

MA
MORAN & ASSOCIATES
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

JOHN T. MORAN, JR.
JILL M. LYNNE
LEW BRANDON, JR.
JEFFERY A. BENDAVID
J.T. MORAN III
PROFESSIONAL CORPORATIONS

July 17, 2006

HAND DELIVERED

Mayor Oscar Goodman
CITY OF LAS VEGAS
City Hall
Las Vegas, NV

RE: CITY COUNCIL MEETING JULY 19, 2006 1:00 P.M.
MSH-13365

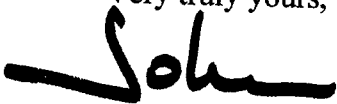
Dear Mayor:

As you know I represent Rancho Drive, LLC (Siegfried & Roy) on their legal matters. Enclosed is a copy of Notice of Meeting for the City Council scheduled for July 19, 2006 where the City is requesting to amend the Master Plan of streets and highways to add an alternative alignment for Mountain's Edge Parkway in Ward 6. By this correspondence I expressly object on behalf of my clients to such proposed realignment. Such realignment not only adversely impacts and affects my clients' property, but also property of other City constituents in the area who showed up at the City Planning Meeting and protested. Should this amendment and realignment of Mountain's Edge Parkway take place, my clients' property would be taken. I enclose for your review and consideration my letter dated June 7, 2006 to the Nevada Department of Transportation outlining the fact that my clients had an escrow terminated for their subject property by virtue of this proposed realignment. Additionally, I enclose correspondence dated June 27, 2006 from the State of Nevada Department of Transportation in response to my correspondence.

I am hopeful that you will consider my objection on behalf of my clients to this proposed realignment and deny same in all particulars when it comes before the City Council.

Thanking you for your anticipated cooperation. I remain,

Very truly yours,



John T. Moran, Jr.
ENCLOSURE
JTM/hgf

cc: City Council Members w/enclosures
Rancho Drive, LLC w/o enclsoures

Submitted at City Council
Date 7/19/06 Item 101

MA MORAN & ASSOCIATES
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June 7, 2006

Nevada Department of Transportation
Las Vegas
123 E. Washington Avenue
Las Vegas, Nevada 89101

RE: MY CLIENTS RANCHO DRIVE LLC/KYLE CANYON/MOUNTAINS
EDGE PARKWAY

To Whom It May Concern:

This correspondence shall serve to confirm that I represent Rancho Drive LLC. My clients were in escrow to sell their property totaling approximately 8.8 acres under Assessor Parcel #APN126-01-302-003, 126-02-301-014, 126-01-301-006 located in the County of Clark State of Nevada. The purchase price for the property exceeded Five Million Two Hundred and Eighty Thousand Dollars. Recently it was brought to my attention that NDOT was changing the original plan for Mountains Edge Parkway to a north alignment 400 feet wide that would take most of my clients' property. Naturally the buyer based on this terminated the proposed escrow and sale. I enclose a copy of the Kyle Canyon original plan, as well as the north alignment prepared by G.C. Wallace Inc., which depicts your contemplated change. It is of interest that under your new north alignment which deviates from the original plan and goes through my clients property would be taken and the buyer Kyle Acquisition Group LLC picks up a substantial amount of additional property to the detriment of my client seller Rancho Drive LLC. We have never received any notification by NDOT or anyone else about this proposed change and obvious future taking.

By this correspondence I ask you to review the enclosed map and this proposal by NDOT for validity and have your representative get back in touch with me to explain exactly what NDOT's proposal is as it relates to this north alignment proposed change, as well as the consequential taking of my clients property by same. Looking forward to your reply. I remain,

Very truly yours,

John T. Moran, Jr.

John T. Moran, Jr.

JTM/hgf
Enclosure

cc: Rancho Drive LLC
Lynette Chappell
Harvey Gettleston
Randy O'Connor

REC'D JUN 8 2006



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

June 27, 2006

KENNY C. GUINN, Governor

JEFF FONTAINE, P.E., Director

Mr. John T. Moran, Jr.
620 South 4th Street
Las Vegas, NV 89101

Mountain Edge Parkway & US 95

Dear Mr. Moran:

This letter is in response to your letter dated June 7, 2006, regarding the Mountain Edge Parkway alignment in the vicinity of Kyle Canyon. There are two projects in the vicinity of your client's property. The Mountain Edge Parkway is a corridor preservation project being pursued by the City of Las Vegas. The City of Las Vegas contact for this project is Assistant City Engineer Randy Fultz, 229-2176. NDOT is pursuing a project for widening US 95 from Craig Road to the junction with State Route 157.

The City of Las Vegas is coordinating with NDOT on the proposed alignment of Mountain Edge Parkway because it will affect state highways in northwest Las Vegas. The City is pursuing an environmental clearance for the future parkway alignment. The Kyle Acquisition Group LLC proposed the plan attached to your letter for the City's consideration. The City of Las Vegas would have to submit the proposed realignment to the Bureau of Land Management (BLM) for approval, either directly or through Federal Highway Administration (FHWA).

