

RFQ Request for Clarification Response #2:

#1:

1. **Q) If an ENA and a DDA (A City's version of a binding Purchase & Sale Agreement for the Property) is not sufficient, what methodology would work to demonstrate the equivalent for land Ownership?**

A) This Request for Clarification #2 is a follow-up to the January 27, 2016 Request for Clarification #1, question 4, stated below:

Q) The City of Las Vegas currently owns the property we are proposing to buy in response to the RFQ. Is an executed ENA (Exclusive Negotiating Agreement) or DDA (Development and Disposition Agreement) between the property owner and the Developer sufficient evidence of property ownership or the equivalent?

A) No, an ENA (Exclusive Negotiating Agreement) and DDA (Development and Disposition Agreement) are not considered the equivalent of ownership.

First, the initial question stated the following: "The City of Las Vegas **currently owns the property we are proposing to buy...**" The language in the question clearly indicates that the City of Las Vegas owns the property which will be bought in 'in response to the RFQ,' therefore despite the ENA and DDA the City owns the property. Second, other than the names of the agreement, no terms were provided evidencing that the ENA or DDA confer rights of ownership or the equivalent.

The follow-up question in Request for Clarification #2 states in relevant part as follows: "what methodology would work to demonstrate the equivalent of land Ownership?"

Ownership means the complete dominion, title, or proprietary right in a thing or claim. Ownership in land is typically evidenced by title to the property. A lease which provides for the exclusive right to the property subject to the lease terms could be considered the 'equivalent of ownership.' Ownership also conveys a proprietary interest in the property to enter the land and control the same. Any 'methodology' may be presented that proves legal, binding and proprietary right to the proposed land/building relevant to their Statement of Qualifications.

A copy of any controlling documentation should be provided with your Statement of Qualifications. Of course, documentation and/or specific language establishing 'ownership or the equivalent' may be submitted at any time prior to the January 22, 2016 deadline for the submittal of Requests for Clarification for Leasing Services' consideration and a determination that the documentation and/or the specific language establishes 'ownership or the equivalent' consistent with the requirements of the RFQ.