

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 69

1 **VAC-19032 - PUBLIC HEARING - OWNER/APPLICANT: PICERNE PROVIDENCE,**
2 **LLC - Petition to vacate a 40-foot wide BLM right-of-way grant along the north side of**
3 **Deer Springs Way commencing approximately 340 feet from the northwest corner of**
4 **Hualapai Way and Deer Springs Way and a 33-foot wide portion of an U.S. Government**
5 **Patent Easement generally located west of Hualapai Way and north of Deer Springs Way,**
6 **Ward 6 (Ross)**

7

8 **Appearance List:**

9 OSCAR GOODMAN, Mayor

10 BOB GRONAUER, Attorney, Kummer Kaempfer Bonner Renshaw & Ferrario, 3800 Howard
11 Hughes Parkway, representing Picerne Providence, LLC

12 JOHN THAYER CLARK, Counsel for Albert and Irene Massi

13 BART ANDERSON, Public Works Department

14 STEVEN D. ROSS, Councilman

15 BEVERLY BRIDGES, Acting City Clerk

16

17 9 minutes

18

19 Typed by: Gabriela Portillo-Brenner

20 Proofed by: Carmel Viado

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21 **MAYOR GOODMAN**

22 All right, 69 is VAC-19032. This'll be a public hearing. The owner/applicant is Picerne
23 Providence, LLC. Petition to vacate a 40-foot wide BLM right-of-way grant along the north side
24 of Deer Springs Way, commencing approximately 340 feet from the southwest (sic) corner of
25 Hualapai Way and Deer Springs Way, and a 33-foot wide portion of an (sic) U.S. Government
26 Patent Easement, generally located west of Hualapai Way and north of Deer Springs Way in
27 Ward 6. The Planning Commission and staff recommend approval, subject to conditions. It's a
28 public hearing, which is now declared open. Yes, Sir.

29

30 **BOB GRONAUER**

31 Good afternoon. I'm Bob Gronauer, 3800 Howard Hughes Parkway; I'm here representing
32 Picerne Development in this matter. Council, actually, this is a vacation that was approved by
33 you couple of years ago, with respect to the intent to vacate the portion of right-of-way grant
34 from the BLM; however, because of a technicality with the drafting of the language by the
35 engineer, we had to come back before you because we couldn't record that previous vacation.
36 So, we're back before you today. We're asking for approval, staff is recommending approval,
37 and also your Planning Commission has recommended approval.

38

39 **MAYOR GOODMAN**

40 All right. Thank you. Any questions of Mr. Gronauer? Sir, you'd like to be heard?

41

42 **JOHN THAYER CLARK**

43 Yes. Thank you. John Thayer Clark, Counsel for Albert and Irene Massi. They are adjacent
44 landowners, about a five-acre parcel. If you look at the map, they are on the U(PCD) property.
45 Our concern is that the vacation of this easement potentially will landlock the Massi property.
46 The property is in a kind of an interesting pattern. The, there's an L-shaped BLM property, and if
47 I can actually put this on the overhead, I'm pretty sure I can show it to you.

48

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49 **MAYOR GOODMAN**

50 Certainly. Could you zoom in, please. There you go. Thank you.

51

52 **JOHN THAYER CLARK**

53 As you can see, the, identified the Albert Massi property. The BLM property is actually that L
54 shape on both sides. The Picerne property is directly across the, across from the Massi property.
55 The way it exists right now, Hualapai is the main thoroughfare. By granting this vacation of the
56 easement, there is absolutely no access from the Massi property onto the – largest street there
57 possible, which is Hualapai. In order to get this property, they would have to travel up Hualapai,
58 down Deer Springs, down the other way, and then the back entrance. Our concern regarding that
59 actual happening is there's no guarantee that that right-of-way that's been granted to the Clark
60 County School District will still be in existence, or we believe that it might be terminable, and,
61 therefore, we're landlocked on this property, if you grant this vacation.

62

63 **MAYOR GOODMAN**

64 All right. Mr. Anderson, do you have any input, as far as that's concerned?

65

66 **BART ANDERSON**

67 Certainly, I can – say that our Right-of-Way Section, and I'm sorry, Bart Anderson, Public
68 Works, Right-of-Way Section has researched this pretty thoroughly. There is an existing BLM
69 right-of-way grant to the City of Las Vegas, not to the School District, but to the City of Las
70 Vegas for perpetual roadway easement for our purposes. A BLM right-of-way grant is the
71 equivalent of right-of-way; it could only be eliminated through the formal vacation process,
72 similar to what's happening here.

73 So, from the perspective of land locking the parcel, that is not an issue. The parcel has alternative
74 access. The vacation is consistent with the previously approved Providence Master Plan and with
75 previous – or prior actions, including a final map that dedicated a portion of the cul-de-sac
76 terminating that road at this location.

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77 So, with respect to the applicant and their concerns, I understand them, but they need not be
78 concerned they're landlocked; they're not.

79

80 **MAYOR GOODMAN**

81 All right. Does that address your concerns?

82

83 **JOHN THAYER CLARK**

84 Not – entirely. Our concern is that – the landlock issue has not been decided. We have a concern
85 that easement may go away. The school is gonna be – there might be a school built there and that
86 would hinder the ability to enter the property –

87

88 **MAYOR GOODMAN**

89 I know, but as far as the easement, Mr. Anderson says it's a City easement; it doesn't have
90 anything to do with the School District.

