

Bond Case Briefs

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EMINENT DOMAIN - NEVADA

City of Las Vegas v. 180 Land Co., LLC

Supreme Court of Nevada - April 18, 2024 - P.3d - 2024 WL 1689634 - 140 Nev. Adv. Op. 29

Owner of 250-acre former golf course property brought action against city for inverse condemnation following the denials of landowner's development applications for 35-acre parcel, alleging a per se regulatory taking.

After taking evidence and holding multiple hearings, the District Court granted summary judgment for landowner on its takings claims and awarded just compensation, attorney's fees, and prejudgment interest which totaled \$48,114,039.30. Landowner and city both appealed.

The Supreme Court held that:

- Zoning ordinance, which designated golf course property as residential planned unit development, prevailed over land designation in master plan which classified the property as "Parks/Schools/Recreation/Open Space";
- Appropriate denominator parcel of land for per se regulatory takings claim was 35 acre parcel for which landowner sought approval of housing project, rather than entire 250 acres;
- Per se regulatory takings claim was ripe;
- Denials of landowner's applications for development constituted a per se regulatory taking;
- Evidence was sufficient to support finding that valuation of 35-acre parcel at its highest and best use was \$34,135,000 as stated in landowner's expert's report; and
- Landowner was not entitled to interest at a rate that would reimburse it for the purported profit it lost had it been able to develop the land.