

AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY

THIS AGREEMENT FOR CONSTRUCTION OUTSIDE OF THE RIGHT-OF-WAY ("Agreement") entered into this 17th day of June, 2009, by and between the City of Las Vegas, a municipal corporation in the State of Nevada ("City"), and Summerlin North Community Association ("Owner"). The City and Owner are individually or collectively referred herein as the "Party" or "Parties."

RECITALS

WHEREAS, the CITY proposes to reconstruct segments of existing sidewalk ramps to Americans with Disabilities Act ("ADA") standards from Village Center Circle to Lake Mead Boulevard in the vicinity of Hill Center Drive in the City of Las Vegas; and

WHEREAS, the construction and reconstruction of the sidewalk ramps are in the best interest of the general public and the Owner;

NOW, THEREFORE, in consideration of the promises and of the mutual covenants herein contained, it is hereby agreed by and between the Parties hereto as follows:

ARTICLE I - CITY AGREES

1. To construct, or have constructed, replacement sidewalk ramps to ADA standards ("Improvements"), said construction to be as more particularly depicted and located on the maps attached hereto, made a part hereof by reference and designated as Exhibit "B", with said construction to be accomplished under ARRA Project # CLV4290.
2. To leave that portion of said tracts of land upon which entry is required in as neat and presentable condition as existed prior to such entry, with all fences, structures and other property belonging to the Owner, which the City may remove or relocate in order to construct said Improvements, replaced as nearly in their original condition and position as is reasonably possible.

ARTICLE II – OWNER AGREES

1. To grant permission to the City, and to its authorized agents and contractors, for entry upon owned land described as in attached Exhibit "B" for the purposes herein stated.

ARTICLE III - MUTUALLY AGREED

1. Upon notification from the City that the Improvements are complete, the Owner shall notify the City within 5 business days if the Improvements are unacceptable to the Owner. In the event the Owner fails to do so within said 5 business day period, the Owner shall be deemed to have approved and accepted the Improvements. If the Owner reasonably objects to any portion of the Improvements within said 5 business day period, then the City shall have 15 business days to cure such defects after receipt of the Owner's written objection. If it is not possible to cure such defects within said 15 business day period, the City shall nevertheless commence such cure work within said 15 business day period and diligently prosecute same to completion.
2. The Owner shall assume all maintenance responsibility for the improvements constructed pursuant to this Agreement. The City shall not be responsible for any maintenance of the

improvements after construction of the improvements is complete and accepted by the Owner.

3. This Agreement shall be deemed to have been executed and delivered within the State of Nevada, and the rights and obligations of the Parties hereto shall be construed and enforced in accordance with the laws of the State of Nevada. Claims to enforce this Agreement are subject to arbitration in accordance with the rules of the American Arbitration Association.

4. This Agreement shall constitute the entire contract between the parties hereto, and no modification hereof shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

5. All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, successors and assigns, as the case may be, of the respective parties.

6. As used herein the term Owner shall include the plural as well as the singular, and the feminine as well as the masculine and the neuter.

7. The Parties hereto represent and warrant that the person executing this Agreement on behalf of each Party has full power and authority to enter into this Agreement and that the Parties are authorized by law to undertake the duties and obligations set forth herein.

8. Counterparts; Electronic Delivery. This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first above written.

CITY OF LAS VEGAS

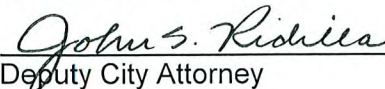
DATED: June 3, 2009


Oscar B. Goodman, Mayor

ATTEST:

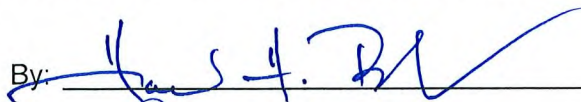
By:  6/19/09
Beverly K. Bridges, CMC, City Clerk Date

APPROVED AS TO FORM:

By:  5/16/09
Deputy City Attorney Date

SUMMERLIN NORTH COMMUNITY ASSOCIATION

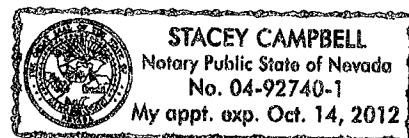
DATED: May 5, 2009

By: 
Title: President
MAL H. BLOCH

STATE OF NEVADA)
)ss.
 CLARK COUNTY)

On this 19TH day of June, 2009, before me, the undersigned Notary Public in and for said County and State, appeared Oscar B. Goodman, as Mayor of the City of Las Vegas, known to me to be the person who executed the above and foregoing instrument, and who acknowledged to me that he did so freely and voluntarily and for the purposes therein mentioned.

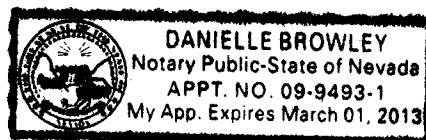
Stacey L Campbell
 Notary Public



STATE OF NEVADA)
)ss.
 CLARK COUNTY)

On this 5th day of May, 2009, before me, the undersigned Notary Public in and for said County and State, appeared, Hal Breen, of the Summerlin North Community Association, known to me to be the person who executed the above and foregoing instrument, and who acknowledged to me that she did so freely and voluntarily and for the purposes therein mentioned.

Danielle Browley
 Notary Public



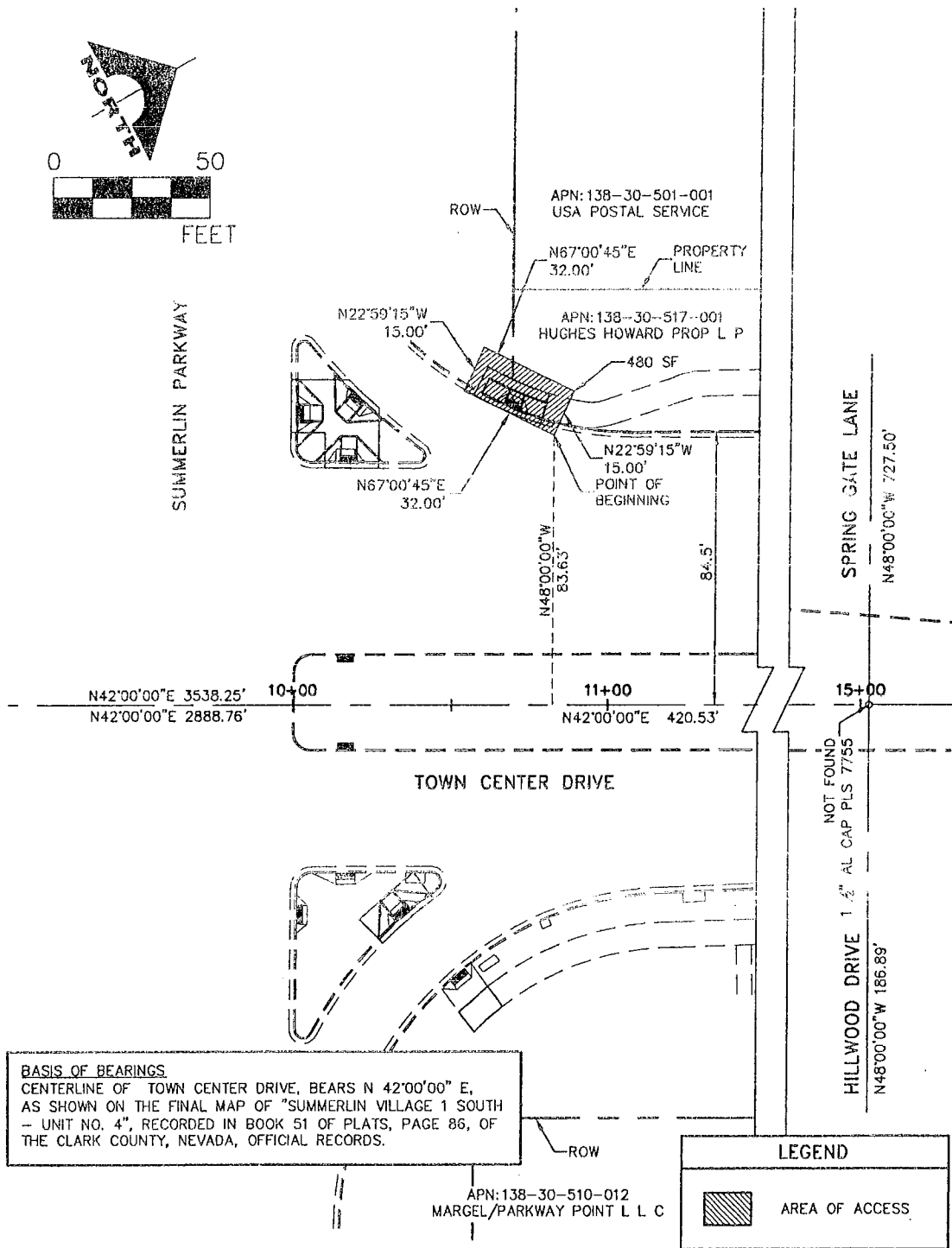
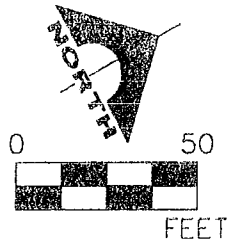


EXHIBIT B
APN 138-30-517-001

FED PROJ NO:
ARRA-0003(122)
NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



G.C. WALLACE COMPANIES
ENGINEERS | PLANNERS | SURVEYORS
6655 S. CIMARRON ROAD • LAS VEGAS, NV 89113
T: 702.804.2000 • F: 702.804.2299 • GCWALLACE.COM

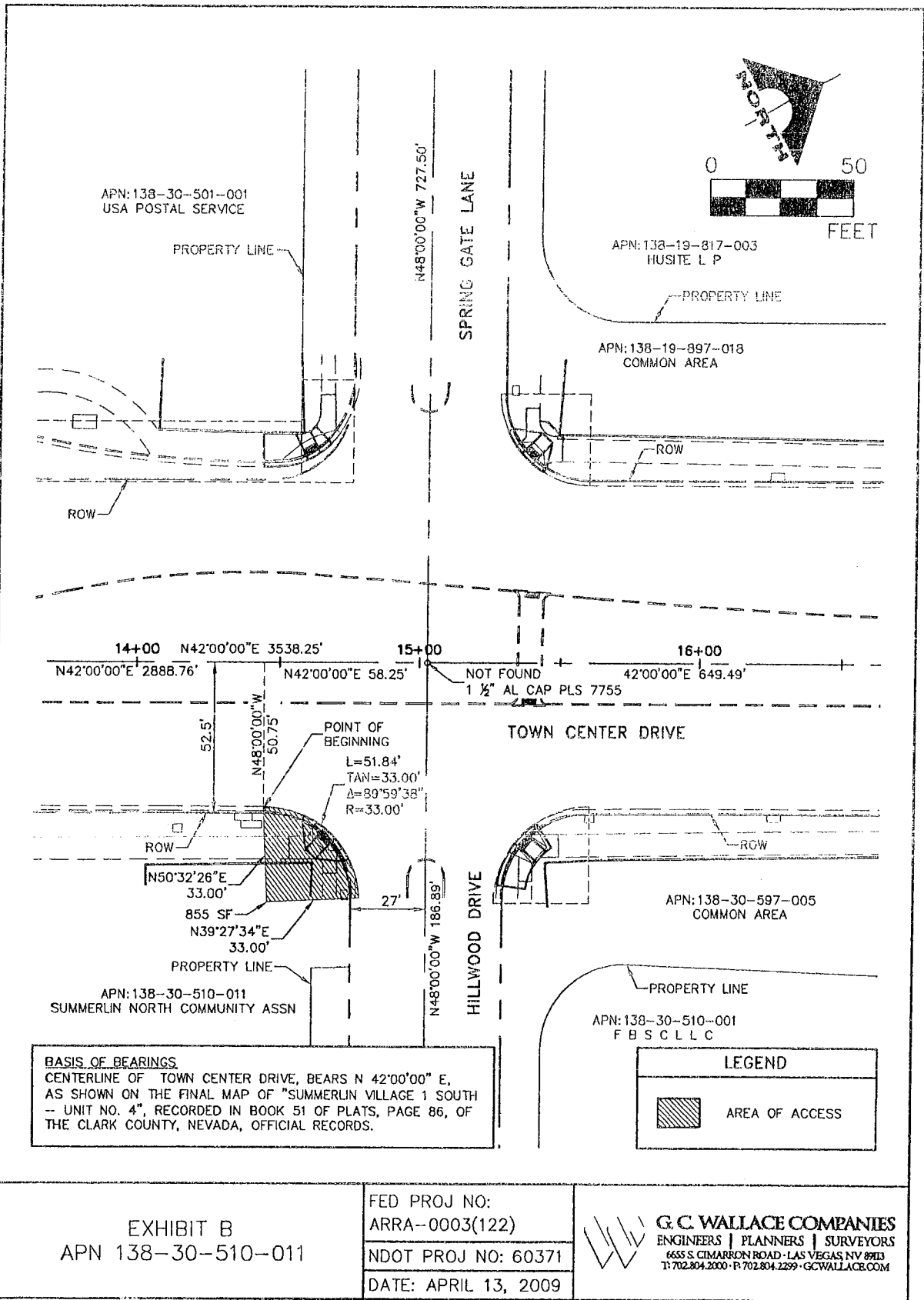
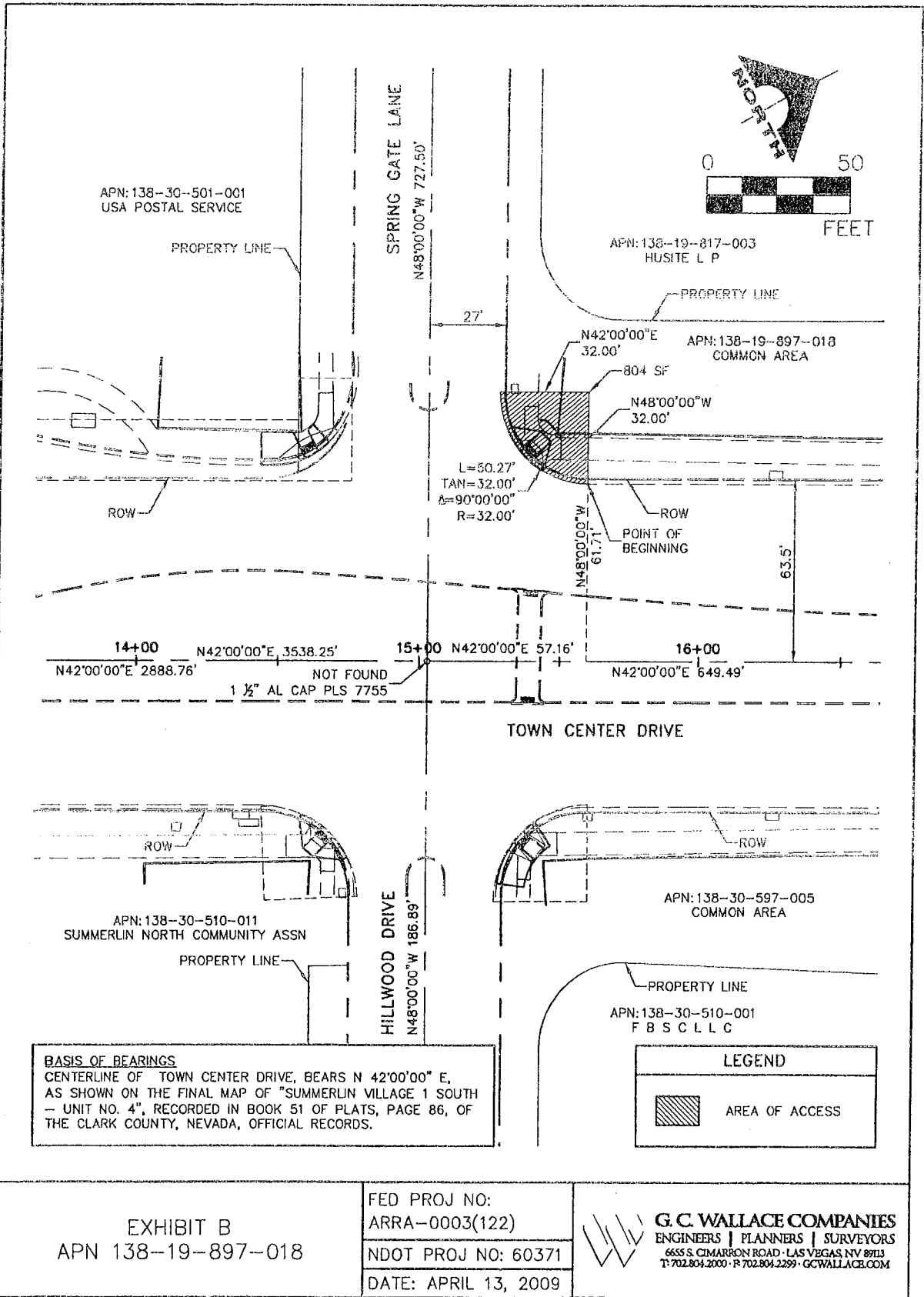


