

City of Las Vegas Redevelopment Agency
Council Chambers • 400 Stewart Avenue
Phone - 229-6011 [Voice] 386-9108 [TDD]

MINUTES

Meeting of
AUGUST 18, 2004
9:00 A.M.

(Following the morning session of the City Council Meeting)

Called To Order: 10:50 A.M.
Adjourned: 11:26 A.M.

REDEVELOPMENT AGENCY

PRESENT ABSENT EXCUSED

CHAIRMAN OSCAR B. GOODMAN

☒ ☐ ☐

MEMBER GARY REESE - VICE-CHAIRMAN

☒ ☐ ☐

MEMBER LARRY BROWN

☒ ☐ ☐

MEMBER LAWRENCE WEEKLY

☒ ☐ ☐

MEMBER MICHAEL MACK

☒ ☐ ☐

MEMBER JANET MONCRIEF

☒ ☐ ☐

MEMBER STEVE WOLFSON

☒ ☐ ☐

DOUG SELBY, EXECUTIVE DIRECTOR

☒ ☐ ☐

BRADFORD R. JERBIC, CITY ATTORNEY

☒ ☐ ☐

BARBARA JO RONEMUS, SECRETARY

☒ ☐ ☐

APPROVED BY REFERENCE: November 3, 2004

ATTEST:

SECRETARY

CHAIRMAN

25✓

City of Las Vegas

REDEVELOPMENT AGENCY MEETING
CITY HALL, 400 STEWART AVENUE
COUNCIL CHAMBERS

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

WEDNESDAY, AUGUST 18, 2004

9:00 A.M.

(Following Morning Session of the City Council Meeting)

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- 1. DISCUSSION AND POSSIBLE ACTION TO SETTLE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AGENCY V. PAPPAS, EIGHTH JUDICIAL DISTRICT COURT CASE NO. A327519 FOR \$4,500,000 (REDEVELOPMENT AGENCY SPECIAL PROJECTS FUND) - WARD 1 (MONCRIEF)

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE REDEVELOPMENT AGENCY. NO SUBJECT MAY BE ACTED UPON BY THE REDEVELOPMENT AGENCY UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

Facilities are provided throughout City Hall for the convenience of disabled persons. Special equipment for the hearing impaired is available for use at meetings. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 So. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **12th** day of **August, 2004**, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **Redevelopment Agency Meeting** to be held on the **18th day of August, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

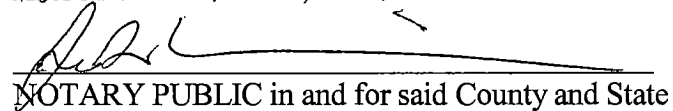


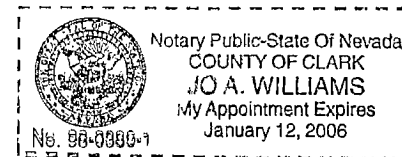
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

12th day of AUGUST, 2004

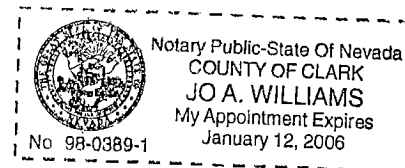

NOTARY PUBLIC in and for said County and State





- 

City Clerk
DEPARTMENT



REDEVELOPMENT AGENCY AGENDA
MEETING OF: AUGUST 18, 2004

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

CALLED TO ORDER BY CHAIRMAN GOODMAN AT 10:50 A.M.

PRESENT: CHAIRMAN GOODMAN and MEMBERS REESE, BROWN, WEEKLY, MACK, MONCRIEF, and WOLFSON

ALSO PRESENT: DOUG SELBY, Executive Director, BRADFORD JERBIC, City Attorney, and BARBARA JO RONEMUS, Secretary

ANNOUNCEMENT MADE: Posted as follows:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 So. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(10:50)

2-528

AGENDA SUMMARY PAGE

REDEVELOPMENT AGENCY MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

SUBJECT:

DISCUSSION AND POSSIBLE ACTION TO SETTLE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AGENCY V. PAPPAS, EIGHTH JUDICIAL DISTRICT COURT CASE NO. A327519 FOR \$4,500,000 (REDEVELOPMENT AGENCY SPECIAL PROJECTS FUND) - WARD 1 (MONCRIEF)

Fiscal Impact

☐

No Impact

Amount: \$4,500,000

☐

Budget Funds Available

Dept./Division: Redevelopment Agency

☒

Augmentation Required

Funding Source: Redevelopment Agency Special Projects Fund

PURPOSE/BACKGROUND:

The City of Las Vegas Downtown Redevelopment Agency filed a Complaint in condemnation against the Pappas property, upon which a portion of the Fremont Street Experience parking garage is now built, in 1993. The matter has been litigated for the last 11 years. It is set for trial September 21, 2004. In letters dated July 22 and 30, 2004, the Pappases offered to settle the litigation for \$4.5 million. Opinions of value currently admissible in court range between \$445,000 and \$7 million. The application of simple interest over 11 years would roughly double the value. Fremont Street Experience authorized settlement at \$4.5 million, pursuant to its contract with the Redevelopment Agency, August 9, 2004. The costs of the Pappas land acquisition by the Agency are to be reimbursed by the Fremont Street Experience according to a formula set forth in the Fremont Street Experience Project Development Agreement, as amended and restated in 1995, and amended in 1998.

