Hem#4-2B

City of Carson City Agenda Report

Date Submitted: 11/06/2007

Agenda Date Requested: 11/15/2007

Time Requested: Consent

To:

Mayor and Supervisors

From: D.S., Engineering Division

Subject Title: Action to approve and authorize the Mayor to sign the Notice of Completion of a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement by and between Carson Gaming LLC, and City of Carson City, a political subdivision of the State of Nevada, for work including, but not limited to the construction of a Water, Sanitary Sewer and Storm Sewer on Curry Street - from Clearview Drive to Wialaki Street, which work includes utility extension for water, sanitary sewer, and storm sewer with roadway restoration. Recorded No. 366344 of the official records of Carson City, Nevada and Adopted by the Board of Supervisors on April 6, 2007.

Staff Summary: Staff is requesting that the Board of Supervisors sign the Notice of a Completion of a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement.

Does This Action Require a Busin	ess Impact S	tatement:	() Yes (_X_) No
(X_) Formal Action/Motion	<u> </u>) Other (Specify	')
Type of Action Requested: () Resolution	(check one)) Ordinance	

Recommended Board Action: I move to approve and authorize the Mayor to sign the Notice of Completion of a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement by and between Carson Gaming LLC, and City of Carson City, a political subdivision of the State of Nevada, for work including, but not limited to the construction of a Water, Sanitary Sewer and Storm Sewer on Curry Street - from Clearview Drive to Wialaki Street, which work includes utility extension for water, sanitary sewer, and storm sewer with roadway restoration. Recorded No. 366344 of the official records of Carson City, Nevada and Adopted by the Board of Supervisors on April 6, 2007.

Explanation for Recommended Board Action: The applicant was required to perform certain work associated with engineering design and construction of the improvements on Curry Street from Clearview Drive to Wialaki Street, which work includes utility extension for water, sanitary sewer, and storm sewer with roadway restoration. The Carson Gaming project on Curry Street has provided an opportunity to accelerate this project and take advantage of developer funding for the full right-of-way improvements as well as associated utility improvements. The City commitment to this project, as specified in the agreement, was a total of \$ 1,376,500. The CITY agreed to pay the actual construction cost for proposed water, sanitary sewer and storm sewer improvements, including associated roadway restoration to Curry Street. The CITY

reimbursement to the APPLICANT was made in the amount of \$1,338,915.40 upon completion and work was accepted by the CITY. Copies of the invoices from APPLICANT's contractors, engineers and surveyors were received by CITY.

Applicable Statue, Code, Policy, Rule or Regulation: Carson City Municipal Code, Chapter 17.08 and Section 12.01.210 and Nevada Revised Statues 278.0205, 278.462 and 338.0115.

Fiscal Impact: RTC Fund \$550,485.30; Sanitary Sewer Fund \$136,961.85; Water Fund \$119,903.14 and Storm Water Fund \$531,565.11.

Explanation of Impact: See above

Funding Source: RTC, Water Fund, Sewer Fund and Storm Water Fund

Alternatives: No viable alternative.

Supporting Material: Recorded a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement and Notice of Completion. Also, copies of payment/invoices.

Prepared E	By: Eva Chwalisz, Manag	gement Assistant		
Reviewed	By: Jeff Sharp, Deputy (City Engineer	,	
			Date: _/	1-6-07
	(City Engineer/D.S. Dir	ector)	1	1-6.07
		N9	Date:/	1.0.01
	(City Manager)			
	Melariotan	1 201100	Date: <u>[]</u>	-6-07
	(District Attorney)	roundate	Date: //	-6-07
	(Finance Director)			
Board Ac	tion Taken:			
Motion:		1)	Ay	e/Nay
		2)		
			<u></u>	,
(Vote Re	corded By)	_		

NOTICE OF COMPLETION OF WATER, SANITARY SEWER AND STORM SEWER PARTICIPATION IMPROVEMENT AGREEMENT

PROJECT: Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement by and between Carson Gaming LLC, and City of Carson City, a political subdivision of the State of Nevada, for work including, but not limited to the construction of a Water, Sanitary Sewer and Storm Sewer on Curry Street - from Clearview Drive to Wialaki Street, which work includes utility extension for water, sanitary sewer, and storm sewer with roadway restoration.

RECORDING INFORMATION: Recorded #366344, April 6, 2007

This document confirms that all of the work set forth in a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement has been completed, and the CITY has made reimbursement of the costs to the APPLICANT in the amount of \$1,338,915.40.

Accordingly, the CITY hereby approves the above-referenced Notice of Completion of a Water, Sanitary Sewer and Storm Sewer Participation Improvement Agreement. This Notice of Completion shall be recorded in the Carson City Recorder's Office.

CITY:	APPROVED AS TO FORM:			
Marv Teixeira, Mayor	District Attorney's Office			
ATTEST:	APPLICANT: Rick Refuir			
Alan Glover, Clerk-Recorder	Carson Gaming LLC			

Carson Gaming, LLC 11411 Southern Highlands Parkway Suite 300 Las Vegas, NV 89141

> Invoice Date 09-26-2007

Due Date 10-26-2007 Invoice # 58003

To:

1

Carson City, Nevada Attn: Lawrence A. Werner 2621 Northgate Lane, Suite 6 Carson City, NV 89706

Job Location:

Invoice Terms:

Interest will be accured at 1% for the first month and 1.5% for each month thereafter

Reimbursement of Costs associated with Water, Sanitary Sewer and Storm Sewer Improvements on Curry Street - from Clearview Drive to Wialaki Street

\$1,338,915.40

Billing per Participation Agreement between Carson Gaming, LLC and Carson City, NV, dated April 5, 2007

**See Attached

Vendor #:

Group #:

Check Date:

Account #:

Signature:

Approved for Payment

Penuit # 06-663 First & Filial Payment 2,50-3035-431-78-25 \$ 550,48530 520-3505-435-73-09 \$ 119,903 14 515-0000-434-79-60 \$ 136,961 85

505 - 3705 -437-78-00\$ 531,565 !!

