

OFFICIAL RECORD

Requested By:

DC/PUBLIC WORKS

Assessor's Parcel Number: N/A

Date: SEPTEMBER 8, 2010

Recording Requested By:

Douglas County - NV
Karen Ellison - Recorder

Page: 1 of 9 Fee: 0.00
BK-0910 PG-1642 RPTT: 0.00



Name: EILEEN CHURCH, PUBLIC WORKS
& CYNTHIA GREGORY, DA'S OFFICE

Address: _____

City/State/Zip: _____

Real Property Transfer Tax: \$ N/A

EASEMENT SETTLEMENT AGREEMENT #2010.220

(Title of Document)

2010-220

EASEMENT SETTLEMENT AGREEMENT

2010 SEP -8 PM 2: 25

Douglas County, Nevada, through the Douglas County Board of County Commissioners, (hereinafter Douglas County), the Conway Family Trust, Dennis and Marcia Conway, husband and wife (hereinafter the Conways) hereby agree as follows:

7001 HOGAN
CLERK
[Signature]
DEPUTY

Recitals:

WHEREAS, Douglas County is in the process of constructing a Water Line Inter-tie Project to Carson City; and

WHEREAS, the Conways are the property owners of 3590 Center Drive (APN 1420-08-501-001 and APN 1420-08-501-002); and

WHEREAS, the Douglas County Public Works Department has identified the Conways land as being necessary for a temporary construction easement and permanent utility easement for the Water Line Inter-tie Project as more specifically identified in Exhibit A; and

WHEREAS, the easement will disturb the Conway's property and will open up access to their property where there was none before; and

WHEREAS, Douglas County and the Conways have reached a settlement agreement to provide for permanent access easement.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. **Payment by Douglas County:** Upon the execution of this agreement by both parties and signing of the grant of easement by the Conways, Douglas County will issue a check to the Conways in the amount of \$13,900.00 (thirteen thousand and nine hundred dollars) as the value set forth in the appraisal for the easement across both APNs as set forth above. Once construction begins on the Conway's property, they will be paid the sum of \$425 per month while construction is ongoing on their property. Construction shall be deemed to have commenced once excavation begins on the property.
2. **Additional Conditions:** As part of the Water Line Inter-tie Project, Douglas County will also have installed approximately 330 feet of three-rail white vinyl fencing to restrict access to the Conway's property. The County will also provide a 1" (one inch) service lateral and meter pit on each APN to be placed at the edge of the easement at location determined by the Conways. There is no waiver

of any fees or other requirements by Douglas County once the Conways decide to connect to the water system. Douglas County will also provide a survey of the Center Drive easement and will also provide two four-inch (4") diameter conduits sufficient to span the existing roadway easement where the water line project crosses the roadway easement as well as two "Christy" type boxes.

- 3. **Easement Restrictions:** Both parties agree that this underground utility easement is only for below surface projects and only for projects those Douglas County initiates or is associated with. This is not a general access public utility easement. Both parties also acknowledge that appurtenant devices or structures associated with the underground easement may extend above surface.
- 4. **Right of Access:** The Conways agree to immediately provide right of access to the proposed easement to representatives of Douglas County Public Works Department or any contractors associated with them for the purpose of conducting surveying, geotechnical surveys and other requisite pre-construction tasks. When construction begins on the easement, the Conways will not interfere or hinder that process. Any issues that arise during construction shall be addressed to Douglas County Engineer Mahmood Azad.
- 5. **Construction of Agreement:**
This Settlement Agreement shall be construed and interpreted according to the laws of the State of Nevada. Any dispute regarding this Agreement shall be resolved by binding arbitration, with an arbiter to be selected from a list maintained by the Nevada Supreme Court of senior district court judges, with both parties to pay an equal share for the senior judge and any other related court fees. Each party is responsible for their own attorney fees unless there is a finding of willful misconduct by one party by the arbiter. There shall be no presumption for or against the drafter in interpreting or enforcing this Agreement.
- 6. **Entire Agreement:** This agreement contains the entire agreement between the parties. Any amendment or addition to this Agreement must be in writing and signed by the parties.

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IN WITNESS WHEREOF, the parties hereto have caused this Settlement Agreement for permanent underground access easements on APN 1420-08-501-001 and APN 1420-08-501-002, to be signed and intend to be legally bound thereby.

On behalf of the Douglas County Board of County Commissioners:

By: Michael Olson September 2, 2010
Michael Olson, Chairman date

Attest: Ted Thran September 2, 2010
Ted Thran, Douglas County Clerk date

BY: Juanee Suduch
Clerk to the Board

On behalf of the Conway Family Trust / Dennis and Marcia Conway, husband and wife and owners of APN 1420-08-501-001 and APN 1420-08-501-002:

By: Dennis Conway 8-18-10
Dennis Conway date

By: Marcia Conway 8-18-10
Marcia Conway date

STATE OF NEVADA)
) ss
DOUGLAS COUNTY)

On the 18 day of August, 2010, Dennis and Marcia Conway, personally appeared before me, a notary public, and were personally known or proved to me to be the persons whose name are subscribed on the foregoing instrument and who acknowledged to me that they executed the foregoing Settlement Agreement.

