

Clark County
Cooperative Management Area (CMA) Deed Modification Policy

Policy Number: CMA-4.0

Effective Date: August 20, 2024

Subject: CMA Deed Modification Policy, Phase IV

SUMMARY

Previous CMA land that was conveyed to private parties contained certain covenants, conditions and restrictions (CC&Rs) to prohibit development of uses considered incompatible with aircraft noise exposure in those areas. Incompatible and compatible uses were defined by both the Cooperative Management Agreement (BLM Agreement) between Clark County and The United States Department of Interior - Bureau of Land Management (BLM), dated November 4, 1992, and the Federal Aviation Regulations Part 150 – Airport Noise Compatibility Planning program (FAR Part 150).

On October 19, 1998, a new public law, The Southern Nevada Public Land Management Act of 1998 (SNPLMA), provided for the transfer of the CMA lands to Clark County with requirements that (1) any lands sold, leased, or otherwise conveyed be restricted to compatible uses as defined in both the BLM Agreement and FAR Part 150; and (2) fair market value (FMV) be received; and (3) gross proceeds from all conveyances be distributed as follows: 85% to the BLM Special Account, 5% to the State of Nevada for the general education program, and the remaining 10% to Clark County Department of Aviation for airport development and the noise compatibility program.

Subsequently, the following changes in circumstances occurred:

1. Noise contours surrounding Harry Reid International Airport changed and were codified into the Clark County Development Code on June 4, 2008.
2. BLM terminated the BLM Agreement effective October 1, 2011.
3. The list of incompatible and compatible uses for the CMA was modified on November 30, 2011 and February 6, 2013 in accordance with FAR Part 150.

This policy enables CMA landowners to apply for a deed modification to replace the CC&Rs originally recorded against eligible property with the most current CC&Rs that contain the updated compatible uses established for each noise contour within the CMA. Incompatible uses that may be eligible for removal within each noise contour are listed on Exhibit “A”. Accessory Uses, defined below in Section IV of this policy, may also be eligible for removal.

This policy becomes effective upon the date of the approval by the Board of County Commissioners.

POLICY

I. POLICY STATEMENT

This document describes the responsibilities, policies, and procedures to be followed by Clark County as they relate to requests received from owners of CMA land to modify their subject property CC&Rs to match the currently approved compatible uses for each noise contour within the CMA.

Clark County is not obligated to remove any restrictions. Any deeds modified to update the CC&Rs are not intended to promise or guarantee that the proposed use will be allowed. Any CMA landowner obtaining a deed modification to update the CC&Rs must still apply for and obtain all land use, zoning, mapping and permit approvals as required by Clark County Code.

II. BACKGROUND

Pursuant to the SNPLMA, Clark County received over 5,000 acres from the BLM located within the CMA. The CMA boundaries were based upon the forecasted 1992, 60 day-night average sound level (DNL) and higher, noise contours as determined by the FAR Part 150 noise study, adopted in 1989.

It is a requirement of SNPLMA that Clark County manage the CMA lands in accordance with FAR Part 150 and the BLM Agreement. SNPLMA also requires Clark County to receive fair market value for property rights sold, transferred, or otherwise conveyed.

An updated noise study forecasted new noise contours which were codified into the Clark County Development Code on June 4, 2008. The new noise contours are significantly smaller than the prior noise contours, due in large part to advances in aircraft technology. The smaller noise contours resulted in a significant amount of previously conveyed CMA land falling outside the new 60 DNL noise contour (Exhibit “B”).

In compliance with the current FAR Part 150 noise study, the compatible and incompatible uses for each noise contour have been updated. As a result, certain restrictions may be removed from previously conveyed CMA land, for fair market value, as described in this policy.

III. APPLICABILITY

This policy pertains to qualifying CMA property that was sold, transferred, or otherwise conveyed. Previously imposed restrictions may only be modified to permit uses now defined as “Compatible Uses” and/or “Accessory Uses” for a particular property.

IV. DEFINITIONS

- A. Accessory Use** - A use or activity, subordinate in area, extent, and purpose, incidental to the primary use. For the purposes of this policy, accessory uses shall mean landscaping, open space, parking (surface lots, detached carports, and detached parking garages), playgrounds, recreational courts (basketball, pickleball, and tennis), and swimming pools. Residential dwellings and uses are excluded from the definition of Accessory Use.
- B. Application Filing Fee** - \$15,000.00. Only certified checks and/or cashier's checks are acceptable, and must be made payable to Department of Aviation and submitted to Real Property Management. This fee is to cover costs associated with processing the application and determining the Deed Modification Fair Market Value. This fee is non-refundable.
- C. CMA Deed Modification Eligibility Review Form** - The form utilized by Department of Aviation in determining the property's eligibility for a deed modification.
- D. County's Designated Representative (CDR)** - The Board of County Commissioners has authorized the Director of Real Property Management or designee to serve as the CDR for all approvals and actions under this policy, including signing all documents necessary to complete the transactions and approving the Deed Modification Fair Market Value Fees, unless otherwise stated.
- E. Deed Modification Fair Market Value** - The appraised present day difference between the value of the parcel with the original CC&Rs and the value of the parcel with updated CC&Rs.
- F. Deed Modification Fair Market Value Fee** - Only certified checks and/or cashier's checks are acceptable, and must be made payable to Department of Aviation and submitted to Real Property Management. This fee is determined by averaging the value of the two (2) appraisals and is approved by the CDR. This fee is non-refundable.
- G. Development Application** - Any application required by Clark County Title 30 for the subdivision, use and/or development of land.
- H. Fair Market Value** - The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
- i. Buyer and seller are typically motivated;
 - ii. Both parties are well informed or well advised, and acting in what they consider their own best interests;

