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**OFFICIAL RECORD**  
Requested By:  
MICHAEL CHAPMAN

APN # 1319-19-802-001

Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 9 Fee: 22.00  
BK-0511 PG- 2613 RPTT: 0.00

Recording Requested By:  
Piaute Pipeline Company

Return To:  
Agnes Hanley, Esq.  
Chapman Law Firm, P.C.  
1100 Bridger Avenue  
Las Vegas, Nevada 89101

**TITLE OF DOCUMENT:**

**ORDER ON PLAINTIFF PAIUTE PIPELINE COMPANY'S MOTION FOR SUMMARY JUDGMENT REGARDING CONFIRMATION OF CONDEMNATION AUTHORITY AND MOTION FOR IMMEDIATE POSSESSION OF PROPERTY INTERESTS, OR IN THE ALTERNATIVE, MOTION FOR IMMEDIATE OCCUPANCY PURSUANT TO NRS 37.100**



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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PAIUTE PIPELINE COMPANY, a Nevada corporation,

Plaintiff,

vs.

358.95 ACRES OF LAND, MORE OR LESS, LOCATED IN DOUGLAS COUNTY, NEVADA; HEAVENLY VALLEY LIMITED PARTNERSHIP, a Nevada Limited Partnership; PLACERVILLE LUMBER COMPANY; DOUGLAS COUNTY SEWER IMPROVEMENT DISTRICT NO. 1, a municipal corporation; CLOVER VALLEY LUMBER COMPANY; TAHOE VILLAGE OWNERS' ASSOCIATION; THE RIDGE TAHOE PROPERTY OWNERS ASSOCIATION; HARICH TAHOE; TAHOE VILLAGE, INC.; HARICH TAHOE DEVELOPMENTS; LAKE TAHOE LAND COMPANY INC., a Nevada corporation; WILLIAM COLE, a married man; SIERRA PACIFIC POWER COMPANY, a Nevada Corporation; CALIFORNIA INTERSTATE TELEPHONE COMPANY, a corporation; CONTINENTAL TELEPHONE COMPANY OF CALIFORNIA, D/B/A/ CONTINENTAL TELEPHONE COMPANY OF NEVADA, a California corporation; FRED TOTAH AND LISA KRISTIN FARMER, husband and wife as joint tenants, and NANCY GRACE KHOURY-SALAMEH AND ROY K. SALAMEH, TRUSTEE, NANCY GRACE KHOURY-SALAMEH, TRUSTEE OF THE SALAMEH FAMILY TRUST DATED MARCH 24, 2003, all as Tenants in Common; STEWART TITLE OF NEVADA HOLDINGS, INC., a Nevada corporation; NANUK REAL ESTATE CONSULTING INC., a Nevada corporation; JACK K. SIEVERS AND DENISE SIEVERS, husband and wife as joint tenants; CENTURY 21, TAHOE PINES REALTY; and UNKNOWN OWNERS,

Defendants.

CASE NO:  
3:10-cv-00661-LRH-RAM

PARCEL NOS:

APN 1319-19-802-003  
APN 1319-00-002-026  
APN 1319-19-702-001  
APN 1319-19-802-006  
APN 1319-19-802-001

**ORDER ON PLAINTIFF  
PAIUTE PIPELINE  
COMPANY'S MOTION  
FOR SUMMARY  
JUDGMENT REGARDING  
CONFIRMATION OF  
CONDEMNATION  
AUTHORITY AND  
MOTION FOR  
IMMEDIATE  
POSSESSION OF  
PROPERTY INTERESTS,  
OR IN THE  
ALTERNATIVE, MOTION  
FOR IMMEDIATE  
OCCUPANCY PURSUANT  
TO NRS 37.100**

1 **ORDER ON PLAINTIFF PAIUTE PIPELINE COMPANY'S MOTION FOR SUMMARY**  
2 **JUDGMENT REGARDING CONFIRMATION OF CONDEMNATION AUTHORITY AND**  
3 **MOTION FOR IMMEDIATE POSSESSION OF PROPERTY INTERESTS, OR IN THE**  
4 **ALTERNATIVE, MOTION FOR IMMEDIATE OCCUPANCY PURSUANT TO NRS 37.100**

5 This matter came before this Court pursuant the filing of Plaintiff Paiute Pipeline Company's  
6 ("Paiute") Motion for Summary Judgment Regarding Confirmation of Condemnation Authority and  
7 Motion for Immediate Possession of Property Interests, or in the alternative, Motion for Immediate  
8 Occupancy Pursuant to NRS 37.100 ("Motion").

9 Defendant William Cole ("Cole") does not oppose Paiute's Motion and stipulated to Paiute's  
10 occupancy of his property. That Stipulation is an order of the Court (Document #86). Paiute and  
11 Defendant Heavenly Valley Limited Partnership ("Heavenly") executed a Stipulation for settlement,  
12 which became an order of the Court (Document # 97). None of the other Defendants filed an  
13 opposition to Paiute's Motion.

