

OFFICIAL RECORD

Requested By:  
DC/PUBLIC WORKS

Douglas County - NV  
Karen Ellison - Recorder

Page: 1 Of 15 Fee: 0.00  
BK-1210 PG- 3143 RPTT: 0.00



Assessor's Parcel Number: N/A

Recording Requested By:

Name: Eileen Church, Public Works  
Cynthea Gregory, DA's Office

Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Real Property Transfer Tax: N/A

EASEMENT SETTLEMENT AGREEMENT #2010.220

(Title of Document)

This document is being re-recorded to add additional pages to the intended Exhibit "A".

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

*This cover page must be typed or legibly hand printed.*

DOC # 0770074  
09/09/2010 08:39 AM Deputy: SG  
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:

REC'D DEPUTY  
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

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PG- 3145  
0775378 Page: 3 Of 15 12/13/2010

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.

///  
///  
///  
///

*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: *Jessie Suder*  
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: *[Signature]* 8-18-10  
Dennis Conway date

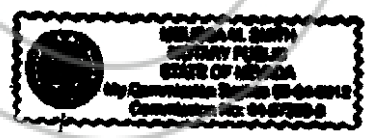
By: *Marcia Conway* 8-18-10  
Marcia Conway date

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.

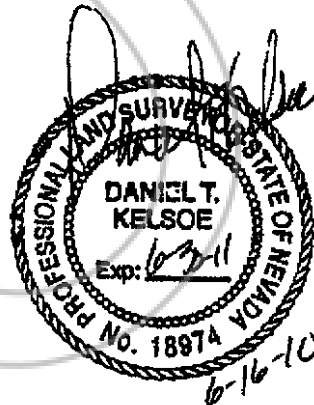
**BASIS OF BEARINGS:** Record of Survey Map No. 8-14-20, Document No. 375266, recorded November 20, 1995. Official Records of Douglas County, Nevada