EXHIBIT B
APN 138-30-510-011

FED PROJ NO:
ARRA--0003(122)
NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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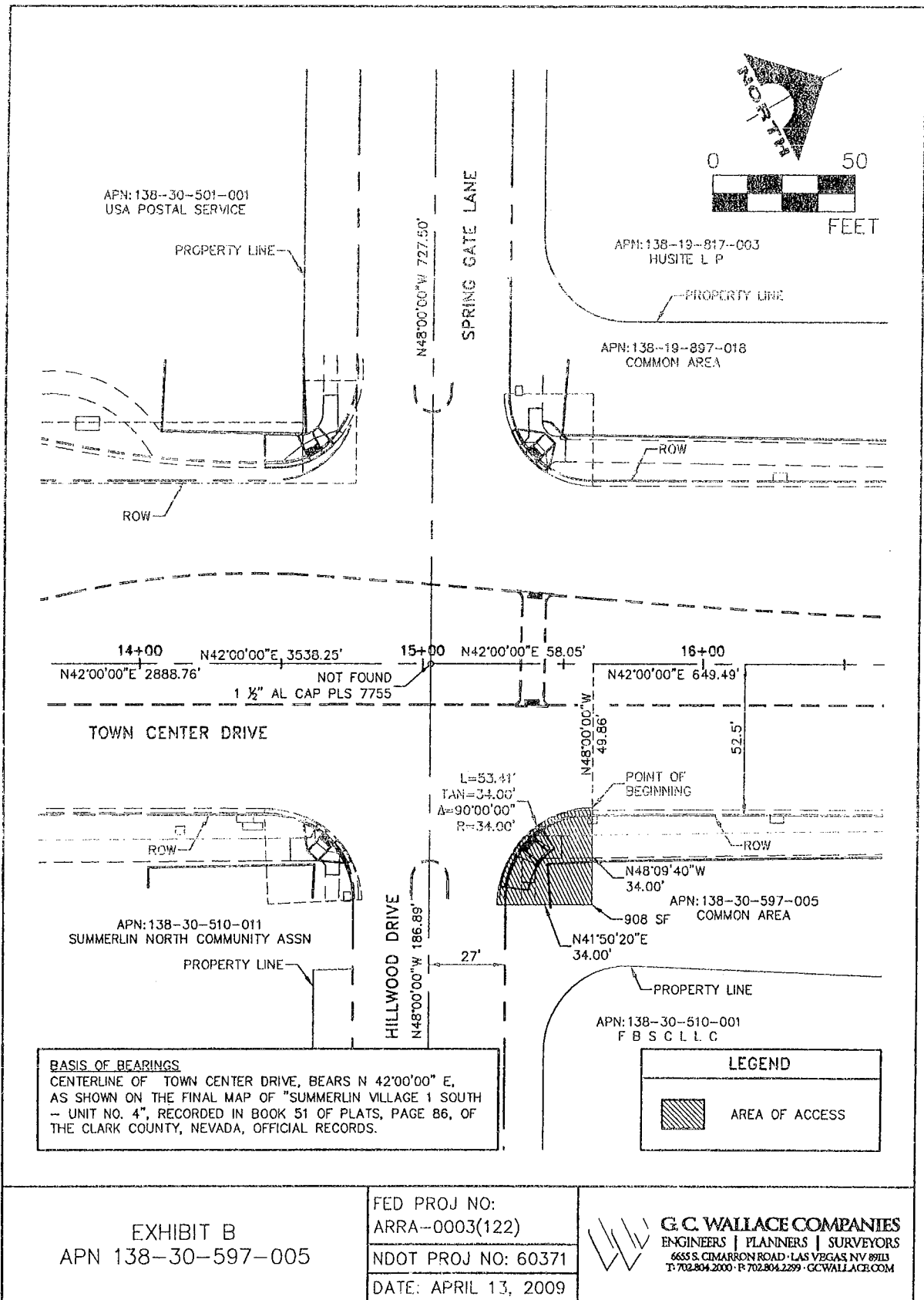


EXHIBIT B
APN 138-30-597-005

FED PROJ NO:
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NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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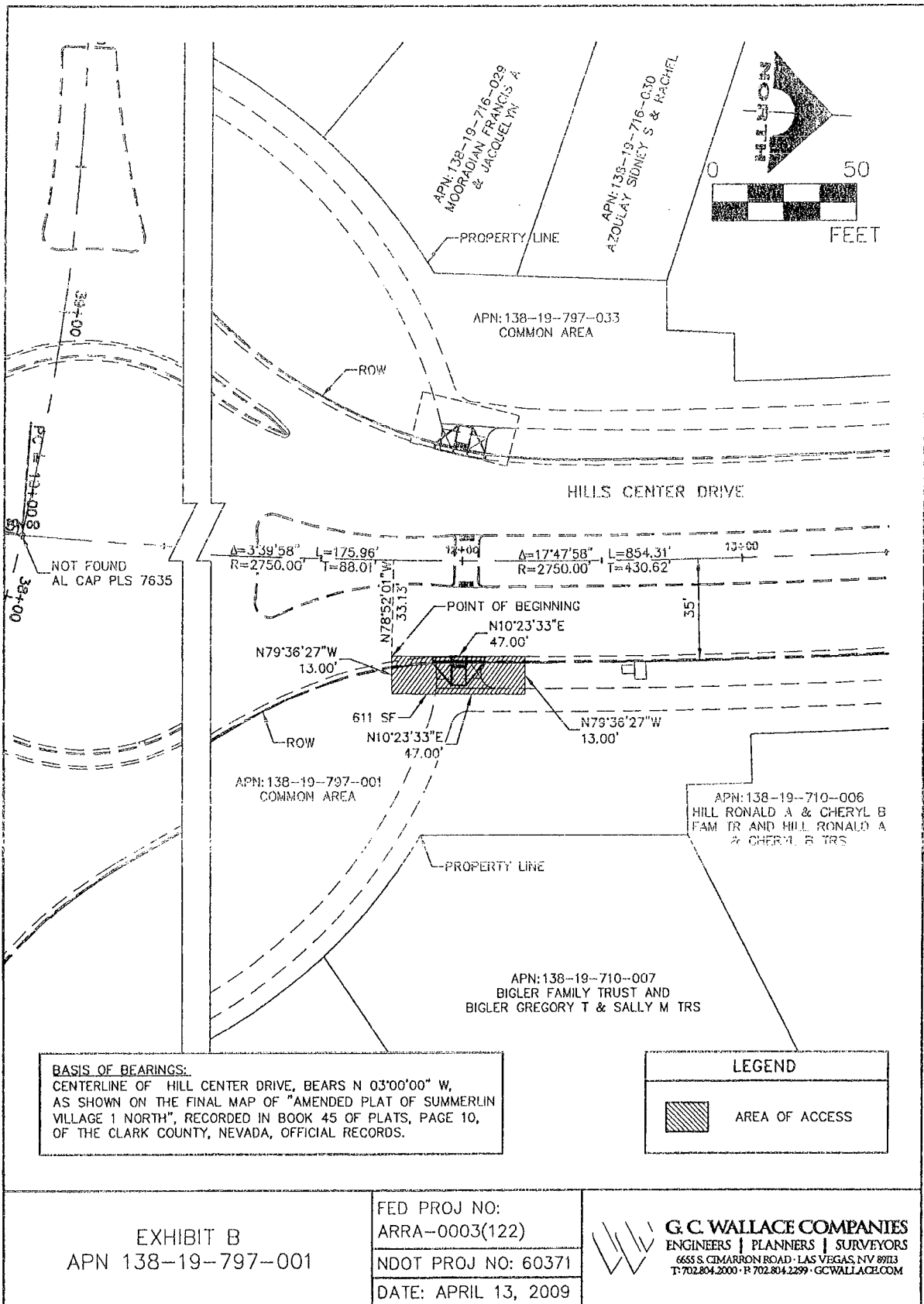
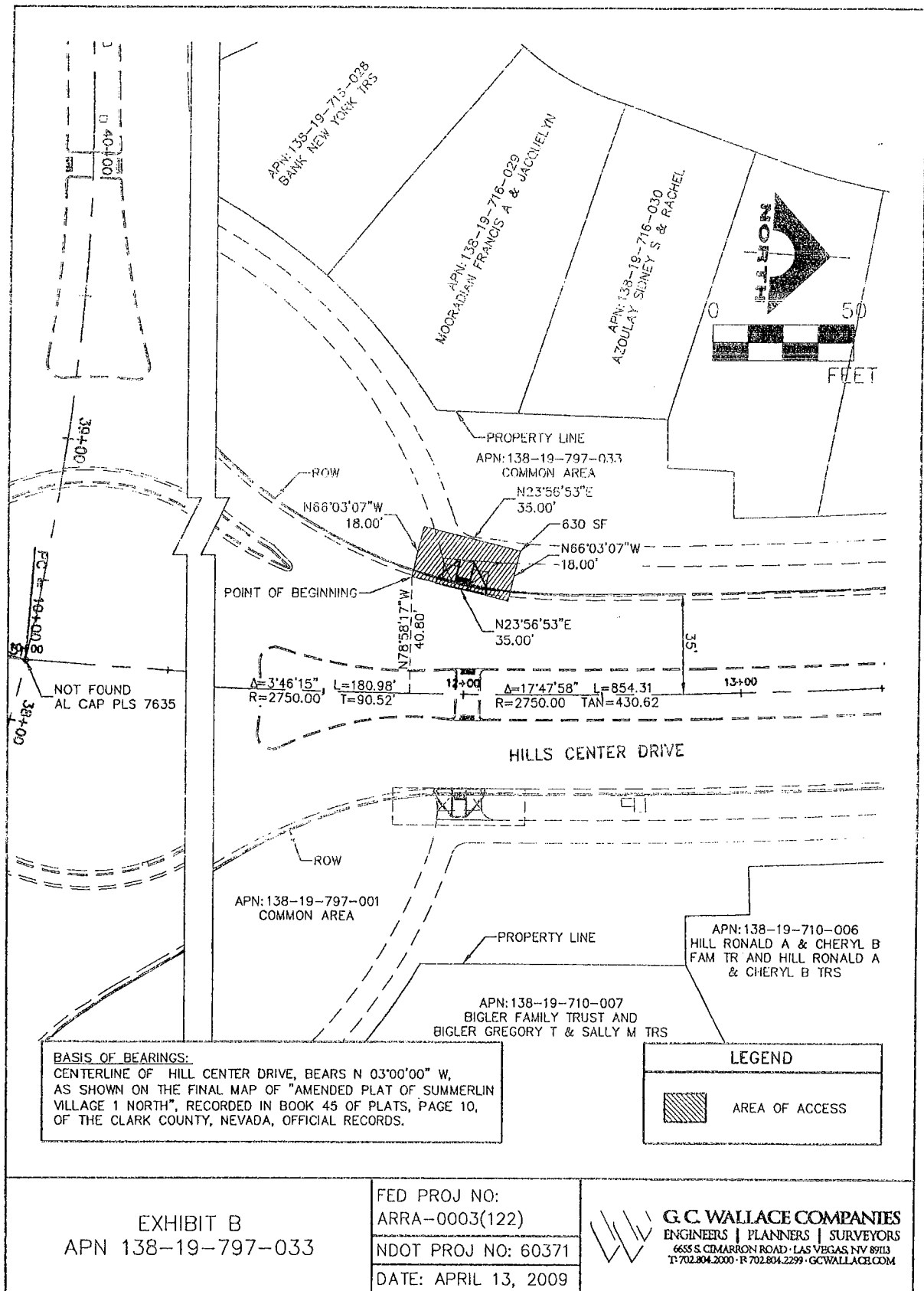


