

## AMENDMENT TO REVOCABLE LICENSE AND MAINTENANCE AGREEMENT

This Amendment is made and entered into this 21<sup>st</sup> day of September, 2021 (this "Amendment") by and between the County of Clark, a political subdivision of the State of Nevada ("County"), and TBC – The Boring Company, a Delaware corporation ("LICENSEE"), the LICENSEE, and the COUNTY OF CLARK, a political subdivision of the State of Nevada (the "County").

### RECITALS

WHEREAS, on February 2, 2021 LICENSEE and the County executed a License and Maintenance Agreement ("Original Agreement") allowing the LICENSEE to construct, and/or install, operate, maintain, and repair within the County Property, certain Improvements beneath the Las Vegas Boulevard right of way (Assessor's Parcel Numbers 162-09-799-003, 162-09-799-017, 162-09-799-022, and 162-09-799-029), as set forth in Exhibit A attached hereto;

WHEREAS, TBC desires to amend the Agreement by revising the alignment of the Resorts World Connector generally depicted in Exhibit "A" of the Original Agreement;

WHEREAS, TBC also desires to amend the Original Agreement to revise the description of the Resort World Connector and Improvements, and revise the specific locations the Improvements are authorized on the County Property as depicted in Exhibit "B" of the Original Agreement;

WHEREAS, the County is willing to allow the revised alignment of the Resort World Connector, the revised description of the Resort World Connector and Improvements, and the revised locations of the Improvements subject to the terms and conditions of the Original Agreement and this Amendment;

NOW THEREFORE, in consideration of the premises and subject to mutual covenants defined in the Agreement and this Amendment it is agreed as follows.

### AGREEMENT

#### 1. Same Meaning

Unless a different meaning clearly appears from the context, words, and phrases as used in this Amendment and all references shall have the same meaning as in the Original Agreement.

#### 2. Exhibit A of the Original Agreement is removed and replaced in its entirety:

Exhibit A of the Original Agreement is hereby deleted and replaced in its entirety with Exhibit

“A-1”, attached hereto and by this reference incorporated herein.

**3. The 4<sup>th</sup> WHEREAS of the Original Agreement, describing the Resort World Connector and Improvements, is revised and Exhibit B is removed and replaced in its entirety:**

Exhibit B of the Original Agreement is hereby deleted and replaced in its entirety with Exhibit “B-1” and Exhibit “B-2”.

The fourth WHEREAS, describing the Resorts World Connector and Improvements, of the Original Agreement is amended as follows:

WHEREAS, The Resort World Connector shall consist of one (1) above-ground entrance structure at the LVCC, one (1) egress stair shaft approximately twenty (20) feet in diameter, one (1) below-grade entrance structure at Resorts World, and one (1) \_\_0.4\_ mile long tunnel of approximately 13.5 feet in diameter connecting the existing LVCC campus to Resorts World, 1,202 feet which will be located within specific locations of the right-of-way at a depth to be determined by the County but not less than 15 feet below the finished surface of the road owned by the County. The portion of the Resorts World Connector in the right-of way owned by the County and known as Las Vegas Boulevard and Elvis Presley Drive are hereinafter referred to as “Improvements” and said Improvements are depicted at the specific locations, including the approximate distance or length, depicted in Exhibit “B-1” and “B-2” (Assessor’s Parcel Numbers 162-09-799-002, 162-09-799-003, 162-09-799-017, 162-09-799-021, 162-09-799-022, 162-09-799-027 and 162-09-799-029), attached hereto and by this reference incorporated herein (the “County Property”);

**4. Section 2(f) of the Original Agreement is hereby revised to read as follows:**

Improvements shall be at a depth as determined by the County but not less than 15 feet below the finished surface of the road; however, with respect to an appurtenance of the egress stair shaft only, and to the extent such appurtenance must be located on County Property, such appurtenance of the egress stair shaft may be located at a shallower depth as solely determined by the County.

**5. Exhibit C of the Original Agreement is removed and replaced in its entirety:**

Exhibit C of the Original Agreement is hereby deleted and replaced in its entirety with Exhibit “C-1”, attached hereto and by this reference incorporated herein.

**6. Exhibit D of the Original Agreement is removed and replaced in its entirety:**

Exhibit D of the Original Agreement is hereby deleted and replaced in its entirety with Exhibit “D-1”, attached hereto and by this reference incorporated herein.

