

Application N-48910
Project SP-000M(28)
E.A. 71971
Material Site EU 18-2

159811

RETURN TO:
Right-of-Way Division
Nevada Department of Transportation
1263 So. Stewart St.
Carson City, NV 89712

PORTION OF A.P.N. # 05-170-05

HIGHWAY EASEMENT DEED
(Material Site)

THIS DEED, made this 13th day of October, 1995, 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 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; 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, Sub-title 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 30 North, Range 48 East, M.D.M.

SECTION

2

SUBDIVISION

Lots 1, 2 and S 1/2 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.

1 of 1

Dated

October 11, 1993

Number of Drawings

1

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

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(1) If outstanding valid claims exist on the date of this grant, 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 and does not include the grant of any rights for non-highway 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 non-highway 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 and the State Department of Transportation 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.

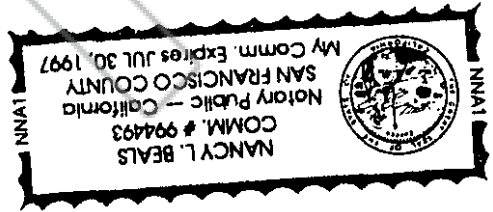
(5) Use of the material site situated on this right-of-way will be in accord with the provisions of Title 23, United States Code - Highways, and amendments; the specifications of the state highway department as approved by the Federal Highway Administration for use on federal-aid projects.

(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, 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 hereby conveyed; and (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.



Signature of Notary

Nancy L. Beals

Witness my hand and official seal.

personally appeared David M. Ortiz, before me Nancy L. Beals, Notary Public, on 10/13/95, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which he acted, executed the instrument.

STATE OF California
 COUNTY OF San Francisco
 on 10/13/95, before me Nancy L. Beals, Notary Public,


By David G. Ortiz
 UNITED STATES OF AMERICA
 DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

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

IN WITNESS WHEREOF, I, David G. Ortiz

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.

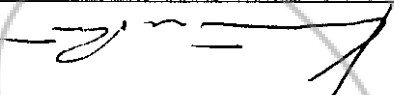
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

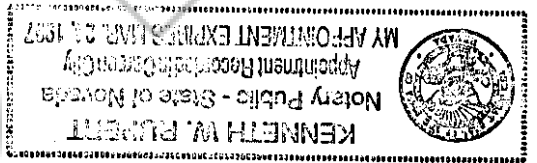
By: 
THOMAS E. STEPHENS, P.E., Director

STATE OF NEVADA
CARSON CITY

On this 13th day of October, 1995, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, Thomas E. Stephens 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.





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A
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EXHIBIT "A"

..... situate, lying and being in the County of Eureka, State of Nevada, and more particularly described as being all of Government Lots 1 and 2, and the S 1/2 of the NE 1/4 of Section 2, T. 30 N., R. 48 E., M.D.M., containing 160 acres, more or less.

COPY

BOOK 289 PAGE 422

SERIAL NUMBER N 48910
 EASEMENT DEED RECORDED _____, 19____
 BOOK _____ PAGE _____ DOCUMENT _____

118011

EXHIBIT "B"

PROJECT NUMBER SP-000M(28)
 ROUTE NUMBER 306
 MILEPOST NUMBER 8.076
 COUNTY OF EUREKA
 LOCATED APPROXIMATELY 6.17 MILES SO. OF
 BEOWAWE

