



Las Vegas

Agenda Item No.: 42.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action to approve additional funding for legal fees of Lewis and Roca to represent the City of Las Vegas in two (2) Supreme Court appeals involving similar eminent domain matters pertaining to patent deed easement land restrictions for parcels owned by Cliff Shadows Professional Plaza LLC and Bluewaters Family Limited Partnership for the amount not to exceed \$100,000. (Anthony)

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount: \$100,000

Funding Source: General Fund

Dept./Division: City Attorney

PURPOSE/BACKGROUND:

The City of Las Vegas sought expansion of Cliff Shadows Parkway to ease traffic congestion and enhance vehicular flow safety by utilization of a 33-foot strip of adjacent land already permitted pursuant to a federal patent deed grant in 1956. Two parcel owners, Cliff Shadows Professional Plaza LLC and Bluewaters Family Limited Partnership, contested the valuation and the district court held in their favor. The funds are requested to reimburse Lewis and Roca for attorney's fees and related costs to pursue the cases on appeal before the Nevada Supreme Court.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW)

Minutes:

CITY ATTORNEY BRAD JERBIC stated the item is in order and recommended approval.

COUNCILMAN WOLFSON questioned the reason why City staff is not handling this particular case given the fact they have the expertise to provide these services. CITY ATTORNEY

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JERBIC replied that the consequences of this particular case are long-lasting. The result of this case would affect every municipality and county in the State of Nevada. Staff has contacted other cities and counties regarding this litigation and the City will receive some amicus briefs from them supporting the City's position. To lose this case, potentially, would cost the taxpayers untold millions of dollars in acquisition costs for right-of-way, which staff believes the City already owns by way of patented deeds received from the federal government a long time ago. This is a critical case and a must win case.

JUANITA CLARK, Charleston Neighborhood Preservation, confirmed with CITY ATTORNEY JERBIC that the total amount that would be spent for legal representation is \$100,000. The City retained the services of Lewis and Roca because they are the finest appellant attorneys in the State of Nevada.

See Item 30 for related backup.