\$1,338,915 40

Amount Billed

\$1,338,915.40

Retention Held

TOTAL AMOUNT DUE:

\$1,338,915.40

Please Remit Payment to: Carson Gaming, LLC

11411 Southern Highlands Parkway, Suite 300

Las Vegas, NV 89141

Eva: Please process the Carson Gaming invoice for Payment. Thanks Exhibit A Summary Curry Street Participation Gaming 7/28/07

	City Share from Exhibi	it ·
Item	"A" Spreadsheet	City Fund Distribution
Streets	\$352,619	Without Dry Utilities
<u>Sidewalks</u>	\$48,277	·
Street/Sidewalk Total	\$400,896	RTC \$400,896 41%
Sewer	\$98,918	Sewer \$98,918 10%
Stormdrain	\$384,190	Stormwater \$384,190 40%
<u>Water</u>	\$ 86.655	Water \$86,655 9%
	\$970,659	\$970,659
General	\$16,908	Distributed Proportionally
Dry Utilities	\$100,284	Distributed Proportionally
Gen Contractor	\$ 64,453	Distributed Proportionally
Contractor Fee	\$80,661	Distributed Proportionally
Contingency	\$ 61,648	Distributed Proportionally
Cold Weather Prot	\$1,64 0	Distributed Proportionally
Testing	\$5,210	Distributed Proportionally
<u>SPPCo</u>	\$75,000	Distributed Proportionally
Distributed Cost	\$405,804	
Total Cost	\$1,376,463	
		Actual Firel Payments
Distribution	Particpation Amount	- ymens
RTC	\$ 568,498.84	RTC - 550 10- 20
Water	\$122,882.91	330,485.30
Sewer	\$140,272.71	water - 119 and 11
Stormwater	\$544,808.5 5	sever 111,703.14
	\$1,376,463.00	Actual Final Payments RTC - 550,485.30 Water - 119,903.14 Sewer 136,961.85 Storm 531,565.11
		Stmm = 21 = 1
		5 31,565.11

Final Progress Billing:

09-26-2007

Cost Recap / Share Allocation

Owner: Olympia Gaming / Carson City Project Name: Curry St. Improvements

Project Number: 01-GM-061

Task description	Total	City's	Percent of	100%	City cost
•	Budget	Share	Billing	Billing	of extras
General Requirements					
Mobilization	\$15,900	\$6,454	100%	\$6,454.00	
Erosion control / SWPPS	\$4,100	\$1,664	100%	\$1,664.00	
Pot Holing	\$6,200	\$2,790	100%	\$2,790.00	
Dust Control	\$6,800	\$2,760	100%	\$2,760.00	
General Labor	\$4,320	\$1,944	100%	\$1,944.00	
Trash Boxes	\$658	\$296	100%	\$296.00	
Sweeper Service final clean up	\$2,500	\$500	100%	\$500.00	
Wash Down	\$2,500	\$500	100%	\$500.00	
Category Sub Total	\$42,977	\$16,908		\$16,908.00	
Demolition					
Demo-Remove Head wall	\$1,039	\$1,039	100%	\$1,039.00	
Demo-Pulverize A.C. Paving	\$23,799	\$10,851	100%	\$10,851.00	
Demo- Rmv. A.C. Curry/Clearview	\$4.309	\$4,309	100%	\$4,309.00	
Demo-Saw Cut Concrete & A.C.	\$1,225	\$497	100%	\$497.00	
Demo-Demo-Curb, Gutter, Walks	\$3,429	\$3,429	100%	\$3,429.00	
Demo-Moses & Curry Drives	\$2,135	\$2,135	100%	\$2,135.00	
Demo-Trench Plate Allowance	\$1,200	\$540	100%	\$540.00	
Traffic Control & Signage	\$32,183	\$13,065	100%	\$13,065.00	
Traffic Control (Specific) C.C. Required	\$13,455	\$13,455	100%	\$13,455.00	\$2,037.00
N-DOT R/W Demolition	\$0	\$0			
Remove and re-install Chain Link fence					\$1,290.00
Category Sub Total	\$82,774	\$49,320		\$49,320.00	
Earthwork			10001	40.400.00	
Earthwork-Clear & Grubb (51150)	\$20,957	\$9,430	100%	\$9,430.00	
Earthwork-Cuts (Street & Slope)	\$64,480	\$7,999	100%	\$7,999.00	
Earthwork-Roadway Fills	\$10,868	\$10,868	100%	\$10,868.00	
Earthwork-Make Sub-grade & Blade	\$19,626	\$8,831	100%	\$8,831.00	
Earthwork-Slope in lieu of Keystone	\$14,677	\$0			

