

CLARK COUNTY BOARD OF COMMISSIONERS
ZONING / SUBDIVISIONS / LAND USE
AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: ORD-21-900017: Conduct a public hearing on an ordinance to amend the official zoning map reclassifying APN 161-26-302-002 pursuant to a Final Order of Condemnation. (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

A Final Order of Condemnation (Case Number A457345) awarded APN 161-26-302-002 in fee simple title to Clark County to utilize the property for public use. The Final Order of Condemnation functions similarly to an approval to rezone the subject property to a P-F (Public Facility) Zone without requiring the submittal of a formal zone boundary amendment application. As such, the attached zone change to reclassify APN 161-26-302-002 and amend the zoning map has been prepared.

Staff recommends the Board conduct a public hearing.

SUMMARY – An ordinance to amend the official zoning map. (ORD-21-900017)
ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP RECLASSIFYING APN 161-26-302-002
PURSUANT TO A FINAL ORDER OF CONDEMNATION.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Title 30 and the Final Order of Condemnation (Case Number A457345), the following described properties situated in Clark County are reclassified as follows, (See "Exhibit A" for Legal Description):

From R-E (Rural Estates Residential) Zone to P-F (Public Facility) Zone.

GENERALLY LOCATED: EAST OF BROADBENT BOULEVARD AND NORTH OF RUSSELL
ROAD
APN: 161-26-302-002

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, part of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with name of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of
2021.

INTRODUCED by _____
PASSED ON THE _____ day of
2021.

VOTE:

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
MARILYN K. KIRKPATRICK, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2021.

Exhibit "A"
Legal Description(s)

BEING A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 62 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 26; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4). SOUTH $0^{\circ}26'30''$ WEST, 1181.45 FEET TO A P.O.C. OF A NON-TANGENT CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS POINT WHICH BEARS SOUTH $72^{\circ}41'20''$ WEST, 1050.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF $25^{\circ}08'14''$, AN ARC LENGTH OF 460.66 FEET TO THE POINT OF CURVE; THENCE NORTH $42^{\circ}26'54''$ WEST, 1073.42 FEET TO A POINT ON THE NORTH LINE OF ABOVE MENTIONED SOUTHWEST QUARTER (SW 1/4); THENCE ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) SOUTH $89^{\circ}35'24''$ EAST, 961.26 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ANY INTEREST IN SAID PROPERTY AS CONVEYED TO CLARK COUNTY, FOR THE DUCK CREEK DRAINAGE CHANNEL AS DESCRIBED IN AN INSTRUMENT RECORDED OCTOBER 14, 1980 AS DOCUMENT NO. 1255257 OF OFFICIAL RECORDS.

20041122-0000167

APN#161-26-302-002

Fee: \$0.00
N/C Fee: \$0.00

11/22/2004 09:03:57

T2004013557

Requestor:
ORDER

Frances Deane GWC
Clark County Recorder Pgs: 4

FINAL ORDER OF CONDEMNATION

Type of Document

14

Recording requested by:

ROBERT J. GOWER
Deputy District Attorney
Civil Division

Return to:

ROBERT J. GOWER
Deputy District Attorney
Civil Division
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PO Box 552215
Las Vegas, NV 89155-2215

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12 (702) 455-4761
13 Attorneys for Plaintiff
14 County of Clark

FILED

Nov 19 2 58 PM '04

Linda C. Lang
CLERK

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10

11 COUNTY OF CLARK, a political subdivision of the)
12 State of Nevada,)

Plaintiff,) Case No: A457345
Dept No: III

13

vs.

14

15 LEONARD LUNING AND CHERYL CAGLIERO)
16 AND LOUIS CAGLIERO AS CO-TRUSTEES OF)
17 THE LEONARD LUNING LIVING TRUST,)

Defendants.

18

FINAL ORDER OF CONDEMNATION.

19 It satisfactorily appearing to the Court from the records and files in the above-entitled
20 matter as follows:

21 1. That a Stipulated Judgment in Condemnation of Real Property was entered
22 herein condemning the fee simple title to the hereinafter described real property of the
23 Defendants and assessing the value and awarding the total just compensation to said
24 Defendants for the fee simple title to the subject real property.

25 2. That the use to which the hereinafter described real property is to be applied is
26 a public use, namely public streets and related purposes.

27 3. That the subject property is necessary for such public use.

28 4. That the fee simple title to the subject real property is condemned for public

1 use in the name of the Plaintiff pursuant to the laws of eminent domain of the State of
2 Nevada.

