

1 CITY OF LAS VEGAS  
 BRADFORD R. JERBIC  
 2 City Attorney  
 Nevada Bar No. 1056  
 3 By: ELIAS P. GEORGE  
 Deputy City Attorney  
 4 Nevada Bar No. 12379  
[egeorge@lasvegasnevada.gov](mailto:egeorge@lasvegasnevada.gov)  
 5 495 S. Main Street, Sixth Floor  
 Las Vegas, NV 89101  
 6 (702) 229-6629 (office)  
 (702) 386-1749 (fax)  
 7 *Attorneys for City of Las Vegas*

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 THE STATE OF NEVADA, on relation of its  
 Department of Transportation,  
 12  
 13 Plaintiff,

CASE NO. 2:16-cv-00665-APG-GWF

14 vs.

**STIPULATION AND ORDER  
 REGARDING THE CITY OF LAS  
 VEGAS' CONDITIONAL DISCLAIMER  
 OF INTEREST**

15 DARRELL E. JACKSON, a married man;  
 THOMAS M. STRAWN, JR., a married man;  
 ANDREW S. LEVY, a married man;  
 16 DAVIDSON INVESTMENTS LIMITED  
 PARTNERSHIP, a Nevada limited partnership;  
 17 JOHN W. BOYER, a married man; MICHAEL  
 ALEXANDER, Trustee of the MICHAEL  
 18 ALEXANDER LIVING TRUST; NEVADA  
 TITLE COMPANY, a Nevada corporation; L.  
 19 S. ENTERPRISES, INC., a Nevada corporation  
 d/b/a American Commonwealth Mortgage Co.;  
 20 EAGLEMARK SAVINGS BANK, a Nevada  
 corporation; STATE OF NEVADA,  
 21 DEPARTMENT OF EMPLOYMENT,  
 TRAINING & REHABILITATION,  
 22 EMPLOYMENT SECURITY DIVISION;  
 UNITED STATES DEPARTMENT OF THE  
 23 TREASURY -- INTERNAL REVENUE  
 SERVICE; CITY OF LAS VEGAS; CLARK  
 24 COUNTY, a political subdivision of the State of  
 Nevada; and all other persons unknown  
 25 claiming any right, title, estate, lien or interest in  
 the real property described in the Complaint,

26 Defendants.  
 27

1 Plaintiff State of Nevada, on relation of its Department of Transportation (“NDOT”), and  
2 defendant City of Las Vegas, by and through their respective counsel of record, hereby agree and  
3 stipulate as follows:

4 1. That subject to the conditions stated herein, the City of Las Vegas hereby  
5 disclaims any further right, title, or interest in the property sought to be acquired herein—located  
6 in Clark County, Nevada and associated with assessor’s parcel numbers (“APN”) 162-04-601-  
7 001 and 162-04-601-002 (collectively, the “Property”)—and any interest in the amount  
8 determined to be just compensation for said taking or any damages incidental thereto, or any  
9 portion thereof, and further agrees and stipulates that NDOT may take whatever action it deems  
10 desirable in this action, and counsel for City of Las Vegas hereby waives any and all notices and  
11 process required by law concerning the premises.

12 2. This disclaimer is conditioned upon NDOT agreeing to the following with respect  
13 to the Property:

14 A. To protect in place any of the City of Las Vegas’ facilities that may be  
15 impacted by the subject NDOT project a/k/a/ Project NEON; and

16 B. That NDOT take subject to the rights and interests of the following  
17 easements maintained by the City as set forth in each of the four (4) RIGHT OF WAY GRANT  
18 FOR DRAINAGE PURPOSES referred to in the instant Complaint. (*See* Compl. ¶ V(L), already  
19 on file herein).

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. In the event the City of Las Vegas' drainage facilities within the above-described easements in paragraph 2(B) need to be relocated, rearranged or reconstructed as part of Project NEON, NDOT will design replacement drainage facilities to accommodate the future modified drainage flows. Said drainage flows must either be located in NDOT Right of Way or in a private drainage easement to be acquired by NDOT.

DATED this 31st day of October 2016  
BRADFORD R. JERBIC  
City Attorney

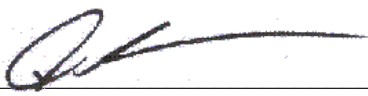
DATED this 31st day of October 2016  
ADAM PAUL LAXALT  
Attorney General

/s/ Elias P. George  
By: \_\_\_\_\_  
ELIAS P. GEORGE  
Deputy City Attorney  
Nevada Bar No. 12379  
495 S. Main Street, Sixth Floor  
Las Vegas, NV 89101  
Attorney for City of Las Vegas

/s/ Janet L. Merrill  
By: \_\_\_\_\_  
JANET L. MERRILL  
Sr. Deputy Attorney General  
Nevada Bar No. 10736  
3014 W. Charleston Blvd., Suite 150  
Las Vegas, NV 89102  
Attorney for State of Nevada, ex rel. its  
Department of Transportation

IT IS HEREBY ORDERED.

**ORDER**

  
UNITED STATES DISTRICT JUDGE  
Dated: October 31, 2016.