

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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**Petitioner:** Yolanda T. King, County Manager

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**Recommendation:**

**Approve and authorize the Chair to execute the Resolution exercising the County's right to terminate the fourth amendment to the ground lease agreement with Nevada Links, Inc. and direct the County's legal counsel to provide the required notice of termination. (For possible action)**

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**FISCAL IMPACT:**

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

**BACKGROUND:**

The County and Nevada Links, Inc., entered into a Ground Lease Agreement on July 20, 1999, for approximately 154 acres of land, inclusive of approximately 91 acres that the United States Bureau of Land Management (“BLM”) had conveyed to the County pursuant to the Southern Nevada Public Land Management Act. Pursuant to the Lease, Nevada Links developed and operated a golf course called the Bali Hai Golf Club.

The Lease has been amended by the parties four times—the First Amendment, dated August 16, 2000; the Second Amendment, dated January 15, 2000; the Third Amendment, dated May 21, 2002; and the Fourth Amendment, which was approved by the Board of County Commissioners on September 6, 2011. Unlike the first three amendments, the Fourth Amendment is subject to three Conditions Precedent that must be satisfied in order for the amendment to become legally operative: (1) Nevada Links “must obtain express written approval of the terms and conditions of this Fourth Amendment from the current Lender,” (2) the “County must obtain express written approval of this Amendment from the US Bureau of Land Management,” and (3) Nevada Links “must obtain a final non-conforming zone change, with all applicable County protest and appeal periods having expired, on the Premises that entitle Company to be able to develop the Commercial Facilities.” The second and third Conditions Precedent have not been satisfied, including because the BLM has refused to approve the Fourth Amendment.

Under Section 1.2 of the Fourth Amendment, the parties agreed that if the Conditions Precedent were not satisfied within 18 months after the Approval Date, then either Nevada Links or the County may, upon 30 days’ advance written notice to the other, terminate the Fourth Amendment (but not the Lease).

Pursuant to Section 1.2, the Board hereby authorizes the County's legal counsel to provide Nevada Links with the required advanced written notice of the County’s intention to exercise its right to terminate the Fourth Amendment. The termination shall take effect on September 1, 2022.

Cleared for Agenda

**07/19/2022**

File ID#

**22-1053**