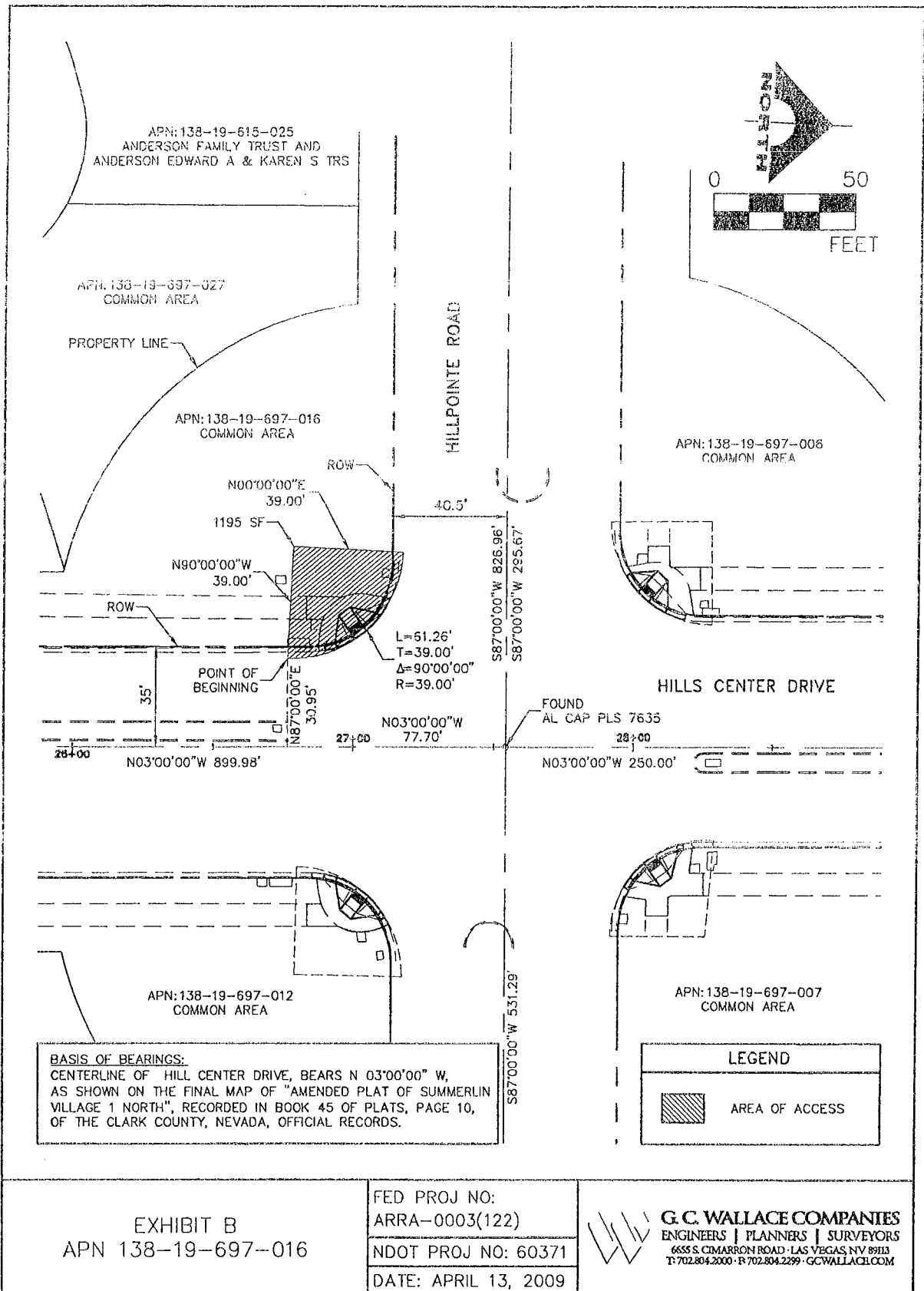
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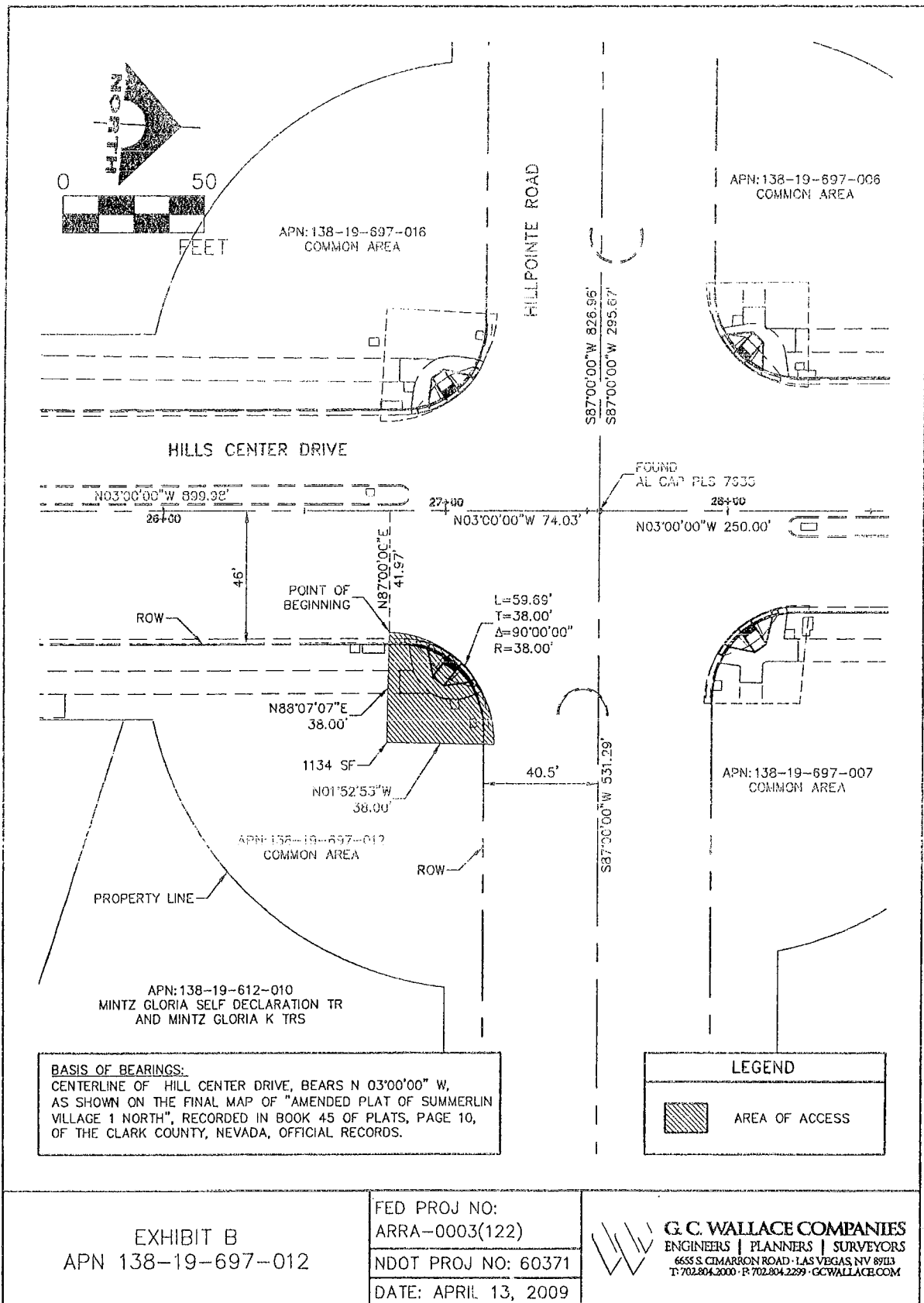
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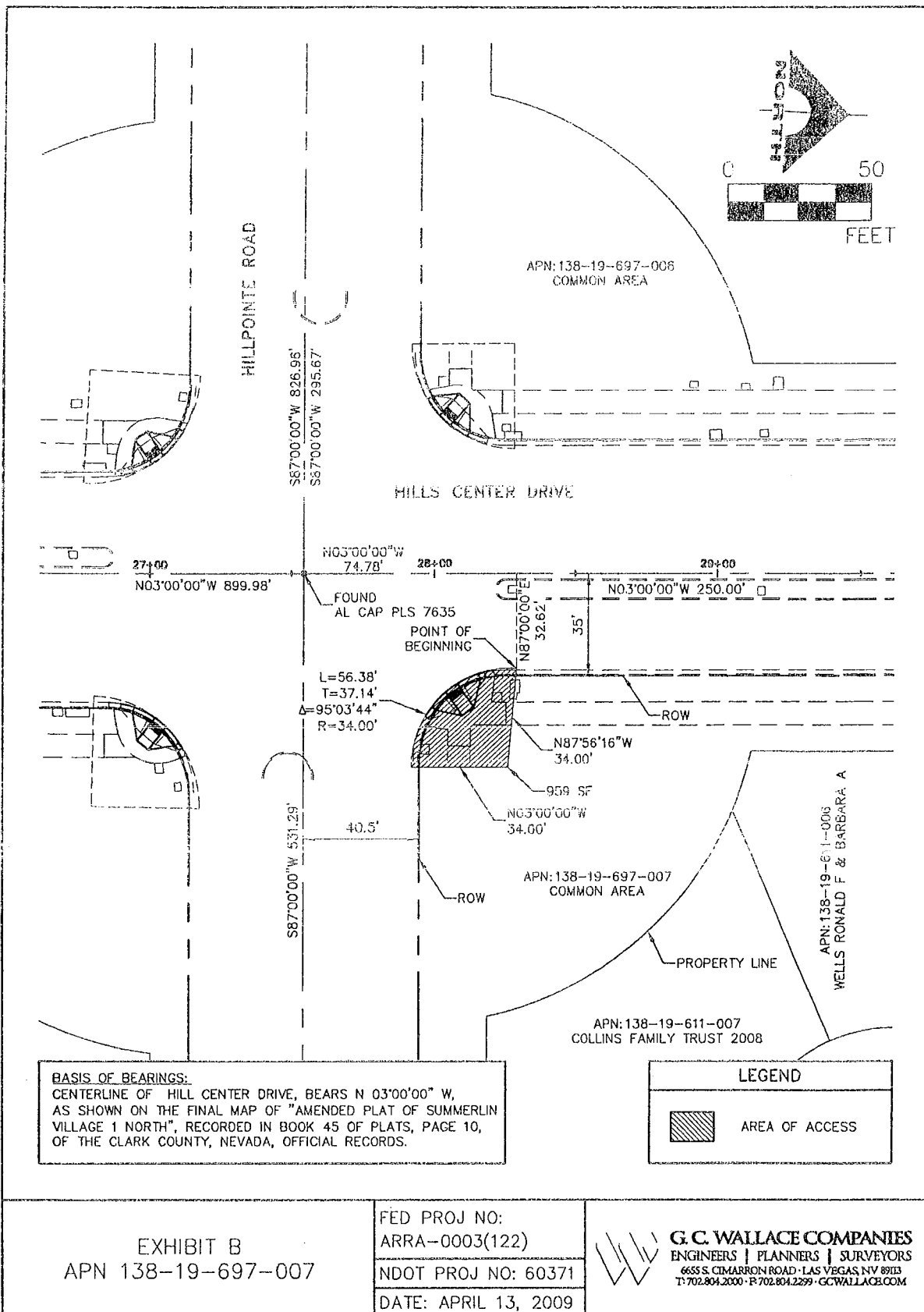


EXHIBIT B
 APN 138-19-697-007

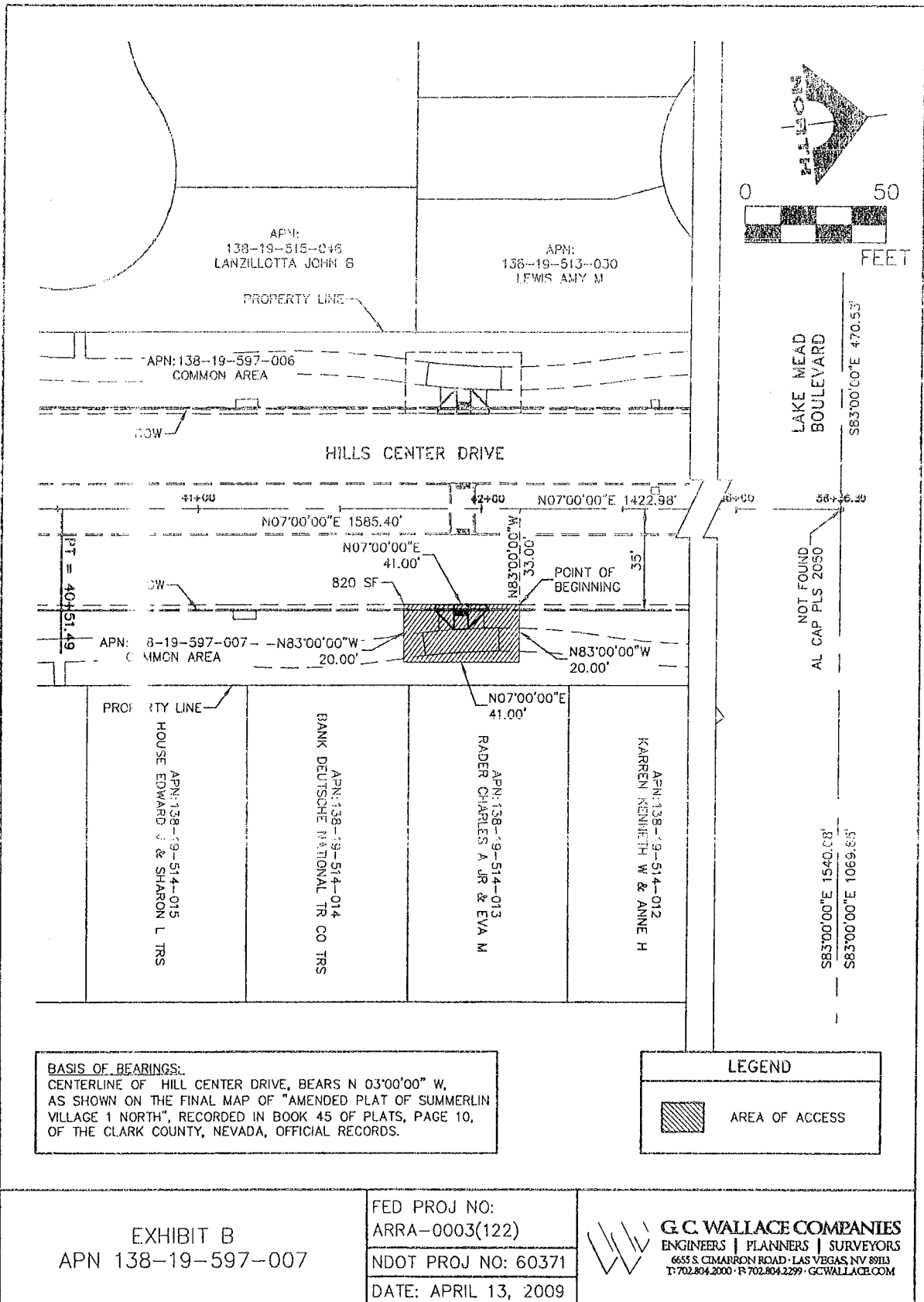
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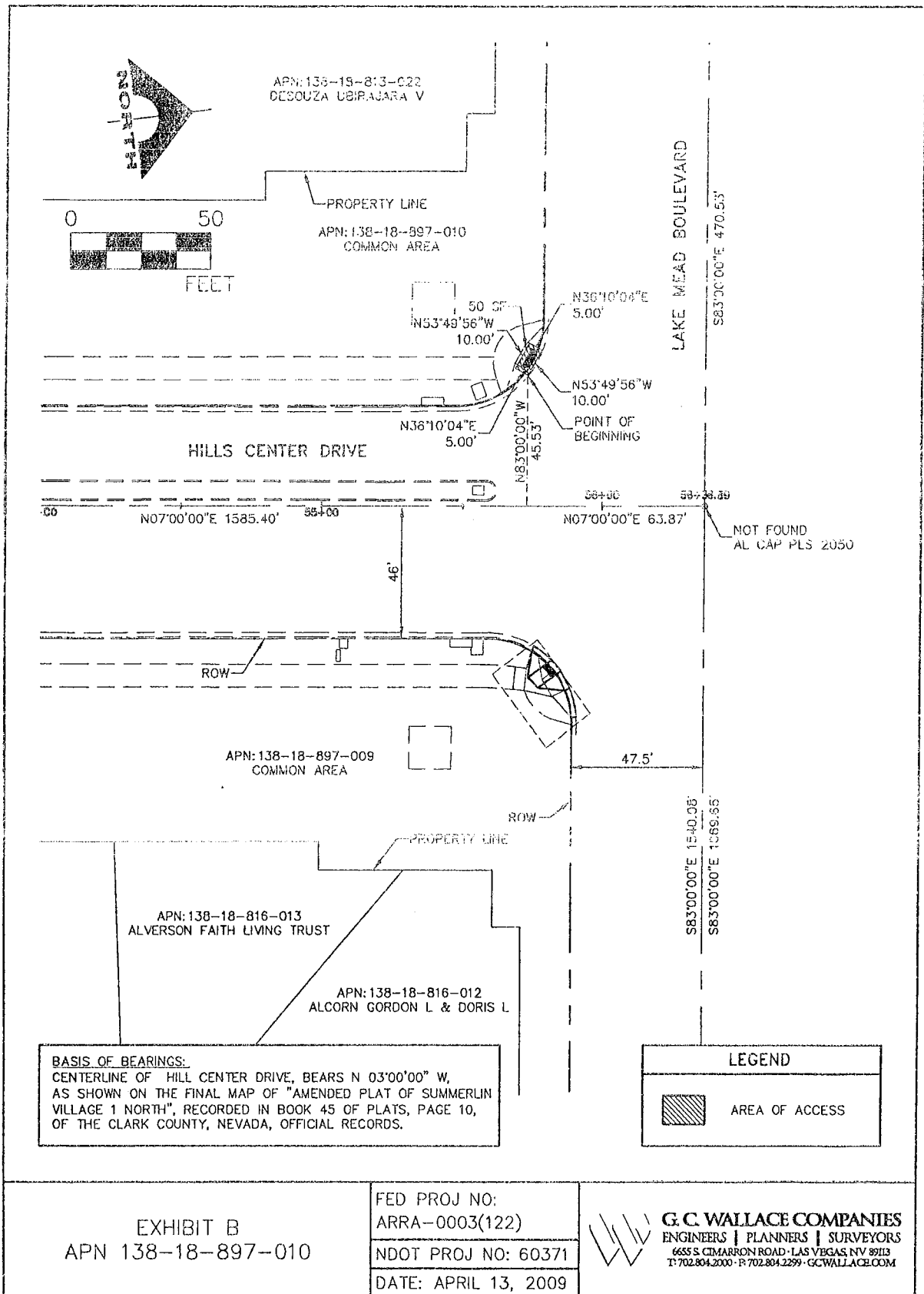