3 5. That the Plaintiff having deposited the total just compensation, namely, NINE
4 HUNDRED SIXTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 (\$965,000.00)
5 DOLLARS, including interest with the Clerk of the Court is now entitled to a Final Order of
6 Condemnation for the real property condemned herein and that a certified copy thereof shall
7 be recorded in the Clark County Recorder's Office and thereupon the rights of possession
8 and occupancy of said property by the Plaintiff will be permanent and final and the fee title
9 shall vest in the name of the Plaintiff.

10 6. That the parties shall bear their own fees and costs.

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff,
12 COUNTY OF CLARK, a political subdivision of the State of Nevada be, and is hereby
13 awarded a Final Order of Condemnation against the Defendants condemning the fee simple
14 title to the hereinafter described real property for public use and that the rights of possession
15 and occupancy of said property by the Plaintiff shall be, and hereby are made and
16 determined to be permanent and final to the real property which is situate in the County of
17 Clark, State of Nevada, being bounded and described as follows:

18 BEING A PARCEL OF LAND LYING WITHIN THE
19 SOUTHWEST QUARTER (SW 1/4) OF SECTION 26,
20 TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.B. & M.
21 CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE NORTHEAST CORNER OF THE
23 SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 26;

24 THENCE ALONG THE EAST LINE OF SAID SOUTHWEST
25 QUARTER (SW 1/4), SOUTH 0°26'30" WEST, 1181.45 FEET
26 TO A P.O.C. OF A NON-TANGENT CURVE, SAID CURVE
27 BEING CONCAVE TO THE SOUTHWEST AND HAVING A
28 RADIUS POINT WHICH BEARS SOUTH 72°41'20" WEST,
29 1050.00 FEET;

30 THENCE NORTHWESTERLY ALONG SAID CURVE THRU
31 A CENTRAL ANGLE OF 25°08'14", AN ARC LENGTH OF
32 460.66 FEET TO THE P.T. OF CURVE;

33 THENCE NORTH 42°26'54" WEST, 1073.42 FEET TO A
34 POINT ON THE NORTH LINE OF ABOVE MENTIONED
35 SOUTHWEST QUARTER (SW 1/4);

1
2 THENCE ALONG SAID NORTH LINE OF THE
3 SOUTHWEST QUARTER (SW 1/4) SOUTH 89°35'24"''
4 EAST, 961.26 FEET TO THE POINT OF BEGINNING.
5
6

7 EXCEPTING THEREFROM ANY INTEREST IN SAID
8 PROPERTY AS CONVEYED TO CLARK COUNTY, FOR
9 THE DUCK CREEK DRAINAGE CHANNEL AS
10 DESCRIBED IN AN INSTRUMENT RECORDED OCTOBER
11 14, 1980 AS DOCUMENT NO. 1255257 OF OFFICIAL
12 RECORDS.

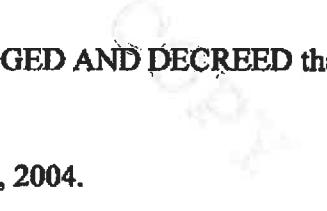
13 APN: 161-26-302-002

14 Approximately 13.39 acres

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff
16 having deposited the total just compensation, namely, NINE HUNDRED SIXTY-FIVE
17 THOUSAND FIVE HUNDRED AND NO/100 (\$965,000.00) DOLLARS, including
18 interest, with the Clerk of the Court is now entitled to a Final Order of Condemnation for the
19 real property condemned herein and that a certified copy of this order shall be recorded in
20 the Clark County Recorder's Office and thereupon the rights of possession and occupancy of
21 said property by the Plaintiff will be permanent and final and the fee simple title shall vest in
22 the name of the Plaintiff.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall
24 bear their own fees and costs.

25 DATED this 19 day of November, 2004.

26 
27 DISTRICT COURT JUDGE

28 Submitted by:

29 DAVID ROGER
30 DISTRICT ATTORNEY

31 By: Robert J. Gower
32 ROBERT J. GOWER
33 Deputy District Attorney
34 State Bar No. 001868
35 500 S. Grand Central Pkwy. 5th Flr.
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38 Attorneys for Plaintiff

39 *SEARCHED, SERIALIZED, INDEXED, FILED
40 NOV 19 2004*
41 2004 NOV 19 D 3 19

42 *Robert J. Gower*
43 CLERK