



1 Amendment by ordinance; (3) tentative and final approval of the Daybreak Handbook pursuant to  
2 NRS 278A.440 through 278A.580; and, (4) approval of the Project as a project of regional  
3 significance (“Project Applications”) concerning a development project known as the Daybreak  
4 Development (hereinafter, the “Project”).

5 2. On March 29, 2019, Respondent City of Reno filed *Respondent City of Reno's*  
6 *Motion to Dismiss Petitioner's Complaint for Damages* (the “Motion”) wherein the City seeks to  
7 dismiss certain claims set forth in NPLC’s complaint. This Court set a hearing on the Motion for  
8 September 27, 2019.

9 3. In light of the pending hearing, and in an attempt to compromise NPLC’s claim  
10 pursuant to NRS 48.105 (Compromise; offers to compromise), the parties have reached a mutual  
11 understanding regarding modification and remand of the Project Applications to City Council for  
12 possible approval on or before September 23, 2019. Notwithstanding the limited remand the Court  
13 shall retain continuing jurisdiction over this matter and the hearing currently scheduled for  
14 September 27, 2019 shall remain on calendar except as set forth below. Moreover, the parties have  
15 reached a mutual understanding regarding the terms and conditions of certain ancillary agreements,  
16 which will be presented for possible approval in connection with the Project Applications  
17 (collectively, the “Ancillary Agreements”).

18 4. In the event City Council approves the Project Applications and Ancillary  
19 Agreements, the City shall submit the Master Plan amendment and project of regional significance  
20 determination to the Truckee Meadows Regional Planning Commission and Truckee Meadows  
21 Regional Governing Board (collectively, “Regional Authorities”), as applicable, for a  
22 determination that the Project conforms to the Regional Plan. If the Regional Authorities deny  
23 approval, the City shall cooperate with NPLC, and support any appeal brought by NPLC.

24 5. With regards to the scope of the remand, the City Council’s authority shall be  
25 expressly limited to approving or rejecting the modified Project Applications and Ancillary  
26 Agreements. The remand does not grant City Council the ability or authority to unilaterally modify,  
27 demand modification of, or impose new or additional terms or conditions on the Project, the Project  
28

1 Applications, or the Ancillary Agreements, without the express consent of NPLC in writing, or on  
2 the record.

3 6. If the City Council approves the Project Applications and Ancillary Agreements,  
4 and timely submits the relevant Project Applications to the Regional Authorities for conformance  
5 determination, the parties shall notify the Court and the hearing presently scheduled for September  
6 27, 2019 shall be vacated. Thereafter, upon the final approval of the Project Applications and  
7 Ancillary Agreements, and final certification and recordation of the PUD Handbook, NPLC agrees  
8 to dismiss the Appeal with prejudice. Upon dismissal, each party will bear its own costs and  
9 attorney's fees.

10 7. If the City Council rejects the Project Applications or Ancillary Agreements, or if  
11 at any time NPLC elects to withdraw the Project Applications or Ancillary Agreements from further  
12 City Council consideration, NPLC shall notify the Court, the limited remand shall terminate  
13 automatically, the litigation will proceed forward, and the hearing on the Motion will be heard on  
14 September 27, 2019, as previously scheduled by this Court.

15 8. In the interest of judicial economy, and representing that a remand to the City  
16 Council for the limited purpose herein could result in a resolution of disputes and settlement of this  
17 case, the parties hereby stipulate, agree, and jointly request that the Court enter an order as proposed  
18 in **Exhibit "1"** attached hereto.

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1           9.       The contents and purpose of both this Stipulation by the Parties, the attached  
2 proposed order, and any evidence or testimony at any public hearing on limited remand granted  
3 herein cannot and will not be referred to or used by any party or any witness in any manner  
4 whatsoever should this matter proceed in light of the City Council's rejection of the modified  
5 Project Applications or Ancillary Agreements. Neither the Stipulation nor the Order nor  
6 negotiations leading to the execution of the Stipulation and Order may be used in the Appeal for  
7 any purpose and shall not be referred to in any hearing, any trial, or referred to in any motion or  
8 discovery matter.

9  
10 Dated this 26<sup>TH</sup> day of August, 2019.

Dated this \_\_\_ day of August, 2019.

11 ROBISON, SHARP, SULLIVAN & BRUST

CITY OF RENO

12  
13 By: 

By: 

14 MICHAEL BURKE, NV Bar No. 11527  
15 71 Washington St.  
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18 *Company, LLC*

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# EXHIBIT 1

1 **3370**

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3  
4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5 IN AND FOR THE COUNTY OF WASHOE

6 NPLC BV INVESTMENT COMPANY,  
7 LLC,

CASE NO.: CV19-00383

8 Petitioner,

DEPT. NO.: 4

9 vs.

10 CITY OF RENO, a political subdivision  
of the State of Nevada,

11 Respondent.

12  
13 **ORDER ON STIPULATION**

(Proposed)

14  
15 Based on the Stipulation between the parties filed in the above-captioned matter on  
16 August 26, 2019, and good cause appearing, IT IS ORDERED BY THIS COURT:

17 1. That a limited remand to the Reno City Council is granted, for the sole and limited  
18 purpose of approval or rejection (but not further modification unless agreed by NPLC in its  
19 discretion) of the modified Project Applications and Ancillary Agreements, and if approved, i)  
20 conduct a public hearing on the adoption of the zoning map ordinance at the next regularly  
21 scheduled meeting of the City Council; ii) submit the Project Applications to the Regional  
22 Authorities for action and conformance review in accordance with applicable law.  
23 Notwithstanding the limited remand this Court shall retain continuing jurisdiction over this matter.  
24 Should the City Council reject the Project Applications or Ancillary Agreements, as provided for  
25 herein, the litigation shall proceed forward pursuant to this Court's continuing jurisdiction, with  
26 no further additions, changes or alterations to the record presently before this Court.

27 2. With regards to the scope of the remand, the City Council's authority shall be  
28 expressly limited to approving or rejecting the modified Project Applications and Ancillary

1 Agreements. The remand does not grant City Council the ability or authority to unilaterally  
2 modify, demand modification of, or impose new or additional terms or conditions on the Project,  
3 the Project Applications, or the Ancillary Agreements, without the express consent of NPLC in  
4 writing, or on the record.

5 3. The hearing currently scheduled for September 27, 2019 shall remain on calendar  
6 except as set forth below.

7 4. The City Council shall conduct one or more public hearings and approve or reject  
8 the modified Project Applications and Ancillary Agreements no later than September 23, 2019.

9 5. If the City Council approves the Project Applications and Ancillary Agreements,  
10 and timely submits the relevant Project Applications to the Regional Authorities for conformance  
11 determination, the parties shall notify the Court and the hearing presently scheduled for September  
12 27, 2019 shall be vacated. Thereafter, upon the final approval of the Project Applications and  
13 Ancillary Agreements, and final certification and recordation of the PUD Handbook, NPLC agrees  
14 to dismiss the above captioned case with prejudice. Upon dismissal, each party will bear its own  
15 costs and attorney's fees.

16 6. If the City Council rejects the Project Applications or Ancillary Agreements, or if  
17 at any time NPLC elects to withdraw the Project Applications or Ancillary Agreements from  
18 further City Council consideration, NPLC shall notify the Court, the litigation will proceed  
19 forward, and the hearing on the Motion will be heard on September 27, 2019, as previously  
20 scheduled by this Court.

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