91

92 **JOHN THAYER CLARK**

93 Well, I've not seen that document. I've been provided a document, or the School District with an
94 easement from BLM. But, additionally, our concern is that Hualapai is a major thoroughfare
95 here, you're gonna block that off. It's about 300 feet from the Massi property. They no longer
96 can have access. They have to do a circuitous route about three-fourths of a mile just to get to the
97 property now.

98

99 **MAYOR GOODMAN**

100 Did you wanna comment on that, Mr. Gronauer?

101

102 **BOB GRONAUER**

103 Yes. I've been waiting for the rebuttal, Your Honor. First of all, what I'd like to point out here is
104 this is a copy of your Master Plan Streets and Highways. As you can see here, what I'm showing
105 you, this is the Deer Springs Alignment, which goes east and west. This is our property. This is

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106 the Massi property. This amendment and this plan was approved for the Providence area back in
107 2003. So, since 2003, Deer Springs has not been planned to go west of Hualapai in this area.
108 More importantly, next, subsequent to that change, we have the Providence Master Plan located
109 here. Again, it was approved several years ago, where in this area, as you can see highlighted,
110 this is the Deer Springs Alignment; it dead-ends in Hualapai, and over here is our property and
111 the Massi property. It's always been intended that the road would be going from this side all the
112 way over to the street over here for access to the site.

113 Just of couple of years ago, when we came through, as I told you earlier, with a vacation and site
114 plan review, if you take a look – at the bottom portion of the property here, you can see that
115 when we had the vacation approved and the site development plan approved, it was already
116 approved for a cul-de-sac in this area, then you can see the curb in here. A matter of fact, what
117 Mr. Anderson pointed out to you, the Parent Master Tentative Map, which is now a Final Map,
118 has already been recorded, showing you, in this area, where its already been contemplated to
119 have a cul-de-sac in this area.

120 So, with respect to the concern of limited access to the property or no access, they actually do
121 have access. Access will go from this point, on over here. It's always been discussed. The
122 property owners should have been on notice for the last four years, since we've been going
123 through this process. Like I said, this is just a cleanup item, but for the fact that it was written up
124 the wrong way through the engineer when we came through the first time, this would already be
125 recorded today. They do have legal access to the property.

126

127 **MAYOR GOODMAN**

128 All right. Thank you.

129

130 **JOHN THAYER CLARK**

131 If I could just respond –

132

133 **MAYOR GOODMAN**

134 Folks?

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135 **JOHN THAYER CLARK**

136 If I could just respond?

137

138 **MAYOR GOODMAN**

139 Okay.

140

141 **JOHN THAYER CLARK**

142 I apologize.

143

144 **MAYOR GOODMAN**

145 No, don't apologize. Nothing's being resolved. One guy says one thing, one guy says another
146 here, and we're sitting up here, you know, listening. But go ahead.

147

148 **JOHN THAYER CLARK**

149 My – concern is that this is the first opportunity, with this easement that's being vacated, we can
150 talk about years ago; this is the first opportunity where we're actually being impacted, the Massi
151 property. We're actually in negotiations. We're trying to negotiate to get a lot line adjustment, so
152 the Massi property would have access to Hualapai. We don't have that – yet. We'd ask for 60
153 days to table this matter, then come back before the Council.

154

155 **MAYOR GOODMAN**

156 All right. Thank you. All right, folks, a public hearing, if anyone would like to be heard. Seeing
157 none, close the public hearing. Councilman Ross, what's your pleasure?

158

159 **COUNCILMAN ROSS**

160 Well, thank you, Your Honor. And, I'm sorry; I don't recall your name.

161

162 **JOHN THAYER CLARK**

163 John Thayer Clark.

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164 **COUNCILMAN ROSS**

165 Mr. Thayer Clark. I can appreciate the Massis' concerns, but I've gone over this item in great
166 detail with our Public Works, Bart Anderson, in regards to your access, or access and egress to
167 that parcel, and I'm fully comfortable with the direction we're headed in right now. The
168 Planning Commission and staff has recommended **approval, and I, I'm gonna move – for that**
169 **at this time. That's my motion, Your Honor.**

170

171 **MAYOR GOODMAN**

172 All right. Let's vote, please. Post.

173

174 **BEVERLY BRIDGES**

175 It's approved.

176

177 **MAYOR GOODMAN**

178 It posted?

179

180 **COUNCILMAN ROSS**

181 Can I make a comment, Your Honor?

182

183 **MAYOR GOODMAN**

184 Okay. Motion carries. (**Motion carried unanimously.**) Yes?

185

186 **COUNCILMAN ROSS**

187 Mr. Thayer Clark, I would suggest that you work with Mr. Gronauer, and I wish that you'd had
188 the opportunity to meet with us long before this meeting took place so we could work these
189 things out.

190

191 **JOHN THAYER CLARK**

192 I believe Mr. Brian Cipoletti has been meeting with staff on this matter for several years now.

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193 **COUNCILMAN ROSS**

194 Several years?

195

196 **JOHN THAYER CLARK**

197 Yeah.

198

199 **COUNCILMAN ROSS**

200 Well, good luck with that. Thank you.

201

202 **JOHN THAYER CLARK**

203 Thank you.

204

205 **COUNCILMAN ROSS**

206 Thank you, Your Honor.

207

208 **MAYOR GOODMAN**

209 You're welcome.

210

211 **BOB GRONAUER**

212 Thank you for your consideration.

213

214 **(END OF DISCUSSION)**

215 gpb;cv