



Department of Transportation  
Board of Directors  
Notice of Public Meeting  
1263 South Stewart Street  
Third Floor Conference Room  
Carson City, Nevada  
November 6, 2012 – 9:00 a.m.

## AGENDA

1. Receive Director's Report – *Informational item only.*
2. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
3. Approval of October 8, 2012 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Approval of Agreements over \$300,000 – *For possible action.*
5. Contracts, Agreements, and Settlements – *Informational item only.*
6. Condemnation Resolutions – *For possible action.*
  - a. Condemnation Resolution No. 437 – I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; Martin Luther King Boulevard southerly of Charleston Boulevard and Charleston Boulevard at Grand Central Parkway; in the City of Las Vegas, Clark County, NV
7. Relinquishments – *For possible action.*
  - a. Disposal of NDOT property located along portions of SR-564 (Lake Mead Drive) west of Boulder Highway in the City of Henderson, Clark County, NV SUR 11-06
  - b. Disposal of NDOT property located along US-50A/US-95A between Silverlace Boulevard and Lois Lane in the City of Fernley, Lyon County, NV SUR 11-18
8. Quitclaim Deed – *For possible action.*
  - a. Disposal of NDOT property located along US-50/US-93 from north of Avenue M to Avenue O in the City of Ely, White Pine County, NV SUR 11-21
9. Review and Ratify the Selection of the Contractor for the Stateline to Stateline Bikeway Phase 1C Construction Manager at Risk Project in Stateline and Approve an Agreement with Q&D Construction Co., Inc. for Pre-Construction Services for this Project – *For possible action.*
10. Approval to Develop an RFP for Project NEON – *For possible action.*
11. Supplement to Request for Approval of Light Fleet Purchase – *For possible action.*
12. Old Business
  - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
  - b. Monthly Litigation Report – *Informational item only.*
  - c. Fatality Report dated October 23, 2012 – *Informational item only.*

13. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
14. Adjournment – For possible action.

**Notes:**

- Items on the agenda may be taken out of order.
- The Board may combine two or more agenda items for consideration
- The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to the Department of Transportation at (775) 888-7440.
- This meeting is also expected to be available via video-conferencing, but is at least available via teleconferencing, at the Nevada Department of Transportation District One Office located at 123 East Washington, Las Vegas, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.

This agenda was posted at [www.nevadadot.com](http://www.nevadadot.com) and at the following locations:

Nevada Dept. of Transportation  
1263 South Stewart Street  
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Nevada Dept. of Transportation  
123 East Washington  
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310 Galletti Way  
Sparks, Nevada

Nevada Dept. of Transportation  
1951 Idaho Street  
Elko, Nevada

Governor's Office  
Capitol Building  
Carson City, Nevada

Clark County  
200 Lewis Avenue  
Las Vegas, Nevada

Lyon County  
27 South Main Street  
Yerington, Nevada

White Pine County  
801 Clark Street  
Ely, Nevada

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Governor Brian Sandoval  
Lieutenant Governor Brian Krolicki  
Attorney General Catherine Cortez Masto  
Controller Kim Wallin  
Len Savage  
Tom Fransway  
Rudy Malfabon  
Dennis Gallagher

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Sandoval: Good morning, everyone. I'd like to call the Department of Transportation Board of Director's meeting to order. We'll move to the first item of the Agenda, which is presentation of retirement plaques to 25 plus year employees. Mr. Director, do you have any comments?

Malfabon: No, Governor. I know that there are several people that retired. We wish them well. I don't believe that there are any present, but when we go through the names, we'll see if there's any in the outlying areas.

Sandoval: No. And this is always a great opportunity for me and the Board to recognize these great public servants who have put so much, a large part of their lives into serving the state. And I have several here on my list and if any of these individuals are present somewhere in the state, please make it known.

The first individual is Patrick Bottari, Highway Maintenance Supervisor out of Elko, District 3. He retired as of August 17 with 27 years of service. Second is Christine McCarron, also out of Elko, Administrative Assistant, excuse me, also out of Elko, August 3, 2012, 29 years of service. Susan Maisch, Engineering Technician, District 1, Las Vegas, 28 years of service. Ronald Milim, Highway Maintenance Supervisor, District 2, Reno and Sparks, 33 years of service. Phyllis Ness, Budget Analyst 3, out of Carson City, retirement date of September 5, 2012, 25 years of service. Gary Holm, Engineering Technician, District 1, Las Vegas, 28 years of service. And finally Mark Tissue, Highway Maintenance Supervisor, out of District 1, Tonopah, 25 years of service.

Are any of these individuals that I've just named present? Although none of them are present, if you would all please give them a big hand for their

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services. Thank you. Next item on the Agenda is presentation of awards.  
Mr. Director?

Malfabon:

Thank you, Governor. We have -- one of the first awards we received was for a project Northbound 395 improvements there right by the airport. Really helped movement of traffic in that area. We were recognized by the American Association of State Highway and Transportation Officials, AASHTO, as one of America's top ten road projects, America's Transportation Award. The project was recognized for early completion of quality innovative road improvements that saved both taxpayer time and money. Dynamic construction scheduling, partnering and innovative construction techniques were used to save approximately \$188,000 and substantially complete five months ahead of schedule. Since we won this award, it's a regional award, we're also in the running for the national award, so anyone can log on to [www.americastransportationaward.org](http://www.americastransportationaward.org) and vote for the project. And the winners will be announced at the November 18 meeting of AASHTO. So hope that -- you can vote as often as you want at that website. Again, it's [americastransportationaward.org](http://americastransportationaward.org).

Next award, Nevada Strategic Highway Safety Plan Awards. We have three people that were acknowledged in that area of traffic safety. NDOT does a strategic highway safety plan and we keep that updated and these people that were recognized, among the former Director, Susan Martinovich, she received the Emeritus Award for years of dedicated executive leadership of Nevada's lifesaving traffic safety initiatives. And those of you who know Susan know that she was very passionate about traffic safety, not only at the state level, but on the national level.

Another winner was Jim Ceragioli. Almost 800 people died in a recent five-year period in Nevada traffic crashes in which a vehicle unintentionally left their lane due to unsafe driving or other causes. NDOT Safety Engineer Jim Ceragioli has been recognized for leading multi-agency efforts to reduce these deaths through engineering and other solutions.

Another person recognized, Meg Ragonese. NDOT Public Information Officer Meg Ragonese was named for helping to lead the state's integrated traffic safety public education campaigns, including the Zero Fatalities Traffic Safety Awareness campaign, which has reached more than 85 percent of urban Nevadans with important safe driving information.

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I wanted to recognize those three individuals. Is Meg or Jim here? No? We wanted to at least thank them for their efforts on that because it's very important to try to drive our fatality numbers down. It is a performance measure that all states will be looking into under MAP-21 performance measure requirements.

Another example of Susan's leadership was recognized by the White House. She won a Transportation Innovators Champions of Change Award from the White House. The honor recognizes leaders who spearhead innovative ways for transportation to help communities reach new heights. The honor specifically recognized Nevada Department of Transportation project delivery innovations such as the Accelerated Project Delivery program, which has accelerated nearly 30 road projects to completion to immediately benefit Nevada roads and our economy.

Also highlighted was a state zero fatalities traffic safety goal and public outreach campaign which has brought agencies, groups and individuals across the state together to save lives on Nevada roads. So we wish Susan well in her retirement. She might be working again soon I hear, but we'll wait for that announcement separately.

We also won a pretty neat award called the Tele Award for local TV and cable public service zero fatalities crash -- our public service announcements for zero fatalities. With traffic safety a top priority, NDOT has joined with partnering agencies to oversee the state's zero fatalities traffic safety outreach campaign to save lives by educating motorists to drive safely. To date, the campaign has resulted in more than 63 million impressions and has reached over 85 percent of urban Nevadans. One extremely successful campaign element is television public service announcements. One of these TV ads features footage that reminds drivers to always drive safely by recreating emotional impact of driving through a traffic crash scene. The TV spot received a Bronze Tele Award and the awards are a competition honoring the very best film and video productions in outstanding local regional and cable TV commercials and programs. And it's a very cool award. It's almost like an Emmy or an Oscar. I wanted to thank the efforts of our media group that was recognized by receiving that Tele Award.

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Another award was the American Society of Landscape Architects, California Sierra Chapter, the President's Award, Honor Award for NDOT statewide landscape and esthetics quarter plan. As you know, Governor and Board members, we've done a great many projects that have enhanced the esthetics of our freeways, a lot more than -- especially knowing that NDOT's economy is based on tourism, it just really spruces up the freeways that our tourists drive on to come in to visit places like Tahoe, Reno, Sparks, Las Vegas and also rural Nevada. We have different treatments in different parts of the state, but I wanted to mention that the landscape and esthetics improvements to our highways not only enhance Nevada's transportation system, but also improve and define cities and tourism. With a valuable input of stakeholders and community members, NDOT's statewide landscape and esthetics quarter plan defines fundamental ways of planning, designing, building and maintaining these important landscape and esthetic improvements as part of NDOT road projects.

The comprehensive plan and its associated road projects received two separate recognitions from the California Sierra Chapter of the American Society of Landscape Architects for enhancing the quality of life for Nevada citizens and tourism through roadside esthetics. And although she wasn't named directly, I think that we have Lucy Joyce to thank for that as the head of that program. She's done great work in that area and really worked tirelessly to advance some of those landscape and esthetics projects.

Another award was the Institute of Transportation Engineers Intermountain Chapter for transportation project of the year for the West Mesquite Interchange Design-Build Project. As part of the recently completed West Mesquite Interchange Design-Build Project, NDOT utilized an innovative accelerated bridge construction technique. New I-15 bridges were constructed next to existing bridges. Each existing bridge was then demolished and new bridges slid into place overnight, reducing bridge construction time by six months while still allowing interstate traffic to flow smoothly using exit and on-ramps. Recognizing innovative design, construction and partnership between NDOT and the design-build team of Horrocks Engineers and W.W. Clyde, the project was named the Transportation Project of the Year in the Intermountain Region by the Institute of Transportation Engineers, ITE.

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The project was also previously recognized as a Nevada Transportation Project of the Year by the ITE. The project was constructed using the design-build method in which design and construction are more closely linked to produce time and cost efficiencies. Close interaction with local agencies of the public as well as extensive partnering with the contractor was also vital to the project. And as several of you are aware, we had several state DOT representatives come to observe that bridge slide back in January, so it was a very successful project and Nevada received a lot of recognition through that. So wanted to thank the project team at NDOT and the contractors and engineers that worked on that project. And that concludes the awards.

Sandoval: Thank you, Mr. Director. And I'd like to congratulate you as well as the entire department for all these awards. I am curious, where is your trophy room?

Malfabon: I'm sure we have a trophy case that we have to rotate. We get so many, so it's good that NDOT is recognized because of the hard work of our employees.

Sandoval: It's a great team. Any other comments from Board members?

Male: That would look nice in your office.

Malfabon: Yeah, it's pretty heavy. I've got to show this to your daughter.

Sandoval: Again, congratulations.

Malfabon: Thank you, Governor.

Sandoval: We'll move on to Agenda Item No. 3, Director's Report.

Malfabon: Governor, there's a lot to report. One of the things I'm pleased about is that all of our Director's Office personnel have reported for duty. Tom Greco started last week as the Assistant Director for Planning. As you recall, we were able to talk him away from Washoe County RTC, so I'm glad that all the new positions have been filled and people obviously have a lot of work to do in learning their new positions, but I think that we're off to a good start.

One of the things to report on federal funding is Congress -- although they passed MAP-21, which gives the state's authorization or what to expect on

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transportation funding for about two years and three months, they have to still approve annual appropriations for the budget. And Congress extended it for six months to March 21 of next year, where they'll take it up again after the election and the new Congress is seated. So at least we know what we're going to be getting for the next six months. It's kind of a separate thing as far as the budget authorities, separate from the authorization that passes under MAP-21.

We have ribbon-cutting events planned this month up at Lake Tahoe for the roundabout up there on October 17. We also have kind of a celebration event for completion of the I-80 Design-Build Project in Reno and that's on the 19th.

On October 18 in Henderson we'll be having a public information meeting for the I-11 study. As you recall, Governor, the MAP-21 bill did designate Las Vegas to Phoenix for a future interstate called I-11. So in partnership with Arizona DOT, NDOT, we are proceeding with a study of that corridor. And on the Nevada side we're looking at points north of Las Vegas where a future interstate would also go up to the northern state border, so looking at different alignments, alternatives there. But October 18 in Henderson is that public information meeting and then subsequently in Phoenix on October 23, so we're happy that that project is moving along as a study for now. On the Nevada side obviously we're looking at the Boulder City Bypass as the alignment for future I-11.

We also are aware that we have Meadowood Mall Interchange Project that's underway. We want to meet with that contractor just to make sure that we're doing all we can to help them successfully open up that interchange by Black Friday. We know that's important for that mall's business with the start of the Christmas shopping season.

The vacant pilot positions, we did have interviews Friday. I have to check with our Assistant Director of Administration to see how that went. But we were able to convince one of our former pilots to kind of stay onboard and work on an hourly basis so that we do have a few flights occasionally based on his schedule that -- in fact, he's flying this week a few trips to Vegas. So otherwise, with filling the new positions, we think that it might take up to about six weeks before we're fully operational, depending on how much training the new pilots need to fly our planes. In the meantime, we've

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directed our employees to reduce travel and take advantage of video conferencing, teleconferencing and also web meetings where possible.

Couple of things to report that were significant money issues to the department. We had a case called the Falcon Capital Case. It was for acquiring property and water rights along Interstate 580 Project. About a year ago, back in May of last year, we actually went to court about the case. The judge told NDOT there were three options available. One was to buy the property for what the settlement amount was, roughly \$5 million to acquire the entire property, and separate the water rights issue as a binding arbitration issue. He also said that we could just go to court on everything, the water rights and the property, or we could just pay for the property and the water rights right then.

At the time the judge was pushing NDOT to have someone that had settlement authority to be present. Susan Martinovich, former Director, was able to call in and the determination was made that the best option of the three was to go to binding arbitration. So we did go into binding arbitration and the arbitrator in that case ruled that NDOT was liable for \$9.2 million plus costs and fees and interest. So it was a significant ruling from the arbitrator. And when we looked into it to see why it wasn't brought to the Board previously, we found that -- we believe it was at the time -- back in June was when we were bringing it to the Board about settlements and contracts and what level of contract authority would be brought to the Board and what level could be determined by the Director.

So we think that it kind of got lost in that shuffle at the time because the actual case, when the judge had made that determination of the three alternatives to NDOT was around May, June was the presentation to the Board of what would be brought to the Board for the Board's approval, and we couldn't see where Legal had actually written up a draft of the insert for the Board Agenda item, but it didn't ever get into the Board packet in June. So that's all that we could determine from the documentation that we had at hand, is it was never brought to the Board's attention. Although when the \$5 million settlement for the property acquisition went to the Board of Examiners, it was mentioned in passing that there was that binding arbitration issue on water rights, but it was something that was never brought to the Board for approval. That would be the option to be chosen by the department.

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- Sandoval: Before you move on, Mr. Director. So we're looking -- because I have the minutes from that Board of Examiners meeting and, yes, it was brought up. This Board of Examiners meeting was August 15, 2011. So this 9 million plus fees, plus cost, plus interest is on top of the 5 million that we paid for the property.
- Malfabon: This is only for the water rights.
- Sandoval: And I guess my other question is how do we -- the water rights are worth 9 million and the property was only worth 5 million?
- Malfabon: Yes. Our technical staff that deal with water issues had looked at that and they felt that we did not have a permanent taking of their water. In fact, the owner had sold -- where the water was being used was another parcel not affected by our project, but they had sold that property, so we felt that they didn't have that money coming to them, the owners for Falcon Capital. So our technical staff felt very strongly that we didn't owe them any money, that there was not a taking of the water rights.
- Sandoval: Did we ever make an offer...
- Malfabon: Not to my knowledge.
- Sandoval: ...to resolve the case?
- Gallagher: Governor, no. No offer was made.
- Sandoval: And was there ever a demand or an offer by the plaintiff?
- Gallagher: No, there wasn't. Initially the water rights claim, the property owners initially sought \$5 million for it and then it escalated to 12 million. And then at the arbitration they asked for 28 million. And they had a formula that they presented that they believed justified \$28 million. Thankfully, the arbitrator did not accept that at face value.
- Sandoval: But at one point there was at least an assertion made that it was worth 5 million?
- Gallagher: Yes, Governor, that's correct.
- Sandoval: And why was this somewhat of a bifurcated proceeding in that you had it before a judge on those three issues and in a litigation mode and there was a

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decision made to go to a binding arbitration which resulted in this award of 9.2 million?

Gallagher: It was before Judge Brian Adams as the settlement judge and he had outlined, as he saw it, three courses of action. And one of the courses of action was for the parties to bifurcate the property from the water rights claim. And the other options were just simply to go to a jury on the whole matter. And the third option was a settlement of both claims. It was discussed with NDOT management and the recommendation was to bifurcate the claims to acquire the property because parts of the real estate were certainly necessary to finish the project and there wasn't a taking of some of the property. The water rights issue, again, the staff as well as the experts believed that there was little or no value whatsoever to that claim, so the option was let's bifurcate the real property from the water rights claim and to proceed that way.

Sandoval: Obviously we were really off on that.

Gallagher: Yes, we were.

Sandoval: And was there a number on the table for that third option for a payment for the property and the water rights?

Gallagher: At the time of the settlement of the real estate during the settlement negotiations, the judge, meeting with the parties separately, did represent that he thought at that time both claims could be settled for \$10 million.

Sandoval: But in our -- it was our position that the water wasn't worth a cent?

Gallagher: It was the state's position that there was no taking of the water, that whatever water they owned had value to them, but that there was no taking of that water, that the design and construction of the project did not impede their access to their water.

Sandoval: The Director brought it up, and I'll speak for myself, I won't speak for the rest of the Board, but I feel a little blindsided by this. This is a big number and I had no idea that we'd be in the state we're looking at this kind of exposure on the water rights. And, you know, I'm not sure what happened, but you talked about it was going to be brought to the attention of the Board, but it was not.

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- Malfabon: It was a right in the time when we were deciding what had to go to the Board of Examiners on settlements and what would be brought to the Board of Transportation for contracts and approvals of such things. I think that what happened was it just fell through the cracks and it was never brought up to the Board of Transportation's attention.
- Sandoval: What's the real number? I mean, you've got 9 million plus fees, plus costs, plus interest?
- Malfabon: We have not heard the additional costs yet from the other party.
- Sandoval: When did the clock start on the interest?
- Gallagher: The arbitrator found that the taking occurred, Governor, in 2007.
- Sandoval: And what rate of interest are we looking at?
- Gallagher: We're waiting for their calculation. We believe it'll be the same calculation as lawful interest in the state, which as you know fluctuates.
- Sandoval: And then I would imagine their fees are going to be seven-figure fees?
- Gallagher: I would anticipate that, yes, Governor.
- Sandoval: And then where does the money come from?
- Malfabon: The money would come from our capital improvement fund, so we would -- in any case, when we require right-of-way or property right on a federal aid project, we would go back to the Federal Highway Administration to request reimbursement. So we would do that, but this money obviously was additional cost to the project. We'll ask for the reimbursement, but it just takes away from the money available for other projects through the federal aid programs.
- Sandoval: I know based on what you've represented and I guess this is for Mr. Gallagher, we were confident in our position that these water rights didn't have a value and we didn't know going in that the plaintiff was going to be seeking \$28 million. But what was the number going in?
- Gallagher: From the initial settlement conference, we believe that the plaintiffs had valued their water rights claim at 5 million.

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- Sandoval: So don't we, even in those situations historically, I know we've had other cases where we'll offer something because we know there's some exposure out there, and that didn't happen in this case?
- Gallagher: There was no offer, Governor.
- Sandoval: So we could've been done for a total of \$10 million at the state court in front of Judge Adams. We could've possibly had a -- and that's where the 5 million figure came from? That was the last time that the 5 million was on the table?
- Gallagher: Yes, Governor.
- Sandoval: And then what was the length of time between that settlement conference with Judge Adams and the onset of this arbitration?
- Gallagher: Approximately a year.
- Sandoval: And there was no discussion in-between?
- Gallagher: No, Governor.
- Sandoval: And then how much do we have into this case in costs?
- Gallagher: I'd have to get back to you on that, Governor.
- Sandoval: And, I mean, it's binding arbitration. This is done, we owe them money plus interest, plus fees, plus costs?
- Gallagher: Yes, Governor.
- Sandoval: Questions from other Board members? Madam Controller?
- Wallin: Governor, Director, you know, since this kind of slipped through the cracks, are you going to go through and see if there's any other little things that might be slipping through the cracks, maybe check that?
- Malfabon: We're not aware of any others that we're -- the only property rights issues that we're dealing with now are primarily with Boulder City Bypass, Cactus Interchange and Project Neon. And those issues have been brought before the Board or if there are settlements to the Board of Examiners. So we're not aware of any others that are hanging out there such as this one. The water rights issue was pretty unique to this case and I'm not aware of any

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other water rights issues either on other projects. But, Madam Controller, we do intend on putting forth some lessons learned from this. Obviously we've discussed some of those lessons learned, but it should've been something that should've been brought to this Board's attention and I apologize for that.

Cortez Masto: Governor, this is Catherine. I have a couple of questions and comments.

Sandoval: Madam Attorney General.

Cortez Masto: And whether we couch it as slipping through the cracks and I know that's what Rudy talked about, but I think the issue here is this was ongoing litigation. This is ongoing mediation, litigation. And if we want to, and I think it might be appropriate, to have the department give to the Board briefings on the ongoing litigation so that we are aware of what's happening out there and potential ramifications as they go through trial or as they go through mediation. I think it might be appropriate for the Board to receive those regular briefings.

I think in June at the time that we were looking to bring contracts and outside agency attorneys representing the state, you know, before the Board, this was in the middle of ongoing litigation, is my understanding. So there really was no dollar value attached to it, other than it probably would've been appropriate, like all of the ongoing litigation, to give the Board a briefing on the legalities of it and what potentially could occur and what the arguments were made for both sides of it.

So I think, Governor, if you feel it's appropriate, maybe we should have an Agenda item that has all of the ongoing litigation matters that are before the Board and that we would get a briefing from our attorneys. Obviously because we may be talking about legal strategy, we may have to do that in some sort of closed session, but it does make sense so that we are not blindsided by the cases that are out there and the potential judgments that may come as a result of the resulting litigation.

Sandoval: Thank you, Madam Attorney General. Member Savage.

Savage: Thank you, Governor. Mr. Director, a question of potential recourse. Was NDOT on the island by ourselves or did we have outside consultants or realtors involved with NDOT?

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- Malfabon: This project was designed with the assistance of a consultant for Design Services. We actually got them involved early on and just as our technical staff felt that there was not a taking of the water, the consultant staff had looked into it and they actually had held the same position. So we didn't believe that we took their water. We felt that we made some improvements on the product that still kept the flows going to the property in question. So we were surprised by the ruling in this arbitration.
- Savage: But there was a consultant? Was there a realtor representing the state?
- Malfabon: Not to my knowledge. We acquired the property through our right-of-way staff.
- Savage: But there was an outside consultant retained for representing?
- Malfabon: We had...
- Gallagher: Member Savage, there were approximately four or five outside consultants representing various disciplines that advised during the course of this water rights claim, including a former state engineer.
- Savage: So it might be worthwhile having a conversation with those folks as well at some point. Thank you.
- Sandoval: This was a two-day arbitration?
- Gallagher: Governor, it actually ran five days.
- Sandoval: Oh, five days.
- Gallagher: It was estimated to take two initially, but it ran a full 40 hours.
- Sandoval: And we had no idea going into that arbitration that the potential exposure was \$28 million?
- Gallagher: The parties had agreed, with Judge Adams, to no discovery. So there were no demands made prior to the opening statement.
- Sandoval: And we agreed to that too?
- Gallagher: Yes, sir.
- Sandoval: Member Fransway.

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- Fransway: Thank you, Governor. Well, this definitely is a big surprise and one that concerns the Board very much. I'm wondering if the state engineer bought into this with any opinion or if he was involved in any way in the arbitration.
- Malfabon: I think he was involved. We had a representative at least. And the former, I don't know, he was the former state engineer, Mike Turksey (sp?), was present at the arbitration on our behalf to give his expertise to the table.
- Fransway: Okay. A former state engineer, but I believe Tracy Taylor would've been there.
- Gallagher: There was an individual present from the Water Engineer's office during the arbitration.
- Fransway: Okay. And did he make any comment on the value of the water?
- Gallagher: He provided his views to NDOT and he provided his opinion regarding the plaintiff's claims.
- Fransway: Okay. What was the water use?
- Gallagher: Well, the plaintiffs claim that there was a total taking of their water and that the highest and best use of that water would've been to sell it in the Reno area, and that's the value that they placed on it, that they lost that ability to transport the water from Washoe Valley through Steamboat all the way up into the Truckee Meadows.
- Fransway: So it was meant to be municipal water?
- Gallagher: That's what they claimed as far as their damages go.
- Fransway: Okay. Who owns the water now, the state?
- Gallagher: The arbitrator directed that upon payment of the amount that the plaintiffs could claim all the water rights that they have to the state.
- Fransway: Okay. The State of Nevada already owns the water in the boundaries of the State of Nevada. So to me it's perplexing and I feel it's unfair. I suppose we're stuck with it.
- Sandoval: We are. Binding means binding. But I've got a copy of the arbitrator's decision. I haven't had an opportunity to review it yet and I will read it, not

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that that will make a difference, but it'll help -- perhaps the other members may be interested in reading it as well. And I don't know. What is the plan for those water rights once this payment is made?

Gallagher: We intend on perfecting the water rights, getting them registered with the state water engineer and at some point it'll be an asset of the state that the state can determine its best use, and the best use may be to put them on the market for sale to see if there's any interest. They may bank them. They may donate them to other governments. I mean, there will be a lot of different options once we perfect title to that water.

Sandoval: Yeah, and we can have this discussion another day, I mean, to see what the options are, but be interesting to see what the value of those water rights are going forward.

Gallagher: Governor, that process is already underway.

Male: (Inaudible) \$2 million.

Sandoval: As of today, yes. Pardon me.

Gallagher: That process of attempting to put a dollar value on those water rights, et cetera, is underway right now. I mean, we hope to have that information for the entire Board very soon.

Sandoval: Perhaps that could be a set off at one point on this award.

Gallagher: Yes, Governor.

Sandoval: Because we're looking at a total award of likely between \$15 and \$20 million for this whole matter.

Gallagher: And likewise the additional real property that was acquired that's not being used as part of the project is also an asset of the state that, you know, may have some offset value too.

Sandoval: Mr. Lieutenant Governor, did you have a question or a comment?

Krolicki: Mostly a comment and, Governor, or Your Honor I think in today's case, and Mr. Fransway discussed most of it. You know, I'm not interested in micromanaging. I'm not interested in a pound of flesh. And I know this isn't a comfortable conversation for anyone involved, but this is not a

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slipping through the cracks, with all due respect. This is a series of very poor judgment decisions and compounding it was a series of very poor decisions that were not known to the State Board of Transportation, which compounds the situation, but maybe it's contained in the arbitration agreement or those documents. But this is probably worthy of instead of us asking questions piecemeal, if we could have a written, beyond a summary, but a written document what's happening, what happened, why it will never happen again. And again, I'm not looking for justice per se, I'm looking to make sure something like this can never happen and whatever systems were in place or now in place and whether it's the contract size. But if it missed an Agenda, it could've easily made the next Agenda. And, Governor, you've been very good about having this Board meet more regularly, so there's really no excuse that this Board never heard it.

Water rights, I would be interested even in the history, you know, beneficial water rights. Were these people intending to use this water, you know, in a speculative way to sell it for municipal use? Was this a ranching family that owned it forever and never had really thought about it? I mean, but I think history as perspective here. And if they've never demonstrated a beneficial use for this water, I mean, obviously a water right has value, but I would be very interested in that also. But I think it's important for all of us to learn and make sure this again doesn't happen and, you know, the water rights in this state are extraordinarily complicated. In and of itself, it makes sense to offset the value of the water against the settlement, but I will leave it to wiser folks who have the whole state to look at to make those decisions. Thank you, Governor.

Malfabon: And we will follow-up on that to have a final report, including all the documentation that we gathered in the last week about this issue and along with lessons learned to avoid this from occurring again, and also follow-up with Attorney General's suggestion to have just an ongoing Board Agenda item which gives an overview of the status of these types of negotiations and issues that are ongoing. Any other questions on that issue?

The next issue in the Director's Report, we did have an issue with the bids received on Contract 3516, which was the Carson City Freeway from South Carson Street to Fairview, Package 2B2. This was to construct a bridge over Snyder Avenue on U.S. 395, retaining walls, drainage and detention basins. The engineer's estimate on this project was \$11.5 to \$13.5 million

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range. We received six bids on this project, five electronic and one paper. And what happened was what would've been listed as apparent low bidder on subsequent bid opening documents, it was Q&D had bid 9.77 million, Granite was second at 10.343 million and a range of other ones, all the way up to 14.5 million by the other bidders.

But something happened with our electronic bid system which locked Q&D out in the midst of submitting their bid electronically. We had our vendor that has the electronic bidding software look into it and they determined that if the supplemental notices to contractors were loaded as far as a different order than what they were issued at, then the system had a jumble of bid items, because one of the supplemental notices to contractors changed a bid item, epoxy striping, and it was still showing up on Q&D's bid. The other thing was that the bid date, which was extended one week from the 20th of September to the 27th actually reverted back to the original bid date.

So something was wrong in the system and we have the software vendor fixing that problem, but we felt that although we do have a disclaimer saying that if you submit electronically and we don't receive it in time, it's not the state's fault, or if you have a problem with that method, it's not the department's fault. We felt that because there was an issue that we did have, it's probably a joint responsibility there between Q&D and NDOT and our electronic bidding system, we felt that it was better for the -- in the best interest of the state to reject all bids. Granite Construction has protested that and has told me that they will take this issue to court to protest that formally, but we felt that it was in the best interest of the state to reject all bids and readvertise.

Sandoval: Madam Controller.

Wallin: Thank you. Director, was this -- because I know that NDOT lost their computer system, it was out for, what, four days or something. Was this about the same time that that all happened?

Malfabon: No. What the Controller is referring to is we had problems with the Advantage system, which is used to make our payments to contractors and vendors. That was eventually addressed, but I don't think it had anything to do with this. This was just a coincidence that it happened the same week and we feel it was due to this other internal issue in the coding and the software for the electronic bidding system. In addition to Q&D, typically

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contractors wait until just a few minutes before bids are due because they're receiving information from subs at the last minute. So that probably had something to -- you know, if this had happened the day before or hours before the bid opening, we could've kind of looked into it or they might have been able to run down a paper bid down here to Carson City, but that's hindsight. We don't feel that it was due to anything with the Advantage system problems that we did have recently that were addressed.

Sandoval: Member Savage.

Malfabon: And we will also, Governor, during the Construction Working Group meeting, we'll probably get into a discussion of this and a more detailed discussion of what happened in this case of the bidding situation on that freeway project.

Savage: Thank you, Governor. One quick question, Mr. Director. I think that's very wise if we do discuss it during our one o'clock CWG meeting. But in our bid world, whether it's rain, sleet, snow, ice or weather, or even cyberspace now, I would like to continue the discussion as to there are no excuses. If the bid is there, the bid is there. And we take that risk in the construction industry every day knowing that if the documents are not in order and the bid amounts are not itemized correctly, then the bid is a non-responsive bid. So I think we can discuss it further during the CWG meeting, but again, the outside consultant, I remember a couple months ago we just increased their contract again for software upgrades, so I'd be very interested, again, just for holding people accountable, and we can discuss it at the next meeting. Thank you, Governor.

Malfabon: And the final item to mention is that Project Neon briefings to individual Board members will take place this month. We've been deferring this item until we could brief everybody. It's a very complex issue about availability payments and what we're going to -- what the Board's options are with respect to the unsolicited proposal that we received on Project Neon. And so we wanted to make sure that each Board member gets an individual briefing and then we'll bring it back to the entire Board at the November meeting. And that concludes my portion of this item.

Sandoval: Thank you, Mr. Director. Any further questions for the Director? Madam Controller.

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Wallin: Can you go and give us a follow-up on what's happening with, I call it, the fast building up north? I know it's been several months and I don't know where, you know, the partners are at, if the City of Reno or Sparks, Washoe has agreed to go in with us. What's happening on that? Can you comment on that?

Malfabon: So far Assistant Director for Operations, Rick Nelson, has presented to the City of Reno. He does have some meetings scheduled in Washoe County to talk with the folks over there, but I'd say since a couple months ago there hasn't been a lot of further action on that. We did have the design of that facility in our budget, but we put it in the second year of the biennium request so that there's a lot of time to change direction on that if things don't come together. But obviously I felt that we need to have the property well defined and available to the State of Nevada before we would proceed with designing the actual facility.

With the state of the highway fund right now, we are very concerned about the cost of a new facility and we will be kind of taking a critical look at whether it's going to be the best thing to go forward with, but we feel that it's wise at least to plan for the future of having such a facility, but it might be a little bit later than sooner. So we will continue those discussions with Washoe County and the other entities in Northern Nevada to see if it makes sense and if there's support for having them involved in the funding and the operation of that facility.

Wallin: Thank you. Yeah, because I have concerns just because of City of Reno and Washoe, they just don't really work like City of Las Vegas and Clarke County. You know, they can't even get their fire department figured out, so I have concerns there that, you know, they aren't really there at the table and stuff, before we move forward and stuff.

And then also the other question I have, you didn't bring it up and maybe answer this, is the future meeting schedule that you sent out recently to start meeting at three o'clock in the afternoon. My question is most of our Board meetings, we usually don't get over until three hours, so is that going to cost the state more money because people that get off at 5:00, we're going to have to pay overtime too for the classified and some might even get off at 4:00. And then there are some meetings that actually are on Friday

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afternoons or right before a holiday. So can you comment on that or is that going to change?

Malfabon: We obviously scheduled the meetings around the Governor's schedule, but we feel that if we can keep these meetings moving along, there's been a lot of major issues recently, such as the ones today, but we think that we can try to keep the Board meetings to a two-hour meeting, so depending on the pleasure of the Board, NDOT will take appropriate measures. But those are the dates that we had established and we will do our best to minimize overtime for other participants from the employees, but that's the schedule as it currently is. But if any, you know, meetings are subject to change and we'll take any direction from the Board that is appropriate.

Krolicki: We've spent almost 15 minutes and we're not even at the minutes of the last meeting, but I appreciate what you just said. You know, my question is really with Project Neon. You all have outreached to me and scheduling has been a difficult thing to do to get the briefing. I didn't know it was something that each Board was getting. It was my impression if we had additional questions or something outside. Why would we be receiving individual briefings for Project Neon that we couldn't have in a public setting? Is that more efficient or it's just a matter of time, but from a transparency standpoint, public?

Malfabon: The same information will be provided at the Board meeting in public. It's just that there are several complicated issues as far as what availability payments are, what other projects have been structured similarly and we wanted to bring some information from other recent projects that are structured the same way to the Board members. The questions that were raised from the previous presentation on Project Neon, we feel that we've addressed those, but we felt that it is in the interest of minimizing the amount of time during the deliberation of the Agenda item at the Board meeting that it would be best to present the information that are responses to Board members' questions and feel that we sufficiently address those questions. And might raise some new questions, but we wanted to minimize the amount of time at the Transportation Board meeting when we actually present the item. And as I said, it'll be the same information, but it allows Board members to have their distinctive takes and questions answered prior to the actual Board meeting because it is a complex issue.

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- Krolicki: And there's no open meeting law aspect to this since we're all getting the same presentation?
- Gallagher: Excuse me, Board member. As I understand the intent of these meetings is simply to provide information about the statuses of these projects. It certainly could be made at a Board meeting, but likewise it's appropriate to present these matters individually to Board members as they're informational only. There will be no deliberations conducted at all.
- Sandoval: And one final question, Mr. Director. Do you have any of the statistics that Susan used to provide us an update with regard to the fatalities in our state? And I've been reading a lot of unfortunate tragedies that have been occurring. I was wondering where we are in relation to last year.
- Malfabon: We are up. I don't the statistics in front of me, Governor, but we are up quite a bit from last year. Unfortunately, there's been some high profile fatal accidents in Las Vegas such as the DUI, individual driving under the influence, that ran into the bus stop there in Las Vegas. We've had just a bad year in some of the urban areas and we'll get that as a regular portion of the Director's Report in the future.
- Sandoval: Madam Attorney General, did you have any questions for the Director before I move on to public comment?
- Cortez Masto: No, Governor, I do not.
- Sandoval: Thank you. We'll move on to Agenda Item No. 4, public comment. Is there any member of the public here in Carson City that would like to provide public comment to the Board? Is there anyone present in Las Vegas who would like to provide public comment to the Board?
- Cortez Masto: No, there is not.
- Sandoval: We'll move on to Agenda Item No. 5, approval of September 10, 2012 Nevada Department of Transportation Board of Director's meeting minutes. Have all the members had an opportunity to review the minutes? Any changes to the minutes? Hearing none, the Chair will accept a motion for approval.
- Wallin: Move to approve.

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- Sandoval: There's a motion by Madam Controller to approve the September 10, 2012 minutes. Is there a second?
- Savage: I'll second.
- Sandoval: Second by Member Savage. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no. Motion passes unanimously. Agenda Item No. 6, approval of agreements over \$300,000.
- Malfabon: This item is to provide the Board with a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. The list consists of any design-build contracts and all agreements and amendments for non-construction matters such as consults, service providers, et cetera, that obligate total funds of over \$300,000 during the period from August 20, 2012 to September 14, 2012. And with us is Assistant Director for Administration, Scott Sisco.
- Sisco: Thank you.
- Sandoval: Please proceed.
- Sisco: Governor, members of the Board, if you will turn to Tab No. 6 and Page No. 2, we have -- first of all, just to mention, there were no agreements over \$5 million, so you don't have that section. First section is agreements over \$300,000. Again, Tab No. 6, Page No. 2, we have two agreements for your approval here today. The first agreement is with Transcorp ITS LLC. This is a \$500,000 agreement. This is an authority-only agreement. We will use task orders. This is a statewide agreement that will provide repair and modification assistance throughout the state for intelligent transportation systems. And would you like me to do both at the same time? And the second agreement was Chaplin Law Firm and this particular agreement is for work on Neon in the amount of \$416,800. We have those two agreements over \$300,000. Any questions?
- Sandoval: Will that exhaust all the payments with regard to that singular legal matter with Chaplin Law Firm?
- Sisco: Mr. Gallagher?

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- Gallagher: Governor, that's based on the estimate from counsel to handle the matter through trial and any post trial motions. As Assistant Director Sisco related, this particular property is part of Project Neon. This is one of numerous condemnation lawsuits that have been authorized by this Board for which the property owners have filed inverse condemnation claims which then complicate the litigation. We find ourselves both a plaintiff and defendant in these actions.
- Sandoval: This is a new matter?
- Gallagher: Yes, Governor. I made a decision some time ago that anytime we engage outside counsel on a case, if it's a different case, it's going to be a different contract and will be tracked accordingly and presented to this Board accordingly.
- Sandoval: Okay. And I was a little unclear and this is a brand new matter. This is the account, doesn't mean we're going to spend all of it.
- Gallagher: Correct.
- Sandoval: Could spend more.
- Gallagher: Could spend more. Could spend less. Could get an early settlement.
- Sandoval: Yes. All right.
- Gallagher: Hope springs eternal.
- Sandoval: Any questions with regard to Agenda Item No. 6. Mr. Sisco, did that complete your remarks? I apologize.
- Sisco: That completes my remarks, yes. Thank you, Governor.
- Sandoval: Any questions? Mr. Fransway.
- Fransway: Thank you, Governor. I notice that Item No. 1 is a not to exceed item. And I was reading in here where it says no discussions were held on the total cost. And to me, just because it is not to exceed a certain amount, I don't understand the reason not to have the discussion and how we can lower the cost.
- Sisco: Okay. Thank you, Member Fransway. If you take a look at -- there's a cover sheet for Page 3 and then on Page 4 there's a negotiation memo, that

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lists the rate per hour that we'll pay for task orders for all of the different type of work that they might do. So again, if we go through the year and we have no breakdowns and minor problems, we will use very use of the authority within this contract. But if all of a sudden we have something major, the total cost will be based on the work that they do based on these hourly rates as listed in this memo.

Fransway: Okay. I understand what you're saying, but to me it seems like we certainly would've had the time to sit and discuss it with the person who is awarded the \$500,000 contract.

Sisco: Let me bring Mr. Nelson up here because I...

Nelson: Good morning. For the record, Rick Nelson, Assistant Director of Operations. The reason we didn't have a discussion about the ultimate cost is because that's our budget amount. We fixed the budget at \$500,000 for two years worth of service, so it's really \$250,000 a year. And this is to handle maintenance and emergency repairs. And it's very difficult for us to say we're going to have so many emergencies that are going to take so much money. But we did negotiate these prices with them to get what we feel is a realistic and a best price for each of the activities and for each of the salaries associated with the individual. So the reason there wasn't a discussion about, you know, should it be \$600,000 for two years or should it be less, is because that's the budget that we've established for this now. Again, as Mr. Sisco says, if people don't crash into our devices and if the devices stay functioning, this is money that we don't have to spend.

Fransway: Okay. I understand a budget and I understand an appropriation on the line item, but it still doesn't make sense of why you wouldn't want to reduce a line item that had an estimated cost to it. And of course, I'm just questioning why it wasn't discussed, not the fact that, you know, it was put in the budget at this certain number.

Nelson: Well, in going into this, based on historical experience, we wanted to establish that budget at \$250,000 a year, and where the negotiations take place with the service provider is for us to get as many hours as possible for that dollar amount. And that's sort of the basis of the negotiations with it and that's why we wanted to try to get their hourly rates down and that's what we were negotiating, were to get their hourly rates down, so we could get as many hours for that \$250,000 a year as we could. And then, of

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course, if we don't need to use them, that's money that rolls back into highway fund.

