

THIS INDENTURE, made this 1st day of November, 1963, by and between SOUTHERN PACIFIC COMPANY, a corporation, herein called "Railroad" and STATE OF NEVADA, acting by and through its Department of Highways, herein called "State":

WITNESSETH:

1. Railroad hereby grants to State the right to construct, reconstruct, maintain and use a street or highway, by means of an overpass, hereinafter termed "highway", over, upon and across the following described real property:

State's Parcel 698-A:

Being that certain parcel of land situate within the land, now of the Southern Pacific Company, lying in Southeast quarter of the Southeast quarter of Section 26, in the Southwest quarter of the Southwest quarter of Section 25, and the Northwest quarter of the Northwest quarter of Section 36, all in Township 33 North, Range 48 East, Mount Diablo Meridian, County of Eureka, State of Nevada, described as follows:

That certain parcel in the said Southwest quarter of Section 25 and in said Northwest quarter of Section 36, particularly described as follows:

Beginning at a point in the southwesterly line of said land of said Company distant 200 feet southwesterly, measured radially from Engineer Station "L"-1185+69.21 P.O.C. in the existing center line of Westward main track of said Company, being also northerly 200 feet at right angles from Engineer Station "AW" 215+48.70 P.O.T., in the surveyed center line of Westbound Lane for State of Nevada Interstate Route 80, FEDERAL AID PROJECT I-080-4(6)254, being further described as bearing North 33°41'06" East, 609.67 feet from the southwest corner of said Section 25; thence South 79°39'49" East, leaving said southwesterly line of said land, parallel with and 200 feet northerly at right angles from said surveyed center line, 807.58 feet to a point in the northeasterly line of said land; thence Southeasterly, along said northeasterly line, along a curve to the right of a radius of 1732.47 feet, through an angle of 0°35'31", from a tangent that bears South 29°56'47" East, an arc distance of 17.90 feet; thence Southeasterly, continuing along said northeasterly line of said land, concentric with and 300 feet northeasterly measured radially from said existing center line of main track, the chord thereof bears South 23°35'11" East, 378.47 feet to a point in the Southerly line of said Section 25; thence West, along last said southerly line, 108.83 feet; thence Southeasterly, continuing along the northeasterly line of said land, 400 feet wide, concentric with and 200 feet northeasterly, measured radially from said center line of Westward main track, the chord thereof bears South 23°32'42" East, 164.66 feet to a point in a line parallel with and 200 feet southerly at right angles from the surveyed center line of the Eastbound Lane (said Project I-080-4(6)254); thence North 79°39'49" West, along said parallel line, 480.09

feet to a point in said southwesterly line of said land; thence Northwesterly along said southwesterly line, concentric with and 200 feet southwesterly, measured radially from said center line of Westward main track, the chord thereof bears North $23^{\circ}20'53''$ West, 181.40 feet to a point; thence Northwesterly, continuing along said southwesterly line along a curve to the left of a radius of 1232.47 feet, through an angle of $25^{\circ}39'28''$, from a tangent that bears North $29^{\circ}21'16''$ West at last mentioned point, an arc distance of 551.92 feet to the point of beginning, containing an area of 6.80 acres more or less.

2. Railroad hereby grants to State the right to construct, reconstruct, maintain and use a channel, in connection with State's highway construction, hereinafter termed "highway", upon and across the following described real property:

State's Parcel 698-B:

Being that certain parcel of land situate within the land, now of the Southern Pacific Company, lying in Southeast quarter of the Southeast quarter of Section 26, in the Southwest quarter of the Southwest quarter of Section 25, and the Northwest quarter of the Northwest quarter of Section 36 all in Township 33 North, Range 48 East, Mount Diablo Meridian, County of Eureka, State of Nevada, described as follows:

That certain parcel in said Southwest quarter of the Southwest quarter of Section 25, particularly described as follows:

