

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue:	Declare County-owned Real Property as Surplus and Offer of Reconveyance	Back-up:
Petitioner:	Denis Cederburg, Director of Public Works	Clerk Ref. #
Recommendation:		
<p>That the Board of County Commissioners approve, adopt, and authorize the Chair to sign a resolution to declare County-owned property as surplus and offer of reconveyance for Assessor's Parcel No. 176-36-418-081 (1.27 acres); authorize the Director of Clark County Public Works Department or his designee to offer the reconveyance to the Southern Highlands Development Corporation; and execute the quitclaim deed and any related documents necessary to complete the transaction. (For possible action)</p>		

FISCAL IMPACT:

Fund #: N/A	Fund Name: N/A
Fund Center: N/A	Funded Pgm/Grant: N/A
Description: N/A	Amount: N/A
Added Comments: N/A	

BACKGROUND:

where?

In May 2003, Beazer Homes Holding Corporation dedicated at no cost to the County approximately 1.27 acres to the Clark County Public Works Department to facilitate storage, maintenance, and repairs associated with street lights. The subject function can be accomplished from another County Public Works location; therefore, the site is no longer necessary for the initial intended purpose and can be considered as surplus. Southern Highlands Development Corporation, successor in interest has requested that the property be reconveyed. Per Nevada Revised Statute 244.290, the County is authorized to reconvey the land to the former owner or its successor.

Per the attached resolution, authorization is now being sought from the Board of County Commissioners to authorize the Director of County Public Works or his designee to offer the reconveyance to the Southern Highlands Development Corporation and execute a quitclaim deed and any related documents necessary to complete the transaction.

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

Joint Meeting BCC 8/21/2012

Respectfully submitted,

Cleared for Agenda
<MEETING_DATE>

DENIS CEDERBURG
Director of Public Works
DC:SJF/GMS\08-21-12
Attachment (Resolution)2

<ITEM_NUMBER>

Agenda Item #

**RESOLUTION TO DECLARE COUNTY-OWNED PROPERTY
AS SURPLUS AND OFFER OF RECONVEYANCE**

WHEREAS, the County of Clark, a political subdivision of the State of Nevada (County), holds title to approximately 1.27 acres of land identified as Assessor's Parcel Number 176-36-418-081, located in Southern Highlands.

WHEREAS, the property was dedicated at no cost to the County in May 2003, for storage, maintenance and repairs associated with street lights.

WHEREAS, NRS 244.290 requires that if the County desires to dispose of property dedicated, it may reconvey the property back to the former owner or their successor in interest.

NOW, THEREFORE, be it resolved by the Clark County Board of Commissioners that they have determined that this remnant is surplus to the County's needs and that reconveyance of this remnant to the Owner is in the best interest of the County and its residents.

BE IT FURTHER RESOLVED that if the Owner accepts the Offer of Reconveyance within forty-five (45) days of the Owner's receipt of the County's Offer of Reconveyance the Director of Public Works or his designee is authorized and directed to execute and deliver to the Owner a Quitclaim Deed conveying the property.

Adopted and approved on this _____ day of _____, 2012.

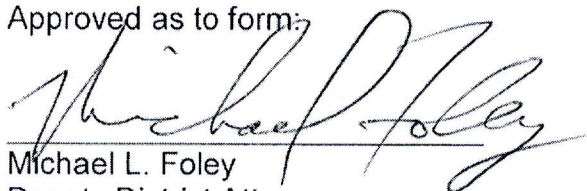
ATTEST:

COUNTY OF CLARK, STATE OF NEVADA
BOARD OF COUNTY COMMISSIONERS

Diana Alba, County Clerk

SUSAN BRAGER, Chair

Approved as to form:



Michael L. Foley
Deputy District Attorney

Landscape LOT
CC → SH Dev. 20 Sep 2012

Inst #: 201209250002396
Fees: \$0.00 N/C Fee: \$0.00
RPTT: \$0.00 Ex: #
09/25/2012 02:38:34 PM
Receipt #: 1319229
Requestor:
PUBLIC WORKS CLARK COUNTY
Recorded By: SAO Pgs: 2
DEBBIE CONWAY
CLARK COUNTY RECORDER

