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Inst #: 201004260004494

Fees: \$39.00

N/C Fee: \$0.00

04/26/2010 04:27:18 PM

Receipt #: 326277

Requestor:

MARQUIS & AURBACH

Recorded By: STN Pgs: 26

DEBBIE CONWAY

CLARK COUNTY RECORDER

APN# 139-22-810-041 and 139-22-810-042

11-digit Assessor's Parcel Number may be obtained at:
<http://redrock.co.clark.nv.us/assrrealprop/owner.aspx>

Notice of Entry of Final Order of Condemnation (#39)

Type of Document

(Example: Declaration of Homestead, Quit Claim Deed, etc.)

Recording Requested By:

Brian R. Hardy, Esq./Marquis & Aurbach

Return Documents To:

Name Brian R. Hardy, Esq./Marquis & Aurbach

Address 10001 Park Run Drive

City/State/Zip Las Vegas, Nevada 89145

This page added to provide additional information required by NRS 111.312 Section 1-2

(An additional recording fee of \$1.00 will apply)

This cover page must be typed or printed clearly in black ink only.

Marquis & Aurbach
JACK C. JUAN, ESQ.
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bhardy@marquisaurbach.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CITY OF NORTH LAS VEGAS,

Plaintiff,

Case No. 2:09-CV-00497-KJD-GWF

vs.

CITY OF NORTH LAS VEGAS HOUSING
AUTHORITY, a Nevada public entity; THE US
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT; NEVADA POWER
COMPANY, a Nevada corporation; CENTRAL
TELEPHONE COMPANY, a Delaware
corporation; all other persons unknown claiming
any right, title, estate, lien, or interest in the real
property describe in the Complaint; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

**NOTICE OF ENTRY OF FINAL ORDER
OF CONDEMNATION (#39)**

Please take notice that a Final Order of Condemnation (#39) was entered in the above-captioned matter on the 13th day of April, 2010, a copy of which is attached hereto.

Dated this 23rd day of April, 2010.

MARQUIS & AURBACH

By: /s/ Brian R. Hardy, Esq. _____

Brian R. Hardy, Esq.
Nevada Bar No. 10068
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff

MARQUIS & AURBACH
JACK C. JUAN, ESQ.
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CITY OF NORTH LAS VEGAS,

Plaintiff,

Case No. 2:09-CV-00497-KJD-GWF

vs.

CITY OF NORTH LAS VEGAS HOUSING
AUTHORITY, a Nevada public entity; THE US
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT; NEVADA POWER
COMPANY, a Nevada corporation; CENTRAL
TELEPHONE COMPANY, a Delaware
corporation; all other persons unknown claiming
any right, title, estate, lien, or interest in the real
property describe in the Complaint; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

FINAL ORDER OF CONDEMNATION

This Court having reviewed all the papers, pleadings, and documents on file herein and finding Disclaimers of Interest having been filed by Defendants City of North Las Vegas Housing Authority on January 22, 2010 (#34); The US Department of Housing and Urban Development on April 12, 2010 (#36); Nevada Power on April 3, 2009 (#37); and Central Telephone Company on November 20, 2009 (#32), and the Court being otherwise fully advised, hereby ORDERS, ADJUDGES, and DECREES as follows:

(1) That on February 20, 2009, the City of North Las Vegas ("CNLV") filed its Verified Complaint in Eminent Domain in the Eighth Judicial District Court, Clark County,

1 Nevada, Case Number A583117, to acquire a right of way for the North 5th Street Project No.
2 10179 which includes construction of a portion of North 5th Street from Owens Avenue to the
3 Northern Beltway (CC-215) in the City of North Las Vegas, County of Clark, State of Nevada
4 ("Project") and for other public purposes.

5 (2) That the properties affected by this condemnation action are certain portions of
6 those properties recognized by the Clark County Recorder's Office as APNs 139-22-810-041 and
7 139-22-810-042. Specifically, CNLV condemns and acquires through this proceeding the
8 following: 1) fee simple absolute title in and to approximately 6,664 square feet located within
9 the property generally recognized by the Clark County Recorders Office as APN 139-22-810-
10 041 (which is more particularly described in Exhibit 1, attached hereto); 2) fee simple absolute
11 title in and to approximately 8,636 square feet located within the property generally recognized
12 by the Clark County Recorders Office as APN 139-22-810-042 (which is more particularly
13 described in Exhibit 2, attached hereto); 3) a permanent easement for utility and municipal
14 purposes for approximately 100 square feet located within the property generally recognized by
15 the Clark County Recorders Office as APN 139-22-810-041 (which is more particularly
16 described in Exhibit 3, attached hereto); 4) a temporary construction easement for roadways and
17 municipal purposes for approximately 9,306 square feet located within the property generally
18 recognized by the Clark County Recorders Office as APN 139-22-810-041 (which is more
19 particularly described in Exhibit 4, attached hereto); and 5) a temporary construction easement
20 for roadways and municipal purposes for approximately 17,995 square feet located within the
21 property generally recognized by the Clark County Recorders Office as APN 139-22-810-042
22 (which is more particularly described in Exhibit 5, attached hereto)(collectively hereinafter the
23 "Property")

24 (3) That fee simple absolute title in and to the Property, including all right, title, and
25 interest in and to the Property and all improvements, fixtures, personal property, and leasehold
26 interests, if any to be used for public purposes related to the Project, and for other public
27 purposes including, but not limited to, those set forth in NRS 408.487 is hereby condemned to
28 CNLV.

