

OFFICIAL RECORD

Requested By:
DC/COMMUNITY DEVELOPMENT

Assessor's Parcel Number: N/A

Date: SEPTEMBER 26, 2007

Recording Requested By:

Name: LYNDA TEGLIA, COMMUNITY DEVELOPMENT

Address: _____

City/State/Zip: _____

Real Property Transfer Tax: \$ N/A

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 7 Fee: 0.00
BK-1007 PG- 0188 RPTT: 0.00



GRANT #2007.209
(Title of Document)

FILED
2007.209
Issuing Office
2007 Carson City Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT
SERIAL NUMBER N-82441

OFFICIAL
B. J. Kulkoch

1. *A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).*
2. *Nature of Interest:*

a. *By this instrument, the holder:*

*Douglas County
P.O. Box 218
Minden, NV 89423*

receives a right to construct, operate, maintain, and terminate buried utility lines (excepting gas lines) and a service road across public lands described as follows:

Mount Diablo Meridian

*T.12 N., R.20 E.,
sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.*

The right-of-way area granted herein is 20 feet wide, 6092.94 feet long, containing 2.80 acres, more or less.

A 50 foot wide area is authorized for use during construction for the 14- inch waterline.

This instrument shall terminate on December 31, 2036 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- b. *This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.*

c. *Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assignees, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.*

2. *Rental:*

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

3. *Terms and Conditions:*

- a. *This grant is issued subject to the holder 's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations Part 2800.*
- b. *This grant may be reviewed at any time deemed necessary by the authorized officer.*
- c. *This grant shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years.*
- d. *The drawing set forth in Exhibit A, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it was set forth herein in its entirety.*
- e. *Failure of the holder to comply with applicable law or any provision of this grant shall constitute grounds for suspension or termination thereof.*
- f. *The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.*
- g. *The grant is subject to all valid rights existing on the effective date of the grant.*
- h. *The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.*
- i. *In case of change of address, the holder shall immediately notify the authorized officer.*



- j. *Any cultural (historic or prehistoric site or object) or paleontological resource or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The permit holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.*

For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the authorized officer.

For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the permit holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder.

- k. *Construction sites shall be maintained in a sanitary condition at all times, waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, used petroleum products, ashes, and equipment.*
- l. *The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.*
- m. *The holder shall be responsible for continued noxious weed control within the limits of the right-of-way in consultation with BLM or the appropriate local authority.*
- n. *In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within*

the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- o. Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
- p. The holder shall construct, operate, and maintain the facilities, improvements and structures within this right-of-way as described in Environmental Assessment NV-030-2007-026.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Daniel C. Holler
(Signature of Holder)

Sandra Kelly
(Signature of Authorized Officer)

County Manager
(Title)

Assistant Manager
Nonrenewable Resources
(Title)

9-7-07
(Date)

9-12-07
(Effective Date of Grant)

PINENUT ROAD

PROPOSED 50' RIGHT-OF-WAY GRANT

EXISTING 50' RIGHT-OF-WAY GRANT SERIAL #N-79930

BLM APN 1220-13-000-001

EAST VALLEY ROAD

MERINO CIR.

PROPOSED 50' TEMPORARY RIGHT-OF-WAY GRANT

PROPOSED 20' RIGHT-OF-WAY GRANT



12
13
11

13
18

EDD Engineering & Land Surveying, Inc.



1664 Hwy 395, Ste. 102
Mandan, Nevada 89423
(775) 783-4772 Fax: (775) 783-4773

EXHIBIT A

BLM RAIL GRANT
RPM 1220-13-000-001
SECTIONS 12, 13, 1, 12N, R 80E, MDM

N-82441

FIGURE 1



BK- 1007
PG- 193

COPY

SEAL

CERTIFIED COPY

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

DATE: Sept 26, 2007
Clerk of the 2nd Judicial District Court
of the State of Nevada (in and for the County of Douglas).

By Paul Mullock Deputy



BK- 1007
PG- 194