

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Denis Cederburg, Director of Public Works

Recommendation:

Approve and authorize the County's legal counsel to execute a Stipulation And Order For Settlement, Entry of Judgment, Entry of Final Order of Condemnation, And Release Of All Claims with Western Aluminum Rolling Mills, Inc. in the case of Clark County vs. Jack T. Belcher, et. al., District Court Case No. A-16-740636-C, relating to eminent domain and acquisition of a portion of Assessor's Parcel Number 162-20-202-017 necessary for the public purpose of easements for the Harmon Avenue / Union Pacific Railroad Grade Separation Project and related improvements. (For possible action)

FISCAL IMPACT:

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|----------------------|--|-------------------|-----|
| Fund #: | N/A | Fund Name: | N/A |
| Fund Center: | N/A | Funded PGM/Grant: | N/A |
| Amount: | N/A | | |
| Description: | N/A | | |
| Additional Comments: | In no event, shall the County's liability exceed \$180,000.00. | | |

BACKGROUND:

The Board of County Commissioners approved the filing of a Verified First Amended Complaint in Eminent Domain by Clark County against Jack T. Belcher, deceased; Fareeza H. Belcher; Karen Stratton; Jon Belchere; Jill Roland; (collectively the "Belchers") Lynda Susan Belchere; Western Aluminum Rolling Mills, Inc. ("Western Aluminum"), Level 3 Communications, LLC, State Department of Taxation, Kinder Morgan G.P., Inc., and all other persons claiming any right or interest in Assessor's Parcel Number 162-20-202-017, for the acquisition of a portion of said property for easements for the Harmon Avenue / Union Pacific Railroad Grade Separation Project. Said complaint was filed on or about July 26, 2016.

On or about December 21, 2017, the Belchers stipulated with Western Aluminum to disclaim any interest in just compensation due and owing in this case and Western Aluminum agreed the Belchers would withdraw \$15,000.00 from the deposit the County made with court in connection with the right to immediate occupancy. Disclaimers of interest were filed relating to interests of Level 3 Communications, LLC, the State Department of Taxation, and Kinder Morgan G.P., Inc. A default judgment was issued against Lynda Susan Belchere.

A settlement has been proposed between the County and Western Aluminum whereby the just compensation for the acquisition owed by the County to Western Aluminum is \$180,000.00, \$40,000.00 of which will constitute the amount on deposit with the court. The Stipulation and Order for Settlement, Entry of Judgment, Entry of Final Order of Condemnation, and Release of all Claims constitutes an entire and complete understanding and agreement by the County and Western Aluminum.

Public Works and the District Attorney's Office recommend this settlement. The District Attorney's Office has

Cleared for Agenda

01/04/2022

File ID#

22-0057

reviewed and approved the Stipulation and Order for Settlement, Entry of Judgment, Entry of Final Order of Condemnation, and Release of all Claims.