

178129

May 20, 2002

Eureka, Nevada

LEASE AGREEMENT

WHEREAS, on the 2nd day of September, 1975, the Board of County Commissioners of Eureka County (County) and the Diamond Valley Baptist Church (Church) entered into a written lease agreement for term of ninety-nine (99) years, permitting the County to lease from the Church a 83' x 100' lot to be used as a fire station in Diamond Valley; and

WHEREAS, on the 1st day of September, 1988, the County, acting on behalf of the Diamond Valley Volunteer Fire Department, entered into a written agreement with Clay and Ermyle Cooper (Cooper), binding upon their heirs, assigns, and successors, to secure water for the fire station; and

WHEREAS, the County learned the fire station improvements extend beyond the perimeter of the 83' x 100' leased to the County by the Church; and

WHEREAS, the County permitted the Diamond Valley Weed District to maintain a building upon the leased land

WHEREAS, the County acknowledges the agreement with Cooper is revocable upon six (6) months notice; and

WHEREAS, the County and Church wish to clarify the 1975 lease agreement by replacing it with this new agreement to better define the perimeter of the leased premises and the permissible uses of the land leased.

NOW THEREFORE THIS AGREEMENT is made and entered into on the date and year written above, and replaces in all respects the 1975 lease agreement between the Church and County.

IT IS AGREED AND UNDERSTOOD the Church, its heirs, assigns, and successors, hereby lease the following property to the County for a term of ninety-nine (99) years, beginning September 22, 1975: all of the real property within Diamond Valley, Eureka County, Nevada, described in attachment A to this Agreement (legal description and map),

1 now owned by the Church.

2 IT IS AGREED AND UNDERSTOOD the leased lot shall be used for the purpose of
3 a fire station for fire protection of Diamond Valley, Eureka, Nevada, and may include such
4 fixtures as are necessary to carry out that purpose, including but not limited to building(s),
5 gravel, and a well. In addition, the County may permit the Diamond Valley Weed District
6 to maintain a storage facility on the leased lot.

7 IT IS AGREED AND UNDERSTOOD that no fire drills, practices, or other non-
8 emergency activities will be scheduled at the fire house to be held on Sunday mornings so
9 as to interfere with Church services, and the fire station will not be used for religious
10 purposes.

11 IT IS AGREED AND UNDERSTOOD the Church warrants it owns the leased land
12 but the County assumes all responsibility for the leased land during the lease and shall hold
13 the Church harmless against any liability or lawsuits.

14 IT IS AGREED AND UNDERSTOOD that only in the event the leased property
15 ceases to be used for the purpose stated in this Agreement shall it revert back to the Church,
16 the Church's successors, heirs or assigns, and this Agreement terminate prior to the
17 expiration of the lease term.

18 IT IS FURTHER AGREED AND UNDERSTOOD the consideration to be paid by
19 the County to the Church for this lease shall be 12,000 (Twelve Thousand) square feet in
20 paving to benefit the Church at such time the Gold Street paving project is accomplished.
21 At the time this lease expires the County may remove any and all fixtures placed upon the
22 land, but may also (with the Church's permission) leave certain fixtures upon the land for the
23 benefit of the Church.

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LEGAL DESCRIPTION

PROPOSED LEASE AGREEMENT

All that certain real property and being a portion of land owned by the Ely First Baptist Church as APN 07-220-000 found in deed book 11 page 475 of the Official Records Eureka County, Eureka Nevada, situate in the Northwest ¼ of the Northwest ¼ Section 10, Township 21 North, Range 53 East, M.D.M., and being more particularly described as follows:

BEGINNING at the Southwest Corner of said First Baptist Church Parcel .,

THENCE N.00°10'00"E 31.82 feet along the west section line of said section 10 and also being the west boundary line of said church parcel to a point;

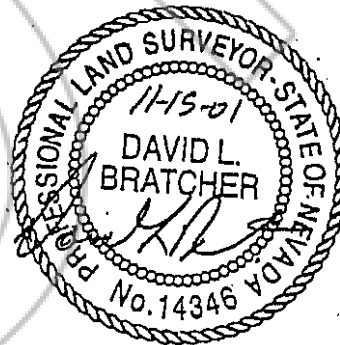
THENCE S.89°58'00"E 37 feet to a point;

THENCE S.00°10'00"W 31.82 feet to a point lying on the south boundary of said church parcel;

THENCE N.89°58'00"W 37 feet along the south boundary line of said church parcel to **THE POINT OF BEGINNING**:

CONTAINING 18,059 S.FT. more or less.