BACKUP DOCUMENTATION:

1. Executed Stipulated Judgment to Settle Eminent Domain Action and Order, dated July 22, 2004
2. Executed letter amending Stipulated Judgment to Settle Eminent Domain Action and Order, dated July 30, 2004
3. E-mail from Joe Schillaci, President and CEO, Fremont Street Experience, authorizing the proposed settlement, dated August 10, 2004

MOTION:

MONCRIEF – APPROVED to settle for \$4.5 million – UNANIMOUS

MINUTES:

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

REDEVELOPMENT AGENCY MEETING OF AUGUST 18, 2004

City Attorney

Item 1 - DISCUSSION AND POSSIBLE ACTION TO SETTLE CITY OF LAS VEGAS
DOWNTOWN REDEVELOPMENT AGENCY V. PAPPAS, EIGHTH JUDICIAL
DISTRICT COURT CASE NO. A327519 FOR \$4,500,000 (REDEVELOPMENT
AGENCY SPECIAL PROJECTS FUND) - WARD 1 (MONCRIEF)

MINUTES – Continued:

APPEARANCES:

OSCAR GOODMAN, Chairman

BRAD JERBIC, City Attorney

JAMES LEAVITT, Attorney, appeared on behalf of the Pappases

BILL HENRY, Senior Litigation Counsel

(10:50 – 10:59)

2-536

REDEVELOPMENT AGENCY MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

1 **Discussion and possible action to settle City of Las Vegas Downtown Redevelopment**
2 **Agency vs Pappas Eighth Judicial District Court Case Number A-327519 for \$4,500,000**
3 **from Redevelopment Agency Special Projects Fund.**

4

5 Appearance List:

6 OSCAR GOODMAN, Chair

7 BRAD JERBIC, City Attorney

8 JAMES J. LEAVITT, Attorney, 704 South Ninth Street

9 GARY REESE, Member

10 WILLIAM HENRY, Senior Litigation Counsel

11 JANET MONCRIEF, Member

12

13 (10:50 – 10:59)

14 2-536

15

16 9 minutes

17

18 Typed by: Ydoleena Yturralde

19 Proofed by: Gabriella Portillo-Brenner

REDEVELOPMENT AGENCY MEETING OF

August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

20 **CHAIRMAN GOODMAN**

21 Item number one is discussion and possible action to settle City of Las Vegas Downtown
22 Redevelopment Agency vs Pappas Eighth Judicial District Court Case Number A-327519 for
23 \$4,500,000 from Redevelopment Agency Special Projects Fund.

24 Before I – hear from you, Mr. Jerbic, and Mr. Leavitt, Mr. Henry, I've – been thinking about
25 this, thinking about it for a long time, and I wanted to make a statement, to put on the record as
26 to where I'm coming from and what I think the – City has to do before we hear from you, so
27 you'll – see where I'm coming from. I made a couple – of notes on this, which I don't ordinarily
28 do, because I didn't – want to leave anything out.

29 I sense, from my Council, that we're about to remedy what has been really a curse upon the City.
30 From the time I was first elected until this moment, the Pappas case has been hanging over,
31 hanging very heavily over our heads, and the record has to be perfectly crystal clear on this, that
32 to a person on the Council, Councilman Wolfson, Councilman Mack, Mayor Pro-Tem Reese,
33 Councilman Brown, Councilman Weekly, and Councilwoman Moncrief, none of us had anything
34 to do with the use of eminent domain and the taking from a private person and the giving of the
35 property to a private person. To the contrary, as a matter of philosophy, it's been expressed time
36 and time again that even though legally permit, permissible, and that was declared so by the
37 Supreme Court of the State of Nevada, that eminent domain, under those circumstances, is
38 appropriate in redevelopment areas. Philosophically, the Council has taken a position that, based
39 on the experience that the City had as result of prior administration's action, that this should not
40 take place under our watch, and I think we're pretty firm about that.

41 And the record should reflect that about two years ago this Council offered to settle this matter
42 with a very large and generous offer to the Pappas's and it was rejected by them. Now they
43 come to us, and they're asking us to make the same offer again. And, I know, as well as the three
44 lawyers certainly know, that the vagaries that come with litigation are such that perhaps if we
45 went to trial, with the trial date as it is, the jury would come back with a substantially lesser
46 figure than the four and a half million dollars, but, at the same time, you never know what a jury
47 is gonna do, and thank God we have a jury system. The jury could very well come back with
48 substantially more. And, I'm a gambling man; I like to roll the dice.

49 I would really like to roll the dice here. But, I think it's time that the City's, puts this very
50 unfortunate time behind us.