Earthwork-3'Berm@S.E. Curry	\$9,796	\$9,796	100%	\$9,796.00	
Earthwork-Excavate, Grind, fill levee wall	\$27,180	\$13,328	100%	\$13,328.00	
Earthwork-Velocity Basin	\$10,862	\$4,888	100%	\$4,888.00	
Earthwork-Sidewalk, Sub-grade Koontz	\$1,558	\$1,558	100%	\$1,558.00	
Earthwork- Shoulder Grade & Clean-up	\$4,720	\$2,124	100%	\$2,124.00	
Earthwork-Levee Wall Bench	\$27,180	\$13,328	100%	\$13,328.00	
Earthwork-Fine grade west side of Curry	\$9,367	\$0			
Earthwork-Cut & Grade East Of Levee	\$15,301	\$8,008	100%	\$8,008.00	
Earthwork-Revigitation	\$7,104	\$0			
Earthwork-R/R Min. Fence @ NE Corner	\$1,034	\$1,034	100%	\$1,034.00	
Category Sub Total	\$244,708	\$91,192		\$91,192.00	
Sewer				· · · · · · · · · · · · · · · · · · ·	
Sewer-Initial 8" SS in Clearview	\$12,876	\$12,876	100%	\$12,876.00	
Sewer-60" MH in Clearview	\$12,748	\$12,748	100%	\$12,748.00	\$5,650.00
Sewer-Added 8" SS No. on Clearview	\$7,500	\$7,500	100%	\$7,500.00	
Sewer-Explore For Redesigns S. & W.	\$6,200	\$3,100	100%	\$3,100.00	
Sewer-3 each (N) SS Manholes	\$16,950	\$11,300	100%	\$11,300.00	
Sewer-8" Connect 2 places to (E) SSMH	\$9,460	\$9,460	100%	\$9,460.00	
Sewer-8" PVC Sewer Main	\$48,931	\$15,913	100%	\$15,913.00	
Sewer-8" SS Clearview per (N) Plans	\$10,110	\$10,110	100%	\$10,110.00	
Sewer-Future Dev. SS Lateral @ MH 2	\$3,639	\$0			
Sewer-Koontz/Curry (N) SSMH	\$6,130	\$6,130	100%	\$6,130.00	
Sewer-Koontz/Curry tie in (E) SSMH	\$3,850	\$3,850	100%	\$3,850.00	
Sewer-Koontz/Curry 90' 8" Main	\$5,931	\$5,931	100%	\$5,931.00	
Category Sub Total	\$144,325	\$98,918		\$98,918.00	
Concrete					
Concrete-Curb/Gutter Curry (3,976')	\$68,387	\$21,930	100%	\$21,930.00	
Concrete-Curb/Gutter Koontz (1,075')	\$18,490	\$18,490	100% 48%	\$8,858.00	
Concrete-Sidewalk Curry (3,976')	\$112,375	\$36,975	100%	\$36,975.00	
Concrete-Sidewalk Koontz (336 LF)	\$9,744	\$9,744	100% 153%	\$14,935.	
Concrete-Roll Curb Curry St. / East	\$1,410	\$1,410	100%	\$1,410.00	
Concrete-Replace C & G Fandango Entry	\$3,200	\$ 0			
Concrete-Replace C & G Garage Ramp	\$2,432	\$0			
Concrete-Drive approach @ Galaxy	\$16,498	\$0		***	
Concrete-Valley Gutters & Spandrels	\$26,474	\$18,910	100%	\$18,910.00	
Concrete-Handicap Ramps	\$19,370	\$7,450	100%	\$7,450.00	
Concrete-Head Wall @ Clearview	\$15,330	\$7,665	100%	\$7,665.00	
Concrete-Cold Weather Protection	\$10,082	\$4,536	100%	\$4,356.00	
Concrete-C.I.P. Storm Piles	\$20,351	\$6,784	100%	\$6,784.00	
Concrete-Spandrel & Curb/Gutter Moses	\$8,030	\$8,030	100%	\$8,030.00	
Concrete- Levee Wall Footing	\$17,199	\$8,434	100%	\$8,434.00	
Category Sub Total	\$343,371	\$150,178		\$145,737.00	

