
From: Josh Reid
Sent: Friday, April 05, 2013 1:25 PM
To: Amy Lueders
Cc: ted.boling@sol.doi.gov
Subject: Letter
Attachments: Letter to BLM to Withdraw Objection 3.15pdf.pdf

Dear Amy:

I hope that you are well. Attached is a letter regarding the City's position on the transfer of the patent to SSL. Please call me if you have any questions. Regards,



Josh M. Reid | City Attorney | City of Henderson

240 Water Street, PO Box 95050, MSC 144, Henderson NV 89009-5050

702-267-1200 | Fax: 702-267-1201 | josh.reid@cityofhenderson.com

Assistant: 702-267-1210 or cheryl.navitskis@cityofhenderson.com

Office Hours: Monday - Thursday 7:30a.m. to 5:30p.m.

 Before printing, think about the environment.

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**CITY OF HENDERSON
City Attorney's Office
Josh M. Reid, City Attorney**

P.O. Box 95050, MSC 144
Henderson, NV 89009-5050
(702) 267-1200

VIA E-MAIL

April 5, 2013

Amy Lueders
Nevada State Director
Bureau of Land Management
1340 Financial Boulevard
Reno, NV 89502

Re: Processing or Issuing Land Patent to Silver State Land, LLC

Dear Amy:

I hope that you are well. The purpose of this letter is to update you regarding the City of Henderson's ("City") position with regard to the Bureau of Land Management's ("BLM") conveyance of a land patent to Silver State Land, LLC ("SSL") of the approximately 480 acres in the Las Vegas Valley (the "Property") pursuant to the Notice of Realty Action published on April 4, 2012. The City asked the BLM on November 29, 2012 to refrain from issuing a patent to the Property to SSL. I really appreciate the consideration, hard work and professionalism of you and your staff after the City raised concerns regarding the transaction. The City appreciates its important government-to-government relationship with you and your office.

As you know, in February the City initiated litigation with SSL and related parties regarding issues relating the Property. As we notified the Solicitor's Office last month, the City is happy to report that has settled its litigation with SSL and related parties¹. Accordingly, the City has withdrawn its opposition stated in its November 29th letter to the BLM to the issuance of a patent to SSL to the Property pursuant to the April 4, 2012 Notice of Realty Action. The City understands that the BLM and

Amy Lueders
April 5, 2013
Page 2

SSL have a May 13, 2013 deadline to transfer the patent to the Property to SSL. The City does not, or will not, oppose the transfer of the patent on or before this deadline.

Again, thank you for your time and consideration in this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh M. Reid". The signature is stylized and cursive.

Josh M. Reid
City Attorney

ⁱ The City is still pursuing claims against Defendants Michael Ford and Alise Haney unrelated to SSL's contractual obligations to the City, but this litigation would not affect the City's position regarding the issuance of the patent to SSL..

From: Amy Lueders <alueders@blm.gov>
Sent: Friday, May 10, 2013 1:05 PM
To: Josh Reid
Subject: please give me a call

Josh-
Can you give me a call at your earliest availability? Want to provide update on land sale.
Thanks
Amy

Office: 775.861.6590
Cell: 775.750.1000

From: Amy Lueders <alueders@blm.gov>
Sent: Friday, May 10, 2013 1:30 PM
To: Josh Reid
Subject: correspondence
Attachments: Henderson-Silver State Patent - ASLM Decision Memo (5-10-13).pdf; LTR to Silver State Land LLC - Termination of Patent - City of Henderson May 10 2013.pdf

Per our conversation, attached are the documents which were sent to you via certified mail today. Don't hesitate to give me or Ted Boling a call if you have any questions.