1 (4) That CNLV's interest in and to the Property shall be permanent and final, free and
2 clear of all liens, leaseholds, claims, and encumbrances.

3 (5) That all parties have resolved and/or adjudicated all claims and defenses by,
4 between and/or related to the instant lawsuit, its subject matter, and/or the Project, whether
5 asserted or unasserted in the pleadings.

6 (6) That all parties have resolved and/or adjudicated, without limitation, all rights and
7 claims, if any, relating to: (i) pre-condemnation damages, (ii) relocation benefits under the
8 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or other
9 claims to compensation or damages resulting from any displacement of any business or portions
10 thereof arising under any federal, state or local law, (iii) just compensation owing under the
11 takings clauses of the Nevada Constitution, the U.S. Constitution, or both (resulting from either
12 inverse condemnation or condemnation claims).

13 (7) That this final order reflects resolution and/or adjudication of all such claims and
14 defenses.

15 (8) That CNLV is directed to record a certified copy of this Final Order of
16 Condemnation and all associated Exhibits with the Clark County Recorder's Office to document
17 and provide notice of CNLV's exclusive and fee simple right, title and interest in and to the
18 Property identified herein.

19 ///

20 ///

21 ///

(9) That this matter is dismissed with prejudice, with each party bearing its own attorneys fees, costs, and expenses incurred herein, including any expert witness and consulting fees.

IT IS SO ORDERED.

Dated this 13 day of April, 2010.


DISTRICT COURT JUDGE

Submitted by:

MARQUIS & AURBACH

/s/ Brian R. Hardy
Jack C. Juan, Esq.
Nevada State Bar No. 6367
Brian R. Hardy, Esq.
Nevada State Bar No. 10068
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff

MARQUIS & AURBACH
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Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

EXHIBIT 1

Mayor
Michael L. Montaudon

Council Members
William E. Robinson
Stephanie S. Smith
Sharj Mack
Robert L. Elissen



City Manager
Gregory E. Rose

Public Works Department • Dr. Olong Liu, P.E., PTOE, Director
50 East Brooks Avenue • North Las Vegas, Nevada 89030
Telephone: (702) 633-1306 • Fax: (702) 633-1909 • TDD: (702) 326-6868
www.cityofnorthlasvegas.com

EXPLANATION: This description represents a portion of the "City of NLV Housing Authority" property (A.P.N. 139-22-810-041), located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, and is intended to identify an area to be acquired for Roadway and Municipal Purposes by the City of North Las Vegas, Nevada.

PROPERTY DESCRIPTION

A parcel of land being a portion of Lot 3 in Block 2 of Rose Gardens Subdivision, in Book 15 Page 60 of Plats, Clark County, Nevada Records, located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada described as follows:

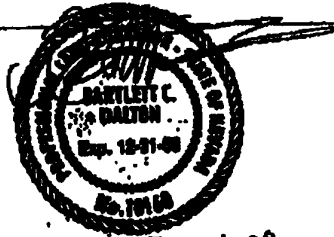
BEGINNING at the northeast corner of said Lot 3; thence along the boundary of said Lot 3 the following two courses: South 00°14'59" West, 350.00 feet; thence South 89°42'51" West, 40.07 feet; thence departing said boundary line, North 08°08'28" East, 214.56 feet; thence curving to the left along the arc of a 386.00 foot radius curve, concave westerly, through a central angle of 20°33'57", an arc length of 138.55 feet to a point on the north line of said Lot 3 to which a radial line bears North 77°34'31" East; thence North 89°42'52" East, along said north line, 16.36 feet to the **POINT OF BEGINNING**.

Containing 6,664 square feet or 0.153 acres, more or less.

The Basis of Bearings for this description is South $00^{\circ}14'59''$ West, being the west line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada and is based upon the Central Meridian of the City of North Las Vegas User Defined Transverse Mercator Projection; said Meridian being coincident with $115^{\circ}05'53.00''$ West of the Greenwich Meridian. Orientation is defined by the High Accuracy Reference Network of Nevada, National Geodetic Survey, (Epoch 1999.37)

Prepared by:

Bartlett C Dalton, PLS
City Surveyor
50 East Brooks Avenue
North Las Vegas, NV 89030