Storm Drain				The state of the s
Storm drain-HDPE 24" With added depth	\$278,491	\$139,187	100%	\$139,187.00
Storm drain-24" X 15" Tee's	\$3,495	\$3,495	100%	\$3,495.00
Storm drain-Concrete Water Stops	\$7,800	\$3,900	100%	\$3,900.00
Storm drain-Tie into (E) vault @ Wilaki	\$8,200	\$8,200	100%	\$8,200.00
Storm drain-R/R (E) CL Fence foe SD	\$8,287	\$8,287	100%	\$8,287.00
Storm drain-Drop Inlet Over Flow	\$3,900	\$1,300	100%	\$1,300.00
Storm drain-Catch Basin 4R	\$12,480	\$12,480	100%	\$12,480.00
Storm drain-HDPE 12"	\$1,234	\$0		and the little of the last, the last and an analysis and
Storm drain-HDPE 15"	\$11,200	\$11,200	100%	\$11,200.00
Storm drain-Encased Crossing's	\$3,180	\$3,180	100%	\$3,180.00
Storm drain-Extend 15" RCP-3 locations	\$10,566	\$10,566	100%	\$10,566.00
Storm drain-Adjust drop inlet (E) 4R	\$2,200	\$0		
Storm drain-Adjust NDOT DI Frame	\$4,300	\$0		
Storm drain-R/R signs for SD Relocate	\$900	\$900	100%	\$900.00
Storm drain-60" Manholes	\$73,799	\$33,545	100%	\$33,545.00
Storm drain-Rip-Rap @ Velocity Basin	\$30,090	\$10,030	100%	\$10,030.00
Storm drain-Rock Lined Channels	\$52,140	\$17,380	100%	\$17,380.00
Storm drain-Earthen V-ditch Voltair Cyn.	\$9,330	\$3,110	100%	\$3,110.00
Storm drain-Earthen V-ditch W of Curry	\$5,199	\$1,733	100%	\$1,733.00
Storm drain-Rip-Rap Basin to the South	\$8,534	\$4,267	100%	\$4,267.00
Category Sub Total	\$535,325	\$272,760		\$272,760.00
Water Services				
Water-10" C-900 Main	\$100,572	\$34,680	100%	\$34,680.00
Water-10" C-900 Main (E) Pipe Use	-\$20-213	-9,095		-\$9,095.00
Water-Hydrant Assemblies 5 Each	\$25,375	\$15,225	100%	\$15,225.00
Water-Clearview Stub Connection	\$2,135	\$427	100%	\$427.00
Water-Main Connection Koontz/Curry St.	\$8,095	\$1,619	100%	\$1,619.00
Water-10" Serv. Laterals to Res. Property	\$5,060	\$0		
Water-10" Serv. Stub, Gate Val & Flush	\$9,425	\$1,885	100%	\$1,885.00
Water-10" in line gate valves	\$6,640	\$6,640	100%	\$6,640.00
Water-10" Elbow 22.5 degrees	\$860	\$172	100%	\$172.00
Water-10" Tee Gate Valves & DCCV	\$65,000	\$0		
Water-10" Pit Setter BSW	\$37,350	\$0		
Water-Air release valve	\$0	\$0		this race have made have have done done one one one one one
Water-Permanent Air Vac.	\$1,755	\$1,755	100%	\$1,755.00
Water-1.5" Water Service	\$15,675	\$6,270	100%	\$6,270.00
Water-Flush Valve Assembly	\$2,560	\$512	100%	\$512.00
Water-6"Check Valve in Curry St.	\$12,820	\$12,820	100%	\$12,820.00
Water-8" Check Valve in Moses	\$13,745	\$13,745	100%	\$13,745.00
I .				
Water-8" Tee BSW for Hotel	\$13,875	\$0		
Water-8" Tee BSW for Hotel Water-4" Fire Service BSW for Hotel			OF THE CO. ST.	
	\$13,875	\$0		

Water-8" Tee & Hydrant to Galaxy	\$4,905	\$0			
Water-Cut in Tees for Galaxy	\$8,453	\$0			
Category Sub Total	\$387,122	\$86,665		\$86,665.00	
Dry Utilities					
Dry Utility-Common Trench to Hotel	\$31,308	\$0	*****		
Dry Utility-Phone trench S. of Garage	\$3,150	\$3,150	100%	\$3,150.00	
Dry Utility-Trench W 3" & 4" Conduit	\$150,440	\$30,088	100%	\$30,088.00	
Dry Utility-Cross Clearview	\$11,235	\$11,235	100%	\$11,235.00	
Dry Utility-R/R Concrete at Clearview	\$4,844	\$4,844	100%	\$4,844.00	
Dry Utility-In PUE at Expansion	\$20,000	\$0			
Dry Utility-Street Light Conduit	\$1,200	\$240	100%	\$240.00	
Dry Utility-Pole Risers	\$1,550	\$775	100%	\$775.00	
Dry Utility-Traffic Control	\$3,350	\$670	100%	\$670.00	
Dry Utility-577 Vault	\$8,400	\$0			
Dry Utility-612 Intercept Vaults	\$35,600	\$7,120	100%	\$7,120.00	
Dry Utility-612 Standard Vaults	\$30,580	\$6,116	100%	\$6,116.00	
Dry Utility-T Pads with Bases	\$3,080	\$0			
Dry Utility-N9 Pull Boxes	\$2,700	\$540	100%	\$540.00	
Dry Utility-S.P.P.C. Pole Bases	\$8,000	\$1,600	100%	\$1,600.00	
Dry Utility-Phone Conduit	\$49,350	\$12,337	100%	\$12,337.00	
Dry Utility-PTS 65 Phone Vaults	\$8.525	\$1,705	100%	\$1,705.00	
Dry Utility-3' X 5' Phone Vaults	\$41,040	\$8,208	100%	\$8,208.00	•
Dry Utility-SAI Pad 1 each	\$2,100	\$0			
Dry Utility-Phone Pole Risers	\$2,325	\$775	100%	\$775.00	
Dry Utility-Charter Conduit	\$15,250	\$3,050	100%	\$3,050.00	
Dry Utility-Charter Pull Boxes	\$2,035	\$407	100%	\$407.00	
Dry Utility-Bollard Allowance	\$5,740	\$1,148	100%	\$1,148.00	
Dry Utility-Trench, Lower, Lateral gas line	\$31,380	\$6,276	100%	\$6,276.00	
Street Lights	\$0	\$0			
Category Sub Total	\$473,182	\$100,284		\$100,284.00	
Asphalt Paving					
A.C. Paving-Rework Clearview & Curry	\$12,754	\$9,564	100%	\$9,564.00	
A.C. Paving-Curry 4" over 9" (89290sf)	\$255,370	\$114,916	100%	\$114,916.00	\$19,562.40
A.C. Paving-Patching Allowance (8335sf)	\$45,842	\$45,842	100%	\$45,842.00	_4.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
A.C. Paving-Valve Patches Moses/Curry	\$6,525	\$6,525	100%	\$6,525.00	
A.C. Paving-Survey Monuments	\$2,880	\$576	100%	\$576.00	
A.C. Paving-Stripping Per Plan	\$23,333	\$4,664	100%	\$4,664.00	
A.C. Paving- Misc. Stripping Allowance	\$860	\$172	100%	\$172.00	
Category Sub Total	\$347,564	\$182,259		\$182,259.00	
Masonry				440,000	
CMU Levee Wall	\$80,000	\$39,200	100%	\$39,200.00	
Category Sub Total	\$80,000	\$39,200		\$39,200.00	