Sandoval: Any further questions with regard to Agenda Item No. 6? Hearing none, the Chair will accept a motion for approval of the agreements over \$300,000 as described in Agenda Item 6.

Wallin: Move to approve.

Sandoval: Motion by Madam Controller. Is there a second?

Krolicki: I'll second.

Sandoval: Second by the Lieutenant Governor. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.

Group: Aye.

Sandoval: Opposed no. Motion passes unanimously. Agenda Item No. 7, contracts, agreements and settlements.

Malfabon: Governor, this is informational item to inform the Board of the construction contracts under \$5 million awarded August 20, 2012 to September 14, 2012, and agreements under \$300,000 executed in that same timeframe, settlements entered into the department which were presented for approval to the Board of Examiners in that same timeframe. Mr. Sisco?

Sisco: Thank you. First of all, Governor, turning to Page 4, you will notice there were no contracts awarded under \$5 million during this period, so we can move on from 4 to the second item, which is agreements under \$300,000. Those agreements are listed basically on Pages 6 through 25. In going through these, we didn't have any that we felt we needed to bring to your attention, but we're pretty sure you all may have some questions on some. So all of us are here and prepared to answer questions, if you have them, on specific ones of these agreements.

Sandoval: Madam Controller?

Wallin: Thank you. Line Item No. 13, Page 9. This is to UNR. It's benefit cost studies. Can you talk about how many -- do guys not have in-house capability to do benefit cost studies or what is this exactly that we're paying for?

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- Malfabon: The benefit cost studies are required by the legislature on our major projects. And the group that does these studies in-house, we'll be heading in to try to build that expertise in house, currently we have contracts with UNR and UNLV to do these types of studies, but we will look towards building that, training people to do this in-house and use the software that could be used in-house.
- Wallin: So how many studies does this cover?
- Malfabon: It's not really by project. It's to keep them on hand and then with a not-to-exceed agreement, and then as we get projects that require a benefit cost study, we send them the information and they do the analysis and send it back to us. So it's just to keep them on hand to perform these types of studies.
- Wallin: Are they doing one for Project Neon?
- Malfabon: Project Neon, I think because it's over the dollar amount that it is, over \$1 billion, we had a separate benefit cost study done. It's probably getting a little bit outdated and needs to be updated, but we've already done one through our consultant that was hired to assist us in the design of Project Neon.
- Wallin: Okay. And is that going to be something that you're going to share with the Board then?
- Malfabon: Yes.
- Wallin: Okay.
- Malfabon: We can provide the benefit cost information on our projects.
- Wallin: Okay. Now, I have -- I'm not done yet, all right. Line Item No. 26, Page 12. This is to Chapman Law Firm. I remember we settled the case and we're all happy, but now to continue representation through the close of the case, can you talk about that a little bit, why we had the additional amount?
- Malfabon: Yes. Blue Diamond RV was a case that actually went to trial and we felt that, through the assistance with the Chapman Law Firm, we prevailed. The owner of the property was asking for several millions of dollars and we prevailed with a judgment for just hundreds of thousands. I think it was a couple hundred thousand roughly. So we still have some issues to work out

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with Clark County and with respect to the owner of Blue Diamond RV and their law firm that they hired. There's still other costs that we anticipate that are approved by the course to be compensated for such as the legal fees and any other costs that they had in bringing the case to trial. But we're still keeping Chapman Law Firm on to just wrap up this case and put it to bed.

Wallin: Okay. Next one, it's Item No. 42, Page 18, to ARC Logistic for TeamMate software training. Tell me what that was for. It said it's the CCH TeamMate audit management system.

Sisco: This is out of our Internal Controls Division, so I'm going to turn it over to Mr. Hoffman, who is looking at me, like, uh-oh. From its implementation, training of the CCH TeamMate audit management system -- I apologize, I was looking around here real fast to see if Sandeep, our Internal Auditor, was here and he's not. Can we get back to you with information on that?

Wallin: Yes, you can.

Sisco: We will do that.

Wallin: And then the last one I have is Item No. 51, which is the smart data strategies. This is an amended contract amount. The original amount of the contract was, like, 36,000. Now it's going to 182,000. And you're talking about have to move to the new Oracle database. Can you just talk about that and, I mean, that just seems like a huge amount to go from 36 to...

Malfabon: Yes. This one was for the Irwin system, which is our right-of-way management system, so it keeps track of all of our ad bill plans as well as all the parcels of property that NDOT owns. The original agreement amount was paying for maintenance of the system. And what we did was I believe that the original agreement had expired, so since we don't extend expired agreements, we had to pay the vendor for the services that they were going to provide to continue maintaining the system for a certain amount of time that we owed them, so that's why it was \$36,000. And then we wanted an additional year of maintenance of the system, so that's why the amendment amount was substantially larger than the original agreement amount. So the original agreement, pay them for some services to finish up the original scope of work, but the agreement had expired, so we needed another separate agreement that was 36,000.

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- Wallin: Okay. Thank you.
- Sandoval: Any other questions from Board members? Member Savage.
- Savage: Thank you, Governor. Mr. Sisco, I have two questions that caught my eye. The first one would be No. 27 for the \$20,000 expended to provide roundabout training.
- Sisco: Mr. Hoffman?
- Hoffman: Yes. Good morning, Board members. Bill Hoffman, Deputy Director. Roundabouts are becoming prevalent in Nevada. We're using them more and more. The safety benefits of the roundabouts are significant and we felt that bringing specific training to our Design Division would be a savings in the long run. So there was 37 attendees, so approximately \$546 per student, but this was training performed by a local consulting firm within Nevada. They came in, dug into the specifics, very specifically to NDOT the way we do things, and provided training to a lot of our design folks.
- And I just have a little -- I figured we might get a question on this, so I wanted to be prepared, so this was the most applicable, well-received, timely class we have presented in quite some time to our design staff. So this is coming from our Design Division. The consultant did a great job in explaining and applying design criteria associated with the layout of roundabouts. Principles explained in this class have already been utilized on the review of the Kyle and Lee Canyon roundabout project in Southern Nevada. We expect to make up the 20,000 in training costs on the first two to three projects we design in efficiency savings in both right-of-way construction and design costs.
- Savage: Thank you, Mr. Hoffman. Well prepared on that item. The next item, Mr. Sisco, would be Item 29 for the assisting the department with negotiations. I was with Sprint Nextel. I was under the understanding that we did some of our own negotiations for those types of functions.
- Sisco: This one was somewhat unique and let me bring up Mr. Nelson here to comment on this one.
- Nelson: So Rick Nelson, Assistant Director for Operations, for the record. This is radio stuff and we were required to reband our radios. Through the course of this process, Sprint Nextel actually paid for the rebanding effort. And so

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bringing the Galena Group on brought in a level of expertise to this whole communication rebanding and legal issues, and they helped make sure that all the paperwork's filed on time, everything was filled out appropriately. The interesting thing about this agreement is it's actually paid for by Sprint Nextel. So the rebanding is done with just a few minor exceptions that need to take place. It was important to keep the Galena Group onboard for continuity sake. And any hours that Galena Group bills, we turn around and rebill Sprint Nextel and they reimburse us for that.

Sandoval: Thank you, Mr. Nelson.

Savage: Thank you, Governor.

Sisco: If there's no additional questions, I will move on to the next section which begins...

Sandoval: Before you proceed...

Krolicki: I'm sorry, I was just being polite (inaudible).

Sandoval: So we'll go with Lieutenant Governor, then Member Fransway.

Sisco: I'm sorry. I tried.

Krolicki: I have two questions and then the Nextel was one of them. Item 40, the Nevada Broadcaster Association, just what's envisioned with all of that and is that through their exclusive leveraged purchasing program? And we'll do that one first. And then the City of Henderson has several items in the 50s, NBA, Item 40, public service announcements.

Nelson: Again for the record, Rick Nelson, Assistant Director for Operations. Item No. 40 with the Nevada Broadcasters Association is to provide one more year of service on their contract. And we do with the Nevada Broadcasters because of their unique ability to leverage their members with respect to airtime on public service announcements. What this will do for us is allow for the production of 12 more radio spots and two TV spots. And this is sort of specifically targeted towards traveler information and those kinds of messages. In the past we'd use them for some safety-related messages as well. Once this one more year of service is done, then this entire agreement will expire and we'll have to go back out and reprocur, if this is an activity we want to continue with.

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Initially it was a two-year agreement for \$100,000 a year. And we're going to take on some of the production-related activities and so the amendment for this last year was reduced down to 82,000. So we're getting the same amount of service, but for lower costs because we're taking on some of that production.

Krolicki: The Broadcasting Association, they do an incredible job in this unique service that they provide and the leveraging, I mean, that's probably seven figures worth of message out there through their organization through their association. But I'd be curious to see what kind of -- I mean, do you have already have a message program in mind? Has it been designated?

Nelson: I was looking for Meg. I don't know what we have, but I do know we put together a production schedule so that these are timed appropriately through the season and so on.

Krolicki: So I'd be curious to see what that campaign's involving because that is, again, probably seven figures worth of value. And then the other questions I would have would be Items 53, 55, 56, 59, it has to do with fiberoptics in the City of Henderson. Rick, you can just put a chair up there, you're doing great.

Nelson: These projects with the City of Henderson are stewardship projects. These are projects that are paid for with CMAQ money, Congestion Mitigation money, that the City of Henderson is moving forward with, and it's to interconnect signals and tie them together. So the agreements are to provide those CMAQ monies to the City of Henderson in order to interconnect those signals for synchronization and that sort of thing.

Krolicki: And that's a great answer, but I guess I'm stunned at the dollar amount. I mean, that's how many millions of dollars is that in the aggregate just to -- I mean, I didn't see the synchronizing signals aspect of this, but is that a normal amount of money?

Malfabon: There are several signals in Las Vegas Valley that the local entities maintain, but not all of them are connected to the FAST system until they get the fiberoptic connectivity, then they control it from the building instead of having to go out there and do their thing within the city. Technicians take care of these, so once they get them tied into the FAST system through the

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fiberoptic network, then they can be controlled through that system remotely.

Krolicki: And the reason it's being paid through NDOT versus the City of Henderson?

Nelson: Because they qualify to use those CMAQ monies for congestion mitigation. And these are actual construction costs, so this is actually trench and install fiber and do all of those kinds of things.

Malfabon: The CMAQ funds or Congestion Mitigation and Air Quality funds are federal funds that go through NDOT, flow through us to the RTC of Southern Nevada, so they distribute it to the member entities such as the City of Henderson.

Krolicki: Thank you.

Sandoval: Member Fransway.

Fransway: Thank you, Governor. Item 30 and 51 for the sums of 141,000 and 182,000 give reference to Oracle and it appears that it is a new NDOT requirement.

Sisco: Yes. Going into our intelligent business systems and our strategic data plan, we put out a bid to the State Purchasing Division a few months back, a plan for Oracle purchase, installation and training on it. They actually bid out, but they turned those two components, the training and the installation, over to us, already bid and we just had to implement the contract for them. But it was paid for 100 percent out of federal funds that we were to go ahead and put this Oracle database upgrade into our system.

Fransway: But do we perform the Oracle in-house?

Sisco: Yes. The Oracle application is brought into house and, again -- but they are coming in and installing it for us and helping us migrate our current systems into that.

Fransway: Okay. And Item 52.

Sisco: I'm sorry, what item?

Fransway: Item 52. I noticed that what we have here is a payable amount of 536 and my arithmetic shows 526 and over to the right it gives reference to the 526.

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My arithmetic must be right. So I'm looking at the receivable amount of 26,000 and I don't see where that credit is given. Why is it there and why is it taken off the total amount?

Sisco: I'm not -- Tracy, did you want to pick up on this one?

Larkin Thomason: Looking at this, I'm looking and thinking that it's probably enhancement funds that are overseen and that what you're seeing in receivable amount is the part that Carson City is putting in.

Malfabon: And you're right, Member Fransway, that is an error on the math, so the amount of 526,000 would've been correct.

Fransway: Okay. But the authorization for Carson City RTC to advertise, is that where the receivable comes in?

Malfabon: Yes. That's a five percent match.

Fransway: Okay. All right. Thank you.

Sandoval: Please proceed.

Sisco: Okay. If there's no more on that section, we'll move back to Page No. 26, which is emergency agreements. This emergency agreement in the amount of 522,000 was emergency agreement for repair of Hoover Dam Bypass Bridge, including soil stabilization in Clark County. And again, we list those on a separate, by themselves so we can bring them to your attention.

Sandoval: Is the bridge okay? It has to do with...

Malfabon: It was the pavement approaching the bridge, had some roughness to it. Something happened with the sub grade apparently. We just smoothed it out, repaved it.

Sandoval: All right.

Sisco: Moving on from there, the last section under this tab is on Page 28 and 29 and this is a report on a settlement that went through the Board of Examiners. (Inaudible) did you want to touch on that real fast?

Malfabon: This is a case where the developer went bankrupt and we were dealing with their bonding company, so negotiated a settlement there that goes before the Board of Examiners tomorrow. So NDOT will take the money from the

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bonding company, finish certain portion of work and that's what this Agenda item is for.

Sisco: And that's all of the items under those sections.

Sandoval: Are there any other questions with regard to Agenda Item No. 7? We'll move on to Agenda Item No. 8, condemnation resolution. Mr. Director?

Malfabon: Thank you, Governor. We're acquiring property and property rights for the widening and construction of the I-15 freeway from Desert Inn Road to the U.S. 95/I-515 interchange in the City of Las Vegas and Clark County. These properties are for Phase I of Project Neon and the department is seeking the Board's approval of condemnation action for the unresolved acquisitions as described below. So if there's any questions on -- there are several here. Carmen DiCotello (sp?), Junior.

Sandoval: And you don't have to read through each of them. These are all -- I noticed the first one there's a property dispute with regard to the ownership of a parcel, so that has to be resolved, but we still need to move forward. All the others, the owners of the parcels have retained counsel and have not responded to our demand -- or not, I shouldn't say the demand, the offer that we've put forward. Is that a fair characterization?

Malfabon: Yes. So we've been in discussions with some of these such as Highland 2000 and Highland Partnership. We're still having discussions, but we felt that it was appropriate to proceed with the condemnation action so that we don't delay the project and we can still reach a settlement which we'll bring before the -- if it's a settlement issue, bring before the Board of Examiners and also to your attention as the Board of Transportation.

Sandoval: Board members, do you have any questions with regard to Agenda Item No. 8? Hearing none, the Chair will accept a motion for approval of Condemnation Resolution No. 436 as described in Attachment No. 2 to this Agenda item.

Fransway: So moved.

Sandoval: Motion by Member Fransway for approval of Condemnation Resolution No. 436. Is there a second?

Savage: I'll second.

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- Sandoval: Second by Member Savage. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no. Motion passes unanimously. Agenda Item No. 9, relinquishments.
- Malfabon: Thank you, Governor. First one, 9A is approval is requested from the Board of Directors to dispose of the above-referenced property by relinquishment. The four improved and one unimproved properties to be relinquished are located along the portion of County Road 716A, Smith Creek Road in Elko County, Nevada. Parcel 1 is improved property consisting of 6,686 square feet as depicted on the attached sketch map marked Exhibit A. Parcel 2 is improved property consisting of 15,445 square feet as depicted on the sketch map Exhibit B and Parcel 3 is improved property 30,315 square feet as depicted on Exhibit A. Parcel 4, 18,014 square feet of unimproved property shown on Exhibit A. And Parcel 5 is improved property 6,063 square feet, also shown on Exhibit A. So this is a relinquishment to Elko County.
- Sandoval: For members, do you have any questions with regard to Agenda Item No. 9?
- Fransway: I do.
- Sandoval: Member Fransway.
- Fransway: Yes, thank you, Governor. I'm wondering why did the state acquire bridge structures on county roads.
- Malfabon: Don't know why we have that bridge.
- Fransway: I'm giving reference to Relinquishment A and background. The department originally acquired these properties in easement to replace existing substandard bridge structures on county road.
- Malfabon: One of the federal funding categories for replacement of structures does allow us to spend money on off-system bridges. I don't know if that's what occurred on this case, but Paul Susito (sp?) is indicating yes, that it was an off-system road that received federal funds for replacement apparently in the past.
- Fransway: Okay. Is that option still available?

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Malfabon: For off-system bridges?

Fransway: Yeah.

Malfabon: Yes.

Fransway: Okay. Thank you.

Sandoval: Any further questions? Hearing none, Chair will accept a motion for approval of the relinquishments as described in Agenda Items 9A and B.

Krolicki: Motion carried.

Sandoval: We have a motion for approval by the Lieutenant Governor. Is there a second?

Wallin: Second.

Sandoval: Second by Madam Controller. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.

Group: Aye.

Sandoval: Opposed no. Motion passes unanimously. Agenda Item No. 10, quitclaim deed. Mr. Director?

Malfabon: Actually, we have Item 9B as well.

Sandoval: I was taking them both, excuse me, but...

Malfabon: Oh, okay. You took them both?

Sandoval: Yeah.

Malfabon: Okay. No questions on either one?

Sandoval: I took at the same time. Was that unclear counsel?

Gallagher: Yes, Governor, that was an appropriate motion.

Sandoval: I thought he was saying yes, that was unclear.

Malfabon: My bad. That was all me. Yeah, I should learn.

Sandoval: Okay. Thank you. We'll move on to Agenda No. 10.

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- Malfabon: Very good. Governor, this request is to the Board of Directors at the Board of Transportation to dispose of property by quitclaim deed. These parcels to be quitclaimed to the abutting property owners located along portions of State Route 564, Lake Meade Drive, west of Boulder Highway in the City of Henderson, Clark County, Nevada. If so, there's several parcels, just a strip of property adjacent to Lake Meade Drive there in Henderson.
- Sandoval: Board members, do you have any questions with regard to Agenda Item 10A? Hearing none, the Chair will accept a motion for approval.
- Wallin: Move to approve.
- Sandoval: We have a motion by Madam Controller for approval of the quitclaim deed as described in Agenda Item No. 10A. Is there a second?
- Fransway: I second.
- Sandoval: Second by Member Fransway. Any questions or discussion on the motion? Hearing none, all those in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no. Motion passes unanimously. Agenda Item No. 11, public auction.
- Malfabon: Thank you, Governor. Approval is requested from the Transportation Board to dispose of the above-referenced property by public auction. Property is to be sold is located at 147 Broadleaf Lane in Carson City, Nevada. The property contains 1,080 square feet single family residence on a 6,811 square foot lot and is depicted on Exhibit A.
- Krolicki: This is definitely Lieutenant Governor mansion.
- Sandoval: All right. Any questions from Board members with regard to the public auction of the property as described in Agenda Item No. 11? Hearing none, the Chair will accept a motion for approval.
- Savage: So moved.
- Sandoval: Motion by Member Savage for approval of the public auction for the disposal of the property located at 147 Broadleaf Lane in Carson City. Is

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there a second? Second by Madam Controller. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.

Group: Aye.

Sandoval: Opposed no. Motion passes unanimously. And Madam Attorney General, you voted yes, didn't you?

Cortez Masto: Yes, Governor, I did.

Sandoval: Thank you. Move on to Agenda Item No. 12, approval of amendments and administrative modifications to the FFY 2012/2015 STIP.

Malfabon: Thank you, Governor. The STIP was previously approved at the Board of Director's meeting on October 10, 2011, covers the period of time from fiscal year 2012 to 2015. Assistant Director for Planning, Tom Greco, will cover this item.

Sandoval: Morning, Mr. Greco.

Greco: Thank you, Rudy, Governor, Board members. Good morning. This is my fifth day on the job and every day just gets better and better. So this Agenda item, as Rudy mentioned, is amendments and modifications. They have all been generated and approved by the MPOs. Moving to Attachments A and B, if it is the pleasure of the Board, I would either review each and all or offer to answer questions on any specific items.

Sandoval: Why don't we do that, Mr. Greco. Do Board members have any questions with regard to the modifications to the STIP? Make your life a little simpler, instead of going through them all. Madam Attorney General, do you have any questions?

Cortez Masto: No, Governor.

Greco: There is one that I would like to highlight and it is on Attachment B, Modifications. It's the one, two, three, fourth line down, Freeway Service Patrol. You'll notice that the modification just about doubles each of the annual budgeted amounts. And I asked why that dollar amount went up and Rick Nelson shared that in addition to the incident management vans, we are expanding that program and adding wreckers as a safety step. Every minute that there's an incident out on the edge of the road, the likelihood of a secondary incident goes up 20 percent every minute that it's out on the road

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there. So dealing with the incidents with vans is an excellent program. Adding the wreckers gets the vehicles off the road that the vans are not able to deal with.

Sandoval: Any questions from Board members? Member Savage.

Savage: Yes, thank you, Governor. I was going to address the FSP in Section 14 later on in the Agenda if that's okay. I do have further questions and comments on the FSP, Governor. Thank you.

Sandoval: Any other questions with regard to Agenda Item No. 12?

Malfabon: Governor, I would like to make a statement that neglected to mention in the Director's Report. You'll see on the final page of this Agenda item, the Tahoe MPO is mentioned, and under the new transportation authorization bill called MAP-21, the Tahoe MPO did not receive an extension of that designation. Usually Metropolitan Planning Organizations, MPOs, are designated, they achieve that by population. Carson City has the population. Obviously Reno, Washoe County and Las Vegas RTC of Southern Nevada, but the Tahoe MPO does not continue on with that status under MAP-21. And we are still trying to determine what that means. Obviously there's still the Tahoe Transportation District up there and TRPA still exists up at Tahoe, but just wanted to make that point that the status has lapsed as a result of MAP-21. And what happened there was there were certain members of the House that felt that that was an earmark, that the Tahoe MPO did not have the population to achieve that status, so they actually eliminated that in MAP-21.

Sandoval: Thank you. Further questions or comments? Mr. Lieutenant Governor.

Krolicki: I heard all the words you just said, but that is actually a major reclassification or unclassification at MPO. It's really a -- I guess it's not a national park. It doesn't normally get the funding that a place like that would be getting. So if you would keep me apprised of that, I would appreciate that. And if we're still under entire Section 12, including the administrative modifications, Governor, could you describe under the Tahoe MPO the reasons for the additional half a million dollars? Well, there are several things, but it's the trail demonstration facility project.

Malfabon: I don't know. Tracy, do you have the response to that question?

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Larkin Thomason: Yes, I do. For the record, Tracy Larkin Thomason, Deputy Director for Southern Nevada. The additional \$517 came through, it was called the Project Submittal Program, which was a program that we ran that we offered some money to the locals where they competed through a process. This was one of the projects that was chosen. And this is just actually kind of the finishing touches of putting that money towards that project.

Krolicki: So is this matching money with the Tahoe fund, if that's an appropriate term?

Larkin Thomason: It's not matching money. It was money that we had in a program. There was \$2 million that was set aside previously in years where we put it out to all the counties and MPOs, but we put it out where people competed, they put in projects, put in local projects and then it went through a vetting process internally ranked. This was one of the projects that received a high ranking, so this is just coming to the point of we have since stopped due to funding issues. We are not using the project submittal program at this time. However, we were committed to basically honoring all the commitments that we had made in approvals and this is one of the final ones going down.

Krolicki: I guess, I mean, I spent a lot of time in that area and there's an extraordinary amount of activity happening now in the Kale Meadow and this part of the phasing, but was this money necessary to make this project go or is this a supplemental...

Larkin Thomason: Yes, it was. No, it was not supplemental. It was money necessary to make it go. They had lost some funding through the, I think it was -- I want to say Question 10, but I'm not sure I have the right designation for it. They lost some local funding up there that they no longer had. This is not additional funding, but it was funding -- actually, this funding had been designated for the north part of it and it was moved to the south part to specifically cover the loss of fundings there, but it had already been designated as approved, like I said, through the process for the bike path at Tahoe.

Krolicki: Okay. And, Governor, I appreciate the indulgence. This is a colloquial issue in many ways, but the state line to state line bike route, since we're talking about it and with all the other work happening on Spooner, how does this bike route actually navigate, you know, through the rest of the South Shore, through the top of Spooner? I mean, is it just a -- you know, there's no further bike lane, if you will, adjacent to Highway 50 or do they envision

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it going through the lower corridors and perhaps through the Glen Brook and Slaughterhouse Canyon areas, do you know?

Larkin Thomason: We can get you the maps, but I personally don't know specifically which area, but it is intended to go farther. If I recall, I think this is Phase 1B or 2A. And there's another one coming up which is 2B which will extend it a little farther. So as they get funding, the plan is to eventually connect it literally from state line to state line around. Obviously there's areas with a lot of challenges.

Krolicki: I'll do this off-bar, but I appreciate the indulgence of this Board, but I would be interested because, again, the amount of activity going on for this bike trail is truly extraordinary.

Hoffman: Well, if I could just very quickly, Bill Hoffman, for the record, Deputy Director. We have asked the Tahoe Transportation District to come to the December Board meeting and give us an update on not only the bike trail, but all of the other transportation projects that they have going on up at Lake Tahoe. So what we wanted to do is build off of -- Governor, you wanted information on that. We believe we've sent you at least information on the bike path, but we wanted to take it one step further and actually invite TTD to come in and present all of what they have going on in the basin.

Krolicki: That would be great. I'm not sure how they conclude what they're currently constructing prior to the end of the building season in like a week. I mean, they've got a whole lot to do here in a very short period of time. Thank you.

Sandoval: Any further questions from Board members? Member Fransway.

Fransway: Thank you, Governor. Administrative Modification No. 10 gives reference to Clark 18 and then ad valorem tax and I'm wondering is -- this is the first time I ever heard of an ad valorem tax being used to fund a transportation project.

Greco: Allow me to start to address that and then I'd ask Tracy, if you would like to follow-up. The project that is being described here is F Street and the two-lane underpass and some of the original funding that was going to be local and was originally sought is no longer available. So in order to make the project viable, the grouping of funding as outlined there, makes up the

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difference. Now, to answer your question, specifically about ad valorem, I'd ask Tracy if she could add to that, please.

Larkin Thomason: Again, this is Tracy Larkin Thomason. This specific action is really just to add the 475,000 of the public lands highway funding. And what that does though is when they adjust some categories, it affects the other sheets in the document, so that's why as Tom indicated, there's groupings and that's why all of them are listed. But this specific action is to add the 475,000 of public lands highway funding. Does that answer your question?

Fransway: Well, Tracy, frankly, I can't hear you very well, but my main question is are they using property tax revenue to fund a transportation project?

Malfabon: No. I believe what...

Fransway: I've never heard that done before.

Malfabon: I believe what Tracy is saying is that...

Fransway: I think it may be precedent-setting.

Malfabon: A few years ago there was that category of funding and then it was no longer available, so that's why some of these modifications take place to address that shortfall and shift funding back to the project through other means. So to my knowledge, there's not ad valorem tax money being used on the F Street project. It was one of those funding sources, as Tom mentioned, that went away, so it wasn't available any longer.

Greco: Okay. Thank you.

Sandoval: Any further questions? Hearing none, the Chair will accept a motion for approval of the amendments and administrative modifications to the FFY 2012/2015 STIP as described in Agenda Item No. 12.

Savage: So moved, Governor.

Sandoval: Motion by Member Savage for approval. Is there a second? Second by Madam Controller. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.

Group: Aye.

Sandoval: Opposed no. Motion passes unanimously.

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- Malfabon: Thank you, Governor. Before we move on...
- Sandoval: Agenda 13.
- Malfabon: ...there was an opportunity to get a response to the Controller's question on Item No. 7, Line No. 42 that Mr. Sisco is going to address.
- Sisco: Thank you. Madam Controller, I apologize for earlier. We do kind of like you do is we go through these ahead of time and we try to see which ones might rise to the level and every now and then one gets away with us, so we don't have somebody here to answer the question. Item No. 42 was a \$24,000 contract with ARC Logistics. It's back in February of 2012 we bought a new auditing tracking software that specializes for our construction purposes for our post audit and our Internal Audit Division.
- In purchasing that software, we discovered that this Oracle database that we also bought with those federal funds, we could implement on that instead of having the company host it, so we could save a lot of money. So this 24,000 basically has two parts. It has a consulting part in the amount of 14,000 for them to come in and help us install it and get everything up and running, and then three days of training at \$3500 a day, \$10,000 in training for our people so that they can maximize their usage in the software. That's what that was for. Thank you and, again, I apologize.
- Malfabon: Thank you, Scott. Governor, the next item, Item No. 13 is to provide the Board with a briefing on the I-15 Mobility Alliance. Over the past year NDOT's taken the lead on the I-15 Corridor System Master Plan and the creation of the Mobility Alliance. What we've seen is that it's more and more critical to get in multistate coalitions in order to chase certain grants. The elimination of earmarks in the transportation bill, it's just wise for states to get together as coalitions to advance their projects jointly on a quarter such as important to all of those states as I-15. So Sondra Rosenberg has been our project manager, she's done a great job with the federal programs element of NDOT and she's going to give the presentation.
- Sandoval: Good morning.
- Rosenberg: Good morning. Good morning, Board. Thank you, Rudy. For the record, my name is Sondra Rosenberg, Federal Programs Manager. I'm in the Planning Division. And for the past two years I've been working on the I-

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15 Corridor System Master Plan. And it's been quite an exciting effort. This is the scope of our study, all the way from San Diego to north of Salt Lake, actually the northern border of Utah. And we've established a great alliance of partners through this effort. The partnership began with a coalition of western states. It actually began with the Corridors of the Future program, which I-15 was one of six corridors selected in 2007. The corridor received \$15 million back then, 10 of that went to Nevada, and then that program kind of dissolved and went away. And Director Martinovich decided this was too important, this corridor is too valuable to Nevada to let that partnership dissolve as well, so I was tasked with continuing on this partnership that began several years back.

So the vision of the plan itself was to define a multi-decade, multi-modal transportation system, provide prioritized program of projects that make up that system and then to develop a governance structure and implementation strategy to sustain and improve the system. And that element we're still working on. We're working on agreements with the other states and whatnot. And this vision is defined by this partnership and it's sustained by then getting that partnership to focus in on specific projects and efforts to keep it going.

I won't read the entire mission statement, it's quite lengthy, but the purpose of it to say this isn't a traditional corridor study, if you will, we're really looking at why this corridor is really a vital linkage, not just for the western states, but really for the whole country in terms of good movement, economy, tourism, and so we developed a Master Plan. And these are the chapters in that plan and you should all have received a copy of it. It's also available on our website. You didn't receive a copy? Okay. We have it electronically and I can get you a hard copy as well. Okay. It's on our website and I'll give you the address at the end here.

So those are the chapters in the study itself, in the plan itself which is actually quite short as you can see. The purpose of this document was really to summarize all the work that was done in one visually pleasing, easy to read, lots of figures document that's easy for folks like yourself that might not have a lot of time to delve into the details. All the details are available in tech memos that are also available on our website.

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And so we formed the I-15 Mobility Alliance, which consisted of an Executive Board which is the DOT Directors from California, Nevada, Arizona and Utah. And that was supported by a steering committee which is really all the partner agencies and entities that have an interest in this corridor and that include public and private entities. And then technical and planning committees, and that's where a lot of the detailed work went on. We didn't want to bore people with tons of very lengthy meetings, so we set up these taskforces with very specific topics such as freight, economy, operations. And we got a lot of work out of them, a lot of input in a short amount of time, so it was very useful.

That's a list of our members as of a couple weeks ago. I think it's basically the same, so as you can see, quite a few entities that have been involved in this process have made their voice heard as part of developing this plan. And it includes not just public agencies, but as you can see Southwest Airlines, the railroads, Air Force Base, National Parks Service. So quite a few partners that we haven't always brought in effectively in transportation planning projects.

So what have we accomplished? Well, we created this 72-member agency alliance and the list is just repeated here. We identified 27 immediate projects of interregional significance that was endorsed unanimously by the 72-member entity. We created a brochure that we then sent to Washington saying these four states and all of these member entities support these projects as really early action items, very critical to the area.

We worked with Utah Department of Transportation to display our information that we were collecting through their GIS interface. We created 16 mode and topic-specific technical memorandums that are available on our website. We were published in Engineering News Record, which is quite a bragging right. We prioritized ten years worth of projects by impact interregional mobility and time stratified over 40 years' worth of projects.

So we took everyone's STIP/TIP long range plan, you know, really put a callout there for give us all your lists of projects and we loaded them all into this master database. And we used a fairly simple prioritization process. And because everyone bought into the process and how we were going to rank these, once we came up with a ranked list, it got endorsed

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unanimously. There were a few minor tweaks, but basically everyone agreed to it, which is pretty significant.

We endorsed four TIGER Grants. That says TIGER 3. One of them was awarded. And then for TIGER 4, the 2012 TIGER Grant application, we supported the remaining three and one of those was awarded, and those were the bridges in Arizona. And just to clarify, Arizona is getting that money and doing that project, we are just a supporting agency in that. And we jointly submitted a Multistate Corridor Operations and Management federal grant proposal and of course, developed the Master Plan. That's an example of our letter of support for the TIGER Grants and it's pretty significant to have four DOT Directors sign the same piece of paper supporting the same project.

I get a little behind on some of my animations. So next steps, we were selected for the MCOM Grant, the Multistate Corridor Operations and Management program, and again, only six corridors or alliances were selected for this. And I believe there were 12 or 15 that applied, so, again, you know, national attention to the importance of this corridor. So we're receiving \$1.25 million from the federal government. We are matching that with money from Nevada, California and Utah. They've all agreed to support the match on that grant.

And we are going to do some data collection, Multistate Corridor website and we've been talking about applications for mobile devices, developing a decision support system. We're going to connect the TMCs or TOCs in the different states, and better communication across state lines, so if there's an incident or accident or major weather situation, you know, determine how far out that information needs to travel down the corridor. And we're working very closely with our Operations Division who will be taking a leadership role on this effort and Denise Inda has graciously agreed to help me out that and we'll be working with her counterparts in the other states to get this going.

We want to get this going very quickly because we've heard that there's an opportunity that this grant may appear again sometime in the next year. The award we got was for fiscal year 2011, so there's actually 2012 money budgeted for it also, so if we can get moving and show some early successes, we might be able to get some additional funds for this corridor.

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So we're working on agreements with the partner agencies and then the agreement with the US DOT to receive the funds. And then we'll establish a steering committee, prepare the scope of work and go out with an RFP for some assistance in this effort. And there is the website. On the website there's a video that we created which is pretty informative and talks about the whole corridor. We have interviews with all the Directors of the DOTs. We have an electronic version of the Master Plan as well as all the technical memorandums as well as a fact sheet if you just want a quick two-page summary. And with that, are there any questions?

- Sandoval: Questions from Board members? Madam Controller.
- Wallin: Thank you. Yeah, thank you for this presentation. I have a question, and I know that I've asked before because we were talking about the I-11 corridor study. How do we determine -- because I'm seeing that we're putting in 100,000, Caltrans 100,000, UDOT 100,000. How do we come up with that that it's all even and that we don't do it by miles or, you know...
- Rosenberg: Yeah, it's a very difficult way to figure out what a fair share is, and miles isn't always appropriate because some of those miles are more complicated than others, and it was just basically simplest to have an equal share and that's how we got California and Utah. They both said, well, are Utah -- you know, California said, "If Utah and Nevada are putting in that much, then we'll put the same amount," and vice versa, so...
- Wallin: Yeah, but California is a lot bigger than Nevada and we've got a small little segment going through here.
- Rosenberg: They are...
- Male: (Inaudible).
- Wallin: And there is -- well, yeah.
- Rosenberg: They also have been a great partner in providing information and expertise. Both Utah and California have provided some of their tools and their expertise. And, you know, frankly, the economic situation that California is in, I'm very happy that they're willing to provide money at all to keep this going. I know that doesn't really satisfy your question, but...
- Wallin: Because we're in worse shape than California, so I mean, I just...

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- Sandoval: Not quite.
- Wallin: But, you know, it just concerns me that we seem to be the ones always volunteering to put up the money, more of the money, to get the others to come in and, you know, we have limited dollars here in the state and I know that these corridors are important, but, I mean, the other states should feel that they're that important too to kind of pony up their fair share.
- Rosenberg: Understood.
- Wallin: Thank you.
- Sandoval: Any other questions or comments? Member Fransway.
- Fransway: Thank you, Governor. The question was asked to me, and I brought it up at one of our most recent meetings relative to why we didn't receive a TIGER Grant, and it was explained to me that we really did, it was spent on a regional effort on the I-15 corridor and it went to Arizona because they had some bridges that were very expensive and needed to be repaired, and if they weren't, then that would jeopardize the functionality of the corridor. And so I'm looking at the map and, boy, there isn't much Arizona on that. There must be some pretty major crevices or something that would have to spend that...
- Male: The Grand Canyon.
- Fransway: Yeah.
- Rosenberg: There's 29 miles of I-15 that goes through Arizona, so mileage-wise, not a huge amount. But it's in that 20 miles, there's 7 bridges and it goes through a gorge. It's the Virgin River Gorge. So it's quite a complicated segment.
- Fransway: Okay.
- Rosenberg: And those bridges are in dire need of some repair. And Arizona has had a difficult time setting money aside for that section of I-15 because it doesn't connect to the rest of their system within their state. You can imagine politically when they're looking at I-17, I-10, I-40, that to spend money on this little corner that the State of Arizona doesn't even think should belong to them, and so we wanted to help support them and get money to help fix those bridges, so we offered our support. We said that they could list us as a

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partnering agency on that grant, but they have to do all the work and all our partnership meant was that we support it.

Fransway: Obviously it wasn't a candidate for a re-route.

Rosenberg: Right.

Fransway: Okay.

Rosenberg: They're trying to give us that section of I-15, but I don't think we've been willing to take that on just yet.

Fransway: All right. Thank you.

Krolicki: Governor, if I may, I know we always want to talk about the expenditure side, but, you know, whether it's a half a mile or 100 miles, if people can't move on it, it's an issue. And in the front of this, you know, it's \$120 billion corridor of commerce and \$52 billion worth of tourism, so anything we can -- I mean, this is an existing, I mean, it's I-15. You know, we're fighting to get the I-11 designations and things. This already exists, but anything we can do and enhance it, I think this is a great value for the investment. It's an extraordinary value for the investment. So I love the cooperation throughout the region and this is very well done.

Rosenberg: Thank you.

Sandoval: One last question. How does Project Neon fit into this?

Rosenberg: It's listed, if you would like to see our long list of projects, it's in there as one of our priority projects, one of the top priorities and that was, you know, agreed upon by our partner states as well.

Sandoval: Just that one on Page 16, I-15 in the heart of Las Vegas was designed to carry 130,000 vehicles, but over 270,000 vehicles use this stretch of I-15 daily and this number is expected to climb to 470,000 vehicles by 2025. So Neon is going to address that or if we get it built, correct?

Rosenberg: Yeah, that area is certainly a concern. Another piece that we started as part of this effort and will continue on as part of the I-11 effort is looking at the possibility of alternative routes around Las Vegas as well. And we haven't gotten far enough in there to report a whole lot of detail. We're working

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very closely with the RTC of Southern Nevada on that. So, you know, more information coming on that opportunity as well.

Sandoval: Any other questions? Madam Attorney General, do you have any questions?

Cortez Masto: No, Governor, just a comment. I want to echo what the Lieutenant Governor said. This is such an important issue. And let me first of all applaud NDOT for taking the lead again in 2010 to bring these states back together and bring this alliance together. It's so important, particularly to Southern Nevada, the I-15 corridor, so thank you very much to the staff and keep up the good work.

Rosenberg: Thank you.

Sandoval: Thank you very much. Move on to Agenda Item 14, old business.

Malfabon: And, Governor, we have a couple of issues that we're providing information on, on old business. One is the ongoing regular report on outside counsel costs on open matters of legal nature, and also the other item was a briefing on the Freeway Service Patrol. We're prepared to answer any questions about that information.

Sandoval: I believe Member Savage had some questions with regard to the FSP.

Savage: Yes, thank you, Governor. And I'd like to start out by saying I appreciate the information provided, though I still feel there's additional information needed. And, again, I know it's a beneficial service and a very good service, but as we've discussed the last couple hours, times are tight and dollars need to be accounted for. So I remain concerned as for the cost benefit analysis because a small recap in the summary of events, we have four points that I would like to make, Governor. In the March meeting the current provider Sumaritania (sp?) requested another \$17,630,000 for the years of March '12 through March '16, four years. About \$4.5 million per year.

Number two, we were told that RFP was cancelled due to the MBE conflict. Number three, in August the current SFP agreement was extended due to not having adequate time to prepare for the RFP, giving Las Vegas another \$1 million and Reno another \$53,000, now putting the current provider Sumaritania to a total of \$12.3 million total. Item number four, so with

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today's handout I have a few questions to begin with and I don't know who would address these, but currently it shows four vehicles in the Reno area, which I know one now can be reduced since the I-80 job is complete. I believe we can save NDOT around \$54,000, but I'd like the staff to look into that, because typically there's only three vehicles. My first question in regards to the handout would be how is the incident defined? What defines a response? For instance, in the Reno Tahoe area there was 13,000--882 incidents, which equates to about 54 responses a day for a five-day period. Now, this may be, I'm not saying it's not, but again, personally, I don't have the comfort level because I don't see that much activity at an average of 54 responses a day. And if it's there and it's justified, that's fine, but I think there needs to be an in depth review. It seems excessive to me personally for this Reno Tahoe area. So therefore, Mr. Director, I would suggest an audit in the review by some NDOT personnel with adequate substantiation provided by the current service provider so in the end we can all feel good about justifying the dollars for that service in everyone's mind. Thank you, Governor.

