

# CLARK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM

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**Petitioner:** Steven B. Wolfson, District Attorney

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**Recommendation:**

**Authorize the District Attorney's Office to appeal the decision to grant a petition for judicial review in the Eight Judicial District Court action, LV Judson, LP v. Clark County, Case No. A-23-869800-J, to the Court of Appeals or Supreme Court of Nevada. (For possible action)**

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**FISCAL IMPACT:**

Fund #:	1010.000	Fund Name:	General Fund
Fund Center:	1080716000	Funded PGM/Grant:	N/A
Amount:	Up to \$5,000		
Description:	Miscellaneous court fees and related expenses		
Additional Comments:	N/A		

**BACKGROUND:**

On March 22, 2023, the Board of County Commissioners denied without prejudice a design review application for an office warehouse at the northwest corner of Lamb Boulevard and Judson Avenue. The owner of the property challenged the Board's decision by filing a petition for judicial review in State District Court. The District Court granted the Petition, thus overturning the Board's decision. The District Attorney's Office believes the Petition was incorrectly granted and that there is a sufficient legal basis for a successful appeal. Therefore, the District Attorney's Office seeks authorization to commence an appellate action in the Supreme Court of Nevada to challenge the Court's decision.

The District Attorney's Office recommends that the Board of County Commissioners authorize such action.

Cleared for Agenda

**03/19/2024**

File ID#

**24-310**