

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FINDING THAT THE PROPOSED SALE OF PARCELS AT 4<sup>TH</sup> STREET AND STEWART AVENUE (APNS 139-34-501-004, 139-34-501-007 AND 139-34-501-008) AND 333 EAST OGDEN AVENUE (APN 139-34-510-020) TO CIM/LL MANAGER, LLC AND THE EXTENSION OF LEASE TERM FOR THE OGDEN GARAGE TO CIM/LL LAS VEGAS, LLC ARE IN THE BEST INTEREST OF THE PUBLIC

WHEREAS, the City owns parcels at 4<sup>th</sup> Street and Stewart Avenue known as the ENA Site, as well as, 333 East Ogden Avenue known as the Ogden Garage Site each as described in Exhibits B-1, B-2 and B-3 of the DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN CITY OF LAS VEGAS AND CIM/LL MANAGER, LLC (the "DDA"); and

WHEREAS, subject to the terms of the DDA, the City desires to sell the ENA Site to CIM/LL Manager, LLC for the purpose of facilitating its development of mixed-use buildings, consisting of 100,000 to 200,000 square feet of retail space and 350,000 to 500,000 square feet of hotel, residential and/or office, including food service, restaurant, bar, tavern, night club, meeting facilities, dancing, lounge and other uses normally associated with a large-scale vertical mixed-use development on now underutilized land to contribute to the City's efforts to revitalize the central core of downtown Las Vegas by bringing a range of at least seven hundred fifty (750) to one thousand (1,000) direct jobs to downtown Las Vegas and three hundred twenty-seven (327) to four hundred thirty-six (436) indirect jobs; and

WHEREAS, the proposed sale is for an amount that is less than the highest appraised value of the ENA Site, an amount which is less than fair market value; and

WHEREAS, Nevada Revised Statutes 268.063 authorizes the City to sell, lease or otherwise dispose of real property for purposes of economic development without first offering it

1 to the public and for less than fair market value, if the City Council finds, by resolution, that it is  
2 in the best interests of the public to do so; and

3 WHEREAS, the proposed sale of the ENA Site to CIM/LL Manager, LLC qualifies  
4 under the above-referenced statute as a sale for purposes of economic development because it  
5 will:

- 6 -Facilitate the establishment of new commercial enterprises or facilities within the City;
- 7 -Provide for the support, retention or expansion of existing commercial enterprises; and
- 8 -Thereby create and retain opportunities for employment for residents of the City; and

9 WHEREAS, the presence of CIM/LL Manager, LLC, as a corporate entity to be located  
10 in the city of Las Vegas, will contribute significantly to the potential for the successful  
11 achievement of economic development in downtown Las Vegas relative to the ENA Site,  
12 potential that may not be as great if the ENA Site is offered to the public and is offered at a  
13 potentially higher price; and

14 WHEREAS, the City and CIM/LL Las Vegas, LLC, an affiliate of CIM/LL Manager,  
15 LLC, are parties to that certain Indenture of Lease dated June 6, 1984 ("Lease Agreement"), for  
16 the ground and parking garage located on the Ogden Garage Site whereby CIM/LL Las Vegas,  
17 LLC, as tenant, has been leasing the Ogden Garage Site from the City; and

18 WHEREAS, subject to the terms of the DDA, the City also desires to sell the Ogden  
19 Garage Site to CIM/LL Manager, LLC, as well as, to amend the Lease Agreement to only extend  
20 the term of the Lease Agreement, both for purposes of inducing both CIM/LL Manager, LLC  
21 and CIM/LL Las Vegas, LLC to complete \$500,000 in improvements to enhance the appearance  
22 and functionality of the Ogden Garage Site, as well as, to support the renovation and reopening  
23 of an existing commercial enterprise, the Lady Luck Hotel and Casino (which has been closed  
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1 for over two years) that will feature 631 hotel rooms, 50,000 square feet of retail and 43,000  
2 square feet of casino thereby contributing to the City's efforts to revitalize the central core of  
3 downtown Las Vegas through the retention and/or creation of at least seven hundred fifty-six  
4 (756) direct jobs in downtown Las Vegas and three hundred thirty (330) indirect jobs; and  
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6 WHEREAS, the proposed sale is for an amount that is less than the highest appraised  
7 value of the Ogden Garage Site, an amount which is less than fair market value; and  
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9 WHEREAS, the proposed amendment to Lease Agreement to extend the term is being  
10 done without first offering it to the public; and  
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12 WHEREAS, Nevada Revised Statutes 268.063 authorizes the City to sell, lease or  
13 otherwise dispose of real property for purposes of economic development without first offering it  
14 to the public and for less than fair market value, if the City Council finds, by resolution, that it is  
15 in the best interests of the public to do so; and  
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17 WHEREAS, the proposed sale of the Ogden Garage Site to CIM/LL Manager, LLC, as  
18 well as, the proposed amendment to Lease Agreement with CIM/LL Las Vegas, LLC to extend  
19 the term for the Ogden Garage Site, both qualify under the above-referenced statute as a sale and  
20 lease for purposes of economic development because they will:

21 -Provide for the support, retention or expansion of existing commercial enterprises; and  
22

23 -Thereby create and retain opportunities for employment for residents of the City; and  
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25 WHEREAS, the presence of CIM/LL Manager, LLC and CIM/LL Las Vegas, LLC, as  
26 corporate entities to be located in the city of Las Vegas, will both contribute significantly to the  
27 potential for the successful achievement of economic development in downtown Las Vegas  
28 relative to the Ogden Garage Site, potential that may not be as great if the Ogden Garage Site is  
offered to the public and is offered at a potentially higher price.

1 NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF  
2 THE CITY OF LAS VEGAS HEREBY FINDS that the sale of both the ENA Site and the Ogden  
3 Garage Site from the City to CIM/LL Manager, LLC, as well as, the Third Amendment to Lease  
4 Agreement with CIM/LL Las Vegas, LLC for the Ogden Garage Site, without first offering them  
5 to the public and for amounts that are less than fair market value, are for purposes of economic  
6 development and are in the best interests of the public.  
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8 PASSED, ADOPTED AND APPROVED THIS \_\_\_\_ day of July, 2008.

9 CITY OF LAS VEGAS ("City")  
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11 By: \_\_\_\_\_  
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:  
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15 \_\_\_\_\_  
16 BEVERLY K. BRIDGES, CMC, City Clerk

17 Date of City Council Approval:  
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19 \_\_\_\_\_  
20 Date

21 APPROVED AS TO FORM:

22 *J. Penicella* 6/18/08  
23 Deputy City Attorney Date  
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