Malfabon: We'll do that analysis, Governor. I think that in the past as Member Savage had pointed out, we did increase some patrolling in the Washoe County area because of some construction activities and the need to clear traffic, especially when we had restrictions on shoulders and such. So well will look into that and perhaps recommend a decrease in some of the service hours because we did expand them. We saw the increase in 2011 and we did expand some hours of patrol, so we'll have to see if we're getting our bang for the buck in those increased hours of operation if there are events happening that we have to respond to. We'll get that information presented at a future board meeting.

Sandoval: Is it 24/7?

Malfabon: No. It's in -- depending on the area. We started out at 13 hours of operation in Northern Nevada routes on 580 and 395, I-80 and we have some patrols that take place on the weekends in certain areas, particularly the -- in Las Vegas we have patrols on Sundays on the I-15 and on 515, or as several people call it, 95. So we have 17 hours of operation, it's from 5:00 a.m. to 10:00 p.m. on Monday through Friday in Las Vegas on those routes and on Sundays 10:00 a.m. to 6:00 p.m. So we need to look at -- as we increase those hours of operation on the weekends, are we -- obviously during the

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week it's got the rush hours and a lot of commute traffic, but on the weekends is it really worth the cost to run it on Sundays? On Sundays we do consider tourism and a lot of people leaving on the I-15 corridor, so we think that it's worthwhile, but we need to present that information to the Board to put your minds at ease.

Sandoval: And I am just as interested as Member Savage and I do -- I mean, you can't deny this helps, for example, the individuals that use the service, it helps the Nevada Highway Patrol because they're not having to make those stops as well. But it is a lot of money and that frequency seems a little high as well. I don't drive the freeways as much anymore because I'm here in Carson, but 50 plus a day when it's not even 24 hours seems like a lot. And this -- the cost per incident has doubled in four -- in three years. Member Fransway?

Fransway: Thank you, Governor. This...

Sandoval: At least -- and let me finish this though, I'm sorry...

Fransway: Go ahead.

Sandoval: ...Member Fransway, but that's at least in Northern Nevada...

Malfabon: Yes.

Sandoval: ...the cost has doubled.

Fransway: Thank you. Does this service also extend to District 3?

Malfabon: No. This is only in the urban areas of Reno, Sparks area and Las Vegas, Henderson, North Las Vegas area.

Fransway: Okay.

Sandoval: And I probably should know the answer to this question, but where does the money come from to pay for this?

Malfabon: This is a federal funds -- is it CMAQ? No. It's just a federal...

Female: (Inaudible).

Malfabon: Oh, NHS funds.

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- Sandoval: And what's NHS funds?
- Malfabon: National Highway System. So that program has been rolled into a national category of funds that consolidated several funding categories that previously we operated under so it's -- the money's still there, it's just that it's under an umbrella category now.
- Sandoval: I guess that's my question. Is this just one singular bucket? So if we were to reduce the amount of funding would that make more funding available for something else?
- Malfabon: Yes, for projects.
- Sandoval: For projects?
- Malfabon: Yes. Because projects and this type of program are all drawing down out of that same fund, so that's the same funding category.
- Sandoval: Thank you. Madam Controller.
- Wallin: To follow-up, I agree with the Governor and Member Savage in looking into this. I have a question. In 2008, because I notice that we had more incidents in 2008 considerably for Vegas and up north than in 2011 and so in 2008 were we still just using three vehicles at that time? Because this is, you know, when you do the math, it's getting even worse?
- Malfabon: Yeah, I believe that we were. It wasn't until 2011 when the increased hours of patrol, so it wasn't until later that we increased the amount of hours of operation.
- Wallin: Yes. Things just really aren't adding up here and then, you know, the Governor will come in and that -- up north I mean the cost increased over 100 percent, more than doubled, and then in Las Vegas it increased 50 percent from 2008 to 2011 and we're serving fewer people. Just something's funny with the numbers and why did the costs go up so much up north versus, you know, it only went up 50 percent down south and, you know, over 100 percent more up here. So I just -- those are other things to look into as well. And then when Tom was talking about that they're going to offer towing services, right, in here.
- Malfabon: That's the incident response vehicles are what's going to be added. They can handle a larger incident and actually push vehicles off the road, if

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necessary. Usually there's also -- as part of our movement into trying to have improved operations, we partner with wrecking companies that can actually get out there and lift up a big semi truck with their vehicles. So we don't -- the freeway service patrol program is really to help people or to clear the roads, but usually we're going to deal with local service providers for the towing or movement of large trucks off when they wreck.

Wallin: Okay. All right. Thank you.

Sandoval: Are there any further questions with regard to Agenda Item No. 14? We'll move on to Agenda Item 15, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Hearing no one here, anyone in Southern Nevada who'd like to provide public comment to the Board?

Female: There's no one here, Governor.

Sandoval: Thank you. Last item on the agenda is adjournment. Is there a motion for adjournment? Lieutenant Governor, in his eagerness, made the motion for adjournment. Madam Controller made the second. Any questions or comments? Hearing none, please say aye.

Group: Aye.

Sandoval: Motion passes unanimously. Thank you, ladies and gentlemen. Thank you, Board members. Meeting is adjourned.

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Secretary to the Board

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Preparer of Minutes



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## MEMORANDUM

October 29, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item #4:** Approval of Agreements Over \$300,000 - For Possible Action

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### **Summary:**

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from September 17, 2012 to October 18, 2012.

### **Background:**

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from September 17, 2012 to October 18, 2012.

### **Analysis:**

These agreements have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures. They represent the necessary support services needed to deliver the State of Nevada's multi-modal transportation system.

### **List of Attachments:**

- A) State of Nevada Department of Transportation Agreements over \$300,000, September 17, 2012 to October 18, 2012.

### **Recommendation for Board Action:**

Approval of all agreements listed on Attachment A.

**Prepared by:** Scott K. Sisco, Assistant Director - Administration

# Attachment

# A

**State of Nevada Department of Transportation  
Agreements for Approval  
September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
1	35610	00	02	ITIS CORPORATION	SMS MAINT OF SOFTWARE SYSTEMS	Y	\$ 200,000.00	\$ 100,000.00	\$ 366,000.00	\$ -	30-Dec-10	30-Jun-13	5-Oct-12	Service	AMD. 2: INCREASE AUTHORITY BY \$100,000.00 TO \$366,000.00 AMD. 1 DATED 5/14/12: EXTENDING THE TERMINATION DATE FROM 12/15/12 TO 6/30/13 TO ALLOW COMPLETION OF PROJECT. INCREASING AUTHORITY BY \$66,000.00 FROM \$200,000.00 TO \$266,000.00. SAFETY MANAGEMENT SYSTEM MAINTENANCE OF SERVERAL SOFTWARE SYSTEMS. CARSON CITY. NV B/L#: NV20111306966
2	45212	00	00	CHAPMAN LAW FIRM	REPRESENTATION BY CHAPMAN LAW FIRM PC FOR PROJECT NEON	N	\$ 350,725.00	\$ -	\$ 350,725.00	\$ -	23-Oct-12	30-Sep-14	NULL	Service	REPRESENTATION BY CHAPMAN LAW PC FIRM RE:ROBARTS 1981 DECEDENTS TRUST V. NDOT;8TH JD A-12-665880-C INVERSE CONDEMNATION PROJECT NEON NV B/L #:NV20011462722

# Line Item 1

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**M E M O R A N D U M**

October 11, 2012

**TO:** Tom Greco, Assistant Director Planning

**FROM:** Chuck Reider, Chief Safety Engineer

**SUBJECT:** Negotiation Summary for Amendment #2 for Agreement No P359-10-067, to provide continuing services for the maintenance of the Safety Management System.

This is to inform you of the negotiations that were performed for the above subject Amendment to the existing agreement. This agreement was entered into as a sole source contract to hire the original vendor who built the Safety Management System.

**Brief background:**

Agreement P356-10-067 provides software maintenance services to support essential elements of Safety Engineering's Safety Management System software. One such element is the "Event Geo-Location (EGL)" software that locates electronic crash reports provided by law enforcement onto Safety Engineering's statewide GIS of all public roads. This function is vital in the identification of roadways that exhibit a potential for safety improvements and assists in determining an appropriate mitigation.

The original agreement that developed the system expired May 1, 2009 and maintenance of the system did not begin until January 2011, leaving a twenty-month gap without software maintenance. This was due to the uncertainty of which GIS platform the Department would move forward. With that determination settled the maintenance agreement was executed. However, it was readily apparent after maintenance began there was considerably more maintenance repair required than originally considered due to the hiatus. The original contract was \$200,000 and intended to provide two years maintenance. It was executed 30th, December 2010 and Safety Engineering is currently using the EGL software as intended.

Amendment #1, dated May 14th, 2012 increased the cost by \$66,000 to include maintenance funds (\$24,000) for end of 2012 (May & June) and for certain approved modifications (\$42,000) to the program that increased software efficiency resulting in less NDOT Staff time operating the software and extended the agreement to June 30th, 2013 to correspond with the end of the fiscal year.

Amendment #2, increases the contract amount by \$100,000 to permit expenditures of maintenance funding currently in the FY2013 Safety Engineering budget.

Scope: increase contract amount to \$366,000.

Date: October 5<sup>th</sup> 2012, pending Board approval.

During the negotiations for the original agreement, the hourly rates were compared to existing State MSA rates at the time and we identified rates that were within the acceptable guidelines that correspond to the two rate levels offered by the Provider. For this Amendment, we agreed to continue using the rates agreed to in the original 2010 agreement, Senior Consultant (comparably to Project manager 3) and Senior Programmer. Refer to the table shown below for comparison of the hourly rates. There was no Overhead or Fixed Fee to negotiate in either the original agreement or for this amendment. The Scope of work is the same as included in the original agreement and hence extended in this amendment.

The comparison yielded the following: The rates provided are for “Science Applications International Corporation” (a comparable company)

<b>Description</b>	<b>State MSA rates</b>	<b>Agreed Consultant rates</b>
Senior Consultant	\$170.00	\$165.00
Senior Programmer	\$135.00	\$ 145.00

cc: Agreement Services

# Line Item 2

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**M E M O R A N D U M**

September 24, 2012

**TO:** 1. Phyllis Ness, Budget Section  
2. Elaine Martin, Project Accounting<sup>EM</sup>  
3. Rudy Malfabon, P.E., Director

**FROM:** Dennis Gallagher, Chief Deputy Attorney General, Legal Division

**SUBJECT:** REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL  
FOR AGREEMENT NO. \_\_\_\_\_  
RE: THE CHAPMAN LAW FIRM, P.C.  
IN THE MATTER OF ROBERTS 1981 DECEDENTS TRUST;  
DESERT ALTA LLC, and PINTO LANE LLC vs. STATE OF NEVADA  
APNs: 139-33-403-001; 139-33-307-001; 139-33-305-021;  
INVERSE CONDEMNATION - PROJECT NEON



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Due to the necessity of obtaining the services of outside legal counsel to assist the Legal Division in prosecuting an inverse condemnation complaint in the matter of the *Roberts 1981 Decedents Trust; Desert Alta LLC, and Pinto Lane LLC vs. State of Nevada*; Case No. A-12-665880-C filed in the Eighth Judicial District Court of the State of Nevada (the "Lawsuit"). This Lawsuit is related to Project Neon.

The scope of services will be to provide legal services to represent the Department pertaining to the Lawsuit. The outside legal counsel shall provide litigation status reports to the Department's Chief Counsel or his designee quarterly and shall also provide the same when so requested by the Department. The outside legal counsel, when requested, shall also provide copies of all memoranda, pleadings, briefs, reports, studies, photographs, negatives or other documents or drawings prepared by outside legal counsel in the performance of its obligations under the agreement at Department's sole costs and expense. Copies shall be the exclusive property of the Department. The outside legal counsel agrees to work closely with the Attorney General's Office staff and include such staff, as the staff deems appropriate, in strategy discussions, discovery, motion practice, trial practice, appellate work, and such other matters as they may arise.

The estimated cost for the services projected through trial, including any post trial motions, if any, is \$350,725 (plus certain related normal and customary expenses). This figure does not include costs associated with the case. The exact amount to be spent each fiscal year has yet to be determined.

Assistant Attorney General, Keith Munro has previously received a briefing on use of outside counsel in these types of lawsuits.

Subject: New Agreement with Michael G. Chapman, Attorney at Law, P.C.  
Re: *Robarts 1981 Decedents Trust; Desert Alta LLC, and Pinto Lane LLC vs. State of Nevada*  
Date: September 24, 2012  
Page 2

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes this request.

Approved:

  
\_\_\_\_\_  
Director

Approved

  
\_\_\_\_\_  
Budget Section

COMMENTS:

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**Robarts 1981 Decedents Trust v. NDOT  
CHAPMAN LAW FIRM P.C.  
PROPOSED BUDGET\***

		Direct Action	
		Attorney	Paralegal
1	Initial Fact Finding/Meetings - initial meeting(s) with client regarding case, project, documents, etc., and case related research	75	25
2	Initial Pleadings/ Initial Motion Practice - drafting Motion to Dismiss, Answer to Counterclaim, etc.	75	10
3	Discovery - document gathering and review, answering written discovery, discovery related motion practice, expert identification and retention taking and defending depositions, etc.	300	150
4	Dispositive Motion Practice - motions in limine, motions for summary judgment, etc.	200	25
5	Settlement - informal discussions, preparing settlement statement, attending settlement conference, preparing settlement documents	40	10
6	Pretrial - jury instructions, preparing trial memorandum, trial exhibits, pre-trial conference, examination and argument preparation	240	120
7	Trial	180	90
8	Post Trial - preparing and arguing post trial motions	120	25
<b>TOTAL HOURS</b>		<b>1230</b>	<b>455</b>
<b>TOTAL \$</b>		<b>\$307,500</b>	<b>\$43,225</b>
<b>COMBINED TOTAL \$</b>		<b>\$350,725</b>	

**RATES:**  
Attorney - \$250/ hr  
Paralegal - \$95/ hr

*\* This is an estimate only and is subject to change as the case develops. The estimate does not include costs or expert witness fees. No estimate is given for appeal related work at this time. That estimate will be supplied later.*



## MEMORANDUM

October 29, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item #5:** Contracts, Agreements, and Settlements – Informational Item Only

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### **Summary:**

The purpose of this item is to inform the Board of the following:

- Construction contracts under \$5,000,000 awarded September 17, 2012 to October 18, 2012
- Agreements under \$300,000 executed September 17, 2012 to October 18, 2012
- Settlements entered into by the Department which were presented for approval to the Board of Examiners September 17, 2012 to October 18, 2012

Any emergency agreements authorized by statute will be presented here as an informational item.

### **Background:**

Pursuant to NRS 408.131(5), the Transportation Board has authority to “[e]xecute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

The Department contracts for services relating to the construction, operation and maintenance of the State’s multi-modal transportation system. Contracts listed in this item are all low-bid per statute and executed by the Governor in his capacity as Board Chairman. The projects are part of the STIP document approved by the Board. In addition, the Department negotiates settlements with contractors, property owners, and other parties to resolve disputes. These proposed settlements are presented to the Board of Examiners, with the support and advisement of the Attorney General’s Office, for approval. Other matters included in this item would be any emergency agreements entered into by the Department during the reporting period.

The attached construction contracts, settlements and agreements constitute all that were awarded for construction from September 17, 2012 to October 18, 2012 and agreements executed by the Department from September 17, 2012 to October 18, 2012.

There was 1 settlement during the reporting period which was approved at the October 9, 2012 Board of Examiners meeting.

**Analysis:**

These contracts have been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

**List of Attachments:**

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, September 17, 2012 to October 18, 2012
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, September 17, 2012 to October 18, 2012
- C) State of Nevada Department of Transportation Emergency Agreements Executed – September 17, 2012 to October 18, 2012
- D) State of Nevada Department of Transportation Settlements approved at October 9, 2012 Board of Examiners meeting

**Recommendation for Board Action:** Informational item only

**Prepared by:** Scott K. Sisco, Assistant Director - Administration

# Attachment

# A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION**

**CONTRACTS AWARDED - UNDER \$5,000,000**

**September 17, 2012 to October 18, 2012**

1. July 12, 2012 at 1:30 p.m. the following bid was opened and related to Department of Transportation Contract No. 3507-READV, Project No. SP-000M(183). The project is chip seal of existing roadway on SR 121 and US 95A, Churchill county.

Southwest Civil Constructors, LLC .....	\$1,278,278.00
Intermountain Slurry Seal, Inc. ....	\$1,285,000.00
Sierra Nevada Construction, Inc. ....	\$1,323,007.00
Valley Slurry Seal Company .....	\$1,395,000.00

The Director awarded the contract August 15, 2012 to Southwest Civil Constructions, LLC in the amount of 1,278,278.00. The contractor failed to execute the contract within the required 20 days. The Director re-awarded the contract October 3, 2012 to Intermountain Slurry Seal, Inc. in the amount of \$1,285,000.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$1,549,527.85

2. August 23, 2012 at 1:30 p.m. the following bid was opened and related to Department of Transportation Contract No. 3515, Project No. BR-0001(099). The project is to replace substandard off-system bridge B-1592 on Alcorn Road at V-Line Canal, Churchill county.

Granite Construction Company .....	\$384,384.00
WWW Construction, Inc. ....	\$464,787.62
A & K Earth Movers, Inc. ....	\$493,000.00
Q & D Construction, Inc. ....	\$519,674.14
MKD Construction, Inc. ....	\$596,022.19

The Director awarded the contract September 27, 2012 to Granite Construction Company in the amount of \$384,384.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$589,570.18

3. September 13, 2012 at 1:30 p.m. the following bid was opened and related to Department of Transportation Contract No. 3519, Project No. STP-515-1(039). The project is to construct landscape and aesthetic treatments to interchange and surrounding area within the existing right-of-way on I-515, at the interchange of Flamingo Road, Clark county.

Las Vegas Paving Corporation..... \$2,144,539.61  
Aggregate Industries SWR, Inc. .... \$2,195,000.00  
Capriati Construction Corp., Inc. .... \$2,327,646.46

The Director awarded the contract October 12, 2012 to Las Vegas Paving Corporation in the amount of \$2,144,539.61. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$1,910,634.85

4. September 13, 2012 at 2:00 p.m. the following bid was opened and related to Department of Transportation Contract No. 3520, Project No. SI-0032(105). The project is signal system modification, systemic replacement of 5 section protective/permissive heads to 4 section protective/permissive heads (utilizing flashing yellow arrow) on multiple intersections in District I (City of Mesquite), Package 1, Clark county.

Las Vegas Electric, Inc. .... \$179,229.18  
LAM Contracting LLC ..... \$184,787.50

The Director awarded the contract October 12, 2012 to Las Vegas Electric, Inc. in the amount of \$179,229.18. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$137,352.19

5. September 13, 2012 at 2:30 p.m. the following bid was opened and related to Department of Transportation Contract No. 3521, Project Nos. SI-0032(109), SI-0032(110) and SI-0032(111). The project is signal system modification, systemic replacement of 5 section protective/permissive heads to 4 section protective/permissive heads (utilizing flashing yellow arrow) on multiple intersections in District III, Jackpot, Ely and Winnemucca, Elko county.

PAR Electrical Contractors, Inc. .... \$294,830.00

The Director awarded the contract October 12, 2012 to PAR Electrical Contractors, Inc. in the amount of \$294,830.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$263,763.52

6. September 20, 2012 at 2:30 p.m. the following bid was opened and related to Department of Transportation Contract No. 3523, Project No. SI-0032(101). The project is to install intersection safety improvements (solar flashing stop beacons, transverse rumble strips, advance stop ahead signs) on various intersections throughout District 1 -HRRR, Clark, Esmeralda, Lander, Lincoln, Mineral and Nye counties.

Nevada Barricade & Sign Company, Inc. ....	\$417,777.77
Tiberti Company – Rental & Investment Div.....	\$475,386.00
Revegetation Services .....	\$646,270.25
MKD Construction, Inc. ....	\$941,000.00

The Director awarded the contract October 12, 2012 to Nevada Barricade & Sign Company, Inc. in the amount of \$417,777.77. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$608,176.23

# Attachment B

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
1	37712	00	00	MORGAN SECOND FAMILY LP	TEMP ESMT I-015-CL-030.531 I15	Y	\$ 9,360.00	\$ -	\$ 9,360.00	\$ -	29-Aug-12	31-Dec-15	NULL	Acquisition	TO ACQUIRE ONE (1) TEMPORARY EASEMENT AND ONE (1) PERMANENT EASEMENT PARCEL: I-015-CL-030.531, I-15, CACTUS INTERCHANGE, CLARK COUNTY. NV B/L#: NV19971061753
2	39912	00	00	SOUTH POINT OF NEVADA, LLC	TEMPORARY EASEMENTS	Y	\$ 27,000.00	\$ -	\$ 27,000.00	\$ -	25-Sep-12	15-Oct-15	NULL	Acquisition	TO ACQUIRE TEMPORARY EASEMENTS PARCEL NO. I-015-CL-030.970 AND 030.990 (\$8,900.00) ADMINISTRATIVE SETTLEMENT (\$18,100.00). CLARK COUNTY NV B/L#: NV20111662030
3	40012	00	00	SOUTH VALLEY INVESTORS LLC	ACQUIRE LAND AND EASEMENTS	Y	\$ 70,204.44	\$ -	\$ 70,204.44	\$ -	25-Sep-12	15-Oct-15	NULL	Acquisition	TO ACQUIRE LAND AND EASEMENTS: PARCEL NO. I-015-CL-030.270, FOUR (4) PERMANENT EASEMENTS AND ONE (1) TEMPORARY EASEMENT. CLARK COUNTY NV B/L#: NV20011031196
4	40112	00	00	46.8 ACRE INVESTORS, LLC	ACQUIRE LAND AND EASEMENTS	Y	\$ 387,921.73	\$ -	\$ 387,921.73	\$ -	25-Sep-12	15-Oct-15	NULL	Acquisition	TO ACQUIRE LAND AND EASEMENTS PARCELS: I-015-CL-030.284, 030.399 AND 030.400. CLARK COUNTY NV B/L#: NV20091346585
5	42812	00	00	ALISON RACHIELL/ ALISON P RACHI	ACQ PARCEL: I-015-CL-041.491	Y	\$ 277,345.57	\$ -	\$ 277,345.57	\$ -	9-Oct-12	30-Jun-15	NULL	Acquisition	TO ACQUIRE PARCEL: I-015-CL-041.491 WITH THE IMPROVEMENTS, REAL PROPERTY SITUATE, BEING IN THE CITY OF LAS VEGAS, CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
6	31009	00	01	USGS-WATER RESOURCES	CLEAR CREEK WATERSHED	Y	\$ 134,200.00	\$ -	\$ 134,200.00	\$ -	1-Oct-09	30-Sep-13	27-Sep-12	Coop	AMD 1: EXTEND TERMINATION DATE FROM 09/30/2012 TO 09/30/2013 TO ACCOMMODATE REPORT PRODUCTION.MONITOR THE BASELINE WATER QUALITY IN THE CLEAR CREEK WATERSHED IN CARSON CITY. NV B/L#: EXEMPT
7	35812	00	00	CITY OF RENO	MOANA INTERCHANGE DDI MAINT	N	\$ -	\$ -	\$ -	\$ -	14-Sep-12	31-Dec-25	NULL	Coop	TO DEFINE ROLES AND RESPONSIBILITIES SURROUNDING CONSTRUCTION OF THE MOANA INTERCHANGE DDI AND FUTURE MAINTENANCE. WASHOE COUNTY. NV B/L#: EXEMPT
8	38212	00	00	ELKO COUNTY	NSRS STATEWIDE RADIO SYSTEM	N	\$ -	\$ -	\$ -	\$ 462,000.00	18-Sep-12	30-Jun-16	NULL	Coop	PROVIDE REQUIREMENTS AND EXPECTATIONS FOR BOTH PARTIES WHILE OPERATING THE NSRS STATEWIDE RADIO SYSTEM IN ELKO COUNTY. NV B/L #: EXEMPT
9	40712	00	00	CITY OF LAS VEGAS	SAFETY PRJT-MULTI INTERSEC	Y	\$ 400,000.00	\$ -	\$ 400,000.00	\$ 20,000.00	5-Oct-12	31-Dec-13	NULL	Coop	SYSTEMIC REPLACEMENT OF THE FIVE SECTION PROTECTIVE/PERMISSIVE SIGNAL HEADS WITH FOUR SECTION FLASHING YELLOW ARROW PROTECTIVE/PERMISSIVE SIGNAL HEADS, AND THE REMOVAL AND REPLACEMENT OF PEDESTRIAN SIGNAL HEADS WITH PEDESTRIAN COUNTDOWN TIMER SIGNAL HEADS LOCATED WITHIN THE CITY OF LAS VEGAS. CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
10	40812	00	00	NYE COUNTY	DATA SHARING PLAN	N	\$ -	\$ -	\$ -	\$ -	18-Sep-12	31-Dec-17	NULL	Coop	NO COST DATA SHARING AGREEMENT. NYE COUNTY. NV B/L#: EXEMPT
11	42412	00	00	DOUGLAS COUNTY EMERGENCY MGMT	CONF ROOM FOR CMAR	N	\$ -	\$ -	\$ -	\$ -	1-Oct-12	31-Oct-12	NULL	Facility	CONFERENCE ROOM USAGE FOR CMAR PROPOSAL REVIEW, CARSON CITY AND DOUGLAS COUNTY. NV B/L#: EXEMPT
12	38612	00	00	FEDERAL AVIATION ADMIN.	AIRPORT PAVEMENT SURVEYS	Y	\$ -	\$ -	\$ -	\$ 345,937.00	17-Sep-12	30-Sep-16	NULL	Grantee	CONDUCT AIRPORT PAVEMENT CONDITION SURVEYS STATEWIDE. NV B/L#: EXEMPT
13	40512	00	00	SOUTHERN NEVADA TRANSIT	FFY5311 FUNDS GRANT NV-18-X034	Y	\$ 1,012,110.00	\$ -	\$ 1,012,110.00	\$ 229,277.00	1-Oct-12	30-Sep-13	NULL	Grantee	FFY 5311 FUNDS GRANT NV-18-X034 BOULDER CITY RT 402 IN CLARK COUNTY. NV B/L#: NV20021343670
14	40612	00	00	SOUTHERN NEVADA TRANSIT	FFY5311 FUNDS GRANT NV-18-X034	Y	\$ 549,440.00	\$ -	\$ 549,440.00	\$ 132,596.00	1-Oct-12	30-Sep-13	NULL	Grantee	FFY 5311 FUNDS GRANT NV-18-X034 BOULDER CITY IN CLARK COUNTY. NV B/L#: NV20021343670
15	40912	00	00	SOUTHERN NEVADA TRANSIT	FFY5311 FUNDS GRANT NV-18-X032	Y	\$ 949,405.00	\$ -	\$ 949,405.00	\$ 264,060.00	1-Oct-12	30-Sep-13	NULL	Grantee	FFY 5311 FUNDS GRANT NV-18-X032 MESQUITE IN CLARK COUNTY. NV B/L#: NV20021343670
16	41012	00	00	SOUTHERN NEVADA TRANSIT	FFY 5311 FUNDS GRANT NV-18X032	Y	\$ 1,755,178.00	\$ -	\$ 1,755,178.00	\$ 339,495.00	1-Oct-12	30-Sep-13	NULL	Grantee	FFY 5311 FUNDS GRANT NV-18-X032 LAUGHLIN IN CLARK COUNTY. NV B/L#: NV20021343670

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
17	45109	00	02	CARSON CITY METRO PLANNING AG	FTA 5309-GRANT NV-04-0006/0008	Y	\$ 502,873.00	\$ -	\$ 502,873.00	\$ 100,575.00	1-Jan-10	30-Sep-13	26-Sep-12	Grantee	AMD 2: EXTENDING THE TERMINATION DATE FROM 09/30/12 TO 09/30/13 TO ALLOW COMPLETION OF PROJECT. AMD 1: CHANGE EXPIRATION DATE OF AGREEMENT FROM 09/30/11 TO 09/30/12 TO ALLOW FOR GRANTEE TO EXPEND THE FUNDS. FFY 06, FFY 08 AND FFY 09 FUNDS - FTA 5309 - GRANT NV-04-0006 & NV-04-0008, CARSON CITY, DOUGLAS AND LYON COUNTIES. NV B/L#: EXEMPT
18	24610	00	01	PRECISION CRANE AND HOISTS SER	D0-037-10 CRANE/HOIST MNTNC	N	\$ 41,660.00	\$ 50,000.00	\$ 91,660.00	\$ -	3-Sep-10	30-Sep-12	30-Sep-12	INDEPENDENT CONTRACTOR	AMD 1: INCREASE AUTHORITY \$50,000.00 FROM \$41,660.00 TO \$91,660.00 FOR EMERGENCY MAINTENANCE AND REPAIRS. D0-037-10 MAINTENANCE AND REPAIR SERVICES OF CRANES AND/OR HOISTS AT VARIOUS LOCATIONS IN DISTRICT I AND DISTRICT III, CLARK, ELKO, EUREKA, HUMBOLDT, LANDER, NYE AND WHITE PINE COUNTIES NV B/L#: NV20051280421
19	34309	55	00	HAS IMAGES INC.	LPN 1265 I-15 & SR-593	N	\$ 800.00	\$ -	\$ 800.00	\$ -	5-Oct-12	31-Oct-12	NULL	INDEPENDENT CONTRACTOR	SCAN FILM FOR LPN 1265 I-015 & SR-593. CLARK COUNTY. NV B/L#: 20111322690
20	34309	56	00	HAS IMAGES INC	FILM SCAN LPN 1250 US95 BEATTY	N	\$ 2,800.00	\$ -	\$ 2,800.00	\$ -	17-Oct-12	5-Dec-12	NULL	INDEPENDENT CONTRACTOR	SCAN FILM FOR LPN 1250; US 95 NEAR BEATTY, NYE COUNTY. NV B/L #: 20111322690
21	34609	12	00	KEYSTONE AERIAL SURVEY	LPN 1265 I-15 AND SR593	N	\$ 5,300.00	\$ -	\$ 5,300.00	\$ -	25-Sep-12	7-Nov-12	NULL	INDEPENDENT CONTRACTOR	AERIAL PHOTO FLIGHT: LPN 1265 I-15 AND SR593. CLARK COUNTY. NV B/L#: 2011131343

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
22	34609	13	00	KEYSTONE AERIAL SURVEY	AERIAL PHOTO FLGT LPN1250 US95	N	\$ 14,800.00	\$ -	\$ 14,800.00	\$ -	18-Oct-12	15-Nov-12	NULL	INDEPENDENT CONTRACTOR	AERIAL PHOTO FLIGHT WITH ABGPS: LPN 1250 US 95 NEAR BEATTY, NYE COUNTY. NV B/L#: 2011131343
23	39108	00	04	RO ANDERSON ENGINEERING, INC.	EXPERT WITNESS ST V FALCON CAP	N	\$ 25,000.00	\$ 47,900.00	\$ 136,900.00	\$ -	15-Dec-08	31-Dec-12	27-Sep-12	INDEPENDENT CONTRACTOR	AMD 4: INCREASE AUTHORITY \$47,900.00 FROM \$89,000.00 TO \$136,900.00 FOR CONTINUED PROFESSIONAL ENGINEERING, SURVEYING AND EXPERT WITNESS SERVICES FOR A CONDEMNATION ACTION. AMD 3: INCREASE TOTAL COST OF PROFESSIONAL ENGINEERING AND EXPERT WITNESS SERVICES. AMD 2: EXTEND TERMINATION DATE AND INCREASE TOTAL COST OF SERVICES. AMD 1: EXTEND TERMINATION DATE AND INCREASE TOTAL COST OF SERVICES. PREPARATION OF AN ENGINEERING REPORT AND EXPERT WITNESS SERVICES IN THE STATE V FALCOM CAPITAL, LLC CONDEMNATION CASE. WASHOE COUNTY. NV B/L#: NV19921072789

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
24	03212	00	02	WASHOE RTC	TRAFFIC SIGNAL TIMING STUDY	Y	\$ 216,378.48	\$ -	\$ 227,766.82	\$ 11,388.34	1-Oct-11	30-Sep-13	3-Oct-12	Interlocal	AMD 2: EXTEND TERMINATION DATE FROM 12/31/2012 TO 9/30/2013. AMD 1: 08/09/2012: INCREASE AUTHORITY \$11,388.34 FROM \$216,378.48 TO \$227,766.82 BECAUSE OF A 5 PERCENT (5%) MATCH BY WASHOE RTC THAT WAS NOT INCLUDED IN THE ORIGINAL AGREEMENT. THE PROJECT CONSISTS OF CONDUCTING A TRAFFIC SIGNAL TIMING STUDY AT APPROXIMATELY 150 INTERSECTIONS IN WASHOE COUNTY. NV B/L#: EXEMPT
25	38312	00	00	OFFICE OF TRAFFIC SAFETY	HIGHWAY SAFETY PLAN	Y	\$ 800,000.00	\$ -	\$ 800,000.00	\$ -	11-Sep-12	31-Dec-13	NULL	Interlocal	TO PROVIDE SUPPORT DATA AND OTHER INFORMATION WHICH WILL CONTINUE THE STATEWIDE PAID MEDIA ENHANCEMENT FOR DISTRACTED DRIVING, IMPAIRED DRIVING, AND PEDESTRIAN SAFETY, AND EXPAND THE HIGH VISIBILITY ENFORCEMENT OF STRATEGIC HIGHWAY SAFETY PLAN CRITICAL EMPHASIS AREAS. STATEWIDE BOE APPROVAL: 09/11/12 NV B/L#: EXEMPT
26	39812	00	00	TRUCKEE MEADOWS	2013 T2 CENTER - LTAP	Y	\$ 300,000.00	\$ -	\$ 300,000.00	\$ -	27-Sep-12	31-Oct-13	NULL	Interlocal	2013 T2 CENTER UNDER LOCAL TECHNICAL ASSISTANCE PROGRAM (LTAP) AS PART OF THE TECHNOLOGY TRANSFER PROGRAM.STATEWIDE NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
27	43212	00	00	UNIVERSITY OF NEVADA LAS VEGAS	BENEFIT COST STUDIES	N	\$ 158,000.00	\$ -	\$ 158,000.00	\$ -	15-Oct-12	30-Jun-13	NULL	Interlocal	CONDUCT BENEFIT COST STUDIES ON HIGHWAY PROJECTS AS REQUIRED PER 2007 NEVADA LEGISLATIVE BILL AB595 IN CLARK COUNTY. NV B/L#: EXEMPT
28	37912	00	00	LARRY ZETOCCA, DENNIS OBREGON	RENT I-015-CL-041.691 & 704	Y	\$ 98,064.00	\$ -	\$ 98,064.00	\$ -	29-Aug-12	31-Dec-15	NULL	Lease	TO PAY MONTHLY RENT OF \$8,712 PRE MONTH UNTIL THE PURCHASE OF THE PROPERTY OR THE OBTAINING OF A RIGHT OF OCCUPANCY, PARCELS: I-015-CL-041.691, I-015-CL-041.704, CLARK COUNTY. BOE EXEMPT DUE TO ACQUISITION PROCESS. CLARK COUNTY NV B/L#: EXEMPT
29	38912	00	00	BILL HAMLIN	MONTGOMERY MS HOUSE #4	N	\$ -	\$ -	\$ -	\$ 2,400.00	24-Sep-12	31-Aug-16	NULL	Lease	LEASE OF A MAINTENANCE STATION HOUSE (MONTGOMERY #4) TO NDOT EMPLOYEE TO LOCATE STAFF IN REMOTE LOCATION IN MINERAL COUNTY. BOE EXEMPT DUE TO EMPLOYEE LEASE. NV B/L#: EXEMPT
30	39712	00	00	BARRON SANTIAGO	QUINN RIVER #1	N	\$ -	\$ -	\$ -	\$ 2,900.00	27-Sep-12	6-Sep-16	NULL	Lease	LEASE OF A MAINTENANCE STATION HOUSE (QUINN RIVER #1) TO NDOT EMPLOYEE TO LOCATE STAFF IN REMOTE LOCATION IN HUMBOLDT COUNTY. BOE EXEMPT DUE TO EMPLOYEE LEASE. NV B/L#: EXEMPT
31	42312	00	00	SHARP LIVING TRUST	SNOW FENCE CONSTRUCTION	N	\$ 3,750.00	\$ -	\$ 3,750.00	\$ -	8-Oct-12	30-Jun-17	NULL	Lease	PAYMENT FOR USE OF PRIVATE LAND TO BUILD A SNOW FENCE NEXT TO HIGHWAY IN ELKO COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
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**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
32	42512	00	00	CITY OF HENDERSON	RELOC/ADJ HENDERSON SEWER	N	\$ -	\$ -	\$ -	\$ 1,210,950.00	11-Oct-12	31-Dec-25	NULL	Lease	RELOCATION AND ADJUSTMENTS TO THE CITY OF HENDERSON'S 8 INCH WATERLINE TO A 16 INCH AND 6 INCH SEWER LINE BOTH LOCATED ALONG US 93. CLARK COUNTY. NV B/L#: EXEMPT
33	27412	00	00	WINNEMUCCA HOTEL LLC	PRCL I-80-HU-013.019 LICENSE	N	\$ -	\$ -	\$ -	\$ 1,000.00	17-Jul-12	31-Dec-19	NULL	License	LICENSE FOR AESTHETIC, LANDSCAPING AND PARKING, PARCEL I-80-HU-013.019 ADJACENT TO APN: 015-255-06, CONTROL SECTION HU-01 & HU-81, HUMBOLDT COUNTY. NV B/L#: NV20011131286
34	40312	00	00	JIM'S CHEVRON INC	TEMP. USE OF ROW	N	\$ -	\$ -	\$ -	\$ -	25-Sep-12	31-Dec-17	NULL	License	FOR PERMISSION TO TEMPORARILY USE A PORTION OF THE RIGHT OF WAY OF INTERSTATE HIGHWAY 80 LOCATED IN HUMBOLDT COUNTY. NV B/L#: NV19951092845
35	38012	00	00	NV ENERGY	LINE EXT MOANA LN DDI	Y	\$ 1,117.00	\$ -	\$ 1,117.00	\$ -	29-Aug-12	31-Dec-15	NULL	ROW Access	LINE EXTENSION TO INSTALL TWO (2) NEW SERVICE LOCATIONS ON MOANA LANE, DDI INTERCHANGE, WASHOE COUNTY. NV B/L#: NV19831015840
36	38812	00	00	SORENSEN FAMILY TRUST	PERMIT TO BUILD SNOW FENCE	N	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -	24-Sep-12	30-Jun-17	NULL	ROW Access	USE OF PRIVATE LAND TO BUILD A SNOW FENCE TO HELP REDUCE DRIFING SNOW ON RUBY VALLEY HIGHWAY IN ELKO COUNTY. NV B/L#: EXEMPT

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
37	39312	00	00	LAS VEGAS VALLEY WATER DIST	VALVE COVER ADJ CACTUS AVE	Y	\$ -	\$ -	\$ -	\$ -	17-Sep-12	31-Dec-15	NULL	ROW Access	VALVE COVER ADJUSTMENTS WITHIN THE PROJECT LIMITS OF THE CACTUS AVENUE/I-15 PROJECT, CLARK COUNTY. NV B/L#: EXEMPT
38	40212	00	00	NV ENERGY	DESIGN APPROVAL: RELOCATION	N	\$ -	\$ -	\$ -	\$ -	24-Aug-12	31-Aug-15	NULL	ROW Access	DESIGN APPROVAL FOR THE RELOCATION OF NV ENERGY TRANSMISSION FACILITIES CROSSING US 95. CLARK COUNTY NV B/L#: NV19831015840
39	41912	00	00	SECRET PASS RANCH LLC	LIVESTOCK FENCE SR229 RUBY VLY	N	\$ -	\$ -	\$ -	\$ -	28-Sep-12	31-Dec-19	NULL	ROW Access	TO ERECT A FENCE FOR THE PURPOSE OF KEEPING LIVESTOCK OFF THE STATE HIGHWAY SR 229 RUBY VALLEY, ELKO COUNTY. NV B/L#: NV19991005975
40	07311	00	02	TRANSCORE ITS LLC	FAST PACKAGE B2	Y	\$ 8,920,003.00	\$ -	\$ 8,920,003.00	\$ -	17-Feb-11	31-Dec-13	27-Sep-12	Service	AMD #2: EXTEND TERMINATION DATE FROM 12/31/12 TO 12/31/13.AMD #1: AMD FOR WAGE RATES.CONSTRUCTION OF FAST PACKAGE B2. CLARK COUNTY. NV B/L #: NV20051693548
41	15411	00	01	TRANSCORE	ITS EQUIPMENT/ RESTORATION	N	\$ 200,000.00	\$ -	\$ 200,000.00	\$ -	8-Apr-11	31-Dec-14	27-Sep-12	Service	AMD #1: EXTEND TERMINATION DATE FROM 3/31/13 TO 12/31/2014 INCIDENT REPAIR AND REPLACEMENT OF ITS EQUIPMENT/RESTORATION OF ITS SYSTEM. STATEWIDE. NV B/L#: NV20051693548

