

File No. 38796

Gordon and Dorothe Macmillan )  
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  )  
  )  
Magna Power Company )

PARTIAL RELEASE OF LEASE

PARTIAL RELEASE OF LEASE

THIS AGREEMENT, made this 22nd day of August, 1963, between GORDON and DOROTHE MACMILLAN, herein called LESSOR and MAGNA POWER COMPANY, herein called LESSEE.

WITNESSETH:

WHEREAS, the parties hereto have heretofore made and entered into an agreement in writing, to wit a lease, dated June 17, 1959 , and recorded on August 3, 1959, in Book "H", Page 23 of the miscellaneous records of Eureka County, Nevada. The terms and provisions of which LESSOR leased to LESSEE and LESSEE leased from LESSOR for the period of twenty-five (25) years from the date of said lease or for so long thereafter as there is commercial products of steam, electric power or any by-product from condensation of steam. The premises located in Eureka County, State of Nevada, and more particularly described by the copy of deeds attached hereto and made a part hereof by reference, and

WHEREAS, the parties hereto wish to terminate and cancel the portion of said lease covered under the description in the deeds attached hereto and made a part hereof by reference and to release each other from the respective obligation, to keep, observe and perform the conditions, covenants and agreements contained in said lease on the hereinabove described property, and

WHEREAS, the above described property is to be used for an Interstate and Defense Highway System, designated as Interstate Route 80, and will be of great benefit to the respective parties hereto.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

(1) That said portion of lease be and the same hereby is terminated and cancelled and the term thereof is brought to an end as of the 1st day of September, 1963, with the same force and effect as if the term of said lease was by the terms and provisions thereof fixed to expire on June 17, 1984, subject however to the terms, provisions and conditions hereinafter set forth in Paragraph 2.

(2) LESSOR and LESSEE are hereby respectively released and discharged from their respective obligations to perform, keep and observe the agreements, covenants and conditions in said lease on their respective parts to be performed, kept and observed as to that portion of property described in the above attached copy of deed herein made a part of this release of lease by reference. LESSEE agrees to vacate the above described premises on or before 1 September, 1963.

Any or all the conditions, covenants and agreements herein contained shall be binding or inure to the benefits to the parties hereto and their respective heirs, legatees, designees, administrators, executors, successors and assigns. In this agreement whenever the context so requires, the masculine gender includes the feminine and/or neuter and the singular number includes the plural.

Witness our hands this 22nd day of August, 1963.

Gordon Macmillan	Lessor
Dorothe Macmillan	Lessor

Witness our hands this 22nd day of August, 1963.

(CORPORATE SEAL)

MAGMA POWER COMPANY	
B. C. McCabe	Pres. Lessee
M. F. Glenn	Ast. Secty. Lessee

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF Los Angeles)

On August 22, 1963 before me, the undersigned, a Notary Public in and for said County and State, personally appeared B. C. McCABE, known to me to be the President, and M. F. GLENN, known to me to be Ass't. Secretary of the corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal. (NOTARIAL SEAL)

Signature Lillian Elmore  
LILLIAN ELMORE

My Commission Expires July 18, 1966  
Notary Public in and for said County and State

STATE OF NEVADA )  
 ) SS.  
County of Eureka)

On this 12th day of September, 1963, personally appeared before me, the undersigned, a Notary Public in and for the County of ORMSBY State of Nevada, GORDON MACMILLAN AND DOROTHE MACMILLAN known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARIAL SEAL)

George D. Wilkerson  
Notary Public

#### DEED

THIS DEED, made this 30th day of April, 1963, between GORDON and DOROTHE MAC MILLAN, husband and wife hereafter called GRANTORS, and the STATE OF NEVADA, on relation of its Department of Highways, hereafter called GRANTEE,

#### W I T N E S S E T H:

That the GRANTORS, for and in consideration of the sum on One Dollar, (\$1.00), lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, and in accordance with Chapter 408 of the Nevada Revised Statutes do, by these present grant, bargain and sell unto the GRANTEE and to its assigns forever, for those purposes as contained in the aforesaid act, all that certain real property together with any and all abutter's rights, including access rights appurtenant to the remaining property of said GRANTORS in and to Interstate Route 80; said real property situate, lying and being in the County of Eureka, State of Nevada, and being five (5) Parcels of land described as follows:

#### PARCEL NO. 700-A

A piece or parcel of land situate, lying, and being in the County of Eureka, State of Nevada, and further described as being in a portion of the NE-1/4 of the NW-1/4 of Section



36, T. 33 N., R. 48 E., M.D.B.&M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at the northwest corner of the NE-1/4 of the NW-1/4 of said Section 36, said point of beginning is described as being 125.13 feet right of and at right angles to Highway Engineer's Station "Aw" 225+93.61 P.O.T., said point of beginning is further described as bearing EAST a distance of 1307.75 feet from the northwest corner of said Section 36; Thence EAST along the north boundary of said Section 36 a distance of 395.98 feet to an intersection with the right or westerly 100.00 foot Western Pacific Railroad Company's right of way line; thence S. 12° 07' 01" E. along said Western Pacific Railroad Company's right of way line a distance of 254.05 feet to an intersection with the 200.00 foot right or southerly highway right of way line of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254; thence from a tangent that bears N. 78° 04' 53" W. curving to the left along said highway right of way line with a radius of 12,800.00 feet through an angle of 1° 34' 56" an arc distance of 353.47 feet to a point 200.00 feet right of and at right angles to Highway Engineer's Station "Ae" 227+26.77 P.C.; thence N. 70° 39' 49" W. along said highway right of way line a distance of 104.18 feet to an intersection with the west boundary of the NE-1/4 of the NW-1/4 of said Section 36; thence NORTH along said west boundary a distance of 161.48 feet to the point of beginning; said parcel contains an area of 1.94 acres, more or less.

PARCEL NO. 700-B

A piece or parcel of land situate, lying, and being in the County of Eureka, State of Nevada, and further described as being in portions of the following: The NE-1/4 of the NW-1/4 and the NW-1/4 of the NE-1/4 of Section 36, T. 33 N., R. 48 E., M.D.B.&M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a point which is Highway Engineer's Station "Aw" 232+38.78 P.O.C., which bears EAST 1963.46 feet from the northwest corner of Section 36, T. 33 N., R. 48 E., M.D.B.&M.; thence EAST, along the north line of said Section 36, a distance of 824.72 feet to a point on the 200.00 foot left or northerly right of way line of Nevada Interstate Route 80; thence from a tangent which bears S. 74° 13' 17" E., curving to the right, along said left or northerly right of way line, with a radius of 13,200 feet, through an angle of 5° 11' 36" an arc distance of 1196.46 feet to an intersection with the east line of the NW-1/4 of the NE-1/4 of said Section 36, thence SOUTH, along the east line of the NW-1/4 of the NE-1/4 of said Section 36, a distance of 533.42 feet to a point on the 200.00 foot right or southerly right of way line of said Nevada Interstate Route 80; thence from a tangent which bears N. 67° 55' 44" W., curving to the left along said right or southerly right of way line, with a radius of 12,800 feet, through an angle of 9° 10' 06", an arc distance of 2048.23 feet to a point on the left or easterly right of way line of the Western Pacific Railroad; thence N. 12° 07' 01" W. along said left or northerly right of way line of the Western Pacific Railroad, a distance of 302.38 feet to a point on the north line of said Section 36; thence EAST, along the north line of said Section 36, a distance of 55.17 feet to the point of beginning, said parcel contains 21.28 acres, more or less.

PARCEL NO. 700-C

A piece or parcel of land situate, lying, and being in the County of Eureka, State of Nevada, and further described as being in portions of the following: Lot 1, Lot 2, the SE-1/4 of the NW-1/4, the NE-1/4 of the SW-1/4, and the SE-1/4 of Section 31, T. 33 N., R. 49 E., M.D.B.&M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at the intersection of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254 at Highway Engineer's Station "Aw" 267+25.62 P.O.C., and the west boundary of said Section 31, said section line being the west boundary of said described parcel, and further described as bearing NORTH a distance of 4143.53 feet from the southwest corner of said Section 31; thence NORTH along said section line a distance of 225.32 feet to an intersection with the left or northerly 200.00 foot highway right of way line of said Interstate Route 80; thence from a tangent that bears S. 62° 48' 27" E. curving to the right along said highway right of way line with a radius of 13,200.00 feet through an angle of 12° 00' 27", an arc distance of 2766.33 feet to a point 200.00 feet left of and at right angles to Highway Engineer's Equation "Aw" 293+47.05 P.T. = "Aw" 294+61.95 P.O.T.; thence S. 50° 48' 00" E. along said highway right of way line a distance of 3902.88 feet to an intersection with the easterly boundary of the aforementioned Section 31; thence S. 0° 01' 00" W. along said section line, said section line being the easterly boundary of said described parcel, a distance of 274.16 feet to an intersection with the northern boundary of Lot 5 of said Section 31; thence S. 89° 54' 00" W. along said boundary of Lot 5 of said Section 31, a distance of 466.52 feet to an intersection with the right or southerly 200.00 foot highway right of way line; thence N 50° 48' 00" W. along said highway right of way line a distance of 3737.00 feet to a point 200.00 feet right of and at right angles to Highway Engineer's Equation "Ae" 292+75.72 P.T. = "Ae" 294+40.00 P.O.T.; thence from a tangent that bears the last described course curving to the left along said highway right of way line with a radius of 12 800.00 feet through an angle of 10° 39' 01" an arc distance of 2379.29 feet to an intersection with the aforementioned westerly boundary of said Section 31; thence NORTH along said westerly boundary of said Section 31, a distance of 342.05 feet to the point of beginning, said parcel contains 75.85 acres, more or less.

