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OFFICIAL RECORD

Requested By:

DEPARTMENT OF TRANSPORTATION

Douglas County - NV
Karen Ellison - Recorder

Page: 1 of 6 Fee: 0.00
BK-0509 PG- 2793 RPTT: 0.00



FOR RECORDER'S USE ONLY

APN 1318-09-701-004

APN 1318-10-310-016

APN 1318-10-310-025

FINAL ORDER OF CONDEMNATION

TITLE OF DOCUMENT

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. (NRS 239B.030)

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law. State specific law:

Signature

Norman L. Allen, Deputy Attorney General
Print Name & Title

WHEN RECORDED MAIL TO:

Norman L. Allen
Nevada Dept. of Transportation

1263 S. Stewart St.

Carson City, NV 89712

1 Case No. 03-CV-0327

RECEIVED

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2 Dept. No. II

MAY - 6 2009

2009 MAY - 6 PM 4:35

3 APN 1318-09-701-004, 1318-10-310-016, 1318-10-310-025

DOUGLAS COUNTY

TED THLAN
CLERK

BY **B. SINGER** DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

OFFICE OF THE ATTORNEY GENERAL
CARSON CITY, NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

MAY 08 2009

8 THE STATE OF NEVADA, on relation of
9 its Department of Transportation,

BUREAU OF GOVERNMENT AFFAIRS
TRANSPORTATION DIVISION

10 Plaintiff,

11 vs.

FINAL ORDER OF CONDEMNATION

12 PEGGY R. PEAK, As Trustee of the Peggy R.
13 Peak Trust; DOUGLAS COUNTY WATER
14 DISTRICT; ZEPHYR COVE PROPERTIES, INC.,
15 a Nevada Corporation; SIERRA PACIFIC POWER
16 COMPANY, a Nevada Corporation; VERIZON
17 CALIFORNIA, INC., a California Corporation;
18 TAHOE-DOUGLAS SEWER DISTRICT; TAHOE
19 REGIONAL PLANNING AGENCY; DOUGLAS
20 COUNTY, a political subdivision of the State of
21 Nevada; and all other persons unknown claiming
22 any right, title, estate, lien or interest in the real
23 Property described in the complaint;

24 Defendants.

25 vs

26 PEGGY R. PEAK, as Trustee of the Peggy R.
27 Peak Trust,

Counterclaimant.

1. Pursuant to the Order entered on January 23, 2004, plaintiff STATE OF NEVADA on relation of its DEPARTMENT OF TRANSPORTATION (hereinafter "STATE")



BK- 0509
PG- 2794

1 was let into possession and occupancy of the real property rights sought to be condemned
2 and is now in possession thereof.

3 2. Pursuant to the Stipulation for Entry of Judgment entered into by the parties,
4 a Judgment of Condemnation assessing the value and awarding compensation respecting
5 the real property rights of the defendants above-named and of condemnation of the
6 property rights sought to be taken for public use was duly pronounced by this court and
7 entered.

8
9 3. Plaintiff State has paid into court for defendant the sum of EIGHTY-FIVE
10 THOUSAND, TWO HUNDRED AND NO/100 DOLLARS (\$85,200.00) as compensation of
11 the above-described real property rights as set forth in the Stipulation for Entry of
12 Judgment and the Judgment of Condemnation.

13 4. Payment into court of said total sum of money as hereinabove specified
14 constitutes full compensation for the real property interests described below and for
15 damages of every kind and nature suffered by said defendants by reason of the acquisition
16 of said real property interests by the plaintiff.

17
18 5. Plaintiff STATE is entitled to, and this court hereby makes, this Final Order of
19 Condemnation as provided by NRS 37.160.

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that there shall be
21 condemned to plaintiff STATE the easement interests to Parcel Nos. U-050-DO-
22 003.594PE and U-050-DO-003.594TE described as follows:

23 PARCEL NOS. U-050-DO-003.594PE and U-050-DO-003.594TE, owned by
24 PEGGY R. PEAK, as Trustee of the PEGGY R. PEAK TRUST initially established on
25 August 27, 1992

1 Said real property situate, lying and being in the County of Douglas, State of
2 Nevada, and more particularly described as being a portion of the SE 1/4 of Section 9 and
3 a portion of the SW 1/4 of Section 10, all in T. 13 N., R. 18 E., M.D.M., and further
4 described as being a portion of Lot 16 of Block "F" shown on that certain AMENDED MAP
5 OF ZEPHYR COVE PROPERTY as Document No. 266, filed for record August 5, 1929, in
6 the Office of the County Recorder, Douglas County, Nevada, and a portion of PARCEL
7 NO. 1 and PARCEL NO. 2 shown on that certain MAP SHOWING PROPERTY OF JOHN
8 L. HARVEY AND MARION E. HARVEY IN DOUGLAS COUNTY, NEVADA, filed for record
9 in the Office of the County Recorder of Douglas County, Nevada, on November 20, 1952,
10 in Book 1 of Maps as Document No. 8764, and more fully described by metes and bounds
11 as follows, to wit:

12
13 Parcel No. U-050-DO-003.594PE, to be acquired as a permanent easement for highway
14 and sewer location, construction and maintenance

