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Land Titles & Records

TRIBALLY OWNED WASHOE TRIBAL LAND

GRANT OF EASEMENT FOR ROAD RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

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 the authority contained in 209 DM8, 10 BIAM 3 and 10, and pursuant to the 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 \$10,700.00 and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant to Kenneth M. Butti, his successors and assigns, hereinafter referred to as the "Grantee", an easement for right-of-way for the following purposes, namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, maintain, repair, and build an access road, including incidental purposes therewith, together with such bridges, culverts, ramps, and cuts as may be necessary, on, over, under and across the ground embraced with the right-of-way situated on the following described Washoe Tribal lands located within the County of Douglas, State of Nevada: A 30 foot road right-of-way 6,496.47 feet in length, located within a portion of the N $\frac{1}{2}$ of Section 22 and the NW $\frac{1}{4}$ of Section 23, Township 14 North, Range 19 East, M.D.B. & M., Nevada; lying Southerly of the following described line; Commencing at the NW 1/16 corner of Section 23, T. 14 N., R. 19 E., MDB & M., Nevada, indicated by Bureau of Land Management monument stamped "NW 1/16, S 23, 1985; thence S 89° 47' 20" West 116.50 feet" to the TRUE POINT OF BEGINNING: thence S 89° 47' 20" West 1,200.66 feet to the N 1/16 corner of Section 22 and 23 T. 14 N., R. 19 E., MDB & M., Nevada; thence S 89° 11' 11" West 2,652.50 feet to the N 1/16 corner of Section 22, T. 14 N., R. 19 E., MDB & M., Nevada; thence S 89° 11' 21" West 2,643.31 feet to the N 1/16 corner of Section 21 and 22, T. 14 N., R. 19 E., MDB & M., Nevada which is the point of terminus. (More particularly described and shown on the attached map marked Exhibit "A").

The parcel of land to which the above description applies contains 4.47 acres, more or less, and 1.23 miles or 6,496.47 feet in length on described line.

TO HAVE AND TO HOLD the said easement and right-of-way unto the Grantee and unto his successors and assigns the use of the property for an access road, and with further right in the Grantee, his successors and assigns to transfer said right-of-way by assignment, grant, or otherwise.

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The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow 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 public road.

This easement is subject to any prior valid existing right or adverse claim and is without limitation as to tenure, so long as said easement shall be actually used for the purpose above specified, PROVIDED, that this right-of-way shall be terminable in the whole or in part by the Grantor for any of the following causes upon 30 days written notice and the failure of the Grantee within said notice period to correct the basis for termination (25 CFR 169.20).

- 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 period for the purpose for which it was granted.
- C. Abandonment of the right-of-way.
- D. Failure of the Grantee, upon the completion of construction to file with the Grantor an affidavit of completion pursuant to 25 CFR 169.16.
- E. Easement is granted as access to one (1) homesite.
- F. Non-exclusive: The Washoe Tribe is in no way limited to its use of the right-of-way, nor firefighters, service representatives, guests, etc..

The condition of this easement shall extend to and be binding upon and shall insure to the benefit of the successors and assigns of the Grantee.

This easement is expressly subject to the stipulations required by 25 CFR 169.5, except those required by subsection (c) thereof are hereby waived.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this

31st day of July, 1987.

UNITED STATES OF AMERICA

By Robert L. Hunter
ROBERT L. HUNTER, SUPERINTENDENT
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WESTERN NEVADA AGENCY
1300 SOUTH CURRY STREET
CARSON CITY, NEVADA 89703

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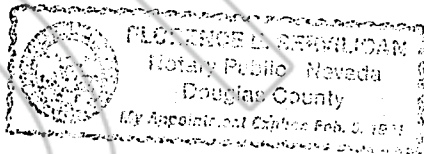
A C K N O W L E D G M E N T

STATE OF Nevada }
COUNTY OF Douglas }

BEFORE ME, a Notary Public, in and for said County and State, on this 31st day of July, 1987, personally appeared Robert L. Hester, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Bureau of Indian Affairs, and who acknowledged that he is and was at the time of signing the same, 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.

Florence E. Seviljian
Notary Public

Feb. 5 1991
My Commission Expires:



SCHEDULE OF DAMAGES FOR A ROAD RIGHT-OF-WAY

ACROSS LANDS OF THE WASHOE TRIBE OF NEVADA & CALIFORNIA

Description	Width	Length	Approx. Acreage	Unit (Est.) Per Acre	Other Damages	Total (Est.) Damages
A road right-of-way through a portion of Washoe Tribal lands, Douglas County, State of Nevada, situated in that part of Section 22 & 23, Township 14 North, Range 19 East, MDB & M., Nevada, more particularly described on the attached map of definite location dated June 27, 1986, which is a part of this record.	30 Feet	6,496.47 feet or 1.23 miles	4.47 Acres	\$2,394.00	None	\$10,700.00

A road right-of-way through a portion of Washoe Tribal lands, Douglas County, State of Nevada, situated in that part of Section 22 & 23, Township 14 North, Range 19 East, MDB & M., Nevada, more particularly described on the attached map of definite location dated June 27, 1986, which is a part of this record.

This road Right-of-Way Grant of Easement is to Mr. Kenneth M. Butti for legal and physical access to his fee property located west of the subject Right-of-Way. The Easement will provide access to one (1) homesite and no more.