- iii. A reasonable time is allowed for exposure in the open market;
- iv. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- v. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

I. Primary Use - The primary use of land or structures, as distinguished from an Accessory Use.

V. RESPONSIBILITY

A. CMA Landowner

1. Submit a deed modification application and filing fee to Real Property Management.
2. **For deed modification applications that will be processed without a Development Application**, thoroughly research viability of proposed use in the area. This may include engaging with surrounding neighbors, applicable Clark County Commissioner and Clark County staff before submitting the application or non-refundable application filing fee to Real Property Management.
3. Provide stamped legal descriptions and/or surveys as required by staff to (1) determine the square footage and identify the area of the subject property that is encumbered by the original CC&Rs, (2) identify where the property is split by a noise contour and (3) include as an exhibit to the new CC&Rs that will supersede those in the original recorded deed. Staff will notify the applicant if and when a legal description and/or survey is required upon initial review of the application.
4. Provide consent for and release of liability to appraiser and Clark County to access the subject property, if applicable.
5. Disclose property conditions and material information to appraiser and Clark County, if applicable.
6. Cooperate with appraiser and Clark County during this process.
7. Submit payment of the Deed Modification Fair Market Value Fee and sign the new CC&Rs. The Deed Modification Fair Market Value Fee must be presented in the form of a certified check and/or a cashier's check.

B. Department of Aviation

1. Upon receiving an inquiry for a possible deed modification from CMA landowner or an application from Real Property Management, Department of Aviation will determine if the property is eligible, determine the location of the noise contours and review present day Incompatible/Compatible/Accessory uses (through the CMA Deed Modification Eligibility Review Form).
2. For qualifying CMA landowners and applications, provide a formal confirmation to CMA landowner and/or Real Property Management that will

include a summary of the changes to the Incompatible/Compatible/Accessory uses that would occur with a deed modification.

3. Review Development Applications and condition the approvals to require a deed modification and payment of all related fees prior to the issuance of any permits or recordation of any maps when applicable.
4. Determine if the deed modification will require new legal descriptions and/or surveys.
5. Review legal descriptions and/or surveys from applicants.
6. Provide Real Property Management with the new CC&Rs for each application.
7. Sign the new CC&Rs for recordation.

C. Real Property Management

1. Take in the application and filing fee from applicant to begin the process.
2. If the applicant hasn't already done so, forward the application to Department of Aviation for confirmation the property is eligible.
3. Collect legal descriptions and/or surveys, proof of signing authority or any other documentation from applicant as required by the application.
4. Confirm payment status of subject property taxes.
5. Order title report and appraisals for the property, conduct appraisal pre-work meetings, coordinate appraiser site visit, review appraisals and advise applicants of the results of the appraisals.
6. Collect the Deed Modification Fair Market Value Fee in the form of a certified check and/or a cashier's check.
7. Provide applicant with new CC&Rs for signature.
8. Record the new CC&Rs to supersede the original recorded document.
9. Provide a copy of the recorded document to applicant and other Clark County departments as required.

D. Comprehensive Planning

1. Before accepting a Development Application submitted to Comprehensive Planning for property within the CMA boundary and encumbered by the Department of Aviation CC&Rs, staff will make sure the applicant includes a confirmation from the Department of Aviation (through the CMA Deed Modification Eligibility Review Form) indicating whether or not a deed modification is required for the proposed use.
2. If a deed modification is needed, then staff will require the Board of County Commissioners to take final action on the Development Application.
3. Staff will include the Department of Aviation's condition in the Board of County Commissioners agenda sheet for the Development Application when required.
4. Upon receiving a recorded copy of the new CC&Rs, staff may issue final sign-off for grading permits, building permits and business license permits for the related Development Application.

