

AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY

THIS AGREEMENT FOR CONSTRUCTION OUTSIDE OF THE RIGHT-OF-WAY (“Agreement”) entered into this 18th day of May, 2011, by and between the City of Las Vegas, a municipal corporation in the State of Nevada (“City”), and the California Hotel & Casino (“Owner”). The City and Owner are individually or collectively referred to herein as the “Party” or “Parties.”

RECITALS

WHEREAS, the City, through its authorized agents and contractors, proposes to reconstruct sidewalks, landscape and pedestrian access areas (“Improvements”) adjacent to the California Hotel & Casino, 100 Stewart Avenue, City of Las Vegas, Clark County, State of Nevada (“Property”); and

WHEREAS, the construction and reconstruction of the Improvements is in the best interest of the residents of the City 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 Improvements as depicted on Exhibit A, attached hereto and incorporated herein by this reference as part of ARRA Project #CLV4292. City covenants that the Improvements will be constructed in a good and workman like manner in compliance with all applicable laws.
2. To leave the portion of the Property 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 the Improvements, replaced as nearly in their original condition and position as is reasonably possible.
3. The City shall be responsible for any third party claims relating to: (i) the construction of the Improvements, including, without limitation, claims for payment relating to the construction of the Improvements, and (ii) any injury to person (including death) or damage to property arising during or as a result of the construction of the Improvements.


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 “A” for the purposes herein stated.

7. 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.

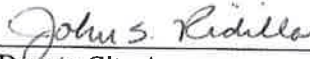
CITY OF LAS VEGAS

By: 
Oscar B. Goodman, Mayor

ATTEST:

By:  5/25/2011
Beverly K. Bridges, MMC, City Clerk Date

APPROVED AS TO FORM:

By:  5/5/11
Deputy City Attorney Date

CALIFORNIA HOTEL & CASINO

By: 

Name: DAVID LEBB

Title: VP GENERAL MANAGER

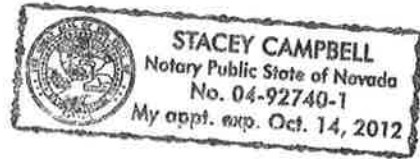
NOTARY ACKNOWLEDGEMENTS ON NEXT PAGE

AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY
NOTARY ACKNOWLEDGEMENTS

STATE OF NEVADA)
)ss.
CLARK COUNTY)

On this 24TH day of May, 2011, 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 4 day of May, 2011, before me, the undersigned Notary Public in and for said County and State, appeared, David Leiby, as VP/General Manager of the California Hotel & Casino, 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.

Sandra L Gress
Notary Public

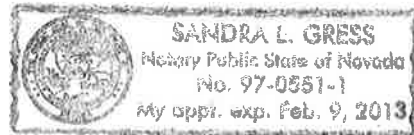
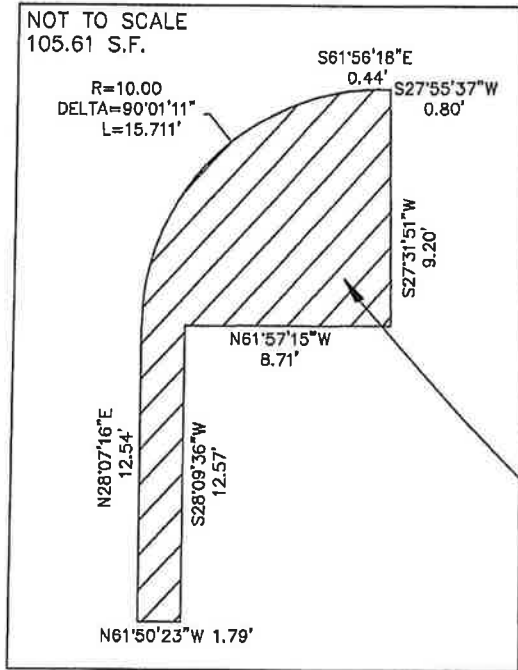



