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June 15, 2010

VIA HAND DELIVERY

City of Las Vegas Planning and
Development Department
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Re: **3810 North Jones Boulevard, Las Vegas, Nevada**
Application for Special Use Permit
Justification Letter

Ladies and Gentlemen:

This firm represents the Federal Deposit Insurance Corporation as Receiver for Community Bank of Nevada ("FDIC-R"), the record owner of the above referenced real property and applicant hereunder. This Justification Letter is sent in support of the Application of the FDIC-R. The special use permit for which application is made is required in order to authorize the continued use of this property as a self-service carwash facility. The previously non-conforming use of the site expired January 27, 2010, one year after the expiration date of the last business license for this use. The business license expired as a result of the foreclosure by the Community Bank of Nevada of this property, which occurred June 6, 2008. The site was annexed by the City of Las Vegas in its current configuration in 2001.

The property in question consists of an approximately 0.80 acre tract of land located on the east side of North Jones Boulevard. The property has been improved with a one-story building which contains self-service carwash bays and a maintenance room. Additional site improvements include asphalt parking and drives, a perimeter block wall and a canopy covered vacuum use structure together with areas of landscaping. The improvements to this property were constructed in 1999.

The current zoning of C-1 (Limited Commercial) is not consistent with the current General Plan designation of DR (Desert Rural). A General Plan Amendment is required to

DUANE MORRIS LLP

100 NORTH CITY PARKWAY, SUITE 1560 LAS VEGAS, NV 89106-4617
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City of Las Vegas

amend the designation to SC (Service Commercial). A neighborhood meeting is scheduled for June 29, 2010 as part of this application.

The FDIC-R desires to market and sell the property to a purchaser who would use the property as a self-service carwash, essentially continuing the same use as has previously existed on this property since its construction in 1999. The FDIC-R requests that a special use permit be issued which will reinstate and allow the continued historic use of the property as a self-service carwash.

FDIC-R is informed and believes that the previous owner employed no more than three employees who operated this business and its hours of operation were between 7:00 a.m. and 10:00 p.m., seven days a week. It is anticipated that this staffing level (perhaps increased to no more than five employees) and the hours of operation would be continued. The real property has access directly from North Jones Boulevard. In addition, we request waivers of the minimum special use permit requirements that opening to the wash bays shall not face the public rights-of-way, that the use not be located within 200 feet of residential property unless separated by a street, or that the use be operated in conjunction with other motor vehicle related uses. The only use of this parcel will be as a coin-operated carwash. The parcel is separated by a block wall from residential property which is nearby, as shown on the site maps. Openings to carwash bays on the property will be closed when not in use.

Any other use of this property would require that the improvements which have been in existence for more than 10 years be demolished and expensive reconstruction would be required for any other use. To the best of our knowledge, this property has been used as a self service carwash continuously without objection as to such use from surrounding property owners since it was first constructed. It is therefore requested that the use be continued to be approved through the issuance of the special use permit requested herein to reestablish this self-service carwash use.

Attachments to the Application include the following:

Attachment A consists of nineteen (19) black and white and one (1) color copies of the site plan, which was obtained from the Clark County Building Department, and on file with that Department in connection with the original application for construction. In addition, Attachment A consists of photographs showing the improvements to the property as currently existing as of June 14, 2010 (nineteen (19) black and white and one (1) color). In light of the fact that the improvements were constructed in 1999 and the current owner acquired the Property through foreclosure, a complete set of drawings is only available through the Clark County Building Department, and Applicant respectfully requests that this submission will be deemed satisfactory to show the dimensions, elevations and landscaping of the project, as constructed.

Attachment B is Ordinance Number 5277, approving the annexation of this property by the City of Las Vegas, recorded on January 11, 2001.

City of Las Vegas Planning and Development Department
June 15, 2010
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Attachment C is the assessor's parcel map showing the location of the subject property and designation of assessor's parcel number.

Attachment D is the Trustee's Deed Upon Sale, showing title to the property in Community Bank of Nevada, as well as the legal description.

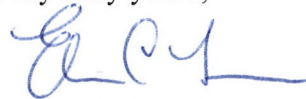
Attachment E is the Order Appointing the FDIC as Receiver for Community Bank of Nevada and acceptance of the appointment.