**7. Original Agreement in full force and effect:**

It is expressly agreed by the Parties that all terms, conditions and provisions of the Original Agreement, and as amended in this Amendment, are and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

COUNTY:

CLARK COUNTY, a political  
subdivision of the State of Nevada


ATTEST:

By: \_\_\_\_\_  
Marilyn Kirkpatrick, Chair  
Board of County Commissioners

\_\_\_\_\_  
Lynn Marie Goya  
County Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Laura C. Rehfeldt  
Deputy District Attorney

LICENSEE:   
\_\_\_\_\_  
Steve Davis  
President  
TBC - The Boring Company

STATE OF Nevada )  
COUNTY OF Clark ) ss.

On this 24 day of August, 2021, before me the undersigned, a Notary Public, in and for said County and State, personally appeared STEVEN DAVIS, who acknowledged to me that they executed the above instrument for the purposes herein stated.

WITNESS my hand and official seal.

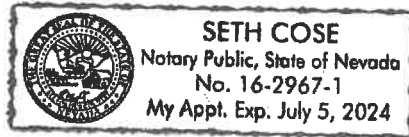
Seth Coe

NOTARY PUBLIC

in and for said County and State

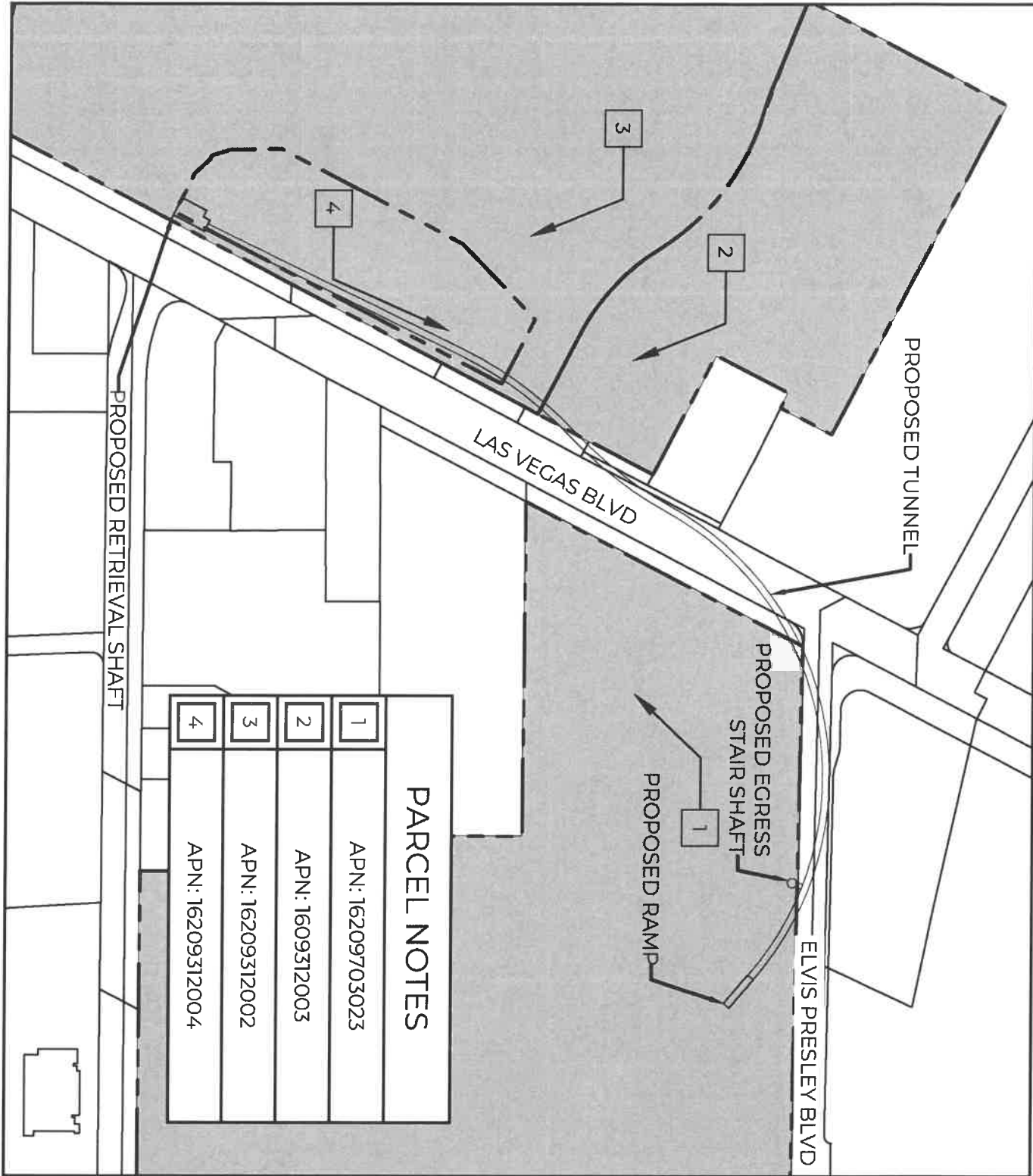
My Commission expires:

{SEAL}



July 5, 2024

# EXHIBIT A-1



PLAN VIEW  
SCALE: 1"=300'



# RESORTS WORLD-LVCC CONNECTOR

## PROPERTY EXHIBIT

**THE BORING COMPANY**  
3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.

LV-003

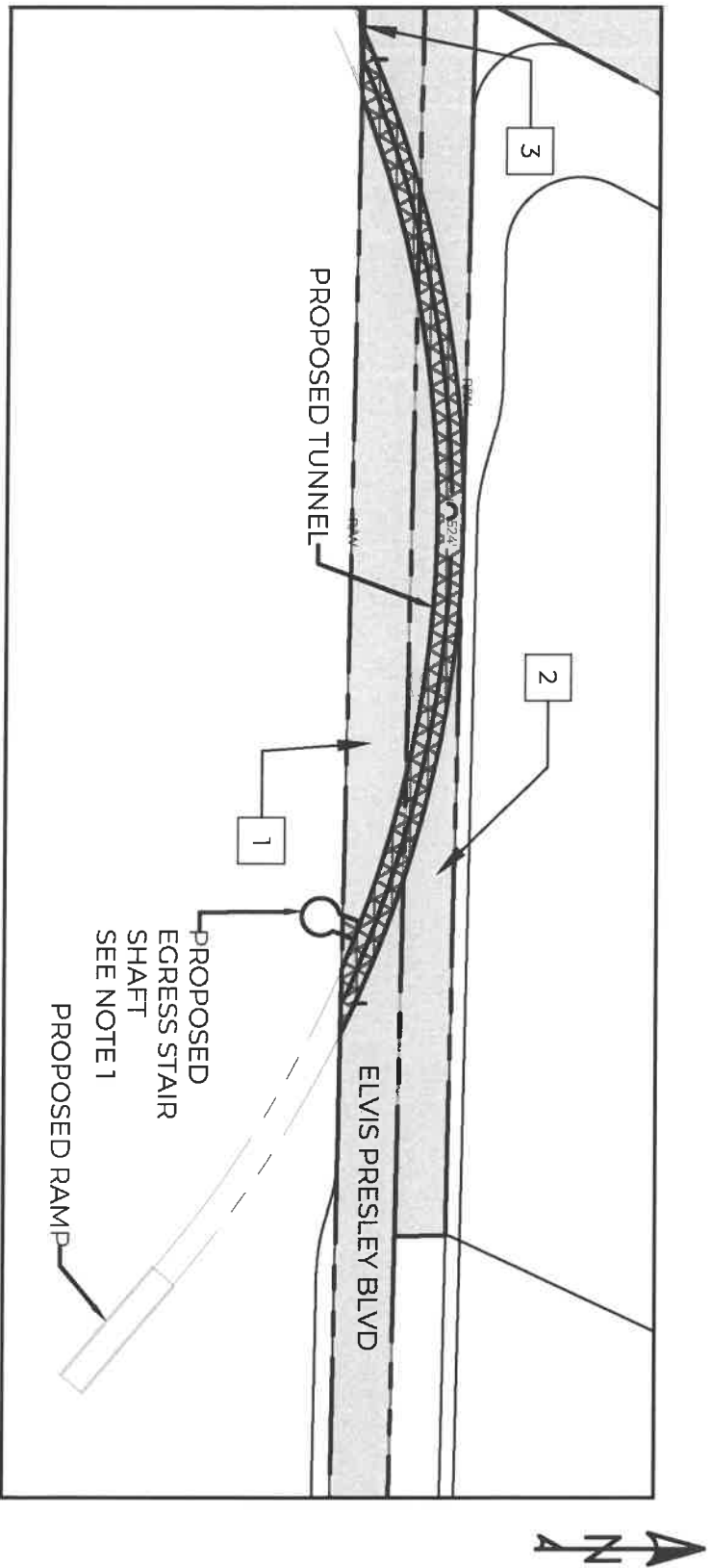
SHEET NO.

1 OF 1

DWC. NO.

EA-001

# EXHIBIT B-1



PLAN VIEW  
SCALE: 1"=100'



NOTE:  
1. EXACT LOCATION OF EGRESS STAIR  
SHAFT TO BE COORDINATED WITH  
CLARK COUNTY DEPARTMENT OF  
BUILDING AND FIRE PREVENTION.

