



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-35636 - APPLICANT: THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This six-month extension shall be valid through February 20, 2010. Failure to obtain a federal patent for the subject site by that date shall nullify the Development Agreement, per Subsection 2.07 of the document.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a six-month extension of the Development Agreement for the College of Southern Nevada (CSN) on approximately 41.17 acres at the northwest corner of Elkhorn Road and Grand Montecito Parkway.

EXECUTIVE SUMMARY

The college has requested the extension due to the fact that the federal patent for the subject site has not yet been obtained. Legislation is in process to grant the land to the college; consequently, staff recommends approval of the six-month extension.

ANALYSIS

Section 2.07 of the Development Agreement established an 18-month deadline from the effective date of the agreement (February 20, 2008) for the college to obtain a federal land patent for the site in question. The document states that the Development Agreement becomes null and void if the college is unable to secure the patent. However, a six-month extension of the deadline is permissible upon approval of City Council and the college. Approval of the extension would give the college until February 20, 2010 to secure the land patent.

The letter submitted by the applicant states that they have not been able to secure the patent yet, but are awaiting the passage of S. 940, the Southern Nevada Higher Education Land Act of 2009. The bill, sponsored by Senator Reid, was introduced in April 2009 and has been referred to committee. The bill would convey the subject site to the CSN if signed into law.

It should be noted that the Development Agreement would permit the development of a mixed-use campus on the subject site, including commercial and residential uses in addition to the college facilities. If bill S. 940 is modified to disallow the mixture of uses proposed by the Development Agreement, the document will need to be modified accordingly.

Per the Development Agreement, a report documenting compliance with the terms of the agreement is required on a biennial basis. The first report is due to City Council in February 2010; at that time, staff will report on the status of the federal patent and other terms of the agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

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SENATE DISTRICT N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0