

Return to:
Nevada Department of Transportation
Right-of-Way Division
1263 S. Stewart Street
Carson City NV 89712

170192

N-56725
Material Site EU 02-9

HIGHWAY EASEMENT DEED
(Material Site)

THIS DEED, made this 27th day of May, 1998, 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 20 North, Range 52 East, M.D.M.

SECTION	SUBDIVISION
21	S1/2 NE1/4 SE1/4 and N1/2 SE1/4 SE1/4
22	SW1/4 NW1/4 SW1/4 and NW1/4 SW1/4 SW1/4

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	April 20, 1998	1 of 1

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

- (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 provisions of Title 23, Code of Federal Regulations; and 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, 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.

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.

(9)

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.

IN WITNESS WHEREOF, I, David G. Ortiz 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.

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

STATE OF California
COUNTY OF San Francisco

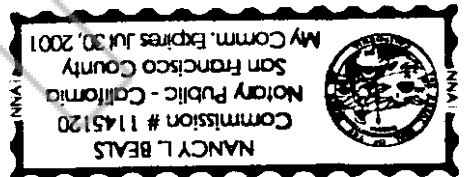
On May 27, 1998

before me David L. H. Ortiz, Notary Public

personally appeared Nancy L. Beale, Notary Public, to me to be the person whose name is subscribed to the within instrument 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.

Witness my hand and official seal.

Nancy L. Beale
Signature of Notary



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
THOMAS E. STEPHENS P.E., Director

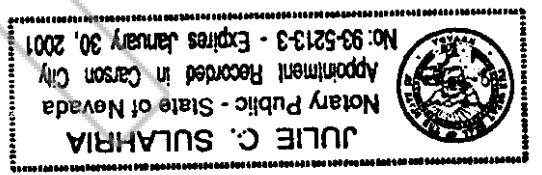
STATE OF NEVADA)
CARSON CITY)

On this 8th day of June, 1998 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.

Julie C. Sulahria



S
E
A
L

EXHIBIT "A"

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

BOOK 8 | 9 PAGE 359

EXHIBIT "B"

MATERIAL SITE MAP

DATE: APRIL 20, 1998

SCALE: 1"=500'