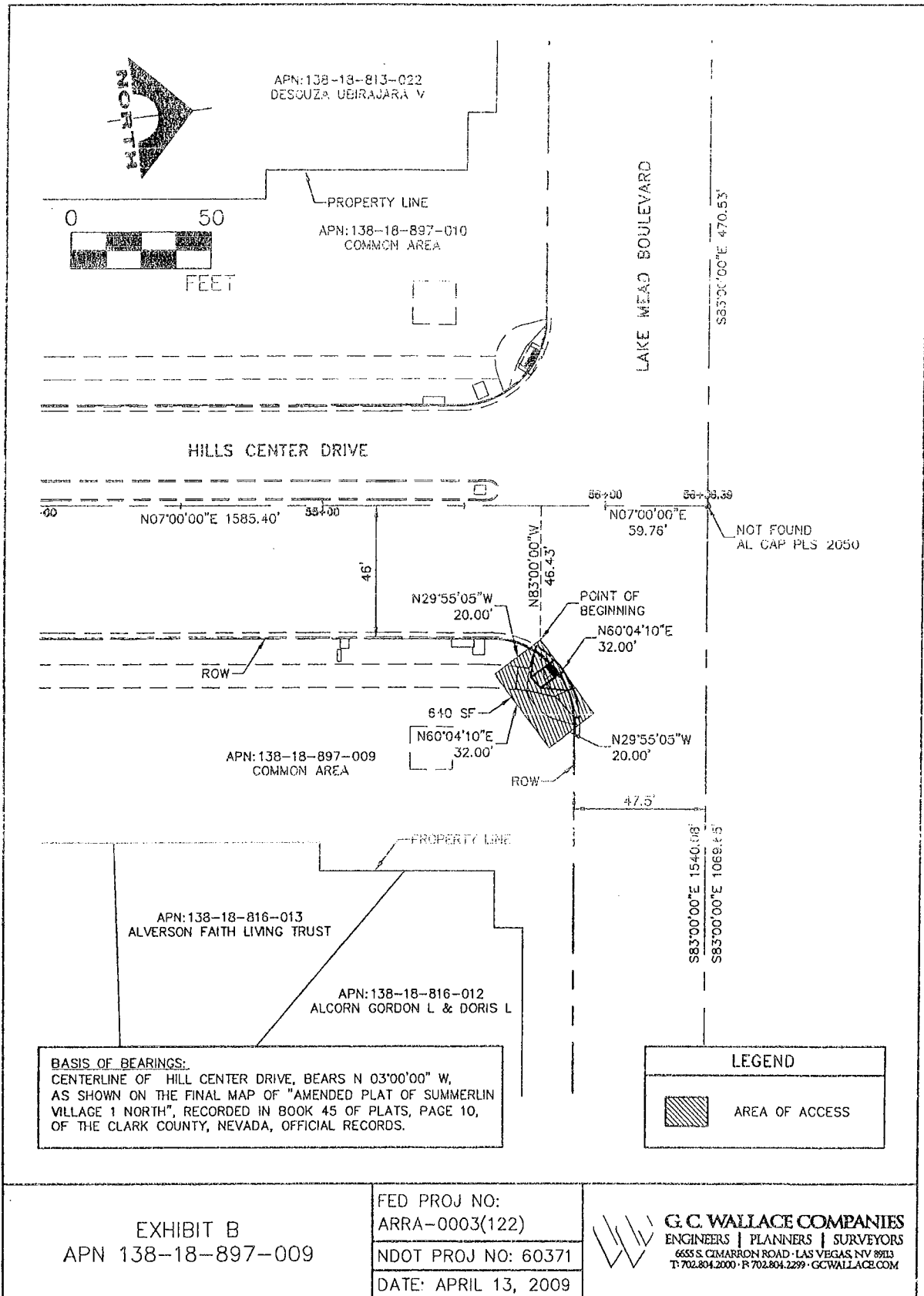
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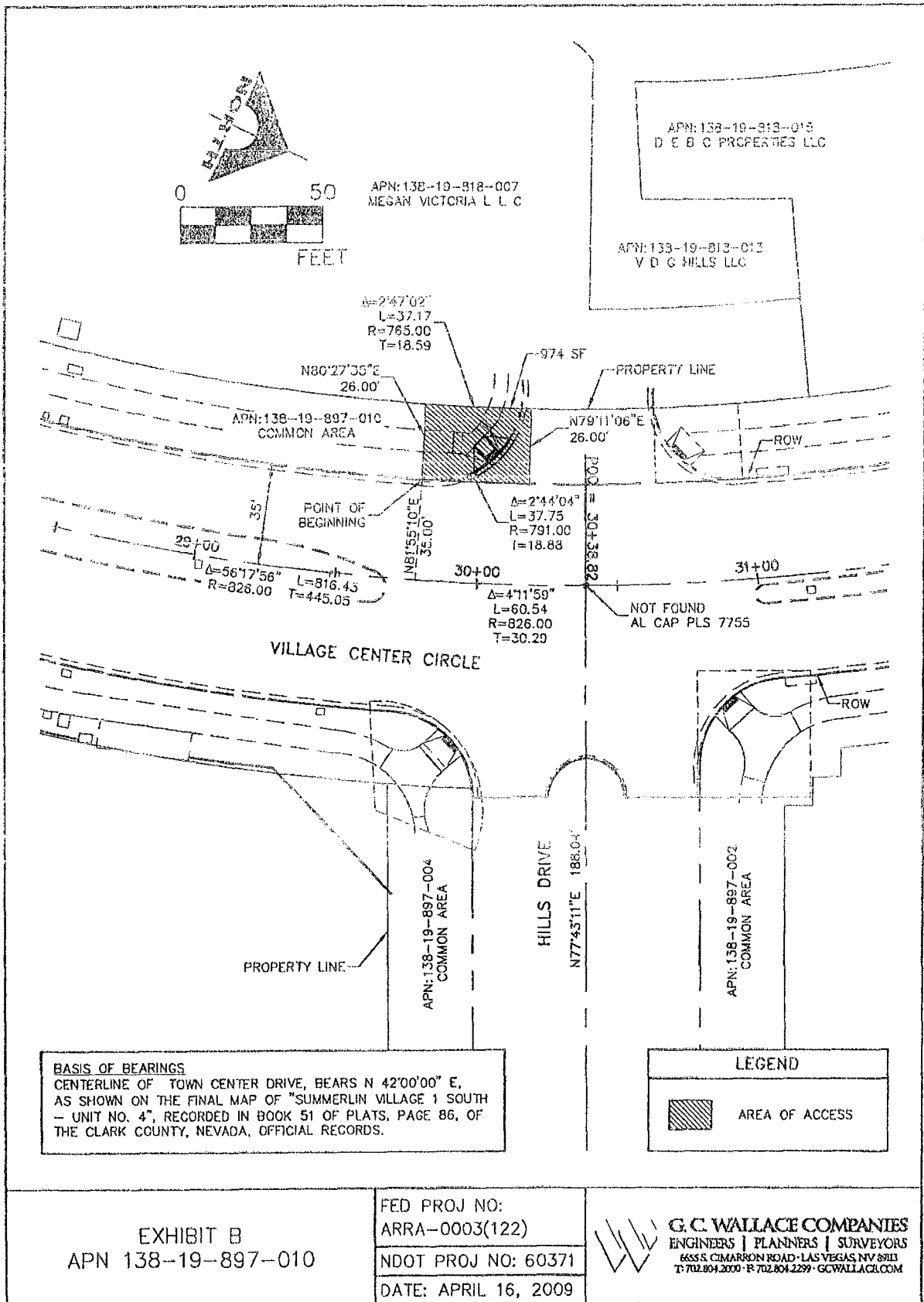


