could then complete their construction by tapping in to the sewer line at the corner of Helena and El Capitan at their convenience without a dollar exchanging hands in our direction.

By the tone of its letter of November 17, 2006, the Public Works department does not wish to involve itself with the matter of sustaining a fair and equitable division of costs for the sewer line on El Capitan Way between the two developers who will benefit from it. We find this tone very regrettable. We acted upon the wishes and requirements of the department to our financial detriment, and we truly relied on the representations that were made to us in regard to this matter. It is unfortunate that the department does not comprehend the points that we made to it regarding the basis for our actions and our reliance on their directions. We feel it unfortunate that the department has abandoned us in regard to this matter, when their help could make such a simple and fair resolution of the matter consistent with past requirements.

If we improve the sewer line according to the requirements of the City which includes all of its related increased costs, and the City does nothing to protect our financial interests and cause the owners of the Southeast corner to share this burden, the City's actions- or inaction- would amount to an unconstitutional government taking of our property to benefit a private entity.

We have done everything that the City required in reliance on the fair treatment of all parties involved and therefore the City must not permit the owners of the Southeast corner to derive a free benefit to our financial detriment.

Request for Assurances from the City:

Our permits are near expiration and we have hired a contractor to complete the sewer line according to code and permit. However, we have halted our construction of the portion of the line that extends down to Helena Avenue from Craig Road because we have not gotten the cooperation that we rightfully expected from the owners of the SE property.

We have notified the public works department that the owners of the SE corner are ignoring our requests to cooperate, either now or in the future, and the response has been pretty much that we are on our own in this matter. [See Exhibit B- letter of November 17, 2006 from Tim Parks and Lucien Paet]

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We are not in a hurry to complete this project, but construction costs always seem to be on the rise, and as our contractor is ready to complete the construction- we feel in mitigation of the ever-increasing costs of construction for all involved, that we must complete this job now, or otherwise expect higher costs to complete in the future. However, even if we complete this construction now in order to mitigate the rising costs involved, we will still reserve any and all rights with respect to this matter to seek reimbursement for our financial outlays. We still maintain our very reasonable expectation that we should not have to bear the entire financial burden of this construction and that it is a simple matter for the Public Works department to impose cooperation on the owners/developers of the SE corner in this regard, as per the department's past representations to us that they too bear half of the costs whenever they seek to tie in to the sewer line.

**Our Request:**

In consideration of these matters, and in fairness and consistency with its past requirements we would plead that the City give us written assurances that it will not issue a permit for the SE corner to tie-in to the sewer lines until the City receives proper written notification from us (developers of the NW corner), or court order, that the financial issues have been equitably resolved. In this regard we would still propose that a letter, such as the sample letter included in our letter of November 14, 2006 (Exhibit C), to Tim Parks and Lucien Pact be submitted to all interested parties and kept in the file of the department of Public Works until related future development is completed and this financial issued is appropriately concluded.

Thank you for your consideration of this matter.

Sincerely,



Paul and Palmer Christopher

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2006 DEC 15 A 11: 34

To: Kent Chang, P.E.  
City of Las Vegas  
Development Services- Dept. of Public Works

October 13, 2004

From: Palmer Christopher  
5231 N. Durango Dr.  
Las Vegas, NV 89149  
(702)396-2032

Re: APN: 138-05-301-049, NW corner Helena and El Capitan  
Development of off-site improvements, in particular sewer lines and related  
Permit application #7242  
Subject: coordination of sewer lines with other potential developer(s)

As it relates to the pending application for a sewer permit, we are intending to proceed with the application process so that we may qualify for a grading permit for our site at the earliest opportunity. We have already entered agreement with a local excavation contractor and do not wish to delay this project any more.

As per your stated requirements that we amend our submittals to accommodate the sewer extension requirements for the development of the southeast corner of Helena and El Capitan and cooperate with the developers in its construction, we will cooperate with a view to sharing the costs of the construction that will serve us both. If necessary we will permit him/her to utilize our plans and our permit to install his/her improvements- and the developer can then adjust/revise his/her plans accordingly.

Exh A  
1 of 1

DEVELOPMENT SERVICES CENTER



Public Works Department  
Engineering Planning

731 S. Fourth Street  
Las Vegas, NV 89101

Voice 702-229-6541  
FAX 702-382-8551  
TTY 702-386-9108

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November 17, 2006

Paul and Palmer Christopher  
5231 N. Durango Drive  
Las Vegas, NV 89149

RE: Response to Your Letter of November 14, 2006

Paul and Palmer:

The Christopher 5 Lot Residential plans were originally submitted for City review on or about May 11, 2004. This first review (LD #7242) failed and the second review wasn't submitted until October 8, 2004. During this period, the Sinclair Construction/CNC Properties plans (Hansen #7918) were submitted on or about September 21, 2004.

The City conditioned Sinclair Construction/CNC Properties to coordinate the design of sewer in El Capitan Wy with your development. The purpose for requiring coordination between the two plans was to avoid multiple sewer extensions in the same street where construction and future utility alignment conflicts could be an issue. No evidence of written communication requiring the sharing of cost is in the project records, as the City does not have the authority to require such documentation. The City does have the authority to require a revision of plans under review in order to provide a serviceable point of connection for future developments. The decision of which project will construct the sewer line lies solely with the developers involved.

Given these facts, we are not amenable to the sample letter you provided. The City is prepared to grant a one-year extension on your City permits as stated in your letter. Extensions for other permits and/or submittals will need to be negotiated with the appropriate entity.

