

November 16, 2014

Las Vegas City Council
C/O Mr. Doug Rankin
Development Services Center
333 North Rancho Drive, 3rd Flr.
Las Vegas, NV 89108

RE: PROTEST OF ANNEXATION (ANX-56312)

Dear Honorable City Council:

We are writing to respectfully **protest** the annexation of our subdivision, also known as the six parcels totaling 30 acres south of Centennial Parkway and the east side of Marla Street.

It appears the City of Las Vegas ("City") believes it is entitled to annex our property via the "short-form" or "summary" annexation process described in Nevada Revised Statute ("NRS") 268.597 based on a "Petition For Annexation" recorded on July 18, 2001 ("Petition") by DR Horton, the developer of our subdivision.

We find the Petition to be so seriously flawed and such a flagrant violation of our due process that it disqualifies the City from annexing using the short-form procedure described in NRS 268.597.

1. **Lack of Actual Notice** - In order for a covenant to run with the land and subsequent owners be bound by its provisions, subsequent owners must be provided with actual notice of the covenant. DR Horton did not provide actual notice of the Petition verbally or in writing at the time of sale. DR Horton never provided buyers an actual copy of the Petition. In stark contrast, DR Horton repeatedly represented to buyers that the property was located in unincorporated Clark County and at no time did DR Horton make buyers aware that it had filed the Petition. No actual notice was provided and in fact DR Horton appears to have intentionally mislead its buyers. A lack of actual notice to subsequent property owners seriously calls into question the validity of the covenant and the City's ability to rely on it to legally perform a short-form annexation.
2. **Petition References the Long-Form Procedures for Annexation** - The Petition does not state that it is pursuant solely to NRS 268.597. Instead, the Petition states that it is pursuant to NRS 268.570 - 268.608, inclusive, which is also known as "long-form" annexation. This would lead any reasonable person to believe that the due process outlined in these inclusive sections of NRS would be afforded to subsequent property owners. Long-form annexation requires more rigorous due process and the ability of

Submitted At Meeting

Date 12/16/14 Item 5

affected property owners to prevent the annexation by a protest of the majority of property owners. Again, even if property owners were made aware of the Petition, which they were not, the Petition references NRS that provides for extensive due process and the right to protest and prevent the City from annexing. It should be clear, therefore, that property owners did not waive their right to protest and prevent the annexation provided for specifically in NRS 268.592.

3. **No Evidence that General Standards of Annexation Were Met** – Assuming the Petition had correctly and clearly referenced annexation pursuant solely to NRS 268.597, which it did not, the annexation must still meet the general standards of annexation referenced in 268.580. Neither the Petition nor the City provides any analysis whatsoever that the annexation meets these requirements.

Based on the serious flaws with the Petition, the City cannot reasonably assert its right to annex based on the short-form annexation procedures. As residents of southern Nevada, we rely on all local officials, be they County or City, to protect our rights and provide for a fair administrative process. We do not begrudge the City attempting to annex our property. However, we do expect for the City to ensure our due process rights are upheld and to conduct itself in the most transparent and ethical manner possible. To this end, the City should abandon its misguided attempt to annex our property based on a flawed Petition and instead follow the long-form annexation procedures outlined in NRS.

Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Timothy P. O'Brien and



Phyllis R. O'Brien

Address: 6277 Galileo Dr. Las Vegas, NV 89149

Telephone #: 702-778-5821

Parcel: Plat Book 102 Page 92 Lot 11 Block B, Constellation Estates
Assessor's Parcel #: 126-25-110-005, Clark County, Nevada

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



TIMOTHY FRABBIELE

Address: 6371 BUZZ ADORN DR
Telephone #: (702) 250-7997
Parcel #: 126-25-510-012

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6391 Buzz Aldrin Dr. LV, NV. 89145
Telephone #: 702-396-7436
Parcel #: 126-25-510-013

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6351 Buzz Aldrin Las Vegas NV. 89149
Telephone #: 702-494-7085
Parcel #: 126-25-510-011

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Sincerely,

Heleen R. Mandavies

Address: 10425 Mission Control Ave. LV NV 89141
Telephone #: 702-496-9496
Parcel #: 126-25-210-008

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6311 BUZZ ALDRIN DR.