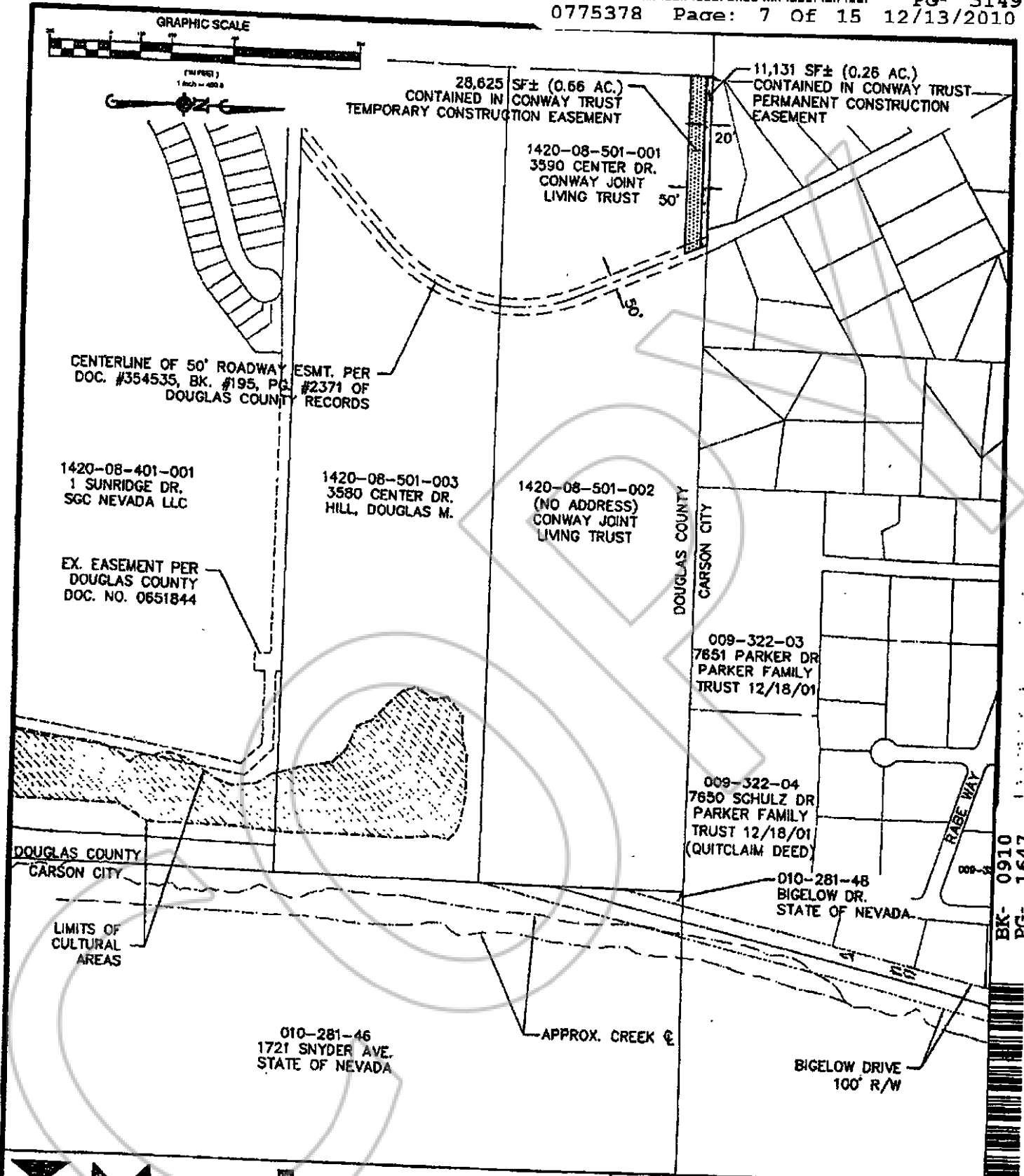
**SURVEYOR'S CERTIFICATE**

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





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

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 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	SHEET
DRAWN BY: DKC	<b>EXHIBIT B</b>
DATE: 8-18-10	DCDCNS 090249
SCALE: 1"=400'	

**EXHIBIT "A"**  
**PERMANENT CONSTRUCTION EASEMENT**  
**LEGAL DESCRIPTION**

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

CONTAINING: 11,131 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**

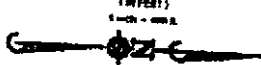
I hereby certify that the attached legal description was prepared by me or under my direct supervision and is accurate to the best of my knowledge and belief.

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

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PG- 1649  
09/09/2010  
0770074 Page: 8 Of 9

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6850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-8800 fax: (775) 746-8820 www.manhard.com  
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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	SHEET	
DRAWN BY:	DKG	<b>EXHIBIT B</b>	<b>DCDCN5 090249</b>
DATE:	5-18-10		
SCALE:	1"=400'		

© 2009 ALL RIGHTS RESERVED

COPY

**CERTIFIED COPY**

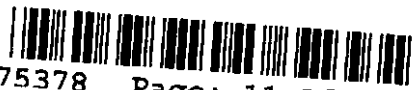
The document to which this certificate is attached is a full, true and correct copy of the original on file and on record in my office.

DATE: Sept 8 2010

TRIAW Clerk of the 9th Judicial District Court

of the State of Nevada, in and for the County of Douglas.

By Paul M. [Signature] Deputy



COPY

**Certified Copy**

The foregoing instrument is a full, true and correct copy of the original on file in the office of the County Recorder of Douglas County, State of Nevada. Per NRS 239b.030 Sec.5 the SSN may be redacted, but in no way affects the legality of the document.

Witnessed my hand this 13<sup>th</sup>

day of December, 2010

By: [Signature]  
Deputy-Recorder

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**LEGAL DESCRIPTION**

A strip of land, 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 B, 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 EAST 80 feet of said Parcel B, parallel with the East line, and the North 70 feet of said Parcel B, parallel with the North line Excepting therefrom the East 30 feet of said Parcel B, parallel with the East line of said Parcel B, and the North 20 feet, parallel with the North line of said Parcel B.

