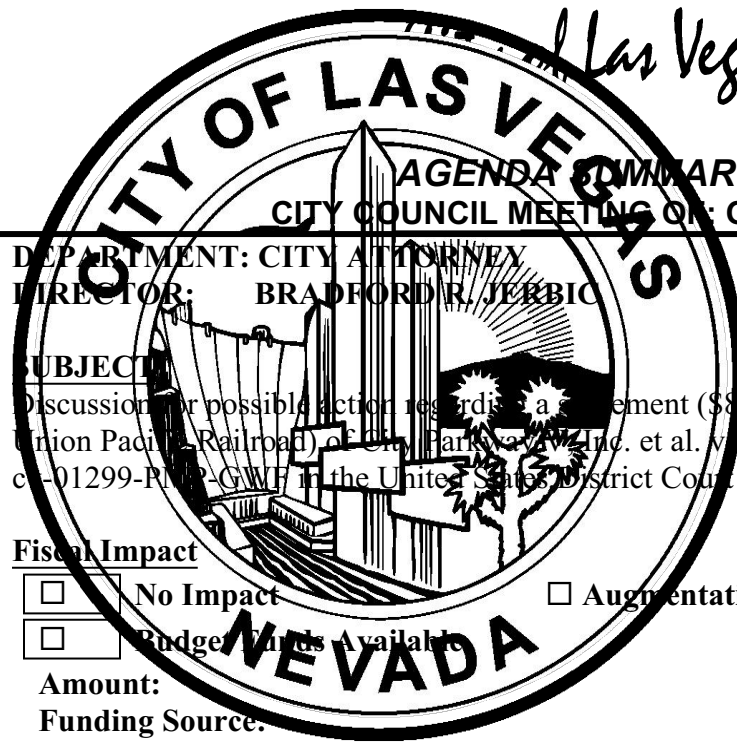




Las Vegas

Agenda Item No.: 28.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING ON: OCTOBER 1, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:
Discussion for possible action regarding a settlement (\$8,500,000 paid to the General Fund by Union Pacific Railroad) of City Park & View, Inc. et al. v Union Pacific Railroad, Case No. 2:09-cv-01299-PLM-GWH in the United States District Court for the District of Nevada

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

On July 7, 2009, the Plaintiffs, not-for-profit corporations wholly owned and operated by the City, filed a lawsuit against the Union Pacific Railroad seeking reimbursement for costs and expenses (approximately \$4,700,000) incurred during its site remediation and soil cleanup on the 61 acre parcel immediately adjacent to downtown Las Vegas. UPRR denied responsibility for portions of the site cleanup, and counterclaimed that it was owed monies from the Plaintiffs for various excessive or improper site remediation activities. The parties have agreed that UPRR will pay the City a lump sum of \$8,500,000, immediately, as and for a settlement and dismissal of all pending claims, and a complete release of all future liability.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

Motion made by STAVROS S. ANTHONY to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 2; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-BOB COFFIN, STEVEN D. ROSS); (Excused-None)

NOTE: Subsequent to the vote, Councilman Ross requested his vote be reflected in the affirmative and Councilmembers Coffin and Tarkanian requested their votes be reflected as no.

Minutes:

CITY ATTORNEY BRAD JERBIC stated this item was in order.