

When Recorded Mail To:

N-56725  
Material Site EU 02-9  
Project SPF-050-4(10)  
E.A. 71744

State of Nevada  
Department of Transportation  
1263 South Stewart Street  
Carson City, NV 89712  
Ptn. of APN 7-320-05

144858

HIGHWAY EASEMENT DEED

(Material Site)

1st

THIS DEED, made this 1st day of February, 1993, by and between the UNITED STATES OF AMERICA, acting by and through the Department of Transportation, Federal Highway Administration, hereinafter referred to as the Department, and the STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the Grantee:

WITNESSETH:

WHEREAS, the Grantee has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317) for the right-of-way of a material site over certain federal land and under the jurisdiction of the Department of the Interior - Bureau of Land Management in the State of Nevada, which land has been appropriated by the Department, and

WHEREAS, the Federal Highway Administrator, pursuant to delegation of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for a material site for construction and maintenance of federal-aid highways including Project SPF-050-4(10); and

WHEREAS, the Department of the Interior, acting by and through the Bureau of Land Management, in its consent to the appropriation of the federal land, has agreed to the transfer by the Department of an easement over the land to the Grantee;

NOW THEREFORE, the Department, as authorized by law, and in compliance with all requirements imposed by or pursuant to Title 49 CFR, Department of Transportation, Subtitle A, Office of Secretary, Part 21, nondiscrimination in federally-assisted programs of the Department of Transportation (49 CFR 21.2 - 21.23) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby grant to the Grantee an easement for a right-of-way for the use of a material site on, over, across, in, and upon the following described federal land within the County of Eureka, State of Nevada:

Township 20 North, Range 52 East, M.D.M.

SECTION

SUBDIVISION

| SECTION | SUBDIVISION                                     |
|---------|-------------------------------------------------|
| 21      | SW 1/4 NW 1/4, N 1/2 S 1/2, S 1/2 SE 1/4 SE 1/4 |
| 22      | W 1/2 SW 1/4                                    |
| 27      | NW 1/4 NW 1/4 NW 1/4                            |
| 28      | N 1/2 NE 1/4 NE 1/4                             |

more particularly described in Exhibit "A" attached hereto and made a part hereof, and as shown on the following described plats:

Drawing Nos.

Dated

Number of Drawings

1 of 1

October 26, 1992

1

marked Exhibit "B" attached hereto and made parts hereof, subject, however, to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the grantee shall obtain such permission as may be necessary on account of any such claims.
- (2) Use of the material site is to be undertaken by the grantee in compliance with the Act entitled "An Act for the preservation of American antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and state laws where applicable.
- (3) The easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event use of the material site is not started during such period.
- (4) The easement herein granted is limited to use of the described right-of-way for the purpose of a material site and or access road in accordance with the following condition numbered (5) and does not include the grant of any rights for nonhighway purposes or facilities: provided, that the right of the Bureau of Land Management to use or authorize the use of any portion of the right-of-way for nonhighway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto, and in any case the Federal Highway Administration shall be consulted prior to the exercise of such rights: and provided, further that nothing herein shall preclude the Bureau of Land Management from locating Department of the Interior information signs on the portions of the right-of-way outside of construction clearing limits, except that such signs shall not be located on the right-of-way of an interstate system.
- (5) Use of the material site situated on this right-of-way will be in accord with the provisions of Title 23, United States Code - Highways, and amendments; the provisions of Title 23, Code of Federal Regulations; the construction specifications of the state highway department as approved by the Federal Highway Administration for use on federal-aid projects.
- (6) Consistent with highway safety standards, the grantee shall:
  - (a) Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
  - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by construction of an access road or the use of the material site, and shall vegetate and keep vegetated with suitable species, as specified in No. (5) above, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The grantee shall maintain all terracing, waterbars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after material extraction or access road construction.

(7) Establish no sites for highway operation and maintenance facilities, camps, supply depots or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the Bureau of Land Management authorized officer.

(8) The grantee shall maintain the right-of-way to acceptable standards of repair, orderliness, neatness, sanitation, and safety.

(9) The grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Department after consultation with the Bureau of Land Management. Application for such approval must be in writing and specify the time, methods, chemicals, and the exact portion of the right-of-way to be chemically treated.

(10) When need for the easement herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and land shall immediately revert to the full control of the Secretary of the Department of the Interior or his assigns.

The grantee, in consideration of the conveyance of said land, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that (a) no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such land and hereby conveyed, (b) that the grantee shall use said land so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation, in effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

In the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have the right to re-enter said land and facilities on said land, and the above-described land and facilities shall thereupon revert to and vest in and become the absolute property of the Department of Transportation and its assigns, as such interest existed prior to this instrument.