REDEVELOPMENT AGENCY MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

51 I'm gonna support the settlement. And, I think it's important to note that this Council has been
52 able to accomplish, without the use of eminent domain, the — planting of seeds for the very best
53 of redevelopment. This Council participated in the acquisition of 61 acres on the Union Pacific
54 Railroad site. As a result of that acquisition on a site that sat fallow for some 40 years, that I can
55 remember, we now have some of the most impressive of projects. We have the Chelsea
56 properties at the mall there. My wife indicated she went to the mall at 1:30 yesterday afternoon,
57 Tuesday afternoon; she couldn't find a parking space; drove around for 20 minutes. That's a
58 pretty good indication as to how successful they are. If anybody would drive past that site and
59 look up and see the towering edifice that the Furniture Mart's first phase consists of, they would
60 be nothing but impressed. L'Octaine, which was a matter on the first agenda that I had back in
61 June of 1999, is well on its way to completion. We got the post office building, and we have
62 some very ambitious plans for that. We had a wonderful presentation yesterday on 601 East
63 Fremont Street.
64 This Council has been able to accomplish and make tremendous strides in the area of
65 redevelopment without the use of eminent domain and, we're going to continue to do so. So, I
66 just, I wanted you to know, I don't go down the hall and ask my colleagues what they're going
67 gonna do on this one, but I think that we have to put this behind us. And, from, this is the first
68 day of the rest of our life, and we should act accordingly and resolve this. So, with those
69 comments, Mr. Jerbic, I'm happy to hear from you.

70
71 **BRAD JERBIC**

72 Thank you, Your Honor. I really, very much appreciate your comments. I think in order to
73 proceed this morning, the best place to start is with the offer made by the Pappas family through
74 their attorney, Mr. Leavitt, who is here today, and I'd like to turn the time over to Mr. Leavitt to
75 communicate that offer to the Council.

76

77 **MR. LEAVITT**

78 Appreciate that. Thank — you, Mr. Jerbic. Mayor Goodman, members of the Council, I also
79 agree with the — comments which were made by the Mayor here today. This is a case which has
80 been going on for approximately 11 years. It commenced on November 19th 1993. I was

REDEVELOPMENT AGENCY MEETING OF

August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

81 recently retained in May of this year. After doing a significant amount of research on the matter,
82 I agreed with what the Mayor stated here today, it was time to put the case to rest.
83 After making a settlement offer to the – City, we presented that. I can just tell you that that
84 settlement offer will resolve any and all claims that the Pappas's may have against the City which
85 arise out of this action, any past, any present, any future claims that they may have. The
86 agreement which I have presented to Mr. Henry here today is fully executed by the Pappas's, by
87 Carol, John, and Harry, meaning that all that is necessary is a – signature from the Mayor here
88 today, and the case will be resolved, once we get the signature from the District Court Judge,
89 Judge Den. And based upon that, I would recommend approval of the settlement.

90

91 **MAYOR GOODMAN**

92 Thank you.

93

94 **BRAD JERBIC**

95 If I could, Your Honor, the settlement is a total of \$4.5 million. That includes, as Mr. Leavitt
96 indicated, all cost and relieves the City and the Redevelopment Agency from any future action.
97 The, as – you may be aware, the Fremont Street Experience entered into a contract with the City
98 of Las Vegas approximately 11 years ago, and that contract addressed the issue of land
99 acquisition for this particular block. At the time this block was acquired it was estimated that it
100 was gonna cost approximately \$6.4 million to acquire the parcels that the City didn't already
101 own, or the – agency didn't already own. We all knew at the time that, because of the
102 uncertainty, as you identified, Your Honor, that occurs in condemnation actions that that figure
103 could go over \$6.4 million. If it went over \$6.4 million on any individual property that we
104 decided to condemn, we would have to get the approval of Fremont Street Experience in order to
105 get reimbursement from Fremont Street Experience for any offer above six percent – above ten
106 percent of appraised value.
107 Obviously, this particular settlement is well above ten percent of our appraisal that was originally
108 part of that six point four million dollars figure. This was presented at Fremont Street
109 Experience last week. They did vote to reimburse the City. Pursuant to the contract, we get
110 reimbursed from the net retail profits from the parking garage. They are in agreement with the
111 reimbursement in this particular case of the overage, which is approximately \$4 million.

REDEVELOPMENT AGENCY MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

112 With that, Your Honor, we have performed the same analysis that you have. We are comfortable
113 with the settlement. We would recommend it to the agency at this point in time.

114

115 **CHAIRMAN GOODMAN**

116 All right. Thank you very much. Mr. Henry, did you want to be heard now? You don't have to,
117 believe me. Only if you want to. I know you were working on the case and this, sometimes we
118 have to expiate.

119

120 **COUNCILMAN REESE**

121 You're winning.

122

123 **WILLIAM HENRY**

124 No, Your Honor, I don't want to be heard. I'm here because Mr. Jerbic asked me to come here,
125 and I assume that had to do with the occurrence of some eventuality that has not occurred. And,
126 so, with that, I don't have anything to say.

127

128 **CHAIRMAN GOODMAN**

129 All right. Thank you. All right, would any of the Council like to be heard on this before we take
130 a vote? Okay, Councilwoman Moncrief?