Telephone #: 702-281-2261

Parcel #: 126-25-510-009

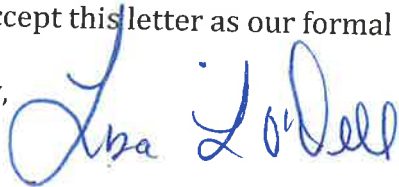
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Sincerely,



Address: 6331 Buzz Aldrin Dr. LV, NV. 89145
Telephone #: 702-636-9855
Parcel #: 126-25-512 010

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Jennifer Hallaburg / Sudburg

Address: *6370 Buzz Aldrin Dr.*

Telephone #: *702.655.6594*

Parcel #: *126.25.510.015*

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Catherine Lakatos

Address: *6216 Cape Canaveral Ct LV NV 89149*
Telephone #: *702-375-8218*
Parcel #: *126-25-110-024*

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6232 CAPE CANAVERAL CT CU NV 89149
Telephone #: 402-670-0029
Parcel #: 126-25-110-023

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,


Address: 6264 Cape Canaveral Ct, LV, NV 89149
Telephone #: (702) 656-7561
Parcel #: 126-25-110-021

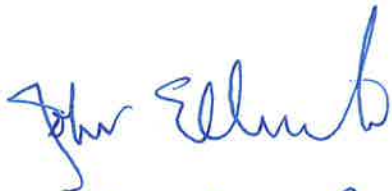
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Sincerely,



Address:

Telephone #:

Parcel #:

6296 Cape Canaveral Ct LV, NV 89149
(702) 656-2389
126-25-110-019

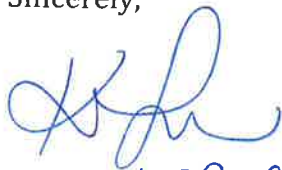
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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6295 Cape Canaveral Ct.

Telephone #: 702-326-5418

Parcel #: 126-25-110-018

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Sincerely,



Address:

Telephone #:

Parcel #:

6279 Cape Canaveral Ct
702-884-2209
126-25-110-017

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6249 Cape Canaveral Ct. LV, NV. 89149
Telephone #: 702-683-3705
Parcel #: 126-25-110 015

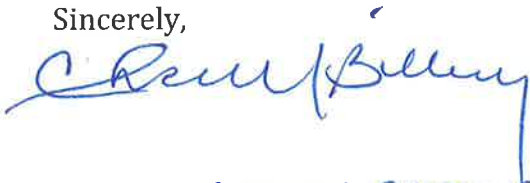
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Sincerely,



Address: 6215 CAPE CANAVERAL CT.
Telephone #: 702-656-8223
Parcel #: 126-25-110-013

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Sincerely,

Debra Olsen

Address: *6230 Galileo Dr.*
Telephone #: *LV, NV 89149*
Parcel #: *126-25-110-012*

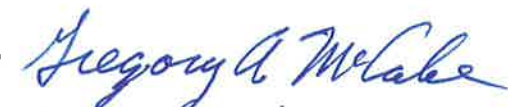
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Sincerely,


GREGORY A. McCABE

Address: 6262 GALILEO DR.
Telephone #: 702 396-9950
Parcel #: 126-25-110-009

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6278 Galileo Dr. Las Vegas, NV. 89145
Telephone #: 702-363-0162
Parcel #: 126-25-112-008

affected property owners to prevent the annexation by a protest of the majority of property owners. Again, even if property owners were made aware of the Petition, which they were not, the Petition references NRS that provides for extensive due process and the right to protest and prevent the City from annexing. It should be clear, therefore, that property owners did not waive their right to protest and prevent the annexation provided for specifically in NRS 268.592.

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



6299 Galileo Dr.

Address:

Las Vegas, NV 89149

Telephone #: 702-300-6380

Parcel #: 126-25-110-007

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,


Laura Bankes

Address:

6293 Caliente Dr 89149

Telephone #:

702-524-5300

Parcel #:

128-25-110-004

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6261 GALILEO DRIVE, LAS VEGAS, NV 89145
Telephone #: 702-646-0607
Parcel #: 126-25-110-004

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6195 Galileo DR
Telephone #: 702 434-8756
Parcel #: 126-25-210-006

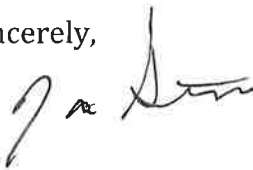
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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6141 Galileo Dr. LV NV 89149
Telephone #: (702) 461-0904
Parcel #:

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,


Peter S. Laudensack

Address: 6105 Galileo Dr. Las Vegas NV 89149
Telephone #: 702 243-2310
Parcel #:
126-25-210-001

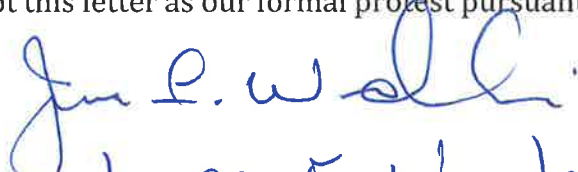
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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,


James F. Wunderlin

Address:

Telephone #:

Parcel #:

6104 Galileo Dr

702-656-8999

726-25-210-015

affected property owners to prevent the annexation by a protest of the majority of property owners. Again, even if property owners were made aware of the Petition, which they were not, the Petition references NRS that provides for extensive due process and the right to protest and prevent the City from annexing. It should be clear, therefore, that property owners did not waive their right to protest and prevent the annexation provided for specifically in NRS 268.592.