APN: 176-36-418-081
Reemaining Requested (2)
Public Works Clark County
500 So. Grand Central Pkwy,
Mail Tax Statements to: LV, Nev. 89106
Southern Highlands Development Corporation
11411 Southern Highlands Pkwy, Suite 300
Las Vegas, NV 89141

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That the COUNTY OF CLARK, a political subdivision of the State of Nevada (Grantor) in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged do(es) hereby Quit Claim to Southern Highlands Development Corporation (Grantee) all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:

Lot A of Toscana Vineyards at Southern Highlands -- Phase 2, according to the plat thereof on file in Book 108 of Plats, Page 98, in the office of the County Recorder of Clark County, Nevada
Assessor Parcel Number 176-36-418-081

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging and in anyway appertaining.

County of Clark, a political subdivision
of the State of Nevada

BY: [Signature]
Denis Cederburg
Director of Public Works



STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

On the 20 day of SEPTEMBER, 2012, before me the undersigned a Notary Public in and for said County and State, personally appeared DENIS CEDERBURG who acknowledged to me that he executed the above instrument for the purposes herein stated.

[Signature]
NOTARY PUBLIC

**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)
 a. 176.36.418.081
 b. _____
 c. _____
 d. _____

2. Type of Property:
 a. Vacant Land b. Single Fam. Res.
 c. Condo/Twnhse d. 2-4 Plex
 e. Apt. Bldg f. Comm'l/Ind'l
 g. Agricultural h. Mobile Home
 Other COMMON AREA

FOR RECORDERS OPTIONAL USE ONLY	
Book _____	Page: _____
Date of Recording: _____	
Notes: _____	

3.a. Total Value/Sales Price of Property \$ 99th
 b. Deed in Lieu of Foreclosure Only (value of property (_____)
 c. Transfer Tax Value: \$ _____
 d. Real Property Transfer Tax Due \$ 0

4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section _____
 b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature] Capacity: RE. OF. WAY AGENT
 Signature _____ Capacity: _____

**SELLER (GRANTOR) INFORMATION
(REQUIRED)**

Print Name: CLARK COUNTY PUBLIC WORKS
 Address: 500 S. GRAND CENTRAL BLVD #2001
 City: LAS VEGAS
 State: NV Zip: 89106

**BUYER (GRANTEE) INFORMATION
(REQUIRED)**

Print Name: S. HIGHLANDS DEV. CORP
 Address: S. HIGHLANDS BLVD #300
 City: LAS VEGAS
 State: NV Zip: 89141

COMPANY/PERSON REQUESTING RECORDING (Required if not seller or buyer)

Print Name: _____ Escrow # _____
 Address: _____
 City: _____ State: _____ Zip: _____

Landscape Lot

BEAZER → CC

May 2003

34

20030919
02914

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessor Parcel Number(s)
- a) 176.36.418.081
 - b) _____
 - c) _____
 - d) _____
 - e) _____



FOR RECORDERS OPTIONAL USE ONLY

Document/Instrument #: _____

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

2. Type of Property:
- a) Vacant Land
 - b) Single Fam. Res.
 - c) Condo/Townhse
 - d) 2 - 4 Plex
 - e) Apt. Bldg.
 - f) Comm'l Ind'l
 - g) Agricultural
 - h) Mobile Home
 - Other _____

3. Total Value/Sales Price of the Property (_____ \$)
 Deed in Lieu of Foreclosure Only (Value of Property) (_____ \$)
 Transfer Tax Value: _____ \$
 Real Property Transfer Tax Due _____ \$

4. If Exemption Claimed:
- a. Transfer Tax Exemption per NRS 375.090, Section 2
 - b. Explain Reason for Exemption: Transferred to Government Agency

5. Partial Interest: Percentage being transferred: 100%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: [Signature] Capacity: Patrick Helfrich
 Vice President Land Nevada Division