Being a parcel of land 80 feet wide lying equally 40 feet on each side of the surveyed "H" center line of Nevada Interstate Route 80, Federal Aid Project I-080-4(6)254, said center line "H" being described as beginning at a point, within said land 500 feet wide now of the Southern Pacific Company, distant North $54^{\circ}14'48''$ East, 999.10 feet from the Southwest corner of said Section 25; thence Northeasterly, along a curve to the left of a radius of 540.00 feet, through an angle of $17^{\circ}55'30''$ from a tangent that bears North $78^{\circ}55'32''$ East at said point of beginning, having Engineer Station "H" 0+00 P.O.C. in said surveyed "H" line, an arc distance of 168.94 feet to point in the northeasterly line of said land, 500 feet wide, that is distant 300 feet northeasterly, measured radially from the existing center line of Westward main track of said Company, at or near Engineer Station "L"-1190+00.43 P.O.C.

The side lines of the above described 80 foot wide strip of land terminate in a line at right angles northerly from Engineer Station "Aw" 220+00 R.O.T. in the "Aw" survey line, through said point "H" 0+00 P.C. in said "H" line and along said northeasterly line of said land, 500 feet wide.

The above described 80 foot wide strip of land contains an area of 0.31 of an acre, more or less.

3. For and in consideration of the sum of Three Hundred Dollars (\$300.00), payable in cash, by State to Railroad, Railroad hereby grants to State the right to construct, reconstruct, maintain and use a street

or highway, hereinafter termed "highway", upon and across the following described real property:

All those certain parcels or strips of land situate within the land, now of the Southern Pacific Company lying in the South-half of Section 26, the Southwest quarter of the Southwest quarter of Section 25 and the Northwest quarter of the Northwest quarter of Section 36, all in Township 33 North, Range 48 East, Mount Diablo Base and Meridian, in the County of Eureka, State of Nevada, described as follows:

State's Parcel 698-C:

Being that parcel of land situate in the Southwest quarter and the Southwest quarter of the Southeast quarter of said Section 26, said Township and Range, particularly described as follows:

Beginning in the southerly line of said land, 500 feet wide, of said Company at the southeast corner of the 4.13 acre parcel of land described in Agreement dated December 22, 1937 between the Central Pacific Railway Company, Southern Pacific Company and the State of Nevada, that is distant southerly 200 feet measured radially from Engineer Station "Y" 1133+44.19 P.O.C. in the existing center line of the Westward main track of said Company; said southeast corner being further described as North 23°32'33" East, 1422.19 feet from the southwest corner of said Section 26; thence North 51°43'32" East, leaving said southerly line of said land, 500 feet wide, along the southeasterly line of said 4.13 acres, a distance of 110.86 feet; thence Northeasterly, leaving said southeasterly line of said 4.13 acres, parallel and concentric with and 25 feet northerly at right angles from center line "G2" for Frontage Road according to Survey for Nevada Interstate Route 80; Federal Aid Project I-080-4 (6)254 as follows: North 78°42'49" East, 195.43 feet to a point; along a curve to the right of a radius of 1025 feet, through an angle of 20°33'58" from a tangent that is the last described course at last mentioned point, an arc distance of 367.92 feet to a point; South 80°43'13" East, tangent to last described curve at last mentioned point, 405.77 feet; thence North 9°16'47" East, 25.00 feet to a point in a line parallel with and 50.00 feet northerly at right angles from said "G2" center line of Frontage Road; thence South 80°43'13" East, along last parallel line, 450.00 feet; thence South 9°16'47" West 25.00 feet to a point in a line parallel with and 25 feet northerly at right angles from said "G2" center line; thence South 80°43'47" East, along last said parallel line 547.90 feet to a point; thence Southeasterly, concentric with and 25 feet northeasterly, measured radially from said center line of Frontage Road, along a curve to the right, concentric with said Frontage Road, having a radius of 525.00 feet through an angle of 14°25'38" from a tangent that is the last described course at last mentioned point, an arc distance of 132.20 feet to a point and South 66°17'35" East, tangent to last described curve at last mentioned point, parallel with said center line of Frontage Road, 227.50 feet to a point in the southwesterly line of said land, 500 feet wide; thence Northwesterly, along last said southwesterly line, North 80°40'04" West, 1196.00 feet; continuing Northwesterly along said southwesterly line concentric with and 200 feet southerly measured radially from the existing center line of Westward main track, the chord thereof bears North

80°56'52" West, 117.39 feet to a point; thence Westerly, along a curve to the left, concentric with said center line of Westward main track, having a radius of 4383.69 feet, through an angle of 14°00'13" from a tangent that bears North 81°25'04" West at last mentioned point, an arc distance of 1071.41 feet to the point of beginning, containing an area of 4.28 acres, more or less.