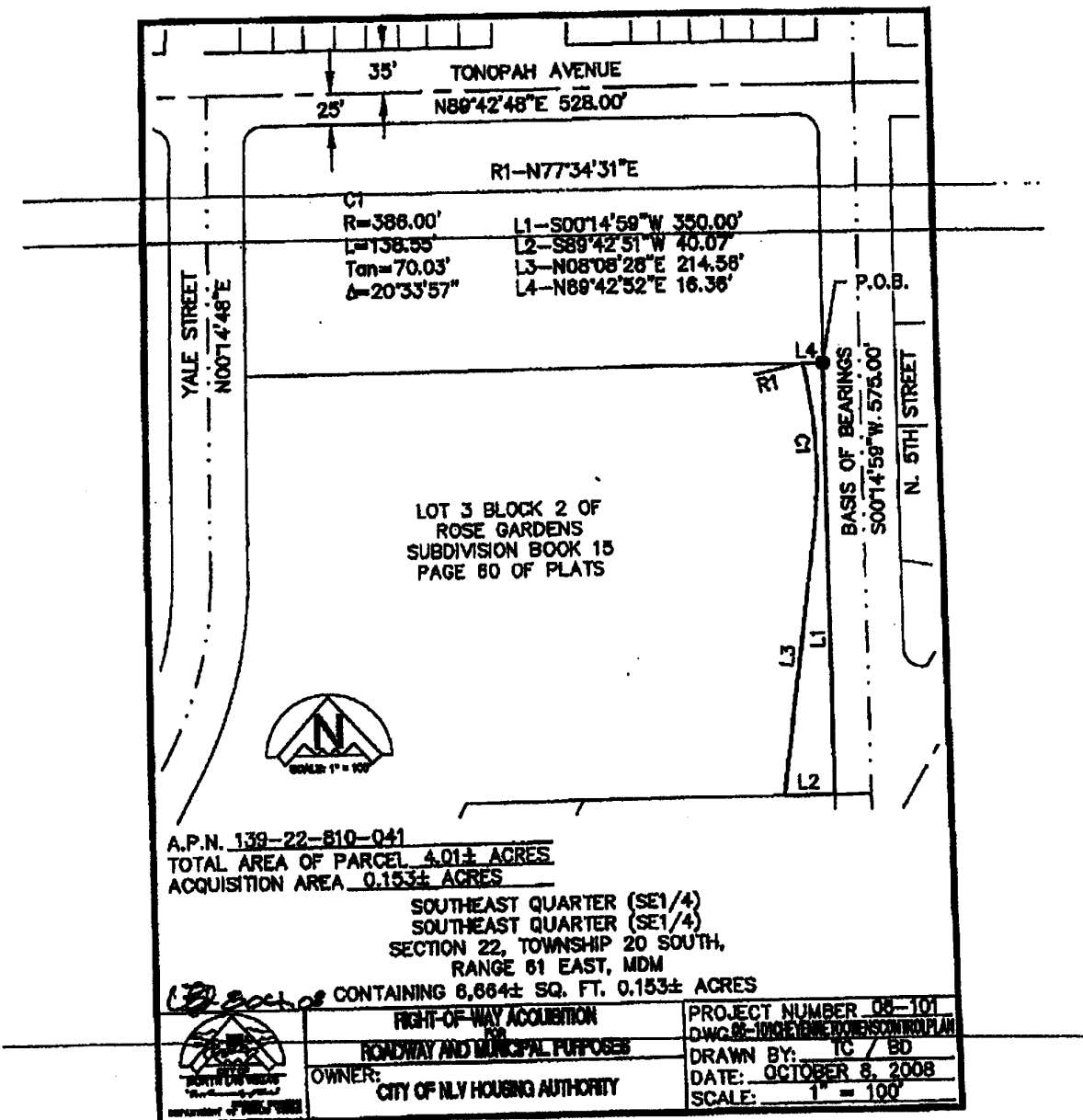


EXHIBIT 2

Mayor
Michael L. Montandon

Council Members
William E. Robinson
Stephanie S. Smith
Shari Beck
Robert L. Eklund



City Manager
Gregory E. Rose

Public Works Department • Dr. Qiang Liu, P.E., PTOE, Director
50 East Brooks Avenue • North Las Vegas, Nevada 89030
Telephone: (702) 633-1361 • Fax: (702) 633-1361 • TDD: (702) 326-6262
www.cityofnorthlasvegas.com

EXPLANATION: This description represents a portion of the "City of NLV Housing Authority" property (A.P.N. 139-22-810-042), located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, and is intended to identify an area to be acquired for Roadway and Municipal Purposes by the City of North Las Vegas, Nevada.