IN WITNESS WHEREOF, I, David G. Ortiz  
Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation,  
the Federal Highway Administration, and Chief Counsel, by virtue of authority in me vested by  
law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

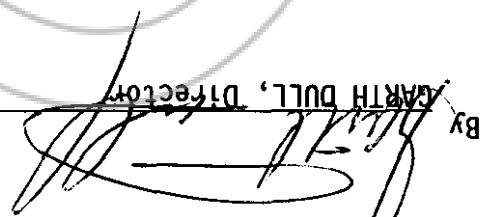
By David G. Ortiz

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                                                                                                                                                                                                                    |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>OPTIONAL SECTION</b><br>CAPACITY CLAIMED BY SIGNER<br>Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.<br><input type="checkbox"/> INDIVIDUAL<br><input type="checkbox"/> CORPORATE OFFICER(S)<br><input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL<br><input type="checkbox"/> ATTORNEY-IN-FACT<br><input type="checkbox"/> TRUSTEE(S)<br><input type="checkbox"/> GUARDIAN/CONSERVATOR<br><input checked="" type="checkbox"/> OTHER: <u>Consul General</u><br><b>SIGNER IS REPRESENTING:</b><br>NAME OF PERSON(S) OR ENTITY(IES) <u>United States of America</u> |  | <b>OPTIONAL SECTION</b><br>SIGNATURE OF NOTARY<br><u>Nancy J. Beals</u><br>WITNESS my hand and official seal.<br>person(s) acted, executed the instrument or the entity upon behalf of which the signature(s) on the instrument the person(s) capacity(ies), and that by his/her/their the same in his/her/their authorized knowledge to me that he/she/they executed subscribed to the within instrument and acknowledged to be the person(s) whose name(s) is/are proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are personally appeared <u>David H. Ortiz</u> NAME OF SIGNER(S)<br><input checked="" type="checkbox"/> personally known to me - OR - <input type="checkbox"/> before me, <u>Nancy J. Beals, Notary Public</u> NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"<br>On <u>2/1/93</u> DATE<br>County of <u>San Bernardino</u><br>State of <u>California</u> |  | <b>OPTIONAL SECTION</b><br>THE DOCUMENT DESCRIBED AT RIGHT:<br>TITLE OR TYPE OF DOCUMENT <u>Highway Counsel Seal</u><br>NUMBER OF PAGES <u>4</u><br>DATE OF DOCUMENT <u>2/1/93</u><br>SIGNER(S) OTHER THAN NAMED ABOVE <u>N/A</u><br>Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form. |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

In compliance with the conditions set forth in the foregoing deed, the State of Nevada, Department of Transportation, certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

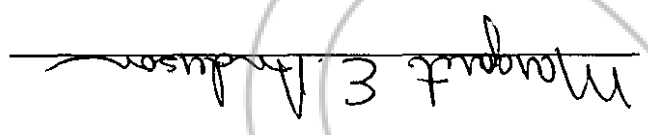
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

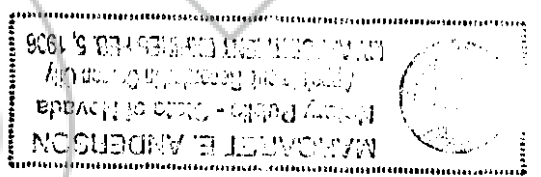
By   
Garth Dull, Director

STATE OF NEVADA  
CARSON CITY  
)  
:  
)

On this 23<sup>rd</sup> day of February, 1993, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, Garth Dull personally known (or proved) to me to be the Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes thereby 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.

  
Margaret E. Anderson



S  
E  
A  
L

D/92-119

-5-

BOOK 246 PAGE 008

EXHIBIT "A"

...situate, lying and being in the County of Eureka, State of Nevada, and more particularly described as being portions of the SW 1/4 of the NW 1/4, the N 1/2 of the S 1/2, and the S 1/2 of the SE 1/4 of the SE 1/4 of Section 21, the W 1/2 of the SW 1/4 of Section 22, the NW 1/4 of the NW 1/4 of Section 27, and the N 1/2 of the NE 1/4 of Section 28, all in T. 20 N., R. 52 E., M.D.M., and further described as follows, to wit:

MATERIAL SITE

BEING all of the S 1/2 of the SE 1/4 of the SE 1/4 of Section 21, the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 22, the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, and the N 1/2 of the NE 1/4 of the NE 1/4 of Section 28, all in T. 20 N., R. 52 E., M.D.M.

