

APN 1318-27-001-007

APN 1318-27-002-006

APN _____

DOC # **803688**
06/08/2012 03:38PM Deputy: PK
OFFICIAL RECORD
Requested By:
First American Title Mindel
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 10 Fee: \$23.00
BK-612 PG-1864 RPTT: EX#003



FOR RECORDER'S USE ONLY

TITLE OF DOCUMENT: Temporary Easement Deed

This document is being re-recorded to
complete blanks on page 6 previous DOC # 803636

WHEN RECORDED MAIL TO:

NDOT

1263 S. Stewart St

Carson City, NV 89712

DOC # 803636
06/08/2012 11:40AM Deputy: PK
OFFICIAL RECORD
Requested By:
First American Title Mindel
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 8 Fee: \$21.00
BK-612 PG-1604 RPTT: EX#002

513B

Ptns. of APNs: 1318-27-001-007
1318-27-002-006

ZALU742R

AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: STAFF SPECIALIST-ACQ
1263 S. STEWART ST.
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
1263 S. STEWART ST.
CARSON CITY, NV 89712

Project: STP-0005(016)
E.A.: 73388

Parcels: PARCEL 1TE
PARCEL 2TE1
PARCEL 2TE2
PARCEL 3TE

This instrument is being recorded as an "Accommodation Only" by First American Title Insurance Company and has not been examined as to its validity, execution or its effect upon title, if any.

TEMPORARY EASEMENT DEED

THIS DEED, made this 2nd day of March, 2012, between EDGEWOOD COMPANIES, a Nevada corporation formerly known as and who acquired title as PARK CATTLE CO., a Nevada corporation, hereinafter called GRANTOR, and the STATE OF NEVADA, acting by and through its Department of Transportation, hereinafter called GRANTEE,

WITNESSETH:

That the GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant unto the GRANTEE and to its assigns for those purposes as contained in Chapter 408 of the Nevada Revised Statutes, three (3) temporary easements for construction (said easements are more particularly described below as Parcel 1TE, Parcel 2TE1, and Parcel 3TE) and one (1) temporary easement for a staging area (said easement is more



513B

Ptns. of APNs: 1318-27-001-007
24167422r 1318-27-002-006



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particularly described below as Parcel 2TE2) upon, over and across certain real property of the undersigned. Said easements, described as follows:

PARCEL 1TE

Situate, lying and being in the County of Douglas, State of Nevada, and more particularly described as being a portion of the SE 1/4 of the NE 1/4 of Section 27, T. 13 N., R. 18 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a 2 1/2 inch brass GLO cap on galvanized pipe, stamped "1/4 S27/S26 T13N R18E 1939", which bears S. 45°37'23" W. a distance of 3,686.90 feet from a 3 inch USGLO brass cap, stamped "1/4

S23/S26 1939"; thence N. 41°16'06" W. a distance of 1,085.42 feet to the POINT OF BEGINNING; said point of beginning being a point on the right or southwesterly right-of-way line of Lake Parkway, 30.00 feet right of and at right angles to Highway Engineer's Station "L" 28+10.27 P.O.T.; thence along said southwesterly right-of-way line the following eight (8) courses and distances:

- 1) S. 54°16'48" E. – 50.67 feet;
- 2) from a tangent which bears the last described course, curving to the right with a radius of 11.00 feet, through an angle of 83°05'08", an arc distance of 15.95 feet;
- 3) S. 28°48'21" W. – 1.00 foot;
- 4) S. 61°11'39" E. – 36.50 feet;
- 5) N. 28°48'21" E. – 1.00 foot;
- 6) from a tangent which bears the last described course, curving to the right with a radius of 11.00 feet, through an angle of 83°05'08", an arc distance of 15.95 feet;
- 7) S. 68°06'31" E. – 50.67 feet;
- 8) S. 61°11'39" E. – 10.62 feet;

thence along the following nine (9) courses and distances:

- 1) S. 21°53'29" W. – 8.72 feet;
- 2) N. 68°06'31" W. – 61.22 feet;



- 3) from a tangent which bears the last described course, curving to the left with a radius of 1.00 foot, through an angle of 83°05'08", an arc distance of 1.45 feet;
- 4) S. 28°48'21" W. – 11.00 feet;]
- 5) N. 61°11'39" W. – 56.50 feet;
- 6) N. 28°48'21" E. – 11.00 feet;
- 7) from a tangent which bears the last described course, curving to the left with a radius of 1.00 foot, through an angle of 83°05'08", an arc distance of 1.45 feet;
- 8) N. 54°16'48" W. – 61.22 feet;
- 9) N. 35°43'12" E. – 8.72 feet to said right or southwesterly right-of-way line;

thence S. 61°11'39" E., along said right or southwesterly right-of-way line, a distance of 10.62 feet to the point of beginning; said parcel contains an area of 1,970 square feet (0.05 of an acre).