PROPERTY DESCRIPTION

A parcel of land being a portion of Lot 4 in Block 2 of Rose Gardens Subdivision, in Book 15 Page 60 of Plats, Clark County, Nevada Records, located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada described as follows:

Commencing at the northeast corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section 22; thence South 00°14'59" West, along the east line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), a distance of 40.42 feet; thence departing said east line, North 89°45'01" West, 30.00 feet to the POINT OF BEGINNING on the west Right-of-Way line of N. 5th Street (60 feet wide); thence South 00°14'59" West, along said west Right-of-Way line, 184.86 feet to a point on the south line the aforementioned Lot 4; thence South 89°42'52" West, along said south line, 16.36 feet to the point of a non-tangent curve; thence departing said south line from a tangent bearing North 12°25'29" West, curving to the left along the arc of a 386.00 foot radius curve, concave southwesterly, through a central angle of 02°37'23", an arc length of 17.67 feet; thence North 15°02'52" West, 166.88 feet; thence North 23°35'22" West, 23.34 feet to a point on the south Right-of-Way line of Tonopah Avenue (60 feet wide); thence North 89°42'48" East, along said south Right-of-Way line, 58.95 feet; thence curving to the right along the arc of a 15.00 foot radius curve, concave southwesterly, through a central angle of 90°32'11", an arc length of 23.70 feet to the POINT OF BEGINNING to which a radial line bears South 89°45'01" East.

Containing 8,636 square feet or 0.198 acres, more or less.

LB BOUTON

H:\Survey\Land Projects\06-101\Description\139-22-810-042 row.wpd

The Basis of Bearings for this description is South $00^{\circ}14'59''$ West, being the west line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada and is based upon the Central Meridian of the City of North Las Vegas User Defined Transverse Mercator Projection; said Meridian being coincident with $115^{\circ}05'53.00''$ West of the Greenwich Meridian. Orientation is defined by the High Accuracy Reference Network of Nevada, National Geodetic Survey. (Epoch 1999.37)

Prepared by:

Bartlett C Dalton, PLS
City Surveyor
50 East Brooks Avenue
North Las Vegas, NV 89030



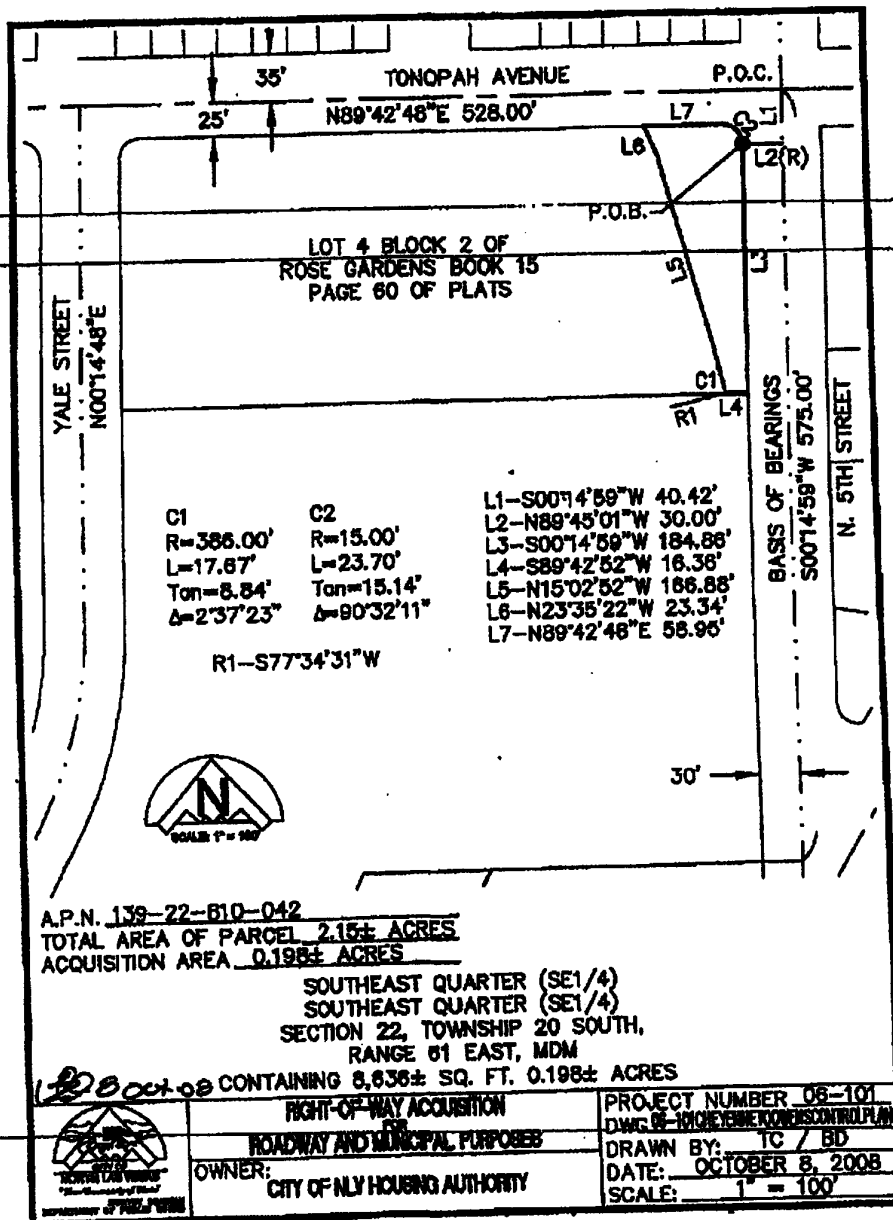


EXHIBIT 3

Mayer
Michael L. Montandon

Council Members
William E. Robinson
Stephanie K. Smith
Shari Neuk
Robert L. Ellison