14 THE COURT, HAVING REVIEWED PAIUTE'S MOTION, HEREBY FINDS THE UNDISPUTED FACTS TO BE:

15 1. On October 22, 2010, Paiute commenced this action, pursuant to Rule 71.1 of the  
16 Federal Rules of Civil Procedure and the Natural Gas Act, 15 U.S.C. § 717f, to acquire by eminent  
17 domain a perpetual easement, and in some cases temporary easements, on a portion of five properties  
18 located in Douglas County, Nevada for the purpose of constructing the Paiute 2010 Expansion Project  
19 ("Project"). The properties are more accurately described as Douglas County Assessor Parcel Numbers  
20 1319-19-802-003, 1319-00-002-026, 1319-19-702-001, 1319-19-802-006, and 1319-19-802-001, and  
21 depicted on Exhibit B to Paiute's Motion. The Project was approved by the Federal Energy Regulatory  
22 Commission ("FERC") on August 23, 2010.

23 2. Defendant Heavenly is the fee owner of APNs 1319-19-802-003, 1319-00-002-026, and  
24 1319-19-702-001. Defendant Cole is fee owner of APN 1319-19-802-006. Defendants Fred Totah and  
25 Lisa Kristin Farmer, husband and wife as joint tenants, and Nancy Grace Khoury-Salameh and Roy K.  
26 Salameh, Trustees of the Salameh Family Trust Dated March 24, 2003, all as tenants-in-common  
27 ("Totah/ Salameh"), are fee owners of APN 1319-19-802-001. All other Defendants were named  
28 pursuant to FRCP 71.1(c)(3) as persons or entities who may claim an interest in the properties and

1 whose names were identified in the litigation guarantees obtained by Paiute prior to commencing the  
2 present action.

3 3. Defendant Douglas County Sewer Improvement District No. 1 ("DCSID") filed an  
4 Answer to Paiute's complaint, asserting that it has an existing easement which "parallels and overlaps"  
5 Paiute's proposed easement. On April 5, 2011 Defendant DCSID and Paiute submitted a Stipulation  
6 and Order to the Court whereby DCSID disclaimed its interest in the proceedings (Document #109).

7 All other Defendants have either failed to appear after being properly served, disclaimed their  
8 interest in the proceeding, or have no objection or defense to the taking and filed a notice of appearance  
9 pursuant to FRCP 71.1(e)(1).

10 4. Paiute's Motion, filed on October 28, 2010, seeks confirmation of its authority to  
11 condemn the property interests needed for construction of its pipeline and to take immediate possession  
12 of the land for that purpose. Immediate occupancy not later than May 1, 2011 is necessary as Paiute  
13 must complete the construction by August 23, 2011 in order to comply with the Certificate of Public  
14 Convenience and Necessity issued by the FERC.

15 5. Paiute served its Motion by having a process server personally deliver a copy to each  
16 named Defendant in this action.

17 6. On February 15, 2011 Defendant Heavenly and Paiute entered into a Stipulation for  
18 settlement, deposit of money, entry of judgment and entry of final order of condemnation. The Order  
19 was entered on February 18, 2011 (Document # 97). Pursuant to the terms of the Stipulation, on March  
20 1, 2011 Paiute deposited \$15,000.00 with the Clerk of Court. Judgment was entered on March 15,  
21 2011 in favor of Paiute. That same day, a Final Order of Condemnation was submitted to the Court.

22 7. On December 27, 2010 Defendant Cole and Paiute entered into a Stipulation permitting  
23 Paiute's occupancy of his property and nonopposition to Paiute's Motion. Order was entered on  
24 January 18, 2011 (Document #86). Pursuant to the terms of the Stipulation, on January 31, 2011 Paiute  
25 deposited \$8,200.00 with the Clerk of Court.

26 8. Defendants Totah/ Salameh were duly served with process on November 4, 2010 and  
27 have failed to appear in this matter. Consequently, on March 4, 2011 default was entered against them.

28



1 The appraised value of the easement acquired on the Totah Salameh property is \$8,400.00. Exhibit A-2  
2 to Paiute's Motion.

3 THE DEFENDANTS HAVING FILED NO OPPOSITION, AND GOOD CAUSE APPEARING, THE COURT  
4 HEREBY GRANTS PAIUTE'S MOTION TO CONFIRM ITS AUTHORITY TO CONDEMN AND TAKE IMMEDIATE  
5 POSSESSION OF THE PARCELS PURSUANT TO THE FOLLOWING TERMS:

6 1. Paiute may occupy Defendant Heavenly's property pursuant to the terms of the  
7 Stipulation and Order for settlement executed between the parties.