PARCEL NOTES	
1	APN: 16209799003
2	APN: 16209799002
3	APN: 16209799021

LEGEND	
	RIGHT-OF-WAY
	COUNTY PROPERTY

# RESORTS WORLD-LVCC CONNECTOR ROW PROPERTY EXHIBIT

**THE BORING COMPANY**  
3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.

LV-003

SHEET NO.

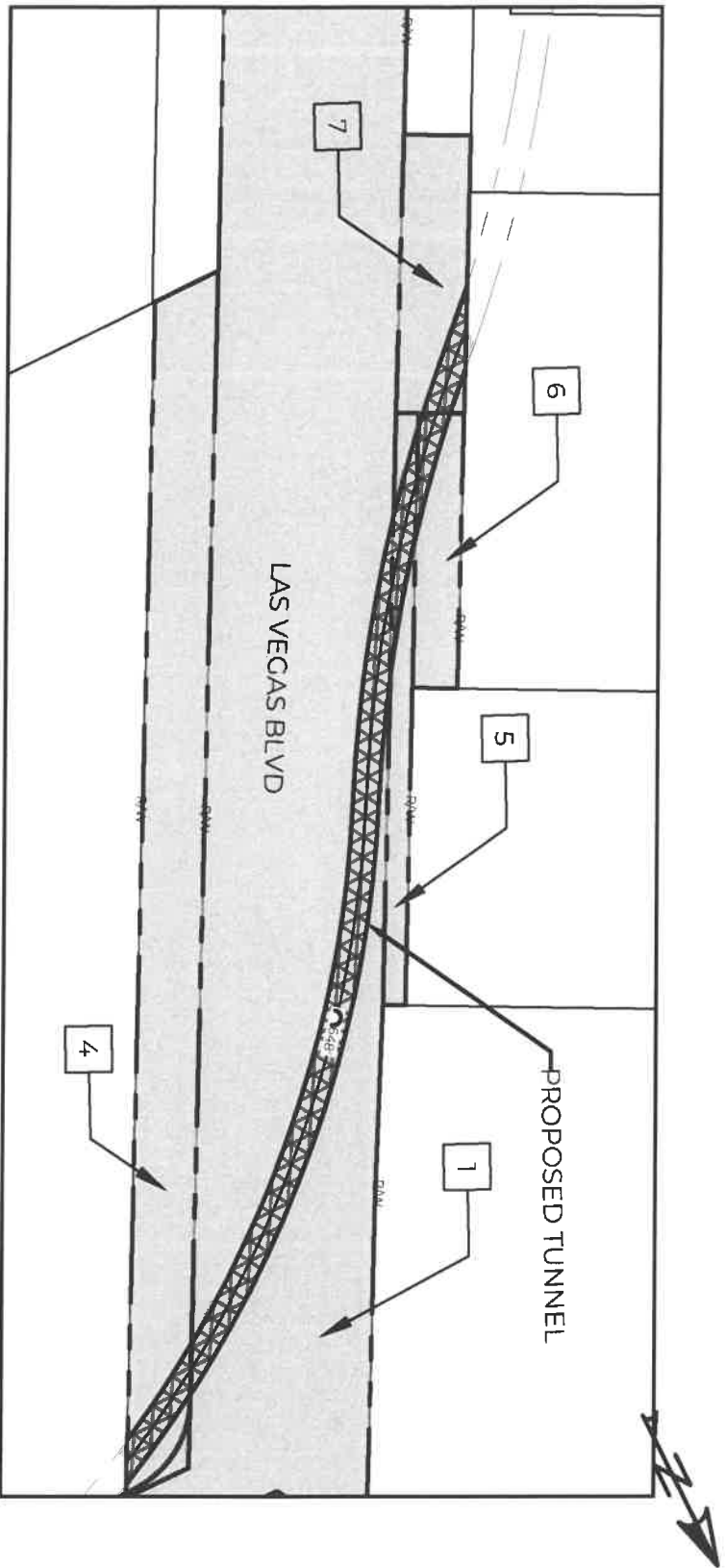
1 OF 2

DWC. NO.

EB-001



## EXHIBIT B-2



PLAN VIEW  
SCALE: 1"=100'



### PARCEL NOTES

1	APN: 16209799003
4	APN: 16209799022
5	APN: 16209799017
6	APN: 16209799029
7	APN: 16209799027

### LEGEND

	RIGHT-OF-WAY
	COUNTY PROPERTY

## RESORTS WORLD-LVCC CONNECTOR ROW PROPERTY EXHIBIT

**THE BORING COMPANY**

3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.