131

132 **COUNCILWOMAN MONCRIEF**

133 I'd like to move for approval following staff's recommendation.

134

135 **CHAIRMAN GOODMAN**

136 All right. Let's vote on it, please. Post. Motion carries. (Motion carried unanimously.) And,
137 Mr. Leavitt, let me say this to you, you must be masterful at client control, and I say that
138 respectfully. I wish this had been settled two years ago for the City's sake and for Mrs. Pappas'
139 sake. It's a shame it had to linger on, and I appreciate the fact that you got involved with the case
140 and that you got involved with the City attorney's office and we are able to put this to bed.

141

REDEVELOPMENT AGENCY MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 1

142 **LEAVITT**

143 Thank you, Your Honor. And thank you for your assistance.

144

145 **CHAIRMAN GOODMAN**

146 No problem. All right.

147

148

149



1 **SAO**
2 **LAW OFFICES OF KERMITT L. WATERS**

3 Kermitt L. Waters, Esq., Bar No. 2571
4 Charles E. Springer, Of Counsel, Bar No. 1019
5 James J. Leavitt, Esq., Bar No. 6032
6 Brian C. Padgett, Esq., Bar No. 7474
7 Michael A. Schneider, Esq., Bar No. 8887
8 Autumn L. Waters, Esq., Bar No. 8917
9 704 South Ninth Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 733-8877
12 Facsimile: (702) 731-1964

13 Attorneys for Defendant Landowners

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **CITY OF LAS VEGAS DOWNTOWN**
17 **REDEVELOPMENT AGENCY,**

18 Plaintiff,

19 vs.

20 **CAROL PAPPAS; JOHN H. PAPPAS, JR.,**
21 **HARRY J. PAPPAS; DANNY CURTIS**
22 **dba DANNY'S BAIL BOND; ADRIENNE**
23 **LOBELA dba GOLD JEWELRY**
24 **SOURCE; EDDIE RODRIGUEZ dba**
25 **AAAACE JEWELERS; JOSE MEJIAS**
26 **VELASIO; CINDIE SHUM; UNITED**
27 **STATES OF AMERICA; CITY OF LAS**
28 **VEGAS, a municipal corporation, and**
CLARK COUNTY, and any and all persons
claiming any right, title or interest in or to
the subject property,

Defendants.

Case No.: A327519
Dept. No.: XIII

**Stipulated Judgment to Settle
Eminent Domain Action and Order**

AND RELATED COUNTERCLAIMS.

STIPULATED JUDGMENT TO SETTLE EMINENT DOMAIN ACTION

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN Plaintiff the
City of Las Vegas Downtown Redevelopment Agency, Plaintiff Fremont Street Experience
Limited Liability Company, Plaintiff Fremont Street Experience Parking Corporation, and
Defendants Carol Pappas, John Pappas, and Harry Pappas, that the above captioned matter is

1 settled as set forth in this Stipulated Judgment to Settle Eminent Domain Action (hereinafter
2 "Stipulation") and Order.

3 **IT IS FURTHER STIPULATED AND AGREED** that this Stipulation is only valid and
4 binding upon the parties herein if it is executed by all parties and a District Court Judge prior to
5 July 30, 2004, at 5:00 pm.

6 **IT IS FURTHER STIPULATED AND AGREED** that Plaintiffs will pay the total sum
7 of \$4,500,000.00 (four million five hundred thousand dollars) in full and final settlement of the
8 above captioned matter on or before August 19, 2004. Both parties understand and acknowledge
9 that Plaintiff has previously deposited money with the Clerk of the Court in the above captioned
10 matter. The Clerk of the Court shall issue a check made payable to "The Law Offices of Kermitt
11 L. Waters and Carol Pappas" for any and all amounts on deposit with the Clerk of the Court in
12 the above captioned matter. This amount on deposit with the Clerk of the Court and released to
13 Defendants shall apply to reduce the \$4,500,000.00 paid Defendants pursuant to this Stipulation.

14 **IT IS FURTHER STIPULATED AND AGREED** that each party shall bear their own
15 costs of suit incurred herein, including any and all attorney fees and litigation costs incurred
16 herein.

17 **IT IS FURTHER STIPULATED AND AGREED** that the payment made pursuant to
18 this Stipulation will settle any and all claims arising out of the above captioned action, including
19 any and all counterclaims filed by Defendants, on behalf of themselves, their heirs, executors,
20 administrators, successors, grantees, assigns, family members, and associates of whatever nature,
21 and do hereby unconditionally release and forever discharge each other, and each and all of their
22 agents, contractors, officers, and employees from any and all claims, demands, costs, expenses,
23 attorneys fees, and rights to compensation whatsoever, which they now have or which may
24 hereafter accrue on account of or related to the above captioned action.

25 **IT IS FURTHER STIPULATED AND AGREED** that the above-mentioned sum is
26 accepted as full payment for all loss, expenses, damages, or just compensation arising out of the
27 above captioned action and is accepted for all forms of damage, past, present, or future; both
28 anticipated and unanticipated, and due to causes both known and unknown. In the event of any

1 future damage, such damage is expressly deemed to have been compensated for by the payment
2 of this above-mentioned sum.