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
42	25111	04	02	HDR ENGINEERING INC	UPDATE PM & FINANCIAL PLANS	N	\$ 149,894.20	\$ 7,335.81	\$ 157,230.01	\$ -	5-Dec-11	31-Dec-12	23-Sep-12	Service	AMD 2: INCREASING AUTHORITY BY \$7,335.81 FROM \$149,894.20 BRINGING THE TOTAL AMOUNT TO \$157,230.01 AMD 1: EXTEND END DATE FROM 02/29/12 TO 12/31/12 TO UPDATE THE PROJECT MANAGEMENT AND FINANCIAL PLANS FOR THE US 95 NORTHWEST CORRIDOR AND THE BOULDER CITY BYPASS PROJECTS TO COMPLY WITH DEPARTMENT AND FHWA POLICIES, PROCEDURES, AND GUIDELINES RELATING TO PROJECT DELIVERY OF MAJOR PROJECTS. STATEWIDE. NV B/L#: NV19851010291
43	34310	00	01	KIMLEY-HORN & ASSOCIATES, INC	STATEWIDE BICYCLE PLAN	N	\$ 199,799.00	\$ 14,935.00	\$ 214,734.00	\$ -	8-Jul-11	31-Dec-12	5-Oct-12	Service	AMD 1: EXPAND SCOPE TO PROVIDE ASSISTANCE IN THE DEVELOPMENT AND IMPLEMENTATION OF A STATE BICYCLE AND PEDESTRIAN CONFERENCE IN LAS VEGAS. INCREASE AUTHORITY BY \$14,935.00 TO BRING AGREEMENT TOTAL TO \$214,734.00. DEVELOPMENT OF A STATEWIDE BICYCLE PLAN. STATEWIDE. NV B/L#: NV19911015458
44	37812	00	00	MOVE4LESS, LLC	MOVING COSTS UNIT G238	Y	\$ 291.00	\$ -	\$ 291.00	\$ -	29-Aug-12	31-Dec-15	NULL	Service	MOVING COSTS OF UNIT G238, PARCEL I-015-CL-042.340, NEVADA MUTUAL BANK, CLARK COUNTY. NV B/L#: NV20041105072

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Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
45	38112	00	00	TIMOTHY R MORSE & ASSOC	APPRSL & EX WIT STATE VS KP/TP	N	\$ 18,000.00	\$ -	\$ 18,000.00	\$ -	1-Sep-12	31-Aug-14	NULL	Service	APPRAISAL AND EXPERT WITNESS SERVICES IN THE STATE VS KP & TP, LLC, CLARK COUNTY. NV B/L#: NV20101119562
46	39512	00	00	LINK TECHNOLOGIES	DATABASE ADMIN FOR IFS	N	\$ 175,000.00	\$ -	\$ 175,000.00	\$ -	22-Oct-12	30-Jun-13	NULL	Service	DATABASE ADMINISTRATION SUPPORT FOR THE IFS AND FINANCIAL DATA WAREHOUSE, STATEWIDE. NV B/L#: NV20021075566
47	42912	00	00	KINGSBURY GENERAL IMPROV DIST	COSTS OF RELOC AND ADJ UTILITI	N	\$ 94,300.00	\$ -	\$ 94,300.00	\$ -	9-Oct-12	30-Jun-15	NULL	Service	PRELIMINARY ENGINEERING COSTS OF RESEARCHING EVIDENCE OF COMPENSABLE INTEREST, FOR THE RELOCATION AND ADJUSTMENTS OF UTILITY FACILITIES, DOUGLAS COUNTY. NV B/L#: EXEMPT
48	43012	00	00	TIMOTHY R MORSE & ASSOCIATES	EXPERT WIT STATE V AD AMERICA	Y	\$ 37,500.00	\$ -	\$ 37,500.00	\$ -	30-Sep-12	30-Sep-14	NULL	Service	APPRAISAL AND EXPERT WITNESS SERVICES IN THE STATE VS AD AMERICA, INC. CONDEMNATION CASE, CLARK COUNTY. NV B/L#: NV20101119562
49	43112	00	00	TIMOTHY R MORSE & ASSOCIATES	EXP WIT STATE V GENDALL	Y	\$ 25,500.00	\$ -	\$ 25,500.00	\$ -	30-Sep-12	30-Sep-14	NULL	Service	APPRAISAL AND EXPERT WITNESS SERVICES IN THE STATE VS ALEXANDER GENDALL AND LILY GENDALL TRUST CONDEMNATION CASE, CLARK COUNTY. NV B/L#: NV20101119562

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
50	05610	00	03	CDM SMITH FKA WILBUR SMITH ASSOC	I80 DB ADMINISTRATION	Y	\$ 1,988,832.00	\$ 149,944.00	\$ 4,863,684.00	\$ -	15-Mar-10	31-Dec-13	26-Sep-12	Service Provider	<p>AMD 3: INCREASE AUTHORITY BY \$149,944.00 BRINGING THE TOTAL AGREEMENT TO \$4,863,684.00 DUE TO AN INCREASE IN CONSULTANT SERVICES TO KEEP PACE WITH THE ACCELERATED SCHEDULE IMPLEMENTED BY THE DB CONTRACTOR.</p> <p>AMD 2: INCREASE AUTHORITY FOR PROJECT ADMINISTRATION OF THE I-80 DESIGN BUILD BY \$2,224,908.00 FROM \$2,488,832.00 TO \$4,713,740.00.</p> <p>AMD 1: INCREASE AUTHORITY BY \$500,000.00 FROM \$1,988,832.00 TO \$2,488,832.00 FOR I-80 DESIGN BUILD CONSULTANT PROGRAM MANAGEMENT AND PROCUREMENT DESIGN TO ADDRESS CHANGES IN PROJECT SCOPE AND SCHEDULE. I-80 DESIGN BUILD CONSULTANT PROGRAM MANAGEMENT &amp; PROCUREMENT DESIGN SERVICES. WASHOE COUNTY. NV B/L#:19771008410</p>
51	05709	06	00	CAMBRIDGE SYSTEMATICS	CONTINUED SHSP	Y	\$ 272,827.00	\$ -	\$ 272,827.00	\$ -	4-Oct-12	30-Sep-13	NULL	Service Provider	<p>CONTINUED IMPLEMENTATION OF STRATEGIC HIGHWAY SAFETY PLAN (SHSP) STATEWIDE. NV B/L#: NV20101447739</p>

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
52	12111	00	01	GANTHNER MELBY LLC	ARCHITECTURAL DESIGN FOR MT CH	N	\$ 80,000.00	\$ 9,820.00	\$ 89,820.00	\$ -	19-Oct-11	31-Dec-14	5-Oct-12	Service Provider	AMD 1: INCREASE AUTHORITY BY \$9,820.00 FROM \$80,000.00 TO \$89,820.00 FOR THE REROOFING OF THE MOUNT CHARLESTON MAINTENANCE SHOP BUILDING. ARCHITECTURAL DESIGN SERVICES FOR AN ENERGY RETROFIT STUDY FOR THE MOUNT CHARLESTON MAINTENANCE STATION. \$80,000.00. CLARK COUNTY NV B/L#: NV19981053945
53	21712	00	00	CONVERSE CONSULTANTS	NEON ASBESTOS SERVICES	N	\$ 261,292.92	\$ -	\$ 261,292.92	\$ -	5-Oct-12	31-Dec-14	NULL	Service Provider	ASBESTOS AND HAZARDOUS MATERIAL SURVEY SERVICES FOR PHASE 1 OF THE DEPARTMENT'S PROJECT NEON. CLARK COUNTY NV B/L#: NV19971267942
54	22512	00	02	MONARCH CONSTRUCTION	REPLACE HANDICAP RAMP CC HQ	N	\$ 64,000.00	\$ 1,528.00	\$ 72,231.10	\$ -	15-Jun-12	31-Dec-12	3-Oct-12	Service Provider	AMD 2: INCREASE AUTHORITY \$1,528.00 FROM \$70,703.10 TO \$72,231.10 FOR THE INSTALLATION OF A MECHANICAL REBAR SYSTEM IN THE TRASH ENCLOSURE AMD 1: EXTEND END DATE FROM 07/31/12 TO 12/31/12 AND INCREASE AUTHORITY \$6,650.10 FROM \$64,052.00 TO \$70,703.10 REPLACE THE EAST ENTRANCE HANDICAP RAMP AT THE CARSON CITY HEADQUARTERS TO MEET CURRENT AMERICANS WITH DISABILITY ACT REQUIREMENTS, CARSON CITY. NV B/L#: NV20051384000

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
55	22612	01	00	ATKINS NORTH AMERICA INC	ICE SERVICES TAHOE CMAR	N	\$ 172,220.00	\$ -	\$ 172,220.00	\$ -	26-Sep-12	1-Nov-14	NULL	Service Provider	INDEPENDENT COST ESTIMATOR (ICE) SERVICES FOR THE STATELINE TO STATELINE BIKEWAY PROJECT PHASE 1C CONSTRUCTION MANAGER AT RISK (CMAR) PROGRAM PRECONSTRUCTION SERVICES IN DOUGLAS COUNTY. NV B/L#: NV19981347315
56	23011	10	00	ORTH-RODGERS & ASSOC INC	RSA LK MEAD & SMOKE RANCH	Y	\$ 18,606.00	\$ -	\$ 18,606.00	\$ -	4-Oct-12	31-Jan-13	NULL	Service Provider	RSA ON LAKE MEAD FROM RANCHO TO ROCK SPRINGS DRIVE, AND ON SMOKE RANCH FROM RANCHO TO RAINBOW BOULEVARD. CLARK COUNTY. NV B/L#: NV20001460282
57	23011	11	00	ORTH-RODGERS & ASSOC INC	RSA ON US50 WHITEPINE	Y	\$ 24,766.00	\$ -	\$ 24,766.00	\$ -	8-Oct-12	31-Jan-13	NULL	Service Provider	RSA ON US 50 FROM MP WP 61.794 TO MP WP 65.370, US 6 FROM MP WP 39.19 TO 40.146, AND ON US 93 FROM MP WP 63.998 TO 75.995. WHITE PINE COUNTY. NV B/L#: NV20001460282
58	23411	10	00	KIMLEY-HORN & ASSOC., INC.	RSA/EASTERN AVE- SAHARA TO US95	Y	\$ 20,553.00	\$ -	\$ 20,553.00	\$ -	4-Oct-12	31-Jan-13	NULL	Service Provider	RSA ON EASTERN AVENUE FROM SAHARA TO US95 INTERCHANGE SB OFF/ON RAMP. CLARK COUNTY. NV B/L#: NV19911015458
59	25811	14	00	PARSONS TRANSPORTATION GROUP	RSA SR674/4TH STREET	Y	\$ 11,708.00	\$ -	\$ 11,708.00	\$ -	11-Oct-12	11-Jan-13	NULL	Service Provider	RSA ON SR 647, 4TH STREET FROM I-80 TO WEST MCCARRAN BOULEVARD. WASHOE COUNTY. NV B/L#: NV19781009263

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
60	34210	00	01	SCHINDLER ELEVATOR CORPORATION	D1-139-08READV TROPICANA BRDG	N	\$ 1,298,656.00	\$ 299,664.00	\$ 1,598,320.00	\$ -	9-Dec-10	31-May-13	27-Sep-12	Service Provider	AMD 1: EXTENDING THE TERMINATION DATE FROM 11/30/12 TO 5/31/13 TO ALLOW TIME FOR A NEW RFP. INCREASING AUTHORITY BY \$299,664.00 FROM \$1,298,656.00 TO BRING AGREEMENT TOTAL TO \$1,598,320.00. D1-139-08 READVERTISED FULL PREVENTATIVE MAINTENANCE SERVICES FOR THE TROPICANA PEDESTRIAN BRIDGES AT THE INTERSECTION OF TROPICANA BOULEVARD AND LAS VEGAS BOULEVARD, CLARK COUNTY NV B/L#: NV19791002347
61	35312	00	00	REYMAN BROTHERS CONSTRUCTION	OVERHEAD DOORS	N	\$ 147,283.00	\$ -	\$ 147,283.00	\$ -	12-Sep-12	31-Dec-12	NULL	Service Provider	QA-001-13 TO REPLACE OVERHEAD DOORS AT THE TONOPAH MAINTENANCE STATION IN NYE COUNTY. NV B/L#: 19931038130
62	37211	03	00	BIOLOGIC & ENVIRONMENT CNSL	TORTOISE BOULDER BYPASS	N	\$ 312,231.90	\$ -	\$ 312,231.90	\$ -	12-Oct-12	30-Dec-12	NULL	Service Provider	BIOLOGICAL MONITORING ON THE BOULDER CITY BYPASS PACKAGE 2A FOR COMPLIANCE WITH THE ENDANGERED SPECIES ACT (ESA). CLARK COUNTY NV B/L#: NV20081558348
63	39012	00	00	MARCO CORPORATION	SHARED RADIO SYSTEM WKSP	N	\$ 9,552.00	\$ -	\$ 9,552.00	\$ -	25-Sep-12	31-Dec-12	NULL	Service Provider	PREPARE FOR AND FACILITATE A WORKSHOP FOR SELECT NEVADA SHARED RADIO SYSTEM (NSRS) USERS. COMPILE DATA FROM WORKSHOP AND PRODUCE A REPORT OF FINDINGS FOR THE FUTURE. CARSON CITY NV B/L#: NV20121182023

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
64	39112	00	00	KIMLEY HORN AND ASSOCIATES	TECH SUPPPORT CSS	N	\$ 250,000.00	\$ -	\$ 250,000.00	\$ -	26-Sep-12	31-Jul-15	NULL	Service Provider	TECHNICAL AND OPERATIONAL SUPPORT OF THE DEPARTMENT'S CENTRAL SYSTEM SOFTWARE (CSS). IT INCLUDES BUT IS NOT LIMITED TO ASSISTING THE DEPARTMENT WITH ADDRESSING SOFTWARE DEFICIENCIES, KEEPING THE CSS OPERATIONAL, MAKING SOFTWARE ENHANCEMENTS AS REQUESTED BY THE DEPARTMENT, ASSISTING THE DEPARTMENT BY PROVIDING ANY REQUIRED DATABASE ADMINISTRATION SUPPORT. STATEWIDE NV B/L#: NV19911015458
65	39412	00	00	ID CONSULTING SOLUTIONS	WIRELESS DESIGN/INSTALL	N	\$ 26,555.00	\$ -	\$ 26,555.00	\$ -	27-Sep-12	30-Jun-13	NULL	Service Provider	WIRELESS DESIGN AND INSTALLATION, STATEWIDE. NV B/L#: NV20101617224
66	42012	00	00	GALE BUILDING PRODUCTS	FLOOR INSULATION	N	\$ 13,054.00	\$ -	\$ 13,054.00	\$ -	8-Oct-12	31-Dec-12	NULL	Service Provider	QA-003-13 TO INSTALL FLOOR INSULATION AT 3 MAINTENANCE STATION HOUSES IN NYE COUNTY. NV B/L#: NV19691000359
67	42212	00	00	J & L JANITORIAL	WILSON CANYON REST STOP	N	\$ 50,164.00	\$ -	\$ 50,164.00	\$ -	8-Oct-12	31-Oct-15	NULL	Service Provider	Q2-002-13 TO PROVIDE JANITORIAL SERVICES AT WILSON CANYON REST STOP IN LYON COUNTY. NV B/L#: NV20101116972

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
68	43611	00	01	REBEL COMMUNICATIONS LLC	COMMUNICATION SITE CONSTRUCTIO	N	\$ 86,088.00	\$ 22,269.46	\$ 108,357.46	\$ -	19-Oct-11	1-Oct-13	3-Oct-12	Service Provider	AMD 1: INCREASE AUTHORITY BY \$22,269.46 FROM \$86,088.00 TO \$108,357.46. CONSTRUCTION OF A COMMUNICATION SITE AT TIMBER MOUNTAIN, LOCATED 29 MILES SOUTH OF CURRANT, NV. THIS SITE IS NECESSARY FOR OPTIMUM COVERAGE OF US HIGHWAY 6 AND SR 318. NYE COUNTY. NV B/L#: NV20031128601
69	34810	00	01	CITY OF NORTH LAS VEGAS	INTERSECTION IMPROVEMENTS CHEY	Y	\$ 315,789.00	\$ -	\$ 315,789.00	\$ -	14-Dec-10	31-Dec-15	16-Oct-12	Stewardship	AMD 1: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/15 TO ALLOW COMPLETION OF PROJECT. TO AUTHORIZE THE CITY OF NORTH LAS VEGAS TO ADVERTISE, AWARD AND ADMINISTER A CONTRACT TO CONSTRUCT INTERSECTION IMPROVEMENTS ON CHEYENNE AT COMMERCE IN CLARK COUNTY. NV B/L#: EXEMPT
70	38712	00	00	CLARK COUNTY	TROP SWENSON INTERSECTION WORK	Y	\$ 770,500.00	\$ -	\$ 770,500.00	\$ -	24-Sep-12	31-Dec-16	NULL	Stewardship	INTERSECTION IMPROVEMENTS ON SWENSON AND TROPICANA TO BE COMPLETED BY LOCAL AGENCY IN CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
71	39612	00	00	NEVADA NORTHERN RAILWAY MUSEUM	CONSTRUCT TRACK RESTORATION	Y	\$ 2,382,102.00	\$ -	\$ 2,382,102.00	\$ 119,105.00	27-Sep-12	30-Nov-14	NULL	Stewardship	TO ALLOW THE NEVADA NORTHERN RAILWAY MUSEUM TO DESIGN, ADVERTISE, AWARD AND MANAGE CONSTRUCTION OF TRACK RESTORATION FROM RUTH, NV, TO MCGILL JUNCTION IN WHITE PINE COUNTY NV B/L#: EXEMPT
72	42112	00	00	WASHOE RTC	4TH ST AND PRATER WAY	Y	\$ 1,052,632.00	\$ -	\$ 1,052,632.00	\$ 52,632.00	8-Oct-12	30-Nov-14	NULL	Stewardship	LPA/STEWARDSHIP FOR IMPROVEMENTS ON 4TH STREET AND PRATER WAY IN WASHOE COUNTY. NV B/L#: EXEMPT
73	41112	00	00	STATE PERMITS	OVERDIMENSIONAL TRUCK PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	4-Sep-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
74	41212	00	00	ERNIES MOBILE HOME TRANSPORT	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	10-Aug-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
75	41312	00	00	WEST COAST SERVICES	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	7-Sep-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
76	41412	00	00	QUALITY PERMITS	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	17-Aug-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
77	41512	00	00	WATERLOO TRANSPORT PERMITS	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	1-Aug-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
78	41612	00	00	THE PERMIT COMPANY	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	14-Aug-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**September 17, 2012 to October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
79	41712	00	00	TRANSPORT PERMITS	TRUCKING PERMIT	N	\$ -	\$ -	\$ -	\$ 1,200.00	6-Aug-12	31-Dec-16	NULL	Truck Permits	OVERDIMENSIONAL TRUCKING PERMIT. STATEWIDE NV B/L#: EXEMPT
80	26011	00	02	LEE B SMITH, MAI	APPRAISAL REBUTTAL REPORTS	Y	\$ 20,000.00	\$ 35,600.00	\$ 80,600.00	\$ -	4-May-11	1-May-13	3-Oct-12	Witness	AMD 2: INCREASE AUTHORITY BY \$35,600.00 FROM \$45,000.00 TO \$80,600.00 FOR CONTINUED APPRAISAL AND EXPERT WITNESS SERVICES FOR A CONDEMNATION ACTION AMD 1: INCREASE AUTHORITY BY \$25,000.00 FROM \$20,000.00 TO \$45000.00 PREPARATION OF TWO APPRAISAL REBUTTAL REPORTS AND POST-REPORT CONSULTATION SERVICES, WASHOE COUNTY. NV B/L#: NV20101536474

# Attachment C

**State of Nevada Department of Transportation  
Emergency Agreements Executed  
September 17, 2012 TO October 18, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
1	40412	00	00	LAS VEGAS PAVING CORPORATION	DAMAGED DRAINPIPE SR 593	N	\$ 134,000.00	\$ -	\$134,000.00	\$ -	4-Oct-12	13-Dec-12	NULL	EMERGENCY	EMERGENCY AGREEMENT FOR REMOVING AND REPLACING VANDALIZED AND DAMAGED DRAINAGE PIPE UNDERNEATH SR 593; TROPICANA AVENUE WESTBOUND BETWEEN KOVAL LANE AND PARADISE ROAD, CLARK COUNTY. NV B/L#: 19581000650

# Attachment D

OFFICE OF THE ATTORNEY GENERAL

TRANSPORTATION DIVISION  
1263 South Stewart Street  
Carson City, Nevada 89712  
Telephone (775) 888-7420  
Fax (775) 888-7309

CATHERINE CORTEZ MASTO  
*Attorney General*

KEITH G. MUNRO  
*Assistant Attorney General*



DENNIS V. GALLAGHER  
*Chief Deputy Attorney General*

MEMORANDUM

**DATE:** October 11, 2012

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

**SUBJECT:** Informational Item – Approval of Settlement of Eminent Domain Lawsuit in the Matter of *Vegas Group, LLC vs. State of Nevada, Dept. of Transportation*, 8<sup>th</sup> JD Case No. A-12-661241-C

A handwritten signature in blue ink, appearing to read "Dennis Gallagher".

At their October 9, 2012 meeting, the Board of Examiners approved the settlement of payment of \$10,625,000.00 to be paid from NDOT funds to resolve an eminent domain action that NDOT bought and an inverse condemnation and pre-condemnation damages counter-claim that the landowners brought pertaining to real property owned by Vegas Group, LLC, a California limited liability company and Coral Capital, LLC, a California limited liability company, located on the northwest corner of Charleston Boulevard and Grand Central Parkway in Las Vegas, Nevada. NDOT needs to acquire the entirety of the subject property in fee for the I-15 road improvement project know as Project NEON.

Attached is the September 10, 2012 memorandum from Director, Rudy Malfabon, Senior Deputy Attorney General, Ruth Miller, Outside Counsel, Erich Storm, and myself to the Board of Examiners setting forth a summary of the total settlement.



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

Transportation Division  
555 E. Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO  
*Attorney General*

KEITH G. MUNRO  
*Assistant Attorney General*

GREGORY M. SMITH  
*Chief of Staff*

**MEMORANDUM**

DATE: September 10, 2012

TO: Board of Examiners  
Governor Brian Sandoval  
Attorney General Catherine Cortez Masto  
Secretary of State Ross Miller

FROM: Rudy Malfabon, Director, Nevada Department of Transportation  
Dennis Gallagher, Chief Deputy Attorney General  
Ruth Miller, Senior Deputy Attorney General  
Erich Storm, Outside Counsel, Chapman Law Firm

SUBJ: Proposed Settlement of an Eminent Domain Lawsuit Filed By NDOT and Counter-Claim for Inverse Condemnation and Pre-Condemnation Damages By Landowners. *State of Nevada v. Vegas Group, LLC.*, Case No. A-12-661241-C

Handwritten signatures in blue ink. The first signature is "Rudy Malfabon" and the second is "Dennis Gallagher".

**SUMMARY**

NDOT requests settlement approval in the amount of \$10,625,000.00 (TEN MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS). The sum of \$4,720,000.00 was previously deposited with the Court and released to the property owners as a condition of NDOT acquiring occupancy of the subject property. **The additional amount requested in this settlement proposal is \$5,905,000.00** to resolve an eminent domain action that NDOT brought and an inverse condemnation and pre-condemnation damages counter-claim that the landowners brought pertaining to real property owned by VEGAS GROUP, LLC, a California limited liability company, and CORAL CAPITAL, LLC, a California limited liability company ("Landowners"), and located on the northwest corner of Charleston Boulevard and Grand Central Parkway in Las Vegas, Nevada. NDOT needs to acquire the entirety of the subject property in fee for the I-15 road improvement project known as Project NEON.

### **BACKGROUND OF THE SUBJECT PROPERTY**

The property is approximately 2.85 acres (124,126 sq. ft.) and is bounded on the east by Grand Central Parkway, on the south by Charleston Boulevard, and on the west and north by the I-15 northbound off-ramp. The subject property is depicted in pink borders on Attachment 1.

In May of 2011, NDOT obtained an appraisal of the subject property that valued the fee estate at \$4,720,000.00 (FOUR MILLION SEVEN HUNDRED AND TWENTY THOUSAND DOLLARS) as of April, 2011. NDOT offered that amount to the Landowners in an attempt to acquire the land through negotiation. The Landowners declined the offer.

In May of 2012, NDOT filed a condemnation action against Landowners in the Eighth Judicial District Court, case no. A-12-661241-C. NDOT sought immediate occupancy of the subject property and deposited the amount of the appraised value of \$4,720,000.00 with the clerk of court to obtain immediate occupancy. The Landowners withdrew that sum.

In June of 2012, Landowners filed an answer, counter-claim, and cross-claim, alleging that NDOT and the cross-defendant City of Las Vegas had inversely condemned the property in August of 2008 and that NDOT and the City of Las Vegas were also liable for pre-condemnation damages. Landowners seek just compensation for the inverse condemnation with pre-judgment interest accruing thereon as of August, 2008, pre-condemnation damages, and attorney fees and costs of suit.

In August of 2012, NDOT received an appraisal report for purposes of litigation using the statutory valuation date of May 8, 2012. The appraiser valued the subject property at \$9,932,000.00 (NINE MILLION NINE HUNDRED AND THIRTY-TWO THOUSAND DOLLARS), or \$5,212,000.00 (FIVE MILLION TWO HUNDRED AND TWELVE THOUSAND DOLLARS) greater than NDOT's first appraisal that used a valuation date of April, 2011. The increased value of the subject property was due to increasing sales and a rise in property values in the relevant market area in the intervening year.

NDOT and the Landowners reached a settlement agreement whereby (1) NDOT will pay a total of \$10,625,000.00 in just compensation for the fee acquisition, or \$5,905,000.00 in addition to the sum already deposited with the clerk of court; (2) the Landowners will dismiss their counter-claim and cross-claim, with prejudice; and, (3) NDOT and the Landowners will waive any claims to attorney fees, costs of suit, and pre-judgment interest.

### **POINTS THAT FAVOR SETTLEMENT**

The settlement amount is within 7% of NDOT's appraised value that uses the statutory valuation date of May, 2012. Since appraisals are not subject to mathematical precision, it is likely that the Landowners would be able to present evidence of a land

value greater than \$10,625,000.00 should the matter be litigated. Furthermore, settlement eliminates the obligation of NDOT to pay the Landowners' costs of suit – which would include expert witness fees -- and compounded pre-judgment interest, both of which are awardable as elements of just compensation pursuant to NRS 37.120 and 37.175.

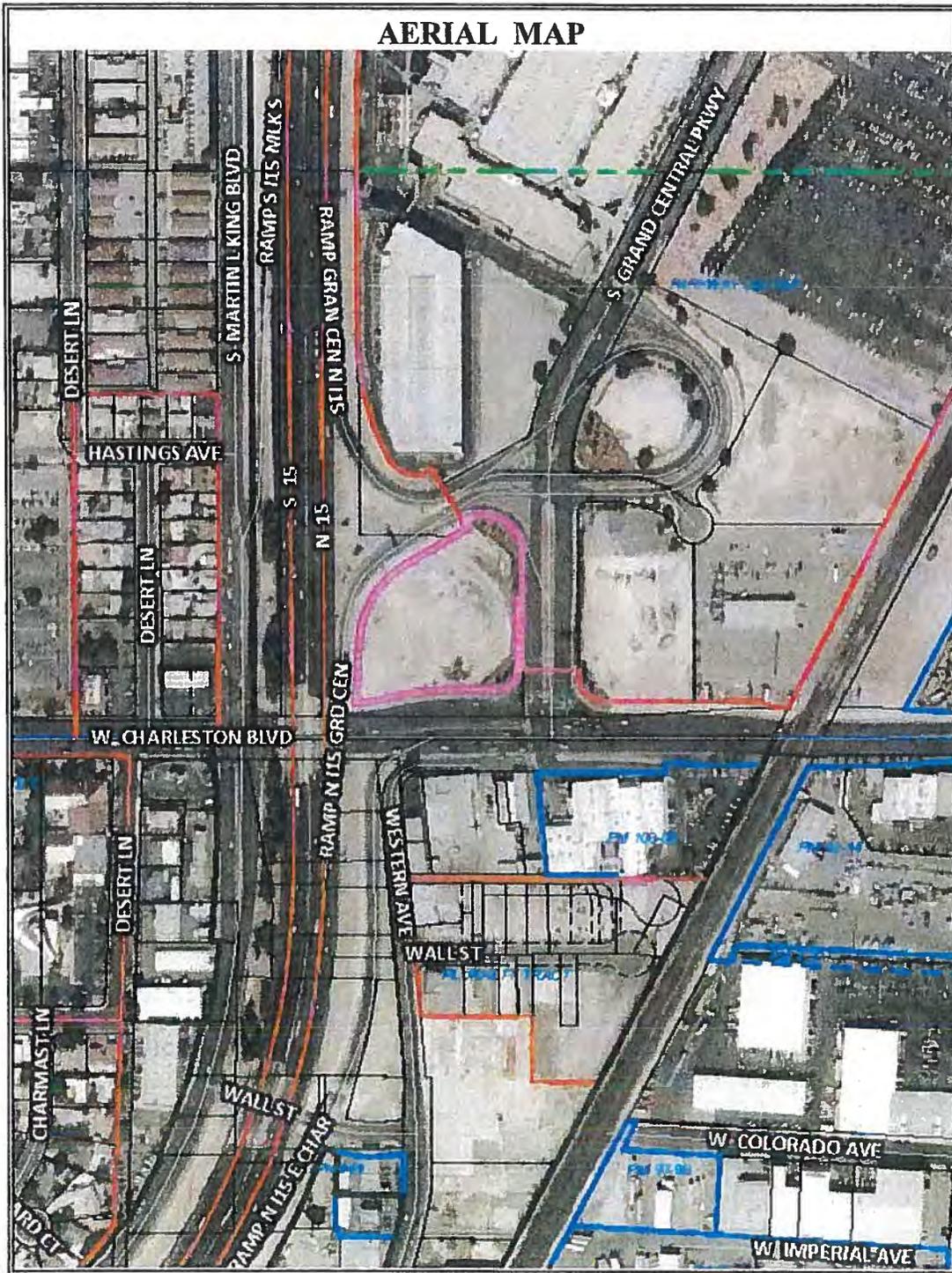
The settlement also resolves any potential that the Landowners will recover on their claims of inverse condemnation and pre-condemnation damages, including costs, interest, and attorney fees associated with those claims. Landowners in inverse condemnation actions may recover attorney fees pursuant to NRS 37.185; pre-judgment interest accrues as of the date of taking in inverse condemnation actions, which Landowners contend was August of 2008; and compounded pre-judgment interest and costs are awardable to landowners as elements of just compensation in eminent domain cases pursuant to NRS 37.120 and 37.175. Additionally, if Landowners were to prevail on their inverse condemnation claim, the court may require that the subject property be valued as of the date of the alleged taking, August of 2008, when land values were generally greater than the May, 2012, valuation date on which the settlement amount is based.

### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the claim for the total sum of \$10,625,000.00, less the amount of \$4,720,000.00 previously deposited with the court, which amounts to **\$5,905,000.00**.

### **FISCAL NOTE STATEMENT**

NDOT will seek reimbursement from the Federal Highway Administration.



Jones, Roach & Caringella, Inc.



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7313

## MEMORANDUM

October 29, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item # 6a:** Action Item: Condemnation Resolution No. 437  
I-15 Freeway, from Desert Inn Road to the US-95/I-515  
Interchange; Project NEON; Martin Luther King Boulevard southerly of  
Charleston Boulevard and Charleston Boulevard at Grand Central Parkway;  
in the City of Las Vegas; Clark County.  
4 Owners, 3 Parcels – For possible action

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### **Summary:**

The department is acquiring property and property rights for the widening and reconstruction of the I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, in the City of Las Vegas, Clark County. These properties are for Phase 1 of project NEON. The department is seeking the Board's approval of condemnation action for the unresolved acquisitions as described below.

### **Background:**

Negotiations to acquire properties for this phase of the project began in July 2011. To date, the necessary right-of-way has been acquired from 17 of the 48 property owners involved and the following negotiations are among those not resolved:

Darrell E. Jackson, Thomas M. Strawn Jr. and Andrew S. Levy - The negotiation is unresolved for the acquisition from Darrell E. Jackson, Thomas M. Strawn Jr. and Andrew S. Levy. It is necessary to acquire one fee parcel containing 8,461 square feet (0.19 acres) from the 64,049 square foot (1.47 acre) parcel. The Office-zoned parcel is unimproved. **The parcel in question, which is located on the west side of Martin Luther King Boulevard, approximately 1,300 feet north of Oakey Boulevard, in the City of Las Vegas, is highlighted in blue on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's total offer of \$275,000.00 for the 8,461 square foot acquisition was presented on February 1, 2012. The offer consisted of \$50,770.00 for the land (at approximately \$6.00 per square foot) and \$224,230.00 for damages to the remainder parcel caused by a probable change in the highest and best use of the property in the after-acquisition condition. On August 1, 2012 the owners of the property requested that the property be taken to condemnation. One of the interest holders in the property is in Chapter 13 Bankruptcy per a recorded Abstract of Judgment. No counter-offer has been made and negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

LaPour Grand Central, LLC - The negotiation is also unresolved for the acquisition from LaPour Grand Central, LLC. It is necessary to acquire two temporary construction easements, totaling 1,272 square feet (0.03 acres), for a three-year period from the 2.59 acre, Industrial-zoned parcel. The parcel is improved with four commercial buildings totaling 41,441 square feet and

two asphalt-paved parking lots. **The parcels in question, which are located on the south side of Charleston Boulevard, immediately east of its intersection with Grand Central Parkway, in the City of Las Vegas, are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's total offer of \$22,990.00 for the two temporary easements was presented on June 27, 2012. The offer consisted \$7,930.00 for the temporary easements, based on a discounted return of 10% per year on the \$22.00 per square foot full fee value for the three-year period (or an average return of \$6.23 per square foot) and \$15,060.00 for damages to the remainder parcel. The damages were based on the necessity of a minor reconfiguration of the parcel's parking lot. On July 5, 2012, the State's negotiators became aware of the Chapter 11 Bankruptcy filing by the property owners. No counter-offer has been made and negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

**Analysis:**

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

**Recommendation for Board Action:**

Board approval of this resolution of condemnation is respectfully requested.

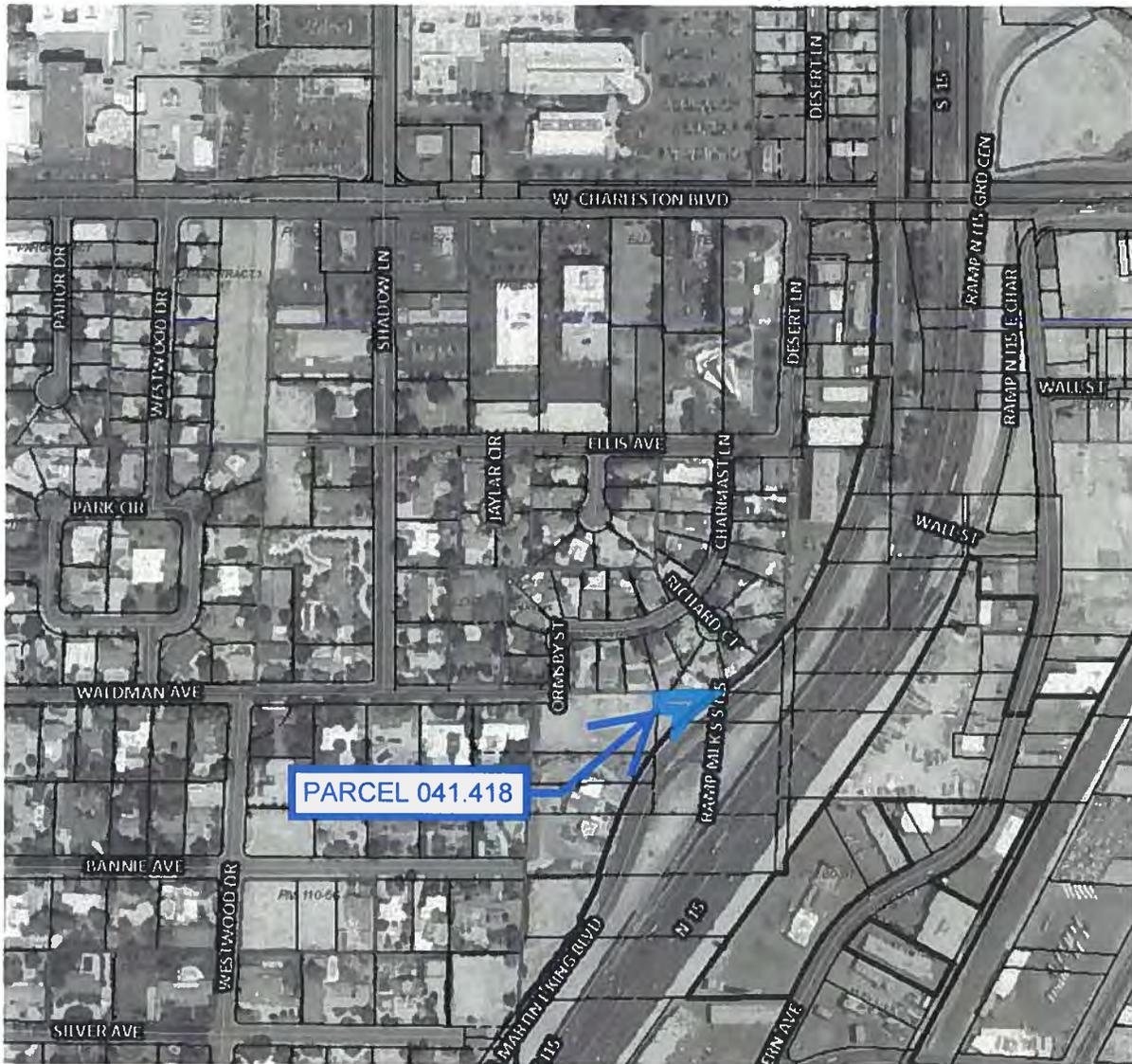
**List of Attachments:**

1. Location maps
2. Condemnation Resolution No. 437 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

**Prepared by:**

Paul Saucedo, Chief R/W Agent

# LOCATION MAP



## RESOLUTION NO. 437

**DESCRIPTION: I-15 Freeway, from Desert Inn Road  
to the US-95/I-515 Interchange  
PROJECT NEON; City of Las Vegas, Clark County, NV**

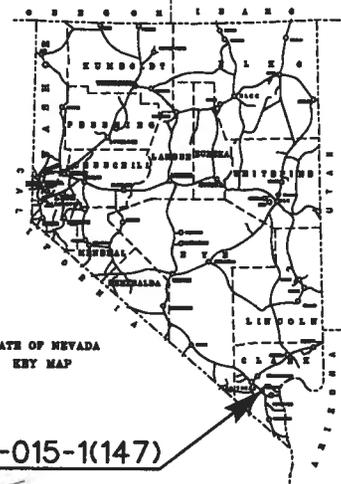
**ATTACHMENT 1**

INDEX OF SHEETS CLARK

1	TITLE SHEET
2	LEGEND
3	SHEET INDEX
4-15	R/W PLAN SHEETS
16-24	R/W ENGINEERING SHEETS
25-28	PROPERTY SCHEDULE

Fed. Hd. Proj. No.	State	Project No.	S.S. No.	County	Sheet No.
0	Nevada	NH-STP-015-1(147)	73652	CLARK	1

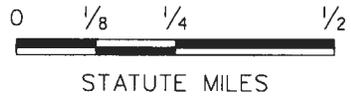
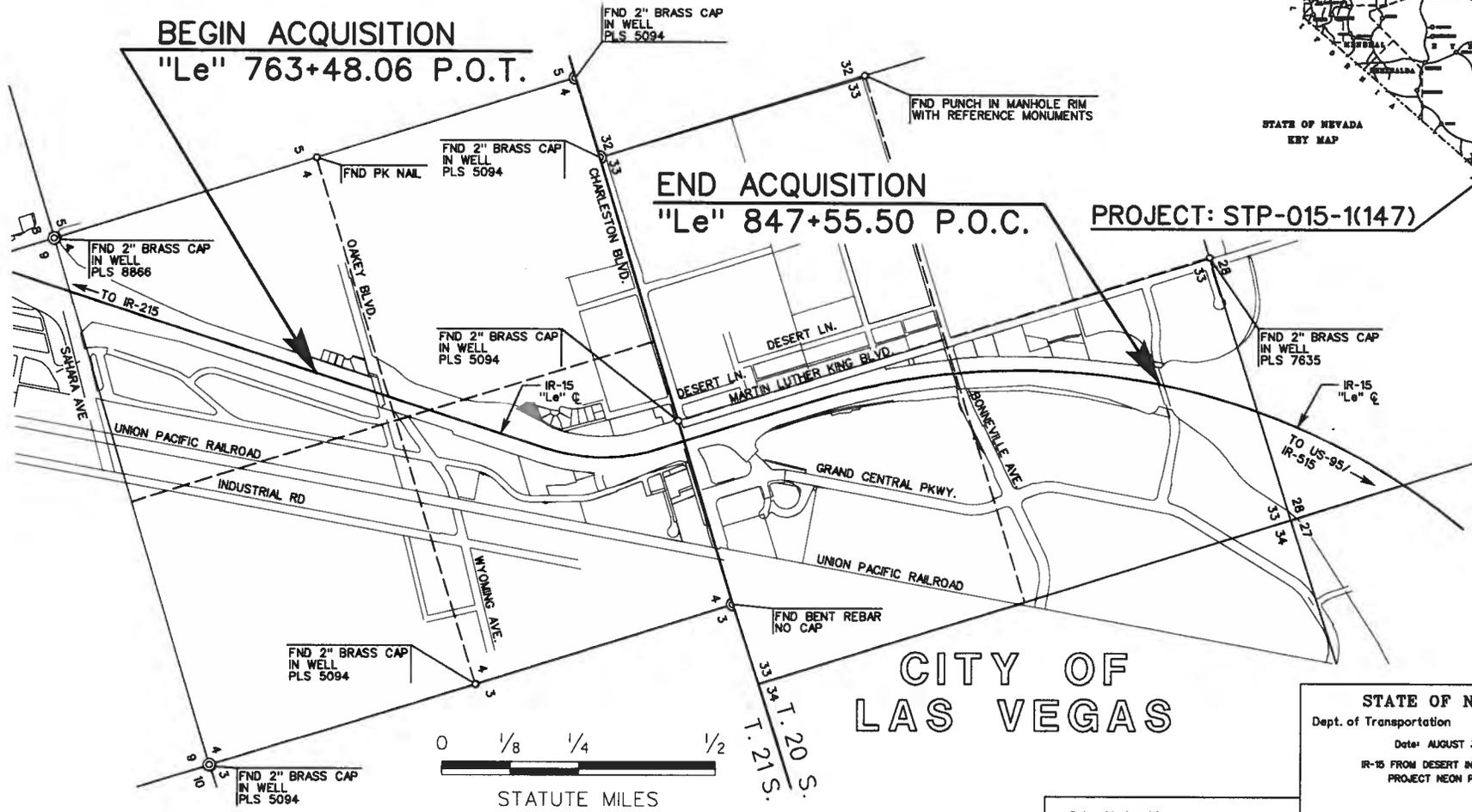
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY PROJECT



BEGIN ACQUISITION  
"Le" 763+48.06 P.O.T.