LV-003

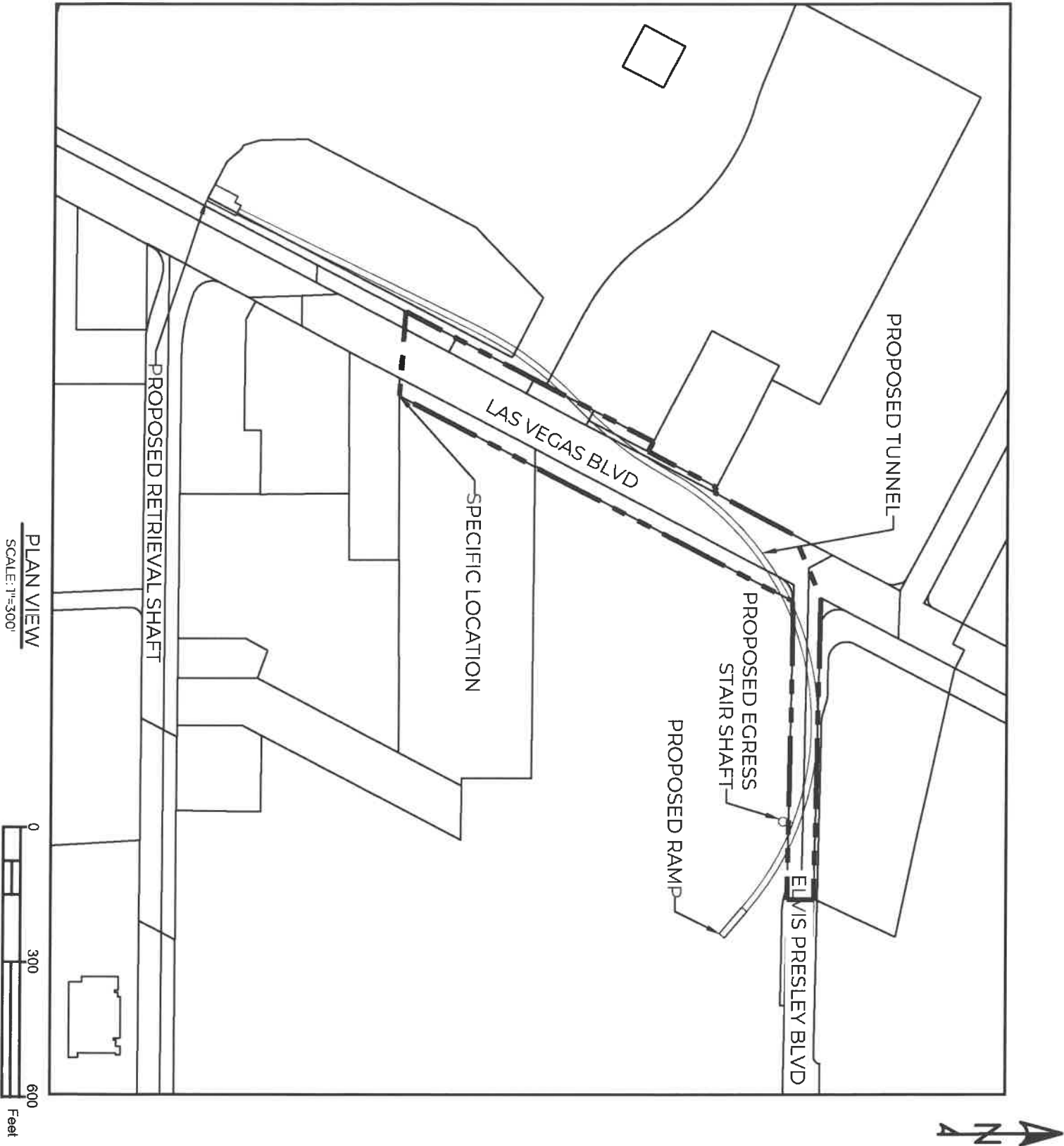
SHEET NO.

2 OF 2

DWG. NO.

EB-002

# EXHIBIT C-1



# RESORTS WORLD-LVCC CONNECTOR IMPROVEMENT PLANS

**THE BORING  
COMPANY**

3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.

LV-003

SHEET NO.

1 OF 1

DWG. NO.

EC-001

# EXHIBIT D-1

**DECOMMISSIONING PLAN  
BETWEEN  
THE COUNTY OF CLARK  
AND  
TBC – THE BORING COMPANY  
FOR THE  
RESORTS WORLD-LVCC CONNECTOR**

## **DECOMMISSIONING PLAN**

### **1.0 Introduction**

On August 5, 2020, the Resorts World-LVCC Connector was approved by the Clark County Board of County Commissioners. Per the terms of Notice of Final Action, Reference DR-20-0261, the following plan has been prepared to address how the project would be decommissioned in the event the project is Abandoned.