3 **IT IS FURTHER STIPULATED AND AGREED** that this Stipulation is the entire,
4 sole, complete and only understanding and agreement of, by, and between the Parties, and that no
5 promise, inducement, agreement, or representation not herein contained and expressed has been
6 made in order to secure this Stipulation, and that the sole consideration for this Stipulation is the
7 payment of the sum mentioned above.

8 **IT IS FURTHER STIPULATED AND AGREED** that the Parties acknowledge that
9 neither the payment of the above-mentioned sum, nor the acceptance of the terms of the
10 Stipulation, does or shall constitute in any manner whatsoever any admission of fault or liability
11 on the part of the Parties, or any of their agents, contractors, officers, or employees, but is instead
12 a compromise settlement of the above captioned action.

13 **IT IS FURTHER STIPULATED AND AGREED** that the Parties have carefully read
14 this entire Stipulation, have presented the Stipulation to their attorneys, and understand that it is a
15 full and final compromise and settlement of any and all claims, counterclaims, actions, causes of
16 action, and suits they may have against each other or their agents, officers, contractors, or
17 employees arising out of the above captioned action.

18 **IT IS FURTHER STIPULATED AND AGREED** that Plaintiffs be and hereby are
19 awarded the relief prayed for in the Complaint in Eminent Domain, and the real property
20 described in attached Exhibit A (hereinafter "Subject Property") is hereby taken and condemned
21 for the public uses and purposes set forth in the Complaint in Eminent Domain.

22 **IT IS FURTHER STIPULATED AND AGREED** that upon payment of the
23 aforementioned sum Plaintiffs shall be entitled to, and this Court shall make a Final Order of
24 Condemnation in the manner provided by law which Final Order of Condemnation shall describe
25 the property and the property rights taken by eminent domain by Plaintiffs. The Final Order shall
26 be recorded in the Clark County Recorder's Office and thereupon the rights of fee simple title,
27 possession and occupancy of the Subject Property will be permanent and final and the fee title
28 shall vest in the name of Plaintiffs.

1 IT IS FURTHER STIPULATED AND AGREED that the above captioned matter is
2 settled in its entirety and any and all hearing and trial dates shall be taken off calendar.

3 James J. Leavitt
4 Law Offices of Kermit L. Waters
5 James Jack Leavitt
6 Nevada Bar No. 6032

7 Attorney for Defendants, Carol Pappas,
8 Pappas, and Harry Pappas

9 Carol A. Pappas
10 Carol Pappas, Defendant

11 SUBSCRIBED and SWORN to before me
12 this 24th day of July, 2004

13 Patricia M. Priest
14 Notary Public

15 John Pappas
16 John Pappas, Defendant

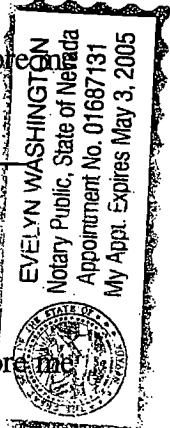
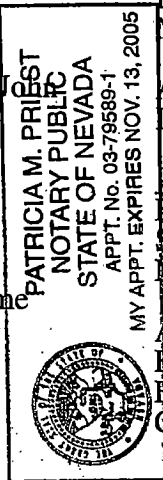
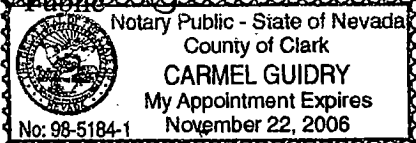
17 SUBSCRIBED and SWORN to before me
18 this 26th day of July, 2004

19 Charles Waters
20 Notary Public

21 Harry Pappas
22 Harry Pappas, Defendant

23 SUBSCRIBED and SWORN to before me
24 this 22 day of July, 2004

25 Carmel Guidry
26 Notary Public



Beckley Singleton, Chtd.
Daniel Polsenberg
Nevada Bar No. 2376

Attorney for Plaintiff City of Las Vegas
Downtown Redevelopment Agency

Lionel, Sawyer & Collins
Samuel S. Lionel
Nevada Bar No. 1766

Attorney for Plaintiff Fremont Street
Experience Limited Liability Company and
Fremont Street Experience Parking
Corporation

Fremont Street Experience Limited Liability
Company, Plaintiff
By: _____

Fremont Street Experience Parking
Corporation, Plaintiff
By: _____

Oscar Goodman
Mayor of the City of Las Vegas

SUBSCRIBED and SWORN to before me
this ____ day of July, 2004

Notary Public

ORDER

IT IS SO ORDERED this ____ day of July, 2004.

