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- Allison, Mackenzie & TDCS
P.O. Box 646
Carson City, NV
89702

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Case No.: 22100
Department No.: I

S. LEKUMBERRY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

EASTSIDE MEMORIAL PARK, INC.,
a Nevada corporation,

Plaintiff,

STIPULATION

vs.

SIERRA PACIFIC POWER COMPANY,
a Nevada corporation,

Defendant.

EASTSIDE MEMORIAL PARK, INC. (Eastside), Plaintiff
herein, by and through its counsel, ALLISON, MACKENZIE,
HARTMAN, SOUMBENIOTIS & RUSSELL, LTD., and Karen A. Peterson,
and SIERRA PACIFIC POWER COMPANY, (Sierra Pacific), Defendant
herein, by and through its counsel, David M. Norris, hereby
agree to the terms and conditions of the stipulation set
forth below in full and complete settlement of the above
entitled action:

1. Eastside agrees that Sierra Pacific shall have full
use of its present easement, as set forth in the
instrument of conveyance from Dangberg Land and
Livestock Company to Sierra Pacific (admitted into
evidence in this action as Defendant's Exhibit
"A"), and that said use expressly includes the

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right to operate, maintain, construct and reconstruct Sierra Pacific's electric lines. Eastside further agrees that Sierra Pacific, in the full use of its present easement, has the option of upgrading, remodeling, increasing the operating voltage re-construction modifying the configuration, or other necessary activities consistent with the use of the easement for the duration of the existing easement.

2. Eastside agrees to convey to Sierra Pacific a ten (10) foot strip parallel and adjacent to the north of the existing easement, for the full length of said easement, for use as road access to Sierra Pacific for the duration of its use of the easement.

3. Sierra Pacific agrees that it will abandon the existing easement and the additional ten foot road access and relocate at its sole expense and outside Eastside's property, its transmission line thirty (30) years from the date that the temporary restraining order issued in this case is lifted by the court, and that the existing easement and additional road access will terminate and revert to Eastside at the end of the thirty-year term. Sierra Pacific, at its sole discretion, may abandon its easement and relocate its electric lines prior to the expiration of the thirty-year term, when

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1 another alternative is found and construction is
2 completed.

- 3 4. Sierra Pacific agrees that it will use Lombardy Way
4 to the west and its Buckeye Substation property to
5 the east as points of ingress and egress to its
6 easement.
- 7 5. Sierra Pacific agrees to notify Eastside in advance
8 of any significant construction or reconstruction
9 that it plans within its easement and further
10 agrees to use its best efforts to minimize any
11 disruption of burial services, caused by such
12 construction, planned within Eastside's property.
13 Notification shall not be required in an emergency.
- 14 6. The parties agree that this Stipulation shall be
15 binding upon their successors and assigns.
- 16 7. Eastside agrees that, upon the execution of this
17 Stipulation, the temporary restraining order may be
18 lifted, Sierra Pacific may commence the recon-
19 struction within the easement and the 12.5 kV

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1 underbuild previously enjoined, and Eastside's
2 security in the sum of \$3,335.00 shall be returned
3 to Eastside.
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5 DATED this 9th day of October, 1989.
6

7 EASTSIDE MEMORIAL PARK, INC.

SIERRA PACIFIC POWER COMPANY

8
9 By *John Shahin*
10 John Shahin
11 President

By *John Madariaga*
12 John Madariaga
13 Vice President - Legal Affairs

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Karen A. Peterson
Karen A. Peterson
Attorney for Plaintiff

David M. Norris
David M. Norris
Attorney for Defendant

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: 10/9/89 **SEAL**
Breed Clerk of the *9th* Judicial District Court
of the State of Nevada, in and for the County of Douglas.

Suzanne Kekumberry Deputy

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LEGAL DESCRIPTION

A parcel of land located within the West one-half of Section 26, Township 13 North, Range 20 East, MDB&M, Douglas County, Nevada. being more particularly described as follows:

BEGINNING at the Northwest corner of Parcel 13 of the Record of Survey for Nevis Industries Inc., Document No. 51917 of the Douglas County Recorder's Office, said point being a 2 inch pipe and brass cap marked R.L.S. 2280 which bears S. 57°16'04" W. 4786.63 feet from the Northeast corner of said Section 26; thence S. 00°56'07" W., along the Westerly line of said Parcel 13, 346.73 feet to the Southeast corner of Lot Line Adjustment Parcel 2 of Exhibit "B", Document No. 135724 of the Douglas County Recorder's Office; thence N. 89°02'16" W., along the Southerly line of said Parcel 2 of Exhibit "B", 1330.55 feet to the Southwest corner thereof; thence N. 01°02'47" E., along the Westerly line of said Parcel 2 of Exhibit "B", 344.41 feet to a 5/8 inch rebar and cap marked R.L.S. 2280; thence N. 01°01'02" E., along said Westerly line of Parcel 2 of Exhibit "B", 1328.40 feet to the Northwest corner thereof, being a 2 inch pipe and brass cap marked R.L.S. 2280; thence S. 89°09'54" E., along the Northerly line of said Parcel 2 of Exhibit "B", 893.05 feet; thence S. 00°25'24" W., 886.54 feet to a point on the Southerly line of the Sierra Pacific Power Company Parcel as described in Book 10, Page 790, Document No. 19713 of the Douglas County Recorder's Office; thence S. 89°34'29" E., along said Southerly line, 239.47 feet; thence S. 00°25'24" W. 324.11 feet to a point on the Northerly line of the realignment of Buckeye Road; thence S. 89°07'32" E., along said realignment line, 512.08 feet to the Easterly line of said Parcel 2 of Exhibit "B"; thence S. 00°55'07" W., along said Easterly line, 120.00 feet to the Northerly line of said Parcel 13; thence N. 89°07'32" W., along said Northerly line, 327.46 feet to the POINT OF BEGINNING.

Assessment Parcel No. 23-291-11

REQUESTED BY
Allison MacKenzie et al
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

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SUZANNE BLANCHARD
RECORDER
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