Reserving a right to install a vehicular gate in the northerly line of the above described area. The location of said gate to be determined before any fencing of said northerly line is commenced.

State's Parcel 698-D:

That certain parcel of land situate in said southeast quarter of said southeast quarter of Section 26 and in said southwest quarter of the southwest quarter of Section 25, said Township and Range more particularly described as follows:

Beginning at a point in the southwesterly line of said land, now of the Southern Pacific Company, distant 309.27 feet at right angles northerly of Engineer Station "Aw" 204+69.55 P.O.T. of the surveyed center line of the Westbound lane of Nevada interstate Route 80, Federal Aid Project I-080-4(6)254, being also 200 feet southerly at right angles from the existing center line of the Westward main track of said Company at or near Engineer Station "L" 1173+84 P.O.T. being further described as bearing North 41°02'41" West, 1071.96 feet from the southeast corner of said Section 26; thence South 83°52'02" East, leaving said southwesterly line, 122.43 feet to a point; thence in a general southeasterly direction, concentric with and 25 feet northerly from the surveyed "G2" center line of a Frontage Road the following courses; along a curve to the left of a radius of 475.00 feet, through an angle of 17°49'20" from a tangent that bears South 83°52'02" East at last mentioned point, an arc distance of 147.75 feet to a point; North 78°18'38" East, tangent to last described curve at last mentioned point, 204.82 feet; along a curve to the right of a radius of 525 feet, through an angle of 44°49'33" from a tangent that is the last described course at last mentioned point, an arc distance of 410.74 feet to a point; South 56°51'49" East, tangent to last described curve at last mentioned point, 467.21 feet and along a curve to the right of a radius of 925.00 feet through an angle of 6°19'43" from a tangent that is the last described course at last mentioned point, an arc distance of 102.17 feet to a point that is South 79°39'49" East, 299.00 feet from a point in said southerly line of said land of said Company, distant 200 feet northerly at right angles from Engineer Station "Aw" 215+48.70 in the surveyed "Aw" line of survey for said interstate Route 80; thence North 79°39'49" West, 299.00 feet to the aforesaid southwesterly line of said land; thence northwesterly, along said southwesterly line, concentric with and 200 feet southwesterly, measured radially from said center line of existing Westward main track, along a curve to the left of a radius of 1232.47 feet, through an angle of 16°39'20" from a tangent that bears North 55°00'44" West at last mentioned point, an arc distance of 358.27 feet; continuing along said southwesterly line, concentric with and 200 feet southwesterly measured radially from said existing center line of Westward main track, the chord thereof bears North 77°40'22" West, 418.14 feet and North 80°40'04" West parallel with said center line of main track 318.70 feet to the point of beginning, containing an area of 2.9 acres, more or less.

State's Parcel 698-E:

That certain strip of land situate in said Northwest quarter of the Northwest quarter of Section 36 said Township and Range, particularly described as follows:

Being a strip of land, 50 feet wide, lying equally 25 feet on each side of the following described "G2" center line of Nevada Interstate Route 80 Survey, beginning for said center line at Engineer's Station "G2" 62+34.04 P.O.C., at the intersection thereof with a line parallel with and 284 feet southerly at right angles from Engineer Station "Aw" 223+10.87 P.O.T., further described as bearing South 83°58'48" East, 1006.64 feet from the northwest corner of said Section 36; thence Southeasterly, along a curve to the right of a radius of 1200.00 feet, through an angle of 18°30'51" from a tangent that bears South 25°41'28" East, at the point of beginning, an arc distance of 387.76 feet and South 7°10'37" East, 687.09 feet to a point in the southwesterly line of said land now of the Southern Pacific Company that is 200.00 feet southwesterly at right angles from the existing center line of Westward main track at or near Engineer Station "L" 1205+94 P.O.T., being also South 45°56'21" East, 1664.57 feet from said northwest corner of Section 36.

