

APN: 1320-08-001-011

Mail tax statements to:
Moana Nursery
1100 W. Moana Lane
Reno, NV 89509

When Recorded, Mail to:
Chris D. Nichols, Esq.
Incline Law Group, LLP
264 Village Blvd., #104
Incline Village, NV 89451

The undersigned, hereby affirm that this document submitted for recording does not contain the Social Security number of any person or persons. (Per NRS 239B.030)



00162226202209916160060068

KAREN ELLISON, RECORDER

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**AMENDED AND RESTATED PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT
AND IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE PUBLIC ACCESS
AND PUBLIC UTILITY EASEMENT**

This AMENDED AND RESTATED PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT AND IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT ("Amendment"), is made this 2 day of November 2022, by and between MOANA NURSERY (hereinafter referred to as "GRANTOR"); and BENTLY FAMILY, LLC, a Nevada limited liability company, f/k/a BENTLY FAMILY LIMITED PARTNERSHIP, a Nevada limited partnership (hereinafter referred to as "GRANTEE"), and amends, restates, and replaces in its entirety, that Private Access and Public Utility Easement, dated on June 23, 2022, which was recorded as Document Number 2021-971687, in the Official Records of the Recorder's Office for Douglas County, Nevada ("Easement").

This Amendment is for purposes of amending said Easement to designate the access as public access and to further grant an Irrevocable and Perpetual Offer to Dedicate the Public Access and Public Utility Easement, among other things.

WITNESSETH:

That in and for valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR, as owner of Douglas County, Nevada Assessor Parcel No, 1320-08-001-011 (hereinafter the "Real Property"), has this day bargained and sold, and by these presents does bargain and sell, transfer, and deliver unto the GRANTEE, and its successors and assigns forever, a perpetual public access and public utility easement for ingress and egress to and over and under a portion of that real property as described herein below, to construct, maintain, repair, replace, and rebuild access and public utility facilities and improvements. To have and to hold said public access and public utility easement unto the GRANTEE and unto its successors and assigns forever.

The lands affected by the offer of this public access and public utility easement is located in the County of Douglas, State of Nevada, and is more particularly described in the attached **Exhibit A** and the survey map illustrating this easement attached as **Exhibit B** hereto, and incorporated herein by this reference.

Said private access and public utility easement is conveyed pursuant to and is more particularly depicted on the Record of Survey recorded contemporaneously with that Private Access and Public Utility Easement, dated on June 23, 202, which was recorded as Document Number 2021-971687, in the Official Records of the Recorder's Office for Douglas County, Nevada.

GRANTOR as owner of the Real Property, and GRANTEE as holder and beneficiary of the Easement hereby offer to grant, convey and forever assign to Douglas County, a political subdivision of the State of Nevada (hereinafter "County"), an **IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT** for a perpetual public access and public utility easement, for public road and pedestrian walkway purposes and to allow for ingress and egress to and over and under a portion of the Real Property as described hereinabove, and to construct, maintain, repair, replace, and rebuild public road and pedestrian walkway access and public utility facilities and improvements and other incidental uses.

The particular portion of land affected by this Irrevocable and Perpetual Offer to Dedicate Public Access and Public Utility Easement is located in the County of Douglas, State of Nevada,

and is more particularly described in the above referenced **Exhibit A** hereto, and in the survey map illustrating this easement attached as **Exhibit B** hereto.

This offer of dedication is made pursuant to Title 20 of the Douglas County Code (DCC) and, in accordance with DCC 100,090,

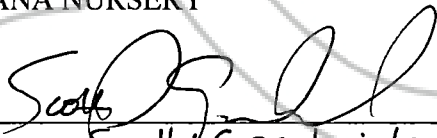
It is understood that this instrument transfers to the County the Easement hereby offered only at such time the County accepts said Easement and until acceptance by the County it shall not assume any responsibility for the land that is subject to said Easement. It is further understood that all ordinary uses of said land are reserved to GRANTOR and GRANTEE as provided herein, until such time as said Easement and offer of dedication are accepted by County.

