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35-360-11, 35-360-12, 35-360-13

ALLOTMENT NO: Allotment No. CC-234
FILE NO: MARK LEON KIZER
CASE NO: 363

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GRANT OF EASEMENT FOR RIGHT-OF-WAY

That the United States of America, acting by and through Robert L. Hunter, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, Department of the Interior, Carson City, Nevada, hereinafter referred to as "Grantor", under authority contained in 209 DM 8, Secretary's Order No. 3150 and 3177, Amendment No. 1 and 10 BIAM, Bulletin 13, as amended, and the Addendum to 10 BIAM dated, June 09, 1969: and pursuant to provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328), and Part 169, Title 25, Code of Federal Regulations, in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant to the LEON MARK KIZER, its successors and assigns, hereinafter referred to as "Grantee", an easement for a public access and general public utility right-of-way for the following purpose(2), namely: The right to enter upon the hereinafter described land and grade, level, fill drain, pave, maintain, repair, rebuild an existing road, including incidental purposes therewith, together with such bridges, culverts, ramps, and cuts as may be necessary, to construct, install, maintain, repair, including incidental purposes therewith, and cut as may be necessary, on, over, under, and across the ground embraced within the right-of-way situated on the following described lands located within an Carson City Public Domain Allotment No. CC-234, Allottee Maggie Joe, Douglas County, State of Nevada:

All that certain lot, piece, parcel or portion of land situate, lying and being within the Northeast Quarter (NE $\frac{1}{4}$) of Section 5, Township 11 North, Range 21 East, M.D.M., Douglas County, Nevada and more particularly described as follows:

An easement for public access and general public utility proposes 50.00 feet in width lying 25.00 feet on either side of the following described centerline with the side lines being shortened or lengthened as necessary to meet the grantors property lines

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and more particularly described as follows:

Commencing at the northwest corner of parcel N as shown on the plat of the Dependent Resurvey and Survey Township 11 North, Range 21 East, of the Mount Diablo Meridian, Nevada accepted on February 10, 1992 and on the file in the office of the Bureau of Land Management, Reno, NV; thence along the westerly line of said Parcel N.

South 00°05'40" East, a distance of 32.28 feet to the TRUE POINT OF BEGINNING of the centerline of this 50.00 foot wide public access and general public utility easement; thence leaving said westerly line and along said centerline.

South 53°57'30" East a distance of 2,840.29 feet to a point on the easterly line of Parcel F as shown on aforesaid plat and the terminus point of this 50.00 wide public access and general public utility easement, and from which point of terminus the northeast corner of said Parcel F bears North 35°10'40" East a distance of 12.77 feet.

Together with an easement for public access purposes 130.00 feet in width lying 65.00 feet on either side of the following described centerline line with the side lines being shortened or lengthened as necessary to meet the grantors property lines and more particularly described as follows:

Commencing at the northwest corner of Parcel N as shown on aforesaid plat; thence along the westerly line of said parcel South 00°05'40" East a distance of 32.28 feet; thence leaving said westerly line South 53°57'30" East a distance of 536.04 feet to the TRUE POINT OF BEGINNING of the centerline of 130.00 foot wide public access easement thence along said centerline North 36°02'30" East a distance of 49.69 feet to a point on the northeasterly boundary line of aforesaid Parcel N and the terminus point of this 130.00 foot wide public access easement and from which terminus point the northeast corner of said Parcel N bears:

South 54°40'20" East a distance of 128.24 feet.

And altogether with an easement for public access purposes 50.00 feet in width lying 25.00 feet on either side of the following described centerline line with the side

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lines being shortened or lengthened as necessary to meet the grantors property lines and is more particularly described as follows:

Commencing at the northwest corner of Parcel N as shown on aforesaid plat; thence along the westerly line of said parcel South 00°05'40" East a distance of 32.28 feet; thence leaving said westerly line South 53°57'30" East a distance of 2,274.08 feet to the TRUE POINT OF BEGINNING of the centerline of this 50.00 foot wide public access easement; thence along said centerline North 36°02'30" East a distance of 68.38 feet to a point on the northeasterly boundary line of Parcel G as shown on aforesaid plat and the terminus point of this 50.00 foot wide public access easement and from which terminus point the northeast corner of said parcel G bears South 50°27'38" East a distance of 205.71 feet.