The side lines of the above described 50 foot wide strip of land terminate in the aforementioned parallel line and in said southwesterly line of said land now of the Southern Pacific Company containing an area of 1.23 acres, more or less.

4. State is hereby permitted to remove grade material from the land described as Parcel 698-D above. State shall measure all material so removed and pay to Railroad nine (9) cents for each cubic yard of material removed. State shall submit to Railroad, for review, State's records containing details of measurements and calculations in connection with material removed.

5. This grant is made subject and subordinate to the prior and continuing right and obligation of Railroad, its successors and assigns, to use all the property described herein in the performance of its duty as a common carrier and for that purpose there is reserved unto Railroad, its successors and assigns, the right (consistent with the rights herein granted) to construct, reconstruct, maintain and use existing and future railroad tracks, facilities and appurtenances and existing and future transportation, communication and pipe line facilities and appurtenances in, upon, over, across and along said property.

6. This grant is also made subject to all licenses, leases, easements, restrictions, conditions, covenants, encumbrances, liens and claims

of title which may affect said property and the word GRANT as used herein shall not be construed as a covenant against the existence of any thereof.

7. The rights herein granted to State shall lapse and become void if the construction or reconstruction of said highway upon said property is not commenced within one (1) year from the date first herein written.

8. This grant shall not be construed as conveying or otherwise vesting in State the right to install or the power to authorize the installation of any ditches, pipes, drains, sewer or underground structures, or the facilities of any telegraph, telephone or electric power lines in, along, over or across said property, except as may be necessary for the maintenance of said highway.

9. State shall obtain any necessary authority and permission required to construct, reconstruct, maintain and use said highway upon said property from the governmental body or bodies having jurisdiction thereover.

10. Should State or its assigns abandon the use of said property, or any part thereof, or fail to use the same for said purposes for a continuous period of one (1) year, the rights granted shall cease to the extent of the use so abandoned or discontinued and Railroad, its successors or assigns, shall at once have the right (in addition to, but not in qualification of, the rights hereinabove reserved) to resume exclusive possession of said property or the part thereof the use of which is so discontinued or abandoned, and upon Railroad's re-entry, State, at State's expense, shall remove said highway from said property and restore said property as nearly as practicable to the same state and condition in which it existed prior to the construction of said highway.

11. State shall record this indenture in the office of the Recorder of the County in the State of Nevada, in which said property is located.

12. The provisions of this indenture shall inure to the benefit of and be binding upon the successors and assigns of Railroad and the assigns of State.

This indenture shall be subject to the provisions of that certain

agreement dated July 23, 1963, between the parties hereto covering the construction and maintenance of said highway.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate by their officers thereunto duly authorized and their respective seals to be hereunto affixed as of the day and year first above written.

SEAL
Affixed



SOUTHERN PACIFIC COMPANY,

By Mr. Jauch
(Title) Assistant Vice President

Attest T. Ryan
Assistant Secretary

SEAL
Affixed

Attest Stanley D. Sundeen
Office Engineer - Secretary
to the Board of Highways

STATE OF NEVADA, acting by and
through its Department of Highways,

By H. O. Smith
State Highway Engineer

Approved as to Legality and form:

Samuel K. Kellie
Chief Counsel / Deputy Attorney
General

STATE OF CALIFORNIA,
City and County of San Francisco } ss.

On this 12 day of November in the year One Thousand Nine Hundred and Sixty Three
before me, NORMAN T. STONE, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared
(65 Market St.) W. M. Jauch and T. F. Ryan, known to me to be the Assistant Vice President and Assistant Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

Norman T. Stone
Corporation Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires October 25, 1964.

FILE NO. 692339
Filed for record at the request of Department of Highways
DEC 11 1963, at 5:2 minutes past 2 P. M. Recorded in
Book 2 of Official Records, page 105, 111, Records of EUREKA
COUNTY, NEVADA.
Fee: \$10.00 Shelley A. DePaul, Recorder.