### **2.0 Overview**

The Resorts World-LVCC Connector (Project) tunnel is designed for long term structural durability, and crosses under and within the County right-of-way, such that the tunnels would remain structurally competent and sound in the unlikely case of abandonment. The tunnels shall be structurally evaluated as a part of Clark County Building Permit BD20-52905.

### **3.0 Decommissioning - Abandonment of Project**

In the event that TBC – The Boring Company does not successfully complete the construction of the Project, has stopped construction of the Project, or has stopped the use of the Project as a people mover, or is required pursuant to the Revocable License and Maintenance Agreement entered into between Clark County and TBC – The Boring Company for the Resorts World-LVCC Connector in County right-of-way (“License”), all work or remaining work necessary to make the site safe must be completed including filling in all excavations and completing any in-grade foundations with reinforcing steel in place. The term "Abandoned" or "Abandonment" means construction or use of the Project has stopped, as solely determined by the County, for a period of one hundred eighty (180) day period or longer or decommissioning is required pursuant to the License. Situations where construction or use will be considered stopped, as solely determined by the County, include any one hundred eighty (180) day period where construction or use is not diligently pursued, but is restarted briefly for the apparent purpose of avoiding expiration of the one hundred eighty (180) day period. The existence of an active building permit has no bearing on determining whether the project has been Abandoned for the purposes of this Decommissioning Plan.

At the sole discretion of Clark County Department of Public Works, to prevent future access underneath Clark County right-of-way, two, 12-inch concrete plugs shall be installed inside of the tunnels at Clark County right-of-way boundaries. The locations and structural detail of the concrete plugs are shown in the attached Decommissioning Plan Exhibit and the work including the installation of the plugs shall be completed within one hundred eighty (180) days after notification by the County.