PARCEL 2TE1

Situate, lying and being in the County of Douglas, State of Nevada, and more particularly described as being a portion of the SW 1/4 of the NW 1/4 of Section 26 and a portion of the SE 1/4 of the NE 1/4 of Section 27, all in T. 13 N., R. 18 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a 2 1/2 inch brass GLO cap on galvanized pipe, stamped "1/4 S27/S26 T13N R18E 1939", which bears S. 45°37'23" W. a distance of 3,686.90 feet from a 3 inch USGLO brass cap, stamped "1/4 S23/S26 1939"; thence N. 27°08'53" W. a distance of 660.53 feet to the POINT OF BEGINNING; said point of beginning being a point on the right or southwesterly right-of-way line of Lake Parkway, 30.00 feet right of and radial to Highway Engineer's Station "L" 32+83.91 P.O.C.; thence along said southwesterly right-of-way line the following ten (10) courses and distances:

- 1) S. 51°46'37" E. – 49.08 feet;
- 2) from a tangent which bears the last described course, curving to the right with a radius of 11.00 feet, through an angle of 87°49'13", an arc distance of 16.86 feet;
- 3) S. 36°02'36" W. – 1.00 foot;

- 4) S. 53°57'24" E. – 56.00 feet;
- 5) N. 36°02'36" E. – 1.00 foot;
- 6) from a tangent which bears the last described course, curving to the right with a radius of 11.00 feet, through an angle of 87°21'15", an arc distance of 16.77 feet;
- 7) S. 56°36'09" E. – 10.67 feet;
- 8) from a tangent which bears S. 50°24'48" E., curving to the right with a radius of 795.33 feet, through an angle of 24°33'58", an arc distance of 341.01 feet;
- 9) from a tangent which bears S. 28°04'17" E., curving to the right with a radius of 725.91 feet, through an angle of 12°48'51", an arc distance of 162.35 feet;
- 10) from a tangent which bears S. 14°11'41" E., curving to the right with a radius of 800.00 feet, through an angle of 0°43'00", an arc distance of 10.01 feet;

thence along the following eleven (11) courses and distances:

- 1) S. 74°44'41" W. – 9.82 feet;
- 2) from a tangent which bears N. 14°27'21" W., curving to the left with a radius of 715.91 feet, through an angle of 13°37'50", an arc distance of 170.31 feet;
- 3) from a tangent which bears N. 25°50'00" W., curving to the left with a radius of 785.33 feet, through an angle of 24°32'26", an arc distance of 336.37 feet;
- 4) N. 56°36'09" W. – 10.13 feet;
- 5) from a tangent which bears the last described course, curving to the left with a radius of 1.00 foot, through an angle of 87°21'15", an arc distance of 1.53 feet;
- 6) S. 36°02'36" W. – 11.00 feet;
- 7) N. 53°57'24" W. – 76.00 feet;
- 8) N. 36°02'36" E. – 11.00 feet;

- 9) from a tangent which bears the last described course, curving to the left with a radius of 1.00 foot, through an angle of 87°49'13", an arc distance of 1.53 feet;
- 10) N. 51°46'37" W. – 59.08 feet;
- 11) N. 38°13'23" E. – 8.45 feet to said right or southwesterly right-of-way line;

thence from a tangent which bears S. 60°58'10" E., curving to the right along said southwesterly right-of-way line, with a radius of 800.00 feet, through an angle of 0°43'29", an arc distance of 10.12 feet to the point of beginning; said parcel contains an area of 6,748 square feet (0.15 of an acre).

PARCEL 2TE2

Situate, lying and being in the County of Douglas, State of Nevada, and more particularly described as being a portion of the SE 1/4 of the NE 1/4 of Section 27, T. 13 N., R. 18 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a 2 1/2 inch brass GLO cap on galvanized pipe, stamped "1/4 S27/S26 T13N R18E 1939", which bears S. 45°37'23" W. a distance of 3,686.90 feet from a 3 inch USGLO brass cap, stamped "1/4 S23/S26 1939"; thence N. 15°00'23" W. a distance of 429.26 feet to the POINT OF BEGINNING; said point of beginning being a point 44.67 feet right of and radial to Highway Engineer's Station "L" 35+54.02 P.O.C.; thence along the following four (4) courses and distances:

- 1) S. 28°49'19" W. – 140.00 feet;
- 2) N. 61°10'53" W. – 82.00 feet;
- 3) N. 28°49'18" E. – 164.23 feet;
- 4) from a tangent which bears S. 47°50'24" E., curving to the right with a radius of 785.33 feet, through an angle of 6°14'28", an arc distance of 85.54 feet to the point of beginning;

said parcel contains an area of 12,540 square feet (0.29 of an acre).