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Carol L. MacIntyre

Address: 6122 Galileo Dr.
Telephone #: 702 658-9175
Parcel #: 126-25-210-014

affected property owners to prevent the annexation by a protest of the majority of property owners. Again, even if property owners were made aware of the Petition, which they were not, the Petition references NRS that provides for extensive due process and the right to protest and prevent the City from annexing. It should be clear, therefore, that property owners did not waive their right to protest and prevent the annexation provided for specifically in NRS 268.592.

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Address:
Telephone #:
Parcel #:

Shirley L. Dunn

702-645-5502

4176 Galileo Dr.

126-25-210-011

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely, *Merna Wood*
Merna wood
6156 Rocketman Cir.
Address:
Telephone #: *702-363-1846*
Parcel #: *126.250210.022*

affected property owners to prevent the annexation by a protest of the majority of property owners. Again, even if property owners were made aware of the Petition, which they were not, the Petition references NRS that provides for extensive due process and the right to protest and prevent the City from annexing. It should be clear, therefore, that property owners did not waive their right to protest and prevent the annexation provided for specifically in NRS 268.592.

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address: 6139 Rocketman Cir
Telephone #: 702 645-1599
Parcel #: 126-25-210-018

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Kathleen A. Standtje
Lance D. Handberg &

Address:

6131 Rocketman Circle Las Vegas

Telephone #:

702 647-9775

Parcel #:

126-25-210-017

89149

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Rory Tuggle
6175 Rocketman Circle
702 304 9663
Parcel #: 126-25-210-020

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Brian Caufield

Address: 6231 Cape Canaveral Court, Las Vegas NV 89149

Telephone #: 702-622-8428

Parcel #: 126-25-110-014

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Sincerely,



Address: 6246 Galileo Dr. Las Vegas, NV 89149
Telephone #: 702-339-7455
Parcel #: 126-25-110-010

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Sincerely,

 JASON GRAY

Address: 6291 BUZZ ALDRIN DR
Telephone #: 702-210-0494
Parcel #: 126-25-510-013

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,

Ann Raskin

Address:

Telephone #:

Parcel #:

6271 Buzz Aldrin Dr. Las Vegas NV
702 654-6624 89149
126-25-510-004

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Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely, *R. E. Woolford*

Address: *6251 B422 Alder Dr LG NV 89149*
Telephone #: *702-243 0153*
Parcel #: *126-25-510-003*

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Sincerely,



Address: 6211 BUZZ ALDRIN DR LV NV 89149
Telephone #: 702 645.8514
Parcel #: 126-25-510-001

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Sincerely,



Address: 6222 BUZZ AUDIN DR.

Telephone #: 702-768-5271

Parcel #: 126-25-510-008

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3. **No Evidence that General Standards of Annexation Were Met** – Assuming the Petition had correctly and clearly referenced annexation pursuant solely to NRS 268.597, which it did not, the annexation must still meet the general standards of annexation referenced in 268.580. Neither the Petition nor the City provides any analysis whatsoever that the annexation meets these requirements.

Based on the serious flaws with the Petition, the City cannot reasonably assert its right to annex based on the short-form annexation procedures. As residents of southern Nevada, we rely on all local officials, be they County or City, to protect our rights and provide for a fair administrative process. We do not begrudge the City attempting to annex our property. However, we do expect for the City to ensure our due process rights are upheld and to conduct itself in the most transparent and ethical manner possible. To this end, the City should abandon its misguided attempt to annex our property based on a flawed Petition and instead follow the long-form annexation procedures outlined in NRS.

Please accept this letter as our formal protest pursuant to NRS 268.592 (1).

Sincerely,



Address:

Telephone #:

Parcel #:

6282 Buzz Aldrin Ln, W. 89149

702-458-0346

126-25-510 006

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Sincerely,



Address: 6330 Burns Avenue Dr.
Telephone #: 702 982 6644
Parcel #: 126-25-510-017