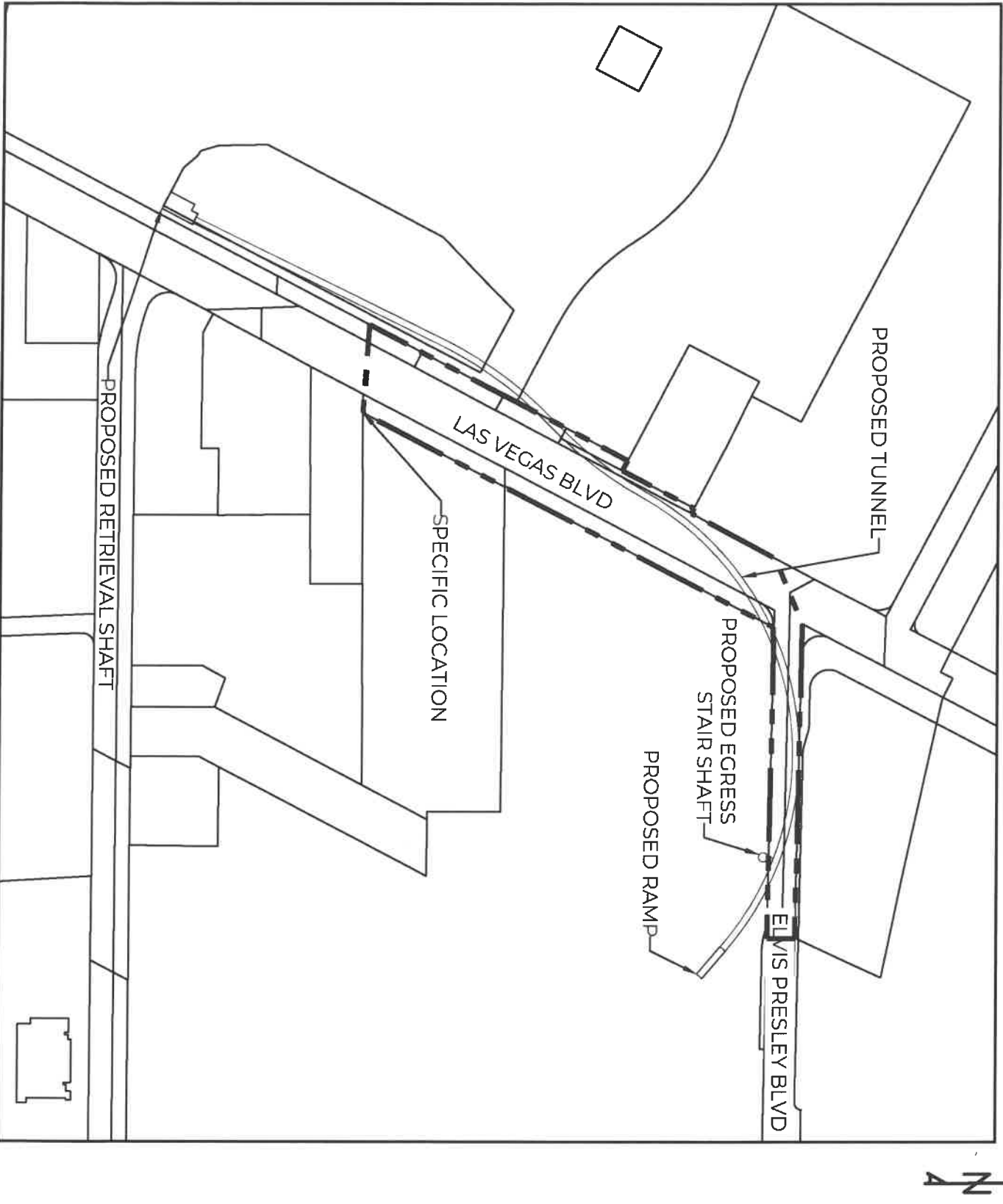
### **4.0 Monitoring**

If at its sole discretion, Clark County determines access to the abandoned tunnels shall be maintained and not plugged as described in the previous article or Clark County agrees to a formal request from TBC – The Boring Company to maintain access and use of the tunnels for purposes other than their intended use as described in this Agreement, annual monitoring will be conducted to ensure the condition of the tunnels are in good order, satisfactory to the County. Monitoring

should include, but not be limited to, settlement, collapsing, water intrusion, detection of harmful gasses, and other safety concerns and additional monitoring activities may also be conducted, depending upon the site conditions at the time of decommissioning. Monitoring inspections shall be performed at regular intervals and meet or exceed Federal Highway Administration: Tunnel Operations, Maintenance, Inspection and Evaluation Manual. A report of the monitoring activities shall be provided to the Director of Public Works on an annual basis showing the results. If structural deficiencies or other hazardous conditions are noted during monitoring activities, then TBC – The Boring Company shall immediately notify Clark County. TBC – The Boring Company shall perform all measures to ensure the integrity and safety of the tunnel to the satisfaction of the County.

Any de-watering systems shall be maintained in an operational condition. The principal design professional shall evaluate the structure for both architectural and structural integrity. Area safety and security of the structure shall be maintained. Safety and security staff shall continue to patrol, secure, and guard the site twenty-four (24) hours a day. The tunnel shall be secure from unauthorized access twenty-four (24) hours a day.





# RESORTS WORLD-LVCC CONNECTOR IMPROVEMENT PLANS

**THE BORING COMPANY**

3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.

LV-003

SHEET NO.

