

A.P.N. 139-28-604-006 & 139-28-604-008

Recording requested by and when recorded return to:

City of Las Vegas
Redevelopment Agency
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101

30' WIDE PUBLIC ACCESS EASEMENT

FOR A VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), receipt of which is hereby acknowledged, the

CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic, organized and existing under the Community Redevelopment Law of the State of Nevada ("**Grantor**") does hereby grant and convey to

BURNEY SMITH LLC, and its successors in interest ("**Grantee**"), the following:

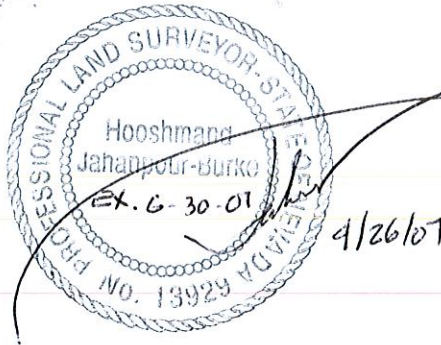
A 30' wide public access easement described in the Legal Description attached hereto, over and through **Grantor's** property (APN 139-28-604-008), to the vacant land (the "parking area") behind the existing building on **Grantee's** property (APN 139-28-604-006). This easement shall run with and bind the **Grantor's** property described above for the benefit of the parking area on **Grantee's** property described above, but may not be enforced by and is not for the benefit of any other person or entity. **Grantee** shall not use the easement area for any purpose other than as set forth herein. This easement shall terminate and revert to **Grantor** and its successors in interest in the event the building on **Grantee's** property is destroyed, or in the event the easement area is not used for the purpose set forth herein for a continuous period of 90 days.

The parties hereto agree that during the term hereof:

1. **Grantee** and its invitees shall have access over and through the easement area to the above described parking area. No buildings, structures, fences or other obstruction or impediment to such access shall be placed upon said easement area. **Grantee** shall not permit any use or activity on said parking area other than the temporary parking of passenger vehicles for the customers of the business located on **Grantee's** property. (Such prohibited uses include, but are not limited to the parking of vehicles for sale, car washes and revenue making or other sales activities). As a condition subsequent and not merely a covenant, any violation of this easement document shall cause this easement to automatically terminate and revert to **Grantor** and its successors.

2. The **Grantor** and its successors shall not be liable for any damage to the property of others or for any injury or death to any person, arising from this easement, the activities of the **Grantee** and its invitees with respect to the easement area and parking area, any defects in such easement area or parking area, the public's use of said easement or said parking area, or the lack or insufficiency of adequate lighting or security for such parking area. **Grantee** assumes full responsibility for the parking area and its condition, lighting and

APRIL 26, 2007
WRITTEN BY: HJB
CHECKED BY: ARR
APN # 139-28-604-008
(PAGE 1 OF 1)



EXPLANATION:

THIS LEGAL DESCRIPTION DESCRIBES A STRIP OF LAND GENERALLY LOCATED NORTH OF WASHINGTON AVENUE, BETWEEN MARTIN L. KING JR. BOULEVARD AND "N" STREET, FOR PUBLIC ACCESS EASEMENT PURPOSES.

**LEGAL DESCRIPTION
30' WIDE PUBLIC ACCESS EASEMENT**

BEING A PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER SECTION CORNER OF SAID SECTION 28, ALSO BEING THE CENTERLINE INTERSECTION OF WASHINGTON AVENUE AND MARTIN L. KING JR. BOULEVARD; THENCE NORTH 00°10'51" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER COINCIDENT WITH THE CENTERLINE OF SAID MARTIN L. KING JR. BOULEVARD, 346.02 FEET; THENCE LEAVING SAID WEST LINE AND SAID CENTERLINE, NORTH 89°54'20" EAST, 40.00 FEET TO THE MOST NORTHWESTERLY CORNER OF THAT LAND CONVEYED TO THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY PER DOCUMENT NO. 20050901:00996 RECORDED ON SEPTEMBER 01, 2005 IN THE CLARK COUNTY OFFICIAL RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE NORTH 89°54'20" EAST ALONG THE NORTHERLY LINE OF SAID LAND, 213.70 FEET TO A LINE WHICH IS PARALLEL WITH AND 30.00 FEET WEST OF THE EAST PROPERTY LINE OF SAID LAND; THENCE SOUTH 00°14'45 EAST PARALLEL WITH SAID EAST BOUNDARY LINE, 30.00 FEET TO A LINE WHICH IS PARALLEL WITH AND 30.00 FEET SOUTH OF SAID NORTHERLY LINE; THENCE SOUTH 89°54'20" WEST, ALONG SAID PARALLEL LINE, 213.74 FEET TO THE WESTERLY PROPERTY LINE OF SAID LAND, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARTIN L. KING JR. BOULEVARD; THENCE NORTH 00°10'51" WEST ALONG SAID WESTERLY PROPERTY LINE AND SAID EASTERLY RIGHT-OF-WAY LINE 30.00 FEET TO THE **TRUE POINT OF BEGINNING**. SAID DESCRIBED EASEMENT CONTAINS 6,411 SQUARE FEET MORE OR LESS.

BASIS OF BEARING:

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING THE CENTERLINE OF WASHINGTON BOULEVARD, BEARS NORTH 89°52'47" EAST, AS SHOWN ON THE FINAL MAP OF "BONANZA TERRACE" RECORDED IN BOOK 5 OF PLATS, PAGE 20, OF THE CLARK COUNTY, NEVADA RECORDS.
END OF DESCRIPTION.

FILE NAME: LEGAL FOR MLK & WASHINGTON-1.DOC