END ACQUISITION  
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)



CITY OF  
LAS VEGAS

STATE OF NEVADA  
Dept. of Transportation R/W Division  
Date: AUGUST 3, 2012  
IR-15 FROM DESERT INN TO US-95  
PROJECT NEON PHASE 1

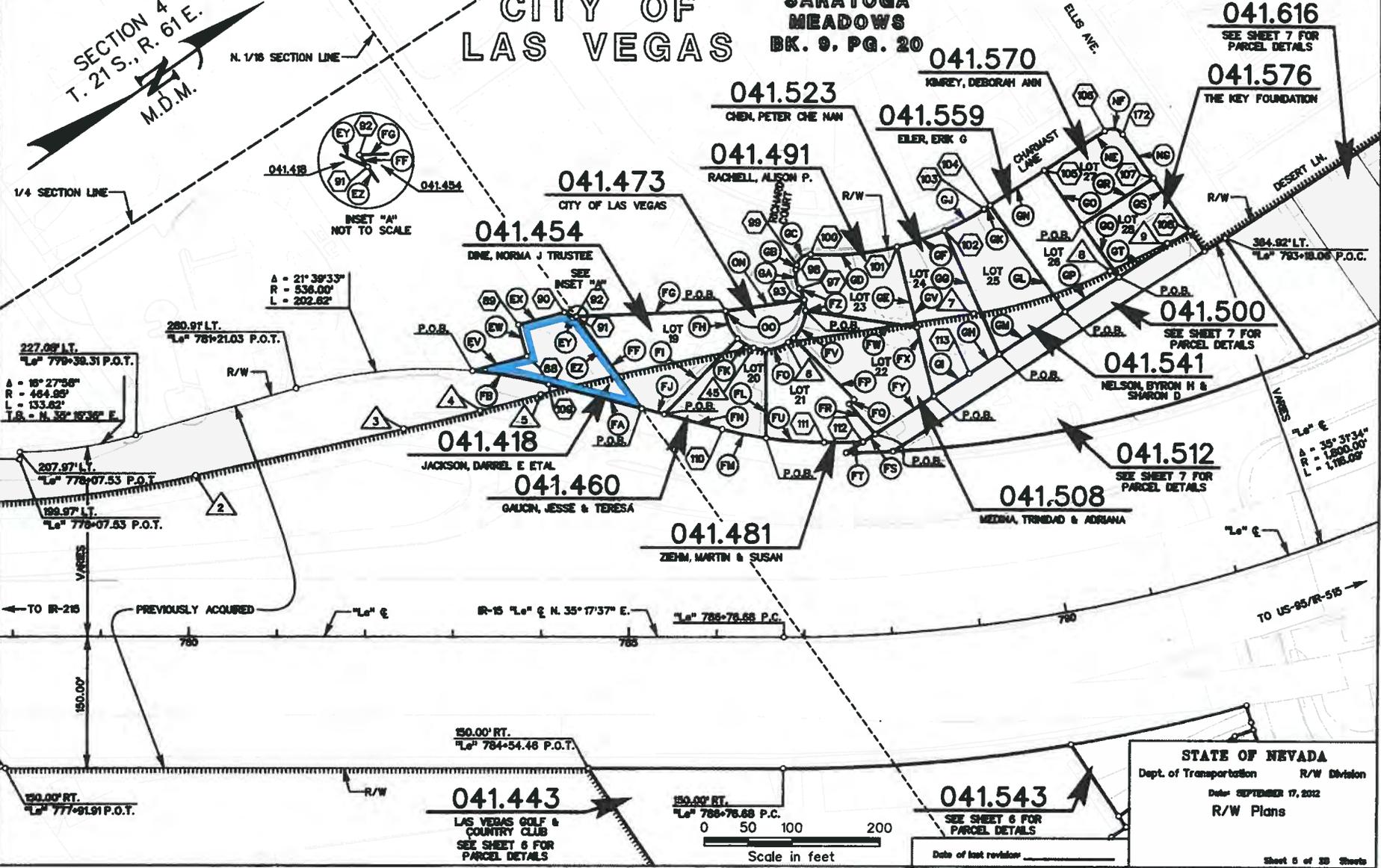
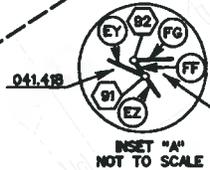
Date of last revision: \_\_\_\_\_

TRACED:  
CHECKED:

PARCEL NO. PREFIX: I-015-CL-  
SEE SHEETS 16, 17, AND 18 FOR PARCEL DESCRIPTIONS

Pub. No.	State	Project No.	S.A. No.	County	Sheet
9	Nevada	NR-STP-015-K147	73852	CLARK	5

# CITY OF LAS VEGAS SARATOGA MEADOWS BK. 9, PG. 20



**STATE OF NEVADA**  
Dept. of Transportation R/W Division  
Date: SEPTEMBER 17, 2012  
R/W Plans

Sheet 5 of 30 Sheets

**041.543**  
SEE SHEET 6 FOR PARCEL DETAILS  
Date of last revision \_\_\_\_\_

**041.443**  
LAS VEGAS GOLF & COUNTRY CLUB  
SEE SHEET 6 FOR PARCEL DETAILS

227.09' LT.  
"Ls" 779+38.31 P.O.T.  
A = 18° 27' 58"  
R = 484.89'  
L = 133.82'  
T.B. = N. 39° 16' 36" E.

280.91' LT.  
"Ls" 781+21.03 P.O.T.

A = 21° 39' 33"  
R = 536.00'  
L = 202.62'

207.97' LT.  
"Ls" 778+07.53 P.O.T.

188.97' LT.  
"Ls" 778+07.53 P.O.T.

**041.418**  
JACKSON, DARREL E ETAL

**041.460**  
GAUCIN, JESSE & TERESA

**041.481**  
ZIEM, MARTIN & SUSAN

**041.512**  
SEE SHEET 7 FOR PARCEL DETAILS

**041.508**  
MEDINA, TRINIDAD & ADRIANA

**041.541**  
NELSON, BYRON H & SHARON D

**041.500**  
SEE SHEET 7 FOR PARCEL DETAILS

**041.491**  
RACHIEL, ALISON P.

**041.473**  
CITY OF LAS VEGAS

**041.454**  
DINE, NORMA J TRUSTEE

**041.523**  
CHEN, PETER CHE NAN

**041.559**  
EILER, ERIC G

**041.570**  
KIMREY, DEBORAH ANN

**041.616**  
SEE SHEET 7 FOR PARCEL DETAILS

**041.576**  
THE KEY FOUNDATION

PARCEL NO. PREFIX: I-015-CL-

Fed. Rd. Dist. No.	State	Project No.	R.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-1(147)	73652	CLARK	16

041.044	
P.O.B. - 125.00' LT. "Le" 763+48.06 P.O.T. TIE: S. 75° 48' 08" E. - 2,011.08' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(A)	N. 54° 38' 14" W. - 113.95'
(B)	N. 35° 21' 46" E. - 70.00'
(C)	S. 54° 38' 14" E. - 113.86'
(D)	S. 35° 17' 37" W. - 70.00'

041.058	
P.O.B. - 125.00' LT. "Le" 764+18.06 P.O.T. TIE: S. 77° 38' 21" E. - 2,037.31' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(C)	N. 54° 38' 14" W. - 113.88'
(E)	N. 35° 21' 46" E. - 70.00'
(F)	S. 54° 38' 14" E. - 113.78'
(G)	S. 35° 17' 37" W. - 70.00'

041.071	
P.O.B. - 125.00' LT. "Le" 764+88.06 P.O.T. TIE: S. 79° 25' 39" E. - 2,065.59' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(F)	N. 54° 38' 14" W. - 113.78'
(H)	N. 35° 21' 46" E. - 45.57'
(I)	Δ = 44° 15' 46" R = 25.00' L = 19.31'
(J)	Δ = 11° 15' 50" R = 45.50' L = 8.94' T.B. = N. 79° 37' 32" E.
(K)	S. 54° 38' 14" E. - 101.02'
(L)	S. 35° 17' 37" W. - 70.00'

041.084	
P.O.B. - 125.00' LT. "Le" 765+58.06 P.O.T. TIE: S. 81° 09' 58" E. - 2,095.83' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(K)	N. 54° 38' 14" W. - 101.02'
(M)	Δ = 73° 23' 10" R = 45.50' L = 58.28' T.B. = N. 68° 21' 42" E.
(N)	N. 84° 59' 16" E. - 136.98'
(O)	S. 35° 17' 37" W. - 142.99'

041.111	
P.O.B. - 125.00' LT. "Le" 767+01.06 P.O.T. TIE: S. 84° 33' 31" E. - 2,163.33' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(N)	S. 84° 59' 16" W. - 136.98'
(P)	Δ = 49° 37' 27" R = 45.50' L = 39.41' T.B. = N. 5° 01' 28" W.
(Q)	N. 35° 21' 46" E. - 128.00'
(R)	S. 88° 54' 20" E. - 168.00'
(S)	S. 35° 17' 37" W. - 149.88'

041.137	
P.O.B. - 140.18' LT. "Le" 768+40.63 P.O.T. TIE: S. 87° 52' 28" E. - 2,223.37' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(QL)	N. 35° 20' 34" E. - 84.68'
(PW)	S. 88° 54' 20" E. - 271.31'
(PX)	S. 2° 27' 06" W. - 30.01'
(PY)	S. 88° 54' 20" E. - 29.54'
(PZ)	S. 35° 17' 37" W. - 36.27'
(QA)	N. 88° 54' 20" W. - 302.26'
(QB)	S. 35° 17' 37" W. - 12.09'
(QC)	N. 88° 54' 20" W. - 18.35'

041.137PE	
P.O.B. - 140.18' LT. "Le" 768+40.63 P.O.T. TIE: S. 87° 52' 28" E. - 2,223.37' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(QM)	N. 88° 54' 20" W. - 23.56'
(QJ)	N. 35° 04' 49" E. - 84.42'
(QK)	S. 88° 54' 20" E. - 24.03'
(QL)	S. 35° 20' 34" W. - 84.68'

041.386	
P.O.B. - 414.37' RT. "Le" 781+51.44 P.O.T. TIE: N. 65° 43' 22" W. - 1,860.89' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(EW)	Δ = 12° 25' 59" R = 470.00' L = 101.99' T.B. = N. 35° 27' 45" E.
(EX)	S. 62° 20' 08" E. - 5.33'
(EY)	Δ = 12° 34' 33" R = 465.00' L = 102.06' T.B. = S. 48° 07' 22" W.
(EZ)	N. 62° 20' 08" W. - 5.05'

041.386TE	
P.O.B. - 419.65' RT. "Le" 781+70.51 P.O.T. TIE: N. 65° 10' 33" W. - 1,851.98' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(EA)	Δ = 3° 12' 15" R = 465.00' L = 28.00' T.B. = N. 37° 48' 52" E.
(EB)	S. 50° 36' 57" E. - 10.00'
(EC)	Δ = 3° 16' 28" R = 455.00' L = 26.00' T.B. = S. 41° 03' 16" W.
(ED)	N. 50° 36' 57" W. - 10.00'

041.418	
P.O.B. - 300.81' LT. "Le" 783+21.46 P.O.T. TIE: S. 58° 43' 35" W. - 2,799.91' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
(EV)	N. 19° 59' 33" E. - 63.72'
(EW)	N. 70° 00' 21" W. - 36.99'
(EX)	N. 19° 59' 39" E. - 54.00'
(EY)	N. 59° 06' 19" E. - 16.12'
(EZ)	N. 89° 35' 28" E. - 126.38'
(FA)	S. 49° 47' 38" W. - 109.77'
(FB)	Δ = 9° 20' 29" R = 536.00' L = 87.39'

TRACED:  
CHECKED:

Date of last revision: \_\_\_\_\_

**STATE OF NEVADA**  
 Dept. of Transportation R/W Division  
 Date: AUGUST 3, 2012  
 R/W Plans

PARCEL NO.	GRANTOR	GROSS AREA	FRY. ACQU.	NET AREA	I/V AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		SERV. ST.	SERV. LT.	REMARKS
						BL.	PG.	TYPE	DATE	AREA	DATE			
041044	MARSH, COLLEEN K. TRUSTEE	7,973		7,973	7,973									TOTAL ACQUISITION
041068	SORRELLS, GLEN R. & MARIA L.	7,968		7,968	7,968									TOTAL ACQUISITION
041071	MOORE, MEREDITH E.	7,882		7,882	7,882									TOTAL ACQUISITION
041084	VINAS, ALEXANDER AND VERONIA	9,676		9,676	9,676									TOTAL ACQUISITION
041111	BUTTERFIELD, STELLA	21,576		21,576	21,576									TOTAL ACQUISITION
041137	CITY OF LAS VEGAS	18,236		18,236	18,236									
041137PE	CITY OF LAS VEGAS	1,686		1,686										BRIDGE CONSTRUCTION AND MAINTENANCE
041386	ANDREW T. VALDEZ, LLC	510		510	510						25,731			TO BE DECEDED TO CITY OF LAS VEGAS
041386TE	ANDREW T. VALDEZ, LLC	280		280										SIGN CONSTRUCTION
041416	JACKSON, DANIEL E. ETAL	8,461		8,461	8,461							55,588		
041443	LAS VEGAS GOLF & COUNTRY CLUB	2.67 AC		2.67 AC	2.67 AC									TOTAL ACQUISITION
041484	DRE, NORMA J. TRUSTEE	12,679		12,679	12,679									TOTAL ACQUISITION
041488	GAUCH, JESSE & TERESA	7,788		7,788	7,788									TOTAL ACQUISITION
041473	CITY OF LAS VEGAS	3,689		3,689	3,689									
041481	ZIDEM, MARTIN & SUSAN	9,999		9,999	9,999									TOTAL ACQUISITION
041481	RACHELL, ALBON P.	9,086		9,086	9,086									TOTAL ACQUISITION
041608	CASTELLO, CARMINE V. JR	12,353		12,353	12,353									TOTAL ACQUISITION
041608	SHARPLES, JOHN & BONNIE	501		501	501						13,796			
041608TE	SHARPLES, JOHN & BONNIE	280		280										SIGN CONSTRUCTION
041608	MEDINA, TRINIDAD & ADRIANA	12,980		12,980	12,980									TOTAL ACQUISITION
041612	HIGHLAND 2000-1 LLC	43,765		43,765	43,765									TOTAL ACQUISITION
041623	CHEN, PETER CHE NAN	11,882		11,882	11,882									TOTAL ACQUISITION
041541	NELSON, BYRON H & SHARON D	11,099		11,099	11,099									TOTAL ACQUISITION

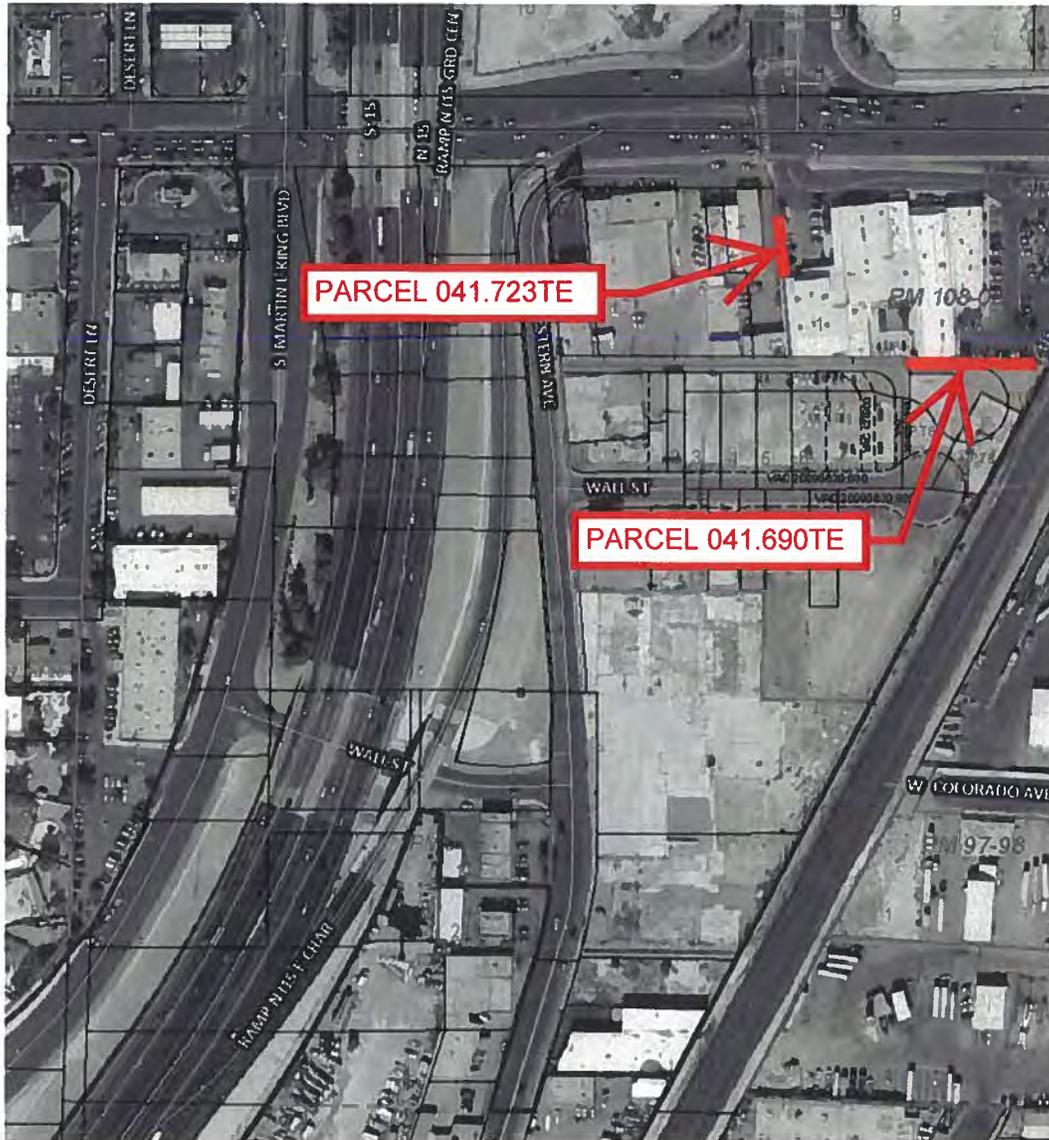
TRACED

CHECKED

**STATE OF NEVADA**  
 Dept. of Transportation R/W Division  
 Date: SEPTEMBER 17, 2012  
**PROPERTY SCHEDULE**

Date of last revision: \_\_\_\_\_

## LOCATION MAP



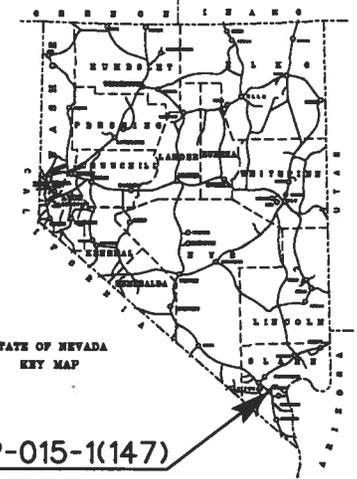
### RESOLUTION NO. 437

**DESCRIPTION: I-15 Freeway, from Desert Inn Road  
to the US-95/I-515 Interchange  
PROJECT NEON; City of Las Vegas, Clark County, NV**

- INDEX OF SHEETS CLARK
- 1 TITLE SHEET
  - 2 LEGEND
  - 3 SHEET INDEX
  - 4-15 R/W PLAN SHEETS
  - 16-24 R/W ENGINEERING SHEETS
  - 25-28 PROPERTY SCHEDULE

Fed. Bd. Reg. No.	State	Project No.	R.L. No.	County	Sheet No.
0	Nevada	NH-STP-015-1(147)	73652	CLARK	1

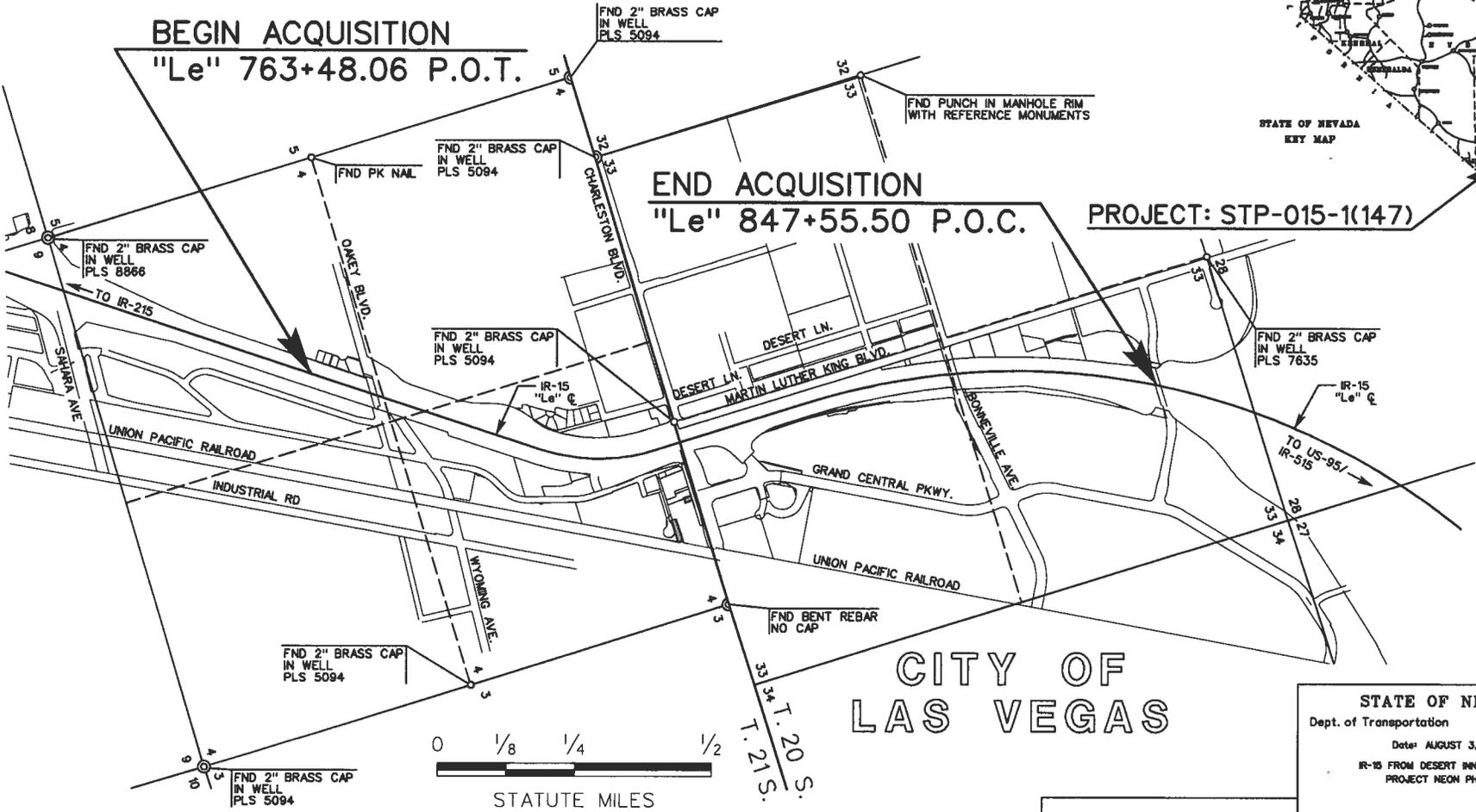
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY PROJECT



**BEGIN ACQUISITION**  
"Le" 763+48.06 P.O.T.

**END ACQUISITION**  
"Le" 847+55.50 P.O.C.

**PROJECT: STP-015-1(147)**



CITY OF LAS VEGAS

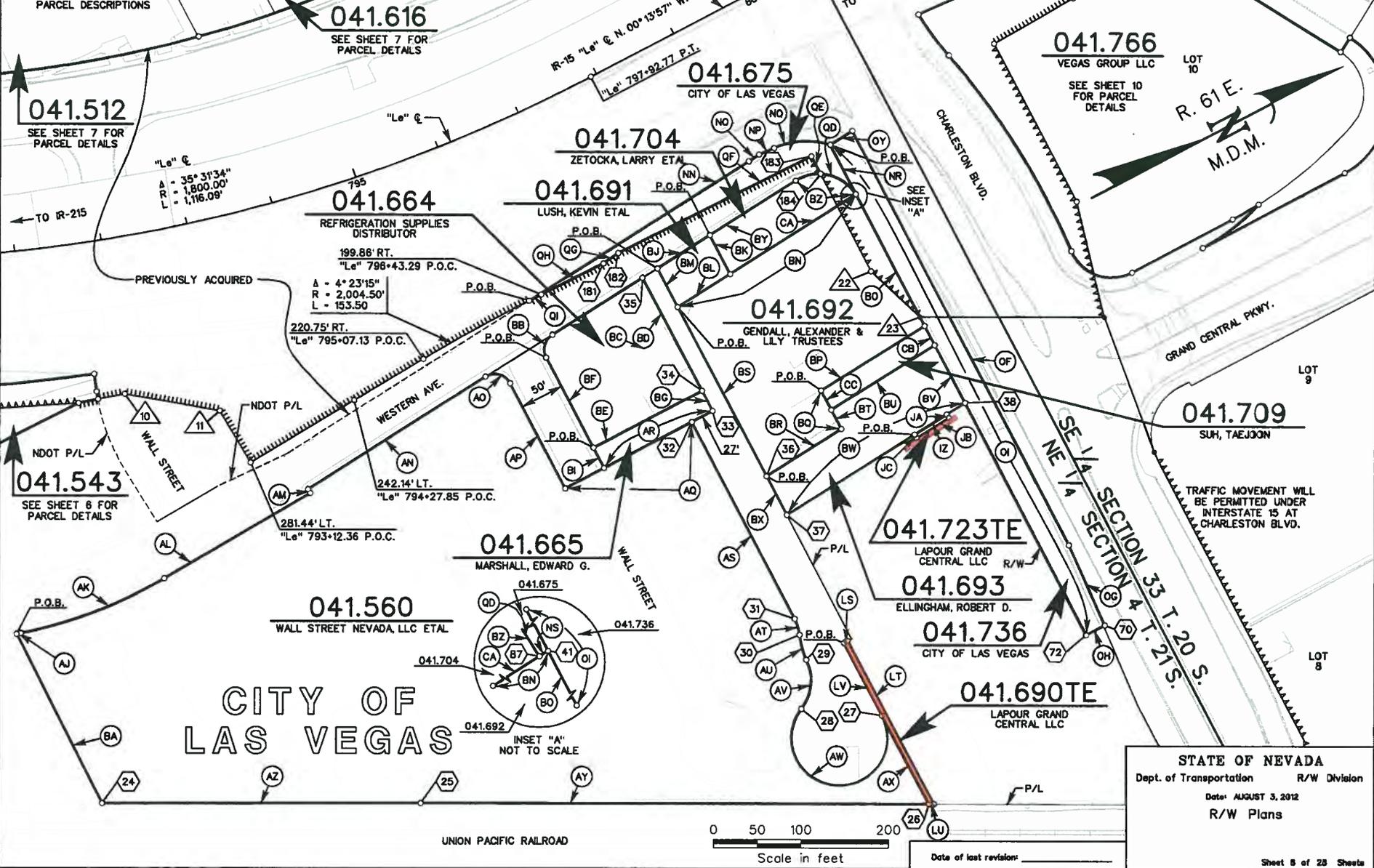
STATE OF NEVADA  
Dept. of Transportation R/W Division  
Date: AUGUST 3, 2012  
R-15 FROM DESERT INN TO US-95  
PROJECT NEOM PHASE 1

Date of last revision: \_\_\_\_\_

Fed. Rd. Dist. No.	State	Project No.	I.L. No.	County	Sheet No.
9	Nevada	NH-STP-015-1(147)	73652	CLARK	8

PARCEL NO. PREFIX: I-015-CL-

SEE SHEETS 18, 19, AND 20 FOR PARCEL DESCRIPTIONS



STATE OF NEVADA  
Dept. of Transportation R/W Division  
Date: AUGUST 3, 2012  
R/W Plans

Sheet 8 of 28 Sheets

PARCEL NO. PREFIX: I-015-CL-

Fed. HA. Proj. No.	State	Project No.	E.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-K(147)	73652	CLARK	19

041.665	
P.O.B. - 384.80' RT. "Le" 796+32.18 P.O.C. TIE: S. 68° 37'29" W. - 1,325.80' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓔ	N. 0° 09'05" W. - 140.00'
Ⓕ	N. 89° 50'55" E. - 26.17'
Ⓖ	S. 0° 09'05" E. - 140.00'
Ⓗ	S. 89° 50'55" W. - 26.17'

041.675	
P.O.B. - 200.92' RT. "Le" 796+29.39 P.O.C. TIE: S. 71° 38'19" W. - 1,494.18' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓜ	N. 4° 42'57" W. - 297.12'
Ⓝ	N. 5° 00'15" W. - 13.73'
Ⓞ	N. 3° 53'53" E. - 18.82'
Ⓟ	Δ - 40° 19'28" R - 93.00' L - 65.45'
Ⓠ	N. 89° 51'20" E. - 63.59'
Ⓡ	S. 5° 00'37" E. - 0.19'
Ⓢ	Δ - 55° 23'00" R - 50.00' L - 48.33' T.B. - S. 85° 06'12" W.
Ⓣ	S. 89° 55'29" W. - 22.56'
Ⓤ	S. 1° 04'02" W. - 246.79'
Ⓥ	S. 7° 25'57" E. - 20.37'
Ⓦ	S. 1° 04'31" W. - 79.80'
Ⓧ	Δ - 0° 26'34" R - 2,004.50' L - 15.49' T.B. - S. 1° 04'01" W.

041.690TE	
P.O.B. - 707.25' RT. "Le" 797+60.37 P.O.C. TIE: S. 69° 49'27" W. - 963.80' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 0° 09'05" W. - 5.00'
Ⓛ	N. 89° 50'55" E. - 212.54'
Ⓛ	S. 27° 47'26" W. - 5.66'
Ⓛ	S. 89° 50'55" W. - 209.89'

041.691	
P.O.B. - 228.75' RT. "Le" 797+62.20 P.O.C. TIE: S. 76° 49'45" W. - 1,420.26' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 42'57" W. - 70.77'
Ⓛ	N. 89° 50'29" E. - 50.00'
Ⓛ	S. 4° 42'57" E. - 70.77'
Ⓛ	S. 89° 50'55" W. - 50.00'

041.692	
P.O.B. - 278.75' RT. "Le" 797+62.87 P.O.C. TIE: S. 76° 21'31" W. - 1,371.59' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 42'57" W. - 240.89'
Ⓛ	N. 89° 51'20" E. - 169.67'
Ⓛ	S. 4° 26'50" E. - 139.76'
Ⓛ	N. 89° 52'43" E. - 50.00'
Ⓛ	S. 4° 26'52" E. - 101.00'
Ⓛ	S. 89° 50'55" W. - 218.53'

041.693	
P.O.B. - 497.28' RT. "Le" 797+65.47 P.O.C. TIE: S. 73° 50'25" W. - 1,160.21' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 26'52" W. - 101.00'
Ⓛ	S. 89° 52'43" W. - 25.00'
Ⓛ	N. 4° 26'51" W. - 139.77'
Ⓛ	N. 89° 51'20" E. - 75.00'
Ⓛ	S. 4° 26'51" E. - 240.77'
Ⓛ	S. 89° 50'55" W. - 50.00'

041.704	
P.O.B. - 222.93' RT. "Le" 798+28.87 P.O.T. TIE: S. 79° 40'17" W. - 1,411.59' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 42'57" W. - 115.96'
Ⓛ	Δ - 89° 49'09" R - 50.00' L - 78.38'
Ⓛ	S. 4° 42'57" E. - 169.93'
Ⓛ	S. 89° 50'29" W. - 50.00'

041.708	
P.O.B. - 217.03' LT. "Le" 799+11.52 P.O.T. TIE: S. 84° 37'16" W. - 1,837.10' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	S. 89° 50'47" W. - 75.55'
Ⓛ	S. 2° 14'17" W. - 60.00'
Ⓛ	S. 89° 50'47" W. - 100.11'
Ⓛ	N. 2° 18'50" E. - 158.56'
Ⓛ	Δ - 87° 31'58" R - 20.00' L - 30.55'
Ⓛ	N. 89° 50'48" E. - 103.58'
Ⓛ	Δ - 55° 59'15" R - 52.50' L - 51.30' T.B. - N. 89° 51'13" E.
Ⓛ	S. 8° 27'36" E. - 29.80'
Ⓛ	S. 0° 08'12" E. - 65.17'

041.709	
P.O.B. - 439.57' RT. "Le" 798+58.78 P.O.T. TIE: S. 79° 15'39" W. - 1,193.10' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 26'50" W. - 139.76'
Ⓛ	N. 89° 51'20" E. - 25.00'
Ⓛ	S. 4° 26'51" E. - 139.77'
Ⓛ	S. 89° 52'43" W. - 25.00'

041.723TE	
P.O.B. - 534.31' RT. "Le" 799+29.93 P.O.T. TIE: S. 82° 02'13" W. - 1,088.24' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓛ	N. 4° 26'51" W. - 43.25'
Ⓛ	N. 85° 33'09" E. - 5.00'
Ⓛ	S. 4° 26'51" E. - 43.25'
Ⓛ	S. 85° 33'09" W. - 5.00'

TRACED

CHAINED

STATE OF NEVADA  
 Dept. of Transportation R/W Division  
 Date: AUGUST 3, 2012  
 R/W Plans

Date of last revision: \_\_\_\_\_

PARCEL NUMBER PREFIX: I-015-CL-

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET, UNLESS OTHERWISE INDICATED

Fed. Bd. Reg. No.	State	Project No.	E.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-(147)	73652	CLARK	26

PARCEL NO.	GRANTOR	GROSS AREA	PREV. ACQU.	NET AREA	R/W AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		REM. RT.	REM. LT.	REMARKS
						BK.	PG.	TYPE	DATE	AREA	DATE			
041.543	LAS VEGAS GOLF & COUNTRY CLUB	11,074		11,074	11,074									TOTAL ACQUISITION
041.559	EILER, ERIC G	10,838		10,838	10,838									TOTAL ACQUISITION
041.560	WALL STREET NEVADA, LLC ETAL	7.04 AC		7.04 AC	7.04 AC									TOTAL ACQUISITION
041.570	KIMREY, DEBORAH ANN	7,225		7,225	7,225									TOTAL ACQUISITION
041.576	THE KEY FOUNDATION	7,117		7,117	7,117									TOTAL ACQUISITION
041.616	HIGHLAND PARTNERSHIP 1980 ET AL	82,721		82,721	82,721									TOTAL ACQUISITION
041.684	REFRIGERATION SUPPLIES DISTRIBUTOR	19,626		19,626	19,626									TOTAL ACQUISITION
041.685	MARSHALL, EDWARD G.	3,664		3,664	3,664									TOTAL ACQUISITION
041.675	CITY OF LAS VEGAS	6,737		6,737	6,737									
041.690TE	LAPOUR GRAND CENTRAL, LLC	1,056		1,056										ROADWAY CONSTRUCTION
041.691	LUSH, KEVIN ETAL	3,527		3,527	3,527									TOTAL ACQUISITION
041.692	GENDALL, ALEXANDER & LILY TRUSTEES	45,641		45,641	45,641									TOTAL ACQUISITION
041.693	ELLINGHAM, ROBERT D.	15,489		15,489	15,489									TOTAL ACQUISITION
041.704	ZETOCKA, LARRY ETAL	7,834		7,834	7,834									TOTAL ACQUISITION
041.708	TOWNE, ROLLAND D. & BETTY M. TRUSTEES	25,813		25,813	25,813									TOTAL ACQUISITION
041.709	SUH, TAEJOON	3,484		3,484	3,484									TOTAL ACQUISITION
041.723TE	LAPOUR GRAND CENTRAL, LLC	216		216										ROADWAY CONSTRUCTION
041.736	CITY OF LAS VEGAS	18,701		18,701	18,701									TOTAL ACQUISITION
041.752	UNION PACIFIC RAILROAD COMPANY	4.86 AC	40,000	4.86 AC	4.86 AC									TOTAL ACQUISITION
041.766	VEGAS GROUP, LLC	2.85 AC	7,114	2.85 AC	2.85 AC									TOTAL ACQUISITION
041.876	SIMON/CHELSEA LAS VEGAS DEV. LLC	17,828	2,852	17,828	17,828						32.31 AC			TO BE DEEDED TO CITY OF LAS VEGAS
041.876TE	SIMON/CHELSEA LAS VEGAS DEV. LLC	4,752		4,752										ROADWAY CONSTRUCTION

TRACED:

CHECKED:

STATE OF NEVADA  
 Dept. of Transportation R/W Division  
 Date: AUGUST 3, 2012  
 PROPERTY SCHEDULE

Date of last revision: \_\_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF THE I-15 FREEWAY, FROM DESERT INN ROAD NORTH TO THE U.S. 95/I-515 INTERCHANGE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 437

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the U.S. 95/I-515 Interchange, in the City of Las Vegas, Clark County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcels described herein; and

WHEREAS, the Department plans to obligate federal-aid funds for this project, and let a construction contract for said project, and the real property hereinafter described will be needed for said freeway project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public interest and

necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said

public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NO. I-015-CL-041.418 owned by DARRELL E JACKSON, a married man, as his sole and separate property, as to an undivided one-third (1/3) interest; THOMAS M. STRAWN JR, a married man, as his sole and separate property, as to an undivided one-third (1/3) interest; ANDREW S LEVY, a married man, as his sole and separate property, as to an undivided one-third (1/3) interest; to be acquired in fee simple.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being a portion of the SW 1/4 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

COMMENCING at the northeast corner of said Section 4, shown and delineated as an "AL CAP PLS 5094" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS, filed for record as Book No. 20031231, Instrument No. 01220, on December 31, 2003, File 135, Page 08 of Surveys, Official Records, Clark County, Nevada; thence S. 58°43'35" W. a distance of 2,799.91 feet to the POINT OF BEGINNING; said point of beginning described as being on the westerly right-of-way line of IR-15, 300.81 feet left of and at right angles to Highway Engineer's Station "Le" 783+21.46 P.O.T.; thence along said left or westerly right-of-way line the following four (4) courses and distances:

- 1) N. 19°59'33" E. - 63.72 feet;
- 2) N. 70°00'21" W. - 36.99 feet;
- 3) N. 19°59'39" E. - 54.00 feet;
- 4) N. 59°06'19" E. - 16.12 feet to the southerly boundary of  
SARATOGA MEADOWS;

thence N. 89°35'26" E., along said southerly boundary, a distance of 126.38 feet to the former left or westerly right-of-way line of IR-15; thence S. 49°47'38" W., along said former left or westerly right-of-way line, a distance of 109.77 feet; thence from a tangent which bears the last described course, curving to the left, with a radius of 536.00 feet, through an angle of 9°20'29", an arc distance of 87.39 feet to the point of beginning; said parcel contains an area of 8,461 square feet (0.19 of an acre).

TOGETHER WITH the access rights, including the abutters rights, in and to IR-15.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL NOS. I-015-CL-041.690TE and I-015-CL-041.723TE owned by LAPOUR GRAND CENTRAL, LLC, a Nevada limited liability company.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the N 1/2 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and further described as being portions of LOT 1, as shown on that certain PARCEL MAP OF HOLSUM LOFT, filed

for record as Book No. 20040831, Instrument No. 0005814, on August 31, 2004, File 108, Page 05 of Parcel Maps, Official Records, Clark County, Nevada, and more fully described by metes and bounds as follows, to wit:

PARCEL NO. I-015-CL-041.690TE to be acquired for a temporary easement for roadway construction purposes for a three-year period commencing on the date of occupancy:

COMMENCING at the northeast corner of said Section 4, shown and delineated as an "AL CAP PLS 5094" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS, filed for record as Book No. 20031231, Instrument No. 01220, on December 31, 2003, File 135, Page 08 of Surveys, Official Records, Clark County, Nevada; thence S. 69°49'27" W. a distance of 963.60 feet to the POINT OF BEGINNING; said point of beginning described as being on the southerly line of said Lot 1, 707.25 feet right of and measured radially from Highway Engineer's Station "Le" 797+60.37 P.O.C.; thence N. 0°09'05" W., along said southerly line, a distance of 5.00 feet; thence N. 89°50'55" E., departing said southerly line, a distance of 212.54 feet to the easterly line of said Lot 1; thence S. 27°47'26" W., along said easterly line, a distance of 5.66 feet to the southeast corner of said Lot 1; thence S. 89°50'55" W., along said southerly line, a distance of 209.89 feet to the point of beginning; said parcel contains an area of 1,056 square feet (0.02 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL I-015-CL-041.723TE to be acquired for a temporary easement for roadway construction purposes for a three-year period commencing on the date of occupancy:

COMMENCING at the northeast corner of said Section 4, shown and delineated as an "AL CAP PLS 5094" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS, filed for record as Book No. 20031231, Instrument No. 01220, on December 31, 2003, File 135, Page 08 of Surveys, Official Records, Clark County, Nevada; thence S. 82°02'13" W. a distance of 1,088.24 feet to the POINT OF BEGINNING; said point of beginning described as being on the westerly line of said Lot 1, 534.31 feet right of and at right angles to Highway Engineer's Station "Le" 799+29.93 P.O.T.; thence N. 4°26'51" W., along said westerly line, a distance of 43.25 feet; thence departing said westerly line the following three (3) courses and distances:

- 1) N. 85°33'09" E. - 5.00 feet;
- 2) S. 4°26'51" E. - 43.25 feet;
- 3) S. 85°33'09" W. - 5.00 feet to the point of beginning;

said parcel contains an area of 216 square feet (0.00 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

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BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this \_\_\_\_\_ day of November, 2012.