E. Public Works

1. Before accepting a Development Application for a minor subdivision parcel map submitted to Public Works for property within the CMA boundary and encumbered by the Department of Aviation CC&Rs, staff will make sure the applicant includes a confirmation from the Department of Aviation (through the CMA Deed Modification Eligibility Review Form) indicating whether or not a deed modification is required for the proposed use.
2. Once a confirmation is received, staff may then schedule the preliminary review submittal appointment for a minor subdivision parcel map.
3. Staff will include the Department of Aviation's condition on the review comment letters for the minor subdivision parcel map when required.
4. Upon receiving a recorded copy of the new CC&Rs, staff may issue final approval for recordation of the minor subdivision parcel map for the related Development Application.
5. For Development Applications submitted to Comprehensive Planning, upon receiving a recorded copy of the new CC&Rs, staff may issue final sign-off for offsite permits, early grading and grading permits, and final approval for recordation of any maps for the related Development Application.

VI. PROCEDURE

A. Process A – Deed Modification with Development Application

Process A applies to applicants with vacant or developed land in which a Development Application is needed to develop it with the proposed use. The deed modification may be processed concurrently with the offsite and building permit or the map review processes.

1. Once a CMA landowner is made aware, either through a direct inquiry to Department of Aviation or during the Development Application process, that a proposed use on the property requires a deed modification, then he or she will contact Real Property Management to begin the deed modification application process.
2. To apply, applicants must submit a deed modification application (Exhibit "C") to Real Property Management. Applicants may submit a single application for adjacent and/or contiguous parcels, as defined by Title 30 Chapter 30.07, which are under the same ownership. Separate applications are required for parcels that do not meet this criteria. To be eligible for a deed modification, the subject property taxes must be paid to date and remain current with the Clark County Assessor's office until the deed modification application is processed to completion.
3. Real Property Management will forward the deed modification application to Department of Aviation to determine the property's eligibility for a deed modification. Department of Aviation will provide a formal confirmation to applicant and Real Property Management that will include a summary of the

changes to the Incompatible/Compatible/Accessory uses that would occur with a deed modification.

4. The applicant will then submit the confirmation from Department of Aviation (the CMA Deed Modification Eligibility Review Form) with its Development Application to Comprehensive Planning or Public Works.
5. Comprehensive Planning will accept the Development Application with the required confirmation from Department of Aviation (the CMA Deed Modification Eligibility Review Form) and schedule the item to be heard by the Board of County Commissioners. Department of Aviation will condition the approval to require a deed modification and payment of all related fees prior to the issuance of any permits or recordation of any maps related to the Development Application.
6. Public Works will accept the Development Application for a minor subdivision parcel map with the required confirmation from Department of Aviation (the CMA Deed Modification Eligibility Review Form). Department of Aviation will condition the approval to require a deed modification and payment of all related fees prior to the recordation of any maps related to the Development Application.
7. After receiving confirmation that the property is eligible for a deed modification, Real Property Management will hold processing the deed modification application until the Development Application is approved by the respective approval authority.
8. After the applicant's Development Application is approved, Real Property Management will move forward with the deed modification application. The applicant must submit the following items to complete the deed modification application submittal package for processing:
 - a. The application filing fee in accordance with Section IV.
 - b. Notice of Final Action when applicable.
 - c. Proof of signing authority.
 - d. Legal descriptions and/or surveys as required by staff.
 - e. If the area (square footage/acres) of the property differs from when it was originally conveyed by Department of Aviation, then proof of dedication or vacation of public rights of way may be required by staff.
9. The deed modification application will contain consent for and release of liability to appraisers and Clark County to access the subject property.
10. Once all submittal requirements are met, Real Property Management will order a title report and the appraisal reports to determine the Deed Modification Fair Market Value. For the subject property, two appraisers will complete an independent appraisal. The average value of the two appraisals will be used to

determine the Deed Modification Fair Market Value Fee of the subject property.

11. Real Property Management will issue the applicant an invoice for the Deed Modification Fair Market Value Fee, copies of the appraisal reports and the new CC&Rs for signature. The appraisals must be prepared no more than six months before the date on which the fee is collected pursuant to NRS 244.2795(a), so the fee will have to be paid within six months of the earliest effective date of the two appraisal reports. The invoice will include the deadline to submit payment and the signed CC&Rs.
 - **Applicants will not have the right to challenge the appraisals used to determine the Deed Modification Fair Market Value.**
 - **In the event the Deed Modification Fair Market Value Fee is not paid within the allotted time period, the application will expire.**
 - **The applicant shall not be entitled to a refund of any of the related fees if the application is withdrawn by the applicant or the appraisals expire.**
 - **Applicants shall not be entitled to a refund when the appraised value of the subject property in the “after condition” (as if the CC&Rs are updated) is equal or less than the appraised value of the subject property in the “before condition” (as if original CC&Rs remain in place). The applicant may proceed with the deed modification, but there will be no Deed Modification Fair Market Value Fee due. See Section VII for the appraisal methodology.**
12. If the applicant decides to continue with the deed modification, the Deed Modification Fair Market Value Fee must be made payable to Department of Aviation, in the form of a certified check and/or a cashier’s check, and delivered to Real Property Management together with the signed CC&Rs by the deadline stated on the invoice.
13. Real Property Management will record the deed modification to replace the original CC&Rs with the new CC&Rs, and provide copies of the recorded document to the applicant and other Clark County departments as required.
14. Comprehensive Planning may provide final sign-off for grading permits, building permits and business license permits for the related Development Application.
15. Public Works may provide final sign-off for offsite permits, early grading and grading permits, and final approvals for recordation of any maps for the related Development Application.