Prepared by
DAVID L. BRATCHER
LUMOS & ASSOC.
800 E. College Wy.
Carson City, NV 89706



I:\PROJ\5182-008\SURVEYS\DEASE

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Exhibit
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A

Prepared By:
LUMOS & ASSOCIATES, INC.
800 E. College Parkway
Carson City, Nevada 89706
775/883-7077

LEGEND



WATER WELL



POWER POLE



TELEPHONE SERVICE

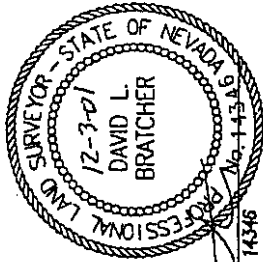


EDGE OF PAVEMENT



SECTION CORNER, (CALCULATED)

SURVEYORS CERTIFICATE



David L. Bratcher
DAVID L. BRATCHER, PLS 14346

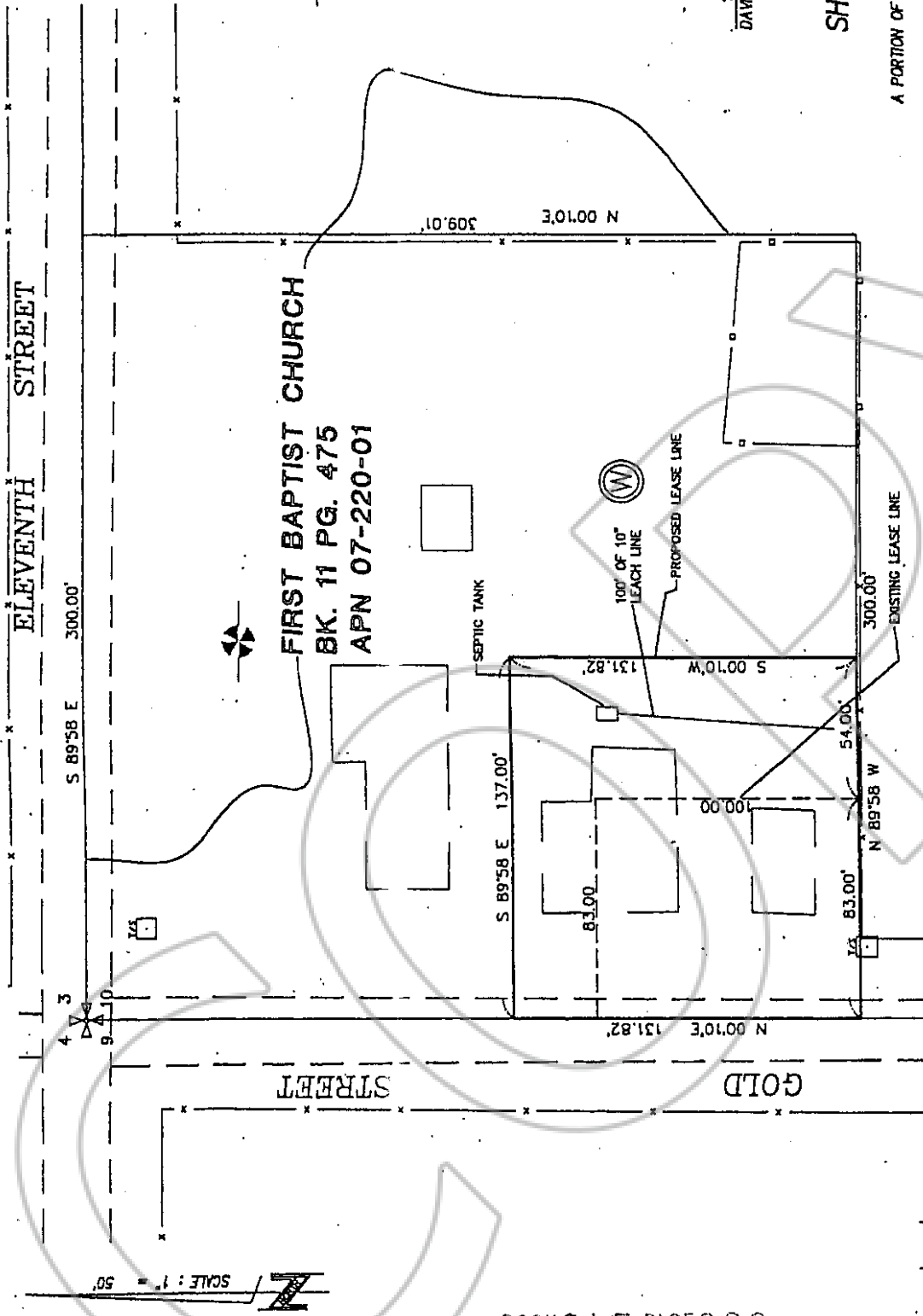
EXHIBIT

SHOWING PROPOSED LEASE LINE

FOR EUREKA COUNTY

A PORTION OF THE NW 1/4 OF SECTION 10, T. 21 N., R. 53 E., M.D.M.
EUREKA COUNTY, NEVADA

JOB NO. 5182008

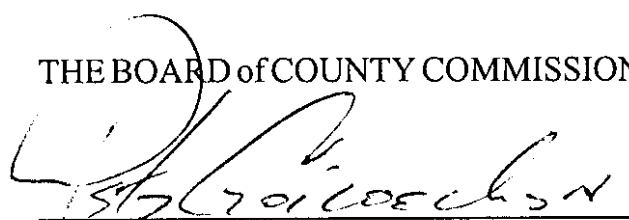


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Exhibit A
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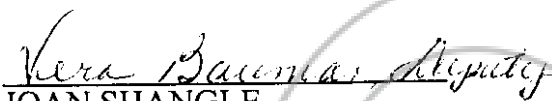
1 IN WITNESS WHEREOF, we have set our hands upon the date and year below
2 written:

3 THE BOARD of COUNTY COMMISSIONERS:

4 
5 PETE GOICOECHEA, Chairman
6 Eureka County Board of Commissioners
7 P.O. Box 677
Eureka, Nevada 89316

8 State of Nevada)
9 County of Eureka) ss.

10 On this 20th day of May, 2002, there appeared before me, the County Clerk
11 in and for said State and Cnty, one PETE GOICOECHEA, known or proven to me to be
12 the Chairman of the Board of County Commissioners of Eureka County, a political
13 subdivision of the State of Nevada, who then and there affirmed to me that he executed the
14 foregoing Lease Agreement on behalf of said County of Eureka, for the purposes therein set
15 forth, and that he is authorized to so execute by vote of the Board of Commissioners of said
16 County, had in open session on the 20th day of May, 2002.

17 
18 JOAN SHANGLE
19 Eureka County Clerk

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CHURCH:

Dale Conway
Dale Conway, Deacon
Diamond Valley Baptist Church
HC62 Box 62131
Eureka, Nevada 89316

State of Nevada)
County of Eureka) ss.

On this 9th day of May, 2002, there appeared before me, a Notary Public in and for said State and County, one DALE CONAWAY, known or proven to me to be the Deacon of the Diamond Valley Baptist Church, who then and there affirmed to me that he executed the foregoing Lease Agreement on behalf of and with approval and consent by said Church.

Joni M. Wright
Notary Public

ATTEST: Cathy Neal
Cathy Neal
Secretary of Church

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Eureka County District Atty
02 MAY 23 PM 2:48
EUREKA COUNTY, NEVADA
KIM REBALEATI, RECORDER
FILE NO. FEES No Fee

178129

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