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General Contractor					
Contractors Project Management	\$149,249	\$64,453	100%	\$64,453.00	
Category Sub Total	\$149,249	\$64,453		\$64,453.00	
SUBTOTAL OF WORK	\$2,836,598	\$1,152,305			
Contractors Fee @ 7%	\$198,562	\$80,661	100%	\$80,661.00	
Construction Totals	\$3,035,160	\$1,232,967			
Additional Development Costs					
Contingency 5%	\$151,758	\$61,648			\$28,539.40
Cold Weather Protection Allowance	\$8,200	\$1,640	100%	\$1,640.00	
Owners Testing Budget	\$26,050	\$5,210	100%	\$5,210.00	
S.P.P.C. Service fee's & Temp. Poles	\$257,804	\$75,000	100%	\$75,000.00	
PROJECT TOTALS	\$3,478,971.51	\$1,376,465.12			
Final 100% Billing				\$1,310.376.00	
Extra work per city request				\$28,539.40	
TOTAL				\$1,338,915,40	

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	RECORDED AT THE REQUEST OF CARSON CITY CLERK TO
APNAPN	2007 APR - 6 AM II: 18 *FILE NO:
APN	FOR RECORDER'S USE ONLY
TITLE OF Carson Hame	F DOCUMENT ing Lact ocument, including any exhibits, hereby submitted for of any person or persons. (NRS 239B.030)
I, the undersigned, hereby affirm that the attached do recording does contain the social security number of a plaw: Actalrise	Deciment, including any exhibits, hereby submitted for person or persons as required by law. State specific Atherina L., Mclaughtia Print Name & Title Recording Secretary
WHEN RECORDED MAIL TO:	
	366344

PARTICIPATION AGREEMENT

PERMIT NO. 06-663 WATER, SANITARY SEWER AND STORM SEWER IMPROVEMENTS ON Curry Street -from Clearview Drive to Wialaki Street

THIS AGREEMENT, dated this 5 day of Gard, 2007, between Carson Gaming LLC, (hereinafter referred to as "APPLICANT"), and CARSON CITY, NEVADA, a consolidated municipality (hereinafter referred to as "CITY").

WITNESSETH:

WHEREAS, the CITY has asked the APPLICANT to perform certain work associated with engineering design and construction of water, sanitary sewer and storm sewer improvements, including roadway restoration, on Curry Street from Clearview Drive to Wialaki Street; and

WHEREAS, the APPLICANT has agreed to perform certain work associated with engineering design and construction of the improvements on Curry Street from Clearview Drive to Wialaki Street, which work includes utility extension for water, sanitary sewer, and storm sewer with roadway restoration; and

WHEREAS, the CITY desires to have improvements completed by the APPLICANT in accordance with the approved plans, specifications and drawings, all applicable provisions of the Carson City Municipal Code and any other applicable ordinances or regulations which are hereby referred to and made a part of this AGREEMENT by reference, and in accordance with the specific conditions set forth within this AGREEMENT itself; and

NOW, THEREFORE, the parties to this AGREEMENT, in consideration of the provision herein and other good and valuable consideration, do hereby agree as follows:

- 1. The AGREEMENT is subject to the requirements set forth in NRS 338.0115. The APPLICANT shall contract for and complete design work and construction of improvements as described herein; and, the CITY agrees to reimburse the APPLICANT in the amount of ONE MILLION THREE HUNDRED SEVENTY SIX THOUSAND DOLLARS (\$1,376,000.00) and any cost increases for which CITY is the responsible party pursuant to Section 3 of this AGREEMENT for the actual construction cost set forth in Exhibit A as "City Costs," attached hereto, associated with the actual construction costs of constructing the above Curry Street Improvements on Curry Street from Clearview Drive to Wialaki Street based on the items as pertaining to the "City" in Exhibit A.
- 2. The reimbursement will occur within thirty (30) days upon completion and acceptance of the Curry Street Improvements described in Exhibit A by the CITY, and the receipt by the CITY of APPLICANT'S invoice, copies of invoices from the APPLICANT'S contactors, material suppliers, engineers and surveyors along with proof of payment thereof. The invoice shall be itemized and include cost differentials for all items to be included in the AGREEMENT. Failure to provide the itemized bill and proof of payment to contactors, material suppliers, engineers and surveyors is grounds for the City to withhold reimbursement.
- 3. In the event that unforeseen conditions are found to exist that cause change orders to be issued, cost overruns, redesign costs and/or expanded scope of

work resulting in increased costs, the party (APPLICANT or CITY) who would otherwise be responsible for that component of the work pursuant to Exhibit A shall also be responsible for the increased costs attributable thereto. The responsible party who would be responsible for the increased costs must approve the change and/or redesign costs prior to a Contractor proceeding with the increased work. In the event the parties cannot agree, after conferring in good faith, as to which party is responsible for the increased cost, the design and construction improvements will be completed by the APPLICANT, and the dispute will be submitted to arbitration with each party paying arbitration costs and expenses equally.

- 4. This AGREEMENT shall be binding on the parties until completion of the project or within two (2) years of execution of the agreement by the parties whichever occurs first.
- 5. The construction work pursuant to this AGREEMENT shall begin when and if the Applicant commences construction of the Curry Street Improvements on Curry Street from Clearview Drive to Wialaki Street.
- 6. If APPLICANT fails, neglects, or refuses to construct said improvements as and when agreed, such failure shall constitute a breach of this AGREEMENT. If APPLICANT fails to cure the default upon the request of CITY within thirty (30) days, the CITY, at its option, may correct such default and thereupon recover from APPLICANT the cost thereof or may require the specific performance by APPLICANT of all the construction as required under this AGREEMENT. The foregoing shall be in addition to, and not exclusive of, any other remedy now or hereafter provided by law.

- 7. In the event CITY fails, neglects, or refuses to reimburse the APPLICANT as and when agreed in accordance with this AGREEMENT, interest on any balance due and owing shall accrue at the legal rate. The foregoing shall be in addition to, and not exclusive of, any other remedy now or hereafter provided by law.
- 8. This AGREEMENT shall bind the heirs, executors, administrators, successors, and assigns of the respective parties.
- 9. To the fullest extent permitted by law, the parties, APPLICANT and CITY, shall indemnify, hold harmless and defend, not excluding the party's right to participate, each other from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any alleged negligent, willful acts or omissions of the APPLICANT or the CITY, its officers, employees, consultants, contractors, agents invitee's and/or guest's wrongful conduct.
- 10. This AGREEMENT shall be construed and enforced in accordance with the laws of the State of Nevada.

*** Remainder of this page intentionally blank ***

11. This AGREEMENT constitutes the entire understanding between the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the day and year first above written.

APPLICANT: CARSON GAMING LLC

By: Buch Refur. Its: V.P. GOUSTRUCTION	 -
Subscribed and sworn to before me o	n this day of Munch 8, 2007
MARIAN A. SHELDON NOTARY PUBLIC STATE OF NEVADA No.96-4720-5 My Appt. Exp. Sept. 3, 2008	Mariana Sheldon Notary Public
Approved as to form:	APPROVED:
Melanio Barkotta District Attorney	LAWRENCE A. WERNER, P.E./P.L.S. City Engineer
Carson City Regional Transportation Commission	Carson City Board of Supervisors
When & F	Man Teelen
RICHARD STAUB, Chairman	MARV TEIXEIRA, Mayor
ATTEST:	ATTEST
ALAN GLOVER, Clerk-Recorder	ALANGLOVER, Clerk-Recorder

Exhibit A Summary Curry Street Participation

Item Streets Sidewalks Street/Sidewalk Total Sewer Stormdrain Water	City Share from Exhibit "A" Spreadsheet \$352,619 \$48.277 \$400,896 \$98,918 \$384,190 \$86.655 \$970,659		\$400,896 \$98,918 \$384,190 <u>\$86,655</u> \$970,659	41% 10% 40% <u>9%</u> 100%
General Dry Utilities Gen Contractor Contractor Fee Contingency Cold Weather Prot Testing SPPCo Distributed Cost Total Cost	\$16,908 \$100,284 \$64,453 \$80,661 \$61,648 \$1,640 \$5,210 <u>\$75,000</u> \$405,804 \$1,376,463	Distributed Proportionally	,	
Distribution RTC Water Sewer Stormwater	Particpation Amount \$568,498.84 \$122,882.91 \$140,272.71 \$544,808.55 \$1,376,463.00	-		

Cost Recap / Share Allocation

Date: December 28th, 2006 (Revised)

Owner: Olympia Gaming / Carson City

Project Name: Curry St. Improvements

						-
<i>j</i> .						
\$10,0/1	\$0,000					
¢10 671	\$6.033	\$713	\$16,038	\$49,319	\$02,1/4	THO T ONG (TOPING
\$0 Excluded none shown	\$0	\$0	\$0	90	200 27.0	Catagory Sub Total
\$0 Per City Regmt	\$0	90	60	000	20	N-DOT R/W Demolition
\$5,752 Include. In base bid	C1+,C¢	97.1	60	\$13.455	\$13,455	traffic control (Specific) C.C.Reg'd
31/1 Allowance	\$17.0	1173	\$9.541	\$13,065	\$32,183	Trairic control and Signage
9171	\$120	\$68	\$301	\$540	\$1,200	Demo-Trench Plate Allowance
60	3 3	0\$	\$0	\$2,135	\$2,135	Demo-ivioses & Curry Drives
en en	0.8	\$0	\$0	\$3,429	\$3,429	Demo Moore & Commanda Nooniz
\$221	\$130	\$16	\$363	\$497	\$1,225	Demo-Chief Chief
\$0	\$0	\$0	\$0	34,309	\$1,309	Demo-Saw Cart Conc & A C
\$4,527	\$2,369	\$219	\$5,833	10,001	\$4.200	Demo-Rmy, A.C.(Curry & Cleary)
\$0	\$0	30	90	91,000	\$73 700	Demo-Pulverize A.C.Paving
		3	3	\$1 030	\$1.039	Demo-Remove Head wall
						Demolition
\$1,200	4.17.04					
¢7 008	\$4.961	\$1,452	\$11,747	\$16,908	342,9//	mor one grames
\$500 Allowance	\$500	\$500	OUCE		9 40 000	
\$500 Allowance	\$500	9000			\$2 500	Wash down
\$123 Allowance	₩00	0033	0053		\$2,500	Sweeper service final clean up
Clas All Enobles	333	98		\$296	\$658	TIGSH DOACS
\$820 Daily I above	\$432	\$40	\$1,084	\$1,944	34,320	Trach hower
\$1,215	\$721	\$87			00,000	General labor
\$1,174 Allowance	\$620	70¢			W8 93	Dust Control
\$733	CCFC	200			\$6,200	Pot Holing
\$2,041	\$ 100,100 /	653		\$1,664	\$4,100	Erosion control / SWPP
50 0.11	\$1.687	\$205	\$4,713	\$6,454	\$15,900	Mobilization
		The state of the s				General Requirements
				Budge City's share		
					A STANSANT CONTRACTOR OF APPRICATION	

\$98,918 \$20,017 \$0	T	\$0	\$0	\$3,639	\$0	\$10,728		\$11.300 \$5.650 \$0	\$0	\$12,748 \$0 \$0		\$51,151 \$03,188 \$844 \$2	\$0 \$0	\$3,043 \$118	\$0 \$0	\$9,367 \$0	\$0	\$1.183	\$0	\$2.802 \$0	\$13.328 \$0 \$0	\$8,807	\$4,922 \$178	\$0	\$27,808 \$162	2400
\$0 \$25,390			\$0 \$0		\$0 \$2,230		\$0 Serv. Prop. @ So. Curry St.	\$3,1		\$0 \$0 Per Plan	\$0 S0 Initial 60 L/F per plan	\$26,102 \$63,382	\$0 North East Corner Koontz	\$2,325	\$4.161 Cut &		\$6.926 \$6.926		5,14			\$5,8	\$1,962 \$3,733	\$0 all at Koontz / Curry	\$	\$3,834 Shared Split by %

							·
	\$73,452	\$39,435	\$5,152	\$80,975	\$150,357	\$349,371	Caregory Sub Lotal
\$4,382 Frontage Split; city. Exp, galxy	\$4,382	\$4,382	\$0	\$0	\$8,434	\$17,199	ConcLevee wall rooting
	\$0	\$0	\$0	\$0	\$8,030	\$8,030	ConcSpandrel & Curb/Gutter Moses
\$1,916 Percentage Split	\$1,916	\$1,008	\$93	\$2,529	\$4,536	\$10,082	ConcCold Weather Protection
\$6,784 3 Way split; City, Galx, Res.	\$6,784	\$0	\$0	\$6,784	\$6,784	\$20,351	ConcC.I.F. Storm Piles
\$0 NW Comer Clearview & Curry	\$0	\$0	\$0	\$7,665	\$7,665	\$15,330	ConcHead wall @ Clearview
	\$5,960	\$0	\$2,980	\$2,980	\$7,450	\$19,370	ConcHandicap Kamps
	\$0	\$0	\$0	\$7,564	\$18,910	\$26,474	Conc valley Guiters & Spandreis
\$16,498 To Galaxy's parking lot	\$16,498	\$0	\$0	\$0	\$0	\$16,498	Conc. Valle: Gutter & Salaxy
\$0 Ramp on to Garage Roof	\$0	\$2,432	\$0	\$0	\$0	\$2,432	Conc reple. C & g at Garage Kamp
\$0 Located @ Down Ramp	\$0	\$3,200	\$0	\$0	\$0	\$3,200	ConcReplace C & G randango Entry
\$0 2pic, 60' total	\$0	\$0	\$0	\$0	\$1,410	\$1,410	ConcRoll Curb Curry S./East
\$0 Per MBI. Quantity	\$0	\$0	\$0	\$0	\$9,744	\$9,744	ConcSidewalks Koontz (336 l/f)
	\$22,707	\$17,835	\$1,305	\$33,553	\$36,975	\$112,375	
	\$0	\$0	\$0	\$0	\$18,490	\$18,490	Z
	\$15,205	\$10,578	\$774	\$19,900	\$21,930	\$68,387	ConcCurb/Gutter Cury (3976')

			Storm drain-K	Storm drain-Ea	Storm drain-E	Storm drain-K	Storm drain-R	Storm drain-60" Man Holes	Storm drain-K	Storm drain-A	Storm dram-A	Storm drain A	Storm drain E	Storm drain-HDPE 15"	Storm drain-HDPE 12"	Storm drain-C	Storm drain-L	Storm drain-K	Storm drain-I	Storm drain-C	Storm drain-24" x 15" Tee's	Storm dram-F	
		Category Sub Total	Storm drain-Kip Rap Basin to South	Storm drain-Earthen Vditch west of Cu	Storm drain-Earthen Vditch Voltair Cl	Storm drain-Rock Lined Channels	Storm drain-Kip Rap at Velocity Basin	" Man Holes	'K Signs for SD Relocat	Storm drain-Adjust NDOT D.I. Frame	Storill drain-Adjust Drop inlet (E)4-R	Storm drain A Jim 15 RCP (a) 3 loca	Storm denie Entend of File Sing's	IDPE IS"	DPE 12"	Storm grain-Catch Basins 4-R	Storm drain-Drop Inlet Over Flow	Storm drain-K/K (E) CL Fence foe SD	Storm drain-lie into (E) Vault @Walai	Storm drain-Concrete Water Stops	4" x 15" Tee's	Storm drain-HDPE 24" W/ Ad Depth	S TO SHIP STORES
		\$535,325	\$8,534	\$5,199	\$9,330	\$52,140	\$30,090	\$73,799	\$900	\$4,300	\$2,200	\$10,566	\$3,180	\$11,200	\$1,234	\$12,480	\$3,900	\$8,287	\$8,200	\$7,800	\$3,495	\$278,491	
		\$272.760	\$4,267	\$1,733	\$3,110	\$17,380	\$10,030	\$33,545	\$900	\$0	\$0	\$10,566	\$3,180	\$11,200	\$0	\$12,480	\$1,300	\$8,287	\$8,200	\$3,900	\$3,495	\$139,187	
	0000100	\$51.729	\$4,267	\$1.733	\$3,110	\$17,380	\$10,030	\$13.418	08	\$0	\$0	. \$0	\$0	\$0	\$0	0.8	\$1,300	\$0	\$0	\$0	\$0	\$0	
.	\$0	3 6	80 60	300	60 60	So es	Solo	\$0.00	\$0	So	So	80	\$0	So	80	80 8	So	So So	\$0	So So	80 60	80	
	\$0	90	50	90	800	500	5 5	90	90	90	60 60	20	Solo	80	5 6	5 6	80	60 60	80	60 00	\$0	2	
	\$211,327	\$0 A	\$1,733 w	\$3,110 A	\$17,380	\$10,030	\$26,836	30.1	\$4,300 A	\$2,200 E @	\$2.000 y	SO THE	5/ # Oc	\$1,234 201/) i	\$1,300	300	90	7,006,00	2000	\$139,304 1	,	
		\$0 At Curry & Clearview	\$1,733 west side of Curry	\$3,110 Above Theater & Clearview				30 Typ. 4 places	\$4,500 Allowance (No detail)	BÀ	au a nree locations	Pe pic.	-			12	30 Aprox. 41.7	au Un Ancet CA	ab, you Allowance	30 10 So/East properties	\$139,304 Includes Additional Depth		
		view	Y	Clearview					etail)	T)	4 a.	C	1.00	50: 50:	10 0 0 10	iii Cili	A O	irc acci		erties	nal Depth		
							•	•	-		.	- L ., <u>.</u> .		•	•	3	60	53	4	4	!	L	1

		Category Sub Total	Water-Cut in Tee's for Galaxy	Water-8" Tee & Hydrant to Galaxy	Water-6" Fire Srev. To Expansion	Water-6" Domestic Serv. W/ pit Setter	Water-4" Fire Service BSW for Hotel	Water-8" Tee BSW for Hotel	Water-8" check valve in Moses	Water-6" check valve in Comp. St	Water-Flush Volume A control	Water-Permanent Air Vac,.	Water-Air Release valve	Water-4" Pit Setter BSW	Water-6" Tee gate valve & DCCV	Water-10" elbow 22.5 degrees	Water-10" in line gate valves	Water-10" Serv. Stub. Gate al Flush A	Water-10" Serv. Lar's to Res. Property	Water-Main Connection Koonty/ Curr	Water-Clearview Stub Connection	Water-Hydrant Assemblies 5Ea	Water-10" C-900 Main	Water Service
		\$387,122	\$8,453	\$4,905	\$21.950	000 000	\$13,875	\$13,745	\$12,820	\$2,560	\$15,675	\$1,755	\$0	\$37,350	\$65,000	\$860	079 93	\$0,000	020.23	\$0,005	\$2,3/3 136	-\$20,213	\$100,572	
		\$86,655	\$0	Solo	80	\$0	\$0	\$13,745	\$12,820	\$512	\$6,270	\$1,755	\$0	S0 08	20.5	\$172	\$1,880	\$1.00	\$1,019	\$42/	\$15,225	-\$9,095	\$34,680	
Page 5		\$40,663	\$0	80	\$0	\$0	\$0	\$0	\$0	\$512	\$0	\$0	\$0	60	7/16	\$173	\$1,885	\$5,060	\$1,619	\$427	\$0	-\$5,069	\$36,057	
GI .		\$74.819	\$ 60	\$0	\$42,200	\$8,885	\$13,875	\$0	\$0	\$512	\$3,135	\$0	80	50	2/14	\$0	\$1,885	\$0	\$1,619	\$427	\$0	-\$186	\$2,295	
	400,000	\$83 070	80	\$21,950	\$0	\$0	\$0	\$0	\$0	\$512	\$3.135	80	\$18,6/5	\$32,500	\$172	\$0	\$1,885	\$0	\$1,619	\$427	\$5,075	-\$2,021	\$0	
to t	000,1010	\$101.052	\$4,905	\$0 1	1 0\$	\$0]	\$0 1	\$0]		\$512	\$3 135	\$0	\$18,675	\$32,500		\$0	\$1,885	\$0	\$1,619	\$427	\$5,075	-\$3,842	\$27,540	
Determent to which this certificate is attached till, true and correct copy of the original on a record in my office. So 239 Sec. 6 the SSN may be redacted. Deputy Many Stiects the legality of the document.	a 111	алаху	\$4,905 For Galaxy	\$0 For Expansion	\$0 For Marriott	\$0 For Marriott	\$0 For Marriott	\$0 For Marriott	For Marriott	5 Way split for system	35 City=2 Gal=1 Eyrn=1 Mari-1	\$0 For City's Maintain (\$1,750.00)			5 Way split for system	\$0 In two locations	5 Way split for system	\$0 For Olympia's res. Prop.	\$1,619 5 Way split To finish system	5 Way split	City 3ea, Expn 1 ea, Gal 1 ea	Use of Owners Pipe <\$20.213>		
		1	Ļ						_1_		<u> </u>		<u></u>		L	Ш	<u> </u>	$\frac{1}{3}$	<u>-1</u>	 5.3	4	 \$		Ĺ