

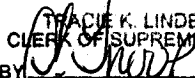
IN THE SUPREME COURT OF THE STATE OF NEVADA

CORONADO SUNSET, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND ESCALADE VENTURES, LLC, A NEVADA LIMITED LIABILITY COMPANY,  
Appellants,  
vs.  
COUNTY OF CLARK, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA; AND THE CLARK COUNTY FLOOD CONTROL DISTRICT,  
Respondents.

No. 50502

**FILED**

**MAY 03 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment, certified as final under NRCP 54(b), in an inverse condemnation action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

“This court reviews a district court’s grant of summary judgment de novo, without deference to the findings of the lower court.” Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper only if no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. NRCP 56(c). “[W]hen reviewing a motion for summary judgment, the evidence, and any reasonable inferences drawn from it, must be viewed in a light most favorable to the nonmoving party.” Wood, 121 Nev. at 729, 121 P.3d at 1029.

The appellants, Coronado Sunset, LLC, and Escalade Ventures, LLC, argue that the respondents, Clark County and the Clark County Flood Control District, exceeded the scope of a previously granted

easement on a 0.53-acre parcel. Coronado argues that the easement was for lateral support of Sunset Road, and the installation of the 66-inch drainage pipe exceeded the scope of the easement, and therefore, the district court erred in granting summary judgment in favor of Clark County and the Clark County Flood Control District.

For the following reasons, we disagree with Coronado's contentions. It is clear that the public use described in the final order of condemnation was for "a roadway and related purposes," not just a slope easement. The 66-inch drainage pipe at issue in this case drains water from Sunset Road—which is a related purpose to the road itself—and therefore within the scope of Clark County's easement. Thus, Clark County has not exceeded the authorized use of the easement. Further, Coronado had notice that there was an easement on the entire 0.53-acre parcel; the final order of condemnation was properly recorded and stated the purpose of the easement. Therefore, we conclude that the district court properly granted summary judgment in favor of Clark County. Additionally, the district court properly granted summary judgment in favor of the Clark County Flood Control District because it did not participate in acquiring the easement, nor did it have any part in the construction or maintenance of the 66-inch drainage pipe. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Susan Johnson, District Judge  
Stephen E. Haberfeld, Settlement Judge  
Law Offices of Kermitt L. Waters  
Clark County District Attorney/Civil Division  
Eighth District Court Clerk