Melissa Smith
Notary's Signature expires 5-4-12

Notary Seal

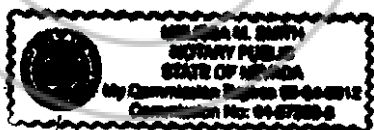


EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

A strip of land, 50 feet in width, situate in the North 1/2 of Section 8, Township 14 North, Range 20 East, MDM, Douglas County, Nevada, over a portion of that Parcel shown as Parcel A, on that Record of Survey Map No. 8-14-20, Official Records of Douglas County, Nevada, as Document No. 375266, and being more particularly described as follows;

THE North 70 feet of said Parcel A, parallel with the North line. Excepting therefrom the North 20 feet, parallel with the North line of said Parcel A.

CONTAINING: 28,625 square feet of land, more or less.

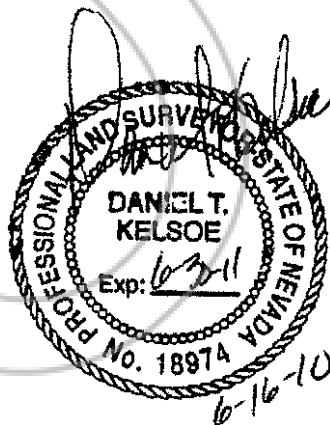
BASIS OF BEARINGS: Record of Survey Map No. 8-14-20, Document No. 375266, recorded November 20, 1995. Official Records of Douglas County, Nevada

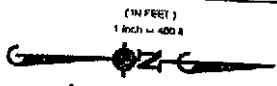
SURVEYOR'S CERTIFICATE

I hereby certify that the attached legal description was prepared by me or under my direct supervision and is accurate to the best of my knowledge and belief.

Daniel T. Kelsoe
P.L.S. 18974
for and on behalf of

 **Manhard**
CONSULTING
9850 DOUBLE R BLVD, SUITE 101
RENO, NEVADA 89521
(775) 746-3500





28,625 SF± (0.66 AC.)
CONTAINED IN CONWAY TRUST
TEMPORARY CONSTRUCTION EASEMENT

11,131 SF± (0.26 AC.)
CONTAINED IN CONWAY TRUST
PERMANENT CONSTRUCTION
EASEMENT

1420-08-501-001
3590 CENTER DR.
CONWAY JOINT
LIVING TRUST

CENTERLINE OF 50' ROADWAY ESMT. PER
DOC. #354535, BK. #195, PG. #2371 OF
DOUGLAS COUNTY RECORDS

1420-08-401-001
1 SUNRIDGE DR.
SGC NEVADA LLC

1420-08-501-003
3580 CENTER DR.
HILL, DOUGLAS M.

1420-08-501-002
(NO ADDRESS)
CONWAY JOINT
LIVING TRUST

EX. EASEMENT PER
DOUGLAS COUNTY
DOC. NO. 0651844

DOUGLAS COUNTY
CARSON CITY

009-322-03
7651 PARKER DR
PARKER FAMILY
TRUST 12/18/01

009-322-04
7650 SCHULZ DR
PARKER FAMILY
TRUST 12/18/01
(QUITCLAIM DEED)

010-281-48
BIGELOW DR.
STATE OF NEVADA

DOUGLAS COUNTY
CARSON CITY

LIMITS OF
CULTURAL
AREAS

010-281-46
1721 SNYDER AVE.
STATE OF NEVADA

APPROX. CREEK ☉

BIGELOW DRIVE
100' R/W

Manhard
CONSULTING LTD

9650 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Managers - Environmental Scientists - Landscape Architects - Planners

NORTH DOUGLAS COUNTY - CARSON CITY
WATER LINE INTER-TIE PROJECT
EASEMENT EXHIBIT - APN 1420-08-501-001

PROJ. MGR.: DCR
DRAWN BY: DKC
DATE: 8-18-10
SCALE: 1"=400'

SHEET
EXHIBIT B
DCDCN5 090249

BK- 0910
PG- 1647
0770074 Page: 6 Of 9 09/09/2010

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EXHIBIT "A"
PERMANENT CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

A strip of land, 20 feet in width, situate in the North ½ of Section 8, Township 14 North, Range 20 East, MDM, Douglas County, Nevada, over a portion of that Parcel shown as Parcel A, on that Record of Survey Map No. 8-14-20, Official Records of Douglas County, Nevada, as Document No. 375266, and being more particularly described as follows:

THE North 20 feet of said Parcel A, parallel with the North line.

CONTAINING: 11,131 square feet of land, more or less.

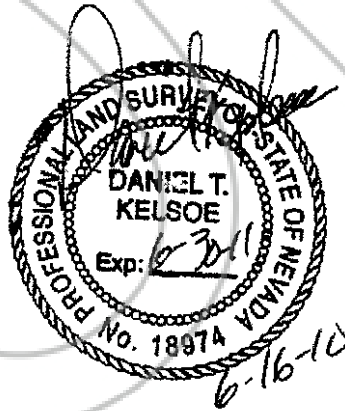
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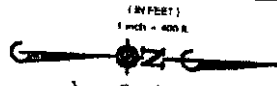
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Daniel T. Kelsoe
P.L.S. 18974
for and on behalf of

 **Manhard**
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RENO, NEVADA 89521
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NORTH DOUGLAS COUNTY - CARSON CITY

WATER LINE INTER-TIE PROJECT

EASEMENT EXHIBIT - APN 1420-08-501-001

PROJ. MGR.: DCR

SHEET

DRAWN BY: DKC

EXHIBIT

B

DATE: 6-15-10

DCDCN5

090249

SCALE: 1"=400'

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COPY

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 9 2010
TRIBUN Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.
By Charles M. Mullock Deputy