DISTRICT COURT JUDGE

EXHIBIT A

No. 93-06-13

CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY DESIGN
LEGAL DESCRIPTION

A.P.N. 020-415-011

Document No. 579034 (1976), 1839670 (1984), 2002086 (1984) &
2081421 (1985)

Vesting: CAROL PAPPAS, as her interest appears of record,
HARRY J. PAPPAS, as to an undivided two/twenty-second
(2/22) interest and JOHN J. PAPPAS, JR., as to an undivided
two/twenty-second (2/22) interest

Section: NE1/4, SEC 34, T20S, R61E, MDM

Street/Subdivision: BLOCK 35 CLARK'S LAS VEGAS TOWNSITE

Cogo File: --

Set: --

Requested eb Written

bb

Checked

mwb

Proofread

66-mwb

6-08-93

6-08-93

6-9-93

That portion of the Northeast Quarter (NE 1/4) of Section 34,
Township 20 South, Range 61 East, M.D.M., in the City of Las
Vegas, County of Clark, State of Nevada, being that portion of
Block 35 of CLARK'S LAS VEGAS TOWNSITE as shown on the plat
thereof on file in Book 1 of Plats, Page 37 of Clark County,
Nevada Records, described as follows:

Lots 23 and 24 in Block 35 of said CLARK'S LAS VEGAS TOWNSITE.

Law Offices of Kermitt L. Waters, Esq.

Kermitt L. Waters, Esq.
Charles E. Springer, Esq., of Counsel
James Jack Leavitt, Esq.

Brian C. Padgett, Esq.
Michael A. Schneider, Esq.
Autumn L. Waters, Esq.

July 30, 2004

Samuel S. Lionel, Esq.
Colin M. Adkins, Esq.
LIONEL, SAWYER & COLLINS
300 S. 4th Street Suite 1700
Las Vegas, Nevada 89101

Rex A. Jemison, Esq.
Daniel F. Polsenberg, Esq.
530 Las Vegas Boulevard So.
Las Vegas, Nevada 89101

Brad R. Jerbic, Esq.
OFFICE OF THE CITY ATTORNEYS
400 E. Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

JUL 30 2004

CK

via hand delivery and US mail

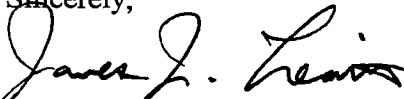
Re: City of Las Vegas Downtown Redevelopment Agency v. Pappas, case number A327519
settlement proposal extension

Dear Counsel:

This letter is sent in regards to the Landowners' July 22, 1994, letter wherein the Landowners propose settlement of the above referenced matter. The Landowners have agreed to withdraw the July 30, 2004, expiration provisions in the settlement letter and Stipulated Judgment to Settle Eminent Domain Action and Order. The City may accept the settlement proposal beyond the July 30, 2004, expiration date.

If you have any questions or concerns please do not hesitate contacting me at my office.

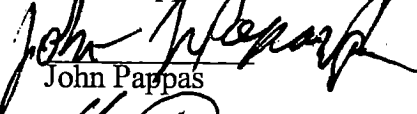
Sincerely,



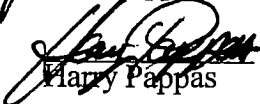
James J. Leavitt



Carol Pappas



John Pappas



Harry Pappas

Las Vegas Office:
704 South 9th Street, Las Vegas, NV 89101
Phone: (702) 733-8877
Fax: (702) 731-1964

Reno Office:
333 Flint Street, Reno, NV 89509
Phone: 1 (877) 733-8877

William Henry

From: Joseph R. Schillaci []
Sent: Tuesday, August 10, 2004 9:27 AM
To: whenryi
Cc: slionel@ ; John Cole; DonSnyder@
Subject: City of Las Vegas Downtown Development Agency v. Pappas

Mr. Henry:

At a special meeting of the Board of Managers of the Fremont Experience Parking Corporation (Company) a resolution was passed by the board that the Company does not object to the proposed settlement of \$4,500,000 of the Pappases' claim for the said taking of their property by the City of Las Vegas Downtown Revelopment Authority.

Joe Schillaci
 President & CEO
 The Fremont Street Experience
 425 Fremont Street
 Las Vegas, NV 89101

8/10/2004

TM/LAS COCL. MTG [TA WED. 18 AUG., '04 (Encl. CHMB.) (CH. NUM 0/6)

CRDA
COMMENT

• TOM MCGOWAN. LAS VEGAS RESIDENT - MAY I HAVE THE OVERHEAD PLEASE? -

(EXHIBIT)

YOUR ATTENTION IS INVITED TO THE OVERHEAD EXHIBIT, WHERE YOU SEE THE GRAPHIC DEPICTION OF THE PERMANENT DETOUR OF THE #108 CAT BUS, EFFECTIVE 15 AUG., 2004, ~ WHICH NOW INTENTIONALLY DIS-SERVES ALL RESIDENTS IN THE AFFECTED AREA OF WARD 1, BUT SERVES ONLY THE CONVENIENCE OF TOURISTS ENROUTE FROM THE STRIP HOTELS TO THE PREMIUM DISCOUNT OUTLET AND TO NEONOPOLIS ON THE FREMONT STREET EXPERIENCE -