Permits will not be issued and maps will not be recorded until the deed modifications associated with the Development Applications have been processed and the new CC&Rs recorded.

B. Process B – Deed Modification without Development Application

Process B applies to applicants with vacant or developed property in which a Development Application is not needed to develop or incorporate the proposed use. Process B also applies to applicants with vacant land that do not have immediate plans to develop the property.

1. Once a CMA landowner makes a determination to process a deed modification or is made aware that a proposed use on the property requires a deed modification (through the CMA Deed Modification Eligibility Review Form), then he or she will contact Real Property Management to begin the deed modification application process.
2. To apply, applicants must submit a deed modification application (Exhibit “D”) to Real Property Management. Applicants may submit a single application for adjacent and/or contiguous parcels, as defined by Title 30, Chapter 30.07, which are under the same ownership. Separate applications are required for parcels that do not meet this criteria. To be eligible for a deed modification, the subject property taxes must be paid to date and remain current with the Clark County Assessor’s office until the deed modification application is processed to completion.
3. Real Property Management will forward the deed modification application to Department of Aviation to determine the property’s eligibility for a deed modification (through the CMA Deed Modification Eligibility Review Form). Department of Aviation will provide a formal confirmation to applicant and Real Property Management that will include a summary of the changes to the Incompatible/Compatible/Accessory uses that would occur with a deed modification.
4. After receiving confirmation that the property is eligible for a deed modification and that the applicant wishes to proceed, Real Property Management will move forward with the deed modification application. The applicant must submit the following items to complete the deed modification application submittal package for processing:
 - a. The application filing fee in accordance with Section IV.
 - b. Proof of signing authority.
 - c. Legal descriptions and/or surveys as required by staff.
 - d. If the area (square footage/acres) of the property differs from when it was originally conveyed by Department of Aviation, then proof of dedication or vacation of public rights of way may be required by staff.
5. The deed modification application will contain consent for and release of liability to appraisers and Clark County to access the subject property.
6. Once all submittal requirements are met, Real Property Management will order a title report and the appraisal reports to determine the Deed Modification Fair Market Value. For the subject property, two appraisers will complete an

independent appraisal. The average value of the two appraisals will be used to determine the Deed Modification Fair Market Value Fee of the subject property.

7. Real Property Management will issue the applicant an invoice for the Deed Modification Fair Market Value Fee, copies of the appraisal reports and the new CC&Rs for signature. The appraisals must be prepared no more than six months before the date on which the fee is collected pursuant to NRS 244.2795(a), so the fee will have to be paid within six months of the earliest effective date of the two appraisal reports. The invoice will include the deadline to submit payment and the signed CC&Rs.
 - **Applicants will not have the right to challenge the appraisals used to determine the Deed Modification Fair Market Value.**
 - **In the event the Deed Modification Fair Market Value Fee is not paid within the allotted time period, the application will expire.**
 - **The applicant shall not be entitled to a refund of any of the related fees if the application is withdrawn by the applicant or the appraisals expire.**
 - **Applicants shall not be entitled to a refund when the appraised value of the subject property in the “after condition” (as if the CC&Rs are updated) is equal or less than the appraised value of the subject property in the “before condition” (as if original CC&Rs remain in place). The applicant may proceed with the deed modification, but there will be no Deed Modification Fair Market Value Fee due. See Section VII for the appraisal methodology.**
8. If the applicant decides to continue with the deed modification, the Deed Modification Fair Market Value Fee must be made payable to Department of Aviation, in the form of a certified check and/or a cashier’s check, and delivered to Real Property Management together with the signed CC&Rs by the deadline stated on the invoice.
9. Real Property Management will record the deed modification to replace the original CC&Rs with the new CC&Rs, and provide copies of the recorded document to the applicant and other Clark County departments as required.

Permits will not be issued until the related deed modifications have been processed and the new CC&Rs recorded.

Process B - Deed Modification without Development Application is an option available for CMA landowners on an “at-risk” basis. A deed modification and the payment of the Deed Modification Fair Market Value Fee does not guarantee future Development Application approvals for the property. The County is not responsible nor liable for allowing deed modifications on property for which the required Development Application approvals are not able to be obtained.

Applicants shall not be entitled to a refund of any of the related fees if future Development Application approvals are not able to be obtained for the property.