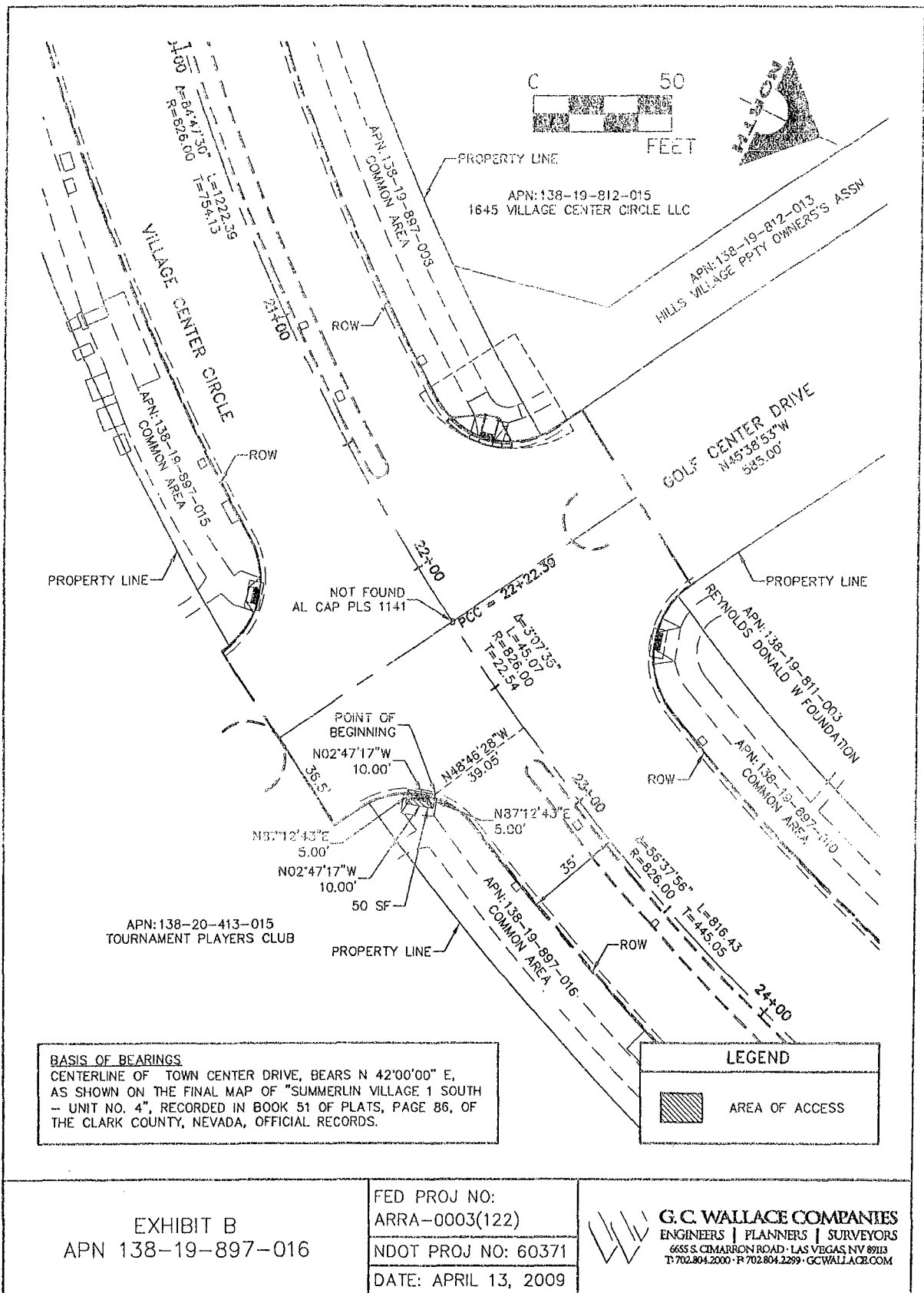


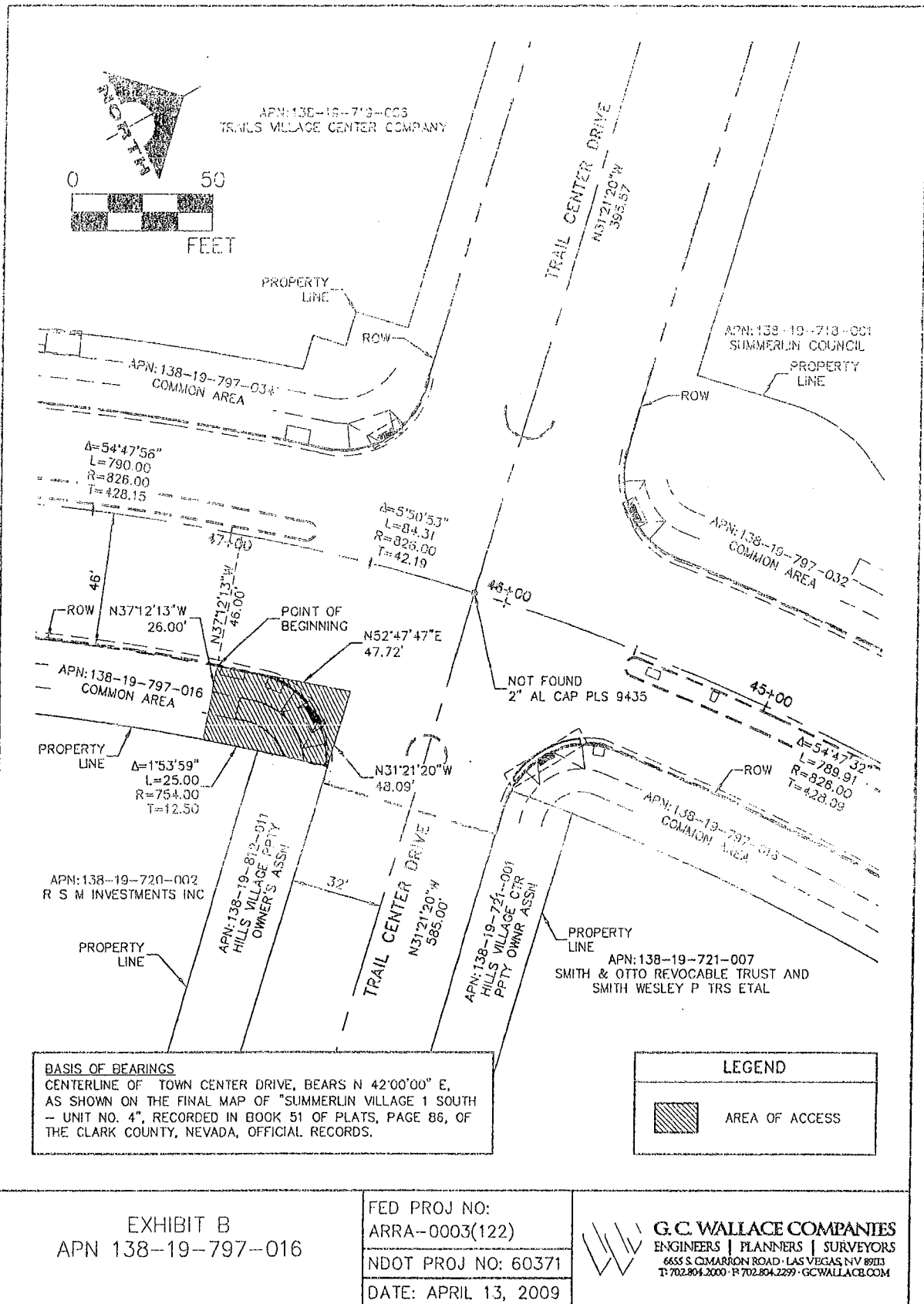




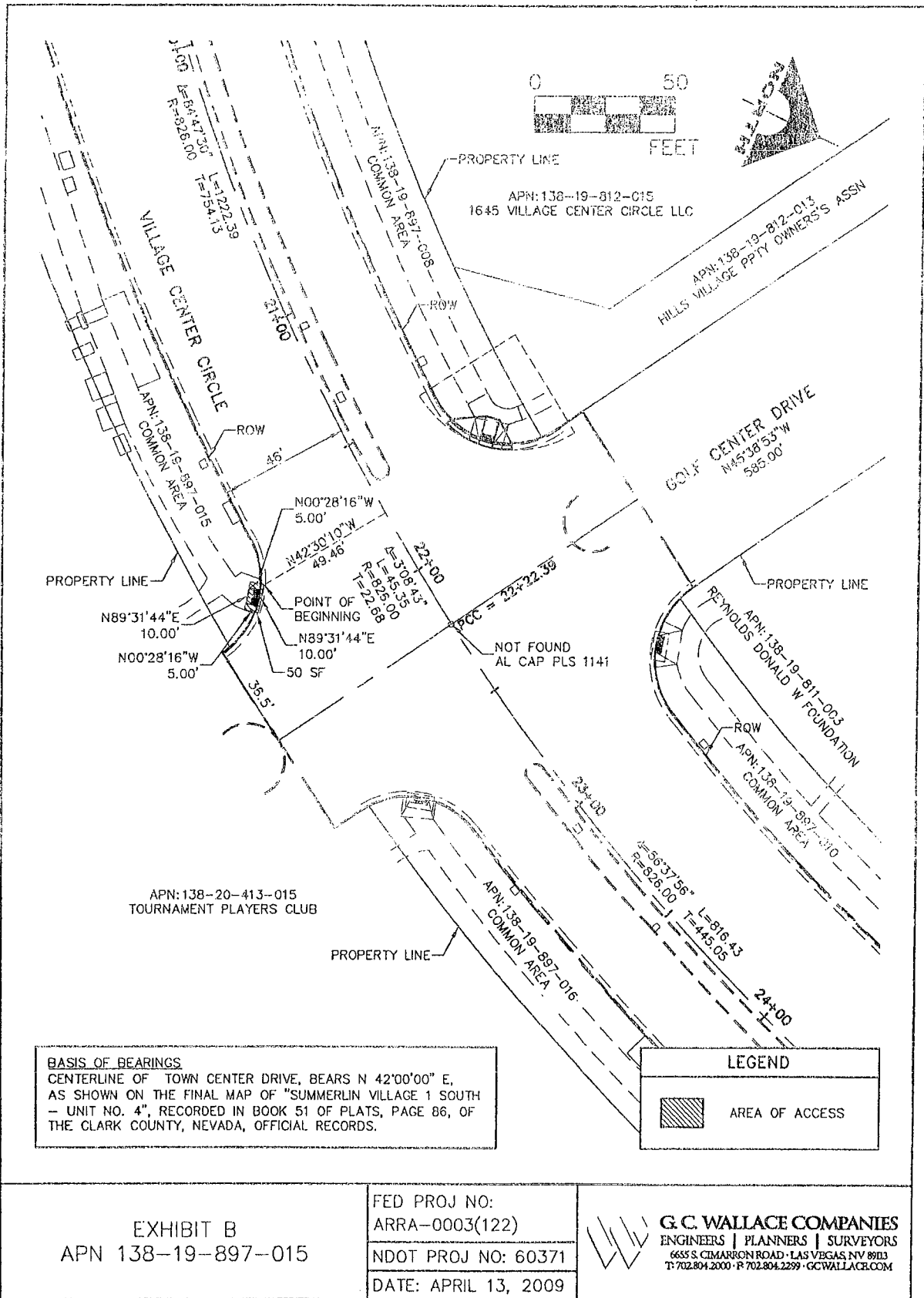


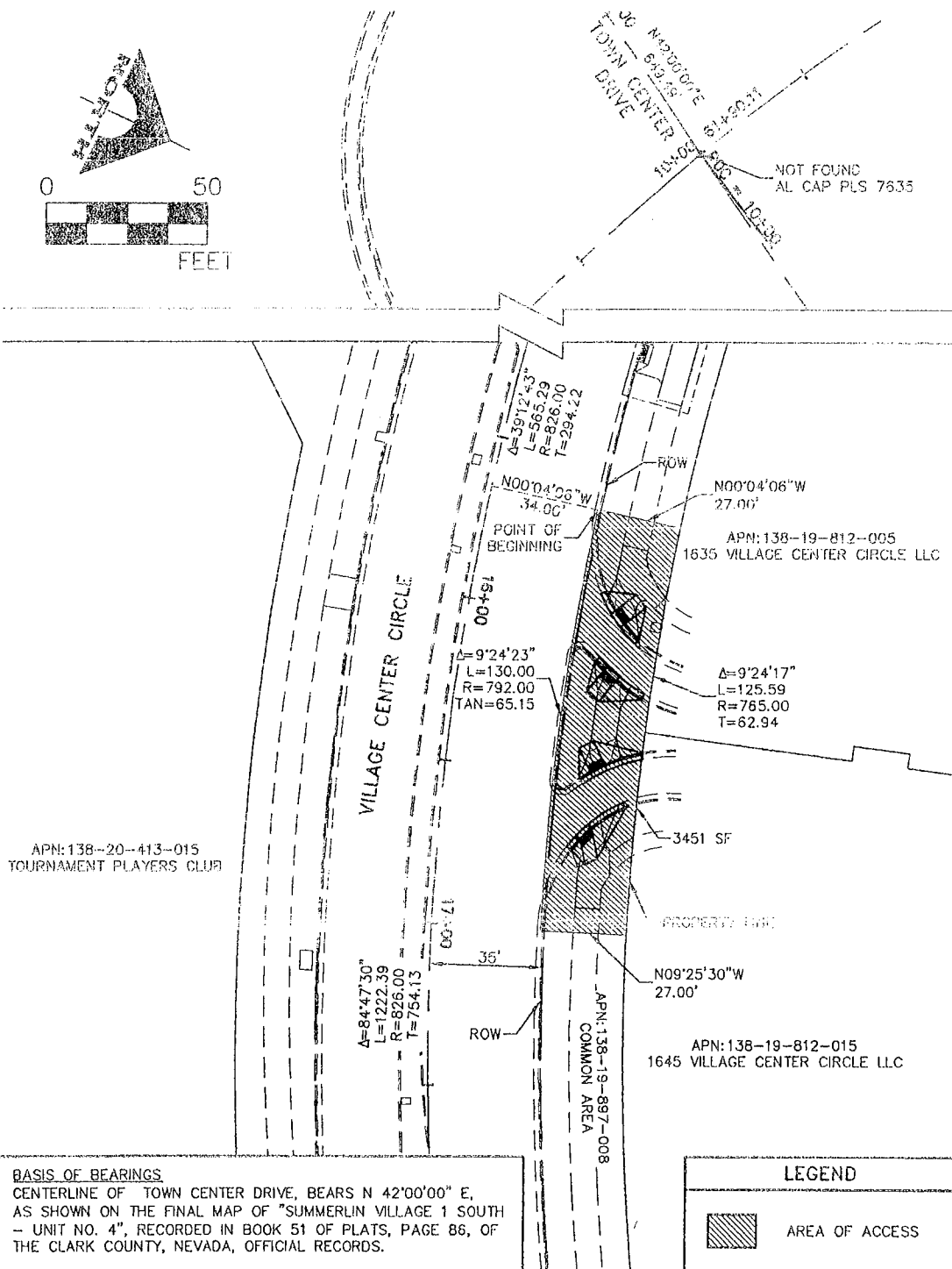
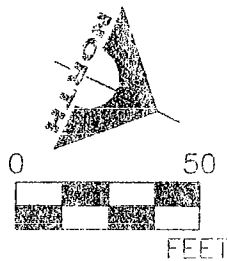












BASIS OF BEARINGS
 CENTERLINE OF TOWN CENTER DRIVE, BEARS N $42^{\circ}00'00"$ E,
 AS SHOWN ON THE FINAL MAP OF "SUMMERLIN VILLAGE 1 SOUTH
 - UNIT NO. 4", RECORDED IN BOOK 51 OF PLATS, PAGE 86, OF
 THE CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

LEGEND	
	AREA OF ACCESS

EXHIBIT B
 APN 138-19-897-008

FED PROJ NO:
 ARRA-0003(122)
 NDOT PROJ NO: 60371
 DATE: APRIL 13, 2009



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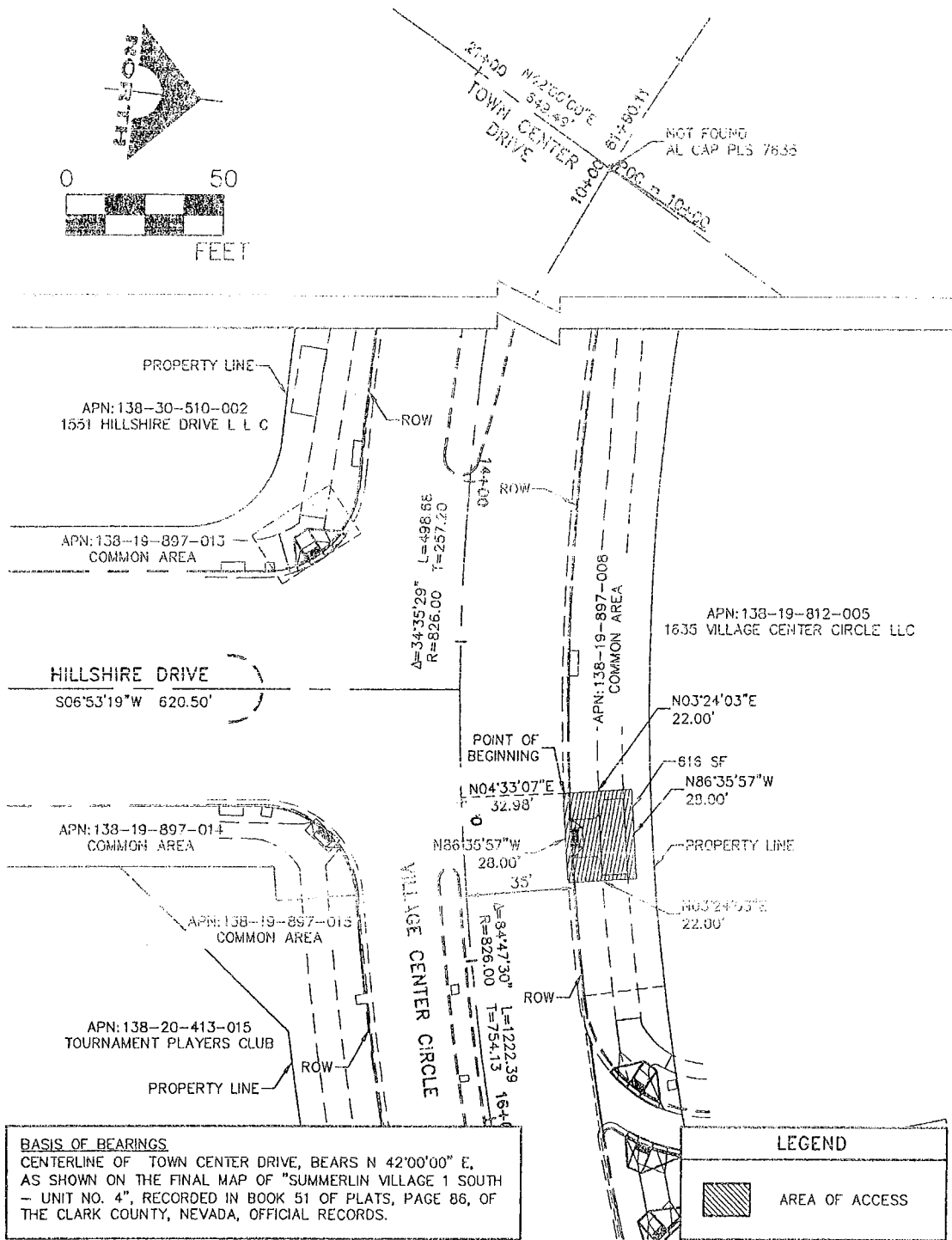
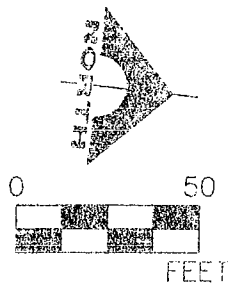
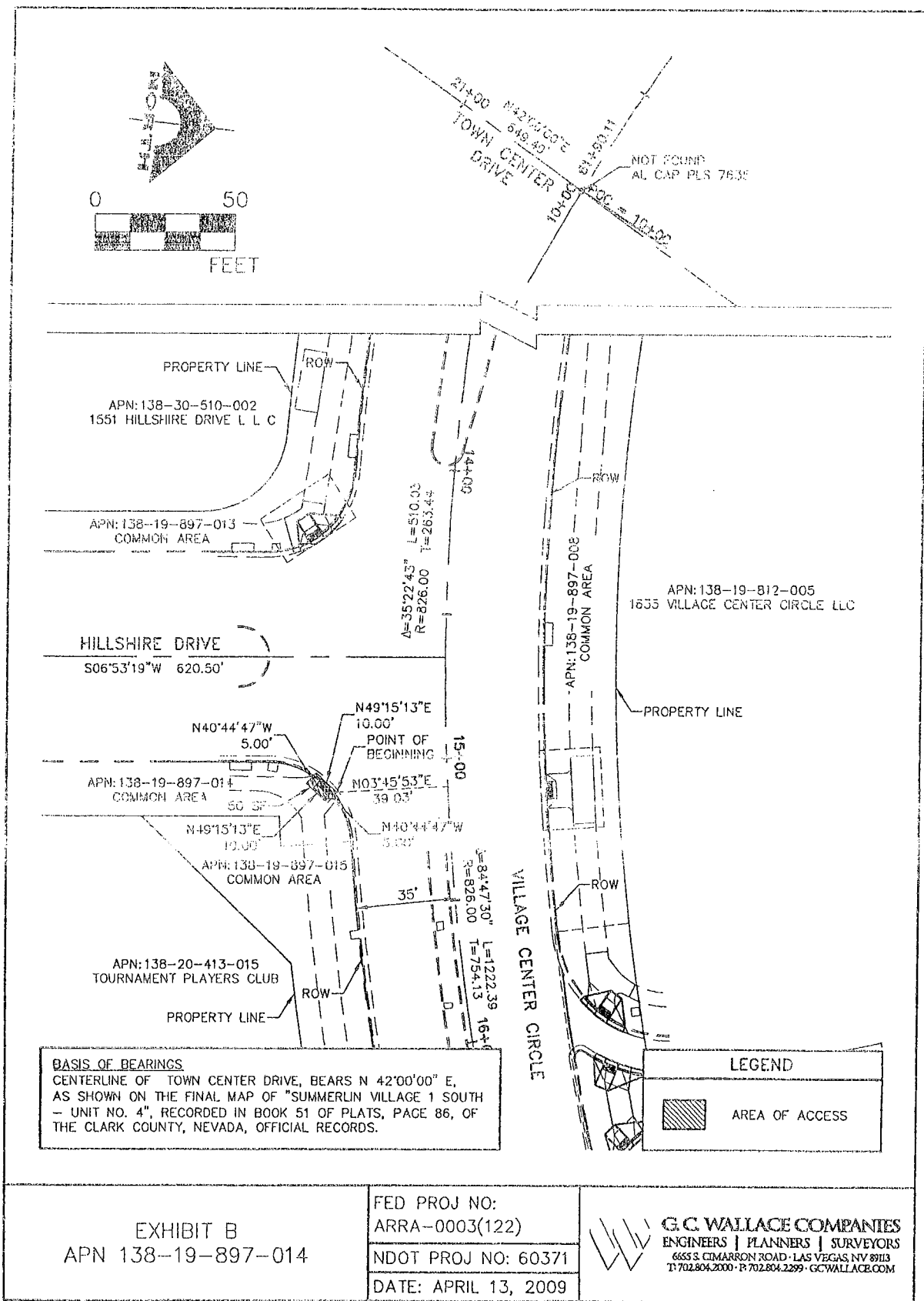


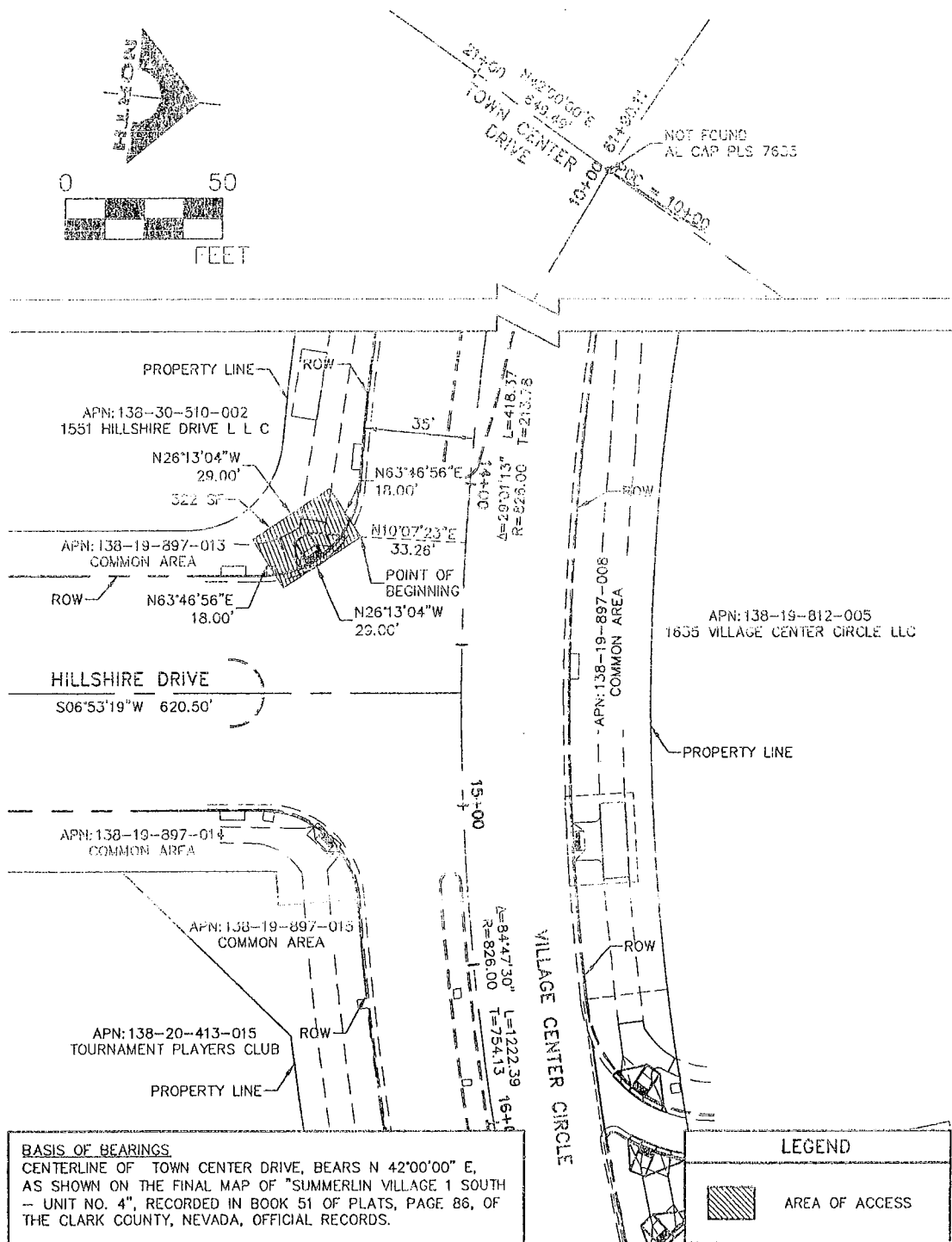
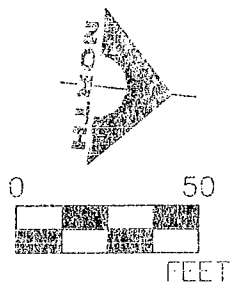
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TEL: 702.804.2000 • FAX: 702.804.2299 • GCVALLACE.COM





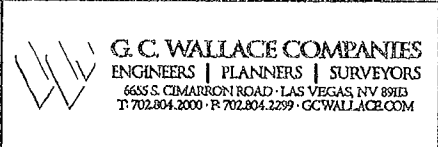
BASIS OF BEARINGS
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AS SHOWN ON THE FINAL MAP OF "SUMMERLIN VILLAGE 1 SOUTH
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EXHIBIT B
APN 138-19-897-013