City Manager
Gregory E. Ross

Public Works Department • Dr. Olong Liu, P.E., PTOE, Director
50 East Brooks Avenue • North Las Vegas, Nevada 89038
Telephone: (702) 633-1306 • Fax: (702) 633-1969 • TDD: (702) 324-6262
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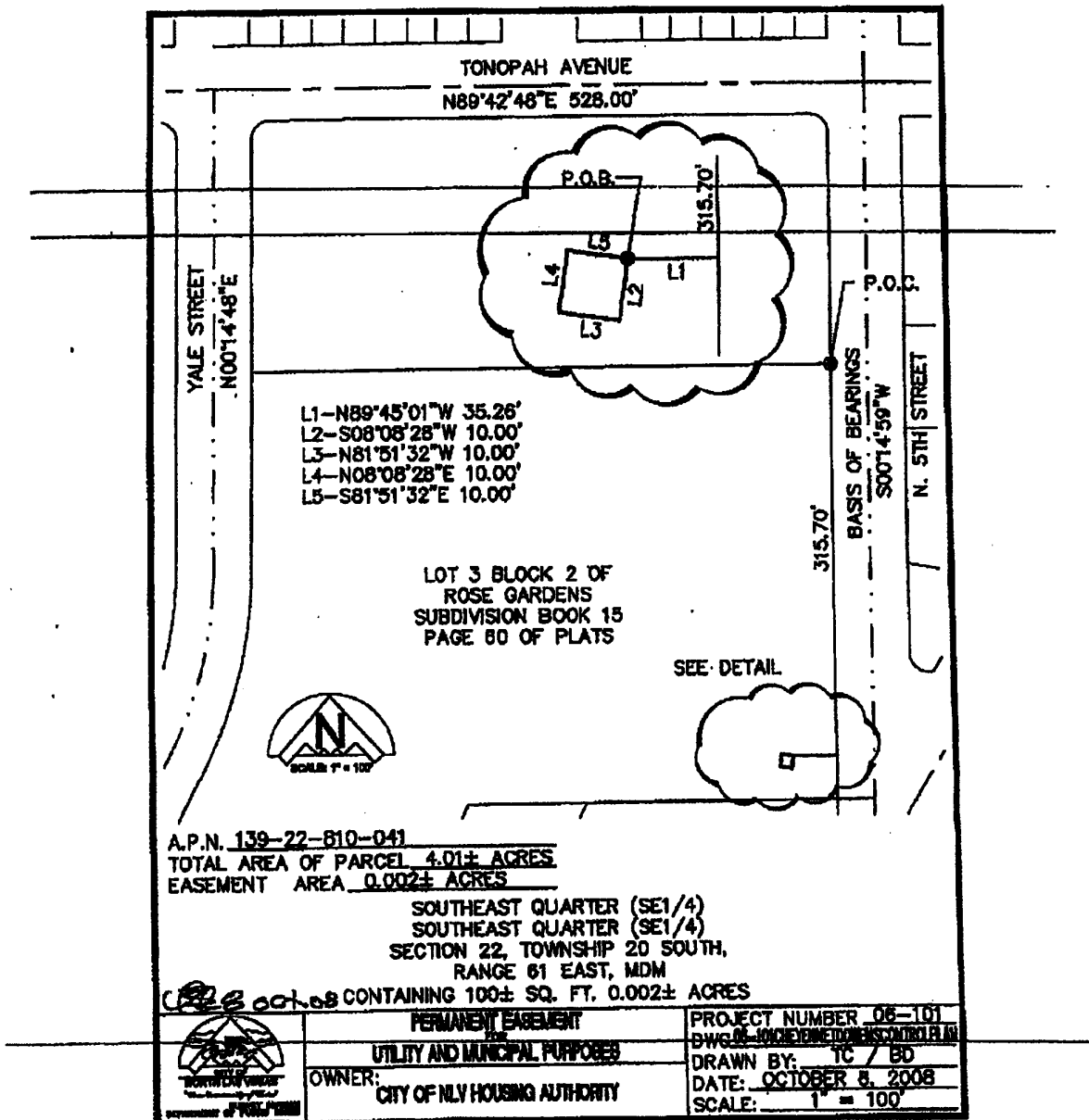
EXPLANATION: This description represents a portion of the "City of NLV Housing Authority" property (A.P.N. 139-22-810-041), located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, and is intended to be used for the acquisition of a Permanent Easement for Utility and Municipal Purposes by the City of North Las Vegas, Nevada.