VII. APPRAISAL METHODOLOGY

A. Deed Modification with Development Application

1. For the subject property, two separate appraisers will complete an independent appraisal.
2. The subject property will be appraised as vacant land.
3. Appraiser will provide an opinion of the market value with the original CC&Rs in place as the “before condition” and provide an opinion of the market value of as if the CC&Rs were updated (using a hypothetical condition) as the “after condition.” The difference in value is the Deed Modification Fair Market Value.
4. Both the “before condition” and “after condition” values will be based on the highest and best use of the property as of the date of inspection.
5. The Development Applications for the property will have conditional approval in the “before condition” and the “after condition.” However, the approved use would not be considered “Compatible” until the new CC&Rs are recorded in the “after condition.”
6. The average value of the two appraisals will be used to determine the Deed Modification Fair Market Value Fee of the subject property.
7. For the purposes herein, the appraisals must be prepared not more than six months from the date the fee is collected per NRS 244.2795(a).

B. Deed Modification without Development Application

1. For the subject property, two separate appraisers will complete an independent appraisal.
2. Property to be appraised as vacant land.
3. Appraiser will provide an opinion of the market value with the original CC&Rs in place as the “before condition” and provide an opinion of the market value of as if the CC&Rs were updated (using a hypothetical condition) as the “after condition.” The difference in value is the Deed Modification Fair Market Value.
4. Both the “before condition” and “after condition” values will be based on the highest and best use of the property as of the date of inspection.
5. The appraiser will be responsible for determining the highest and best use of the property in both the “before condition” and the “after condition.”
6. The average value of the two appraisals will be used to determine the Deed Modification Fair Market Value Fee of the subject property.
7. For the purposes herein, the appraisals must be prepared not more than six months from the date the fee is collected per NRS 244.2795(a).

VIII. APPRAISER QUALIFICATIONS

Real Property Management will use the appraisers that are on the department's dedicated appraiser list established in accordance with NRS 244.2795 and Clark County Code Title 18, Chapter 18.20. The appraisers from the list must submit a statement of interest in performing the assignment and must also prove that they meet the additional qualifications listed below:

1. Holds Clark County Business License.
2. Has a local office.
3. Has performed five or more appraisals for property located in the CMA boundary within the last three years.
4. Has performed five or more appraisals for property that is encumbered by the Department of Aviation CC&Rs within the last three years.
5. Has a minimum five years of experience performing appraisal reviews.
6. Has a minimum five years of experience appraising vacant land in the Las Vegas Valley.

IX. APPLICATION PROCESSING TIME

Real Property Management estimates that deed modifications, using either Process A or Process B, could take anywhere from four to six months to complete. The estimate is subject to unknown factors related to the appraisal reviews and the applicant's responses and turnaround times for providing information for the application itself and/or the appraisals, as well as payment of fees. This is only an estimated timeframe and can change due to unforeseen circumstances. It is the responsibility of the CMA landowners to consider this time constraint when deciding when to begin the deed modification process as it relates to other deadlines affecting the property, such as real estate transactions and issuance of permits for development.

X. SPLIT PROPERTY

For property that is partially encumbered by the Department of Aviation CC&Rs or split by a noise contour, the restricted area can only be an Accessory Use to the uses allowed in the unrestricted area.

For property that is split by a noise contour, but is entirely encumbered by the Department of Aviation CC&Rs, the more restricted area can only be an Accessory Use to the uses allowed in the less restricted area.

In these situations, deed modifications can be processed for the applicable restricted area. The applicant is required to provide legal descriptions and/or surveys to identify the restricted area with the deed modification application. The legal descriptions and/or surveys will be confirmed by the Department of Aviation before the deed modification application is processed.

RELATED INFORMATION

Referenced/Related Documents (available for review at www.harryreidairport.com/Business/RealEstate/deed):