15 BEGINNING at a point on the easterly boundary line of PARCEL NO.
16 2 shown on that certain MAP SHOWING PROPERTY OF JOHN L. HARVEY
17 AND MARION E. HARVEY IN DOUGLAS COUNTY, NEVADA, filed for
18 record in the Office of the County Recorder of Douglas County, Nevada, on
19 November 20, 1952, in Book 1 of Maps as Document No. 8764, 17.528
20 meters (57.51 feet) left of and measured radially from the centerline of
21 U.S. 50 at Highway Engineer's Station "S" 61+27.070 P.O.C.; said point of
22 beginning further described as bearing S. 39°33'52" W. a distance of
23 1231.415 meters (4,040.07 feet) from the north quarter corner of Section 10,
24 T. 13 N., R. 18 E., M.D.M.; thence S. 1°11'40" W., along said easterly
25 boundary line, a distance of 5.384 meters (17.66 feet) to a point on the left or
26 northerly right-of-way line of said U.S. 50; thence from a tangent which bears
27 N. 81°00'52" W., curving to the left along said left or northerly right-of-way
line, with a radius of 164.592 meters (540.00 feet), through an angle of
20°38'25", an arc distance of 59.293 meters (194.53 feet) to a point on the
westerly boundary line of PARCEL NO. 1 shown on aforesaid MAP
SHOWING PROPERTY OF JOHN L. HARVEY AND MARION E. HARVEY
IN DOUGLAS COUNTY, NEVADA; thence N. 1°16'16" E., along said
westerly boundary line, a distance of 5.395 meters (17.70 feet) to a point;
thence N. 68°58'06" E. a distance of 0.427 of a meter (1.40 feet) to a point;
thence from a tangent which bears N. 78°53'40" E., curving to the right with a
radius of 169.928 meters (557.51 feet), through an angle of 19°50'42", an arc



1 distance of 58.856 meters (193.10 feet) to the point of beginning; said parcel
2 contains an area of 316 square meters (3,404 square feet).

3 Parcel No. U-050-DO-003.594TE, acquired as a temporary easement for sewer
4 construction purposes for a three-year period commencing on January 23, 2004

5 BEGINNING at a point on the easterly boundary line of PARCEL NO.
6 2 shown on that certain MAP SHOWING PROPERTY OF JOHN L. HARVEY
7 AND MARION E. HARVEY IN DOUGLAS COUNTY, NEVADA, filed for
8 record in the Office of the County Recorder of Douglas County, Nevada, as
9 Document No. 8764, on November 20, 1952, in Book 1 of Maps, 17.528
10 meters (57.51 feet) left of and measured radially from the centerline of
11 U.S. 50 at Highway Engineer's Station "S" 61+27.070 P.O.C.; said point of
12 beginning further described as bearing S. 39°33'52" W. a distance of
13 1231.415 meters (4,040.07 feet) from the north quarter corner of Section 10,
14 T. 13 N., R. 18 E., M.D.M.; thence from a tangent which bears
15 N. 81°15'38" W., curving to the left with a radius of 169.928 meters (557.51
16 feet), through an angle of 19°50'42", an arc distance of 58.856 meters
17 (193.10 feet) to a point; thence S. 68°58'06" W. a distance of 0.427 of a
18 meter (1.40 feet) to a point on the westerly boundary line of PARCEL NO. 1
19 shown on said MAP SHOWING PROPERTY OF JOHN L. HARVEY AND
20 MARION E. HARVEY IN DOUGLAS COUNTY, NEVADA; thence
21 N. 1°16'16" E., along said westerly boundary line, a distance of 8.526 meters
22 (27.97 feet) to a point on the northerly boundary line of said PARCEL NO. 1;
23 thence S. 88°43'39" E., along said northerly boundary line, a distance of
24 28.270 meters (92.75 feet) to a point on the westerly boundary line of Lot 16
25 of Block "F" shown on that certain AMENDED MAP OF ZEPHYR COVE
26 PROPERTY as Document No. 266, filed for record August 5, 1929, in the
27 Office of the County Recorder, Douglas County, Nevada; thence
N. 0°53'22" E., along said westerly boundary line, a distance of 4.398 meters
(14.43 feet) to a point; thence N. 89°13'20" E. a distance of 20.849 meters
(68.40 feet) to a point; thence N. 75°36'13" E. a distance of 10.187 meters
(33.42 feet) to a point on the easterly boundary line of said Lot 16 of Block
"F"; thence S. 1°11'40" W., along said easterly boundary line and aforesaid
easterly boundary line of PARCEL NO. 2, a distance of 13.749 meters (45.11
feet) to the point of beginning; said parcel contains an area of 483 square
meters (5,201 square feet).

IT IS FURTHER ORDERED that any claim or encumbrance arising from the Notice
of Pendency of Action filed on December 3, 2003 with the Clerk of the Ninth Judicial
District Court is hereby discharged, and said Notice of Pendency of Action is hereby lifted
and shall have no further effect.

IT IS FURTHER ORDERED that a copy of this Final Order of Condemnation be



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recorded in the office of the Recorder of Douglas County, State of Nevada, and thereupon
the title to the real property rights hereinbefore described shall vest, pursuant to NRS
37.160, in the plaintiff STATE for any public use. Plaintiff STATE'S address is: Nevada
Department of Transportation, 1263 S. Stewart Street, Carson City, Nevada 89712.

DATED: May 6 2009

Michael P. Quinn
DISTRICT JUDGE

When recorded mail to:
Norman L. Allen
Deputy Attorney General
Department of Transportation
1263 South Stewart Street
Carson City, Nevada 89712

COPIES

CERTIFIED COPY

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

DATE 5/12/09

TED THRAN Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By *M. Deegan* Deputy