ACCESS ROAD

Together with an access road right-of-way sixty (60) feet in width, being thirty (30) feet wide on each side of the following described centerline, to wit:

BEGINNING at the intersection of the north boundary of the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 22, T. 20 N., R. 52 E., M.D.M., and the centerline of the access road; said intersection more fully described as bearing N. 87°36'16" W. a distance of 15,805.12 feet from the southwest corner of Section 19, T. 20 N., R. 53 E., M.D.M.; thence along said access road centerline the following five (5) courses and distances:

- 1) N. 23°19'39" E. - 800.25 feet;
- 2) N. 83°47'54" W. - 1,297.37 feet;
- 3) S. 89°22'15" W. - 2,549.67 feet;
- 4) N. 45°33'37" W. - 1,902.09 feet;
- 5) N. 26°18'37" W. - 240.38 feet to an intersection with the

right or southerly right-of-way line of US-50, the POINT OF ENDING; said point being 200.00 feet right of and measured radially from the centerline of US-50 at Highway Engineer's Station "X" 20+84.57 P.O.C.; said point of ending more fully described as bearing N. 81°38'10" W. a distance of 21,001.69 feet from the southwest corner of Section 19, T. 20 N., R. 53 E., M.D.M.;

said parcel contains an area of 9.35 acres (407,386 square feet), more or less.

The sidelines of the above described sixty (60) foot access road are to be shortened or lengthened so as to begin on the north boundary of the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 22, T. 20 N., R. 52 E., M.D.M., meet at angle points, and to terminate on the right or southerly right-of-way line of US-50.

T.20N., R.52E.  
M.D.M.

"X" E  
Δ=150'14".40"  
R=10,000'  
L=2660.66'

"A" 67+89.76 P.O.C. =  
200' RT. "X" 20+84.57 P.O.C.

N.45°33'37"W - 1902.09'

N.26°18'37"W - 240.38'

"X" 26+60.96 P.T.

1/16 SEC. LINE

1/4 SEC. LINE

SPECIAL STIPULATIONS

Continued Ingress  
access through the  
of the existing road.  
action must be coord

BOOK 24 PAGE 010

EXHIBIT "B"

(FORMER - U S-50)

60' R/W  
EXISTING

TIE: N.81°38'10"W - 21,001.69' FROM SW COR. S1  
T.20N., R.52E., M.D.M.

TO AUSTIN R/W

R/W

200'

200'

30'

50'

40'

50'

