

3-08807

4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(NV-055-5853-EU)

**NOTICE OF REALTY ACTION: Competitive Sale of Public Lands in Clark County,
Nevada**

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of Realty Action

SUMMARY: The following described lands have been designated for disposal and will be offered at a competitive sale of public lands in Clark County, Nevada.

FOR FURTHER INFORMATION CONTACT: You may contact Judy Fry, Program Lead, SALES at (702) 515-5081 or by email at jfry@nv.blm.gov.

SUPPLEMENTARY INFORMATION: The following lands have been designated for disposal under Public Law 105-263, the Southern Nevada Public Land Management Act of 1998 (112 Stat.2343) and Public Law 107-282, Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 1995). Sixty parcels for a total of 2,728.49 acres, more or less, will be offered competitively on November 6, 2003, at an oral auction in accordance with Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 1719) at not less than the appraised fair market value (FMV).

Mount Diablo Meridian, Nevada.

T. 19 S., R. 60 E.,

Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 31, NW¹/₄NW¹/₄NE¹/₄NW¹/₄, SW¹/₄NW¹/₄NE¹/₄NW¹/₄, NE¹/₄NW¹/₄NE¹/₄NW¹/₄,
SE¹/₄NW¹/₄NE¹/₄NW¹/₄, NW¹/₄SW¹/₄NE¹/₄NW¹/₄, SW¹/₄SW¹/₄NE¹/₄NW¹/₄,
NE¹/₄SW¹/₄NE¹/₄NW¹/₄, SE¹/₄SW¹/₄NE¹/₄NW¹/₄, NE¹/₄NE¹/₄NE¹/₄NW¹/₄,
SE¹/₄NE¹/₄NE¹/₄NW¹/₄, NE¹/₄NE¹/₄SE¹/₄NW¹/₄, SE¹/₄NE¹/₄SE¹/₄NW¹/₄.

T. 20 S., R. 60 E.,

Sec. 6, Lot 20, NW¹/₄NW¹/₄SW¹/₄NE¹/₄, SW¹/₄NW¹/₄SW¹/₄NE¹/₄, NE¹/₄NW¹/₄SW¹/₄NE¹/₄,
SE¹/₄NW¹/₄SW¹/₄NE¹/₄, NE¹/₄SW¹/₄SW¹/₄NE¹/₄, SE¹/₄SW¹/₄SW¹/₄NE¹/₄,
E¹/₂SE¹/₄SE¹/₄SW¹/₄.

T. 21 S., R. 60 E.,

Sec. 10, NE¹/₄SE¹/₄NW¹/₄NW¹/₄, SE¹/₄SE¹/₄NW¹/₄NW¹/₄, NW¹/₄SW¹/₄NE¹/₄NW¹/₄,
SW¹/₄SW¹/₄NE¹/₄NW¹/₄.

T. 22 S., R. 60 E.,

Sec. 13, W¹/₂SW¹/₄NE¹/₄NW¹/₄;

Sec. 18, NE¹/₄SW¹/₄SE¹/₄SW¹/₄, SE¹/₄SW¹/₄SE¹/₄SW¹/₄;

Sec. 19, SE¹/₄NE¹/₄NE¹/₄NE¹/₄, SE¹/₄NW¹/₄NW¹/₄NE¹/₄, SW¹/₄NW¹/₄NW¹/₄NE¹/₄,
NE¹/₄SW¹/₄NW¹/₄NE¹/₄;

Sec. 22, NW¹/₄NE¹/₄NE¹/₄NW¹/₄, SE¹/₄NW¹/₄NE¹/₄NW¹/₄, SW¹/₄NW¹/₄NE¹/₄NW¹/₄,
SW¹/₄NE¹/₄NW¹/₄NW¹/₄, SE¹/₄NW¹/₄NW¹/₄NW¹/₄, NW¹/₄SE¹/₄NW¹/₄NW¹/₄,
SW¹/₄SE¹/₄NW¹/₄NW¹/₄, NW¹/₄SW¹/₄NE¹/₄NW¹/₄;