**CONTAINING:** 3.02 acres 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

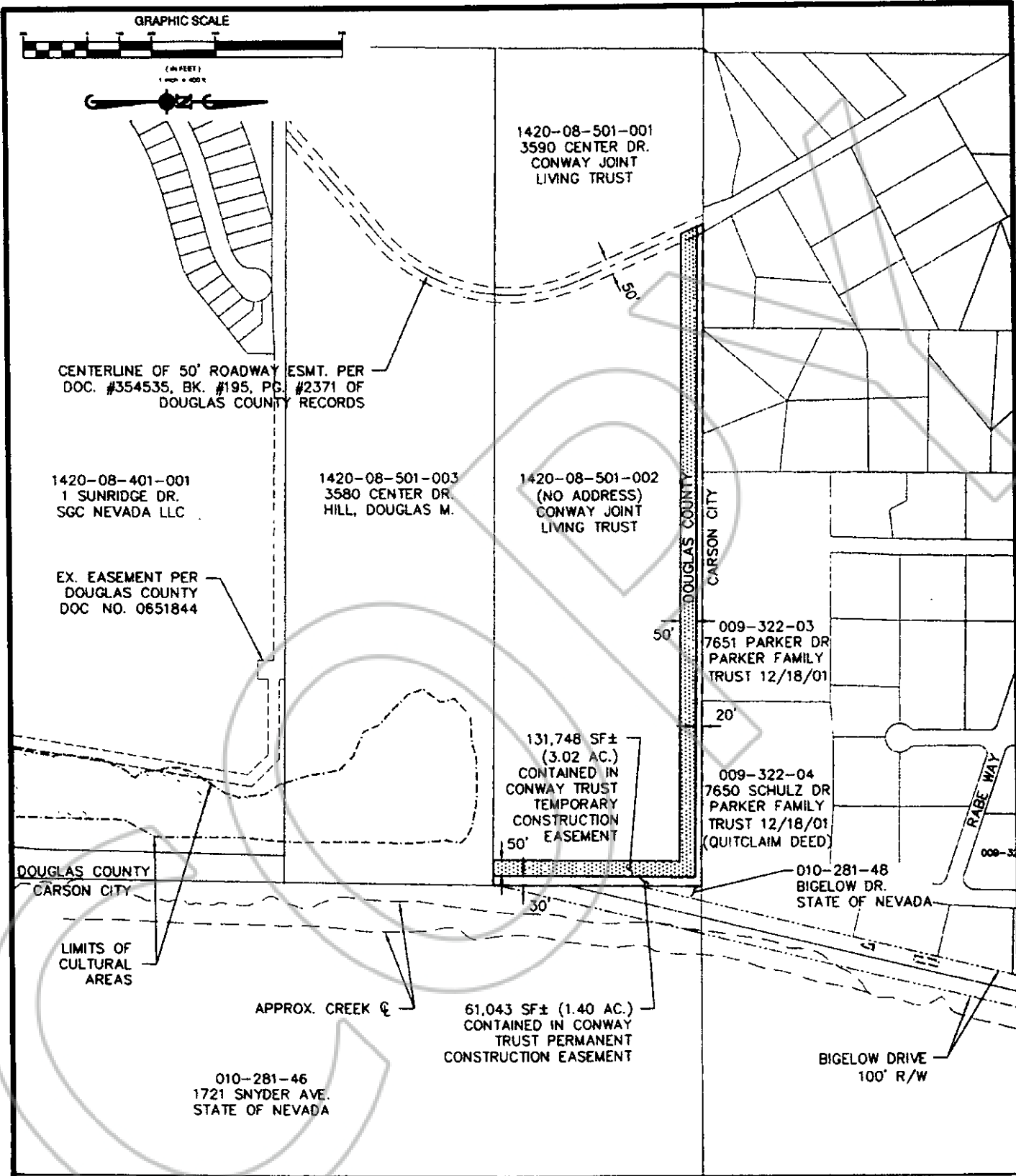
**SURVEYOR'S CERTIFICATE**

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

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Civil Engineers · Surveyors · Water Resources Engineers · Water & Wastewater Engineers  
Construction Managers · Environmental Scientists · Landscape Architects · Planners

<b>NORTH DOUGLAS COUNTY - CARSON CITY</b>	
<b>WATER LINE INTER-TIE PROJECT</b>	
<b>EASEMENT EXHIBIT - APN 1420-08-501-002</b>	
PROJ. MGR.: <u>DCR</u>	SHEET
DRAWN BY: <u>DKC</u>	<b>EXHIBIT B</b>
DATE: <u>6-16-10</u>	<b>DCDCN5 090249</b>
SCALE: <u>1"=400'</u>	

NO PART TO BE REPRODUCED

**EXHIBIT "A"**  
**PERMANENT CONSTRUCTION EASEMENT**  
**LEGAL DESCRIPTION**

A strip of land, 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 B, 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 EAST 30 feet of said Parcel B, parallel with the East line, and the North 20 feet of said Parcel B, parallel with the North line.