EXHIBIT A

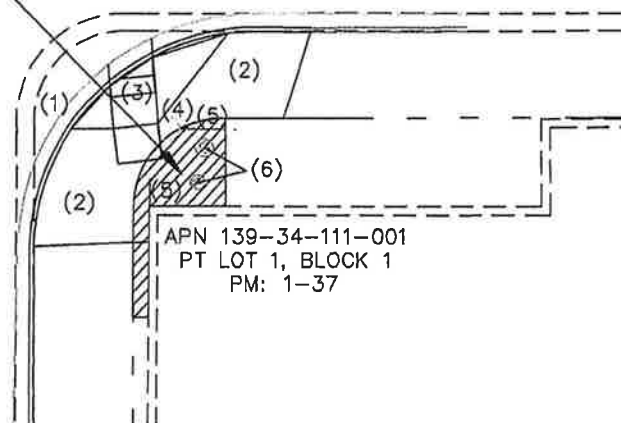


 AREA OF CONSTRUCTION
OUTSIDE OF RIGHT-OF-WAY



MAIN STREET

STEWART AVENUE



IMPROVEMENTS INCLUDE: (1) REMOVE AND REPLACE CURB AND GUTTER TO INCREASE CURB RADIUS, (2) REMOVE AND REPLACE SIDEWALK AND (3) CONSTRUCT WHEELCHAIR RAMP TO MEET ADA, (4) RELOCATE STREETLIGHT AND PEDESTRIAN CROSSING SIGNAL HEAD, PUSH BUTTON AND SIGNAGE, (5) CONSTRUCT 4' HIGH WROUGHT IRON FENCE, AND (6) ADJUST MANHOLES TO GRADE AS NEEDED.

OWNER CALIFORNIA HOTEL
 PARCEL NO. 139-34-111-001
 SECTION, TOWNSHIP, RANGE SECTION 34, T. 20 S., R. 61 E., M.D.M.
 TOTAL AREA OF PARCEL 0.24 ACRES (RECORD)
 AREA OF CONSTRUCTION OUTSIDE ROW 105.61 S.F. (0.002 AC)

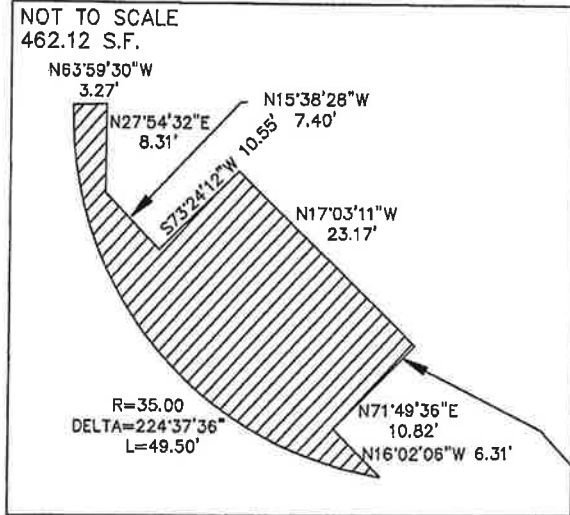


STEWART AVENUE SEWER AND PAVEMENT REHABILITATION AND BEAUTIFICATION, PHASE 2 APN 139-34-111-001

Scale: NTS
 Drawn by: LLD
 Date: 5/2/11
 Sheet 1 of 4

NDOT Project Nos. 60376 and 73350
 Federal Project Nos. ARRA-003 (127) and MS-003 (107)