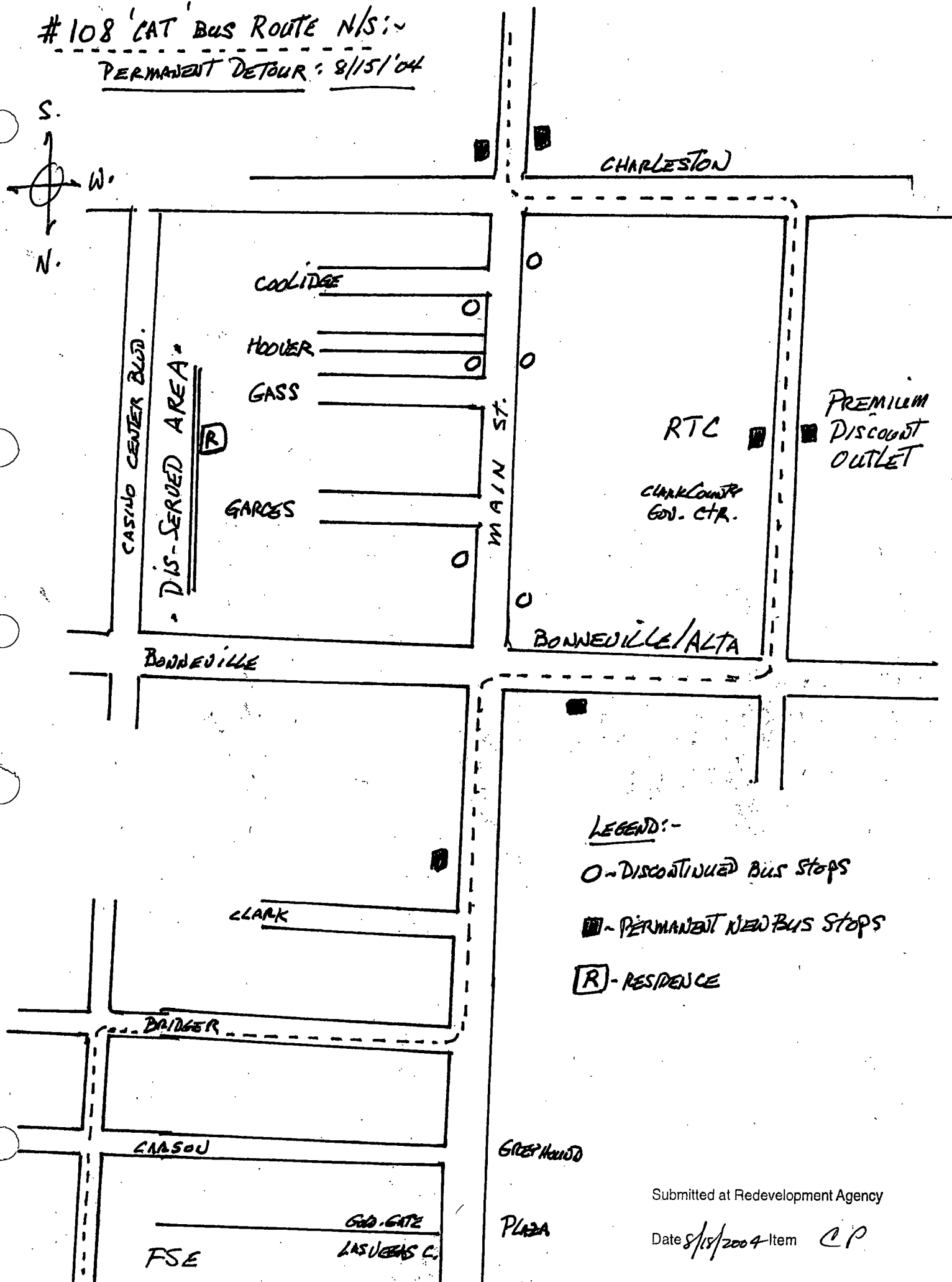
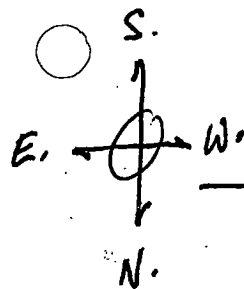
THE CITY TROLLEY BUS GOES NO FURTHER SOUTH THAN 1ST AND CLARK; THE PREMIUM OUTLET BUS DOES NOT PICK-UP OR STOP IN THE VICINITY OF CASINO CENTER AND BONNEVILLE; THE CLOSEST #108 BUS STOP IS NOW FIVE (5) BLOCKS FROM MY RESIDENCE AND NO LONGER GOES TO MAIN AND FREMONT; ~~BY~~ THE 'PARATRANSIT' HAS TO BE CALLED ONE (1) DAY IN ADVANCE AND COSTS \$60 PER MONTH; AND CABS ORDINARILY DON'T PICK UP FREE-RIDING LOCAL RESIDENTS.