Manager's Information Report Number 5561, dated November 30, 2011

Interim Cooperative Management Agreement, dated November 4, 1992

Southern Nevada Public Land Management Act of 1998, dated October 19, 1998

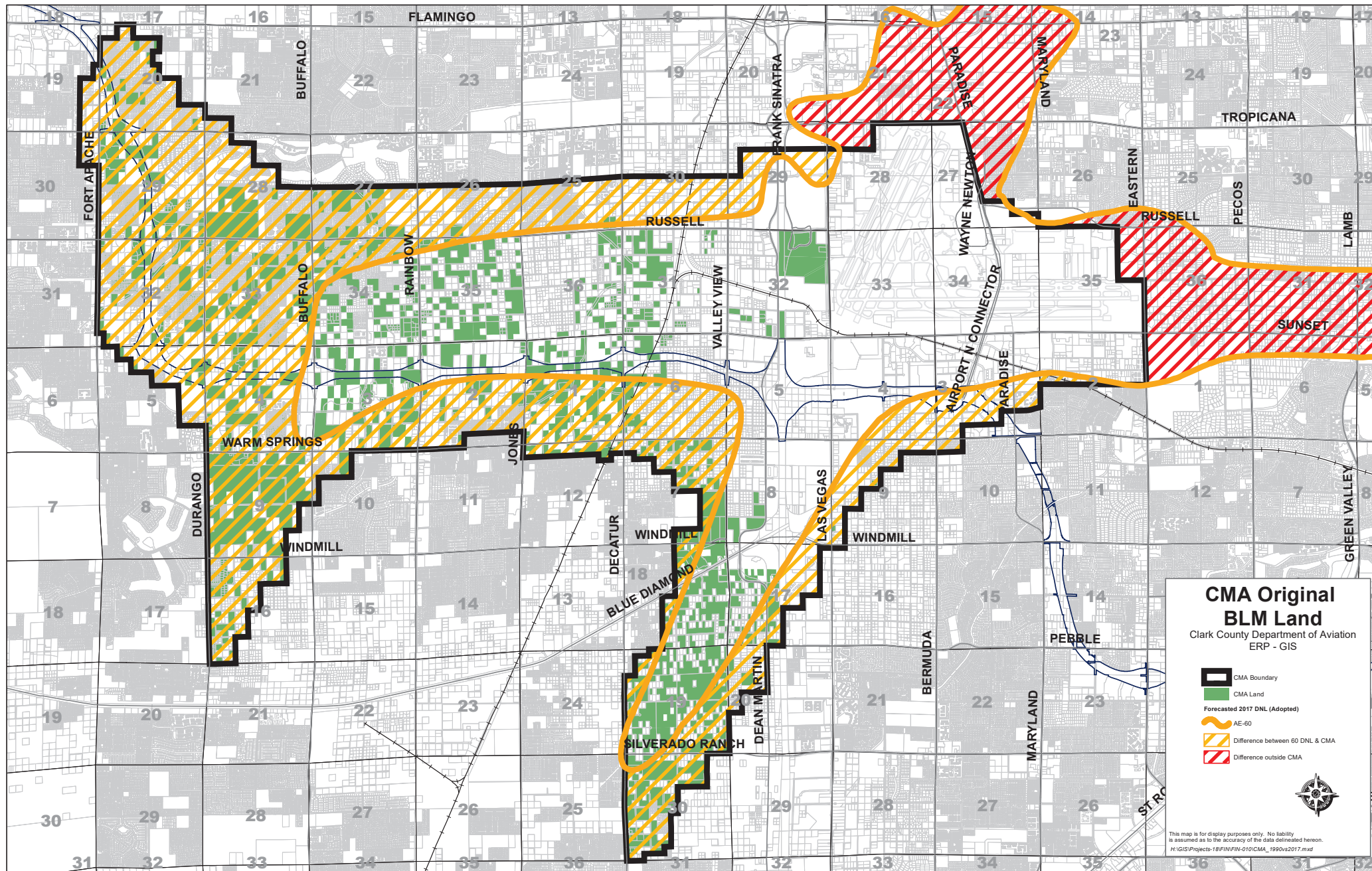
Memorandum of Agreement between Clark County and Bureau of Land Management, dated October 5, 2004

Exhibit "A"

**INCOMPATIBLE USES THAT MAY BE ELIGIBLE FOR REMOVAL
WITHIN EACH NOISE CONTOUR**

Outside AE-60	Inside AE-60	Inside AE-65 & Higher
<ol style="list-style-type: none"> 1. Amusement Parks 2. Auditoriums 3. Bed and Breakfasts 4. Care Centers 5. Churches 6. Concert Halls 7. Hospitals 8. Hotels 9. Inns 10. Lodges 11. Motels 12. Museums 13. Nursing Homes 14. Outdoor Sports Arenas 15. Public Assembly 16. Residential (all forms) 17. Schools 18. Transient lodging 19. Zoos 	<ol style="list-style-type: none"> 1. Amusement Parks 2. Auditoriums 3. Concert Halls 4. Museums 5. Outdoor Sports Arenas 6. Public Assembly 7. Resorts 8. Transient lodging and recreational vehicle parks (with less than 30 days stay) 9. Zoos 	<ol style="list-style-type: none"> 1. Public assembly
All Noise Contours		
<ol style="list-style-type: none"> 1. Accessory Uses: Landscaping, open space, parking (surface lots, detached carports, and detached parking garages), playgrounds, recreational courts (basketball, pickleball, and tennis), and swimming pools 		

Exhibit "B"





Department of Real Property Management

CMA Deed Modification Application

Process A – With Development Application

Applicants may submit a single application for adjacent/contiguous parcels under the same ownership to Department of Real Property Management (RPM). The property taxes must be paid to date and remain current with the Clark County Assessor's office during the application process to be eligible for a deed modification. The property's location within the Cooperative Management Area (CMA) boundary determines which of the "Incompatible Uses" in the original airport Restrictive Covenant and Reservation of Avigation & Clearance Easement (CC&Rs) may be updated, if any. Clark County is not obligated to remove any restrictions. Deed modifications are not intended to promise or guarantee that the proposed use will be allowed. Applicants obtaining a deed modification will still need to obtain all land use, zoning, mapping and all permit approvals as required by Clark County Code.