PARCEL 3TE

Situate, lying and being in the County of Douglas, State of Nevada, and more particularly described as being a portion of the NE 1/4 of the SE 1/4 of Section 27, T. 13 N., R. 18 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a 2 1/2 inch brass GLO cap on galvanized pipe, stamped "1/4 S27/S26 T13N R18E 1939", which bears S. 45°37'23" W. a distance of 3,686.90 feet from a 3 inch USGLO brass cap, stamped "1/4 S23/S26 1939"; thence S. 25°41'56" W. a distance of 1,211.60 feet to the POINT OF BEGINNING; said point of beginning being a point on the right or northwesterly right-of-way line of Lake Parkway, 30.00 feet right of and at right angles to Highway Engineer's Station "L" 53+81.99 P.O.T.; thence S. 44°56'12" W., along said northwesterly right-of-way line, a distance of 213.37 feet; thence S. 48°30'17" W., along said northwesterly right-of-way line, a distance of 38.82 feet; thence N. 0°13'20" E., along said northwesterly right-of-way line and its prolongation thereof, a distance of 13.40 feet; thence along the following four (4) courses and distances:

- 1) N. 48°30'17" E. – 29.59 feet;
- 2) N. 44°56'12" E. – 212.91 feet;
- 3) N. 43°09'41" E. – 10.16 feet;
- 4) S. 45°03'47" E. – 10.00 feet to said northwesterly right-of-way line;

thence S. 43°09'41" W., along said right or northwesterly right-of-way line, a distance of 10.00 feet to the point of beginning; said parcel contains an area of 2,575 square feet (0.06 of an acre).

The Basis of Bearing for these descriptions is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.

This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

TO HAVE AND TO HOLD all and singular the said real property, together with the appurtenances, unto the said GRANTEE and to any heirs, successors and assigns for the term of this temporary easement deed.

The above described temporary easement rights are subject to the terms and conditions of that certain Public Highway Agreement # DIS 12000 ("Public Highway Agreement") dated April 20, 2012 by and among GRANTOR, TENANT (below defined) and GRANTEE, and shall commence on May 1, 2012 and shall continue through October 31, 2012, or shall commence on May 1, 2013 and shall continue through October 31, 2013, in whichever year the construction begins first, upon which date the above described temporary easement rights (together with this Temporary Easement Deed) shall automatically terminate for all purposes, without any further act or agreement by or

between the parties hereto, and the same shall be of no further force or effect.

Subject to the terms and conditions of the Public Highway Agreement, COLUMBIA PROPERTIES TAHOE, LLC, a Nevada limited liability company ("TENANT"), hereby subordinates that certain Amended and Restated Net Lease Agreement, dated January 1, 2000 (referenced in that Assignment and Assumption Agreement, dated June 10, 2005, and recorded June 10, 2005 in the official records of Douglas County, Nevada, as Document No. 0646600), as amended by the Montbleu Lease Amendment No. 2 dated June 12, 2009, as amended by the Montbleu Lease Amendment No. 3 dated May 10, 2010, and as the same may be restated, amended or modified from time to time hereafter (collectively, the "Lease"), to the encumbrance, lien or charge of this Temporary Easement Deed, and agrees that this Temporary Easement Deed is prior and senior to the Lease.

IN WITNESS WHEREOF, GRANTOR and TENANT, by and through its duly authorized officers, have caused this Temporary Easement Deed to be executed the day and year written below.

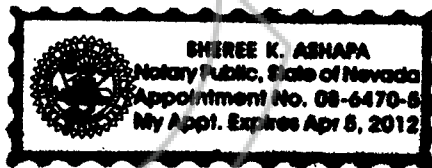
EDGEWOOD COMPANIES, a Nevada corporation

By: *Lynda Ribaudo* 4/2/12
Lynda Ribaudo, Chief Financial Officer Date

If signer shall be a corporation, trust, partnership or other unnatural person, an authorized person must sign on behalf of the signer. The agreement must be executed by the person approved by the bylaws, articles, or a certified, stamped copy of a resolution of the board of directors as provided with the executed agreement.

State of Nevada
County of *Douglas*

This instrument was acknowledged before me on *April 2*, 2012 by Lynda Ribaudo as Chief Financial Officer of EDGEWOOD COMPANIES, a Nevada corporation.



[Signature]
Notary



COLUMBIA PROPERTIES TAHOE, LLC, a Nevada limited liability company

By: *LJM*
Lance J. Millage; Date 3/29/12
EVP, CFO & Treasurer
of Tropicana Entertainment, Inc. as Manager of
Columbia Properties Tahoe, LLC

If signer shall be a corporation, trust, partnership or other unnatural person, an authorized person must sign on behalf of the signer. The agreement must be executed by the person approved by the bylaws, articles, or a certified, stamped copy of a resolution of the board of directors as provided with the executed agreement.

State of Nevada
County of Clark

This instrument was acknowledged before me on March 29, 2012
by Lance J. Millage of Tropicana Entertainment, Inc. as Manager
of COLUMBIA PROPERTIES TAHOE, LLC, a Nevada limited liability company.

Norine Ziemski
Notary