5

5

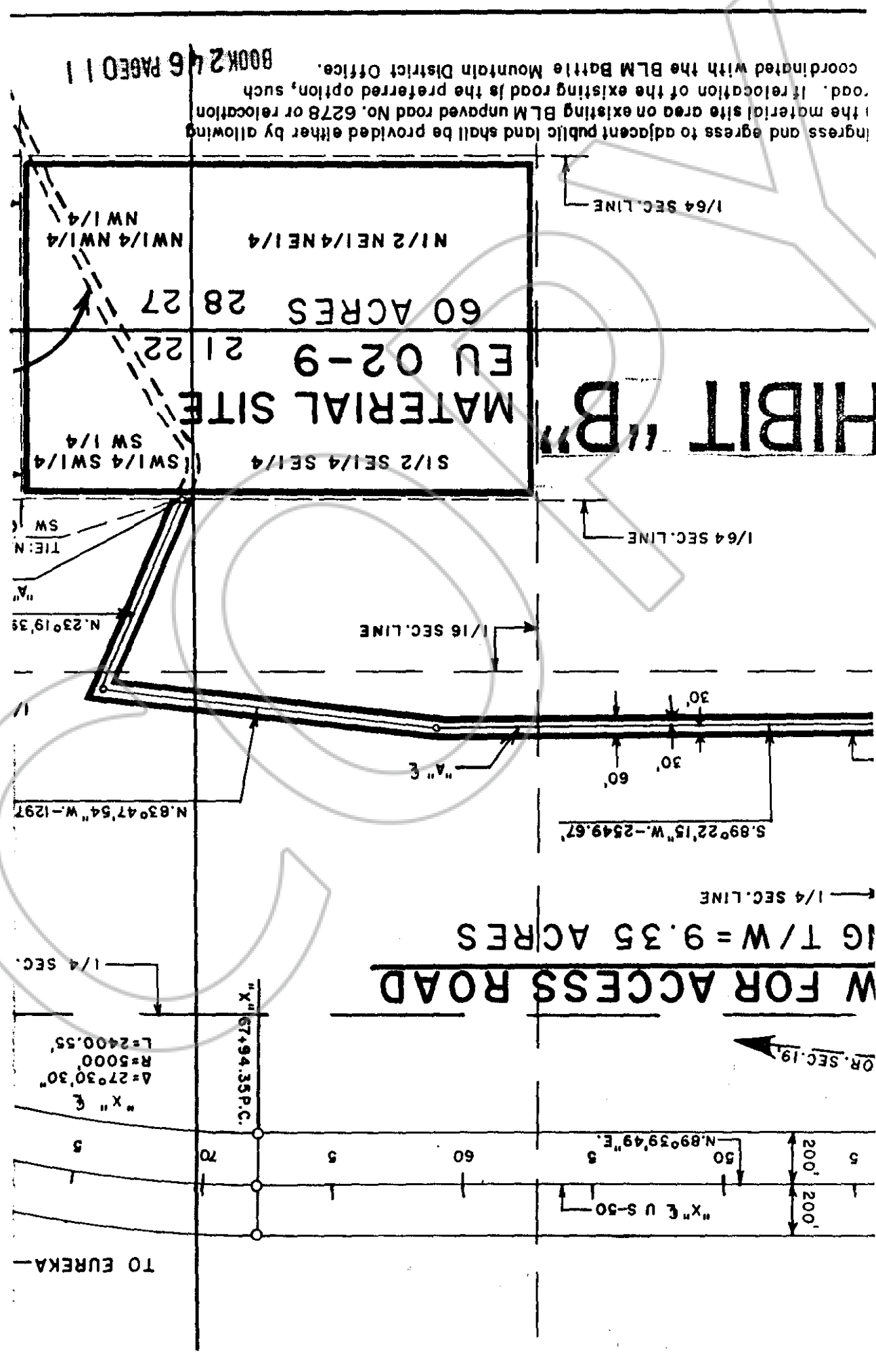
5

20

5

30

# EXHIBIT "B"



BOOK 246 PAGE 011

ingress and egress to adjacent public land shall be provided either by allowing the material site area on existing BLM unpaved road No. 6278 or relocation of the existing road. If relocation of the existing road is the preferred option, such coordinated with the BLM Battle Mountain District Office.

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

"X" E  
 $\Delta = 27^\circ 30' 30''$   
 $R = 5000$   
 $L = 2400.55'$

BOOK 246 PAGE 012

SHEET 1 OF 1 SHEET

SCALE: 1"=500'

JON L. BUNCH  
SUPERVISOR, RIGHT-OF-WAY ENGINEERING

APPROVED BY:

*[Signature]*

DATE: OCTOBER 26, 1992

DEPARTMENT OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION

STATE OF NEVADA

MATERIAL SITE MAP

PROJECT NUMBER SPF-050-4(10)  
ROUTE NUMBER US-50  
MILEPOST NUMBER U-050-EU-026.17  
COUNTY OF EUREKA  
LOCATED APPROXIMATELY 10.6 MILES  
NORTHWEST OF EUREKA

-BLM ROAD NO. 6278

7°36'16"W-15,805.12' FROM  
R-SEC.19,T.20N.,R.153E.,M.D.M.

1/64 SEC. LINE

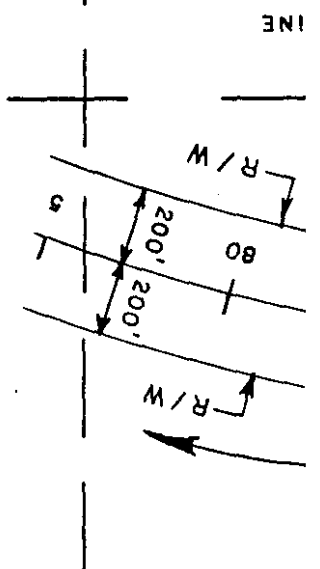
/64 SEC. LINE

E-800.25'  
+00.00 P.O.T.

1 SEC. LINE

EXHIBIT "B"

SERIAL NUMBER N-56725  
EASEMENT DEED RECORDED  
PAGE \_\_\_\_\_ DOCUMENT \_\_\_\_\_  
BOOK \_\_\_\_\_  
19



BOOK 246 PAGE 013

144858

EUREKA COUNTY, NEVADA  
M.N. REBALANCE, RECORDER  
FILE NO. *Fe*  
FEE \$ *ND*

BOOK 246 PAGE 004  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Department of Transportation*  
93 MAR -1 P3:42