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Orig

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10/22/2008 03:15 PM Deputy: SG
OFFICIAL RECORD
Requested By:
TOWN OF GARDNERVILLE

APN: 1320-33-412-001

RECORDING REQUESTED BY AND
MAIL TO:

The Town of Gardnerville
c/o Steven P. Handelin, Esq.
✓ 1638 Esmeralda Avenue
Minden, NV 89423

Douglas County - NV
Karen Ellison - Recorder
Page: 1 Of 3 Fee: 0.00
BK-1008 PG- 3380 RPTT: 0.00



**TEMPORARY CONSTRUCTION EASEMENT
APN: 1320-33-412-001**

THIS INDENTURE made this 17th day of October, 2008, by and between SPENCE COMMERCIAL PROPERTIES, LLC, a Nevada Limited Liability Company and record owner of that property known as Douglas County APN 1320-33-412-001, party of the first part ("Grantor"), and the Town of Gardnerville, a political subdivision of the State of Nevada ("Grantee"), who recite and declare as follows:

WITNESSETH

Grantor, for good and valuable consideration, receipt and sufficiency of which is hereby accepted and acknowledged, does by these presents, grant, bargain and sell unto Grantee and its heirs and assigns, a nonexclusive temporary construction easement in, over, and across Douglas County APN 1320-33-412-001. This grant of easement is subject to the provisions of this easement deed as set forth herein.

Grantor grants to Grantee an easement appurtenant to the property for the right of access to the site for the purposes of constructing and activities properly related thereto for the "Martin Slough Trails Improvement Project", and for the related storage of construction equipment, supplies, and materials necessary for construction and completion of the trail improvements project.

The temporary construction easement granted by this instrument shall be for three (3) months or until completion of the trails improvement project, but in no event for longer than six (6) months.

The temporary access easement granted by this instrument will be used during construction activities for access to the construction site and/or for movement of construction equipment and materials related to the construction and improvements to the "Martin Slough Trails Improvement Project" and its appurtenances. The area of property burdened by this easement will be limited to a route 40' wide, beginning at Ezell Street, running adjacent and parallel to the West property line of the adjoining parcel APN 1320-33-402-040 (commonly known as the

Canderle Mansion) for 202 feet in a Northeasterly direction (N46'20'05E) and continuing for an additional 60 feet in the same direction to the property of the Grantee. The area of property utilized under this easement will, upon the expiration of three (3) months or the completion of trails improvement project, be returned as near as practicable to its original state and condition when construction activities are concluded. At such time the easement herein granted shall terminate.

In no event shall the easement herein granted be for a period in excess of six (6) months from the date of execution by Grantor.

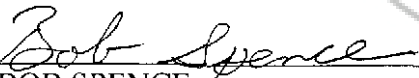
Grantee and Grantor shall require the Contractor retained by Grantee to construct and improve the "Martin Slough Trails Improvement Project" and its appurtenances, to name Grantor as an additional insured in an amount of not less than \$1 million for general liability insurance and Grantee shall require same to be in full force and effect during the construction activities for which this temporary construction easement is in effect.

Grantee, its agents, contractors or employees shall have the reasonable right of ingress and egress to and from the property described below for the purpose of constructing, maintaining, repairing and keeping such trail improvements, equipment and/or facilities in good repair and in working order (and all the necessary incidents thereto) during the term of this easement for all that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Lot 124 of the FINAL SUBDIVISION MAP FSM-1006 for CHICHESTER ESTATES, PHASE 1, according to the map thereof, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on September 12, 1995, in Book 995, at page 1407, as Document No. 370215, and by Certificate of Amendment recorded March 5, 1997, Book 397, Page 654, as Document No. 407852, Douglas County, Official Records.

Douglas County APN: 1320-33-412-001

Together with all and singular tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining. IN WITNESS WHEREOF, Grantor has signed this temporary construction easement on the day and year first above-written.


BOB SPENCE

Manager
SPENCE COMMERCIAL PROPERTIES

Accepted this 22nd day of October, 2008.


James Park

Town Manager
The Town of Gardnerville



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SACRAMENTO

On 10/17/08 before me, ROBERT T. REDDY

Date

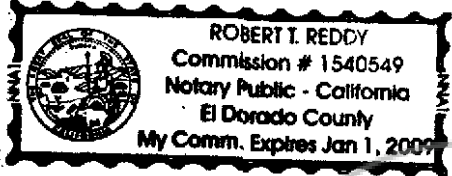
Here Insert Name and Title of the Officer

personally appeared BOB SPENCER

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

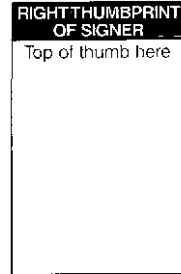
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

