



AGENDA SUMMARY PAGE
City Council
Meeting of: November 6, 2024

Agenda Item No.:
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DEPARTMENT: City Attorney
DIRECTOR: Jeff Dorocak

DISCUSSION

SUBJECT:

Discussion for possible action to approve settlement to 180 Land Co LLC, Fore Stars, Ltd., and Seventy Acres LLC (collectively the "Plaintiffs"), of the following litigation, and in exchange for dismissal with prejudice thereof: 8JDC Case No. A-17-758528-J, NSC Case No. 84345, 84640; 8JDC Case No. A-18-780184-C, NSC Case No. 88103; 8JDC Case No. A-18-773268-C, NSC Case No. 89279; and 8JDC Case No. A-18-775804-J (between \$250,000,000-\$286,000,000 - Liability Insurance and Property Damage Fund) - All Wards

FISCAL IMPACT:

Budget Funds Available

Amount: Between \$250,000,000-\$286,000,000

Funding Source: Liability Insurance and Property Damage Fund

Dept./Division: City Attorney's Office

PURPOSE/BACKGROUND:

The cases listed above are part of what is commonly referred to as the Badlands litigation. There are presently three active cases each dealing with a separate portion of the larger parcel. There is one case dealing with a separate portion of the larger parcel that has been fully adjudicated with the courts but has been included herein because as part of the overall settlement, Plaintiffs shall retain ownership of the parcel commonly referenced as APN: 138-31-201-005. City representatives have diligently engaged in discussions with representatives of the Plaintiffs and have a potential resolution to present to the Council. In general, it has been proposed to settle the remaining litigation by the payment of between \$250,000,000-\$286,000,000 to the Plaintiffs, in exchange for the dismissal with prejudice of all the pending litigation cases as well as the Plaintiffs retaining ownership of the parcel commonly referenced as APN: 138-31-201-005. The City's representatives negotiated a settlement amount of \$250,000,000 and Plaintiff's representatives negotiated a settlement amount of \$286,000,000.

RECOMMENDATION:

No recommendation, but should the City Council approve a settlement, then authorize the Mayor or City Manager to execute on behalf of the City any and all related settlement agreements and documents following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:

None