This Irrevocable and Perpetual Offer to Dedicate Public Access and Public Utility Easement for road and pedestrian walkway access and public utilities facilities shall be irrevocable and shall be binding on the Grantor and Grantee, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have executed this Amended and Restated Public Access and Public Utility Easement and Irrevocable and Perpetual Offer to Dedicate Public Access and Public Utility Easement, the day and year first above written.

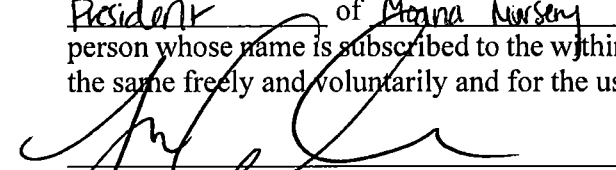
GRANTOR:

MOANA NURSERY

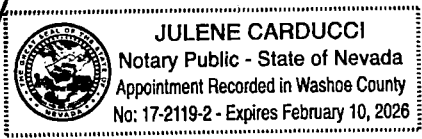
By: 
Name: Scott Gescheider
It's: President

STATE OF NEVADA)
)
 :SS.
 COUNTY OF WASHOE)

On the 2nd day of NOV, 2022, before me personally appeared Scott Geschler as President of Moana Nursery, known to me (or proved to me) to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same freely and voluntarily and for the uses and purposes therein contained.



NOTARY PUBLIC



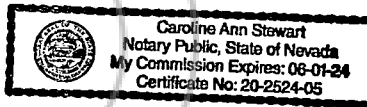
GRANTEE:

BENTLY FAMILY, LLC,
a Nevada limited liability company,
f/ka BENTLY FAMILY LIMITED PARTNERSHIP,
a Nevada limited partnership

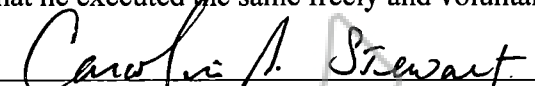
By: 

Name: Jeff Jarboe
Title: Chief Financial Officer

STATE OF NEVADA)
)
 :SS.
 COUNTY OF DOUGLAS)



On the 9 day of Nov, 2022, before me personally appeared Jeff Jarboe, as Chief Financial Officer of Bently Family, LLC, f/k/a Bently Family Limited Partnership, known to me (or proved to me) to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same freely and voluntarily and for the uses and purposes therein contained.



NOTARY PUBLIC

EXHIBIT 'A'
DESCRIPTION
50' ACCESS & PUBLIC UTILITY EASEMENT

All that real property situate in the County of Douglas, State of Nevada, described as follows:

A 50-foot (50') wide strip of land for access and public utility purposes located within a portion of Section 8, Township 13 North, Range 20 East, Mount Diablo Meridian, more particularly described as follows:

COMMENCING at the southeast corner of Parcel 2A as shown on the Record of Survey to Support a Boundary Line Adjustment for Milky Way Farms, Inc. filed for record January 11, 2002 in the office of Recorder, Douglas County, Nevada as Document No. 532066, said point falling on the west line of Heybourne Road;

thence along said west line of Heybourne Road, North $00^{\circ}00'34''$ West, 7.13 feet to the **POINT OF BEGINNING**;

thence South $89^{\circ}54'46''$ West, 348.40 feet;

thence along the arc of a curve to the left, having a radius of 20.00 feet, central angle of $49^{\circ}56'46''$, arc length of 17.43 feet, and chord bearing and distance of South $64^{\circ}56'23''$ West, 16.89 feet to a point on the south line of said Parcel 2A;

thence along said south line of Parcel 2A, South $89^{\circ}54'46''$ West, 66.08 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 26.08 feet, central angle of $51^{\circ}27'33''$, arc length of 23.42 feet, and chord bearing and distance of North $48^{\circ}57'47''$ East, 22.64 feet;