8 2. Paiute may occupy Defendant Cole's property pursuant to the terms of the Stipulation  
9 and Order for occupancy executed between the parties.

10 3. Paiute may occupy Defendant Totah/ Salameh's property, namely, a 20,113 square foot  
11 easement for natural gas utility purposes on a portion of a 3.25 acre parcel, APN 1319-19-802-001, said  
12 right of occupancy to commence the day Plaintiff deposits with the Clerk of Court \$8,400.00, which is  
13 the amount of Paiute's appraisal for the easement rights sought. The easement is more accurately  
14 described in Exhibit 1.

15  
16 IT IS SO ORDERED this 14th day of April, 2011

17  
18  
19 *L. Hicks*

20  
21  
22 LARRY R. HICKS  
23 UNITED STATES DISTRICT JUDGE

24 I hereby attest and certify on 10 May 2011  
25 that the foregoing document is a full, true  
26 and correct copy of the original on file in my  
27 legal custody.

28 CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

By Molly Morrison Deputy Clerk



**EXHIBIT 1**  
**APN # 1319-19-802-001**

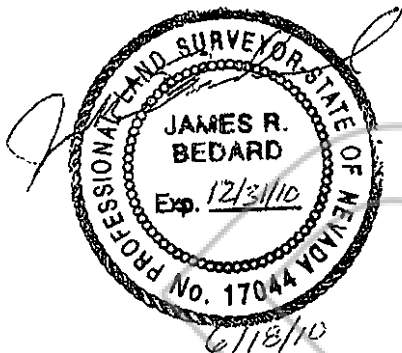
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stantec.com



**Stantec**

June 18, 2010  
Project No. 180401362  
**EXHIBIT "A"**  
**Paiute Pipeline Company**  
**Grant of Easement**  
**APN: 1319-19-802-001**



That portion of the Southeast 1/4 of Section 19, T13N, R19E, MDM, County of Douglas, State of Nevada, more particularly described as follows:

Commencing at a point on the easterly right-of-way line of Tramway Drive, said point being the most southwesterly corner of that parcel designated as Jack K. Sievers property on the Record of Survey for Jack K. Sievers, recorded October 25, 1988 as document No. 189309, Book 1088, Page 3233, Official Records of Douglas County, Nevada, said point being North 63°46'58" West, 2027.84 feet from the Southeast Corner of said Section 19;

Thence North 32°50'28" West 19.40 feet along the easterly right-of-way line of Tramway Drive to the true Point of Beginning;

Thence continuing along said easterly right-of-way line the following two (2) courses:

North 32°50'28" West 11.18 feet to a point on a non-tangent curve to the right, concave easterly, with tangent bearing North 08°49'31" West and a radius of 95.00 feet;

Along said curve, through a central angle of 18°33'51", an arc length of 30.78 feet;

Thence departing said right-of-way line, North 73°06'33" East 2.99 feet to a point on a 855.00 foot radius curve to the left;

Thence along said curve, through a central angle of 05°53'53", an arc length of 88.01 feet;

Thence North 67°12'40" East 72.29 feet to a point on a 505.00 foot radius curve to the right;

Thence along said curve, through a central angle of 24°35'44", an arc length of 216.78 feet to a point on the easterly line of said Sievers property;

Thence along the easterly and northeasterly lines of said Sievers property the following six (6) courses:

South 03°00'59" West 14.04 feet;

South 87°06'41" East 111.98 feet;

South 76°13'26" East 50.00 feet;

South 55°04'26" East 50.00 feet;

South 39°54'41" East 50.00 feet;

South 01°15'19" West 7.64 feet to a point on a non-tangent curve to the left, concave southwesterly, with a tangent bearing North 26°40'14" West and a radius of 100.00 feet;

Thence departing said property line, along said curve, through a central angle of 58°51'38", an arc length of 102.73 feet;

Thence North 85°31'52" West 131.09 feet to a point on a 465.00 foot radius curve to the left;

Thence along said curve, through a central angle of 27°15'28", an arc length of 221.22 feet;

Thence South 67°12'40" West 72.29 feet to a point on a 895.00 foot radius curve to the right;

Thence along said curve, through a central angle of 05°53'53", an arc length of 92.13 feet;

Thence South 73°06'33" West 9.06 feet to the Point of Beginning.

Containing an area of 20,113 square feet of land, more or less.