**CONTAINING:** 61,043 square feet of land, more or less.

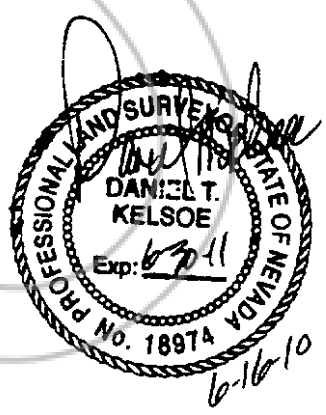
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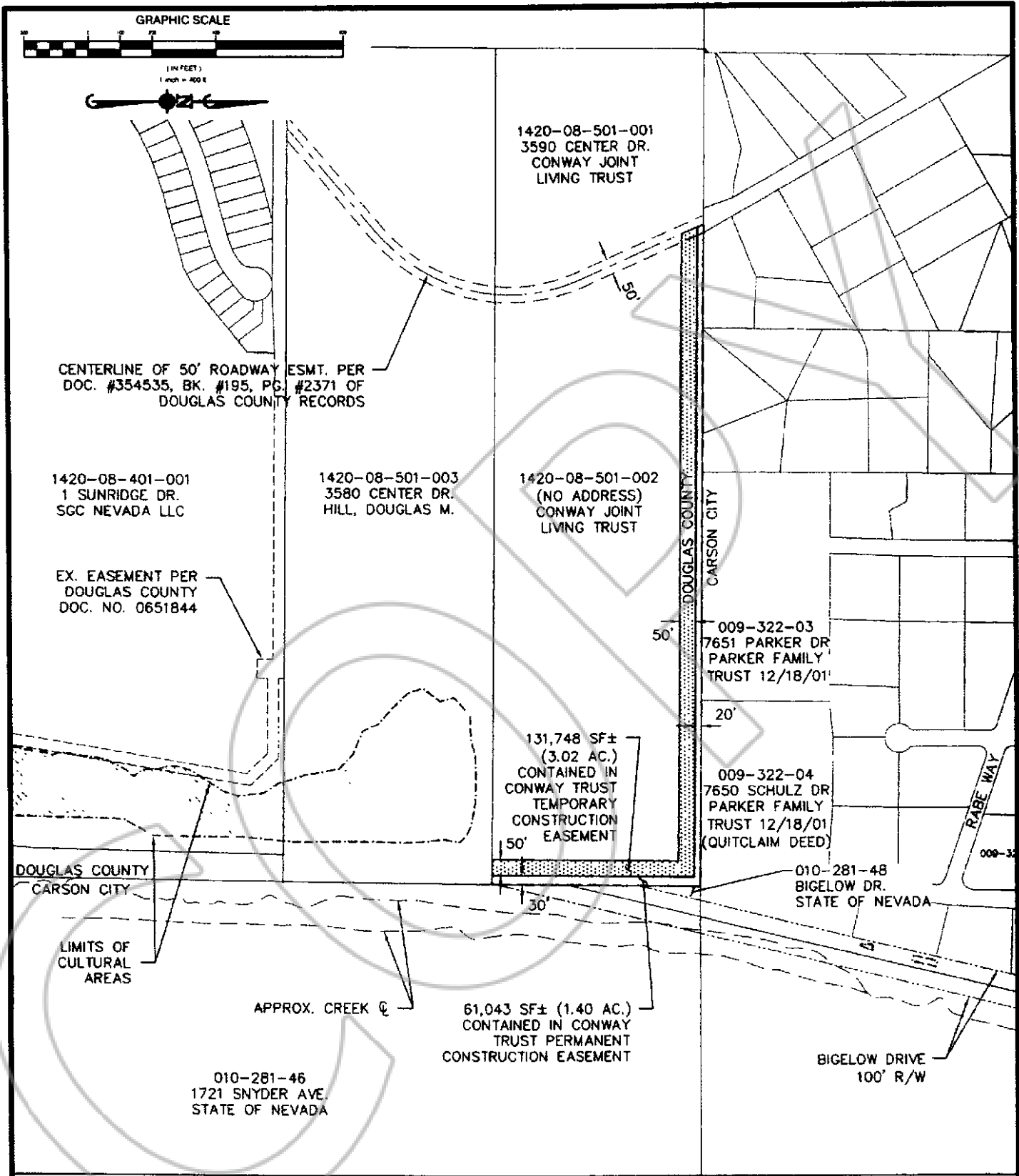
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**NORTH DOUGLAS COUNTY - CARSON CITY**  
**WATER LINE INTER-TIE PROJECT**  
**EASEMENT EXHIBIT - APN 1420-08-501-002**

PROJ. MGR.:	DCR	SHEET	
DRAWN BY:	DKC	<b>EXHIBIT B</b>	<b>DCDCN5 090249</b>
DATE:	8-18-10		
SCALE:	1"=400'		