FED PROJ NO:
ARRA-0003(122)
NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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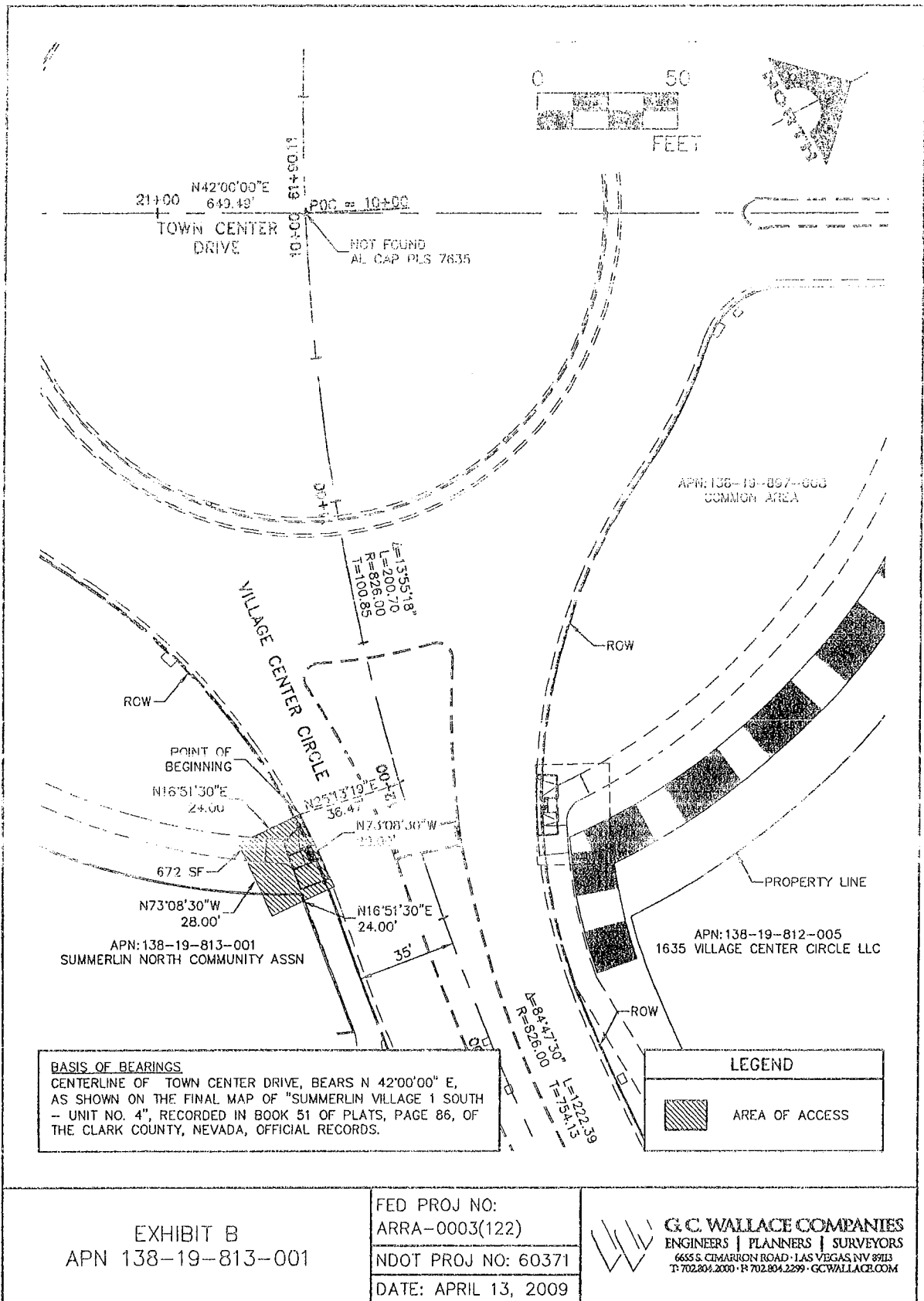
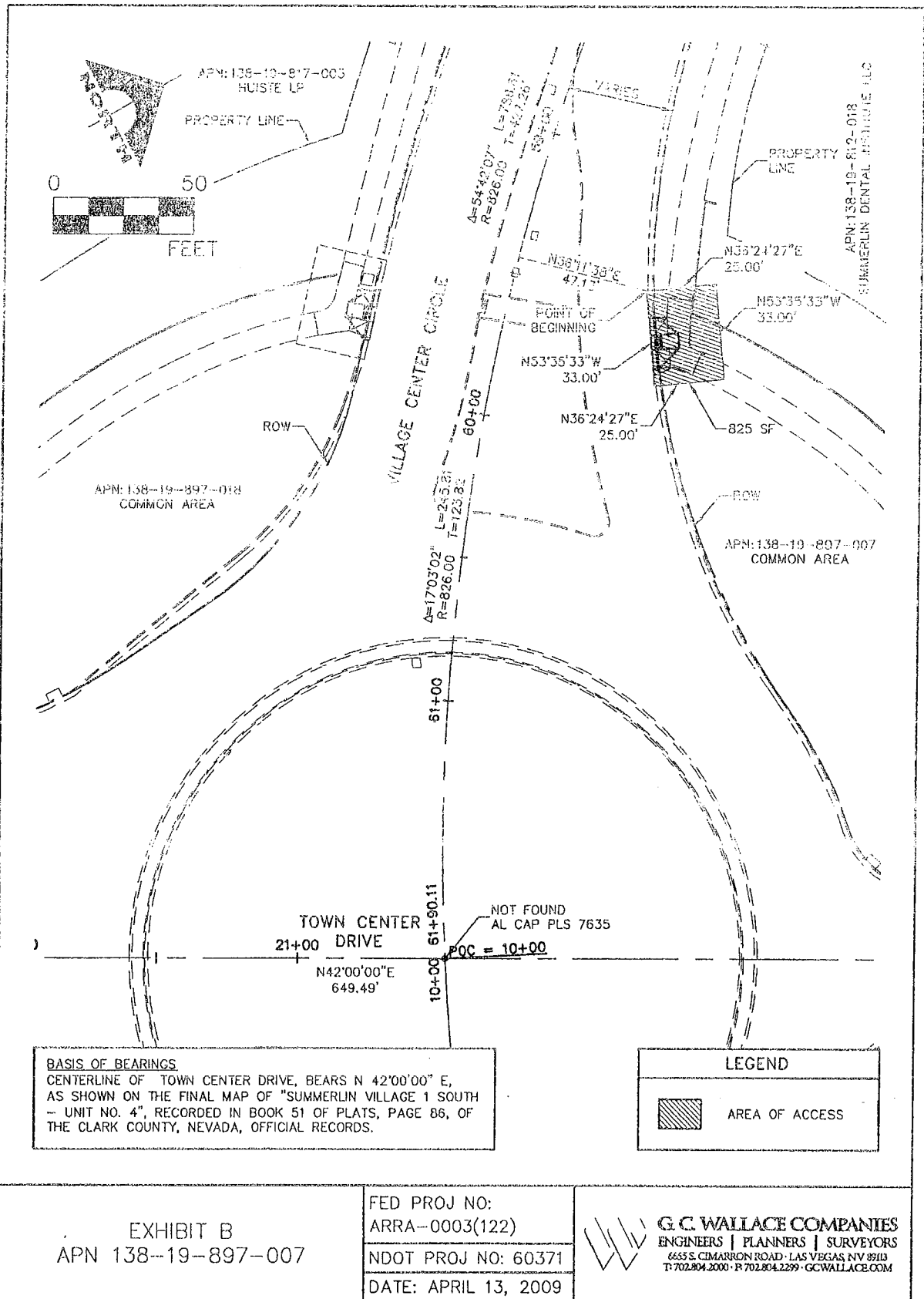


EXHIBIT B
 APN 138-19-813-001

FED PROJ NO:
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 NDOT PROJ NO: 60371
 DATE: APRIL 13, 2009



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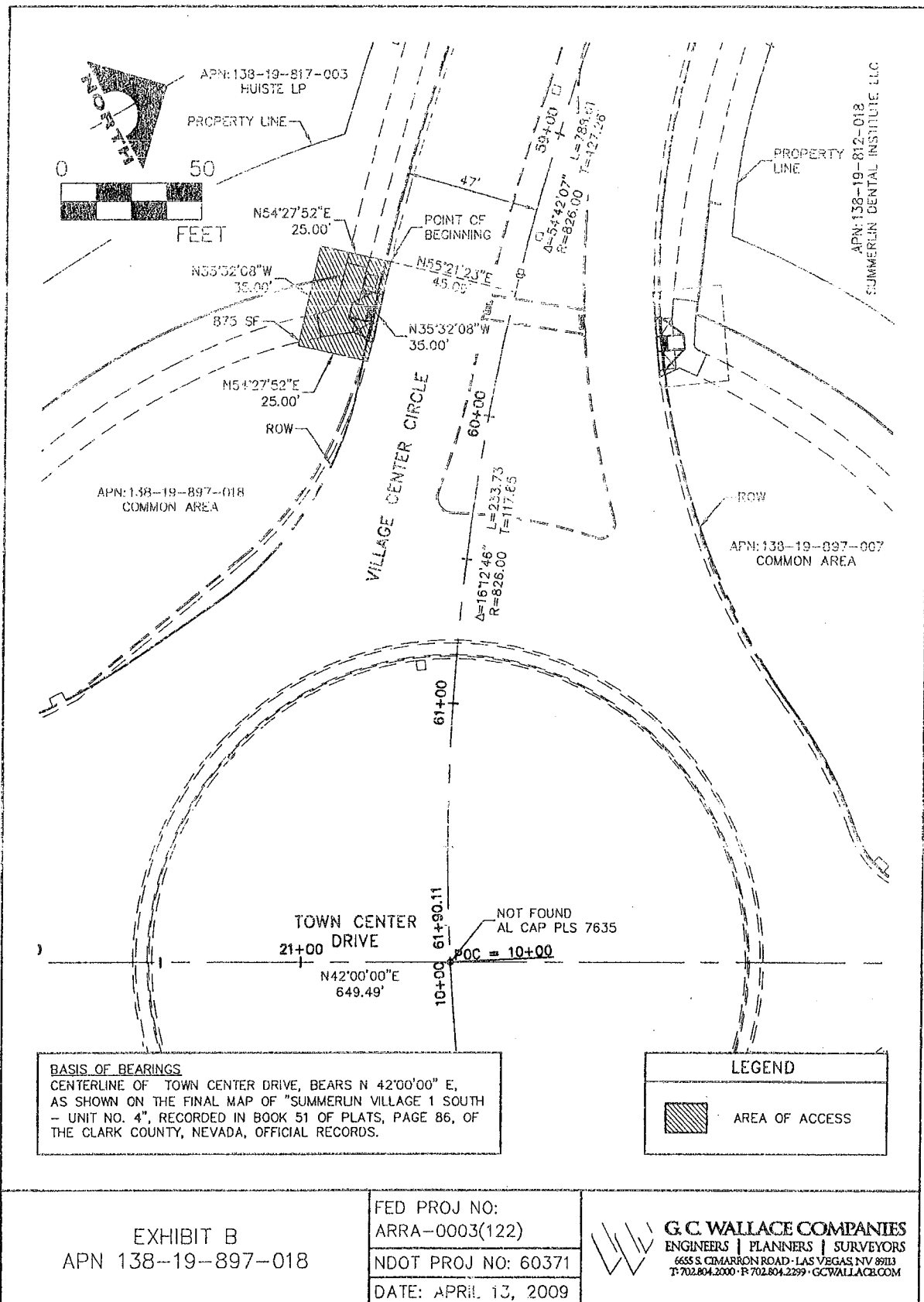


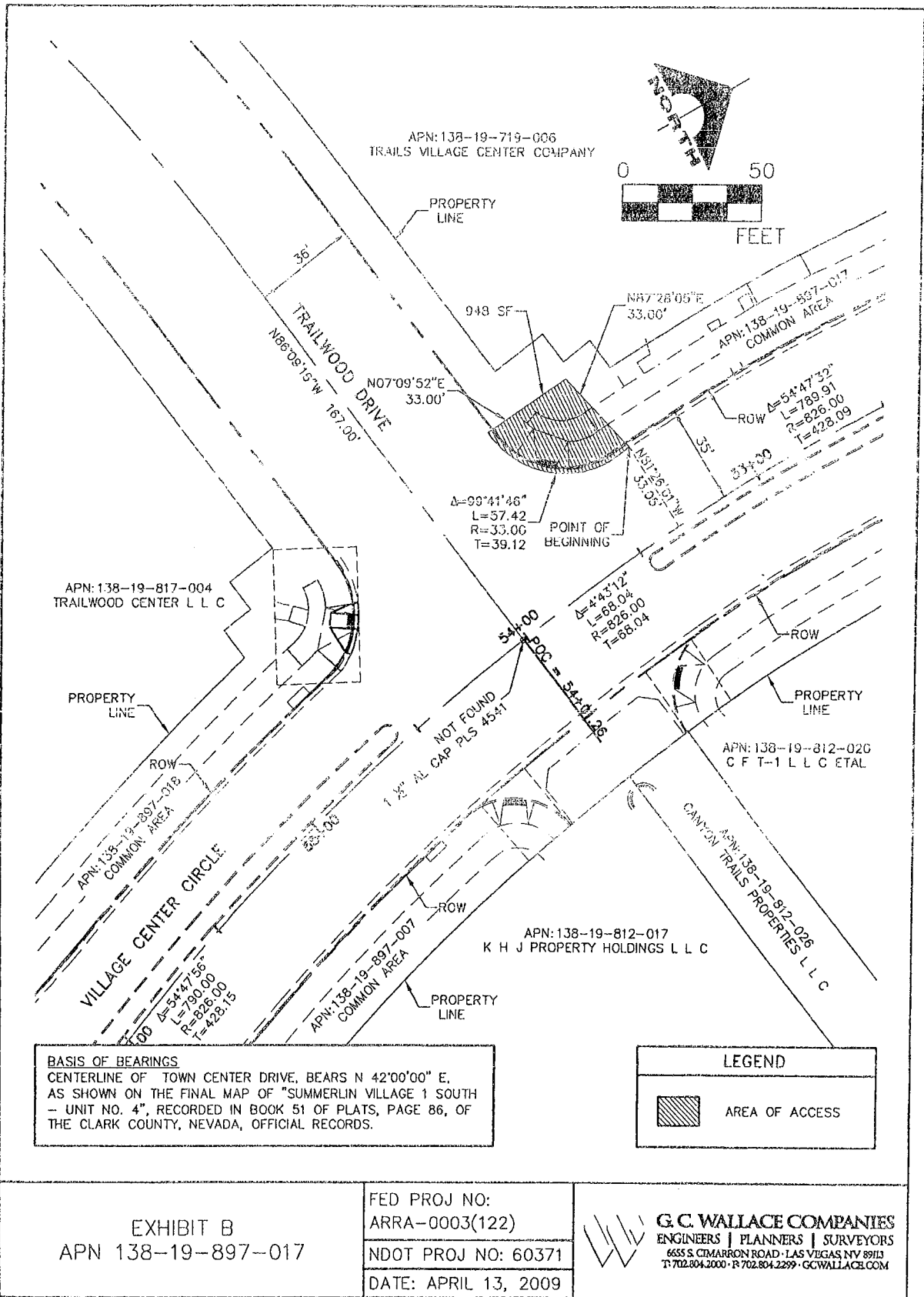
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FED PROJ NO:
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NDOT PROJ NO: 60371
DATE: APRIL 13, 2009