PARCEL NO. 700-D

A piece or parcel of land situate, lying, and being in the County of Eureka, State of Nevada, and further described as being in portions of the following: Lot 3, Lot 4, the SE-1/4 of the NW-1/4, the SW-1/4 of the NE-1/4, the N-1/2 of the SE-1/4, and the SE-1/4 of the SE-1/4, all in Section 5, T. 32 N., R. 49 E., M.D.B.&M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at a point which is Highway Engineer's Station "Aw" 343+31.42 P.O.T., which bears S. 86° 26' 11" E. a distance of 624.07 feet from the southwest corner of Section 32, T. 33 N., R. 49 E., M.D.B.&M.; thence S. 86° 26' 11" E. along the north line of Section 5, T. 32 N., R. 49 E., M.D.B.&M., a distance of 168.95 feet to a point on the present right or southerly right of way line of Nevada State Route 1 (U.S. 40); thence



S. 45° 51' 41" E., along said right or southerly right of way line a distance of 3601.85 feet to a point; thence from a tangent which bears the last described course curving to the left, along said right or southerly right of way line with a radius of 10,180 feet, through an angle of 10° 35' 53" an arc distance of 1883.02 feet to a point; thence S. 56° 27' 34" E., along said present right or southerly right of way line a distance of 84.58 feet to a point on the east line of said Section 5, thence S. 0° 35' 43" W., along the east line of said Section 5, a distance of 5.97 feet to a point on the 200 foot right or southerly right of way line of Nevada Interstate Route 80; thence N. 56° 27' 34" W., along said right or southerly right of way line a distance of 626.04 feet to a point; thence from a tangent which bears the last described course curving to the right, along said right or southerly right of way line with a radius of 10,284 feet, through an angle of 5° 39' 34" an arc distance of 1015.81 feet to a point; thence N. 50° 48' 00" W., along the right or southerly right of way line a distance of 4486.47 feet to a point on the north line of said Section 5; thence S. 86° 26' 11" E., along the north line of said Section 5, a distance of 528.62 feet to the point of beginning; said parcel contains 25.20 acres, more or less.

PARCEL NO. 700-E

A piece or parcel or land situate, lying, and being in the County of Eureka, State of Nevada, and further described as being in portions of the following: the NE-1/4 of the NW-1/4, the N-1/2 of the NE-1/4, and the SE-1/4 of the NE-1/4, all in Section 9, T. 32 N., R. 49 E., M.D.B.&M., and more fully described by metes and bounds as follows, to wit:

.BEGINNING at a point 284 feet right and at right angles to Highway Engineer's Station "Bw" 425+62.06 P.O.T., which bears S. 89° 49' 41" E., a distance of 2150.17 feet from the northwest corner of Section 9, T. 32 N., R. 49 E., M.D.B.&M.; thence S. 89° 49' 41" E., along the north line of said Section 9, a distance of 9.08 feet to a point on the present right or southerly right of way line of Nevada State Route 1 (U. S. 40); thence S. 56° 27' 34" E., along said right or southerly right of way line a distance of 2501.06 feet to a point; thence from a tangent which bears the last described course curving to the left, along the said right or southerly right of way line with a radius of 7,180 feet through an angle of 11° 13' 39", an arc distance of 1406.97 feet to a point on the east line of said Section 9; thence S. 0° 38' 22" W., along the east line of said Section 9, a distance of 66.00 feet to a point on the 200 foot right or southerly right of way line of Nevada Interstate Route 80, thence from a tangent which bears N. 65° 42' 45" W., curving to the right, along said right or southerly right of way line with a radius of 6,684 feet through an angle of 9° 15' 11", an arc distance of 1079.44 feet to a point; thence N. 56° 27' 34" W., along said right or southerly right way line a distance of 2867.73 feet to the point of beginning; said parcel contains 1.29 acres, more or less.