Date: _____ Certified or Cashier's Check Number: _____

Parcel Number(s): _____

Original CC&R Document Number(s): _____

Original CC&R Document Attached: Yes ☐ No ☐

Comments: _____

APPLICANT POINT OF CONTACT INFORMATION

Name: _____

Company or Agency (if applicable): _____

Relationship to Landowner: _____

Address: _____

City: _____ Zip Code: _____

Email: _____ Phone Number: _____

CONSENT FOR ENTRY AND ACCESS TO PROPERTY (To be signed by landowner) - I HEREBY CONSENT to officers, employees, and parties authorized by Clark County to entering and having continued access to the subject property described above, at reasonable times, to perform inspection(s) and take photographs as needed for the preparation of an appraisal report. Unless agreed to in writing by the landowner, this consent expires within 180 days of receipt by Clark County. I HEREBY WARRANT that I have authority to make this consent for entry and access to the property to the extent of my right, title, and interest in the subject property.

Date	Landowner Printed Name	Signature
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INDEMNITY - Regardless of the coverage provided by any insurance, landowner shall pay all costs necessary to defend and shall indemnify and hold Clark County forever harmless from and against all claims of liability, loss, demand, judgments or other expense (including, but not limited to, defense costs, expenses and reasonable attorney fees) incurred by or imposed upon Clark County by reason of claimed injuries or death of persons (including wrongful death) and/or claimed damages to property or persons, which are alleged to have been caused during or because of Clark County activities or occupancy of the subject property or any actions or nonactions of landowner related to property access, including conduct alleged by its officers, employees, agents, or other representatives whether or not such claims are false, frivolous or unmeritorious, provided, however, that such indemnity will not apply as to any negligent act or omission solely that of Clark County, its employees, agents or representatives.

Application Process Overview - *Refer to the CMA Deed Modification Policy (Policy) for full details.*

- Step 1: In conjunction with a Development Application submittal, applicant receives a confirmation from Department of Aviation (DOA) that the property is eligible for a deed modification, including a summary of the changes to the “Incompatible Uses” that would occur with a deed modification.
- Step 2: Applicant obtains approval of related Development Application.
- Step 3: With the deed modification application, applicant submits the \$15,000.00 non-refundable application filing fee to RPM.
- Step 4: RPM will proceed with obtaining appraisal reports to determine the Deed Modification Fair Market Value.
- Step 5: RPM will issue an invoice to applicant for the Deed Modification Fair Market Value Fee with the new CC&Rs for signature.
- Step 6: Applicant submits payment with the signed CC&Rs to RPM by the deadline stated on the invoice.
- Step 7: RPM records the new CC&Rs against the property to supersede the original CC&Rs.
- Step 8: RPM forwards copies of the recorded CC&Rs to applicant and other Clark County departments as required.
- Step 9: Applicable Clark County department may then provide all final sign offs on all permit reviews for early grading, grading, off-site, building and business license permits or final approvals for recordation of maps.

IMPORTANT ITEMS OF NOTE:

- The application filing fee is to be made payable to “**Clark County Department of Aviation**” in the form of a certified or cashier’s check listing the landowner’s name and parcel number(s). The fee is to be submitted to RPM at the address below:

Clark County Department of Real Property Management
Attn: Property Management & Acquisition - DOA
500 S. Grand Central Parkway, 4th Floor
Las Vegas, NV 89155-1825

- The \$15,000.00 application filing fee is non-refundable and is to cover the costs associated with processing the application and determining the deed modification fair market value.
- Applicants will not have the right to challenge the appraisals used to determine the Deed Modification Fair Market Value.
- In the event the Deed Modification Fair Market Value Fee is not paid within the allotted time period, the application will expire.
- The applicant shall not be entitled to a refund of the related fees if the application is withdrawn by the applicant or the appraisals expire.
- Applicants shall not be entitled to a refund when the appraised value of the property in the “after condition” (as if the CC&Rs are updated) is equal or less than the appraised value of the subject property in the “before condition” (as if original CC&Rs remain in place). Applicant may proceed with the deed modification, but there will be no Deed Modification Fair Market Value Fee due.
- No permits will be issued or maps recorded until the Deed Modification Fair Market Value Fee is paid and the new CC&Rs are recorded for the related Development Application.

For questions, please contact Temple Mullen, Property Acquisition Administrator, at 702-455-6731 or via email at TempleM@clarkcountynv.gov.



Department of Real Property Management

CMA Deed Modification Application

Process B – Without Development Application

Applicants may submit a single application for adjacent/contiguous parcels under the same ownership to Department of Real Property Management (RPM). The property taxes must be paid to date and remain current with the Clark County Assessor's office during the application process to be eligible for a deed modification. The property's location within the Cooperative Management Area (CMA) boundary determines which of the "Incompatible Uses" in the original airport Restrictive Covenant and Reservation of Avigation & Clearance Easement (CC&Rs) may be updated, if any. Clark County is not obligated to remove any restrictions. Deed modifications are not intended to promise or guarantee that the proposed use will be allowed. Applicants obtaining a deed modification will still need to obtain all land use, zoning, mapping and all permit approvals as required by Clark County Code.