NDOT is following the National Environmental Policy Act (NEPA) in anticipation of widening US 95 widening from Craig Road to State Route 157. NDOT intends to submit a U.S. 95 NEPA document to the FHWA for their review and expects a decision by the end of 2006. NDOT's U.S. 95 NEPA document is currently in draft form and the preferred alternative for the U.S. 95 widening project does not propose any change to the future Mountain Edge Parkway alignment.

In general on projects receiving federal aid, until federal approval of the NEPA document is obtained, a preferred alternative identified in a NEPA document is considered to be only conceptual. The NEPA process also requires public input on the proposed alternatives. Once a preferred alternative is approved by the appropriate federal agency, preliminary engineering would follow. At a certain stage of preliminary design, usually 60%, a right-of-way setting will be held to establish what parcels of land or temporary and permanent easements need to be acquired. Right-of-way acquisition must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if federal funds are involved.

RECEIVED

JUN 28 2006

MORAN & ASSOCIATES

In conclusion, NDOT does not have a proposal to change the alignment of Mountain Edge Parkway. Since federal funds are anticipated for the widening of U.S. 95, the NEPA process and the Uniform Act must be followed.

If you have any questions, please contact me at 385-6506.

Sincerely,



Rudy Malfabon, P.E.
Deputy Director, Southern Nevada

cc: Randy Fultz, P.E., Assistant City Engineer, City of Las Vegas (w/ attachment)
Scott Rawlins, P.E., Assistant Director for Engineering, NDOT (w/ attachment)
Mary Martini, P.E., District Engineer, NDOT (w/ attachment)
Jeff Hale, P.E., Project Manager, NDOT (w/ attachment)
Heidi Mireles, Chief Right-of-Way Agent, NDOT
William Snyder, Asst. Chief Right-of-Way Agent, NDOT
Teresa Thienhaus, Deputy Attorney General (w/ attachment)
Kim Nokes, P.E., Parsons Transportation Group (w/ attachment)

Elena Perez

From: James B. Lewis
Sent: Tuesday, July 18, 2006 1:26 PM
To: Oscar B. Goodman
Subject: MSH-13365/Northern Beltway

Mayor,

One other thing--the city received a letter from a George E. Cromer, Esq. representing the George E. Cromer Family Trust asking that this item be postponed until he returns from out of town and moved to the August 17th agenda. Anyway, I wanted to bring this letter to your attention today, but failed to do so.

I'll bring the letter with me to the Council meeting.

Jim

Submitted at City Council
Date 7/19/06 Item #101

Memorandum

City of Las Vegas Office of the City Attorney

To: Oscar B. Goodman, Mayor

From: James B. Lewis
Deputy City Attorney

CC: Brad Jerbic, City Attorney
Bryan K. Scott, Assistant City Attorney

Date: July 18, 2006

Re: Initial Statements regarding Agenda Item 101; MSH-13365, Amendment to the Master Plan of Streets and Highways to add an Alternative Alignment for Mountain's Edge Parkway (Northern Beltway)

As promised, the following is a statement regarding the above-referenced item, in order to properly frame the record with regard to any future assertions that such a meeting "triggered" the beginning of pre-condemnation damages for property owners in the subject area if the City Council eventually chooses this alignment for the "Northern Beltway." Following the statement will be bullets of the "important points" in case you decide to fashion your own statement.

Statement

Mayor Goodman: Read in Item MSH-13365

Mayor Goodman: Before we hear from staff on this item and begin the proceedings, it is important for those of you in attendance on this item to understand what this item is, and what it is not.

Mayor Goodman: I understand this item to be a proposal to add an alternate, let me repeat this, an alternate alignment for the City's future freeway network in the northwest. If this item is approved, there will be two alignments for the northern beltway shown on our master plan—the current alignment and this proposed alternative.

Mayor Goodman: What this hearing is not is a hearing to decide whether this City will be asking landowners to sell property affected by this proposed alternative and this is absolutely, unequivocally not a hearing at which this City is announcing its intent to condemn anyone's property or a hearing at which this Council is making a decision as to whether this proposed alignment is the one to be utilized for the future path of the northern beltway.

Mayor Goodman: Please remember, this agenda item is merely the addition of a proposed alternative to the master plan so city staff can be more flexible in its recommendations to this Council as to the future of the northwest freeway network.

Submitted at City Council
Date 7/19/06 Item #101

Mayor Goodman: It is my understanding that our City Attorney staff will try to help keep us and you on the right track. This is not to be a discussion regarding the valuation of your property, or when or if the City is going to condemn your property or otherwise. This discussion is to be limited to the appropriateness of adding this alternative to the City's master plan.

Mayor Goodman: Staff . . .

Bullet Points

--this is a hearing on a proposed alternative alignment to the present alignment, no more, no less.

--an amendment to the City's master plan of streets and highways such as this allows the City to officially include such an alternative into its future planning processes.

--if the item is approved, both the current alignment and the proposed alignment will appear on the master plan of streets and highways until a decision is made by this Council as to which one the City will ultimately utilize for a freeway.

--this is not a hearing to decide whether the City should utilize this alternate as the final alignment for the northern beltway, nor is this an announcement of the City's intent to offer to purchase or condemn your property.

--this is merely the city staff requesting flexibility for its future planning of the northwest freeway network.