The undersigned GRANTORS further covenant and agree for themselves, their heirs, executors, administrators, successors and assigns as follows, to-wit:

To waive and hereby do waive, with full knowledge that a public highway and the necessary incidents thereto are to be located upon, over and across the lands hereinabove described, any claim for any and all damages to the remaining adjacent lands and property of the GRANTOR by reason of the location, construction, landscaping and maintenance of said highway and appurtenances in said location.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands the day and year first above written.

Gordon MacMillan  
Gordon MacMillan

Dorothe MacMillan  
Dorothe MacMillan

D E E D

THIS DEED, made this 30th day of APRIL, 1963, between GORDON MACMILLAN and DOROTHE MACMILLAN, hereafter called GRANTORS, and the STATE OF NEVADA on relation of its Department of Highways, hereafter called GRANTEE,

W I T N E S S E T H:

That the GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, and in accordance with Chapter 408 of the Nevada Revised Statutes, do, by these presents grant, bargain and sell unto the GRANTEE and to its assigns forever, all that certain real property situate, lying and being in the County of Eureka, State of Nevada, and being two (2) parcels of land described as follows:

PARCEL NO. 700-F

A portion of the W-1/2 of the NW-1/4 of Section 31, T. 33 N., R. 49 E., M.D.B.&M., being a parcel or strip of land sixty (60.00) feet in width, being thirty (30.00) feet wide on each side of the "S" centerline of a connection road being on the left or northerly side of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254, which centerline is more fully described as follows, to wit:

BEGINNING at an intersection of said "S" centerline and the left or northerly 200.00 foot highway right of way line of said Nevada Interstate Route 80 at a point 200.00 feet left of and measured radially from Highway Engineer's Station "Aw" 277+00.00 P.O.C., said point of beginning is described as being at Highway Engineer's Station "S" 14+19.76 P.O.C., said point of beginning is further described as bearing N. 12° 56' 36" E., a distance of 4219.57 feet from the southwest corner of said Section 31, thence from a tangent which bears N. 27° 00' 23" E. curving to the left along said "S" centerline with a radius of 300.00 feet through an angle of 56° 15' 19" an arc distance of 294.55 feet to the point of ending at Highway Engineer's Station "S" 17+14.31 P.T., said point of ending is described as bearing N. 13° 56' 29" E. a distance of 3945.78 feet from the southwest corner of said Section 31, said parcel contains an area of 0.41 of an acre, more or less.



PARCEL NO. 700-G

A portion of the SW-1/4 of the NW-1/4 of Section 31, T. 33 N., R. 49 E., M.D.B.&M., being a parcel or strip of land sixty (60.00) feet in width, being thirty (30.00) feet wide on each side of the "S" center line of a connection road lying on the right or southerly side of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254, which centerline is more fully described as follows, to wit:

BEGINNING at the intersection of said "S" centerline and and west boundary of said Section 31 at Highway Engineer's Station "S" 1492.12 P.O.T., said point of beginning described as bearing NORTH a distance 3551.22 feet from the southwest corner of said Section 31, thence S. 68° 09' 26" E., along said "S" centerline a distance of 464.80 feet to point, thence from a tangent which bears the last described course curving to the left along said "S" centerline with a radius of 250.00 feet through an angle 58° 44' 55" an arc distance of 256.34 feet to the point of ending at Highway Engineer's Station "S" 9+13.26 P.O.C.; said point of ending is described as bearing N. 11° 06' 28" E. a distance of 3475.53 feet from the southwest corner of said Section 31, said point of ending is further described as being 200.00 feet right of and measured radially from Highway Engineer's Station "Ae" 276+64.00 P.O.C., said parcel contains an area of 0.99 of an acre, more or less.