Thanks

Amy

DECISION MEMORANDUM

FROM: Tommy Beaudreau, Acting Assistant Secretary for Lands and Minerals Management

DATE: May 10, 2013

SUBJECT: Termination of Patent Issuance to Silver State Land, LLC, for Land Nominated for Sale by the City of Henderson, Nevada for Arena Development Project

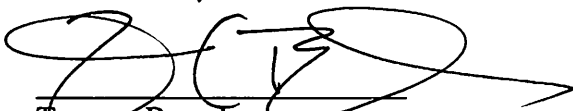
ASSISTANT SECRETARY'S DECISION

APPROVE

In approving the BLM's recommendation with respect to the above referenced matter, I take jurisdiction over this matter, pursuant to the authority reflected in 43 C.F.R. § 4.5(a) as delegated to me, and direct the Bureau of Land Management to: (i) not issue the patent to Silver State, LLC, (ii) terminate the sale process, and (iii) take the steps necessary to return the purchase deposit and bid guarantee to Silver State, LLC, (\$2,132,000) as expeditiously as practicable. This decision constitutes the final decision by the U.S. Department of Interior, and in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Department regulations at 43 CFR Part 4.

DISAPPROVE

DATE: 5/10/13



Tommy Beaudreau

Acting Assistant Secretary for Lands and Minerals Management



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

MAY 10 2013

In Reply Refer To:
2000 (NV910/912)

Silver State Land LLC
Attn: Walter J. Batla
Dodd & Batla PC
3811 Bee Caves Road, Suite 105
Austin, TX 78746

Re: Termination of Patent Issuance to Silver State Land, LLC, for the 480 acres Nominated for Sale by the City of Henderson, Nevada for Arena Development Project

Dear Walter J. Batla:

The purpose of this letter is to update you on the status of the above-referenced patent. Through a decision dated May 10, 2013, the BLM has been directed by the Acting Assistant Secretary for Land and Minerals Management (ASLM) to: (i) not issue the patent to Silver State, LLC (Silver State) for the above referenced land, (ii) terminate the sale process, and (iii) take the steps necessary to return the purchase deposit and bid guarantee to Silver State (\$2,132,000) as expeditiously as practicable. A copy of the ASLM's decision is enclosed with this letter.

This decision was based on the serious questions that arose subsequent to the BLM's acceptance of Silver State's purchase offer regarding the validity and veracity of the sports arena development agreement between the City of Henderson and Silver State, and associated representations, that served as the basis for the BLM's decision to utilize a modified competitive sale process for this parcel, as opposed to the competitive sale process under the Federal Land Policy and Management Act (FLPMA). This basis for a modified competitive sale process no longer exists, and there remain unresolved questions about the underlying transaction. Consistent with the ASLM's decision, BLM will not issue the patent as contemplated by the escrow agreement between Silver State and BLM (as modified) and is taking steps to refund Silver State's purchase deposit and bid guarantee as expeditiously as practicable.

Please note that the Department's decision with respect to this specific sale does not preclude the City of Henderson from re-nominating the parcel pursuant to the Southern Nevada Public Land Management Act (SNPLMA), as the parcel remains designated for disposal under the Las Vegas Resource Management Plan, nor does it preclude

the BLM from offering the parcel after such re-nomination pursuant to the procedures found at 43 C.F.R. part 2711 applicable to such future sale. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Lueders', with a long horizontal flourish extending to the right.

Amy Lueders
State Director

Cc: Paul Smyth
Perkins Coie LLP
700 Thirteenth Street N.W.
Washington, D.C. 20005-3960

Josh M. Reid
City Attorney, Henderson City Hall
P.O. Box 95050
Henderson, NV 89009-5050

From: Josh Reid
Sent: Friday, May 10, 2013 4:38 PM
To: Amy Lueders
Subject: RE: correspondence

Thank you Amy. Have a great weekend. Please let me know if you ever need anything from me. Regards, Josh

Josh M. Reid | City Attorney | City of Henderson
240 Water Street, PO Box 95050, MSC 144, Henderson NV 89009-5050
702-267-1200 | Fax: 702-267-1201 | josh.reid@cityofhenderson.com

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From: Amy Lueders [alueders@blm.gov]
Sent: Friday, May 10, 2013 1:29 PM
To: Josh Reid
Subject: correspondence

Per our conversation, attached are the documents which were sent to you via certified mail today. Don't hesitate to give me or Ted Boling a call if you have any questions.

Thanks
Amy