EXHIBIT A



AREA OF CONSTRUCTION
OUTSIDE OF RIGHT-OF-WAY



CONSTRUCT SIDEWALK
TRANSITION IN FORMER
LANDSCAPE PLANTER
TO MATCH EXISTING
SIDEWALK

MAIN STREET

APN 139-27-402-009
LOT 1
PM: 105-17

REMOVE EXISTING
CONCRETE AND
REPLACE WITH COLORED
CONCRETE (SOMBRERO
BUFF) TO MATCH NEW
SIDEWALK

STEWART AVENUE

OWNER CALIFORNIA HOTEL
 PARCEL NO. 139-27-402-009
 SECTION, TOWNSHIP, RANGE SECTION 27, T. 20 S., R. 61 E., M.D.M.
 TOTAL AREA OF PARCEL 6.47 ACRES (RECORD)
 AREA OF CONSTRUCTION OUTSIDE ROW 462.12 S.F. (0.011 AC)

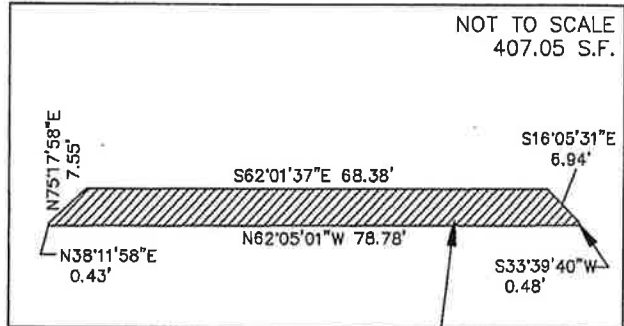
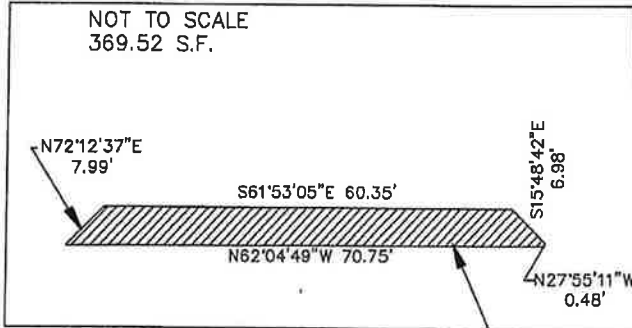


STEWART AVENUE SEWER AND PAVEMENT REHABILITATION
AND BEAUTIFICATION, PHASE 2
APN 139-27-402-009

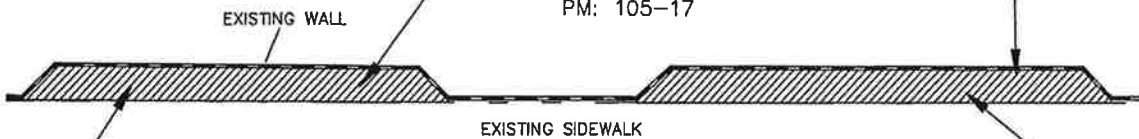
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Sheet 2 of 4

NDOT Project Nos. 60376 and 73350
Federal Project Nos. ARRA-003 (127) and MS-003 (107)

EXHIBIT A



APN 139-27-402-009
LOT 1
PM: 105-17



GRADE TO MATCH EXISTING BACK OF WALK AND RESTORE LANDSCAPE ROCK WITH 3/4" MINUS DECOMPOSED GRANITE. COLOR TO MATCH ROCK MULCH IN NEW TREE PITS WITHIN SIDEWALK.

MAIN STREET

FIRST STREET

STEWART AVENUE



AREA OF CONSTRUCTION
OUTSIDE OF RIGHT-OF-WAY



OWNER CALIFORNIA HOTEL
 PARCEL NO. 139-27-402-009
 SECTION, TOWNSHIP, RANGE SECTION 27, T. 20 S., R. 61 E., M.D.M.
 TOTAL AREA OF PARCEL 6.47 ACRES (RECORD)
 AREA OF CONSTRUCTION OUTSIDE ROW 776.57 S.F. (0.018 AC)