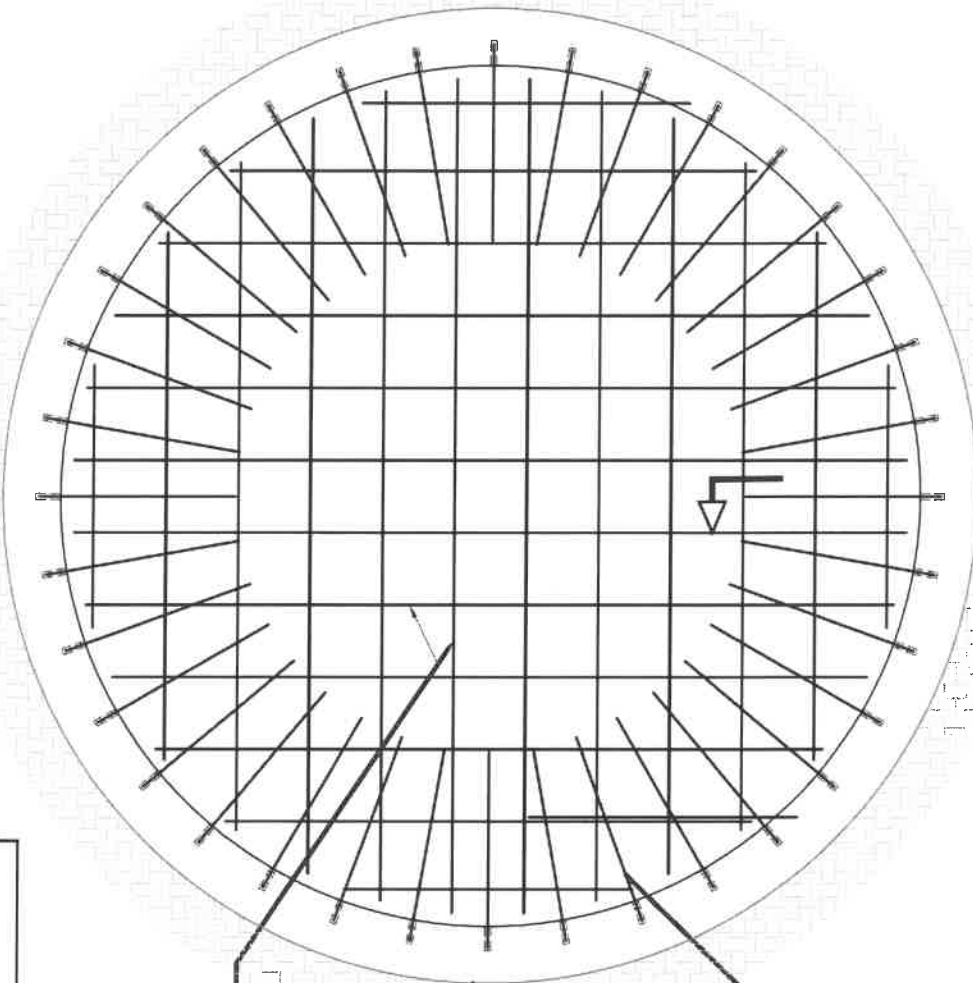
1 OF 1

DWC. NO.

EC-001

A-A

**DETAIL A**



(36) #6x2'-9" LONG EPOXY DOWELS  
EACH FACE, EQUALLY SPACED AROUND TUNNEL  
W/ SIMPSON SET-XP EPOXY ADHESIVE (ICC-ES  
ESR-2508, 72 TOTAL)

EXISTING TUNNEL LINING

#6 REBARS @ 12" ON CENTER EACH  
WAY, EACH FACE

**NOTE: SEE SHEET 3 FOR SECTION VIEW**

**1' = 1'-0"**

**CONCRETE PLUG ELEVATION VIEW**

**THE BORING  
COMPANY**

**3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169**

**PROJECT NO.  
LV-003**

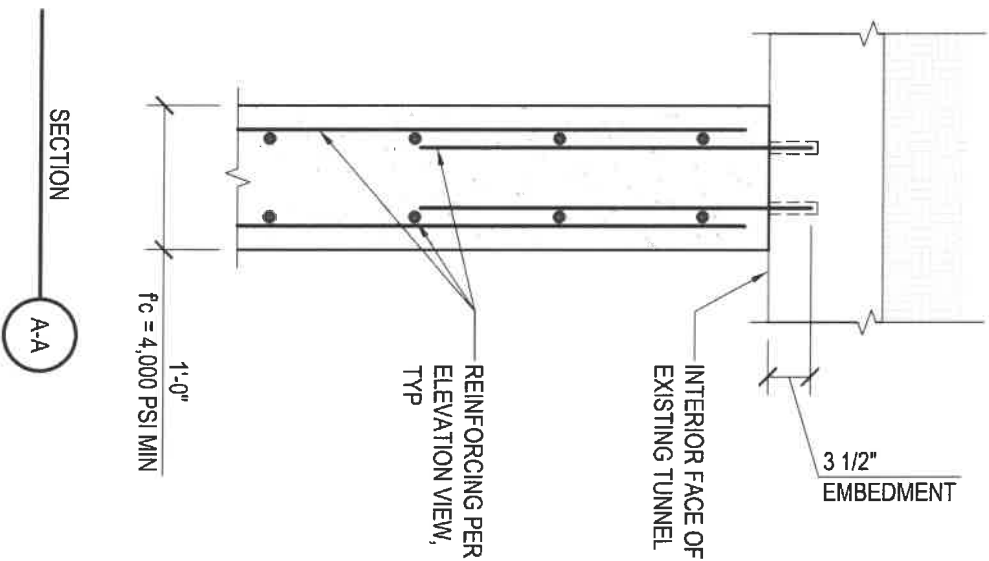
**DRAWING NO.  
ED-002**

**RESORTS WORLD-LVCC  
CONNECTOR  
DECOMMISSIONING PLAN**

**SHEET NO.**

**2 OF 3**

# SECTION VIEW OF DETAIL A



THE  
**BORING**  
COMPANY

3395 CAMBRIDGE ST  
LAS VEGAS, NV 89169

PROJECT NO.  
LV-003

DRAWING NO.  
ED-003

RESORTS WORLD-LVCC  
CONNECTOR  
DECOMMISSIONING PLAN

SHEET NO.

3 OF 3