ON BEHALF OF  
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
BOARD OF DIRECTORS

---

Secretary to the Board  
William H. Hoffman

---

Chairman – Brian Sandoval  
Governor

APPROVED AS TO LEGALITY  
AND FORM

---

Dennis V. Gallagher, Chief Counsel  
Department of Transportation

**NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.**

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

**NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.**

1. Except as otherwise provided in subsection 3:
    - (a) A public body shall not consider at a meeting whether to:
      - (1) Take administrative action against a person; or
      - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,↪ unless the public body has given written notice to that person of the time and place of the meeting.
    - (b) The written notice required pursuant to paragraph (a) must be:
      - (1) Delivered personally to that person at least 5 working days before the meeting; or
      - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
  2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
  3. The written notice otherwise required pursuant to this section is not required if:
    - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
    - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
  4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201  
(Use Local Information)

## MEMORANDUM

Right-of-Way Division

October 29, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item # 7a:** Disposal of NDOT property located along portions of SR-564 (Lake Mead Drive) west of Boulder Highway in the City of Henderson, Clark County, NV. SUR 11-06 – For possible action

---

### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Relinquishment. The three improved properties to be relinquished are located along portions of SR-564 (Lake Mead Drive) west of Boulder Highway in the City of Henderson, Clark County, NV. Parcel S-564-CL-011.622 XS1 consists of 723 sq. ft. as depicted on the attached sketch map marked Exhibit "A". Parcel S-564-CL-011.717 XS1 consists of 853 sq. ft. as depicted on the attached sketch map marked Exhibit "B". Parcel S-564-CL-011.866 XS1 consists of 853 sq. ft. as depicted on the attached sketch map marked Exhibit "C".

### **Background:**

The Department originally acquired this property on January 16, 1957, in fee, as a donation, from USA, Division of General Services Administration, State of Nevada, Colorado River Commission and National Lead Company for the SR-546 project, formally known as SR-146.

On March 11, 1980 the Department of Transportation erroneously filed a Resolution of Abandonment releasing an easement interest for a 13 foot strip of SR-564. This was in direct conflict with NRS 408.533 since the Department held the property in fee. On February 13, 1989, the Department recognized the error and filed an amended Resolution of Abandonment returning full property interest back to the Department.

The Department has received a request from the City of Henderson for the release of our fee interest in the right-of-way for a transportation facility.

### **Analysis:**

On October 18, 2012 the City of Henderson City Council signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of these right-of-way parcels. The release of NDOT's interest in these parcels is being made in accordance with N.R.S. 408.527. The Department owns the right-of-way in fee simple. Therefore, as per N.R.S. 408.527, if the purpose of the City's use of these parcels ceases to exist, all interest reverts back to the Department.

**To: Department of Transportation Board of Directors  
October 29, 2012**

**Recommendation for Board Action:**

Approval of disposal of NDOT property located along portions of SR-564 (Lake Mead Drive) west of Boulder Highway in the City of Henderson, Clark County, NV.

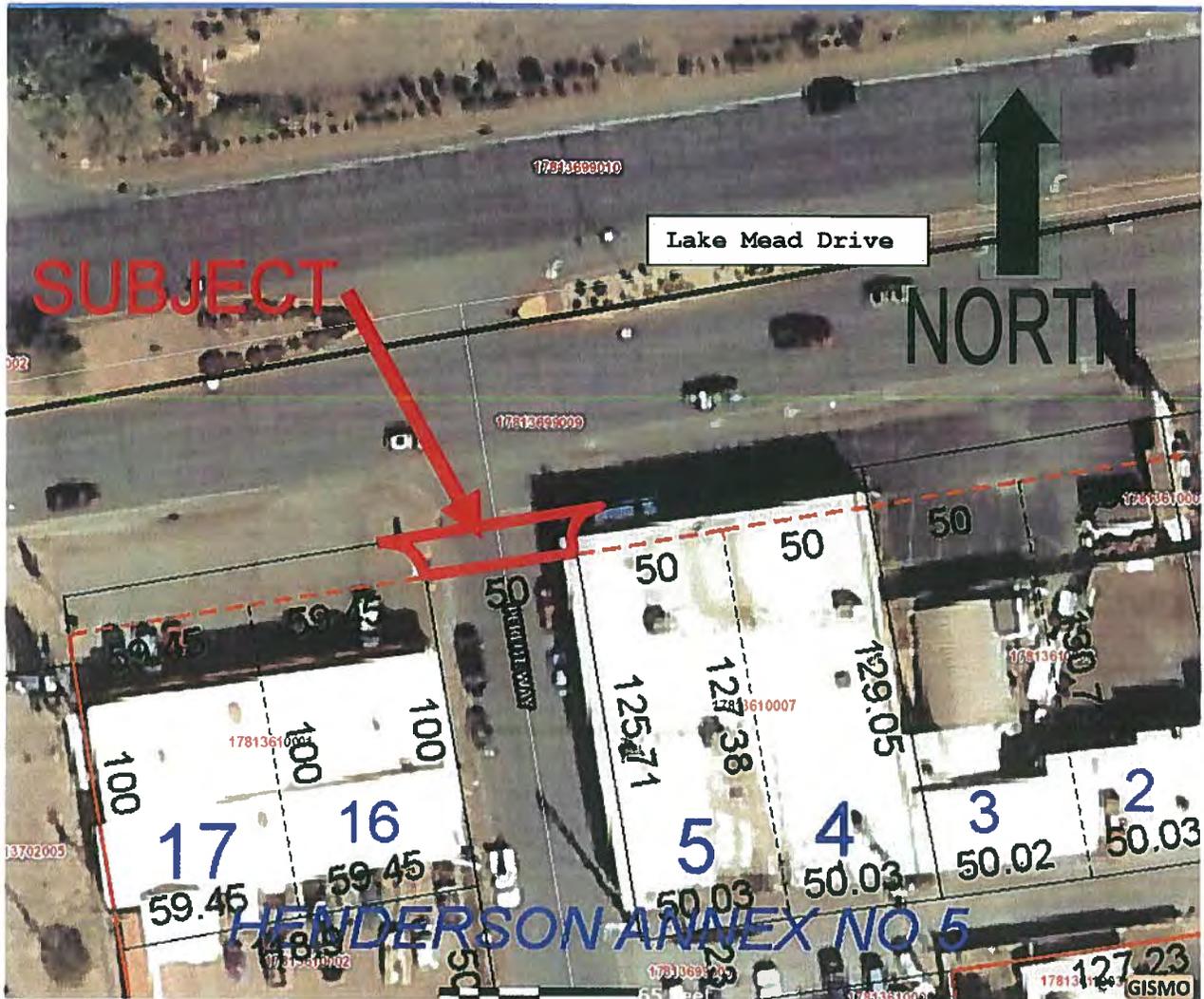
**List of Attachments:**

1. Location Map
2. Sketch Maps marked Exhibits "A" through "C"
3. Copy of Resolution of Relinquishment with attached sketch maps marked Exhibit "A" through Exhibit "C"
4. Copy of Resolution Consenting to Relinquishment and Land Transfer Agreement with attached sketch maps marked Exhibit "A" through "C"
5. Environmental Approval
6. N.R.S. 408.527

**Prepared by: Paul A. Saucedo, Chief R/W Agent**

pas/jb/jm

# LOCATION MAP

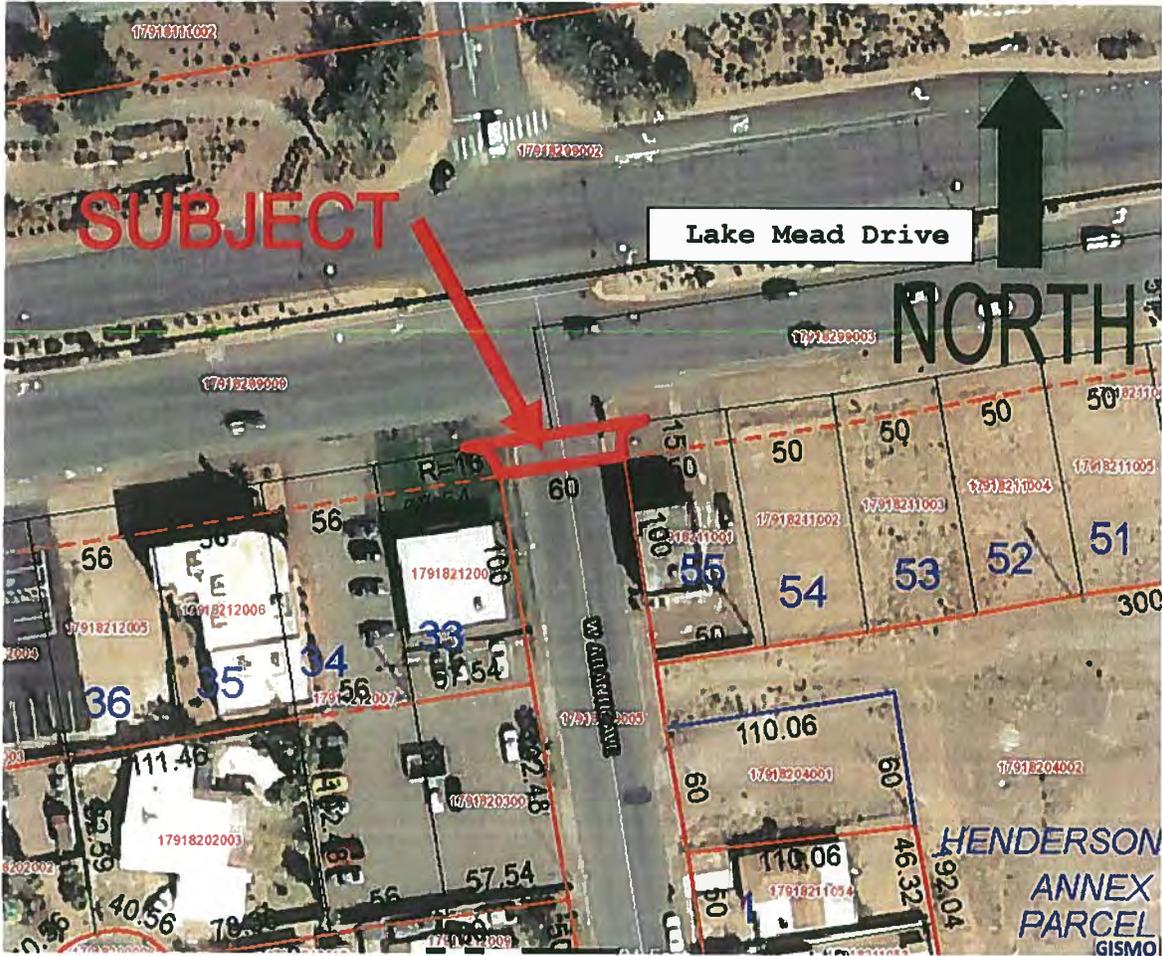


SUR 11-06

DESCRIPTION: Along a portion of SR-564 (Lake Mead Drive)  
PARCEL S-564-CL-011.622 XS1



# LOCATION MAP



**SUR 11-06**  
**DESCRIPTION: Along a portion of SR-564 (Lake Mead Drive)**  
**PARCEL S-564-CL-011.866 XS1**

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

← TO IR-515 INTERCHANGE

N. 80° 47' 59" E.

SR-564 (LAKE MEAD DRIVE) "XE" ☉

TIE: N. 86° 18' 47" E. - 4,413.93'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.

TO SR-582  
(BOULDER HWY.)

Δ = 90° 00' 00"  
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

N. 80° 47' 59" E.  
76.00'

Δ = 90° 00' 00"  
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

98.00'

011.622 XS1

STATE OF NEVADA  
723 SQ. FT.

A.P.N.  
178-13-610-001

A.P.N.  
178-13-610-007

A.P.N.  
178-13-702-005

HENDERSON ANNEX NO. 5  
BOOK 4 PAGE 67

..... SUBDIVISION BOUNDARY

☐ TO BE RELINQUISHED TO  
CITY OF HENDERSON

# COUNTY OF CLARK

## EXHIBIT "A"

TRACED: DBW      CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051	STATE OF NEVADA	SUR 11-06
Dept. of Transportation	R/W Division	
Date: June 14, 2012		
Sketch Map		
Approved: <i>Helena Salazar</i>	Manager, R/W Engineering	
Scale: 1" = 50'	Sheet 1 of 1 Sheets	

\\037Engineering\Sketch\clark\SUR 11-06\011622.dgn

ATTACHMENT 2

SE1/4 NE1/4 SECTION 13



T. 22 S., R. 62 E.  
M.D.M.

R/W

R/W

PERLITE  
WAY

50.00'

S. 80° 47' 59" W.

16

17

5

4

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

← TO IR-515 INTERCHANGE

SR-564 (LAKE MEAD DRIVE) "XE"  $\phi$

N. 80° 47' 59" E.

TO SR-582 (BOULDER HWY.)

$\Delta = 90^{\circ} 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

TIE: N. 85° 45' 10" E. - 4,911.85'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.  
P.O.B. = 51.00' RT.  
"XE" 585+18.89 P.O.T.  
N. 80° 47' 59" E. - 86.00'

$\Delta = 90^{\circ} 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

51.00'

64.00'

51.00'

R/W

## 011.717 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N.  
178-13-602-002

60.00'  
S. 80° 47' 59" W.

BASIC ROAD

60.00'

PARCEL B

43

44

A.P.N.  
178-13-611-016

45

A.P.N.  
178-13-611-015

### HENDERSON TOWNSITE ANNEX NO. 2 BOOK 3 PAGE 35

..... SUBDIVISION BOUNDARY

SE1/4 NE1/4 SECTION 13

T. 22 S., R. 62 E.  
M.D.M.

A.P.N.  
178-13-602-001



TO BE RELINQUISHED TO  
CITY OF HENDERSON

# COUNTY OF CLARK

## EXHIBIT "B"

TRACED: DBW    CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051    STATE OF NEVADA    SUR 11-06

Dept. of Transportation    R/W Division

Date: June 14, 2012

Sketch Map

Approved: \_\_\_\_\_

Blana Salazar  
Manager, R/W Engineering

Scale: 1" = 50'

Sheet 1 of 1 Sheets

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

TO BE RELINQUISHED TO CITY OF HENDERSON

SR-564 (LAKE MEAD DRIVE) "XE"  $\curvearrowright$

TO SR-582 (BOULDER HWY.)

TO IR-515 INTERCHANGE

N. 80° 47' 59" E.

TIE: N. 85° 04' 03" E. - 5,698.85'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.

P.O.B. = 51.00' RT. "XE" 593+08.43 P.O.T.

$\Delta$  - 90° 00' 00"  
R - 13.00'  
L - 20.42'  
T.B. - N. 9° 12' 01" W.

51.00'  
64.00'

51.00'

1/64 SECTION LINE

N. 80° 47' 59" E. - 86.00'

60.00'  
S. 80° 47' 59" W.

$\Delta$  - 90° 00' 00"  
R - 13.00'  
L - 20.42'  
T.B. - S. 80° 47' 59" W.

011.866 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N. 179-18-212-006  
35

A.P.N. 179-18-212-007  
34  
PARCEL B

A.P.N. 179-18-212-008  
33

A.P.N. 179-18-211-001  
55

A.P.N. 179-18-211-002  
54  
PARCEL C

A.P.N. 179-18-211-003  
53

ATLANTIC AVENUE

HENDERSON TOWNSITE ANNEX NO. 3  
BOOK 3 PAGE 38

..... SUBDIVISION BOUNDARY

SW1/4 NW1/4 SECTION 18



T. 22 S., R. 63 E.  
M.D.M.

# COUNTY OF CLARK

EXHIBIT "C"

TRACED: DBW CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051	STATE OF NEVADA	SUR 11-06
Dept. of Transportation	R/W Division	
Date: June 14, 2012		
Sketch Map		
Approved: <i>Alana Salazar</i>	Manager, R/W Engineering	
Scale: 1" = 50'	Sheet 1 of 1 Sheets	

301

Por. APN's: 178-13-699-009  
179-18-299-003  
Control Section: CL-051  
Route: SR-564  
Surplus No.: SUR 11-06  
Parcels: S-564-CL-011.622 XS1  
S-564-CL-011.717 XS1  
S-564-CL-011.866 XS1

AFTER RECORDING RETURN TO:  
NEVADA DEPT. OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION  
ATTN: STAFF SPECIALIST, PM  
1263 S. STEWART ST.  
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:  
HALANA D. SALAZAR  
NEVADA DEPT. OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION  
1263 S. STEWART ST.  
CARSON CITY, NV 89712

**RESOLUTION OF RELINQUISHMENT  
OF A PORTION OF STATE HIGHWAY RIGHT-OF-WAY**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds a fee simple interest in that certain right-of-way for a portion of SR-564 (Lake Mead Drive), extending from Perlite Way to Atlantic Avenue; and

WHEREAS, said right-of-way is delineated and identified as Parcels S-564-CL-011.622 XS1, S-564-CL-011.717 XS1 and S-564-CL-011.866 XS1 on EXHIBITS "A" through "C", inclusive, attached hereto and made a part hereof; and

WHEREAS, as set forth in NRS 408.527, the Nevada Department of Transportation may, by resolution of the board, relinquish to cities and counties any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs; and

WHEREAS, said right-of-way is of no further contemplated use by the Department due to that portion of SR-564 (Lake Mead Drive) being in excess of its needs; and

WHEREAS, the City of Henderson has requested the relinquishment of aforesaid portion of highway for the purpose of a transportation facility; and

WHEREAS, the City of Henderson has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of SR-564 (Lake Mead Drive) together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way; and

WHEREAS, the City of Henderson entered into an agreement with the Department on \_\_\_\_\_, to accept the hereinafter described designated street as a part of the City of Henderson street system; and

WHEREAS, the City Council of the City of Henderson, State of Nevada, consented by resolution passed and adopted on \_\_\_\_\_, 20\_\_\_\_, to the Department relinquishing the aforesaid portion of said street to the City of Henderson; and

WHEREAS, NRS 408.527 provides that the Department of Transportation may relinquish any portion of a state highway which has been superseded by relocation or which the Department determines exceeds its needs after the Department and the city or county have entered into an agreement and the city or county legislative body has adopted a resolution consenting thereto.

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described right-of-way and incidents thereto, being all that land, delineated and identified as Parcels S-564-CL-011.622 XS1, S-564-CL-011.717 XS1 and S-564-CL-011.866 XS1 on EXHIBITS "A" through "C",

inclusive, attached hereto and made a part hereof, is hereby relinquished to the City of Henderson of the State of Nevada. Said right-of-way is described as follows:

situate, lying and being in the City of Henderson, County of Clark, State of Nevada, and more particularly described as being portions of the SE 1/4 of the NE 1/4 of Section 13, T. 22 S., R. 62 E., and the SW 1/4 of the NW 1/4 of Section 18, T. 22 S., R. 63 E., M.D.M., and more fully described by metes and bounds as follows:

Parcel S-564-CL-011.622 XS1

BEGINNING on the right or southerly right-of-way line of SR-564 (Lake Mead Drive), 51.00 feet right of and at right angles to Highway Engineer's Station "XE" 580+18.89 P.O.T.; said point of beginning further described as bearing N. 86°18'47" E. a distance of 4,413.93 feet from the west 1/4 corner of said Section 13; thence N. 80°47'59" E., along said right-of-way line, a distance of 76.00 feet; thence leaving said right-of-way line the following three (3) courses and distances:

- 1) from a tangent which bears S. 80°47'59" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet;
- 2) S. 80°47'59" W. – 50.00 feet;

- 3) from a tangent which bears N. 9E12'01" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet to the point of beginning;

said parcel contains an area of 723 square feet (0.02 of an acre).

Parcel S-564-CL-011.717 XS1

BEGINNING on the right or southerly right-of-way line of SR-564 (Lake Mead Drive), 51.00 feet right of and at right angles to Highway Engineer's Station "XE" 585+18.89 P.O.T.; said point of beginning further described as bearing N. 85°45'10" E. a distance of 4,911.85 feet from the west 1/4 corner of said Section 13; thence N. 80E47'59" E., along said right-of-way line, a distance of 86.00 feet; thence leaving said right-of-way line the following three (3) courses and distances:

- 1) from a tangent which bears S. 80°47'59" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet;
- 2) S. 80°47'59" W. – 60.00 feet;
- 3) from a tangent which bears N. 9E12'01" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet to the point of beginning;

said parcel contains an area of 853 square feet (0.02 of an acre).

Parcel S-564-CL-011.866 XS1

BEGINNING on the right or southerly right-of-way line of SR-564 (Lake Mead Drive), 51.00 feet right of and at right angles to Highway Engineer's Station "XE" 593+08.43 P.O.T.; said point of beginning further described as bearing N. 85°04'03" E. a distance of 5,698.85 feet from the west 1/4 corner of said Section 13; thence N. 80E47'59" E., along said right-of-way line, a distance of 86.00 feet; thence leaving said right-of-way line the following three (3) courses and distances:

- 1) from a tangent which bears S. 80°47'59" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet;
- 2) S. 80°47'59" W. – 60.00 feet;
- 3) from a tangent which bears N. 9E12'01" W., curving to the left with a radius of 13.00 feet, through an angle of 90°00'00", an arc distance of 20.42 feet to the point of beginning;

said parcel contains an area of 853 square feet (0.02 of an acre).

It is the intent of the Department to relinquish to the City of Henderson all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBITS "A" through "C", inclusive, attached hereto and made a part hereof. If the purpose for which it is relinquished is abandoned or ceases to exist, then all right, title and interest of the city reverts back to the Department.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO LEGALITY AND FORM:

ON BEHALF OF STATE OF NEVADA,  
DEPARTMENT OF TRANSPORTATION  
BOARD OF DIRECTORS

\_\_\_\_\_  
,Deputy Attorney General

\_\_\_\_\_  
Brian Sandoval, Chairman

ATTEST:

\_\_\_\_\_  
Secretary to the Board

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

SE1/4 NE1/4 SECTION 13

T. 22 S., R. 62 E.  
M.D.M.



TO IR-515 INTERCHANGE  
N. 80° 47' 59" E.

SR-564 (LAKE MEAD DRIVE) "XE"  $\phi$

TO SR-582  
(BOULDER HWY.)

011.622 XS1

STATE OF NEVADA  
723 SQ. FT.

A.P.N.  
178-13-610-001

A.P.N.  
178-13-702-005

A.P.N.  
178-13-610-007

HENDERSON ANNEX NO. 5  
BOOK 4 PAGE 67

# COUNTY OF CLARK

EXHIBIT "A"

TRACED: DBW    CHECKED: JHH

Date of last revision: \_\_\_\_\_

TO BE RELINQUISHED TO CITY OF HENDERSON

CL-051	STATE OF NEVADA	SUR 11-06
Dept. of Transportation	R/W Division	
Date: June 14, 2012		
Sketch Map		
Approved: <i>Alana D. Salazar</i>	Manager, R/W Engineering	
Scale: 1" = 50'	Sheet 1 of 1 Sheets	

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

← TO IR-515 INTERCHANGE

SR-564 (LAKE MEAD DRIVE) "XE"  $\phi$

N. 80° 47' 59" E.

TO SR-582 (BOULDER HWY.)

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

TIE: N. 85° 45' 10" E. - 4,911.85'  
FROM THE W 174 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.  
P.O.B. = 51.00' RT.  
"XE" 585+18.89 P.O.T.  
N. 80° 47' 59" E. - 86.00'

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

R/W

## 011.717 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N.  
178-13-602-002

60.00'  
S. 80° 47' 59" W.

BASIC ROAD

60.00'

PARCEL B

44

A.P.N.  
178-13-611-016

45

A.P.N.  
178-13-611-015

### HENDERSON TOWNSITE ANNEX NO. 2 BOOK 3 PAGE 35

..... SUBDIVISION BOUNDARY

SE1/4 NE1/4 SECTION 13

T. 22 S., R. 62 E.  
M.D.M.

A.P.N.  
178-13-602-001



TO BE RELINQUISHED TO  
CITY OF HENDERSON

# COUNTY OF CLARK

## EXHIBIT "B"

TRACED: DBW      CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051      STATE OF NEVADA      SUR 11-06

Dept. of Transportation      R/W Division

Date: June 14, 2012

Sketch Map

Approved: *Blana Salazar*  
Manager, R/W Engineering

Scale: 1" = 50'

Sheet 1 of 1 Sheets

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

TO BE RELINQUISHED TO CITY OF HENDERSON

SR-564 (LAKE MEAD DRIVE) "XE"  $\epsilon$

TO SR-582 (BOULDER HWY.)

TO IR-515 INTERCHANGE

N. 80° 47' 59" E.

TIE: N. 85° 04' 03" E. - 5,698.85'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.  
P.O.B. = 51.00' RT. "XE" 593+08.43 P.O.T.

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

N. 80° 47' 59" E. - 86.00'

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

011.866 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N. 179-18-212-006  
35

A.P.N. 179-18-212-007  
34  
PARCEL B

A.P.N. 179-18-212-008  
33

A.P.N. 179-18-211-001  
55

A.P.N. 179-18-211-002  
54  
PARCEL C

A.P.N. 179-18-211-003  
53

ATLANTIC AVENUE

HENDERSON TOWNSITE  
ANNEX NO. 3  
BOOK 3 PAGE 38

HENDERSON TOWNSITE  
ANNEX NO. 2  
BOOK 3 PAGE 35

..... SUBDIVISION BOUNDARY

# COUNTY OF CLARK

EXHIBIT "C"

TRACED: DBW CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051	STATE OF NEVADA	SUR 11-06
Dept. of Transportation	R/W Division	
Date: June 14, 2012		
Sketch Map		
Approved: <i>Alana Salazar</i>	Manager, R/W Engineering	
Scale: 1" = 50'	Sheet 1 of 1 Sheets	

SW 1/4 NW 1/4 SECTION 18



T. 22 S., R. 63 E.  
M.D.M.

1/64 SECTION LINE

51.00'

R/W

51.00'

64.00'

5

R/W

Control Section: CL-051  
Route: SR-564  
Surplus No.: SUR 11-06  
Parcels: S-564-CL-011.622 XS1  
S-564-CL-011.717 XS1  
S-564-CL-011.866 XS1

**RESOLUTION CONSENTING TO RELINQUISHMENT  
AND LAND TRANSFER AGREEMENT**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish portions of SR-564 (Lake Mead Drive) lying within the City of Henderson, State of Nevada, extending from Perlite Way to Atlantic Avenue, a distance of approximately 0.26 miles, said right-of-way is delineated and identified as Parcels S-564-CL-011.622 XS1, S-564-CL-011.717 XS1 and S-564-CL-011.866 XS1 on EXHIBITS "A" through "C", inclusive, attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of Henderson, State of Nevada, desires that the aforesaid portions of said highway be relinquished to the City of Henderson; and

WHEREAS, the City of Henderson has requested the relinquishment of aforesaid portions of highway for the purpose of a transportation facility; and

WHEREAS, the City of Henderson has agreed to accept the relinquishment of said right-of-way for the aforesaid portions of SR-564 (Lake Mead Drive) together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way.

NOW THEREFORE be it resolved that the City Council of the City of Henderson, does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the City of Henderson, those portions of SR-564 (Lake Mead Drive) lying within the City of Henderson, State of Nevada, extending from Perlite Way to Atlantic Avenue, a distance of approximately 0.26 miles, being all that right-of-way delineated and identified as Parcels S-564-CL-011.622 XS1, S-564-CL-011.717 XS1 and S-564-CL-011.866 XS1 on EXHIBITS "A" through "C", inclusive, attached hereto and made a part hereof.

The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this 18th day of October, 2016.

ATTEST:

Sabrina Mercadante  
Sabrina Mercadante, City Clerk MMC



CITY COUNCIL

Andy Hafen  
Andy Hafen, Mayor

REVIEWED AND RECOMMENDED BY:

Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED AS TO LEGALITY AND FORM:

Dennis Gallagher, Chief Deputy Attorney General  
Chief Counsel, Department of Transportation

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E

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L

STATE OF NEVADA acting by and through its  
Department of Transportation

Rudy Malfabon, P.E., Director

STATE OF NEVADA  
CARSON CITY

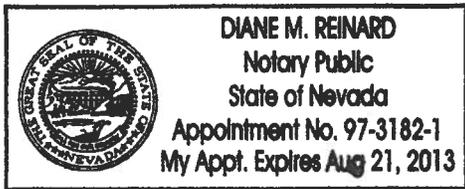
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, \_\_\_\_\_ personally known (or proved) to me to be the \_\_\_\_\_ Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

S  
E  
A  
L

IN WITNESS WHEREOF I have hereunto  
set my hand and affixed my official seal the day  
and year in this certificate first above written.

STATE OF NEVADA )  
COUNTY OF CLARK )

This instrument was acknowledged before me on Oct. 18, 2012 by **ANDY HAFEN** as **MAYOR** of the **CITY OF HENDERSON**.

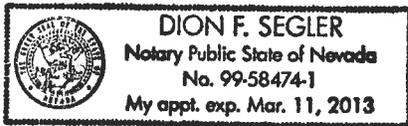


*Diane M. Reinard*

Notary Public in and for said County and State.  
My commission expires: 8-21-13

STATE OF NEVADA )  
COUNTY OF CLARK )

This instrument was acknowledged before me on 10/18/12 by **SABRINA MERCADANTE** as **CITY CLERK** of the **CITY OF HENDERSON**.



*Dion F. Segler*

Notary Public in and for said County and State.  
My commission expires: 3/11/13

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

← TO IR-515 INTERCHANGE

N. 80° 47' 59" E.

SR-564 (LAKE MEAD DRIVE) "XE" ☺

580

TIE: N. 86° 18' 47" E. - 4,413.93'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.

P.O.B. = 51.00' RT. "XE" 580+18.89 P.O.T.

TO SR-582  
(BOULDER HWY.)

R/W

Δ = 90° 00' 00"  
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

N. 80° 47' 59" E.  
76.00'

Δ = 90° 00' 00"  
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

100.98

011.622 XS1

STATE OF NEVADA  
723 SQ. FT.

PERLITE  
WAY

A.P.N.  
178-13-610-007

A.P.N.  
178-13-610-001

A.P.N.  
178-13-702-005

..... SUBDIVISION BOUNDARY

TO BE RELINQUISHED TO  
CITY OF HENDERSON

HENDERSON ANNEX NO. 5  
BOOK 4 PAGE 67

# COUNTY OF CLARK

EXHIBIT "A"

TRACED: DBW      CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051      STATE OF NEVADA      SUR 11-06

Dept. of Transportation      R/W Division

Date: June 14, 2012

Sketch Map

Approved: *Helena Salazar*  
Manager, R/W Engineering

Scale: 1" = 50'

Sheet 1 of 1 Sheets

SE 1/4 NE 1/4 SECTION 13

T. 22 S., R. 62 E.  
M.D.M.

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

← TO IR-515 INTERCHANGE

SR-564 (LAKE MEAD DRIVE) "XE"  $\phi$

N. 80° 47' 59" E.

TO SR-582  
(BOULDER HWY.)

$\Delta = 90^{\circ} 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

TIE: N. 85° 45' 10" E. - 4,911.85'  
FROM THE W 174 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.

P.O.B. = 51.00' RT.  
"XE" 585+18.89 P.O.T.  
N. 80° 47' 59" E. - 86.00'

$\Delta = 90^{\circ} 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

51.00'

64.00'  
51.00'

R/W

## 011.717 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N.  
178-13-602-002

60.00'  
S. 80° 47' 59" W.

BASIC  
ROAD

60.00'

PARCEL B

43

44

A.P.N.  
178-13-611-016

45

A.P.N.  
178-13-611-015

### HENDERSON TOWNSITE ANNEX NO. 2 BOOK 3 PAGE 35

..... SUBDIVISION BOUNDARY

SE1/4 NE1/4 SECTION 13

T. 22 S., R. 62 E.  
M.D.M.

A.P.N.  
178-13-602-001



TO BE RELINQUISHED TO  
CITY OF HENDERSON

# COUNTY OF CLARK

## EXHIBIT "B"

TRACED: DBW      CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051	STATE OF NEVADA	SUR 11-06
Dept. of Transportation	R/W Division	
Date: June 14, 2012		
Sketch Map		
Approved:	Manager, R/W Engineering	
Scale: 1" = 50'	Sheet 1 of 1 Sheets	

PARCEL NO. PREFIX: S-564-CL-

# CITY OF HENDERSON

TO BE RELINQUISHED TO CITY OF HENDERSON

SR-564 (LAKE MEAD DRIVE) "XE"  $\epsilon$

TO SR-582 (BOULDER HWY.)

TO IR-515 INTERCHANGE

N. 80° 47' 59" E.

TIE: N. 85° 04' 03" E. - 5,698.85'  
FROM THE W 1/4 COR. SEC. 13,  
T. 22 S., R. 62 E., M.D.M.

P.O.B. = 51.00' RT. "XE" 593+08.43 P.O.T.

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = N. 9° 12' 01" W.

N. 80° 47' 59" E. - 86.00'

$\Delta = 90^\circ 00' 00''$   
R = 13.00'  
L = 20.42'  
T.B. = S. 80° 47' 59" W.

60.00'  
S. 80° 47' 59" W.

60.00'

ATLANTIC AVENUE

011.866 XS1

STATE OF NEVADA  
853 SQ. FT.

A.P.N. 179-18-212-006  
35

A.P.N. 179-18-212-007  
34  
PARCEL B

A.P.N. 179-18-212-008  
33

A.P.N. 179-18-211-001  
55

A.P.N. 179-18-211-002  
54  
PARCEL C

A.P.N. 179-18-211-003  
53

HENDERSON TOWNSITE  
ANNEX NO. 3  
BOOK 3 PAGE 38

..... SUBDIVISION BOUNDARY

SW1/4 NW1/4 SECTION 18-



T. 22 S., R. 63 E.  
M.D.M.

HENDERSON TOWNSITE  
ANNEX NO. 2  
BOOK 3 PAGE 35

# COUNTY OF CLARK

EXHIBIT "C"

TRACED: DBW CHECKED: JHH

Date of last revision: \_\_\_\_\_

CL-051 STATE OF NEVADA SUR 11-06

Dept. of Transportation R/W Division

Date: June 14, 2012

Sketch Map

Approved: \_\_\_\_\_

Manager, R/W Engineering

Scale: 1" = 50'

Sheet 1 of 1 Sheets



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7013  
Fax: (775) 888-7104

## MEMORANDUM

Environmental Services Division

September 18, 2012

**To:** Jessica Biggin, Staff Specialist, Right-of-Way

**From:** Steve M. Cooke, PE, Chief, Environmental Services *SMC*

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 11-06  
Parcels: S-564-CL-011.622 XS1; 011.717 XS1; and 011.866 XS1  
Control Section: CL-51  
Route: SR-564 (Lake Mead Drive), Former Route: SR-146  
Henderson, Clark County, NV  
Disposal by Relinquishment

---

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern.

**Cc:** R. Borrelli, Surplus Property Committee, Chair  
H. Salazar, Surplus Property Committee, Vice-Chair  
Project File

**ATTACHMENT 5**

**NRS 408.527 Procedure for relinquishment of portion of state highway.**

1. Whenever the Department and the county or city concerned have entered into an agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the board may relinquish to the county or city any portion of any state highway which has been deleted from the state highway system by legislative enactment. The Department may likewise relinquish any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

3. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

4. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

5. If the Board relinquishes property pursuant to subsection 4, and the purpose for which the property was relinquished is abandoned or ceases to exist, then:

(a) If the interest of the Department in the property before it was relinquished was held in fee simple, all right, title and interest of the county, city or Division reverts to the Department.

(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.

6. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173)



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## **MEMORANDUM**

**Right-of-Way Division**

**October 29, 2012**

**TO: Department of Transportation Board of Directors**  
**FROM: Rudy Malfabon P.E., Director**  
**SUBJECT: November 6, 2012 Transportation Board of Directors Meeting**  
**Item # 7b: Disposal of NDOT property located along US-50A/US-95A between Silverlace Boulevard and Lois Lane in the City of Fernley, Lyon County, NV. SUR 11-18 - For Possible Action**

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### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Relinquishment. The property to be relinquished is located along US-50A/US-95A between Silverlace Boulevard and Lois Lane in the City of Fernley, Lyon County, NV. The property is unimproved land consisting of 1.93 acres as depicted on the attached sketch map marked Exhibit "B".

### **Background:**

The Department originally acquired this property, in easement, as parcel number 3 on January 32, 1927 consisting of 2.62 acres and as parcel number 3a on May 2, 1935 consisting of 0.79 of an acre for the construction of US-50A/US-95A.

US-50A/US-95A is complete and operational and the Department has determined that this surplus property is no longer needed for the project.

### **Analysis:**

On September 19, 2012, the City of Fernley City Council signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of this parcel. The release of NDOT's interest in this parcel is being made in accordance with N.R.S. 408.527. The Department owns this property in easement interest. Therefore, as per N.R.S. 408.527, if the City's use of this parcel ceases to exist, the City may abandon or vacate the property without reversion to the Department.

### **Recommendation for Board Action:**

Approval of disposal of NDOT property located along US-50A/US-95A between Silverlace Boulevard and Lois Lane in the City of Fernley, Lyon County, NV.