Attachment F is a letter from Linda Yium authorizing execution and submission of this Application by Eleissa C. Lavelle, Esq., of the law firm of Duane Morris, LLP, as counsel for FDIC-R in this matter, and the engagement letter executed by Ken Pearson on behalf of FDIC-R, authorizing engagement of Eleissa C. Lavelle, Esq. and the law firm of Duane Morris, LLP as counsel for FDIC-R in this matter.

Attachment G is the Statement of Financial Interest.

Should you have any questions or require any further information, please let us know.

Very truly yours,



Eleissa C. Lavelle, Esq.

ECL:fs
Attachments

cc: Linda Yium



City of Las Vegas
Planning and Development Department
Las Vegas, Nevada

June 14, 2010

RE: **Community Bank of Nevada
Owned Real Estate (ORE)**

To whom it may concern:

CB Richard Ellis has been retained by the FDIC to manage and sell the owned real estate (ORE) assets from the Community Bank of Nevada receivership. Please see the attached press releases.

CB Richard Ellis has subsequently engaged Eleissa C. Lavelle, Esq with Duane Morris LLP to assist in obtaining permits for the operation of the 3810 N. Jones Blvd, Las Vegas, NV property as a car wash and to provide additional legal services as required for the real estate. CB Richard Ellis has authorized Eleissa C. Lavelle with Duane Morris LLP to perform the following services for the Community Bank of Nevada asset, 3810 N. Jones Blvd, Las Vegas, NV: obtain permits as required for the operation of the property as a car wash and other legal services for the management, marketing, and disposition of this property.

I am the asset manager for 3810 North Jones Blvd, Las Vegas, NV from the Community Bank of Nevada receivership. Please feel free to contact me with questions or for additional information.

Thank you,

Linda Yium
CB Richard Ellis, Inc.
Contractor for the FDIC as Receiver for Community Bank of Nevada

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March 12, 2010

Ken Pearson
CB Richard Ellis Inc.
Global Corporate Services
FDIC Account
2100 Ross Avenue, Suite 3300
Dallas, TX 75201

Attention: Linda Yium, Asset Manager

Re: Federal Deposit Insurance Corporation ("FDIC")/Community Bank of Nevada – 3810 N. Jones Blvd., Las Vegas, Nevada (the "Property") – Legal Services Pertaining to Permitting and Property Use.

Dear Mr. Pearson:

We are writing to confirm our firm's engagement by CB Richard Ellis, Inc. ("CBRE") on behalf of the Federal Deposit Insurance Corporation, receiver of Community Bank of Nevada, to assist in obtaining permits as required for the operation of the Property as a car-wash, and to provide other legal services as may be required and ordered by you in connection with the management, marketing and disposition of the Property. By entering into this Agreement, we represent that our law firm is on the FDIC's list of Legal Counsel Approved (LCA). Based on a review of our current client list and our understanding of the scope of this assignment, our engagement will not create a conflict of interest with respect to the FDIC, CB Richard Ellis or any of the other clients that we represent and services we provide.

Fees for our services will be charged based on the reduced hourly rates approved by the FDIC, and reflected in the attached Legal Services Agreement Rate Schedule, which is made a part of this Agreement. Our hourly rates are subject to change from time to time as may be approved by the FDIC.

A budget of \$10,000.00 has been proposed for the initial services required under this engagement, subject, however, to change as the matter progresses. In no event shall our charges for this representation exceed \$50,000 without prior written authorization from you.

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All reasonable out-of-pocket costs actually incurred by us in providing services under this agreement, including, but not limited to, filing and other court fees (as may be required); photocopying; long distance phone calls; postage; courier service; document preparation fees; fax transmissions and receptions; and travel expenses, will be reimbursed to you at our reasonable cost, and as may otherwise be allowed consistent with our agreement with the FDIC. We estimate the cost of reimbursable out-of-pocket costs for this engagement, will not exceed \$1,500.00, subject, however, to change as the matter progresses.

Our findings and progress on this assignment will be regularly communicated to you and/or to your designated representatives. Copies of significant correspondence and other materials will also be provided to keep you apprised of progress and developments during this engagement. In addition, we are always pleased to respond to any questions you may have regarding our services and the costs for such services.