BOOK 289 PAGE 423

MATERIAL SITE MAP

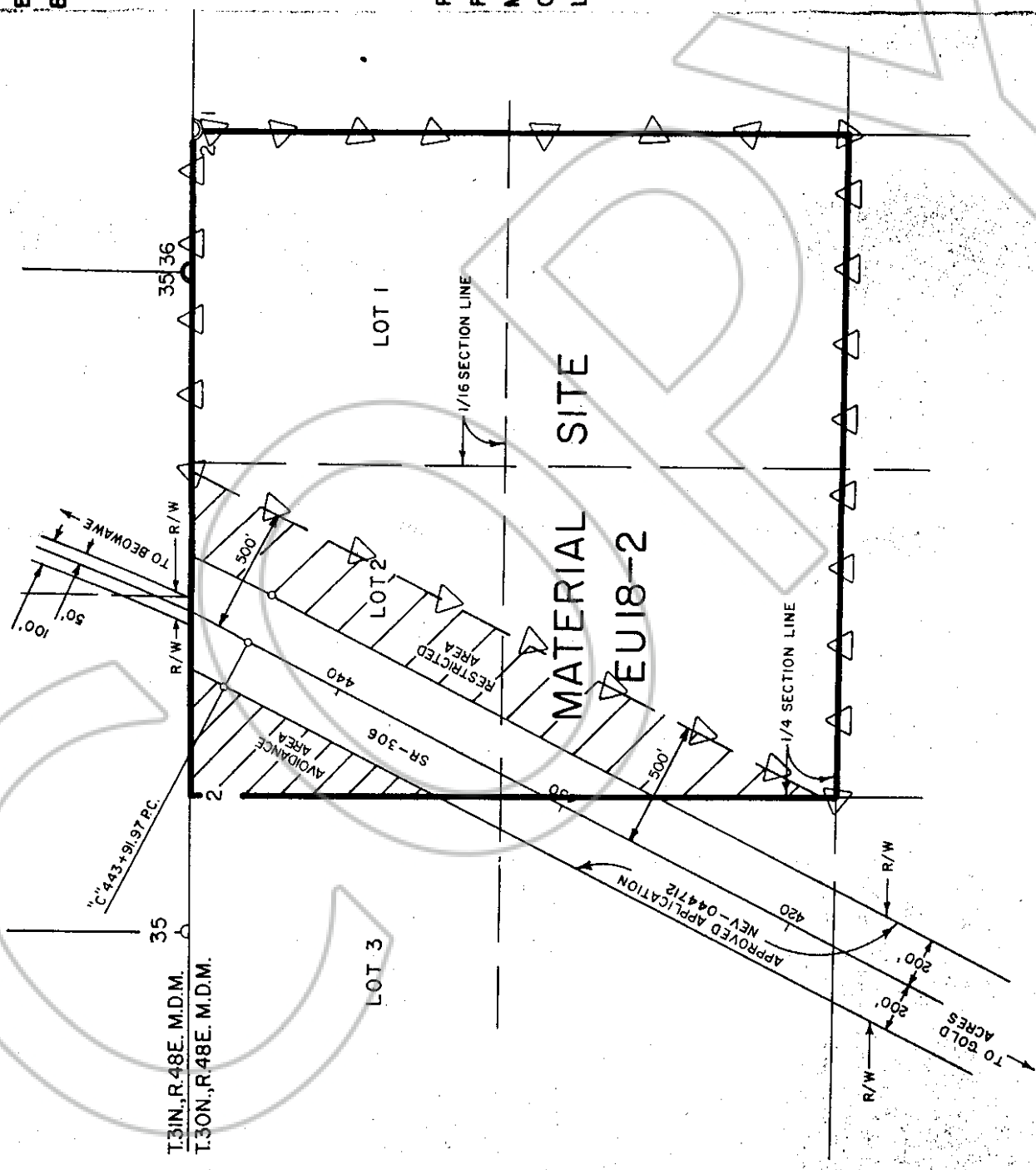
STATE OF NEVADA

DEPARTMENT OF TRANSPORTATION
 RIGHT-OF-WAY DIVISION

DATE: OCTOBER 11, 1993

APPROVED BY: *Jon L. Bunch*
 JON L. BUNCH
 MANAGER, RIGHT-OF-WAY ENGINEERING

SCALE: 1"=500' SHEET 1 OF 1 SHEET



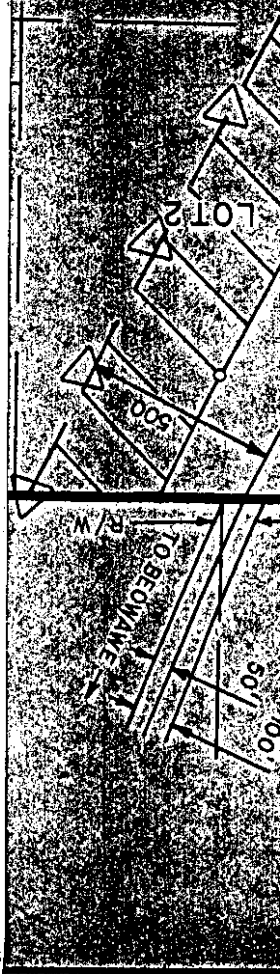
△ GREEN STEEL FENCE POSTS WITH
 AT NOT LESS THAN 300' INTERVALS

TRACED BY
 CHECKED BY

BOOK 289 PAGE 424

COPY

ERIAL
118-2



BOOK 289 PAGE 417
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
State of Nevada
95 NOV - 9 AM 11:27
EUREKA COUNTY NEVADA
M.N. REBALCATTI, RECORDER
FILE NO. 159811
FEES *No*
See