

159037

United States Department of the Interior

RECEIVED

SEP 21 1995
EUREKA COUNTY
J.P. THURRADE, ASSESSOR

In Reply Refer To:
N-58945
2700 (NV-932)

Certified Mail - Return Receipt Requested

SEP 19 1995



BUREAU OF LAND MANAGEMENT

Nevada State Office
850 Harvard Way
P.O. Box 12000
Reno, Nevada 89520-0006

Gentlemen:

Eureka County
P.O. Box 257
Eureka, Nevada 89312

The enclosed patent has been issued pursuant to the above-noted case and is evidence of your title to the land described therein.

This is the original document conveying title to the described land from the United States, and should be kept in a safe place. Since Nevada is a recordation state, we also suggest that you record the document with the Eureka County Clerk and Recorder. This recording preserves a permanent record of the document should the original become lost, misplaced, or destroyed.

Sincerely,

(SGD) William K. Stowers

William K. Stowers
Lands Team Lead

Enclosure
1 - Patent No. 27-95-0031

cc: Eureka County Assessor

State Department of Taxation
Division of State Lands
DM, Battle Mountain

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WHEREAS

Eureka County

is entitled to a land patent pursuant to the Act of June 14, 1926 (43 U.S.C. 869 - 869-4), for

Mount Diablo Meridian, Nevada

T. 19 N., R. 53 E.,

sec. 13, NE¼NW¼.

containing 40.00 acres; and

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto Eureka County, the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said Eureka County and to its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All the mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

Eureka County, its successors or assigns, assumes all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or

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indirectly, to the disposal of solid waste on, or the release of hazardous substances from Mount Diablo Meridian, Nevada, T. 19 N., R. 53 E., sec. 13, NE¼NW¼, regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States;

Provided, that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the land in accordance with the approved plan of development on or before the date five years after the date of conveyance. No portion of the land shall under any circumstances revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance;

If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose specified in the application and approved plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon;

The above described land has been conveyed for utilization as a solid waste disposal site by Eureka County, Nevada. Upon closure, the site may contain small quantities of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements;

PURSUANT to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances had been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

87-85-0081

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SUBJECT TO those rights for telephone line purposes granted to Nevada Power Company, its successors or assigns by right-of-way No. CC-023185, pursuant to the Act of March 4, 1911 (43 U.S.C. 961).

The grant of the herein described lands is subject to the following reservations, conditions, limitations:

1. The patentee or its successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 241, and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto, 43 CFR 17, for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.

2. The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

3. The patentee or its successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area of facility conveyed.

4. The reservations, conditions, and limitations contained in paragraphs 1-3 shall constitute a covenant running with the land, binding on the patentee and its successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provisions of similar services or benefits.

5. The assurances and covenant required by paragraphs 1-4 above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Reno, Nevada, the FOURTEENTH day of SEPTEMBER

in the year of our Lord one thousand nine hundred and NINETY-FIVE

and of the Independence of the United States the two hundred and TWENTYETH

By William J. Mc...
Deputy State Director

Natural Resources, Lands and Planning

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Patent Number 27-95-0091

(SEAL)



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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Sierra County
95 SEP 21 AM 11:45
EUREKA COUNTY NEVADA
M.N. REBALATI, RECORDER
FILE NO. *No*
FEES *No*