**TO: Department of Transportation Board of Directors**

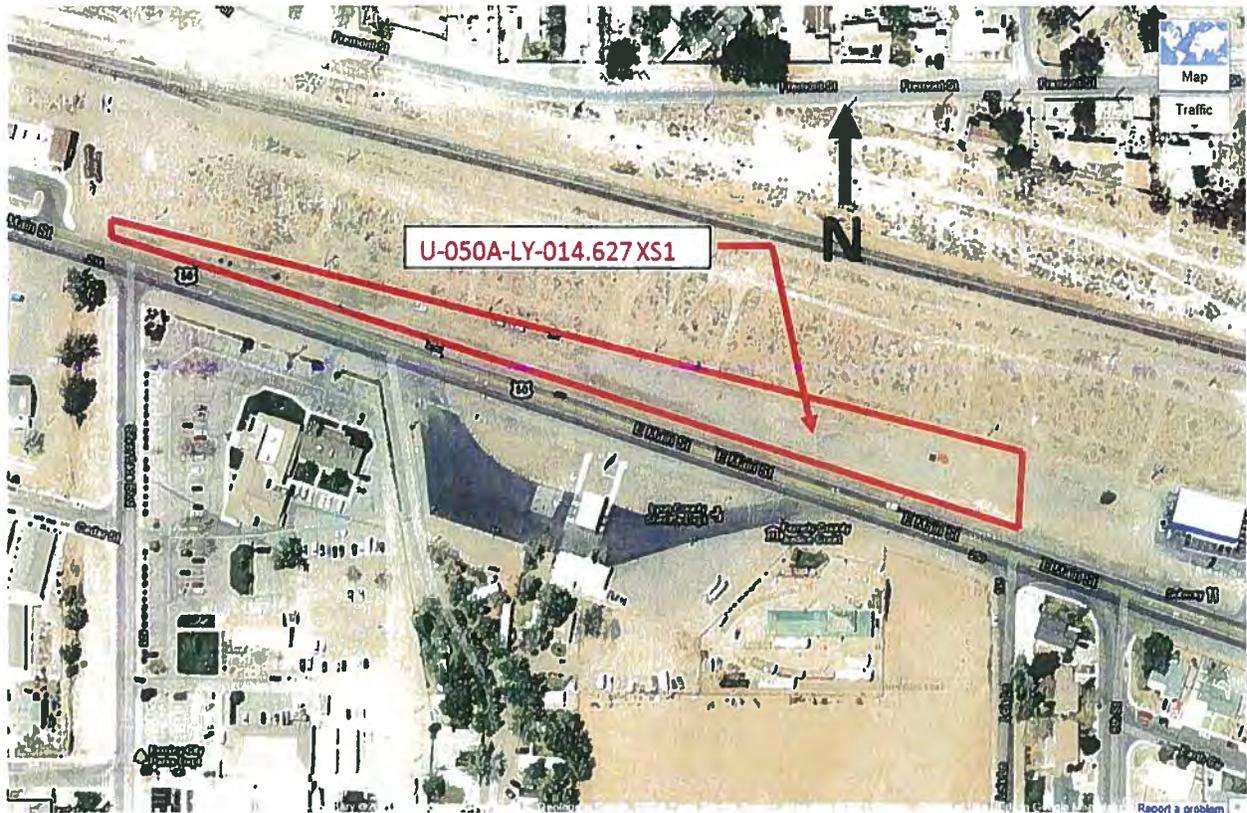
**October 29, 2012**

**List of Attachments:**

1. Location Map
2. Sketch Map marked Exhibit "B"
3. Copy of Resolution of Relinquishment with attached sketch map marked Exhibit "B"
4. Copy of Resolution Consenting to Relinquishment and Land Transfer Agreement with attached sketch map marked Exhibit "B"
5. Environmental Approval
6. N.R.S. 408.527

**Prepared by: Paul A. Saucedo, Chief R/W Agent**

# LOCATION MAP

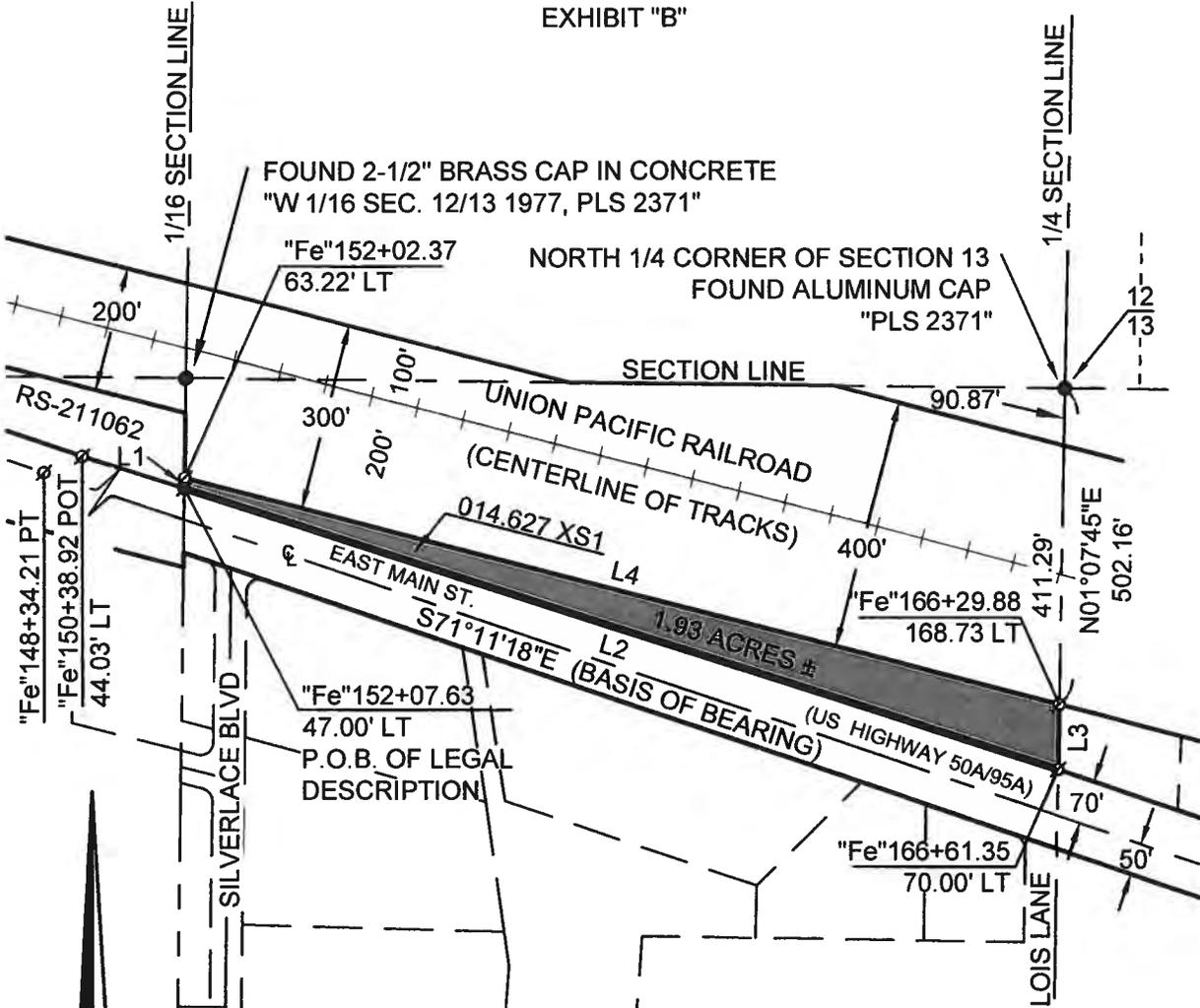


**SUR 11-18**

**DESCRIPTION: ALONG US-50A/US-95A BETWEEN SILVERLACE  
BOULEVARD AND LOIS LANE**

PARCEL NO. PREFIX: U-50A-LY

EXHIBIT "B"



SCALE: 1" = 300'

LINE DATA		
NUM	BEARING	LENGTH
L1	S00°50'37"W	17.05'
L2	S72°05'42"E	1453.91'
L3	N01°07'45"E	103.63'
L4	N75°24'57"W	1431.40'



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EXHIBIT MAP TO ACCOMPANY A LEGAL DESCRIPTION FOR  
**RESOLUTION OF RELINQUISHMENT FROM NDOT TO CITY OF FERNLEY**  
 LYING WITHIN THE NW 1/4 OF SECTION 13, T20N, R24E, M.D.M.  
 FERNLEY LYON COUNTY NEVADA

**cfa**

SHEET 1 OF 1

301

Adj. to APN: 021-102-05  
Control Section: LY-01  
Route: US-50A/US-95A  
Surplus No.: SUR 11-18  
Parcel: U-50A-LY-014.627 XS1

AFTER RECORDING RETURN TO:  
NEVADA DEPT. OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION  
ATTN: STAFF SPECIALIST, PM  
1263 S. STEWART ST.  
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:  
ROBERT O. LARIVIERE, PLS  
CFA INC.  
1150 CORPORATE BLVD.  
RENO, NV 89502

**RESOLUTION OF RELINQUISHMENT  
OF A PORTION OF STATE HIGHWAY RIGHT-OF-WAY**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds an easement interest in that certain right-of-way for a portion of US-50A/US-95A, extending from Highway Engineer's Station "Fe" 152+02.37 P.O.T., to Highway Engineer's Station "Fe" 166+61.35 P.O.T.; and

WHEREAS, said right-of-way is delineated and identified as Parcel U-50A-LY-014.627 XS1 on EXHIBIT "B", attached hereto and made a part hereof; and

WHEREAS, as set forth in NRS 408.527, the Nevada Department of Transportation may, by resolution of the board, relinquish to cities and counties any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs; and

WHEREAS, said right-of-way is of no further contemplated use by the Department due to that portion of US-50A/US-95A being in excess of its needs; and

WHEREAS, the City of Fernley has requested the relinquishment of aforesaid portion of highway for public use; and

WHEREAS, the City of Fernley has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of US-50A/US-95A together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way; and

WHEREAS, the City of Fernley entered into an agreement with the Department on September 19, 2012, to accept the hereinafter described designated right-of-way as a part of the City of Fernley park system; and

WHEREAS, the City Council of the City of Fernley, State of Nevada, consented by resolution passed and adopted on September 19, 2012, to the Department relinquishing the aforesaid portion of said street to the City of Fernley; and

WHEREAS, NRS 408.527 provides that the Department of Transportation may relinquish any portion of a state highway which has been superseded by relocation or which the Department determines exceeds its needs after the Department and the city or county have entered into an agreement and the city or county legislative body has adopted a resolution consenting thereto.

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described right-of-way and incidents thereto, being all that land, delineated and identified as Parcel U-50A-LY-014.627 XS1 on EXHIBIT "B", attached hereto and made a part hereof, is hereby relinquished to the City of Fernley of the State of Nevada. Said right-of-way is described in EXHIBIT "A", attached hereto and made a part hereof.

It is the intent of the Department to relinquish to the City of Fernley all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBIT "B", attached hereto and made a part hereof.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

APPROVED AS TO LEGALITY AND FORM:

ON BEHALF OF STATE OF NEVADA,  
DEPARTMENT OF TRANSPORTATION  
BOARD OF DIRECTORS

\_\_\_\_\_  
,Deputy Attorney General

\_\_\_\_\_  
Brian Sandoval, Chairman

ATTEST:

\_\_\_\_\_  
Secretary to the Board

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
For  
**Resolution of Relinquishment from NDOT to City of Fernley**  
**Parcel: U-050A-LY-014.627 XS1**

All that certain real property situate in the City of Fernley, Lyon County, State of Nevada, lying within a portion of the Northwest One Quarter (NW ¼) of Section Thirteen (13), Township Twenty North (T20 N), Range Twenty-Four East (R 24 E), M.D.M., described as follows:

BEGINNING at the southeast corner of that 42,197 square foot parcel as shown on "Record of Survey for Boundary Line Adjustment for the Steinheimer Marital Trust", Document No. 211062, recorded October 14, 1997, Official Records, Lyon County, Nevada, said POINT OF BEGINNING being further described as lying on the northerly line of East Main Street, U.S. Highway 50A/95A; Nevada Department of Transportation (NDOT) Station "Fe" 152+07.63, 47.00 feet left of centerline as determined from that project alignment, "LPN 868 SR 427 & US 95A Centerline Retracement" that was provided to CFA from NDOT on August 27, 2012.

THENCE from SAID POINT OF BEGINNING South 72°05'42" East along said northerly line, a distance of 1,453.91 feet to a point on the east line of the NE ¼ of the NW ¼ of Section Thirteen, also described as NDOT Station "Fe" 166+61.35, 70.00 feet left of centerline;

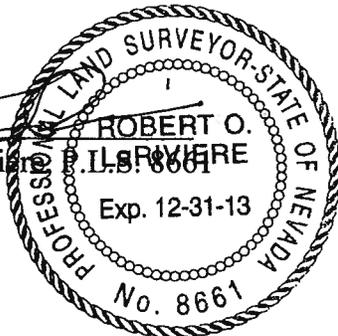
THENCE North 01°07'45" East along said east line, a distance of 103.63 feet to a point on the southerly line of a four hundred foot (400') wide right of way of the Union Pacific Railroad, also described as NDOT Station "Fe" 166+29.88, 168.73 feet left of centerline;

THENCE North 75°24'57" West along said southerly line, a distance of 1,431.40 feet to a point on the west line of the NE ¼ of the NW ¼ of Section Thirteen, also being a point lying on the southerly line of a three hundred foot (300') wide right-of-way for Union Pacific Railroad and being a point lying on the east line of that 42,197 square foot parcel as shown on "Record of Survey for Boundary Line Adjustment for the Steinheimer Marital Trust", Document No. 211062, also described as NDOT Station "Fe" 152+02.37, 63.22 feet left of centerline;

THENCE South 00°50'37" West along the east line of said 42,197 square foot parcel, a distance of 17.05 feet to THE POINT OF BEGINNING, containing 1.93 acres of land, more or less.

The basis of bearings for this description is the centerline of U.S. Highway 95A, taken as South 71°11'18" East as shown on said project alignment, "LPN 868 SR 427 & US 95A Centerline Retracement" that was provided to CFA from NDOT on August 27, 2012.

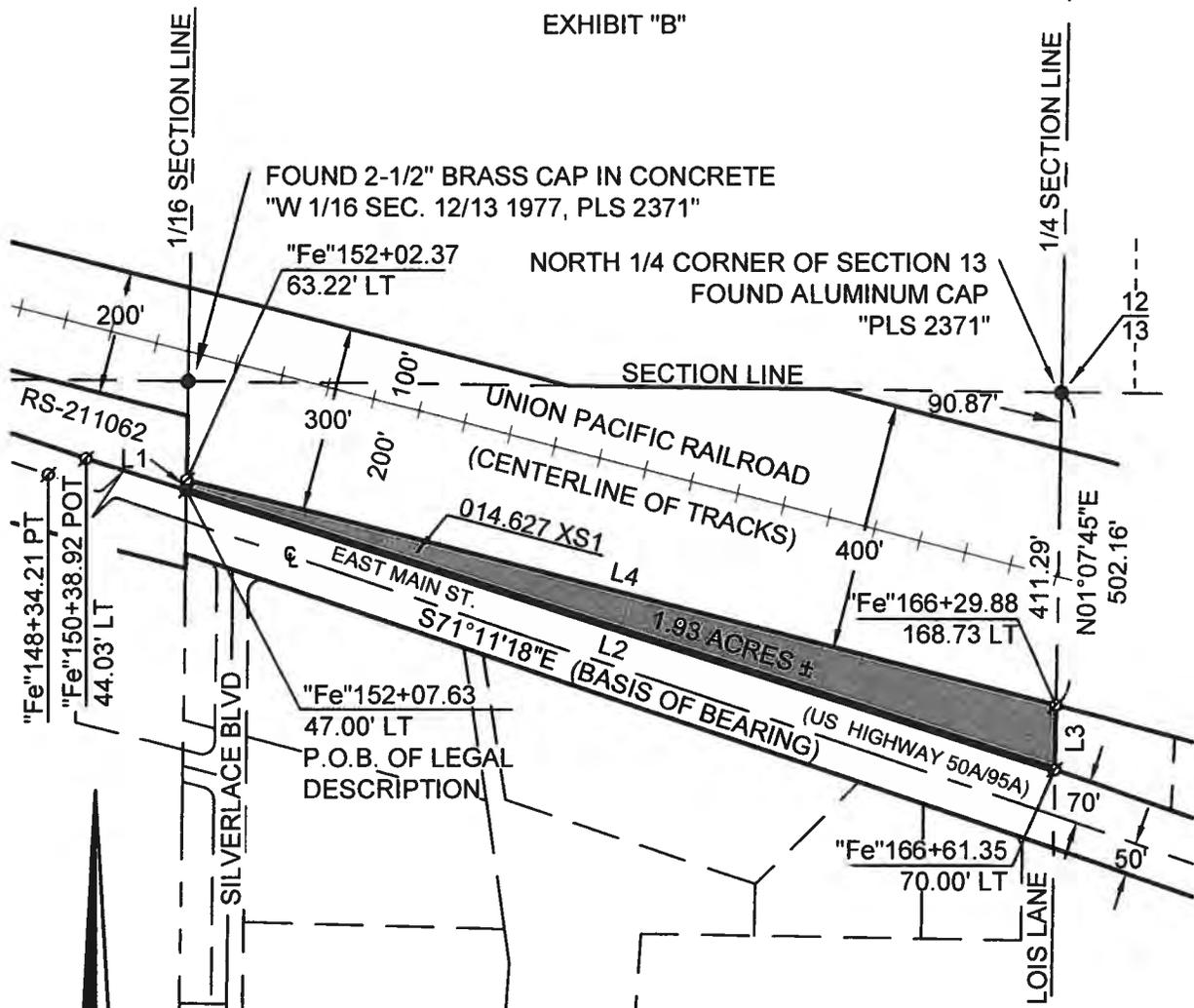
  
Robert O. LaRiviere  
CFA Inc.  
1150 Corporate Blvd.  
Reno, NV 89502



10-4-12

PARCEL NO. PREFIX: U-50A-LY

EXHIBIT "B"



LINE DATA		
NUM	BEARING	LENGTH
L1	S00°50'37"W	17.05'
L2	S72°05'42"E	1453.91'
L3	N01°07'45"E	103.63'
L4	N75°24'57"W	1431.40'



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EXHIBIT MAP TO ACCOMPANY A LEGAL DESCRIPTION  
FOR  
**RESOLUTION OF RELINQUISHMENT  
FROM NDOT TO CITY OF FERNLEY**  
LYING WITHIN THE NW 1/4 OF SECTION 13, T20N, R24E, M.D.M.  
FERNLEY LYON COUNTY NEVADA

**cfa**

SHEET  
1 / OF 1

**" RESOLUTION CONSENTING TO RELINQUISHMENT  
AND LAND TRANSFER AGREEMENT "**

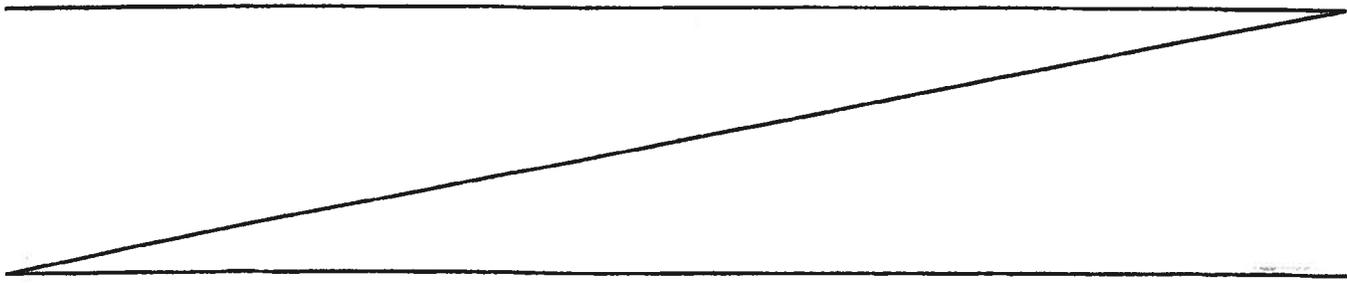
WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of US-50A/US-95A lying within the City of Fernley, State of Nevada, extending from Highway Engineer's Station "Fe" 151+85 to Highway Engineer's Station "Fe" 166+65, a distance of approximately 0.28 of a mile, said right-of-way is delineated in red and identified as Parcel U-050A-LY-014.627 XS1 on EXHIBIT "A", attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of Fernley, State of Nevada, desires that the aforesaid portion of said highway be relinquished to the City of Fernley; and

WHEREAS, the City of Fernley has requested the relinquishment of aforesaid portion of highway for the purpose of public use; and

WHEREAS, the City of Fernley has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of US-50A/US-95A together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way.

NOW THEREFORE be it resolved that the City Council of the City of Fernley, does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the City of Fernley, that portion of US-50A/US-95A lying within the City of Fernley, State of Nevada, extending from Highway Engineer's Station "Fe" 151+85 to Highway Engineer's Station "Fe" 166+65, a distance of approximately 0.28 of a mile, being all that right-of-way delineated in red and identified as Parcel U-050A-LY-014.627 XS1 on EXHIBIT "A", attached hereto and made a part hereof.



The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this 19<sup>th</sup> day of September, 2012

ATTEST:

Kimberly Swanson  
Kimberly Swanson, City Clerk

CITY COUNCIL

LeRoy Goodman  
LeRoy Goodman, Mayor

REVIEWED AND RECOMMENDED BY:

Paul A. Saucedo  
Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED AS TO LEGALITY AND FORM:

Dennis Gallagher  
Dennis Gallagher, Chief Deputy Attorney General  
Chief Counsel, Department of Transportation

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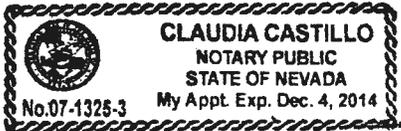
STATE OF NEVADA acting by and through its Department of Transportation

John M. Terry 10-9-12  
For Rudy Malfabon, P.E., Director

STATE OF NEVADA  
CARSON CITY

On this 9 day of October, 2012, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, John M. Terry personally known (or proved) to me to be the Assistant Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

S  
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L



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Claudia Castillo

EXHIBIT "A"

LEGAL DESCRIPTION

For

Abandonment/Encroachment Land-City of Fernley

All that certain real property situate in the City of Fernley, Lyon County, State of Nevada, lying within a portion of the Northwest One Quarter (NW ¼) of Section Thirteen (13), Township Twenty North (T20 N), Range Twenty-Four East (R 24 E), M.D.M., described as follows:

BEGINNING at the southeast corner of that 42,197 square foot parcel as shown on "Record of Survey for Boundary Line Adjustment for the Steinheimer Marital Trust", Document No. 211062, recorded October 14, 1997, Official Records, Lyon County, Nevada, said POINT OF BEGINNING being further described as lying on the northerly line of East Main Street, U.S. Highway 95A; Nevada Department of Transportation (NDOT) Station "F" 152+07.64, 47.00 feet left of centerline as determined from that plan set, "R/W Plans", Project Number: SP-000M(25), EA Number 71808, Sheet 4 of 5, dated January 1993.

THENCE from SAID POINT OF BEGINNING South 72°06'09" East along said northerly line, a distance of 1,453.91 feet to a point on the east line of the NE ¼ of the NW ¼ of Section Thirteen, also described as NDOT Station "F" 166+61.36, 70.00 feet left of centerline;

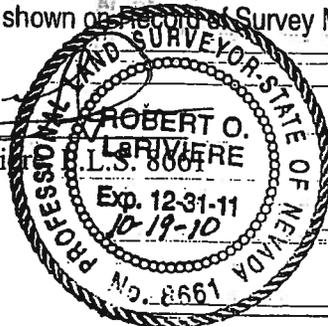
THENCE North 01°07'18" East along said east line, a distance of 103.63 feet to a point on the southerly line of a four hundred foot (400') wide right of way of the Union Pacific Railroad, also described as NDOT Station "F" 166+29.89, 168.73 feet left of centerline;

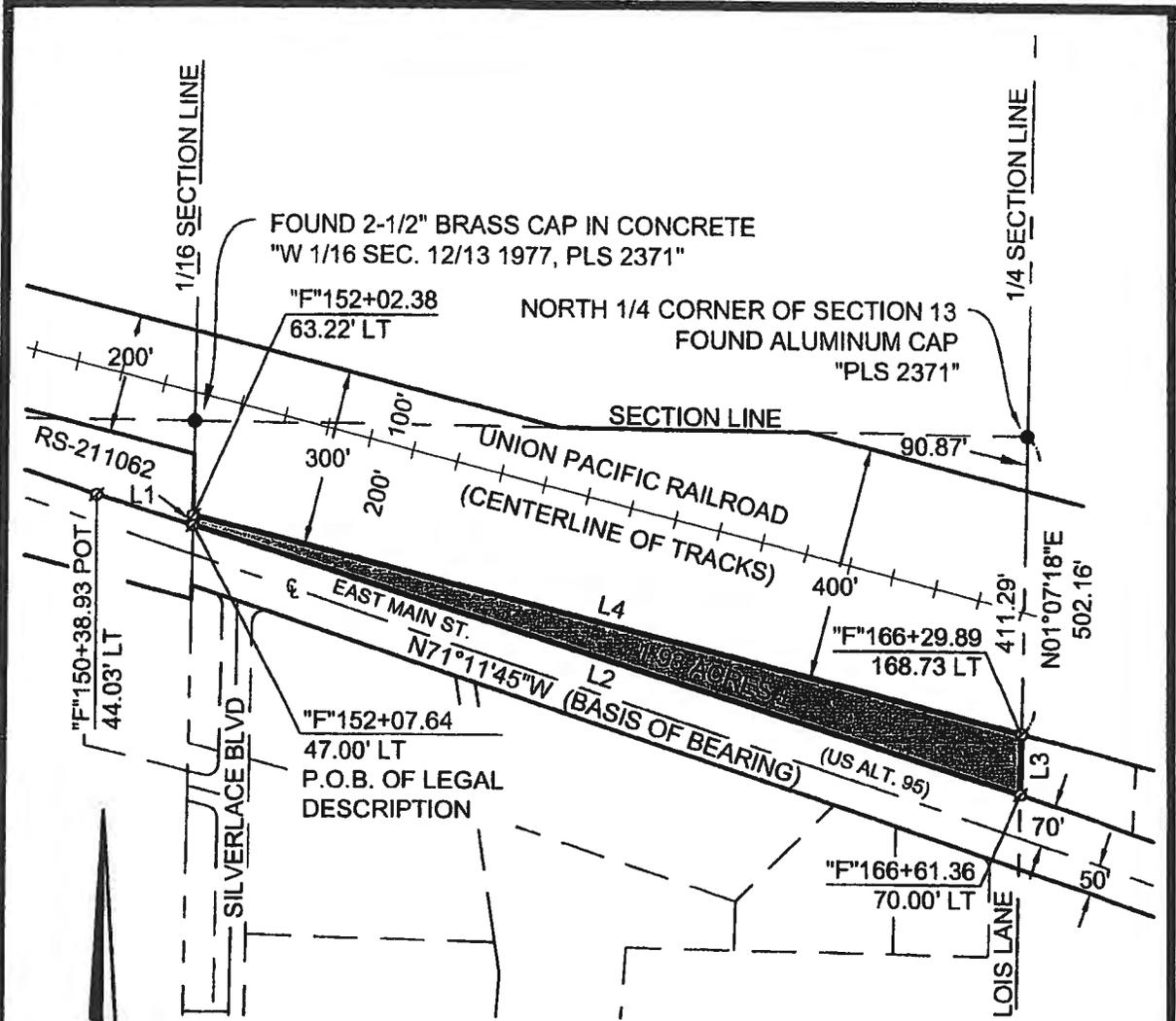
THENCE North 75°25'24" West along said southerly line, a distance of 1,431.40 feet to a point on the west line of the NE ¼ of the NW ¼ of Section Thirteen, also being a point lying on the southerly line of a three hundred foot (300') wide right-of-way for Union Pacific Railroad and being a point lying on the east line of that 42,197 square foot parcel as shown on "Record of Survey for Boundary Line Adjustment for the Steinheimer Marital Trust", Document No. 211062, also described as NDOT Station "F" 152+02.38, 63.22 feet left of centerline;

THENCE South 00°50'10" West along the east line of said 42,197 square foot parcel, a distance of 17.05 feet to THE POINT OF BEGINNING, containing 1.93 acres of land, more or less.

The basis of bearings for this description is the centerline of U.S. Highway 95A, taken as South 71°11'45" East as shown on Record of Survey Map No. 450855, Official Records, Lyon County, Nevada.

  
Robert O. LaRiviere  
CFA Inc.  
1150 Corporate Blvd.  
Reno, NV 89502





FOUND 2-1/2" BRASS CAP IN CONCRETE  
 "W 1/16 SEC. 12/13 1977, PLS 2371"

NORTH 1/4 CORNER OF SECTION 13  
 FOUND ALUMINUM CAP  
 "PLS 2371"

"F"152+02.38  
 63.22' LT

"F"166+29.89  
 168.73 LT

"F"152+07.64  
 47.00' LT  
 P.O.B. OF LEGAL  
 DESCRIPTION

"F"166+61.36  
 70.00' LT

SCALE: 1" = 300'

LINE DATA		
NUM	BEARING	LENGTH
L1	S00°50'10"W	17.05'
L2	S72°06'09"E	1453.91'
L3	N01°07'18"E	103.63'
L4	N75°25'24"W	1431.40'

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EXHIBIT MAP TO ACCOMPANY A LEGAL DESCRIPTION  
 FOR  
**PROPOSED  
 ABANDONMENT / ENCROACHMENT**

LYING WITHIN THE NW 1/4 OF SECTION 13, T20N, R24E, M.D.M.  
 FERNLEY LYON COUNTY NEVADA

*cfa*

SHEET  
**1** / **1**



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7013  
Fax: (775) 888-7104

## MEMORANDUM

### Environmental Services Division

October 1, 2012

**To:** Jessica Biggin, Staff Specialist, Right-of-Way

**From:** Steve M. Cooke, PE, Chief, Environmental Services *SMC*

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 11-18  
Parcel: U-050A-LY-014.627 XS1  
Control Section: LY-01  
Route: US-50A/US-95A  
Fernley, Lyon County, NV  
Disposal by Relinquishment

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The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern.

**Cc:** R. Borrelli, Surplus Property Committee, Chair  
H. Salazar, Surplus Property Committee, Vice-Chair  
Project File

**NRS 408.527 Procedure for relinquishment of portion of state highway.**

1. Whenever the Department and the county or city concerned have entered into an agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the board may relinquish to the county or city any portion of any state highway which has been deleted from the state highway system by legislative enactment. The Department may likewise relinquish any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

3. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

4. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

5. If the Board relinquishes property pursuant to subsection 4, and the purpose for which the property was relinquished is abandoned or ceases to exist, then:

(a) If the interest of the Department in the property before it was relinquished was held in fee simple, all right, title and interest of the county, city or Division reverts to the Department.

(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.

6. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173)



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## MEMORANDUM

Right-of-Way Division

October 29, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2011 Transportation Board of Directors Meeting  
**Item # 8a:** Disposal of NDOT property located along US-50/US-93 from north of Avenue M to Avenue O in the City of Ely, White Pine County, NV.  
SUR 11-21 – For possible action

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### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Quitclaim Deed. The parcel to be quitclaimed to the abutting property owner is located along US-50/US-93 from north of Avenue M to Avenue O in the City of Ely, White Pine County, NV. The parcel consists of 18,932 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired this parcel for US-50 right-of-way from two property owners. Portions were acquired from White Pine County on March 22, 1954 from John and Evelyn Chacas on March 24, 1954. A portion of these transfers were as an easement right while others were in fee.

On September 8, 1986 the Department of Transportation filed a Resolution of Abandonment releasing an easement interest for a 25 foot strip of US-50/US-93. For those areas held in easement, the resolution was binding. However, for those areas held in fee, the resolution was invalid as it was in direct conflict with N.R.S. 408.533. N.R.S. 408.533 does not allow for the abandonment of rights-of-way owned in fee.

Following the filing of the Resolution of Abandonment, the adjacent property owner recorded a map indicating that the resolution was valid for all areas described it. Thus, they were under the mistaken impression that they owned those areas for which the resolution was not binding.

To clean up the issues created by the incorrect actions taken in 1986, the Department prepared a quitclaim deed for the Transportation Board's approval. However, prior to obtaining that approval, staff had the quitclaim deed signed and recorded on August 31, 2012.

**TO: Department of Transportation Board of Directors**

**October 29, 2012**

**Analysis:**

The release of NDOT's interest in this parcel is being made in accordance with N.R.S. 408.533. The Department owned the property in fee simple and erroneously attempted to abandon the property by Resolution of Abandonment on September 8, 1986. The approval to dispose of this property to the abutting property owner via a Quitclaim Deed properly completes the intended action taken in 1986 and will clear title to the abutting property owner. The original acquisition had no money exchanged, therefore this release is in accordance with disposal processes under N.R.S. 408.533 1. (a).

The Department would like to ratify the previous action of recording a Quitclaim Deed with the abutting property owner prior to obtaining the Transportation Board's approval.

**Recommendation for Board Action:**

Approval of disposal of NDOT property located along US-50/US-93 from north of Avenue M to Avenue O in the City of Ely, White Pine County, NV.

**List of Attachments:**

1. Location Map
2. Sketch map marked Exhibit "A"
3. Environmental Approval
4. N.R.S. 408.533

**Prepared by: Paul A. Saucedo, Chief R/W Agent**

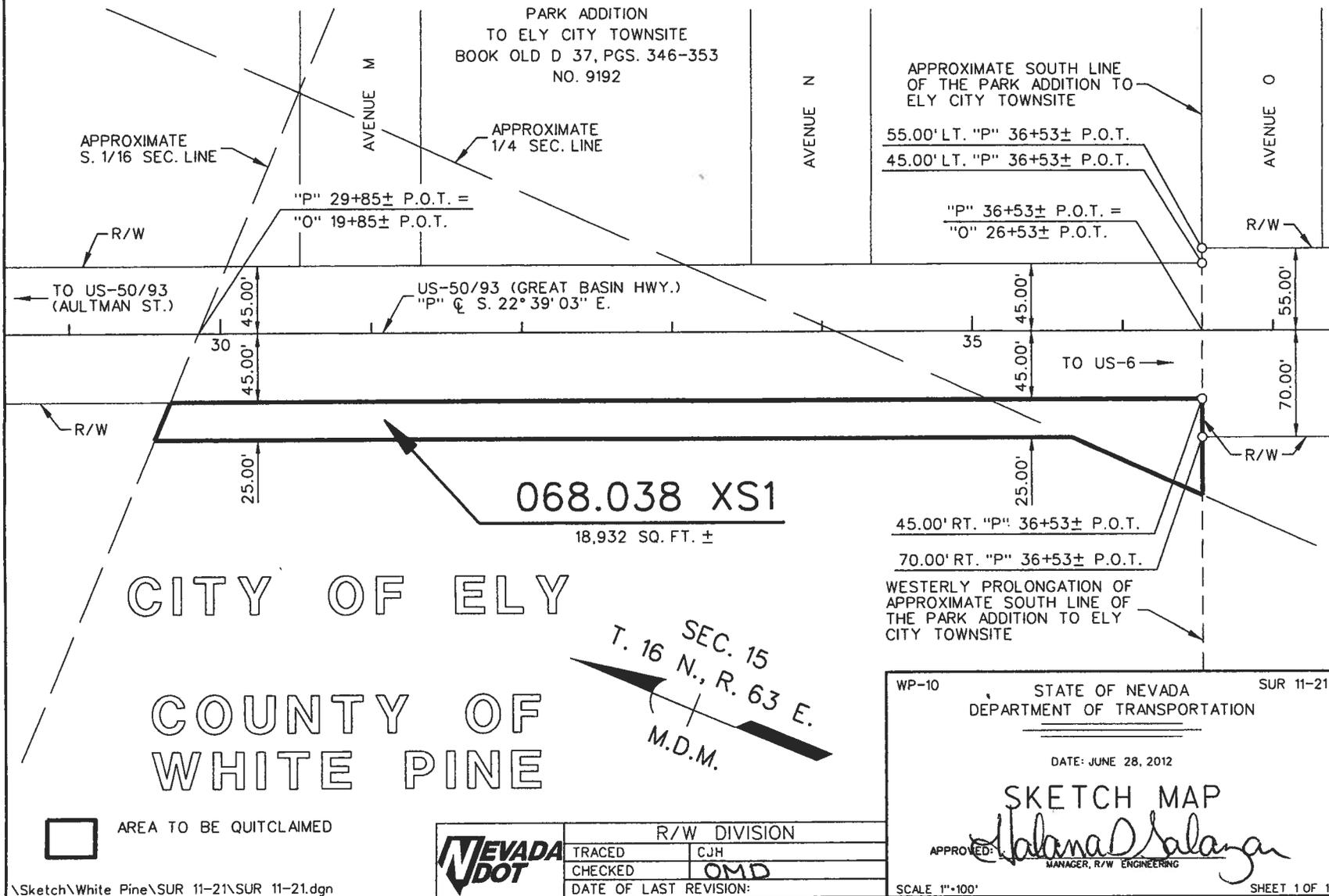
**LOCATION MAP**



**SUR 11-21**  
**DESCRIPTION: ALONG US-50 / US-93 FROM**  
**NORTH OF AVENUE M TO AVENUE O**

PARCEL NO. PREFIX: U-050-WP-

EXHIBIT "A"



ATTACHMENT 2

\\Sketch\White Pine\SUR 11-21\SUR 11-21.dgn

	R/W DIVISION	
	TRACED	CJH
	CHECKED	OMD
DATE OF LAST REVISION:		

WP-10 STATE OF NEVADA SUR 11-21  
 DEPARTMENT OF TRANSPORTATION  
 DATE: JUNE 28, 2012  
 SKETCH MAP  
 APPROVED: *Halima Salazar*  
 MANAGER, R/W ENGINEERING  
 SCALE 1"=100' SHEET 1 OF 1



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7013  
Fax: (775) 888-7104

## MEMORANDUM

### Environmental Services Division

October 1, 2012

**To:** Jessica Biggin, Staff Specialist, Right-of-Way

**From:** Steve M. Cooke, PE, Chief, Environmental Services *Smc*

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 11-21  
Parcel: U-050-WP-068.038 XS1  
Control Section: WP-10  
Route: US-50/US-93  
Ely, White Pine County, NV  
Disposal by Quitclaim Deed

---

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern.

**Cc:** R. Borrelli, Surplus Property Committee, Chair  
H. Salazar, Surplus Property Committee, Vice-Chair  
Project File

**ATTACHMENT 3**

**NRS 408.533 Disposal of property.**

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



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## **MEMORANDUM**

October 23, 2012

**To:** Department of Transportation Board of Directors  
**From:** Rudy Malfabon, Director  
**Subject:** November 6, 2012 Transportation Board of Directors Meeting  
**Item #9:** Review and Ratify the Selection of the Contractor for the Stateline to Stateline Bikeway Phase 1C Construction Manager at Risk Project in Stateline and Approve an Agreement with Q&D Construction Co., Inc. for Pre-Construction Services for this Project – *Action Item*

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### **Summary:**

The Department of Transportation is seeking approval of the selection of the Construction Manager for the Stateline to Stateline Bikeway Phase 1C Construction Manager at Risk (CMAR) Project. Q&D Construction Co., Inc. was selected as the Construction Manager for this CMAR Project. The selection was made after a Request for Proposals (RFP) was issued, proposals were received and evaluated to determine a short list of best qualified firms, an Invitation to Interview was issued to short listed firms, and an interview of these firms was conducted to determine the most qualified firm. The procurement process was in accordance with the Department's Pioneer Program Process for CMAR as approved by the Board on December 12, 2011; a confidential evaluation and selection plan; and in accordance with applicable sections of Nevada Revised Statute 338 (Attachment A).

### **Background:**

The overall Nevada Stateline to Stateline Bikeway project is a thirty (30) mile shared-use bike facility along the east side of Lake Tahoe between the casino core in Stateline Nevada and the Nevada state line in Crystal Bay. The overall project is a joint proposal of local, State, and federal agencies with responsibilities on the Nevada side of the Lake Tahoe Basin. The overall project is to be constructed in multiple phases: Phase 1 (The South Demonstration) and Phase 2 (The North Demonstration).

Phase 1 is divided into three (3) separate phases, Phase 1A, Phase 1B, and Phase 1C. The purpose of Phase 1 is to provide non-auto transportation opportunities that link recreation areas, community centers, transportation facilities, and neighborhoods in the Stateline to Round Hill, Nevada, area in order to expand recreational access and transportation choices for residents and visitors to the Lake Tahoe Basin.

The Department issued an RFP to develop Phase 1C using the Construction Manager At Risk (CMAR) delivery method in order to reduce the complexity of constructing in the Tahoe Basin and to improve upon the quality and construction of the design. Phase 1C is a 1-mile 10-foot paved path with 2-foot shoulders on each side. Phase 1C is located

in Stateline, Nevada, on the east shore of Lake Tahoe. The Project alignment follows contours around the west side of Round Mound approximately one hundred and fifty (150) feet uphill from Hill Street from the north side of Elks Point Road just south of U.S. Highway 50 (US 50). The Project alignment extends through the abandoned Round Hill Pines Resort, and then connects to a segment of the Old Lincoln Highway that runs parallel to and west of US 50. The Project alignment then follows the Old Lincoln Highway to a point approximately 0.3 mile north of the entrance to Round Hill Pines Beach.

The need for Phase 1 is based on the fact that existing bikeways in the Lake Tahoe Basin are extremely popular and public surveys show that expansion of the system to serve all of Lake Tahoe is desired. Separated bicycle facilities are not available along most of the Nevada side of Lake Tahoe. Also, Phase 1 would provide a spectacular recreation opportunity to link the Stateline community and its casino core to public beaches and coves along the picturesque east shore up to Round Hill Pines Beach. Currently, these popular recreation areas are generally accessed by automobile. Providing bicycle links to recreation areas and the casino core is an important step toward reducing vehicle impacts, improving the multi-modal options available to residents and visitors, improving safety, and providing an unparalleled recreation experience in the shared-use path itself.

#### **Analysis:**

The Department issued an RFP for CMAR Pre-Construction Services on July 12, 2012 for this project. A mandatory pre-proposal meeting was held on July 19, 2012. Proposals were evaluated by a panel consisting of Department staff and Tahoe Transportation District representatives. Two (2) firms responded with Proposals and are listed below in alphabetical order as follows:

- Granite Construction
- Q & D Construction Co., Inc.

Both of the Proposers were short listed based on their qualifications. Listed below, in alphabetical order, are the firms selected for the short list from the proposals.

- Granite Construction
- Q & D Construction Co., Inc.

The Department released an Invitation to Interview to the short listed firms on August 8, 2012. These firms were interviewed on August 27, 2012. The evaluation panel for the interview included the same individuals that served as evaluators on the proposal. As specified in the RFP and in accordance with the NRS, final selection of the most qualified firm was based 100% on scoring of the interview process. Evaluations of the proposals and interviews were conducted in strict adherence to detailed and confidential evaluation and selection criteria. During the solicitation process and prior to the interview, proposers were afforded the opportunity to submit written questions to the Department and responses were provided.

Based on the evaluation criteria for the interview, the Evaluation Panel recommended Q&D Construction Co., Inc. to the Director as the most qualified firm.

The Deputy Director approved the Evaluation Panel's recommendation on August 28, 2012 (Attachment B) and a Notification of Intent to Award to Q&D Construction Co., Inc. was provided to all proposers on August 29, 2012. Pursuant to the Board approved Pioneer Program CMAR process, FHWA has reviewed the selection as well and issued their concurrence on September 11, 2012 (Attachment C).

The Department has followed all requirements of NRS 338.169 to 388.16985, inclusive and has successfully negotiated an Agreement for the CMAR Pre-Construction Services with Q&D Construction Co., Inc. in the amount of \$198,400.00 which will be executed based upon approval of the Transportation Board. Please refer to the Summary of Contract Terms & Conditions (Attachment D). The conformed contract will be available for your review and approval at the Board meeting on November 6, 2012.