And together with an easement for public access purposes 110.00 feet in diameter and encompassing all of the area lying within 55.00 feet of the following described radius point:

Commencing at the northwest corner of Parcel N as shown on aforesaid plat; thence along the westerly line of said parcel.

South 00°05'40" East a distance of 32.28 feet; thence leaving said westerly line

South 53°57'30" East a distance of 2,466.74 feet; thence

South 36°02'30" West a distance of 30.00 feet to the radius point of this 110.00 foot diameter public access easement and encompassing all of the area lying within 55.00 feet of said radius point.

Excepting therefrom all that portion of Parcel K as shown on the plat of the Dependent Resurvey and Survey Township 11 North, Range 21 East, of the Mount Diablo Meridian, Nevada accepted on February 10, 1992 and on file in the office of the Bureau of Land Management, Reno, Nevada.

Easement along the lot lines: An easement for general public utility purposes 10.00 feet in width lying 5.00 feet on either side of the following described property lines

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as shown on the plat of the Dependent Survey and Survey Township 11 North, Range 51 East, of the Mount Diablo Meridian, Nevada accepted on February 10, 1992 and on file in the office of the Bureau of Land Management, Reno, NV:

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- That certain line shown on said plat which is common to Parcels E and F.
- That certain line shown on said plat which is common to Parcels F and G.
- That certain line shown on said plat which is common to Parcels G and H.
- That certain line shown on said plat which is common to Parcels H and I.
- That certain line shown on said plat which is common to Parcels I and J.
- That certain line shown on said plat which is common to Parcels M and N.

The described public access easement is 2840.29' in length, 50' in width, and contains 3.26 acres more or less. The described general public utility easement is 3,274.10' in length, 40' in width, and contains 3.01 acres more or less. The subject public access and general public utility right-of-way is more particularly described and shown on the map of definite location attached hereto and made a part hereof.

THE TOTAL ACREAGE OF THIS EASEMENT: 3.01 acres more or less.

TO HAVE AND TO HOLD the said easement and right-of-way unto the Grantee, its successors and assigns, and with further right in the United States, its successors and assigns to transfer said right-of-way by assignment, grant or otherwise.

This said easement will include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grown upon the above described premises, as may extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said road.

This easement is subject to any prior valid existing right or adverse claim and is for a perpetual term, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that the right-of-way shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days' written notice to the Grantee and failure of the Grantee within said notice period to correct the basis of termination (25 CFR

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- A. Failure to comply with any term or condition of the grant or the applicable regulations.
- B. A nonuse of the right-of-way for a consecutive two-year (2) period for the purpose for which it was granted.
- C. An abandonment of the right-of-way.
- D. Failure of the Grantee, upon completion of construction, to file with the Grantor an affidavit of completion pursuant to 25 CFR 169.16.
- E. Grantor hereby agrees not to take the property described herein out of Trust Status without first having obtained an encroachment from the Nevada Department of Transportation allowing access to U.S. Highway 395.
- F. The condition of this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the Grantee.
- G. This easement is expressly subject to the stipulations required by 25 CFR 169.5.

IN WITNESS WHERE OF, Grantor has executed this grant of easement this 28th, day of FEBRUARY, 1995.

UNITED STATES OF AMERICA

BY Robert Harts
Superintendent, Western Nevada Agency
U.S. Department of the Interior
Bureau of Indian Affairs
Carson City, Nevada 89706

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A C K N O W L E D G M E N T

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STATE OF Nevada)
COUNTY OF Carson City) ss.

BEFORE ME, a Notary Public, in and for said County and State, on this 28th day of February, 1995, personally appeared Robert L. Hunter, whose name is subscribed to the foregoing Grant of Easement for Public Access and General public utility Right-of-Way as Superintendent, Bureau of Indian Affairs; and he personally acknowledged to me that he executed the said Grant of Easement for Right-of-Way in his official capacity and pursuant to authority delegated to him for the uses and purposes set forth therein.