Sec. 23, NE¹/₄NE¹/₄NW¹/₄NW¹/₄, NW¹/₄NE¹/₄NW¹/₄NW¹/₄, SW¹/₄NE¹/₄NW¹/₄NW¹/₄,
SE¹/₄NE¹/₄NW¹/₄NW¹/₄, NW¹/₄NW¹/₄NW¹/₄, NW¹/₄SW¹/₄NW¹/₄NW¹/₄,
NW¹/₄SE¹/₄NW¹/₄NW¹/₄, NW¹/₄SW¹/₄NE¹/₄NW¹/₄, E¹/₂SW¹/₄NE¹/₄NW¹/₄,
NW¹/₄SE¹/₄NE¹/₄NW¹/₄, SE¹/₄SW¹/₄NW¹/₄NW¹/₄, NW¹/₄NW¹/₄SW¹/₄NW¹/₄;

Sec. 24, NW¹/₄SW¹/₄SW¹/₄NE¹/₄, SE¹/₄SW¹/₄SE¹/₄NE¹/₄, NW¹/₄SW¹/₄SE¹/₄NE¹/₄,
SE¹/₄SW¹/₄SW¹/₄NW¹/₄, SW¹/₄SE¹/₄SW¹/₄NW¹/₄;

Sec. 35, NE¹/₄SW¹/₄NE¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄NE¹/₄, NE¹/₄SE¹/₄NE¹/₄NE¹/₄,

SE¹/₄SE¹/₄NE¹/₄NE¹/₄, NE¹/₄NW¹/₄SE¹/₄NE¹/₄, E¹/₂NE¹/₄SE¹/₄NE¹/₄.

T. 22 S., R. 61 E.,

Sec. 29, NW¹/₄SE¹/₄SW¹/₄SE¹/₄;

Sec. 34, S¹/₂S¹/₂SW¹/₄NW¹/₄, S¹/₂SE¹/₄NW¹/₄, N¹/₂NW¹/₄NW¹/₄SW¹/₄, NE¹/₄NW¹/₄SW¹/₄,
N¹/₂NW¹/₄NE¹/₄SW¹/₄, NE¹/₄NE¹/₄SW¹/₄, N¹/₂SE¹/₄NE¹/₄SW¹/₄, S¹/₂SW¹/₄SW¹/₄,
NE¹/₄SE¹/₄SW¹/₄, N¹/₂SE¹/₄SE¹/₄SW¹/₄, SW¹/₄SE¹/₄SW¹/₄, S¹/₂NW¹/₄SE¹/₄SW¹/₄.

T. 23 S., R. 61 E.,

Sec. 11, S¹/₂S¹/₂NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, W¹/₂W¹/₂SE¹/₄SE¹/₄, E¹/₂SE¹/₄SW¹/₄,
S¹/₂SE¹/₄NE¹/₄SW¹/₄;

Sec. 14, W¹/₂NE¹/₄, W¹/₂W¹/₂NE¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄NE¹/₄, W¹/₂SE¹/₄NE¹/₄,
W¹/₂E¹/₂SE¹/₄NE¹/₄, E¹/₂E¹/₂NW¹/₄, E¹/₂NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, S¹/₂SW¹/₄SW¹/₄,
NE¹/₄SW¹/₄NE¹/₄SW¹/₄, S¹/₂SW¹/₄NE¹/₄SW¹/₄, NE¹/₄NE¹/₄SW¹/₄SW¹/₄,
S¹/₂NE¹/₄SW¹/₄SW¹/₄, SW¹/₄NW¹/₄SW¹/₄SW¹/₄, SE¹/₄;

Sec. 15, S¹/₂SE¹/₄, S¹/₂NW¹/₄SE¹/₄, SW¹/₄NE¹/₄SE¹/₄, SW¹/₄SE¹/₄NE¹/₄SE¹/₄,
SW¹/₄NW¹/₄NE¹/₄SE¹/₄, S¹/₂NE¹/₄NW¹/₄SE¹/₄, NE¹/₄NE¹/₄NW¹/₄SE¹/₄;

Sec. 22, E¹/₂, SW¹/₄;