**List of Attachments:**

- A. Pioneer Program CMAR Process (flowchart)
- B. Director's Selection Approval Memo (CONFIDENTIAL)
- C. FHWA Concurrence with Selection (CONFIDENTIAL)
- D. Summary of Contract Terms & Conditions

**Recommendation for Board Action:**

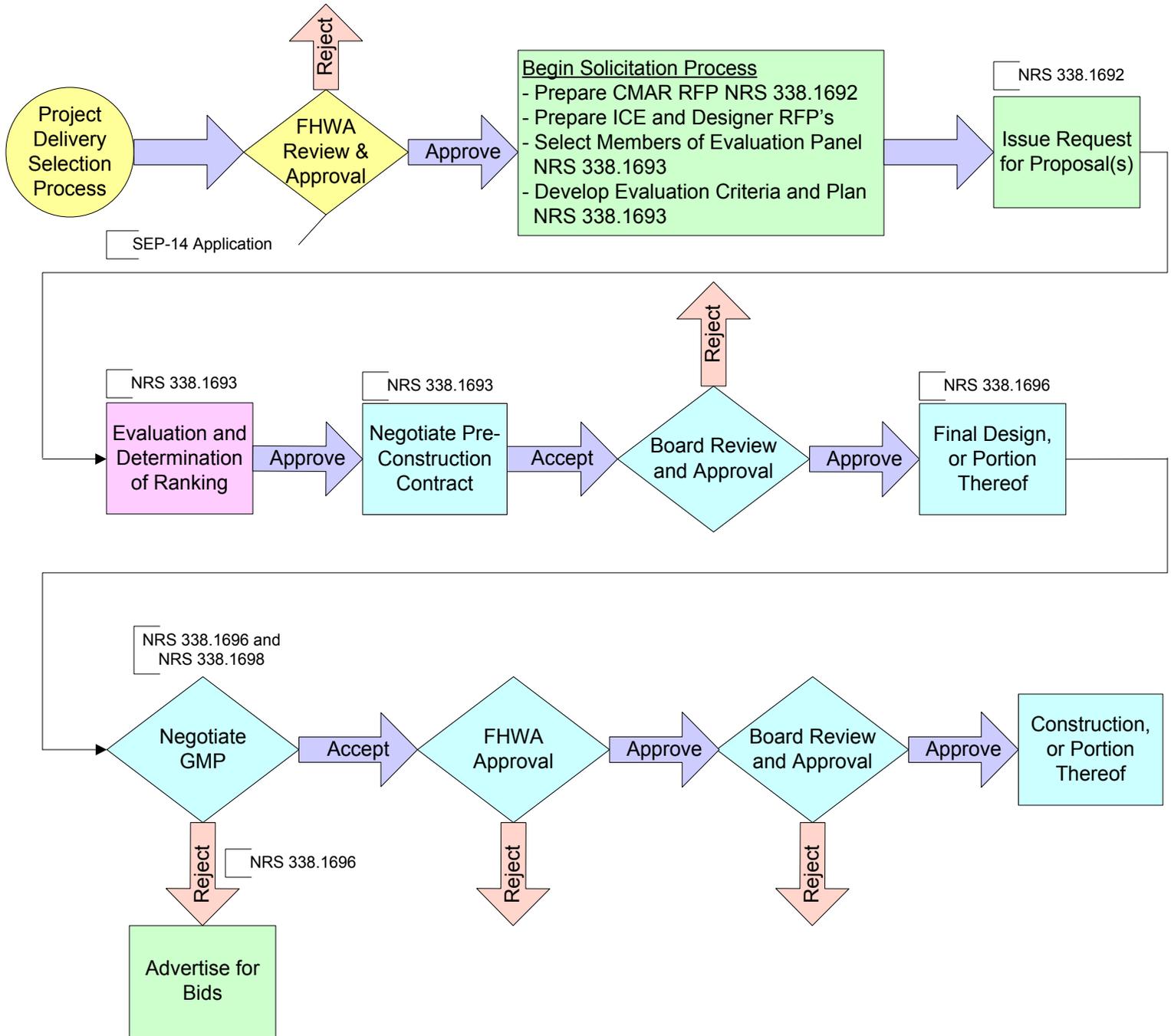
1. Ratify the Selection of Q&D Construction Co., Inc. as CMAR provider for the Stateline to Stateline Bikeway Phase 1C Project.
2. Approve a Pre-Construction Services Agreement with Q&D Construction Co., Inc.

**Prepared by:**

Pedro Rodriguez, Project Manager

# NDOT CMAR Process

December 5, 2011



## Legend

- = Identification Phase
- = Evaluation Phase
- = Solicitation Phase
- = Award/Implementation Phase

### Terminology

- RFP = Request for Proposal
- GMP = Guaranteed Maximum Price

Item 9 Attachment B

**CONFIDENTIAL**

Item 9 Attachment C

**CONFIDENTIAL**

## **Summary of Contract Terms & Conditions**

### **Stateline to Stateline Bikeway Project Ph. 1C – Preconstruction Services**

**Scope of Work:**

The scope of work is for preconstruction services in development of the Stateline to Stateline Bikeway Project Ph. 1C. These improvements include constructing a 10-foot-wide (paved) shared-use bike path on the west side of US 50 that is approximately one (1) mile long beginning at Elks Point Road and heading north. Major project elements during preconstruction include full and active collaboration with the Department's design team on the following items:

- Cost estimation coordination to establish agreed upon methods for quantification and communication of scope and quantities
- Risk management, including identification, quantification and mitigation strategies
- Detailed and continuous design and constructability review to achieve a higher quality final design and more certain construction cost.
- Open Book Cost Estimates at the 30%, 60%, and final design level to discuss assumptions and cost allocations with the Department.
- Detailed construction schedule estimates prepared at the 30%, 60%, and final design levels to analyze the impacts of design elements and opportunities for improvement
- Provide a Guaranteed Maximum Price for construction services.

**Schedule:**

The schedule for these preconstruction services as estimated by the Department includes a single GMP with construction beginning in Spring 2013. The Construction Manager will participate in all milestones below with the Department and the Engineer to develop the final plans and GMP.

- Initial Approach to Costs – November
- 30% Plan Review / Risk Workshop #1- December
- Opinion of Probable Construction Costs #1 – December
- 60% Plan Review / Risk Workshop - January
- Opinion of Probable Construction Costs #2 – January
- Final Plan Review / Risk Workshop #2 – February
- Opinion of Probable Construction Costs #3 – February
- Guaranteed Maximum Price – March
- Estimated Construction Contract Execution – Spring 2013

**Price:**

The negotiated agreement price for preconstruction services is \$198,400.00.

**Major Terms & Conditions:**

Strong contractual controls have been placed on the work to be conducted during cost development and negotiation of GMP. Detailed information is required to be provided as to assumed production rates, overhead and profit rates and allocation and risk assumptions and contingencies. Primary to this point is the procurement of Independent Cost Estimator (ICE) to verify the costs presented by the Construction Manager. Should these cost estimates not be in agreement, the Department has the opportunity to elect to advertise the construction contract competitively.

**Prepared by: Pedro Rodriguez, Project Manager**



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## MEMORANDUM

October 18, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**ITEM #10:** Approval to Develop an RFP for Project NEON – *for possible action*

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### **Summary:**

This item is a follow up discussion from the June 25, 2012 Board Meeting.

Project NEON is program of highway improvements from Sahara Avenue on the I-15 to Rancho Drive on US 95. A broad overview of the 20-year program was presented at the May 24, 2012 board meeting. Project NEON is anticipated to be delivered in 5 phases, over 20 years, for a total anticipated cost of \$1.2 - \$1.8 billion.

An unsolicited proposal has been received by the Department. Neon Mobility Group (NMG) has proposed to deliver Phases 1 and 3 of Project NEON, as a design-build-finance-operate-maintain (DBFOM) agreement ("Unsolicited Proposal"), financing the project over a 35-year period. An overview and analysis of the Unsolicited Proposal was presented at the June 25, 2012 Board Meeting. The Transportation Board requested additional information prior to taking action.

### **Background:**

The Information provided in the June 25, 2012 Board of Directors Meeting included the processes followed to evaluate the proposal, the State's legal authority, and a discussion on the affordability and financial analysis. The Department was asked to provide clarifying information on several topics, including the impact an availability payment as proposed would have on the Department's program and whether or not packaging the project into smaller packages would be more affordable.

### **Analysis:**

#### Affordability Analysis

Projecting for the funding of highway construction projects differs substantially from how other state agencies plan for and project the funding of expenditures. This is primarily for the following reasons: 1) most highway construction projects are conducted over multiple state and federal fiscal years, 2) project start dates often slip from one year into another for various funding and/or readiness reasons, 3) fitting projects into the various federal funding silos plays a major role as to years in which certain projects may be funded, and 4) Nevada being one of only three states to receive 95% federal funding on most projects mandates maximum flexibility in

moving projects around to take full advantage of this funding allocation. As such, cash flow projections and anticipated expenditures out into 2017 are difficult to provide exact numbers for.

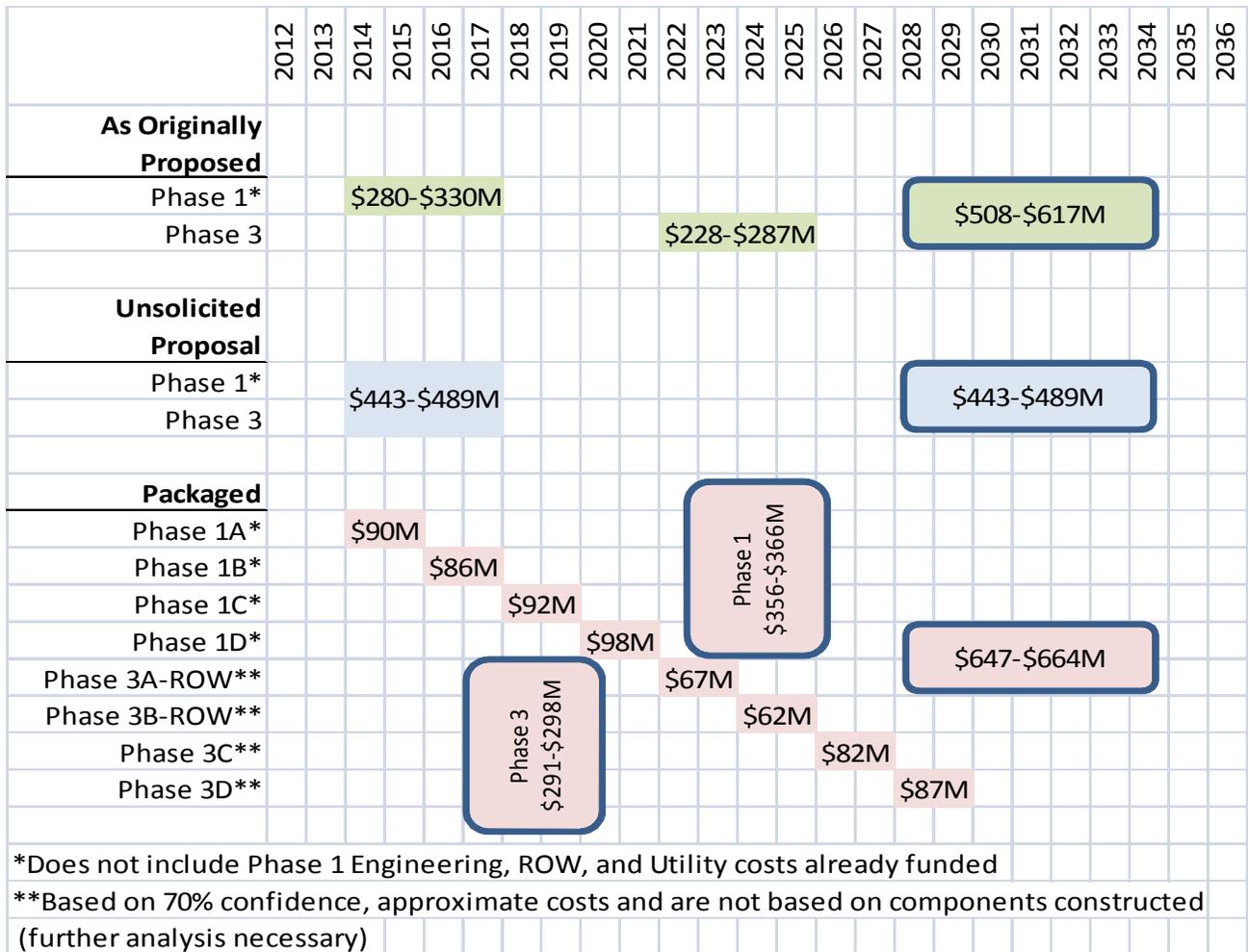
To analyze the Department's ability to maintain a capital program in addition to the projected availability payments, an average annual construction program was extracted by taking our 2007 through 2011 capital program and deducting ARRA, State Stimulus projects, and AB 595 and other such one-time projects that were funded in those years. The result of this calculation produces an average capital program in the amount of \$378 million per year during that five year period. A conservative 3% was added to that value to that to get an estimated program of \$390 million per year beginning in 2014 and beyond.

Using that amount in 2017, the year in which the availability payments would begin, a comparison was made to demonstrate what maintaining that same level of capital program would do to the highway fund balance through the first five years of the availability payment contract. In order to meet cash flow needs, the Department tries to maintain 1.5 months of funding for our capital program and 1 month of funding for our non-capital costs. This creates a highway fund balance need of approximately \$90 million. As shown in the chart below, the necessary highway flow balance can be maintained in order to meet our cash flow needs while at the same time covering the availability payment.

	2007-2011	FY 2012	FY 2013	FY 2014 EST	FY 2015 EST	FY 2016 EST	FY 2017 EST	FY 2018 EST	FY 2019 EST	FY 2020 EST	FY 2021 EST	FY 2022 EST
Beginning Balance	329,298,400	272,920,966	85,810,453	62,708,315	79,848,937	101,874,250	123,423,625	108,036,954	91,631,024	93,357,813	92,169,472	94,173,565
Gas Tax Estimates			184,324,989	184,785,802	185,709,731	187,566,828	189,442,496	191,336,921	195,163,660	200,042,751	205,043,820	210,169,916
Special Fuel Estimates			77,932,451	78,127,282	78,517,919	79,303,098	80,096,129	80,897,090	82,515,032	84,577,908	86,692,356	88,859,665
Other State User Revenue			157,672,552	158,066,733	158,857,067	160,445,637	162,050,094	163,670,595	166,944,007	171,117,607	175,395,547	179,780,436
Total State User Revenue	434,213,592	419,929,992	419,929,992	420,979,817	423,084,716	427,315,564	431,588,719	435,904,606	444,622,699	455,738,266	467,131,723	478,810,016
Federal Aid	298,568,658	388,818,573	480,538,458	320,000,000	320,000,000	320,000,000	320,000,000	320,000,000	320,000,000	320,000,000	320,000,000	320,000,000
Misc. Revenue & Receipts	139,268,536	158,005,574	86,635,135	111,741,487	112,858,902	113,987,491	115,127,366	116,278,639	117,441,426	118,615,840	119,801,998	121,000,018
Total Revenue & Receipts	872,050,785	966,754,140	987,103,585	852,721,304	855,943,618	861,303,054	866,716,085	872,183,246	882,064,124	894,354,106	906,933,721	919,810,034
NDOT Capital Program	378,205,804	714,737,850	562,783,470	390,000,000	390,000,000	390,000,000	390,000,000	390,000,000	380,000,000	390,000,000	410,000,000	430,000,000
Other NDOT EXP	211,493,627	193,479,235	199,515,919	205,501,397	208,583,918	211,712,676	214,888,366	218,111,692	221,383,367	224,704,118	228,074,680	231,495,800
Total NDOT Expenditure	589,699,430	908,217,085	762,299,389	595,501,397	598,583,918	601,712,676	604,888,366	608,111,692	601,383,367	614,704,118	638,074,680	661,495,800
DMV & DPS yrly Expenditure	173,588,133	160,777,631	162,855,524	165,298,357	167,777,832	170,294,500	172,848,917	175,441,651	178,073,276	180,744,375	183,455,540	186,207,374
Other Appropriations	4,610,792	4,370,224	4,750,200	4,892,706	5,039,487	5,190,672	5,346,392	5,506,784	5,671,987	5,842,147	6,017,411	6,197,934
Bond Sinking Fund	84,647,051	80,499,712	80,300,611	69,888,222	62,517,069	62,555,831	62,564,081	62,618,361	57,836,634	56,412,585	39,069,785	25,668,050
Yearly Availability Payments	0	0	0	0	0	0	36,455,000	36,910,688	37,372,071	37,839,222	38,312,212	38,791,115
Total Expenditures	852,545,407	1,153,864,652	1,010,205,724	835,580,681	833,918,306	839,753,679	882,102,757	888,589,176	880,337,335	895,542,446	904,929,628	918,360,272
Yearly Highway Fund Balance	348,803,779	85,810,453	62,708,315	79,848,937	101,874,250	123,423,625	108,036,954	91,631,024	93,357,813	92,169,472	94,173,565	95,623,327

## Packaging the Project

Based on recent analysis and our standard delivery methods, the additional expenses due to the engineering needed to package each phase, temporary construction necessary for constructing phases independently of each other, and escalation due to the delayed delivery of each package makes packaged delivery substantially less cost effective.



Additional costs include the added impact to the current 270,000 vehicles per day, estimated to grow to 470,000 vehicles per day in 2030, from delays from traffic control. In addition to those delays, more traffic control has the potential to increase safety issues.

### The Next Steps:

In order to comply with the need to respond as per NRS to the Unsolicited Proposal, the Department is bringing this item to the Board for approval to continue to the next step which includes:

1. Develop a preferred contractual structure;
2. Develop RFQ documentation;
3. Develop RFP documentation;
4. Begin the initial steps for securing financing for PPP delivery by commencing the procurement by issuing the RFQ; and
5. Receive RFQ responses and shortlist proposers eligible to receive an RFP.

Board approval to issue the RFP, including necessary stipend payments, will be required to proceed with the process beyond the steps defined above. Financial forecasts and availability payments will be updated as part of the above processes.

As part of this effort, funding and support will be needed which include:

1. Legal Expert Support, anticipated to cost approximately \$1.5 million.
2. Financial Expert Support, anticipated to cost approximately \$1.5 million.

**List of Attachments:**

None

**Recommendation for Board Action:**

This process will take approximately a year at which time information will be known on the status of the BDR approval by the 2013 Legislature (Attachment C), then all information will be brought to the Board on how to best proceed with consideration given to cash flow at the time, the highway fund balance and the responses to the RFQ.

As per statute, the Department must respond to the Unsolicited Proposal with one of the three options:

- Reject
- Accept and negotiate
- Solicit a competitive procurement

The Department is seeking approval by the Transportation Board to proceed with option 3, which is the development of the preferred contract structure for the project (RFQ/RFP development) as stated above in steps 1-5. Once developed, Transportation Board approval of the preferred NEON availability contract structure will be requested in order to solicit bids for procurement.

**Prepared by:**

Cole Mortensen, Senior Project Manager



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## MEMORANDUM

Office of the Director

October 22, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item # 11** Supplement to Request for Approval of Light Fleet Purchase  
- For Possible Action

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### **Summary:**

This item is to provide supplemental information for the previously approved procurement of replacement light fleet vehicles that are unreliable and in some cases unsafe to operate. To comply with NRS 408.389, lease information is provided for 1 Ton trucks. Also, District II requested four additional replacement vehicles.

### **Background:**

NRS 408.389 states that the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board. On June 25, 2012, the Board approved the purchase of 66 replacement light fleet vehicles. The approved request included nine Class 10 1 ton trucks and one Class 11 E 1 Ton Dump Truck. One of the Class 10 trucks will be replaced with a Class 3  $\frac{3}{4}$  Ton Truck per the request of District II.

Lease information was provided for  $\frac{3}{4}$  Ton Pickup Trucks in the June 25, 2012 Board packet, however, lease information was not provided for the heavier duty 1 Ton trucks. In order to comply with NRS 408.389, paragraph 2 (a.) (2.), the lease information for 1 Ton trucks is provided herein to the Board. The 1 Ton trucks have not been ordered yet.

Additionally, subsequent to the Board approval of the light fleet purchase on June 25, 2012, District II revised their assessment of high priority replacements, adding four vehicles for replacement. Although these vehicles are below the cost threshold requiring Board approval, it was felt that Board approval would be prudent given the entire amount of the light vehicle replacement previously approved on June 25, 2012.

### **Analysis – 1 Ton Trucks:**

A lease option is not feasible for the heavier duty 1 Ton trucks for the following reasons:

- NOT COST-EFFECTIVE: Economically, it is not feasible due to the cost of individual leases. The Nevada dealer contacted by NDOT Equipment Division will only agree to a three year lease. Leases for 1 Ton pickup trucks were quoted from \$14,174 to \$18,457 per year, depending on vehicle requirements. After only three to four years of leasing, the lease expense is equivalent to the purchase price of a new heavy duty truck.
- LONG TERM: These heavy duty vehicles will be needed for over 12 years or more of service.
- MODIFICATIONS: NDOT vehicles have a variety of modifications performed on them prior to placing them in service. These modifications would probably not be allowed on a typical lease. These include attaching strobe lights or beacons, reflective safety decals for visibility, radios and antennas, roll bars, tool boxes and other items.

### **Analysis – Additional Vehicles for District II**

District II staff, with District Engineer concurrence, requested four additional vehicle replacements. These vehicles meet the replacement criteria. The option to lease is not feasible for the following reasons:

- NOT COST-EFFECTIVE: Economically, it is not feasible due to the cost of individual leases. NDOT Equipment Division reported a lease for a ½ Ton to ¾ Ton pickup truck at \$1,200 per month, depending on vehicle requirements. After only two years of leasing, the lease expense is nearly equivalent to the purchase price of a new ½ Ton to ¾ Ton truck.
- LONG TERM: These ½ Ton to ¾ Ton trucks will be needed for over 8 years or more of service.
- MODIFICATIONS: NDOT vehicles have a variety of modifications performed on them prior to placing them in service. These modifications would probably not be allowed on a typical lease. These include attaching strobe lights or beacons, reflective safety decals for visibility, radios and antennas, roll bars, tool boxes and other items.

Additional justification is provided in Attachment C.

#### **List of Attachments:**

- A. List of 1 Ton Replacement Vehicles by District/Division
- B. Equipment Replacement Criteria and Vehicle Leasing Cost
- C. Additional Vehicles Requested by District II
- D. NRS 408.389

#### **Prepared By:**

Rudy Malfabon, Director

**Recommendation for Board Action:**

Receive the lease information required by NRS 408.389 for heavy duty 1 Ton replacement vehicles. These vehicles were previously approved, however, lease information was not provided per NRS 408.389.

Recommend approval of an additional four replacement vehicles requested by District II.

**DISTRICT I REPLACEMENT REQUEST – HIGH PRIORITY, 1 TON CLASS 10 ONLY**

CLASS	UNIT NO.	CURRENT AGE (YEARS)	MILEAGE AS OF 3/6/2012	VEHICLE MNTC. COSTS, FY09-FY12	DOWN TIME, HOURS	DESCRIPTION (UNLEADED FUEL UNLESS NOTED)	REPLACEMENT CRITERIA MET
10	2735	13	154,723	\$24,335	2348.2	SURVEY UNIT	MILEAGE & AGE

**DISTRICT II REPLACEMENT REQUEST – HIGH PRIORITY, 1 TON CLASS 10 ONLY**

CLASS	UNIT NO.	CURRENT AGE (YEARS)	MILEAGE AS OF 3/6/2012	VEHICLE MNTC. COSTS, FY09-FY12	DOWN TIME, HOURS	DESCRIPTION (UNLEADED FUEL UNLESS NOTED)	REPLACEMENT CRITERIA MET
10	0420	10	188,193	\$54,217	1326.1	1 TON, ¾ TON DIESEL W/ CREW CAB REQUESTED	MILEAGE & AGE TRANSMISSION PROBLEMS
10	1090	13	150,395	\$18,780	232.3	SURVEY UNIT, DIESEL REQUESTED	MILEAGE & AGE ENGINE FIRE, BRAKE PROBLEMS

**DISTRICT III REPLACEMENT REQUEST – HIGH PRIORITY, 1 TON CLASS 10 & 11 ONLY**

CLASS	UNIT NO.	CURRENT AGE (YEARS)	MILEAGE AS OF 3/6/2012	VEHICLE MNTC. COSTS, FY09-FY12	DOWN TIME, HOURS	DESCRIPTION (UNLEADED FUEL UNLESS NOTED)	REPLACEMENT CRITERIA MET
11E	2751	13		\$40,609	1776.4	1 TON W/ DUMP BODY	AGE, 3 <sup>RD</sup> TRANSMISSION PENDING
10	0535	10	291,849	\$18,780	151.0	1 TON CREW CAB, DUMP BODY, DIESEL	MILEAGE
10	0892	9	252,016	\$25,298	4146.7	1 TON CREW CAB, FLAT RACK	MILEAGE, ENGINE REPLACEMENT PENDING
10	0895	10	249,574	\$54,345	4777.0	1 TON CREW CAB, SERVICE VEHICLE	MILEAGE
10	0142	11	217,965	\$32,984	2040.2	1 TON CREW CAB, FLAT RACK, DIESEL	MILEAGE
10	0157	11	203,437	\$27,155	3508.5	1 TON CREW CAB, FLAT RACK, DIESEL	MILEAGE

**LOCATION REPLACEMENT REQUEST – HIGH PRIORITY, 1 TON CLASS 10 ONLY**

10	1178	16	187,386	\$74,665	2516	1 TON SERVICE TRUCK, DUAL 4X4	MILEAGE & AGE
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## ATTACHMENT B

### EQUIPMENT REPLACEMENT CRITERIA BY VEHICLE CLASS

Criteria for NDOT licensed equipment replacement are based upon number of miles or hours, age, and/or downtime, excessive repair/recapitalization cost and parts availability.

Mileage, hour and age criteria for replacement are as follows, along with approximate replacement cost:

<u>Class</u>	<u>Description</u>	<u>Miles/Hours</u>	<u>Months</u>	<u>Approx. Replacement Cost*</u>
10	Survey Units	150,000	96	\$67,635
10	Diesel Powered	200,000	144	\$67,635
11E	1 Ton Dump/Garbage Trucks	150,000	96	\$60,674

\* Approximate replacement cost is from State Purchasing Division; actual cost depends on specifications and requirements submitted by NDOT

### VEHICLE LEASING COSTS

Leasing costs were obtained from a Nevada company with dealerships in Washoe County and Clark County. A three-year lease was the minimum offered. NDOT would typically retain these vehicles for twelve years, therefore, the annual lease cost was applied to this period of time for comparison purposes only.

<b>Vehicle Description</b>	<b>Annual Lease</b>	<b>Cost of 12-Year Lease</b>
4x2 Crew Cab, Diesel Dump Truck	\$17,515	\$210,810
4x2 Crew Cab, Gas Dump Truck	\$16,171	\$194,052
4x2 Crew Cab, Diesel Flat Rack Truck w/ Lift Gate	\$16,550	\$198,600
4x4 Crew Cab, Diesel Flat Rack Truck w/ Lift Gate	\$17,790	\$213,480
4x2 Crew Cab, Gas Flat Rack w/ Lift Gate	\$14,174	\$170,088
4x2 Crew Cab, Diesel Utility Body w/ Lift Gate	\$18,457	\$221,484

Based on this information, a vehicle lease is not cost efficient.

**ADDITIONAL DISTRICT II REPLACEMENT REQUEST – HIGH PRIORITY**

<b>CLASS</b>	<b>UNIT NO.</b>	<b>CURRENT AGE (YEARS)</b>	<b>MILEAGE AS OF 10/2012</b>	<b>VEHICLE MNTC. COSTS, FY09-FY12</b>	<b>DOWN TIME, HOURS (AVERAGE ANNUAL, FY09-FY12)</b>	<b>DESCRIPTION (UNLEADED FUEL UNLESS NOTED)</b>	<b>REPLACEMENT CRITERIA MET</b>
05	0456	10	211,961	\$12,470	286	½ Ton Pickup Truck, Upgrade to ¾ Ton 4x4 Diesel Pickup Truck w/ Extended Cab or Crew Cab	AGE, MILEAGE
05	2933	13	157,000	\$8,489	106	½ Ton Pickup Truck, Upgrade to ½ Ton Short Bed 4x4 Pickup Truck w/ Extended Cab	AGE, MILEAGE
05	2970	12	215,104	\$23,567	352	½ Ton Pickup Truck, Upgrade to ½ Ton Short Bed 4x4 Pickup Truck with Extended Cab	AGE, MILEAGE
05	0298	17	142,626	\$9,164	148	½ Ton Pickup Truck, Upgrade to ¾ Ton 4x4 Diesel Pickup Truck with Extended Cab or Crew Cab	AGE, MILEAGE

Replacement Criteria for Class 05, ½ Ton Pickup Truck: 150,000 miles, 8 years

**NRS 408.389 Approval of Board of Directors required for purchase of certain equipment; analysis of costs and benefits of purchase and alternatives.**

1. Except as otherwise provided in subsection 2, the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

(Added to NRS by 1991, 1904; A 1993, 1366; [2011, 1628](#))



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## MEMORANDUM

October 20, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 6, 2012 Transportation Board of Directors Meeting  
**Item #12:** Old Business

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### **Summary:**

This item is to provide follow up and ongoing information brought up at previous Board Meetings.

### **Analysis:**

- a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*  
Please see Attachment A.
- b. Monthly Litigation Report – *Informational item only.*  
Please see Attachment B.
- c. Fatality Report dated October 23, 2012 – *Informational item only.*  
Please see Attachment C.

### **List of Attachments:**

- a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
- b. Monthly Litigation Report – *Informational item only.*
- c. Fatality Report dated October 23, 2012 – *Informational item only.*

### **Recommendation for Board Action:**

Informational item only.

### **Prepared by:**

Rudy Malfabon, Director

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF 10/19/2012						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Watt, Tieder, Hoffar & Fitzgerald	Construction Claims of Fisher Sand & Gravel Contract #3292 (I-580 Mt. Rose Hwy to Bowers Extension) NDOT Agmt No. P267-07-004	02/01/07 - 02/01/13	2/1/2007	\$ 15,000.00		
		Amendment #1	7/1/2008	\$ 35,000.00		
		Amendment #2	11/24/2008	\$ 100,000.00		
		Amendment #3	3/23/2009	\$ 200,000.00		
		Amendment #4	11/20/2009	\$ 50,000.00		
		Amendment #5	7/8/2011	Extension of Time	\$ 400,000.00	\$ 37,598.29
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. 282-09-002	9/23/09 - 7/1/13	9/23/2009	\$ 125,000.00		
		Amendment #1	2/23/2010	\$ 80,000.00		
		Amendment #2	10/6/2010	\$ 30,000.00		
		Amendment #3	10/26/2010	\$ 30,000.00		
		Amendment #4	8/31/2011	\$ 365,000.00	\$ 630,000.00	\$ 238,700.89
Chapman Law Firm	NDOT vs. <i>Ad America</i> 8th JD - 4 Eminent Domain Cases Project Neon - Las Vegas NDOT Agmt No. P301-11-004	6/14/2011 - 8/31/13	6/14/2011	\$ 281,675.00		
		Amendment #1	8/30/2012	Expansion of Scope	\$ 281,675.00	\$ 199,204.26
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 150,000.00	\$ 150,000.00	\$ 73,563.38
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 150,000.00	\$ 150,000.00	\$ 37,977.79
Snell & Wilmer, LLP	<i>Construction Claims Williams Brother, Inc.</i> Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 30,000.00	\$ 30,000.00	\$ 28,422.50

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF 10/19/2012						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	NDOT vs. Blue Diamond R.V. and Storage 8th JD A610962 RE: Work Order 20359000 NDOT Agmt No. P155-12-004	4/24/2012 - 4/24/14	4/24/2012	\$ 82,425.00		
		Amendment #1	8/30/2012	\$ 88,250.00	\$ 170,675.00	\$ 27,274.38
Chapman Law Firm	NDOT vs. Vegas Group, LLC 8th JD A-12-661241-C Project Neon - Las Vegas NDOT Agmt No. P156-12-004	4/24/12 - 4/24/14	4/24/2012	\$ 416,800.00	\$ 416,800.00	\$ 337,821.27
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 416,800.00	\$ 416,800.00	\$ 413,321.69
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 416,800.00	\$ 416,800.00	\$ 413,623.75
* BH Consulting Agreement	Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 77,750.00

\* Pass Through - Federally mandated 800 MHz rebanding project fully reimbursed by Sprint Nextel.

Monthly Litigation Report to the Nevada Department of Transportation - October 19, 2012		
Case Name	Jurisdiction and Case Number	Nature of Case
<b><u>Condemnations / Inverse Condemnations</u></b>		
AD America, Inc. vs. NDOT	8th JD A-653502-C	Inverse condemnation, Plaintiff seeks just compensation (I-15) Cactus
AD America, Inc. vs. NDOT	8th JD A-10-631520	Inverse condemnation, Plaintiff seeks just compensation (Project NEON)
Blue Diamond RV & Storage vs. NDOT	8th JD A610962	Inverse condemnation, Plaintiff seeks just compensation, Blue Diamond Road, LV
MLK-ALTA vs. NDOT	8th JD A-11-649541-C	Inverse condemnation, Plaintiff seeks just compensation
NDOT vs. 2.5 Acres @ Dean Martin, LLC	8th JD A-12-666425-C	Per Resolution 434, NDOT Board authorized acquisition by condemnation
NDOT vs. AD America, Inc.	8th JD A-12-666482-C	Per Resolution 434, NDOT Board authorized acquisition by condemnation (I-15) Cactus
NDOT vs. AD America, Inc. (NEON)	8th JD A-640157	Eminent domain action to condemn parcels for Project NEON
NDOT vs. Bawcom, David and Tammy	4th JD CV-C-09-1122	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. Falcon Capital	2nd JD CV06-01306	Eminent domain action to condemn parcels for construction of I-580
NDOT vs. Gendall Trust, Alexander and Lilly, et al.	8th JD A-666487-C	Eminent domain action to condemn parcels for Project NEON
NDOT vs. I-15 and Cactus, LLC	8th JD A-12-664403-C	Per Resolution 433, NDOT Board authorized acquisition by condemnation
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	8th JD A-12-664693-C	Eminent domain action regarding US-95/I-515 Interchange
NDOT vs. Jericho Heights, LLC	8th JD A-665909-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. K & L Dirt Company, LLC	8th JD A-12-666050-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. Khoury Leasing, LLC	4th JD CV-C-09-1123	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. KP & TP, LLC, Roohani, Khusrow, et al.	8th JD A-12-664405-C	Eminent domain action regarding the I-15 and Warm Springs interchange
NDOT vs. MLK-ALTA	8th JD A-12-658642-C	Per Resolution 427, NDOT Board authorized acquisition for I-15 reconstruction
NDOT vs. Railroad Pass Investment Group	8th JD A-12-665330-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. Spring Creek Association	4th JD CV-C-09-1121	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. Union Pacific Railroad Co.	7th JD CV0833009	Eminent domain action for reconstruction of SR 317
NDOT vs. Vegas Group, LLC	8th JD A-12-661241-C	Eminent domain action to widen and reconstruct I-15
NDOT vs. Wall Street Nevada, et al.	8th JD A-11-650260-C	Per Resolution 424, NDOT Board authorized acquisition by condemnation
NDOT vs. Woodcock, Jack, et al.	8th JD A-12-664399-C	Eminent domain action regarding the I-15 and Warm Springs interchange
NDOT vs. Wykoff Newberg Corporation	8th JD A-12-656578-C	Eminent domain action re I-15 Freeway from Blue Diamond to Tropicana Ave.
P8 Arden, LLC vs. NDOT	8th JD 591048 C	Inverse condemnation, Plaintiff seeks just compensation
Robarts 1981 Decedents Trust vs. State, NDOT	8th JD A-12-665880-C	Inverse Condemnation regarding Project NEON - just compensation
<b><u>Torts</u></b>		
Armstrong, Connie; Estate of R. Armstrong vs. State	3rd JD 35277	Plaintiff alleges negligence and wrongful death
Austin, Renee vs. State, NDOT	2nd JD CV11-03584	Plaintiff alleges negligence causing personal injury
Calkins, Allan Bruce vs. Baptista, et al. v. NDOT	8th JD A574277	Plaintiff alleges negligence action for personal injury (3rd party complaint)
Chadwick, Estate of Lonnie Joe vs. NDOT	8th JD P-22090, PC-1	Estate alleges transfer of property without court order
Ewasko, Damon and Suzanne vs. State, NDOT	2nd JD CV11-02130	Plaintiff alleges negligence in design of roadway truck ramp
Garza, Gilbert, et al. vs. NDOT	1st JD 12 TRT 00054 IB	Plaintiff alleges negligence causing wrongful death
Harper, Kenneth J. vs. NDOT	8th JD A538914	Plaintiff alleges negligence causing personal injury and wrongful death
Marshall, Charles v. State, NDOT	8th JD A-12-662932-C	Plaintiff alleges NDOT responsible for personal injury
State Farm Fire and Casualty Company, et al. vs. NDOT	RJC 2012 077030	Plaintiff alleges negligence in failure to maintain roadway
NDOT vs. Tamietti, Bill and Vicki	1st JD CV19994	NDOT seeks injunctive relief to prevent closing NDOT's access to VC maintenance station
Tefft, Timothy and Shirley v. State, NDOT	8th JD A-09-604-575-C	Plaintiff's allege breached duty in construction of median in Las Vegas

<b>Monthly Litigation Report to the Nevada Department of Transportation - October 19, 2012</b>		
<b>Case Name</b>	<b>Jurisdiction and Case Number</b>	<b>Nature of Case</b>
<b><u>Contract Disputes</u></b>		
Peek Construction vs. State, NDOT	1st JD 12OC 00030 1B	Plaintiff alleges NDOT responsible for delays on Contract 3377, SR 207
Peek Construction vs. State, NDOT	1st JD 12OC 00032 1B	Plaintiff alleges NDOT responsible for delays on Contract 3407, US-93
Pacific Coast Steel vs. State, NDOT	2nd JD CV12 02093	Plaintiff alleges delays and incomplete design on I-580 Galena Bridge
<b><u>Personnel Matters</u></b>		
Akinola, Ayodele v. State, NDOT	USDC 3:11-cv-00681	Plaintiff alleges 14th Amendment violation - discrimination
Cooper, Jennifer v. State, NDOT	9th USCA 11-17957	Plaintiff alleges decrimination and retaliation, appealing trial verdict
Lau, Stan v. State, NDOT	NSC 59580	Plaintiff is appealing termination

10/23/2012

**TO:** PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR, NDOT TRAFFIC ENGINEERING, FHWA, LVMPD, RENO PD.

**FROM:** THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)

**SUBJECT:** FATAL CRASHES AND FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

	CURRENT		SAME DATE LAST YEAR			# CHANGE	
	Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes
10/22/2012	1	1	10/22/2011	1	1	0	0
MONTH	11	11	MONTH	14	18	-3	-7
YEAR	192	212	YEAR	183	202	9	10

**CRASH AND FATAL COMPARISON BETWEEN 2010 AND 2011, AS OF CURRENT DATE.**

COUNTY	2011 Crashes	2012 Crashes	% CHANGE	2011 Fatalites	2012 Fatalities	% Change	2011 Alcohol Crashes	2012 Alcohol Crashes	% Change	2011 Alcohol Fatalities	2012 Alcohol Fatalities	% Change
CARSON	2		-100.0%	3		-100.0%			0.0%			0.0%
CHURCHILL	6	1	-83.3%	11	1	-90.9%	2		-100.0%	1		-100.0%
CLARK	90	132	46.7%	94	146	55.3%	38	24	-36.8%	41	27	-34.1%
DOUGLAS	10	5	-50.0%	10	7	-30.0%	3	2	-33.3%	3	4	33.3%
ELKO	12	9	-25.0%	16	10	-37.5%	4	2	-50.0%	4	2	-50.0%
ESMERALDA	2	1	-50.0%	2	1	-50.0%			0.0%			0.0%
EUREKA	2	1	-50.0%	2	1	-50.0%			0.0%			0.0%
HUMBOLDT	2	5	200.0%	2	5	200.0%	1	1	0.0%	1	1	0.0%
LANDER	3	4	33.3%	3	4	33.3%		1	100.0%		1	100.0%
LINCOLN	3	2	-33.3%	3	2	-33.3%			0.0%			0.0%
LYON	11	3	-72.7%	15	6	-60.0%	4		-100.0%	5		-100.0%
MINERAL	1	2	100.0%	1	2	100.0%			0.0%			0.0%
NYE	13	6	-53.8%	14	6	-57.1%	3		-100.0%	3		-100.0%
PERSHING	2	1	0.0%	2	1	-50.0%	1		-100.0%	1		-100.0%
STOREY			0.0%			0.0%			0.0%			0.0%
WASHOE	22	19	-13.6%	22	19	-13.6%	7	3	-57.1%	7	3	-57.1%
WHITE PINE	2	1	-50.0%	2	1	-50.0%			0.0%			0.0%
YTD	183	192	4.9%	202	212	5.0%	63	33	-47.6%	66	38	-42.4%
TOTAL 11	223	----	-13.90%	246	----	-13.82%	70	----	-52.86%	74	----	-48.65%

**2011 AND 2012 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.**

**COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2011 AND 2012, AS OF CURRENT DATE.**

COUNTY	2011 Vehicle Occupants	2012 Vehicle Occupants	% Change	2011 Peds	2012 Peds	% Change	2011 Motor-Cyclist	2012 Motor-Cyclist	% Change	2011 Bike	2012 Bike	% Change	2011 Other	2012 Other
CARSON	2		-100.0%			0.0%	1		-100.0%			0.0%		
CHURCHILL	10	1	-90.0%			0.0%			0.0%	1		-100.0%		
CLARK	49	85	73.5%	21	35	66.7%	22	20	-9.1%	1	1	0.0%	1	3
DOUGLAS	7	5	-28.6%	1	1	100.0%	1	1	0.0%	1		-100.0%		
ELKO	9	9	0.0%	2		-100.0%	2	1	-50.0%			0.0%	1	
ESMERALDA	2	1	-50.0%			0.0%			0.0%			0.0%		
EUREKA	2	1	-50.0%			0.0%			0.0%			0.0%		
HUMBOLDT	2	3	50.0%		1	100.0%		1	100.0%			0.0%		
LANDER	1	3	200.0%			0.0%	2	1	-50.0%			0.0%		
LINCOLN	2	2	0.0%			0.0%	1		-100.0%			0.0%		
LYON	13	5	-61.5%	1		-100.0%		1	100.0%			0.0%	1	
MINERAL	1	2	100.0%			0.0%			0.0%			0.0%		
NYE	12	4	-66.7%		1	100.0%	2		-100.0%		1	100.0%		
PERSHING	2		-100.0%			0.0%			0.0%			0.0%		
STOREY			0.0%			0.0%			0.0%			0.0%		
WASHOE	8	7	-12.5%	7	6	-14.3%	6	4	-33.3%	1		-100.0%		1
WHITE PINE	1		-100.0%	1		-100.0%		1	100.0%			0.0%		
YTD	123	128	4.1%	33	44	33.3%	37	30	-18.9%	4	2	-50.0%	3	4
TOTAL 11	152	----	-15.79%	47	----	-6.38%	40	----	-25.00%	4	----	-50.00%	3	

Total 2011 246