



Legislation Text

File #: TMP-3718, **Version:** 1

Discussion and possible approval of a settlement of Lakes at Lemmon Valley, LLC vs. Washoe County (2nd Judicial District Court case number CV18-02374 and associated Nevada Supreme Court case numbers 79469 and 79788), a judicial review case in which this Board denied a 98-lot single family residential subdivision along the eastern edge of Lemmon Drive just south of the intersection with Military Road (APN 552-210-18). The settlement agreement follows a settlement conference at the Supreme Court on November 13, 2019, and is subject to approval by a majority of this Board. Settlement terms include the following:

- Authorize the withdrawal and dismissal of the county's appeal,
- Effective upon remittitur from the Nevada Supreme Court, approve the subdivision pursuant to the district court's July 2019 order overturning this Board's denial of the tentative map;
- Prohibit any units from being sold within the subdivision before December 1, 2021;
- Require a median device proposal by the developer's engineer to the Regional Transportation Commission that would allow a left hand turn out of the subdivision;
- If the median device is okayed by RTC, require the developer to construct it;
- Require the developer to waive all claims for damages arising out of or related to the subject matter of this litigation, including but not limited to any claim for damages based on the alleged loss of an approximately \$2 million sale due to the litigation;
- Require the parties to bear their own costs and attorney's fees;
- Provide other matters pertinent to the resolution of the case; and
- Authorize the Chair to sign a settlement agreement and any other documents necessary to effectuate the settlement. District Attorney. (Commission District 5.) FOR POSSIBLE ACTION