Date: _____ Certified or Cashier's Check Number: _____

Parcel Number(s): _____

Original CC&R Document Number(s): _____

Original CC&R Document Attached: Yes ☐ No ☐

Comments: _____

APPLICANT POINT OF CONTACT INFORMATION

Name: _____

Company or Agency (if applicable): _____

Relationship to Landowner: _____

Address: _____

City: _____ Zip Code: _____

Email: _____ Phone Number: _____

CONSENT FOR ENTRY AND ACCESS TO PROPERTY (To be signed by landowner) - I HEREBY CONSENT to officers, employees, and parties authorized by Clark County to entering and having continued access to the subject property described above, at reasonable times, to perform inspection(s) and take photographs as needed for the preparation of an appraisal report. Unless agreed to in writing by the landowner, this consent expires within 180 days of receipt by Clark County. I HEREBY WARRANT that I have authority to make this consent for entry and access to the property to the extent of my right, title, and interest in the subject property.

Date **Landowner Printed Name** **Signature**

INDEMNITY - Regardless of the coverage provided by any insurance, landowner shall pay all costs necessary to defend and shall indemnify and hold Clark County forever harmless from and against all claims of liability, loss, demand, judgments or other expense (including, but not limited to, defense costs, expenses and reasonable attorney fees) incurred by or imposed upon Clark County by reason of claimed injuries or death of persons (including wrongful death) and/or claimed damages to property or persons, which are alleged to have been caused during or because of Clark County activities or occupancy of the subject property or any actions or nonactions of landowner related to property access, including conduct alleged by its officers, employees, agents, or other representatives whether or not such claims are false, frivolous or unmeritorious, provided, however, that such indemnity will not apply as to any negligent act or omission solely that of Clark County, its employees, agents or representatives.

Application Process Overview - *Refer to the CMA Deed Modification Policy (Policy) for full details.*

- Step 1: Applicant receives a confirmation from Department of Aviation (DOA) that the property is eligible for a deed modification, including a summary of the changes to the “Incompatible Uses” that would occur with a deed modification.
- Step 2: With the deed modification application, applicant submits the \$15,000.00 non-refundable application filing fee to RPM.
- Step 3: RPM will proceed with obtaining appraisal reports to determine the Deed Modification Fair Market Value.
- Step 4: RPM will issue an invoice to applicant for the Deed Modification Fair Market Value Fee with the new CC&Rs for signature.
- Step 5: Applicant submits payment with the signed CC&Rs to RPM by the deadline stated on the invoice.
- Step 6: RPM records the new CC&Rs against the property to supersede the original CC&Rs.
- Step 7: RPM forwards copies of the recorded CC&Rs to applicant and other Clark County departments as required.

IMPORTANT ITEMS OF NOTE:

- The application filing fee is to be made payable to “**Clark County Department of Aviation**” in the form of a certified or cashier’s check listing the landowner’s name and parcel number(s). The fee is to be submitted to RPM at the address below:

Clark County Department of Real Property Management
Attn: Property Management & Acquisition - DOA
500 S. Grand Central Parkway, 4th Floor
Las Vegas, NV 89155-1825

- The \$15,000.00 application filing fee is non-refundable and is to cover the costs associated with processing the application and determining the deed modification fair market value.
- Applicants will not have the right to challenge the appraisals used to determine the Deed Modification Fair Market Value.
- In the event the Deed Modification Fair Market Value Fee is not paid within the allotted time period, the application will expire.
- The applicant shall not be entitled to a refund of the related fees if the application is withdrawn by the applicant or the appraisals expire.
- Applicants shall not be entitled to a refund when the appraised value of the property in the “after condition” (as if the CC&Rs are updated) is equal or less than the appraised value of the subject property in the “before condition” (as if original CC&Rs remain in place). Applicant may proceed with deed modification, but there will be no Deed Modification Fair Market Value Fee due.
- No permits will be issued until the Deed Modification Fair Market Value Fee is paid and the new CC&Rs are recorded.
- **Process B-Deed Modification without Land Use Application is an option available for CMA landowners on an “at-risk” basis. A deed modification and the payment of the Deed Modification Fair Market Value Fee does not guarantee Development Application approvals for the property. The County is not responsible nor liable for allowing deed modifications on property for which the required Development Application approvals are not able to be obtained.**
- **Applicants shall not be entitled to a refund of any of the related fees if future Development Application approvals are not able to be obtained for the property.**

For questions, please contact Temple Mullen, Property Acquisition Administrator, at 702-455-6731 or via email at TempleM@clarkcountynv.gov.