PERMANENT EASEMENT

A parcel of land being a portion of Lot 3 in Block 2 of Rose Gardens Subdivision, in Book 15 Page 60 of Plans, Clark County, Nevada Records, located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada described as follows:

Commencing at the northeast corner of said Lot 3; thence South 00°14'59" West, along the east line of said Lot 3, a distance of 315.70 feet; thence departing said east line, North 89°45'01" West, 35.26 feet to the **POINT OF BEGINNING**; thence South 08°08'28" West, 10.00 feet; thence North 81°51'32" West, 10.00 feet; thence North 08°08'28" East, 10.00 feet; thence South 81°51'32" East, 10.00 feet to the **POINT OF BEGINNING**.

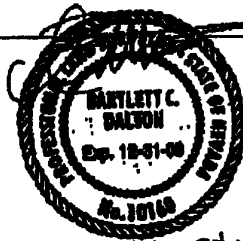
Containing 100 square feet or 0.002 acres, more or less.



The Basis of Bearings for this description is South $00^{\circ}14'59''$ West, being the west line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada and is based upon the Central Meridian of the City of North Las Vegas User Defined Transverse Mercator Projection; said Meridian being coincident with $115^{\circ}05'53.00''$ West of the Greenwich Meridian. Orientation is defined by the High Accuracy Reference Network of Nevada, National Geodetic Survey. (Epoch 1999.37)

Prepared by:

Bartlett C Dalton, PLS
City Surveyor
50 East Brooks Avenue
North Las Vegas, NV 89030



8 Oct. 08

EXHIBIT 4

Mayor
Michael L. Montandon

Council Members
William E. Robinson
Stephanie S. Smith
Shari Book
Robert L. Ellison



City Manager
Gregory E. Ross

Public Works Department • Dr. Qisang Liu, P.E., PTOE, Director
50 East Brooks Avenue • North Las Vegas, Nevada 89030
Telephone: (702) 633-1304 • Fax: (702) 633-1904 • TDD: (800) 326-6868
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EXPLANATION: This description represents a portion of the "City of NLV Housing Authority" property (A.P.N. 139-22-810-041), located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, and is intended to be used for the acquisition of a Temporary Construction Easement for Roadway and Municipal Purposes by the City of North Las Vegas, Nevada.

TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of Lot 3 in Block 2 of Rose Gardens Subdivision, in Book 15 Page 60 of Plats, Clark County, Nevada Records, located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada described as follows:

Commencing at the northeast corner of said Lot 3; thence South 89°42'52" West, along the north line of said Lot 3, a distance of 16.36 feet to the POINT OF BEGINNING and point of a non-tangent curve; thence departing said north line, from a tangent bearing South 12°25'29" East, curving to the right along the arc of a 386.00 foot radius curve, concave westerly, through a central angle of 20°33'57", an arc length of 138.55 feet; thence South 8°08'28" West, 30.24 feet; thence North 81°51'32" West, 10.00 feet; thence South 08°08'28" West, 10.00 feet; thence South 81°51'32" East, 10.00 feet; thence South 08°08'28" West, 174.32 feet to a point on the southeasterly line of said Lot 3; thence South 89°42'51" West, along said southeasterly line, 49.22 feet; thence departing said southeasterly line, North 00°14'59" West, 31.47 feet; thence North 89°45'01" East, 27.06 feet; thence North 00°14'59" West, 27.06 feet; thence North 89°45'03" East, 17.94 feet; thence North 00°14'55" West, 27.18 feet; thence North 81°51'32" West, 13.32 feet; thence North 08°08'28" East, 120.12 feet; thence South 81°51'32" East, 10.00 feet; thence North 00°23'04" East, 75.73 feet; thence North 89°30'31" East, 15.85 feet; thence North 00°29'30" West, 23.78 feet; thence South 89°30'31" West, 17.84 feet; thence North 01°22'01" West, 45.49 feet to a point on the aforementioned north line of said Lot 3; thence North 89°42'52" East, along said north line, 18.87 feet to the POINT OF BEGINNING.

Containing 9,306 square feet or 0.213 acres, more or less.

[Signature] BOCH-02
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The Basis of Bearings for this description is South $00^{\circ}14'59''$ West, being the east line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada and is based upon the Central Meridian of the City of North Las Vegas User Defined Transverse Mercator Projection; said Meridian being coincident with $115^{\circ}05'53.00''$ West of the Greenwich Meridian. Orientation is defined by the High Accuracy Reference Network of Nevada, National Geodetic Survey. (Epoch 1999.37)

Prepared by:

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City Surveyor
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North Las Vegas, NV 89030