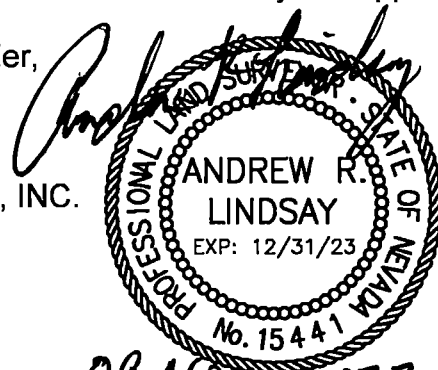
thence along the arc of a reverse curve to the right, having a radius of 70.00 feet, central angle of $66^{\circ}40'45''$, arc length of 81.46 feet, and chord bearing and distance of North $56^{\circ}34'23''$ East, 76.94 feet;

thence North $89^{\circ}54'46''$ East, 348.46 feet to a point on said west line of Heybourne Road;

thence along said west line of Heybourne Road, South $00^{\circ}00'34''$ East, 50.00 feet to the **POINT OF BEGINNING**, containing 0.47 acres, or 20,348 square feet more or less.

The Basis of Bearing for this description is identical to the Record of Survey to Support a Boundary Line Adjustment for Milky Way Farms, Inc. filed for record January 11, 2002 in the office of Recorder, Douglas County, Nevada as Document No. 532066.

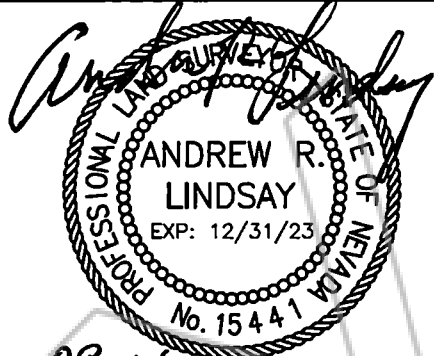
Prepared By: R.O. ANDERSON ENGINEERING, INC.
Andrew R. Lindsay P.L.S. 15441
P.O. Box 2229
Minden, Nevada 89423



09 NOV, 2022

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| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S89°54'46"W | 66.08' |
| L2 | S00°00'34"E | 50.00' |

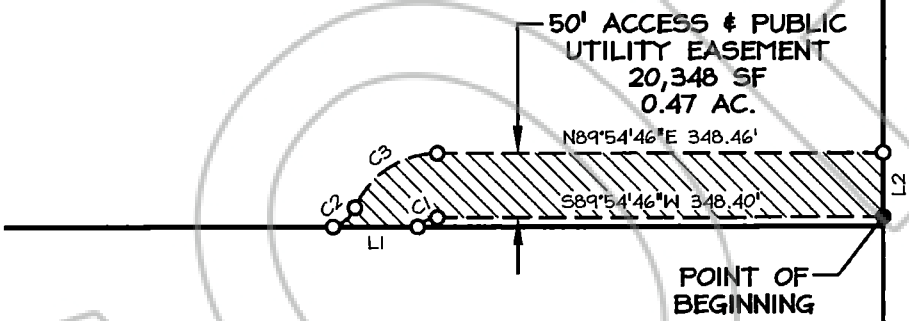


09 NOV 2022

**A.P.N. 1320-08-001-011
BENTLY FAMILY LTD.
PARTNERSHIP**

HEYBOURNE ROAD

A.P.N. 1320-08-002-006
DOUGLAS COUNTY
DOUGLAS COUNTY AIRPORT



A.P.N. 1320-08-002-006
BENTLY FAMILY LTD. PARTNERSHIP

| CURVE TABLE | | | | | |
|-------------|-----------|--------|--------|---------------|--------------|
| CURVE | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD LENGTH |
| C1 | 49°56'46" | 20.00' | 17.43' | S64°56'23"W | 16.89' |
| C2 | 51°27'33" | 26.08' | 23.42' | N48°57'47"E | 22.64' |
| C3 | 66°40'45" | 70.00' | 81.46' | N56°34'23"E | 76.94' |



RO Anderson
WWW.ROANDERSON.COM

MINDEN 1603 Emerald Ave P.O. Box 2229 Minden, NV 89423 p 775.782.2322 f 775.782.7084
RENO 9060 Double Diamond Pkwy, Unit 1B Reno, NV 89521 p 775.782.2322 f 775.782.7084

EXHIBIT 'B'
50' ACCESS & PUBLIC UTILITY EASEMENT
(A PORTION OF A.P.N. 1320-08-001-011)
DOUGLAS COUNTY, NEVADA

11/09/22