Signature: [Signature] Capacity: Clark County
 Public Works Director

SELLER (GRANTOR) INFORMATION (REQUIRED)
 Print Name: BEAZER HOMES HOLDINGS CO. P
 Address: 4670 S. Foothill Ave Ste 200
 City, State, Zip: Las Vegas, NV 89117

BUYER (GRANTEE) INFORMATION (REQUIRED)
 Print Name: CLARK COUNTY DEPARTMENT OF PUBLIC WORKS
 Address: 500 SOUTH GRAND CENTRAL PARKWAY
 City, State, Zip: LAS VEGAS, NV 89155

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: _____ Title: _____ Escrow #: _____

Address: 7201 W. Lake Mead #212
 Las Vegas, NV 89128

State of Nevada Declaration of Value (decimal.wpf 11/01)

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

First American Title
 7201 W. Lake Mead #212
 Las Vegas, NV 89128

2914

20030919
02914

APN: 176-36-418-081

R.P.T. Exempt 2

QUITCLAIM DEED

BEAZER HOMES HOLDING CORP., a Delaware corporation ("Grantor") does hereby quitclaim to County of Clark, Nevada, a ("Grantee") all right, title and interest of Grantor in and to certain real property in the County of Clark, State of Nevada, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

WITNESS my hand this 5 day of May, 2003.

Grantor: BEAZER HOMES HOLDING CORP.,
a Delaware corporation

By: [Signature]
(Signature) Patrick Helfrich
Vice President Land
Nevada Division
(Printed name & Title)

STATE OF NEVADA)
COUNTY OF CLARK)

This instrument was acknowledged before me on this 5 day of May, 2003, by Patrick Helfrich, as Vice President of BEAZER HOMES HOLDING CORP., a Delaware corporation ("Grantor").



[Signature]
NOTARY PUBLIC
(seal)

WHEN RECORDED RETURN TO:

R. Brett Goett
7001 N. Scottsdale Rd., Suite 1040
Scottsdale, AZ 85253-3666

ASSESSOR'S COPY

Landscape Lot

SH Dev → SHCA March 2013

Inst #: 201303120002920

Fee: \$20.00 N/C Fee: \$25.00

RPTT: \$2422.50 Ex: #

03/12/2013 02:53:33 PM

Receipt #: 1530835

Requestor:

FIDELITY NATIONAL TITLE LAS

Recorded By: MSH Pgs: 5

DEBBIE CONWAY

CLARK COUNTY RECORDER

APN: 176-36-418-081

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

R. Brett Goett, Esq.
Southern Highlands Development Corporation
7001 N. Scottsdale Road, Suite 1040
Scottsdale, AZ 85253

MAIL TAX STATEMENTS TO:

Southern Highlands Community Association
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

RPTT: [exempt?]

(Space above Line for Recorder's Use Only)

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That Southern Highlands Development Corporation, a Nevada corporation ("*Grantor*"), for valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Southern Highlands Community Association, a Nevada non-profit association ("*Grantee*"), that certain real property (the "*Real Property*") situated in Clark County, State of Nevada, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT TO:

1. All general and special taxes for the fiscal year; and
2. Encumbrances, covenants, conditions, restrictions, reservations, rights-of-way and easements now existing of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

FURTHER, Grantee specifically acknowledges and agrees that the Real Property shall strictly limited to use as a storage area for landscaping and maintenance materials ("*Maintenance Storage Purposes*") in connection with the Southern Highlands Master Planned Community ("*SHMP*"), under no circumstances shall any materials be placed, stored or located on the Real Property which are not specifically intended or ultimately utilized for the SHMP. Grantee acknowledges that the restriction contained in this paragraph forms a material portion of the consideration to Grantor in undertaking the conveyance of the Real Property as contemplated herein and that in absence of the foregoing restriction, Grantor would not have so conveyed the

Real Property to Grantee. Additionally, in the event of a breach or violation of the restriction contained in this paragraph Grantees acknowledges Grantor would suffer immediate and irreparable harm and damage, and in addition to any other remedy available to Grantor, the Real Property shall thereupon automatically revert and all title and interest in and to the Real Property shall thereafter vest in Grantor in the same manner as if the conveyance contemplated herein had not occurred.