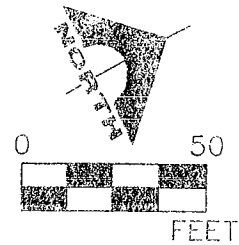


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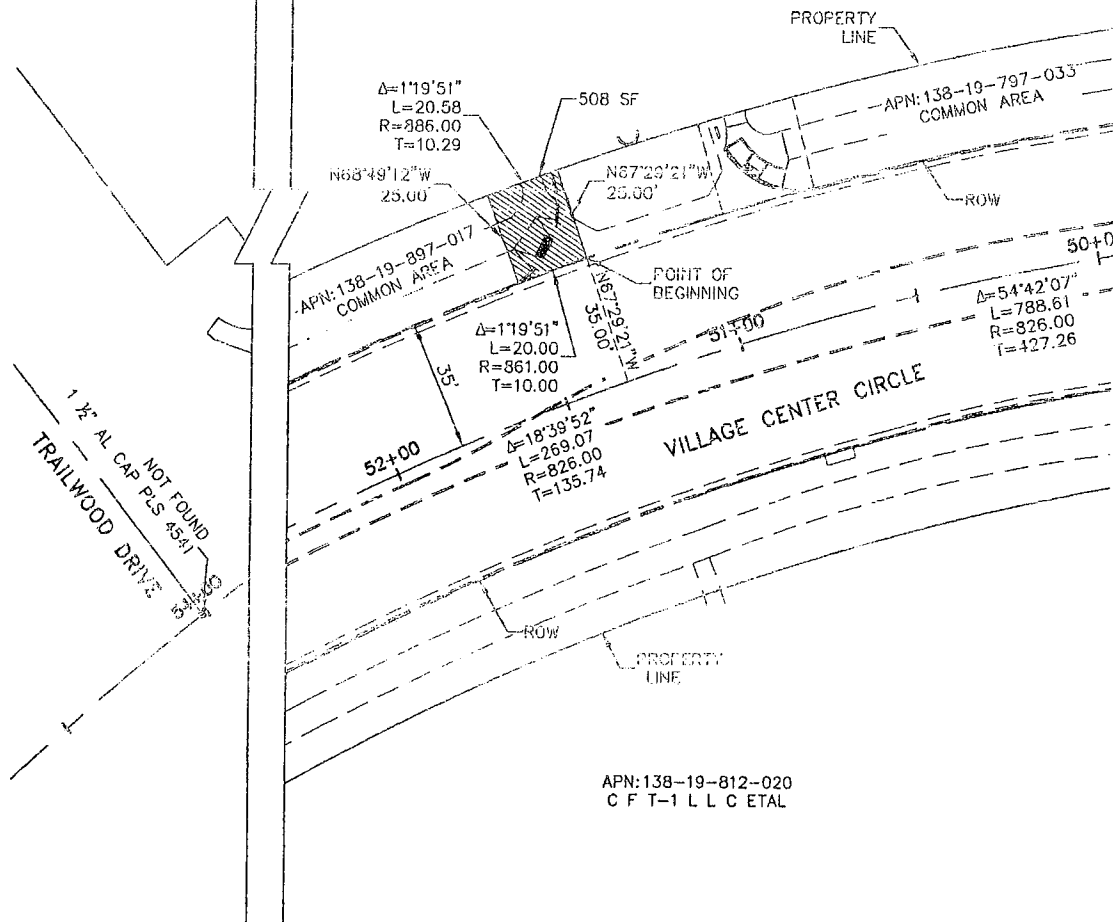








APN: 138-19-719-006
TRAILS VILLAGE CENTER COMPANY



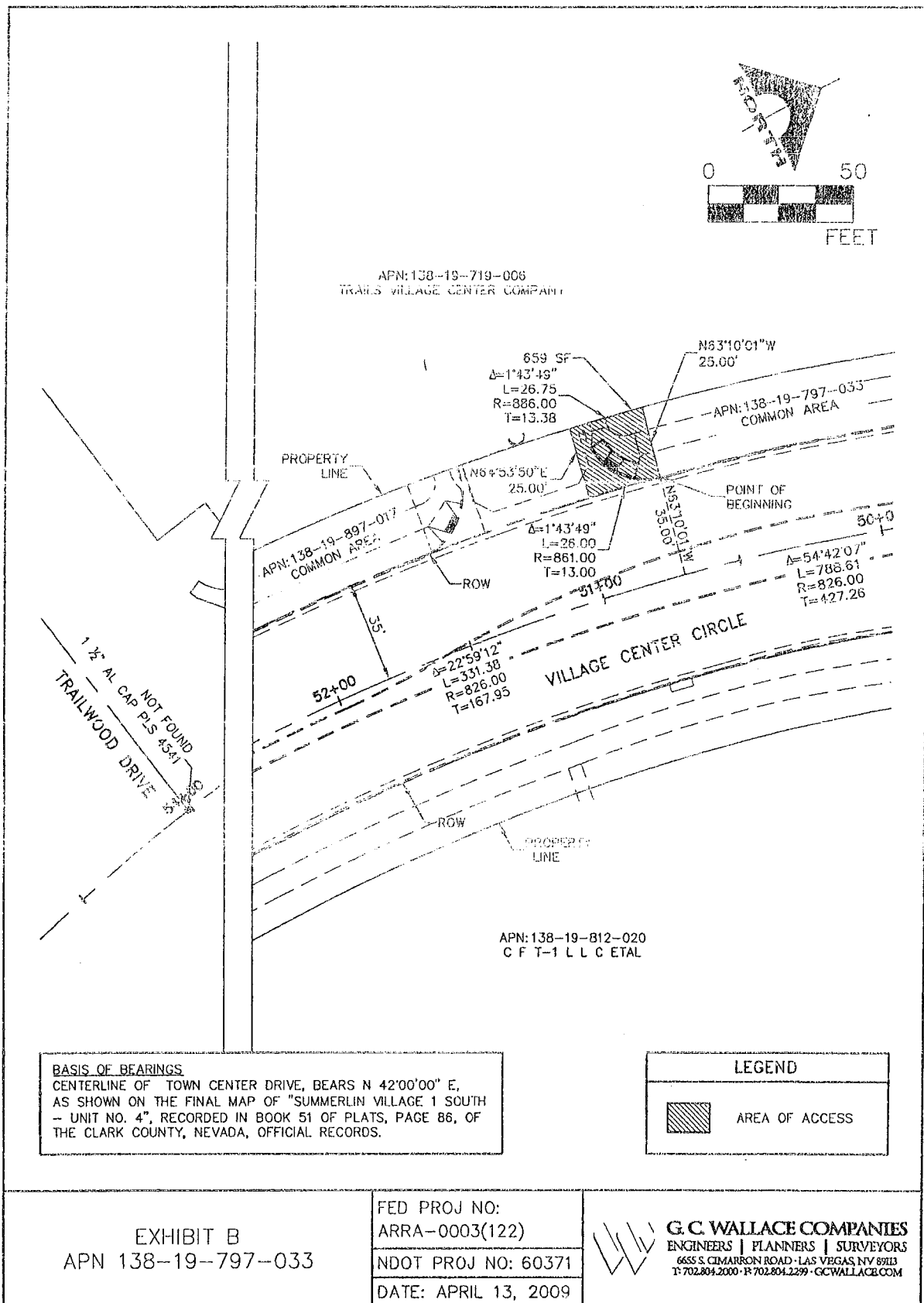
BASIS OF BEARINGS
CENTERLINE OF TOWN CENTER DRIVE, BEARS N 42°00'00" E,
AS SHOWN ON THE FINAL MAP OF "SUMMERLIN VILLAGE 1 SOUTH
-- UNIT NO. 4", RECORDED IN BOOK 51 OF PLATS, PAGE 86, OF
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LEGEND	
	AREA OF ACCESS

EXHIBIT B
APN 138-19-797-017

FED PROJ NO: ARRA-0003(122)
NDOT PROJ NO: 60371
DATE: APRIL 13, 2009

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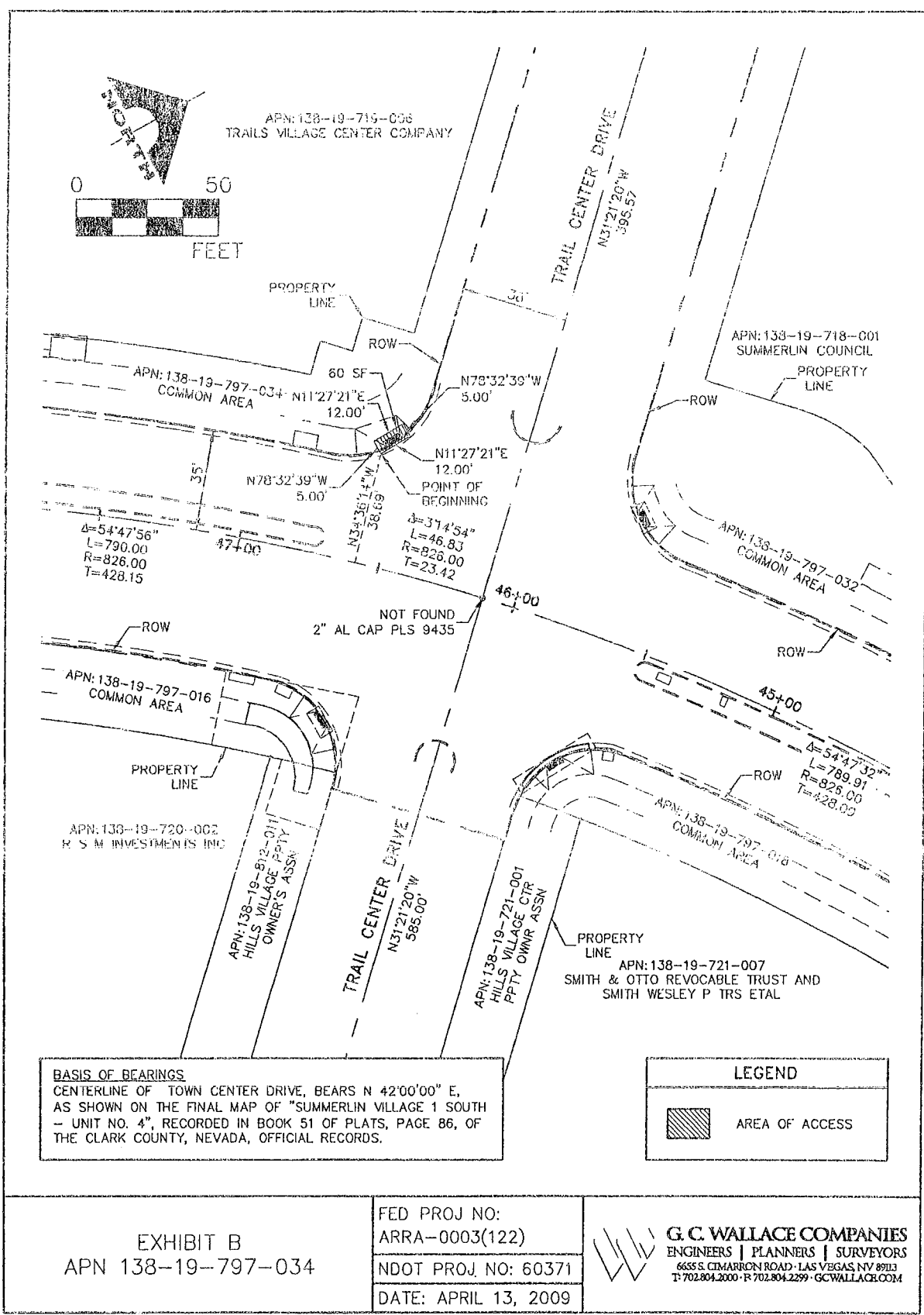
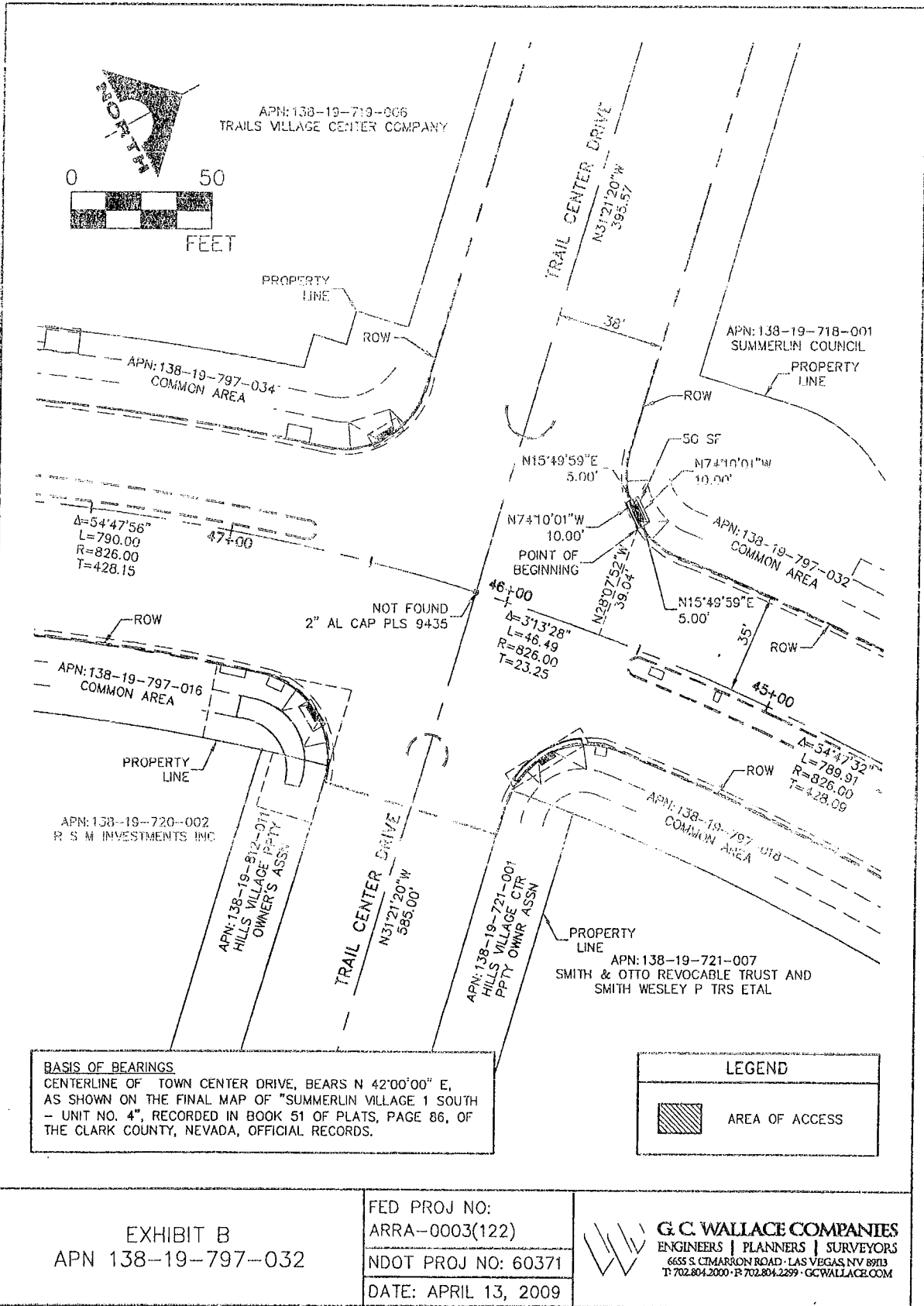


