

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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**Petitioner:** Denis Cederburg, Director of Public Works

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**Recommendation:**

**Approve and authorize the Chair to sign a construction agreement for offsite improvements between Clark County and Camino Constructors LLC (Allen R. Walker, Member/Manager) for the Cottonwood Lake Subdivision project. (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:**

On July 28, 2005, Clark County and the private property owner of 65 parcels located within the Cottonwood Lake Homes, LLC ("Subdivision") entered into Offsite Improvement Agreement No. 05-14752 for the construction of off-site improvements as a condition of development. To guarantee performance of the off-site improvements, the property owner posted a bond through the Hanover Insurance Company ("Hanover"). The property owner defaulted on the offsite improvement obligations and the County sought recourse against the performance bond issued by Hanover. Ultimately, this bond claim was included in a lawsuit against Hanover. (Clark County v. Hanover, Case No. A-12-671287-C in the Eighth Judicial District Court).

A settlement agreement between the County and Hanover was entered into on or about March 18, 2020 whereby the County received payment of \$135,000 from Hanover to complete offsites related to the subdivision. This settlement payment, along with a \$50,000 cash deposit received from the original property owner also as security for performance of the offsite improvements, is to be applied by the County to complete certain offsites in the Subdivision. Neither the bond money nor the cash deposit is public money and therefore this project does not constitute a public work under NRS Chapter 338.

Camino Constructors LLC ("Contractor") was hired by the County in the above-mentioned lawsuit as an expert witness to opine as to the cost estimates for the offsite improvements. Accordingly, it is believed that the contractor's familiarity with the subdivision and the offsite work makes it most qualified, and able to provide the best value with the monies available. The attached construction agreement sets forth the terms and conditions relating to the County and the Contractor. The time of performance for the offsite construction is to May 7, 2022, unless time extensions are granted.

Camino Constructors LLC currently holds a Clark County Business License.

The District Attorney's Office has reviewed and approved the construction agreement as to form.

Cleared for Agenda

**11/16/2021**

File ID#

**21-1630**