Sincerely,

Tim Parks, P.E.  
Project Engineer  
Sanitary Sewer Planning Section  
Department of Public Works

Lucien Diet, P.E.  
Engineering Project Manager  
Land Development Services Section  
Department of Public Works

- Las Vegas City Council
- Oscar B. Goodman  
Mayor
- Gary Kease, Ward 3  
Mayor Pro Tem
- Larry Brown, Ward 4
- Lawrence Weekly, Ward 5
- Steve Wolfson, Ward 7
- Lois Tarkanian, Ward 1
- Steven D. Ross, Ward 6

City Manager  
Douglas A. Salby



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Paul and Palmer Christopher  
5231 N. Durango Drive  
Las Vegas, NV 89149  
[reachpalmer@yahoo.com](mailto:reachpalmer@yahoo.com)  
702.396.2032

November 14, 2006

Tim Parks  
City of Las Vegas Development Services  
731 S. Fourth Street  
Las Vegas, NV 89101

Lucien Paet  
City of Las Vegas Development Services  
731 S. Fourth Street  
Las Vegas, NV 89101

Gentlemen:

As you recall our recent conversations in regard to the extension of the sewer line from Craig Road and El Capitan Way to Helena Avenue and El Capitan Way in which we explained that the owners of the property located at the Southeast corner of Helena Avenue and El Capitan Way (APN: 138-05-701-021, your project number 7918, formerly assigned to Lucien Paet, referred to as the "SE corner") who we have contacted via telephone and mail, are essentially ignoring our communications. Further, as we explained, we are informed from one of the contractors from whom a bid was sought for this project that the SE corner owners already inquired about the costs for constructing this project and have indicated that they intend to wait until we complete the project at our sole expense before continuing.

To review the history of this matter, during the course of our submittal and re-submittals of the plans and applications for our project located at the Northwest corner of Helena Avenue and El Capitan Way (former project number 7242, current project number we believe 11358, APN: 138-05-301-049, referred to as the "NW corner") there came a time when the plans for the NW corner were ready for approval and just prior to receiving project approval, *we were required to and did* 1) amend our civil plans to accommodate the more extensive construction needs of the SE corner for extension of the sewer line, and 2) send in a written communication saying that we would cooperate with the owners of the SE corner so that neither would have to bear the entire burden of this construction. We were told that the SE corner owners were required to commit and cooperate in the same manner.

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In respect to these requirements and in reliance on the expectations that the SE owners would respect the same, we have already 1) paid for additional design time for our civil engineer, and 2) paid for the associated bond obligations, and 3) contracted to have the sewer line installed.

We assumed that the requirements of your department were given in the spirit of fairness for the purpose of assuring the department that the developers would cooperate with each other and that the first owners to get their project permits would not unfairly bear the burden of the associated increased costs of the project due to the required amendment for the benefit of the development of the SE corner.

With all of this in mind we would simply propose the following:

As you know we have stopped our construction of the portion of the line that extends down to Helena Avenue from Craig Road because we have not gotten the cooperation that we expected from the owners of the SE property, and we are not in a hurry- but we intend to meet any requirements and deadlines as set out by the governing agencies in a timely manner. It is our understanding that your agency would be willing to grant an extension of time to complete our project from March 24, 2007 to March 24, 2008- and we are appreciative of this. However, in lieu of asking for the extension we would propose the following. Since all of the work has been done to get this project underway, and our contractor is set to construct at this time, we would be willing to complete the project now if the your department would kindly send a letter to all owners reiterating your requirement for cooperation between the owners in completion of this sewer line. If you were to send a letter to all owners on your letterhead, which you can simply copy from the sample letter that we have attached to this letter, we would complete the project at this time and not ask for any further extension.

We do realize that the City's main concern is a properly constructed sewer line, irrespective of who does the installation, but we feel that this accommodation would be fair to all parties involved and *completely consistent with the expectations of all parties as to the past requirements and communications regarding applications for permits and plan submittals.*

If this is agreeable to you please let us know so that we may inform our contractor to proceed. Thank you so much for your consideration of this matter.

Sincerely,

/s/

Paul and Palmer Christopher

Attachment

EXC  
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**SAMPLE LETTER** RECEIVED  
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Paul Christopher, Trustee  
PAUL CHRISTOPHER LIVING TRUST  
P.O. Box 81033  
Las Vegas, NV 89180

2006 DEC 15 A 11: 34

R & S HELENA, LLC  
3705 E. Flamingo Rd. #102-A  
Las Vegas, NV 89121-4903

Keith Clegg  
CNC PROPERTIES, LLC  
8780 La Sonda Circle  
Las Vegas, NV 89129

Re: Sewer tie-in for properties located at Northwest and Southeast  
corners of Helena Avenue and El Capitan Way,  
APN: 138-05-301-049 and 138-05-701-021, respectively

Dear Sirs:

During 2004 the owners of the above-referenced properties submitted plans and applications relating to extension of the sewer line from Craig Road and El Capitan Way to Helena Avenue and El Capitan Way. Since this extension of the sewer line was to serve both submitting parties and as no construction had yet begun, the party who had made the earlier submission was required to amend its submission to accommodate the additional construction requirements of the second party. Both parties were told of this requirement and in consideration of this accommodation they were both told that the City of Las Vegas expected the parties to share the burden of the installation to its sewer line.

In fairness and consistency with our previous requests and before permits for tie-in to the sewer line will issue, we will continue to require that the respective owners of the aforementioned properties, and or their successors in interest, resolve the issue of cooperation and of sharing the financial burden of the construction of the portion of the sewer line that extends from Craig Road and El Capitan Way to Helena Avenue and El Capitan Way.

Evidence of said cooperation will be accepted in the form of a waiver to tie-in to the sewer line notarized and signed by the owners of the respective properties acknowledging their mutual contributions.

Your cooperation is appreciated.

{Signed}

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