

A G R E E M E N T.

THIS INDENTURE, made and entered into this 3rd day of October, A. D. 1963, between RUBY HILL MINING COMPANY, a corporation organized and existing under and by virtue of the Laws of the State of Nevada, the Party of the First Part, hereinafter called the Grantor, and the unincorporated TOWN OF EUREKA, a political subdivision of the County of Eureka, State of Nevada, acting by and through the Chairman of the Board of County Commissioners and the Clerk of said Board in their respective positions as officers of said Town and County, by motion duly passed and spread on the minutes of said Board, the Party of the Second Part, hereinafter called the Grantee,

W I T N E S S E T H:

That for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, this day in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, and for the further consideration of the benefits accruing to the Town of Eureka as a whole, the Grantor hereby gives and grants to the Grantee the right, privilege and authority to construct and maintain an underground sewer line within the area five (5) feet on either side of the following described center line:

PARCEL NO. I. -- BLOCK 18

Beginning at Station 32+80 whence the SW corner of Block 18 bears South 18° 46' East - 168 feet, thence North 14° 00' West to Station 36+23, North boundary of Block 18, whence the NW corner bears South 77° 30' West - 29 feet, all in the Town of Eureka, Eureka, Nevada.

PARCEL NO. II. -- TRIANGLE MILLSITE

Beginning at Station 36+47 whence the SE corner bears North 77° 30' East - 130 feet, thence North 14° 00' West to Station

37+96, North boundary of Triangle Millsite, whence the NE corner bears North 77° 30' East - 132 feet, all in the Town of Eureka, Eureka, Nevada.

PARCEL NO. III. -- BLOCK 17

Beginning at Station 29+35 whence the SW corner of Lot 10 bears South 73° 29' West - 10 feet, thence North 24° 30' West to Station 29+75 to a point on the West boundary of Lot 11, whence the SW corner of Lot 11 bears South 1° 01' East - 20 feet, all in the Town of Eureka, Eureka, Nevada,

subject to the following covenants and conditions:

FIRST: That Grantee will at all times hereafter, as long as said sewer line is utilized for public purposes, keep Grantor harmless from any and all accidents which shall or may occur during the construction of such utility and at all times thereafter.

SECOND: That Grantee will at all times, after the completion of the construction of said utility, maintain same in a manner which will create no liability or loss of any kind or nature to the Grantor.

THIRD: That during the period of construction on and while performing any maintenance work as relates to the property of the Grantor, Grantee especially agrees that the same will be done and consummated in a manner which will not damage or affect the interests of the Grantor, and, at all such times Grantee shall restore the surface of the area involved to its normal and usual condition.

IN WITNESS WHEREOF, the unincorporated Town of Eureka, Nevada, a political subdivision, by and through its duly authorized officers, has hereunto set its hand, and the Ruby Hill Mining Company has caused its corporate name to be hereunto subscribed by its Vice President and duly attested corporate seal to be hereto affixed by its Secretary, the day and year herein indicated.

RUBY HILL MINING COMPANY

By John B. Metcalfe  
John B. Metcalfe, Vice President

By Francis Fink  
Secretary

GRANTOR.

TOWN OF EUREKA

By [Signature]  
Chairman, Board of County Commissioners and Governing Board of the Town of Eureka, Nevada.

SEAL  
Affixed

GRANTEE.

ATTEST: [Signature]  
Clerk of said Boards.

Commonwealth of Massachusetts,

)

: SS.

COUNTY OF SUFFOLK

)

On this 3rd day of October, A. D. 1963, personally appeared before me, the undersigned, a Notary Public in and for the County of Suffolk, Commonwealth of Massachusetts, John B. Wetcalfe, known to me to be the Vice President of the corporation that executed the foregoing instrument, and upon oath did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation, and the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument as indicated after said signatures, and that the said corporation were made by the officers of said corporation/executed the said instrument 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 in this certificate first above written.

Lillian M. Young  
 NOTARY PUBLIC in and for the  
 County of Suffolk,  
 Commonwealth of Massachusetts.

My Commission expires:

August 8, 1970

STATE OF NEVADA, )  
 : SS.  
 COUNTY OF EUREKA. )

On this 5<sup>th</sup> day of December, A. D. 1963, personally appeared before me, Sanford A. Bunce, a Notary Public in and for the County of Eureka, State of Nevada, E. C. LEUTZINGER, known to me to be the Chairman of the Board of County Commissioners of said County of Eureka, State of Nevada, and the Governing Board of the unincorporated Town of Eureka, Nevada, and JOAN SHANGLE, known to me to be the Clerk of said Boards, who executed the foregoing instrument, and upon oath did depose that they are acquainted with the seal of said Board of County Commissioners and that the seal affixed to said instrument is the official seal of said Board of County Commissioners; that the signatures to said instrument were made by officers of said Board of County Commissioners and/or Town of Eureka indicated after said signatures; and, that the said Board of County Commissioners and/or Governing Board of the Town of Eureka executed the said instrument 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 at my office in said County of Eureka, State of Nevada, on the day and year in this instrument first above written.



Sanford A. Bunce  
 NOTARY PUBLIC in and for the  
 County of Eureka,  
 State of Nevada.

My Commission expires:  
 February 3, 1965.

FILE NO. 00373  
 Filed for record at the request of Joan Shangle  
DEC 1 1963, at 30 minutes past 10 A M. Recorded in  
 Book 2 of Official Records, page 160-164, Records of EUREKA  
 COUNTY, NEVADA.  
 Fee: \$ No fee Willis A. DePaul, Recorder.