Detailed statements indicating the services rendered and any costs advanced will be submitted to CBRE on a monthly basis. Statements are to be paid in full within 60 days following their receipt and certification by CBRE.

This engagement shall start now and remain in effect until the earlier of the date for completion of the required services, or one (1) year, and may be renewed by you for an additional six (6) month term upon advance written notice delivered to us within thirty (30) days prior to the scheduled termination. You may terminate this engagement at any time by written notice delivered to us at the above address. In such event, your obligation for fees and costs would be limited to fees and costs incurred prior to the date we receive your written notice.

The parties agree that signatures may be exchanged by hand, by mail, by fax, by photocopy or in counterparts – any such method being binding on both parties when completed and exchanged.

If the foregoing meets with your approval, please sign and return the enclosed copy of this letter for our records.

Very truly yours,

DUANE MORRIS LLP

By: 

Eleissa C. Lavelle, Esq.

Title: Partner

ECL:mew
Enclosures

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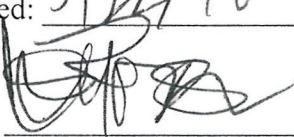
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CBRE
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**APPROVED AND ACCEPTED BY CB RICHARD ELLIS, INC.
ON BEHALF OF THE FEDERAL DEPOSIT INSURANCE
CORPORATION, RECEIVER OF COMMUNITY BANK OF NEVADA**

Dated: 3/22/10

By: 

Ken Pearson, Alliance Director

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FDIC

Division of Resolutions and Receiverships
West Coast Temporary Satellite Office
40 Pacifica
Irvine, California 92618

(949) 208-6200

August 14, 2009

George E. Burns
Commissioner, Financial Institutions Division
State of Nevada Department of Business and Industry
2785 East Desert Inn Road, Suite 180
Las Vegas, CA 89121

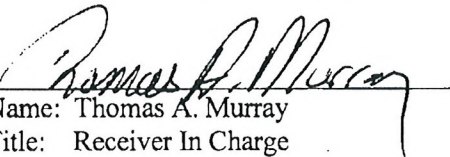
Subject: Community Bank of Nevada
Las Vegas, Nevada- In Receivership
Acceptance of Appointment as Receiver

Dear Commissioner Burns:

Please be advised that the Federal Deposit Insurance Corporation accepts its appointment as Receiver of the captioned depository institution, in accordance with the Federal Deposit Insurance Act, as amended.

Sincerely,

FEDERAL DEPOSIT INSURANCE CORPORATION

By: 
Name: Thomas A. Murray
Title: Receiver In Charge

Deposit Insurance National Bank of Las Vegas, NV

8945 W. Russell Road Las Vegas, NV 89148



August 17, 2009

Mr. James Christian
Ms. Karen Nevitt
Wells Fargo Bank, National Association
100 W. Washington St., 13th Floor
MAC S4101-13A
Phoenix, AZ 85003-1808

Re: Community Bank of Nevada

Dear Mr. Christian and Ms. Nevitt:

This letter confirms that Deposit Insurance National Bank of Las Vegas ("DINB") has acquired certain assets of Community Bank of Nevada ("CBN"), which assets include deposit account nos. 412-1554307, 495-0021642 and 494-5069631 (the "Accounts") maintained by CBN with Wells Fargo Bank, National Association ("Wells Fargo"). In addition, please accept this letter as confirmation that (i) DINB is the owner of the Accounts effective as of close of business August 14, 2009, (ii) all treasury management and foreign exchange/wire services (the "Services") that are currently being provided on the Accounts should remain in place until such time that DINB notifies Wells Fargo that it is terminating a Service, (iii) all authorizations, including signing authority, that are currently in place for the Accounts and the Services are still effective and will remain in place until such time that DINB notifies Wells Fargo, and provides appropriate documentation, changing such authorizations, (iv) DINB agrees that it is bound by the account and service agreements that are currently in place for the Accounts and Services and (v) without limiting the generality of the foregoing, the special currency order placed on Saturday, August 15, 2009 shall be deemed to have been placed by DINB in accordance with the terms of this letter.

Please contact me with any questions regarding this matter.

Respectfully yours,

A handwritten signature in cursive script that reads "Thomas Murray".

Thomas Murray
Executive Officer
Deposit Insurance National Bank of Las Vegas

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