6/7/95
My Appointment Expires:

AJ Nevers
Notary Public



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SCHEDULE OF DAMAGES FOR A PUBLIC ROAD AND GENERAL PUBLIC

UTILITY RIGHT-OF-WAY ACROSS LANDS OF THE

HEIRS OF ALLOTMENT NUMBER CC-234

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DESCRIPTION:

A public access road and general public right-of-way across land of the Heirs of Allotment No. CC-234, situated in the North one-half of the Northwest one-quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Five (5), Township Eleven (11) North, Range Twenty-one (21) East, Mount Diablo Meridian, Douglas County, Nevada.

Width	Length	Approx. Acreage	Unit (Est.) Per Acre	Other Damages	Total Est. Damages
Public Access Road:					
50.0	2840.29	3.26 acres	\$1,000.00	-0-	\$3,260.00
General public Utility Right-of-way:					
40.0	3274.10	3.01 acres	\$1,000.00	-0-	\$3,010.00

I certify that the information contained herein is correct; that the above is fair and reasonable; and the interests of the landowner is fully protected. Leon Mark Kizer, the sole owner and applicant, to Carson City Public Domain Allotment No. CC-234 waived compensation for damages and teh subject right-of-way will provide egress and ingress to applicants fee lands.

Libby Mitchell

for Curtis Millsap, Realty Officer

Robert J. Smith

Superintendent, Western Nevada Agency

Dated: FEB. 28 1995

Dated: 2-24-95

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EXCEPTION REVIEW CHECKLIST

This checklist may be used in determining whether an individual proposed action which is within a categorical exclusion (516 DM 2, Appendix 1 and 516 DM 6, Appendix 4) nevertheless requires the preparation of an EA.

Brief description of proposed action: The Grant of Easement for Right-of-Way is for a public access and general public utility right-of-way.

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Answer the following questions "Yes" or "No".

Is the action one which may:

- (a) Have significant adverse effects on public health and safety? NO
- (b) Adversely affect such unique geographic characteristics as Historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks? NO
- (c) Have highly controversial environmental effects? NO
- (d) Have highly uncertain environmental effects or involve unique or unknown environmental risks? NO
- (e) Establish a precedent for future action or represent a decision in principal about a future consideration with significant environmental effects? NO
- (f) Be related to other actions with individually insignificant but cumulatively significant environmental effects? NO
- (g) Adversely affect properties listed or eligible for listing in the National Register of Historic Places? NO
- (h) Affect a species listed or proposed to be listed on the list of Endangered or Threatened Species? NO
- (i) Threaten to violate a Federal, State, Local, or Tribal Law or requirements imposed for the protection of the environment or which requires compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Action? NO

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If you question was answered "Yes", an EA is required.

Prepared by: Libby Mitchell
Realty Officer Date: FEB. 28 1995

Reviewed by: _____
Environmental Coordinator Date: _____

Based on my review of the proposal and my staff's recommendation, the project described above is a categorical exclusion which does not meet any of the above exceptions. No additional environmental analysis or documentation is required.

Approved by Authorized Officer: Robert Hunter Date: 2-28-95
Superintendent
BIA, Western Nevada Agency
Carson City, NV 89706

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

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STATEMENT OF OWNERS OF ALLOTTED INDIAN LANDS TO ACCOMPANY
APPLICATION FOR RIGHT-OF-WAY

Western Nevada Agency, November 21, 1994

Allotment No. CC-234 Allottee Maggie Joe

Description NE1/4 Section 5, Township 11 North, Range 21 East, MDB&M, Nevada
containing 160 acres more or less

The undersigned, owner of said land, hereby (does ~~not~~) consent to the granting of a

PRIVATE ROAD RIGHT-OF-WAY & PUBLIC UTILITY right-of-way thereover, as contemplated by the

application of LEON MARK KIZER
upon the following terms and conditions (for the reasons given below):

Without payment of damages. ~~On payment of cash damages as determined by Superintendent upon completion.~~

Other terms or comment: the subject ROW will provide ingress and egress to
applicant's land along with providing a frontage road and public utility ROW
across parcels E through N of CC-234, excepting Parcel K.

