



AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 3, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: DIR-37018 – APPLICANT: THE BOARD OF REGENTS OF
THE NEVADA SYSTEM OF HIGH EDUCATION**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This six-month extension shall be valid through October 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 an extension due to the fact that there has been a delay in the federal legislation necessary to obtain a federal patent for the site. Due to the legislative delay, staff recommends approval of the extension. Approval of this request will extend the agreement to October 20, 2010.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
02/20/08	DIR-26231 was approved by City Council, establishing a Development Agreement between the city of Las Vegas and the College of Southern Nevada for the development of a college campus at the northwest corner of Elkhorn Road and Grand Montecito Parkway.
09/02/09	The City Council approved DIR-35636, which granted a six-month extension of the Development Agreement between the city of Las Vegas and the College of Southern Nevada.
02/03/10	The City Council is scheduled to hear DIR-37158, which would amend the development agreement to allow additional extensions of time to secure a federal patent for the subject site.

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, the agreement allows for a six-month extension of the deadline upon approval of City Council and the college. One extension has already been granted, extending the agreement to February 20, 2010. An associated application (DIR-37158) will amend the Development Agreement to allow additional extensions of time to secure the federal patent for the land. If this request is approved and the Development Agreement is amended, the applicant will have until October 20, 2010, to obtain a patent for the site.

Senate Bill S.940, the “Southern Nevada Higher Education Land Act of 2009,” would convey the subject site to the college if signed into law. The bill is sponsored by Senator Reid, and was introduced in April 2009. On December 16, 2009, the Committee on Energy and Natural Resources ordered the bill to be reported with an amendment in the nature of a substitute favorably. No additional hearing dates have been announced.

It should be noted that the Development Agreement would permit the development of a mixed-use campus on the subject site, including residential and commercial uses. If bill S.940 will only allow educational uses, then the Development Agreement will need to be modified accordingly.

In accordance with Nevada Revised Statutes, a report documenting compliance with the terms of the agreement is required on a biennial basis. The first report is due in February 2010, and will be placed on the following City Council agenda.

<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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