The Washoe Tribe has consented to the granting of the Easement for road Right-of-Way pursuant to Washoe Tribal Resolution Number 87-W-13, with the stipulation that the amount indicated above will be paid to the Superintendent, Bureau of Indian Affairs, Western Nevada Agency, prior to the granting of the Easement, which has been submitted as requested, and the Washoe Tribe has been compensated as indicated.

I hereby certify that the information contained herein is correct; that the above statement is fair and reasonable; that documents are on file to support said statement; and the rights and interests of the Washoe Tribe are fully protected.

Michael L. Eckstein

Michael L. Eckstein, Realty Officer
Bureau of Indian Affairs
Western Nevada Agency

Robert M. Butti

Superintendent
Bureau of Indian Affairs
Western Nevada Agency

Date: JUL 31 1987

Date: JUL 31 1987

RIGHT OF WAY APPLICATION

672- 16-87

COMES THE APPLICANT Kenneth M. Butti

of 11 rue Robert Planquette Paris, France this 7th day of July, 19 86

who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1984 (62 Stat. L.17-18), and Departmental Regulations 25 CFR 169, an application for a right-of-way for the following purposes and reasons: To gain legal and physical access to my parcel of land.

across the following described land; 6496.46 feet in length (1.23 miles) and 50 feet in width beginning at the west 1/16 corner of the NW 1/4 of Section 22, T.14 N., R19 E., M.D.B. & M. and ending at the west right-of-way line of State highway 206.

Said right-of-way to be 6496.46 ft. in length 50 ft. in width, and 7.4569 Acres (size/area) and more particularly described and shown on the attached map of definite location.

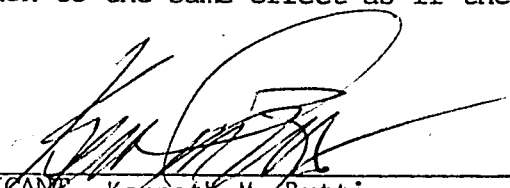
SAID APPLICANT DOES HEREBY UNDERSTAND AND EXPRESSLY AGREES TO THESE STIPULATIONS:

- (A) To construct and maintain the right-of-way in a workmanlike manner.
- (B) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 25 CFR 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction, and maintenance of the right-of-way.
- (C) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury, and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors, and their employees, or subcontractors and their employees.
- (D) To restore the lands as nearly as may be possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted.
- (E) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (F) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (G) To do everything reasonably within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
- (H) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossing for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
- (I) That upon revocation or termination of the right-of-way, the applicant shall so far as is reasonably possible, restore the land to its original condition.
- (J) To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.
- (K) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
- (L) The applicant agrees to preserve for future reference, any public land survey corner which is affected by construction or improvements.
- (M) All public land survey corners definitely located and used in describing and tying in the easement survey shall be recorded in accordance with Nevada Revised Statutes, Chapter 329 "Perpetuation of Public Land Survey Corners", or applicable State Statutes.

Said application further stipulates and expressly agrees as follows to conform to and abide by all applicable requirements with respect to the right-of-way herein applied for. Applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the Code of Federal Regulations, Title 25, 169, and by reference includes such regulations and requirements as part of the application to the same effect as if the same were herein set out in full.

DATE: 7 July 1986

ATTEST: _____



 APPLICANT Kenneth M. Butti

(SUPPORTING DOCUMENTS--Written consent of landowners; map of definite location with affidavits & certificate; written estimate of damages; deposit of damages; corporate qualifications; evidence of officers to execute forms - - - Corporate applicants only)

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✓
ATTN Rosalyn La Pointe
U.S. Dept. of Interior
1677 Hot Springs Rd.
Carson City NV 89706

Resolution No. 87-W-13

RESOLUTION OF THE GOVERNING BODY
OF THE
WASHOE TRIBE OF NEVADA AND CALIFORNIA

WHEREAS, the Washoe Tribe of Nevada and California is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 594) as amended, to exercise certain rights of home rule and be responsible for the general welfare of its membership; and

WHEREAS, the Washoe Tribe has received a request from Mr. Ken Butti for a right-of-way across tribal lands located along the north boundary of the tribal ranch in Jack's Valley; and

WHEREAS, the Washoe Tribal Council has reviewed the application for the right-of-way request from Mr. Ken Butti; and

WHEREAS, the Washoe Tribal Council consents to the right-of-way with the following stipulations:

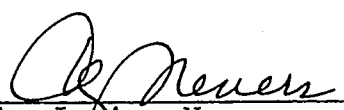
- 1) A lump sum to be paid to the Washoe Tribe of Nevada and California in the amount of \$10,700 for right of-way easement to one homesite 30 feet wide and 1.23 miles long.
- 2) Termination of right-of-way within 30 days if used for anything other than access to one (1) homesite.

THEREFORE BE IT RESOLVED that the Washoe Tribal Council authorizes the Chairman, Vice-Chairman and Secretary-Treasurer to enter into this right-of-way agreement.

C E R T I F I C A T I O N

It is hereby certified that the Washoe Tribal Council is the governing body of the Washoe Tribe of Nevada and California and is composed of ten (10) members of whom 9 constituting a quorum were present at a meeting duly held on the 13th day of February 1987, and that the foregoing resolution was adopted by the affirmative vote of 9 for, 0 against and 0 abstentions pursuant to the authority contained in Article VI, Section I-A of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.

February 16, 1987
Date


A. JoAnn Nevers
Secretary-Treasurer
Washoe Tribal Council

REQUESTED BY
Kenneth Butti
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

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LINDA SLATER
RECORDER
\$12⁰⁰ PAID Bh DEPUTY



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