Witness:

Owners:

Leon Mark Kizer
Leon Mark Kizer 1/1 owner



HOLLY CORGAN
Notary Public - State of Nevada
Appointment Recorded in Douglas County
MY APPOINTMENT EXPIRES OCT. 1, 1998

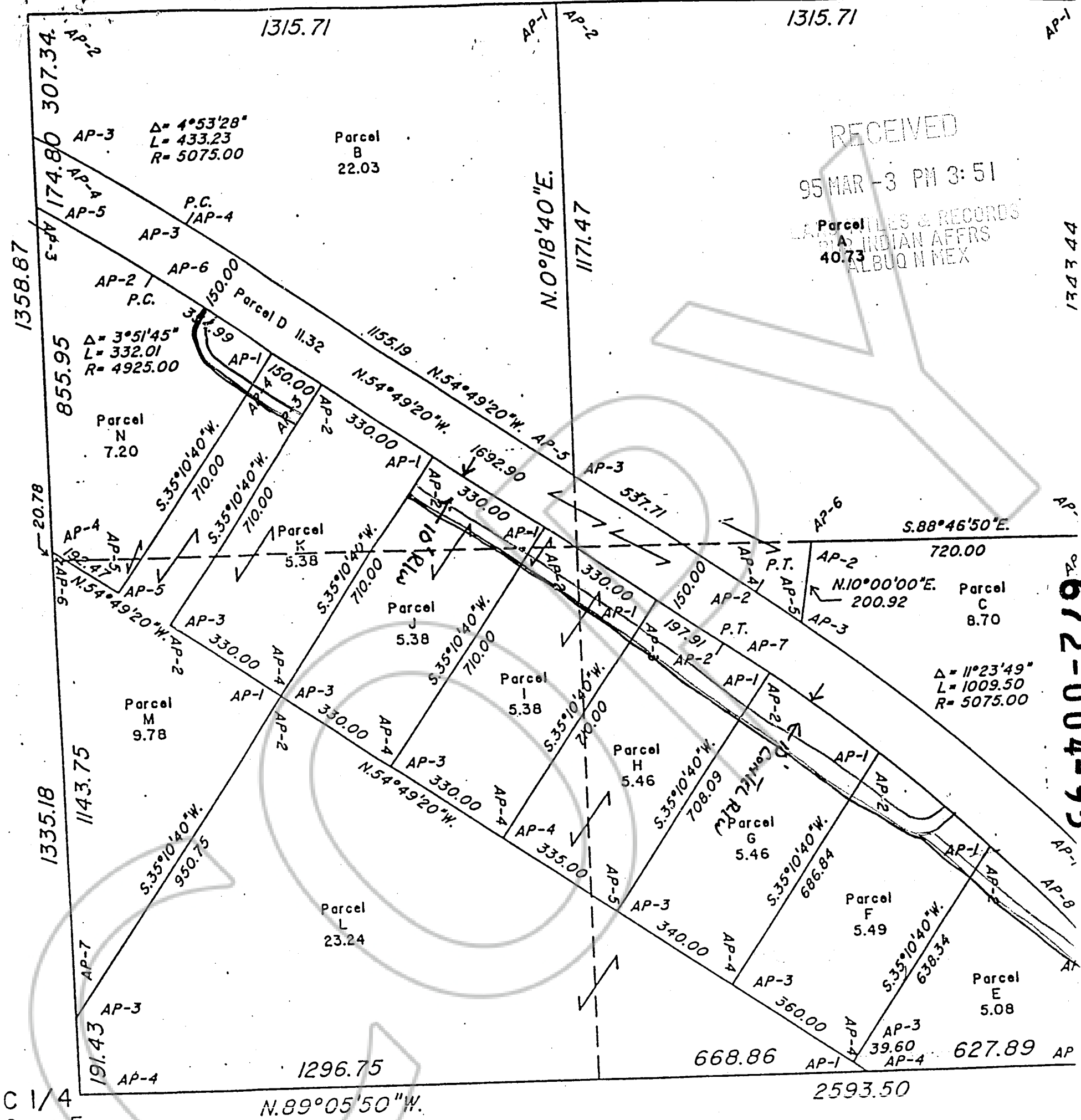
Holly Corgan

N. B.—Delete inapplicable provisions. Submit original only.

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C 1/4
Sec. 5

— utility easement
— Road easement

REQUESTED BY
WESTERN TITLE COMPANY, INC.
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

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LINDA SLATER
RECORDER

\$16.00 PAID *Ch* DEPUTY