Oct. 08

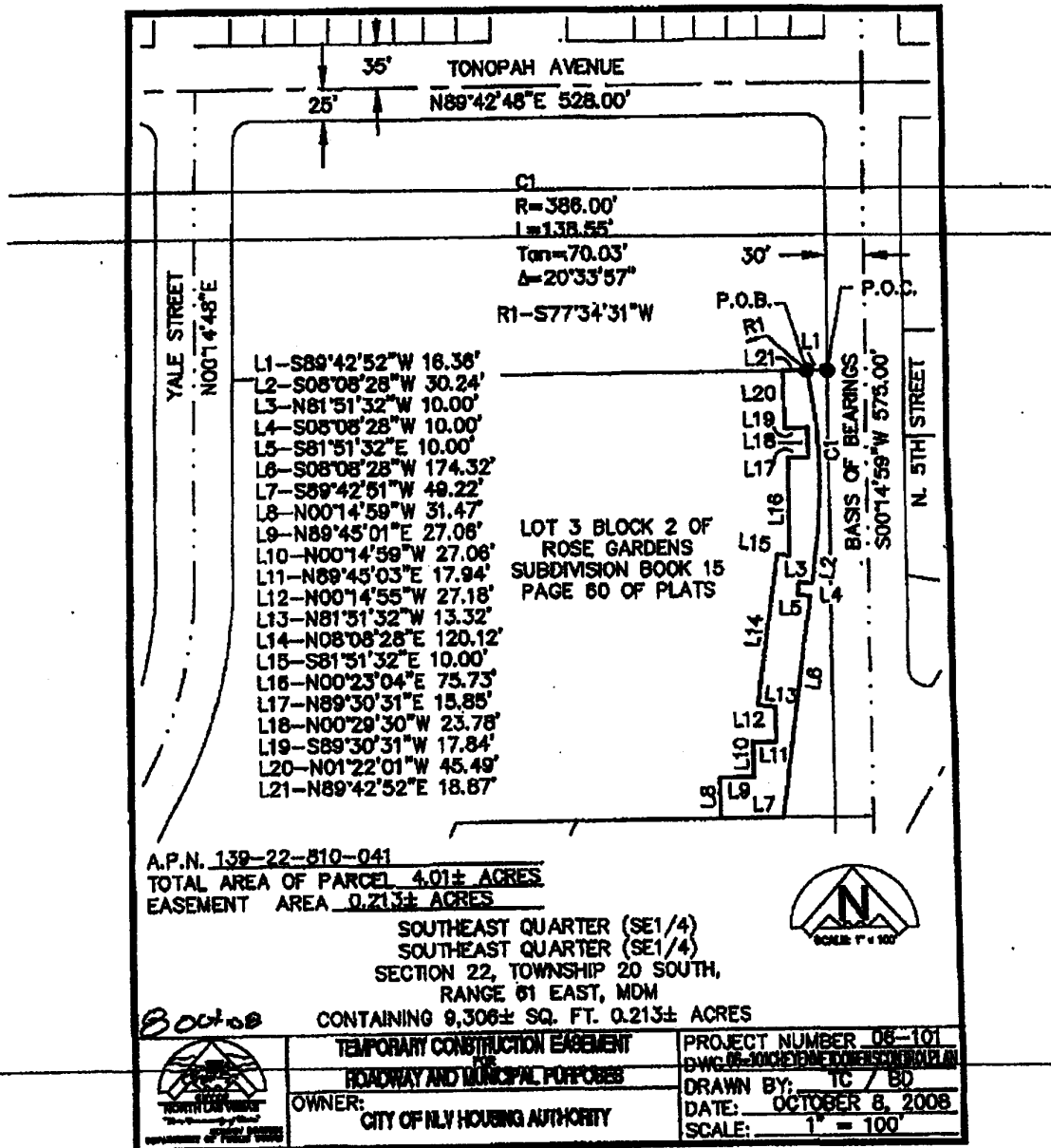


EXHIBIT 5

Mayer
Michael L. Montandon

Council Members
William E. Robinson
Stephanie S. Smith
Shari Eusk
Robert L. Hansen



City Manager
Gregory E. Rose

Public Works Department • Dr. Qiong Lin, P.E., P.U.C., Director
30 East Brooks Avenue • North Las Vegas, Nevada 89130
Telephone: (702) 833-1306 • Fax: (702) 833-1309 • TDD: (702) 326-6868
www.cityofnorthlasvegas.com

EXPLANATION: This description represents a portion of the "City of NLV Housing Authority" property (A.P.N. 139-22-810-042), located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, and is intended to be used for the acquisition of a Temporary Construction Easement for Roadway and Municipal Purposes by the City of North Las Vegas, Nevada.

TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of Lot 4 in Block 2 of Rose Gardens Subdivision, in Book 15 Page 60 of Plats, Clark County, Nevada Records, located within the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada described as follows:

Commencing at the northeast corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section 22; thence South 89°42'48" West, along the north line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), a distance of 104.33 feet; thence departing said north line, South 00°17'12" East, 25.00 feet to the POINT OF BEGINNING on the north Right-of-Way line of Tonopah Avenue (60 feet wide); thence South 23°35'22" East, 23.34 feet; thence South 15°02'52" East, 166.88 feet; thence curving to the right along the arc of a 386.00 foot radius curve, concave southwesterly, through a central angle of 02°37'23", an arc length of 17.67 feet to a point on the south line of aforementioned Lot 4 to which a radial line bears North 77°34'31" East; thence South 89°42'52" West, along said south line, 98.00 feet; thence departing said south line, North 00°07'57" West, 106.21 feet; thence South 89°52'08" West, 30.17 feet; thence North 00°08'06" West, 6.37 feet; thence South 89°52'02" West, 9.45 feet; thence North 00°29'59" West, 87.31 feet to a point on the north line of said Lot 4; thence North 89°42'48" East, along said north line, 81.78 feet to the POINT OF BEGINNING.