Sec. 23, All;

Sec. 24, W¹/₂E¹/₂SW¹/₄NW¹/₄, SW¹/₄NW¹/₄NW¹/₄NW¹/₄, SW¹/₄NW¹/₄NW¹/₄,
SW¹/₄SE¹/₄NW¹/₄NW¹/₄, W¹/₂SW¹/₄NW¹/₄, E¹/₂SE¹/₄SW¹/₄NW¹/₄, SE¹/₄NE¹/₄SW¹/₄NW¹/₄,
W¹/₂SW¹/₄SE¹/₄NW¹/₄, W¹/₂SW¹/₄, W¹/₂E¹/₂SW¹/₄, W¹/₂NE¹/₄SE¹/₄SW¹/₄, SE¹/₄SE¹/₄SW¹/₄.

T. 23 S., R. 62 E.,

Sec. 19, Lots 13, 15, 17, 21, 22, 24, 25, 27, 28, and 29;

Sec. 20, Lots 12, 15, 17, 18, and 20;

Sec. 29, Lot 3;

Sec. 30, Lots 6, 7, 10, and 11.

Containing 2,728.49 acres, more or less.

In addition to the lands described herein, parcels that have been published in a previous Notice of Realty Action (NORA) and were previously offered but did not sell, may be re-offered at this sale.

When the land is sold, conveyance of the locatable mineral interests will occur simultaneously with the sale of the land. The locatable mineral interests being offered have no known mineral value. Acceptance of a sale offer will constitute an application for conveyance of those mineral interests. In conjunction with the final payment, the applicant will be required to pay a \$50.00 non-refundable filing fee for processing the conveyance of the locatable mineral interests.

The terms and conditions applicable to the sale are as follows:

ALL PARCELS ARE SUBJECT TO THE FOLLOWING:

1. All leaseable and saleable mineral deposits are reserved on land sold; permittees, licensees, and lessees retain the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.
2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).
3. All land parcels are subject to all valid existing rights. Parcels may also be subject to applications received prior to publication of this Notice if processing the application would have no adverse affect on the appraised Fair Market Value (FMV). Encumbrances of record are available for review during business hours, 7:30 AM to 4:30 PM, Monday through Friday, at the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV.
4. All land parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.
5. All purchasers/patentees, by accepting a patent, agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not

limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Maps delineating the individual sale parcels are available for public review at the BLM Las Vegas Field Office (LVFO). Appraisals for each parcel will be available for public review at the LVFO on or about September 15, 2003.

Each parcel will be offered by sealed bid (with the exception of N-75200, N-76789, and N-76570), and at oral auction. All sealed bids must be received at the BLM LVFO, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, no later than 4:30 PM, PST, November 4, 2003. Sealed bid envelopes must be marked on the lower front left corner with the BLM Serial Number for the parcel and the sale date. Bids must be for not less than the appraised FMV and a separate bid must be submitted for each parcel.

Each sealed bid shall be accompanied by a certified check, money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for not less than 10 percent of the amount bid. The highest qualified sealed bid for each parcel will become the starting bid at the oral auction. If no sealed bids are received, oral bidding will begin at the appraised FMV.

All parcels will be offered for competitive sale by oral auction beginning at 10:00 AM, PST, November 6, 2003, at Sam's Town, 5111 Boulder Highway, Las Vegas, Nevada. The location inside Sam's Town is the Sam's Town Live venue located near the Box Office and close to the movie theatres. Registration for oral bidding will begin at 8:30 AM the day of sale and will continue throughout the auction. All oral bidders are required to register.

The highest qualifying bid for any parcel, whether sealed or oral, will be declared the

high bid. The apparent high bidder, if an oral bidder, must submit the required bid deposit immediately following the close of the sale in the form of cash, personal check, bank draft, cashiers check, money order or any combination thereof, made payable to the Bureau of Land Management, for not less than 20 percent of the amount bid. If not paid by close of the auction, **funds must be delivered no later than 4:30 PM the day of the sale** to the BLM Las Vegas Field Office.