**BASIS OF BEARINGS:** NAD 83 (94 HARN) Nevada State Plane Coordinate System, West Zone, Modified.



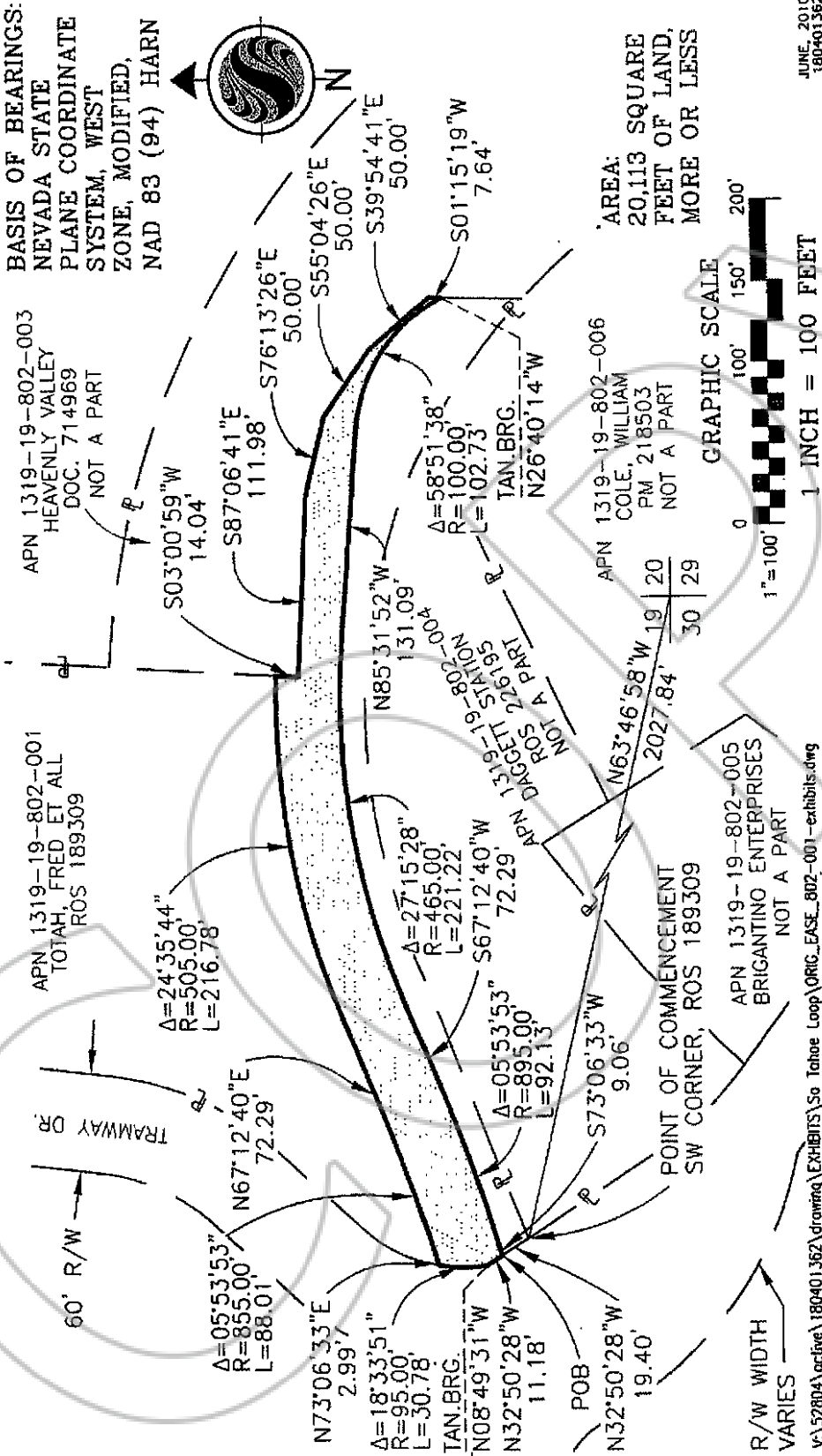
BASIS OF BEARINGS:  
 NEVADA STATE  
 PLANE COORDINATE  
 SYSTEM, WEST  
 ZONE, MODIFIED,  
 NAD 83 (94) HARN

APN 1319-19-802-003  
 HEAVENLY VALLEY  
 DOC. 714969  
 NOT A PART

APN 1319-19-802-001  
 TOTAH, FRED ET ALL  
 ROS 189309

APN 1319-19-802-006  
 COLE, WILLIAM  
 PM 218503  
 NOT A PART

APN 1319-19-802-005  
 BRIGANTINO ENTERPRISES  
 NOT A PART



Client/Project  
 PAUTE PIPELINE COMPANY  
 2010 PAUTE EXPANSION PROJECT  
 SOUTH TAHOE LOOP

Figure No. 1  
 Title  
 PIPELINE EASEMENT  
 EXHIBIT "B"

POINT OF BEGINNING  
 TANGENT BEARING  
 RECORD OF SURVEY MAP  
 PARCEL MAP  
 PROPERTY LINE  
 EASEMENT LINE

Legend  
 POB  
 TAN.BRG.  
 ROS  
 PM

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**Stantec**

ORIGINAL SHEET - ANSI A

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