Containing 17,995 square feet or 0.413 acres, more or less.

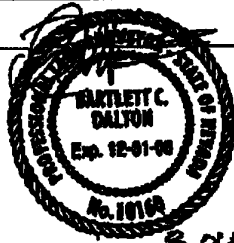
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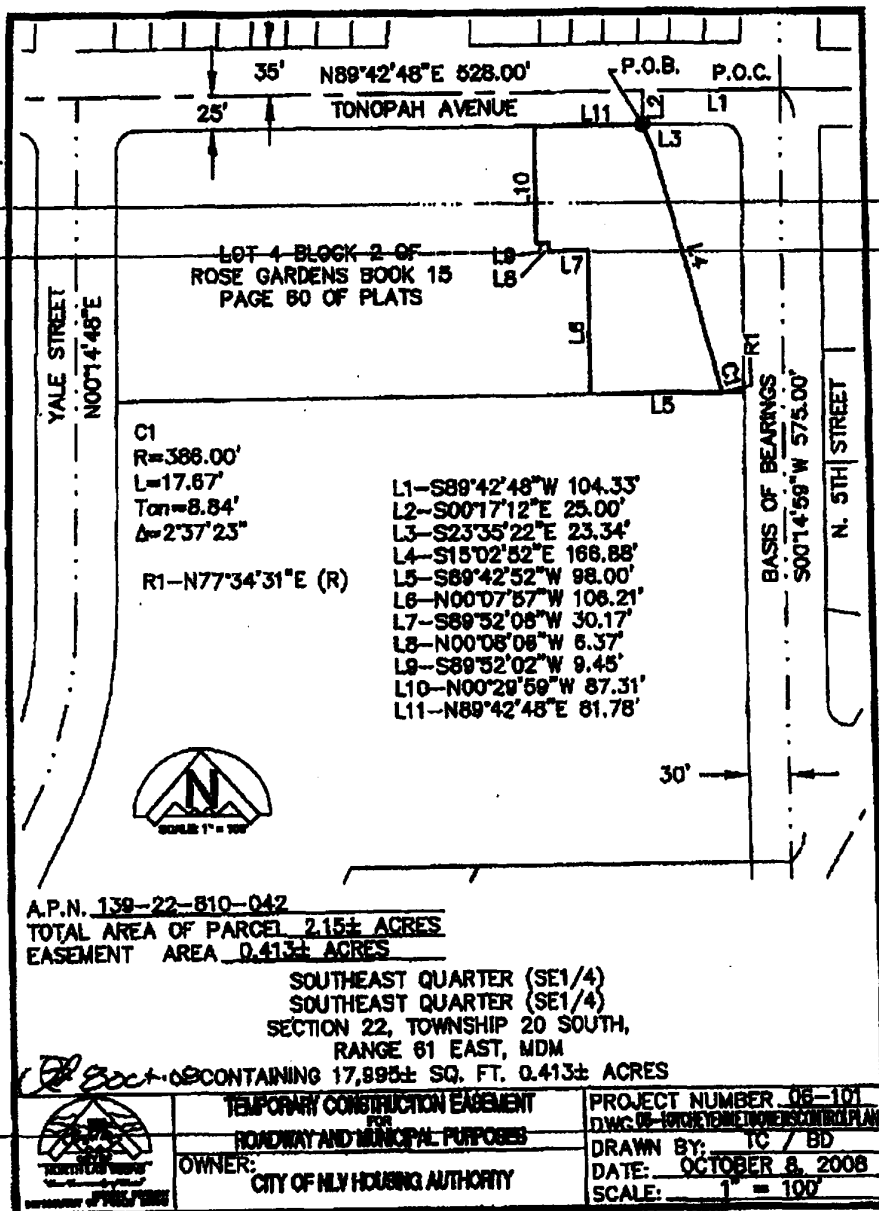
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The Basis of Bearings for this description is South $00^{\circ}14'59''$ West, being the east line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 22, Township 20 South, Range 61 East, M.D.M., City of North Las Vegas, Clark County, Nevada and is based upon the Central Meridian of the City of North Las Vegas User Defined Transverse Mercator Projection; said Meridian being coincident with $115^{\circ}05'53.00''$ West of the Greenwich Meridian. Orientation is defined by the High Accuracy Reference Network of Nevada, National Geodetic Survey. (Epoch 1999.37)

Prepared by:

Bartlett C Dalton, PLS
City Surveyor
50 East Brooks Avenue
North Las Vegas, NV 89030





I hereby attest and certify on 4/23/10
that the foregoing document is a full, true
and correct copy of the original on file in my
legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By [Signature] Deputy Clerk