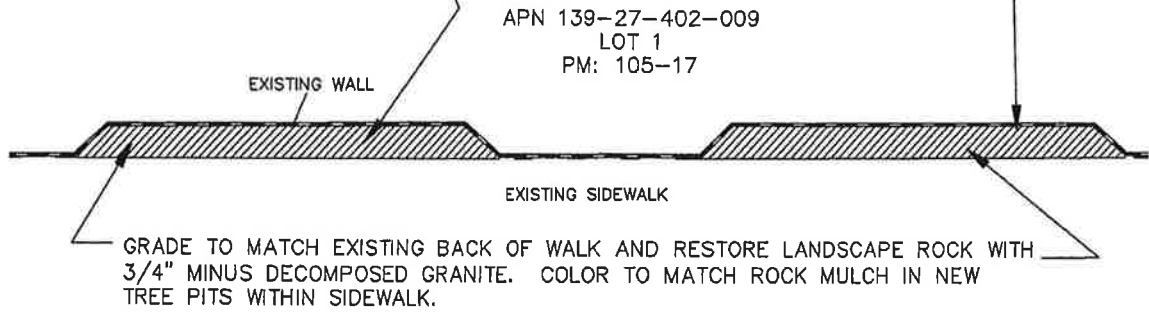
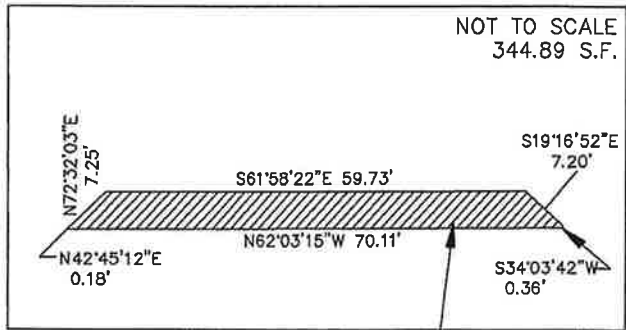
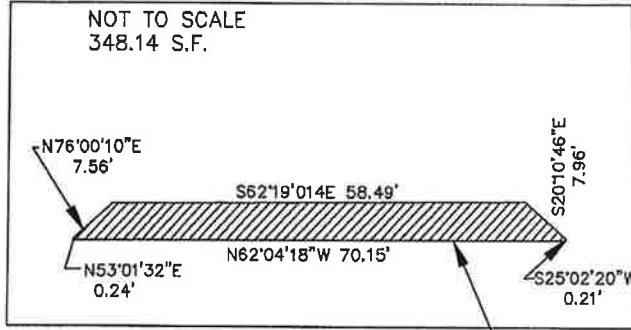


STEWART AVENUE SEWER AND PAVEMENT REHABILITATION
AND BEAUTIFICATION, PHASE 2
APN 139-27-402-009

Scale: NTS
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Date: 5/2/11
Sheet 3 of 4

NDOT Project Nos. 60376 and 73350
Federal Project Nos. ARRA-003 (127) and MS-003 (107)

EXHIBIT A



FIRST STREET

STEWART AVENUE

CASINO CENTER BOULEVARD



AREA OF CONSTRUCTION
OUTSIDE OF RIGHT-OF-WAY



OWNER CALIFORNIA HOTEL
 PARCEL NO. 139-27-402-009
 SECTION, TOWNSHIP, RANGE SECTION 27, T. 20 S., R. 61 E., M.D.M.
 TOTAL AREA OF PARCEL 6.47 ACRES (RECORD)
 AREA OF CONSTRUCTION OUTSIDE ROW 693.03 S.F. (0.016 AC)



STEWART AVENUE SEWER AND PAVEMENT REHABILITATION
 AND BEAUTIFICATION, PHASE 2
 APN 139-27-402-009

NDOT Project Nos. 60376 and 73350
 Federal Project Nos. ARRA-003 (127) and MS-003 (107)

Scale: NTS
 Drawn by: LLD
 Date: 5/2/11
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