B.P. B
Grantee's Initial's

FURTHER, Grantee specifically acknowledges and agrees that the Real Property shall not be sold, conveyed, transferred, encumbered, or pledged (whether voluntarily or involuntarily) by Grantee. Grantee acknowledges that the restriction contained in this paragraph forms a material portion of the consideration to Grantor in undertaking the conveyance of the Real Property as contemplated herein and that in absence of the foregoing restriction, Grantor would not have so conveyed the Real Property to Grantee. Additionally, in the event of a breach or violation of the restriction contained in this paragraph Grantees acknowledges Grantor would suffer immediate and irreparable harm and damage, and in addition to any other remedy available to Grantor, the Real Property shall thereupon automatically revert and all title and interest in and to the Real Property shall thereafter vest in Grantor in the same manner as if the conveyance contemplated herein had not occurred.

BP B
Grantee's Initial's

Dated this 4th day of March, 2012.3

GRANTOR:

Southern Highlands Development Corporation, a Nevada corporation

[Signature]
By: Garry V. Goett, President

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THE FOREGOING TERMS AND CONDITIONS OF THE FOREGOING 10 PAGES ARE HEREBY AGREED AND ACKNOWLEDGED IN ALL RESPECTS.

GRANTEE:

Southern Highlands Community Association, a Nevada non-profit association

Bea Palmer
By: Bea Palmer, Director/ Owner Representative

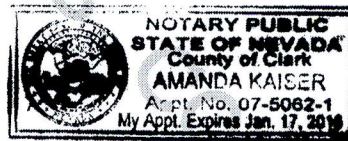
[Signature]
By: Phil Jaynes, Director / Owner Representative

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on this 4th day of March, 2013, by Garry V. Goett, as President of Southern Highlands Development Corporation, a Nevada corporation.

[Signature]
Notary Public

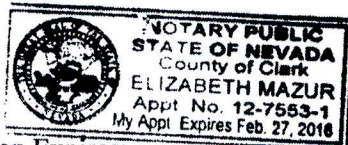
My Commission Expires:
Jan. 17, 2016



STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Amanda Kaiser
Appt NO. 07-5062-1
Exp. Jan. 17, 2016

This instrument was acknowledged before me on this 1 day of March, 2013, by Bea Palmer and Phil Jaynes, as a Director and Owner Representative of the Southern Highlands Community Association, a Nevada non-profit association.



[Signature]
Notary Public

My Commission Expires:
2/27/16

Elizabeth Mazur
Appt. No. 12-7553-1
Exp. Feb. 27, 2016

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

a) 176-36-418-081

b)

c)

2. Type of Property:

- a) Vacant Land b) Single Fam. Res.
c) Condo/Twnhse d) 2-4 Plex
e) Apt. Bldg. f) Comm'/Ind'l
g) Agricultural h) Mobile Home
i) Other _____

FOR RECORDER'S OPTIONAL USE ONLY	
Book: _____	Page: _____
Date of Recording: _____	
Notes: _____	

3. Total Value/Sales Price of Property: \$475,000.00
Deed in Lieu of Foreclosure Only (value of property): (0.00)
Transfer Tax Value: \$475,000.00
Real Property Transfer Tax Due: \$2,422.50

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____%
The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature] Capacity Grantor
Signature _____ Capacity Grantee

SELLER (GRANTOR) INFORMATION
(REQUIRED)
Print Name Southern Highlands Development Corporation
Address: 11411 Southern Highlands Pkwy, Suite 300
City, St., Zip: Las Vegas, NV 89141-3265

BUYER (GRANTEE) INFORMATION
(REQUIRED)
Print Name: Southern Highlands Community Association
Address: 11411 Southern Highlands Parkway, Suite 300 100
City, St., Zip: Las Vegas, NV 89141

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Fidelity National Title Agency of Nevada, Inc. Escrow #: 00011570-001
Address: 3100 W. Sahara Ave.
City/State/Zip: Las Vegas, NV 89102

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED