

REF ID: A70

95121078

City of North Las Vegas
2200 Civic Center Drive
North Las Vegas, Nevada 89030



**Restrictive Covenant
Running with the Land**

THIS INDENTURE, made this 9 day of NOVEMBER 1994, between the CITY OF NORTH LAS VEGAS, NEVADA, hereinafter referred to as "City", and ~~Frank J. Fertitta, Trust, Fertitta Children, V & F Inc.~~ and V & F Inc., hereinafter referred to as "Owner", FRANK J. FERTITTA and VICTORIA K. FERTITTA REVOCABLE FAMILY TRUST WITNESSETH

WHEREAS, Owner represents to be the owner in fee of the real property described as follows:

A portion of Lot 2 of Parcel Map File 66 Page 11 in the office of the Recorder of Clark County, Nevada.

more commonly known as **APN 139-19-602-001**; and Texas Gambling Hall & Hotel

WHEREAS, existing and applicable laws, ordinances, rules, and regulations have been determined to require full compliance with certain conditions relative to the proposed land division or use of the above described real property; and

WHEREAS, good cause having shown therefore, the City has determined that said full compliance with required and imposed conditions, in the presently existing circumstances, is either unfeasible or undesirable, and that such full compliance shall be demanded and required; and

WHEREAS, Owner expressly understands and acknowledges that the required and imposed conditions for the proposed land division or use therefor are expressly conditioned upon Owner's full performance compliance with said required and imposed conditions, as and when City shall demand and require same;

NOW, THEREFORE, in consideration of the foregoing premises, the undersigned, as Owner of the described real property herein, for himself, herself, itself, or themselves (as the case may be) and his, her, or their executors, administrators, successors, or assigns does covenant, promise, and agree to and with said City, its successors, and assigns that full performance and compliance, when as required by City, shall be made with the following conditions hereby imposed in connection with City's approval granted for certain proposed land division or use of the real property described herein.

Full half street improvements for six hundred and fifteen feet on Allen Lane adjoining said parcel consisting of aggregate base, asphaltic concrete paving, curb and gutter, sidewalk and street lighting in conformance with the current City of North Las Vegas Engineering Design Standards at the time of construction.

The undersigned Owner of said described real property, in consideration of the City's suspension or deferment of immediate compliance with each and every one of the foregoing conditions, does hereby expressly declare that the same and each and all of them shall constitute, and are hereby declared to constitute, a covenant to run with all of the within described real property, as provided by law, to be binding upon the undersigned Owner thereof and on all other parties and persons claiming under Owner until each and every one of all the said conditions shall have been fully complied with, performed, and completed as and when required by the City of North Las Vegas, Nevada

IN WITNESS WHEREOF, the undersigned Owner of the said described real property has hereunto subscribed this INDENTURE the date and year hereinabove first mentioned.

Frank J. Fertitta, Jr.
TRUSTEE

STATE OF NEVADA)
COUNTY OF CLARK)

V & F Inc.
Secretary : CFO
WILLIAM J. BULLARD

On 11/9/94, personally appeared before me, the undersigned, a notary public in and for said County and State, FRANK J. FERTITTA and WILLIAM BULLARD known to me to be the person(s) described in and who executed the foregoing instrument, and who each and severally acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS my hand and seal:

Notary Public in and for said County and State



PEGGY S. WATTS
Notary Public - Nevada
Clark County
My appt. exp. Nov. 10, 1997

CLARK COUNTY, NEVADA
JOAN L. SWIFT, RECORDER
RECORDED AT REQUEST OF:
NORTH LAS VEGAS CITY
11-22-94 15:06 VJT 2
OFFICIAL RECORDS
BOOK: 941122 INST: 01739
FEE: .00 RFTT: .00