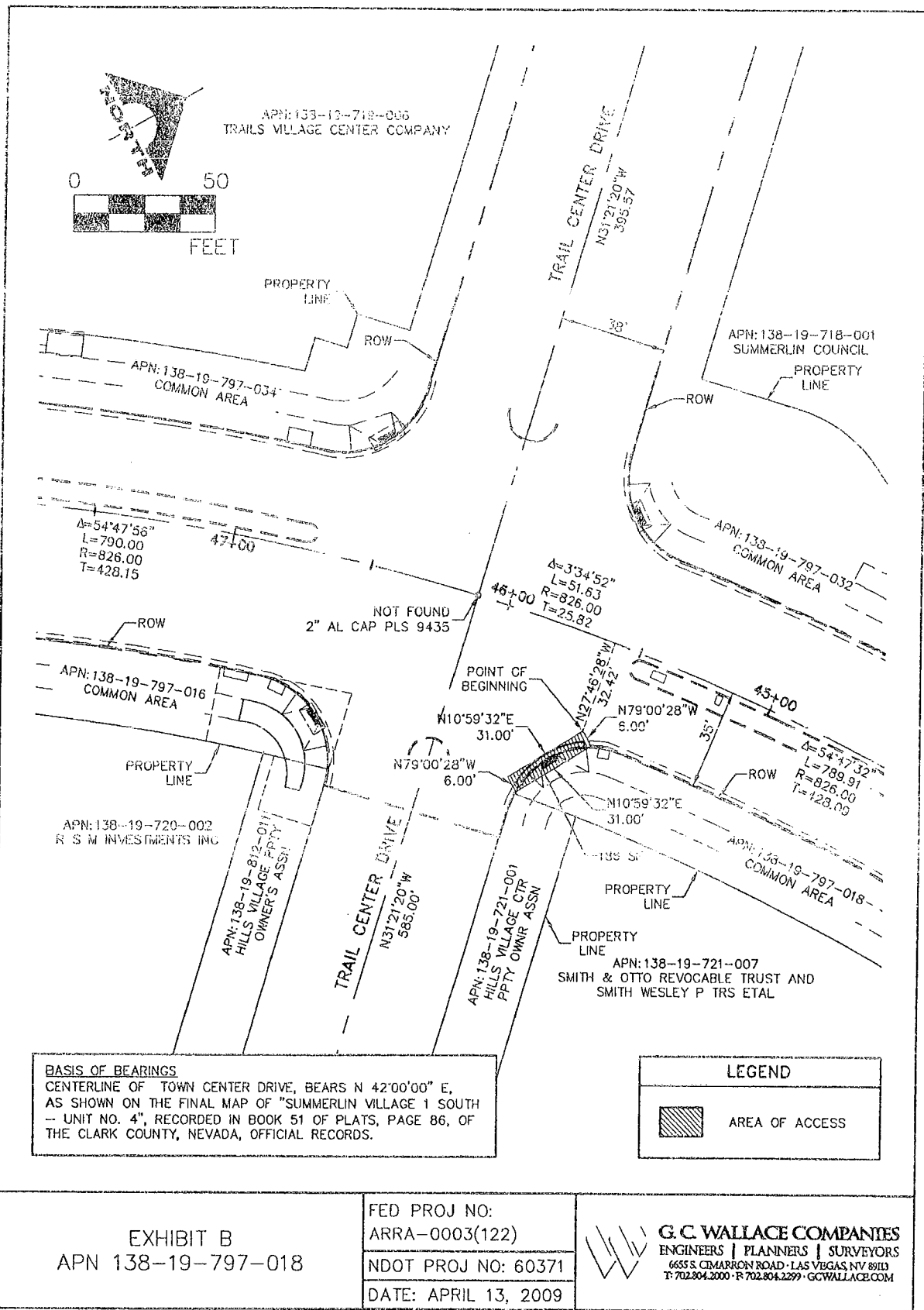
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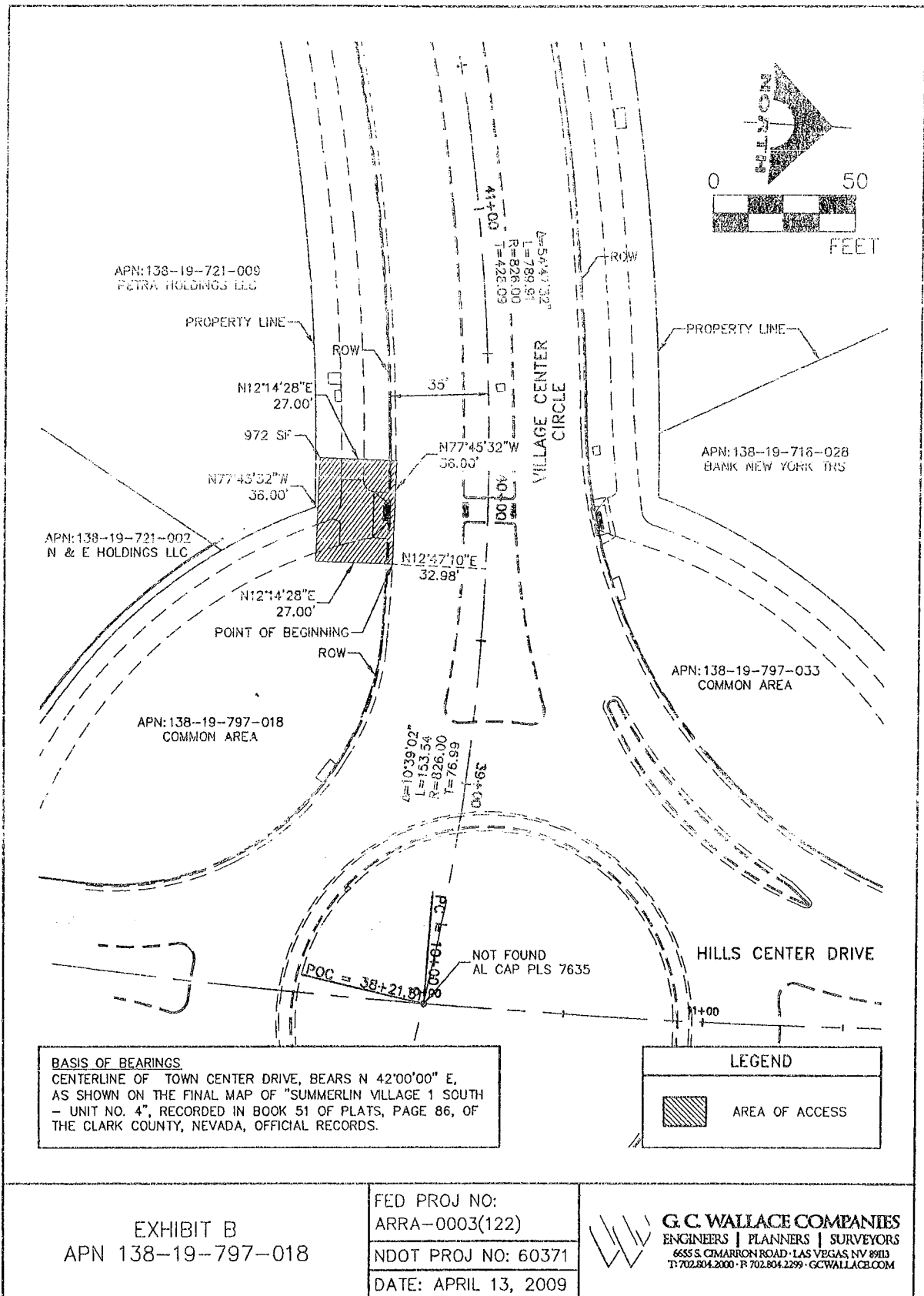
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ARRA-0003(122)
NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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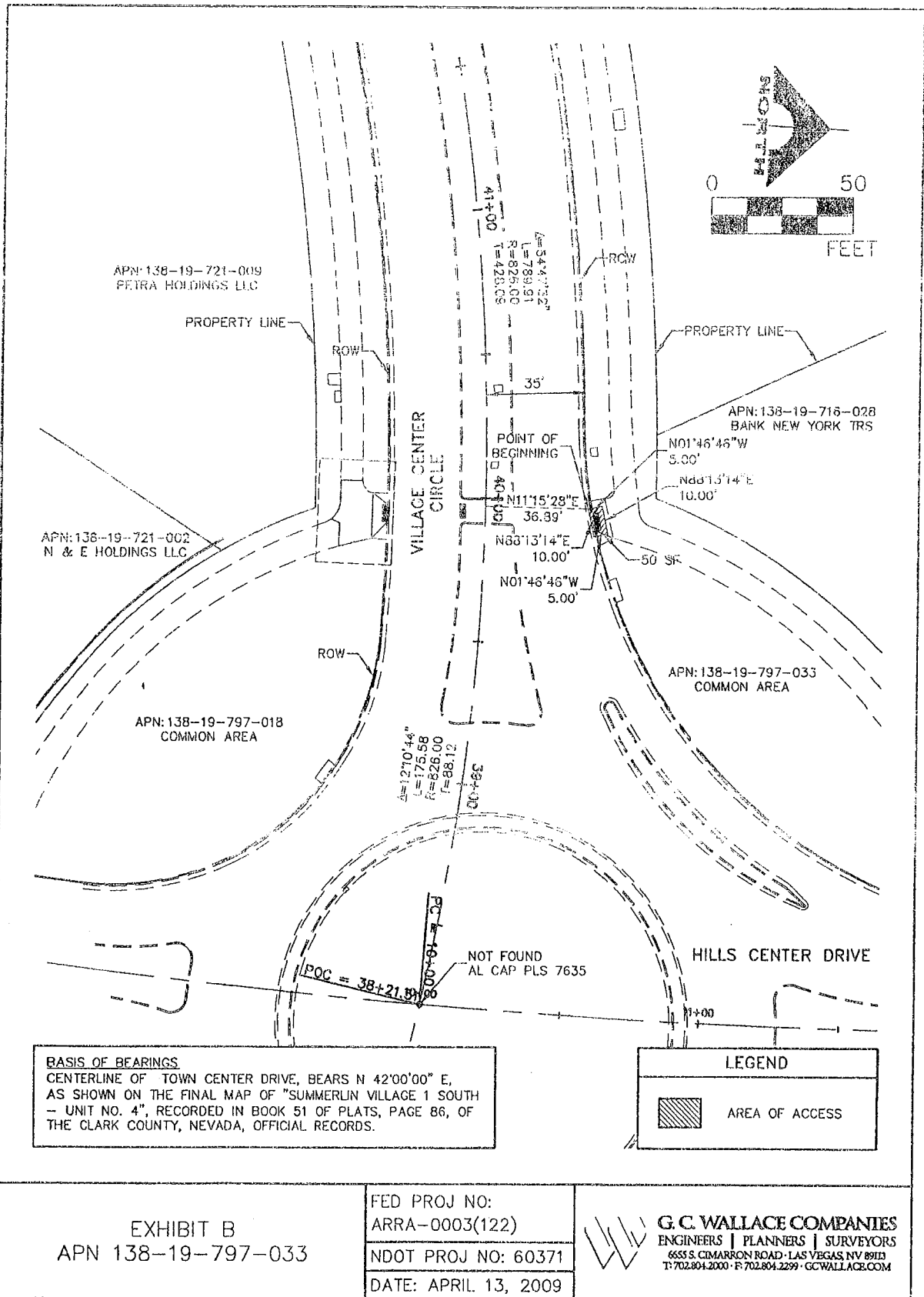


EXHIBIT B
APN 138-19-797-033

FED PROJ NO:
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NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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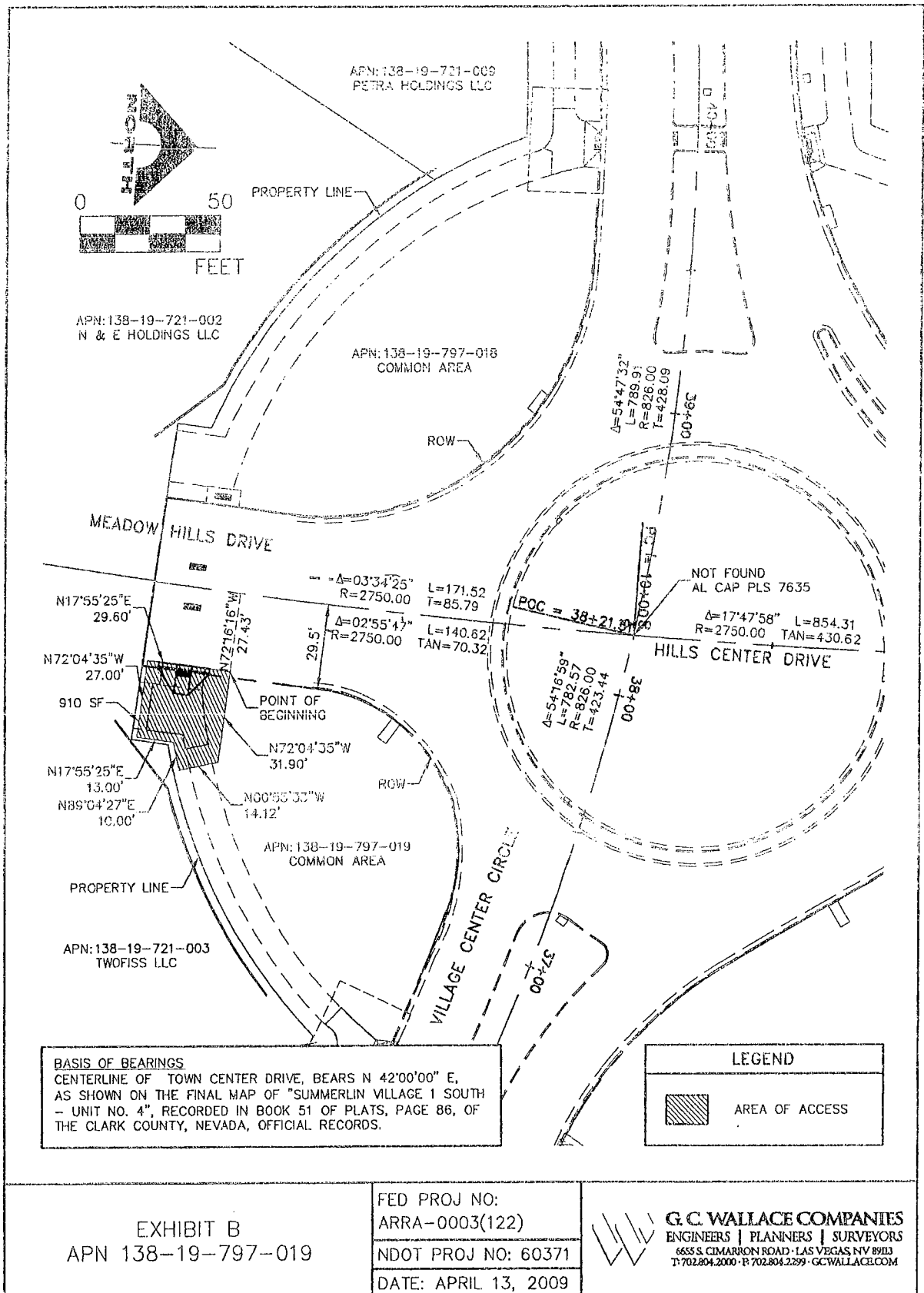


EXHIBIT B
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FED PROJ NO:
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NDOT PROJ NO: 60371
DATE: APRIL 13, 2009



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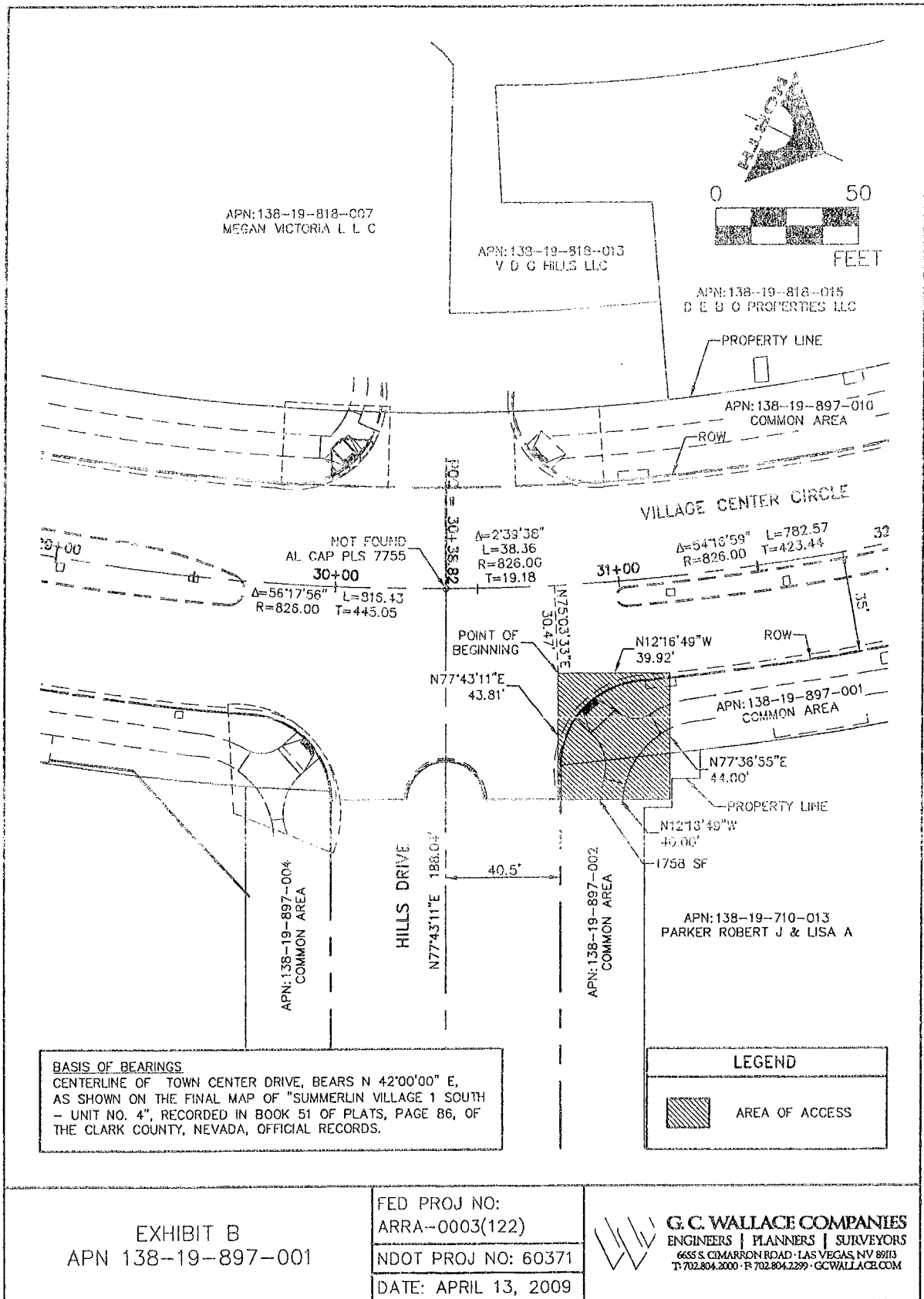


EXHIBIT B
APN 138-19-897-001

FED PROJ NO:
ARRA-0003(122)

NDOT PROJ NO: 60371

DATE: APRIL 13, 2009



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