I'm A SENIOR DISABLED AMERICAN VETERAN PATIENT OF THE VA HEALTH CARE SYSTEM, ~ NOW FORCED TO WALK TO AND FROM DOWNTOWN AND MY RESIDENCE IN THE DRUGS, VICE AND VIOLENT CRIME-RIDDEN NON-'LIVABLE' CITY OF LAS VEGAS, NEVADA. I CALL FOR THE IMMEDIATE REMOVAL OF ALL PUBLIC OFFICERS WHO DON'T KNOW HOW TO PLAN AND IMPLEMENT A PUBLIC BUS SYSTEM THAT SERVES LOCAL RESIDENTS, OR WHO SIMPLY DON'T CARE! .. AND THAT INCLUDES THE TWO (2) MEMBERS OF THE CITY COUNCIL WHO ARE SEATED AND VOTING MEMBERS OF THE R.T.C., AND THE MAYOR OF THE CITY-AT-LARGE.

(SUBMITTED AND REQUESTED INCLUSION IN THE MINUTES, IN ACCORDANCE WITH NRS 241.)

#108 'CAT' BUS ROUTE N/S:-

PERMANENT DETOUR: 8/15/04



LEGEND:-

O - DISCONTINUED BUS STOPS

■ - PERMANENT NEW BUS STOPS

[R] - RESIDENCE

Submitted at Redevelopment Agency

Date 8/15/2004 Item CP

AGENDA SUMMARY PAGE
REDEVELOPMENT AGENCY MEETING OF: AUGUST 18 2004

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE REDEVELOPMENT AGENCY. NO SUBJECT MAY BE ACTED UPON BY THE REDEVELOPMENT AGENCY UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED.

MINUTES:

STEVEN "CAPTAIN TRUTH" DEMPSEY commented that the City Attorney's explanation on the Pappas case was lacking. He read in an article that the cost of the case to the City was over \$12 million, not including staff time. He strongly suggested the City form an investigative committee. This matter should have been settled two years ago.

BEATRICE TURNER, West Las Vegas resident, stated that she was informed that the Vons in West Las Vegas is closing. This is of great concern to her because the community only has mom and pop stores, which means the seniors are going to have to travel farther to fill their prescriptions. The politicians should be offering those people rides, but they only offer rides to the polling places when it is voting time. As far as the Senator Harry Reid building, she said that, if it had not been for her, that building would not have been erected. Now everybody is taking credit for it. She then complained about the work crew's failure to respond to the flooding incident at one of the residences of Marble Manor. They were around the corner from the site and could have responded quickly, but they did not respond for four hours. The woman's home was flooded, and her furniture was stolen from her front yard while it was sitting out drying. Finally, she asked the Agency members what they are going to do to bring a major grocery store to the West Las Vegas community, because she did not believe John Edmond could do it.

JERRY O'NEAL, member of the Marble Manor Resident Council, complained that there have been three incidents with water heaters breaking in Marble Manor. He showed pictures, copies of which were not submitted, of the damage that was done to a lady's home in Marble Manor whose water heater recently broke. These problems could be avoided if the Housing Authority would follow the guidelines of the manufacturer to service the water heaters regularly. The Housing Authority has a warehouse full of water heaters, but they prefer to wait until they burst to replace them rather than servicing them and replacing them when the units are going out. He cautioned that when incidents like this occur the water seeps into the walls through the base of the walls. There are already a lot of problems with mold in Marble Manor; therefore, he suggested caulking all the baseboards to ensure that no water seeps into the walls. He also showed a picture, which was not submitted for the record, of water leaking through the smoke detector. This needs to be checked because water and electricity do not mix.

City of Las Vegas

REDEVELOPMENT AGENCY MEETING OF AUGUST 18, 2004 CITIZENS PARTICIPATION

MINUTES – Continued:

HENRY THORNS praised JERRY O'NEAL for mentoring him throughout his life and touching his once cold heart. He said that when he met the Mayor he really believed that he was going to make big changes in his community, but the same things are going on that he saw when he was a child. Now Leisure Services closed its doors to his organization, which helps keep kids off the streets, and he cannot obtain funding to help his kids. There are other organizations that provide the same service, but they are not open throughout the year like his. He urged the Council members to put their egos aside and come together to help the people in all wards.

LESTER JOHNSON said that his friend MR. THORNS is upset because his organization The Dog Catchers helped a lot of youth, and he now has nowhere to take his kids. He cannot practice at Doolittle because they have a program and West Middle School ran him off. He would like the City to help him so that he can continue his program and keep kids off the streets and from joining gangs. Kids that live in the vicinity of Doolittle are being prohibited from playing basketball there because they have a program.

DAN CONTRERAS, Bonanza Village resident, expressed concern about the closure of Vons in his neighborhood. He stressed that it is time the Council members make changes in West Las Vegas, because the same complaints that were made 15 years ago about the issues in West Las Vegas are still being made. West Las Vegas is saturated with government and boarded up housing. The Mayor needs to include West Las Vegas in his redevelopment conversations.

TOM MCGOWAN, Las Vegas resident, submitted his written comments and a route map, a copy of which are made a part of these final minutes, regarding his concerns about the permanent detour of #108 CAT bus route.

(10:59 – 11:26)
2-853

THE MEETING ADJOURNED AT 11:26 A.M.

Respectfully submitted:


GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
November 4, 2004


Barbara Jo Ronemus, Secretary