



The Common Sense Courier Newsletter **February 6, 2026**

County Invokes Eminent Domain in order to Complete Muller Parkway

In the Board of County Commissioners' meeting of November 20, 2025, the Board of Commissioners amended their April 2025 invocation of Eminent Domain in order to secure small slivers of land that turned out to be necessary to complete the County's portion of Muller Parkway from Toler Lane to the northern terminus near Heybourne Road. The requirement to add those slivers only became apparent after construction of Muller Parkway was underway. When Park Ranch Holdings LLC (Park LLC) rejected the County's offers to purchase the three acres required and instead insisted that the County pay \$15 million dollars to Park LLC and allow Park LLC to open a gravel pit on East Valley Road, the County sought Eminent Domain as the only viable alternative.

The Board was under the gun to complete its portion of Muller Parkway by December 31, 2025, per the Park Development Agreement signed by the County and Park LLC in December 2019. The County and Park had been in negotiation for months because the Development Agreement documentation did not stipulate that the small slivers of land adjacent to the road for shoulders and maintenance were to be included.

After months of negotiation with Park LLC, the County concluded that David Park was not dealing in good faith as required by the Development Agreement, and therefore its only alternative was to invoke Eminent Domain in order to secure the land required for the County to complete its portion of Muller by December 31, 2025.

The Board cited the following as evidence that Park LLC was not dealing in good faith:

- Park approached the County on or about July 2023 and made an offer to the County to build Muller Parkway himself rather than have the County build it, believing that he could build the road faster and less expensive than the County. The County accepted his offer and issued him a road building permit in July of 2023. Six months later, Park informed the county that he could not build the road but delayed delivering the road building permit back to the County, which prevented the County from initiating the road building project itself for many months.

- In early 2024, Park filed a lawsuit against the County in which he claimed that the county was not building the road to proper standards (Note: The County vigorously denied this allegation). The lawsuit caused an additional nine-month delay to the project.
- Park also filed for a restraining order to prevent the county from building the road saying the county's design was flawed and he had rights of refusal on the design. The courts denied the restraining order, but more delay occurred.
- And the Capper: At the insistence of the courts, the County and Park attempted a settlement in Carson City in April of 2024. After a full day of negotiation, Park presented his ultimatum. He demanded that the County pay him \$15 million dollars and issue him a permit to open a gravel pit in East Valley as settlement. As the County found this demand to be unreasonable the negotiations were terminated.

The Park Development Agreement has been a source of controversy ever since it was passed by the Board of County Commissioners in December of 2019. Commissioners Barry Penzel, Larry Walsh and Wes Rice voted in favor of the agreement. Commissioners Dave Nelson and John Engels voted against the agreement. The Deputy District Attorney who drafted the agreement on behalf of the county was Mary Ann Martin, who subsequently left employment of the County and has since become the wife of David Park, who owns Park Ranch Holdings LLC.

The Agreement transferred development rights from land owned by Park in Topaz, known as Sleeping Elephant Ranch, to his agricultural land on Buckeye Road allowing Park to build up to 2500 homes on his agricultural land. The Agreement was controversial to say the least. First, transferring development rights from one watershed to another was deemed to be illegal per the County's Development Plan adopted by Court Order in 2007. Second, the Planning Commission twice denied the transfer of these development rights, but was overridden by the Board votes of Penzel, Rice and Walsh. Third, community groups attempted to overturn the decision of the BOCC by means of a citizen referendum that was unsuccessful due to filing issues.

This has been a very sweet deal for Mr. Park. This is the only development agreement adopted by the County to our knowledge that does not require the developer to build the access road to the development but instead requires the County to build the road. In addition, Douglas County has been forced to divert over \$1.0 million dollars annually from its road maintenance fund for the past six years in order to fund the building of Muller Parkway without bonding or raising taxes.

At the end of the day, Commissioner Hales summed it up best. "Mr. Park deserves our thanks for what he has done for the County, but he does not deserve \$15 million dollars and a gravel pit."