The undersigned GRANTORS further covenant and agree for themselves, their heirs, executors, administrators, successors and assigns as follows, to-wit:

\_\_To waive and hereby do\_\_ waive, with full knowledge that a public highway and the necessary incidents thereto are to be located upon, over and across the lands hereinabove described, any claim for any and all damages to the remaining adjacent lands and property of the GRANTORS by reason of the location, construction, landscaping and maintenance of said highway and appurtenances in said location.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands the day and year first above written.

Gordon Macmillan  
GORDON MACMILLAN

Dorothe Macmillan  
DOROTHE MACMILLAN

## D E E D

THIS DEED, made this 30th day of April, 1963, between Gordon and Dorothe Macmillan, husband and wife, hereafter called GRANTORS, and the STATE OF NEVADA on relation of its Department of Highways, hereafter called GRANTEE,

## W I T N E S S E T H:

That the GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, and in accordance with Chapter 408 of the Nevada Revised Statutes, do\_\_, by these presents grant, bargain and sell unto the GRANTEE and to its assigns forever, all that certain real property situate, lying and being in the County of Eureka, State of Nevada, and further described as being a portion of the lands of the GRANTOR lying in the NW-1/4 of the NE-1/4 of Section 36, T. 33 N., R. 49 E., M.D.B.&M., and more fully described as follows, to wit:

Said parcel being that certain portion of said NW-1/4 of the NE-1/4 of Section 36 lying northerly of the proposed 200 foot left or northerly right of way line of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254, said parcel contains an area of 4.33 acres, more or less.

The undersigned GRANTORS further covenant and agree for themselves, their heirs, executors, administrators, successors and assigns as followd, to-wit:

\_\_To waive and hereby do\_\_ waive, with full knowledge that a public highway and the necessary incidents thereto are to be located upon, over and across the lands hereinabove described, any claim for any and all damages to the remaining adjacent lands and property of the GRANTOR by reason of the location, construction, landscaping and maintenance of said highway and appurtenances in said location.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands the day and year first above written.

Gordon Macmillan  
Gordon Macmillan

Dorothe Macmillan  
Dorothe Macmillan

## D E E D

THIS DEED, made this 30th day of April, 1963, between Gordon and Dorothe Macmillan, husband and wife, hereafter called GRANTORS, and the STATE OF NEVADA on relation of its Department of Highways, hereafter called GRANTEE,

## W I T N E S S E T H:

That the GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful moner of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, and in accordance with Chapter 408 of the Nevada Revised

Statutes, do\_\_, by these presents grant, bargain and sell unto the GRANTEE and to its assigns forever, all that certain real property situate, lying and being in the County of Eureka, State of Nevada, and further described as being portions of the lands of the GRANTOR lying in Lot 1, Lot 2, the E-1/2 of the NW-1/4, the SW-1/4 of the NE-1/4, the NE-1/4 of the SW-1/4, the N-1/2 of the SE-1/4, and the SE-1/4 of the SE-1/4, all in Section 31, T. 33 N., R. 48 E., M.D.B.&M.m and more fully described as follows, to wit:

Said parcel being all those certain portions of said Lot 1, Lot 2, the E-1/2 of the NW-1/4, the SW-1/4 of the NE-1/4, the NE-1/4 of the SW-1/4, the N-1/2 of the SE-1/4, and the SE-1/4 of the SE-1/4 of Section 31 lying northerly of the proposed 200 foot left or northerly highway right of way line of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254, and southerly of the 180 foot right or southerly highway right of way line of Nevada State Route 1 (U.S. 40), said above described parcel contains an area of 50.99 acres, more or less.

Excepting from the above described parcel all existing rights of way.

The undersigned GRANTORS further covenant and agree for themselves, their heirs, executors, administrators, successors and assigns as follows, to-wit:

\_\_To waive and hereby do\_\_ waive, with full knowledge that a public highway and the necessary incidents thereto are to be located upon, over and across the lands hereinabove described, any claim for any and all damages to the remaining adjacent lands and property of the GRANTOR by reason of the location, construction, landscaping and maintenance of said highway and appurtenances in said location.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands the day and year first above written.

Gordon Macmillan  
Gordon Macmillan

Dorothe Macmillan  
Gordon Macmillan

RECORDED AT THE REQUEST OF Pioneer Title Insurance Co. of Nevada September 24, A.D. 1963  
At 49 minutes past 11 A.M.

Willis A. DePaoli - Recorder  
By Helen E. Halstead - Deputy