The remainder of the full bid price, whether sealed or oral, must be paid within 180 calendar days of the sale date. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the entire bid deposit to be forfeited to the BLM.

Parcels N-75200 and N-76789 (West Henderson), as well as N-76570, will be offered only at the oral auction. Sealed bids for these parcels will not be accepted. If these parcels are not sold at the oral auction, they will not be offered on the Online Internet Auction. Should the apparent high bidders for parcels N-75200, N-76789 and N-76570 default, and if BLM decides to proceed with the sale, the second high bidder for each parcel will be declared the apparent high bidder.

Oral bids will be considered only if received at the place of sale and made at least for the appraised fair market value as determined by the Bureau of Land Management. For parcels designated **Serial Numbers N-75200 and N-76570** specifically, each prospective bidder will be required to show by certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management an amount of money which shall be no less than 20% of the federally appraised fair market value of the designated parcels, **Serial Numbers N-75200 and N-76570**, in order to be eligible to bid on each respective parcel. In order to bid on both designated parcels listed, a separate certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management in an amount of money which shall be no less than 20% of the appraised fair market value for each designated parcel will be required.

The apparent high bidders for parcels N-75200 and N-76789 will be required within 30 days from the date of the oral auction, November 6, 2003, to reach an agreement to develop with the City of Henderson. Failure to reach an agreement within will disqualify the apparent high bidder(s), the deposit(s) will be returned, and if BLM decides to proceed with the sale, the property shall be offered to the second highest bidder(s) at his/her highest bid. The second highest bidder will be required to submit to the Bureau of Land Management, a deposit in the

amount of 20% of their bid. He/she will also be given 30 days from the date of the offer to reach an agreement to develop with the City of Henderson. Failure by the second high bidder(s) to reach an agreement within 30 days will disqualify the second high bidder, their deposit will be returned, the sale cancelled. Having been published once in the Federal Register, the property may be re-offered for sale at a later date without further legal notice. The parcels will not be offered to the third high bidder in the event of the second high bidder's default.

Unsold parcels, with the exception of parcels N-75200, N-76789 and N-76570, may be offered on the Internet. Internet auction procedures will be available at **www.auctionrp.com**. If unsold on the Internet, parcels may be offered at future auctions without additional legal notice. Upon publication of this notice and until the completion of the sale, the BLM is no longer accepting land use applications affecting any parcel being offered for sale, including parcels being offered for sale that have been published in a previous Notice of Realty Action. However, land use applications may be considered after completion of the sale for parcels that are not sold through sealed, oral, or online Internet auction procedures.

Federal law requires bidders to be U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State Instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships capable of holding property or interests therein under the laws of the State of Nevada. **Certification of qualification, including citizenship or corporation or partnership, must accompany the bid deposit.**

In order to determine the fair market value of the subject public lands through appraisal, certain extraordinary assumptions may have been made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this NORA, the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government. Furthermore, no warranty of any kind shall be given or implied by the United States as to the potential uses of the lands offered for sale, and conveyance of the subject lands will not be on a contingency basis. It is the buyer's responsibility to be aware of all applicable local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or projected use of nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals would be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Detailed information concerning the sale, including the reservations, sale procedures and conditions, and environmental documents is available for review at the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, or by calling (702) 515-5114. This information will also be available on the Internet at <http://propertydisposal.gsa.gov>. Click on NV for Nevada. It will also be available on the Internet at <http://www.nv.blm.gov>. Click on Southern Nevada Public Land Management Act and go to Land Sales.

The general public and interested parties may submit comments to the Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130 until October 13, 2003, 45 days after publication of this Notice in the FEDERAL REGISTER. Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any adverse comments, this realty action will become the final determination of the Department of Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from the sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws or is determined to not be in the public interest. Any comments received during this process, as well as the commentor's name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish to have your name and/or address made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A commentor's request to have their name and/or address withheld from public release will be honored to the extent permissible by law.

Lands will not be offered for sale until at least October 28, 2003, 60 days after the date of publication in the FEDERAL REGISTER.

/s/ Mark T. Morse
Mark T Morse
Field Manager

August 1, 2003
Date