

APN: 001-194-05

Eureka, Nevada

**GRANT OF EASEMENT FOR  
CHANNEL IMPROVEMENTS**



THIS GRANT OF EASEMENT made this 17 day of August, 2011 and by and between P.J. BENET-DAVIS (hereinafter referred to as "Grantor") and Eureka County, a political subdivision of the State of Nevada (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of that certain parcel located in Eureka County, Nevada generally described as Portions of Block 103 of the Plat of the Townsite of Eureka Nevada as approved by the United States Department of the Interior, General Land Office on November 19, 1937 and recorded as Document Number 127447 in the Official Records of the County of Eureka, State of Nevada, (hereinafter referred to as "Property").

NOW THEREFORE, the undersigned Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, a permanent easement for channel improvements across a portion of the Property more particularly described in Exhibits "A" and "B", which are incorporated by this reference as if fully set forth herein.

IT IS FURTHER AGREED:

1. Grantee, its successors and assigns, shall have at all times ingress and egress to the above described channel improvements for the purpose of constructing, maintaining and repairing them.
2. Grantee, its successors and assigns, shall indemnify and hold Grantor harmless of and from damages to persons, property, or improvements suffered by Grantor or third parties by reason of Grantee's maintenance and repair of the channel improvements, provided Grantee is apprised as soon as possible of any claim of damages.
3. Grantor, their successors and assigns, shall not erect or construct, nor permit to be erected or constructed, any building or obstruction on the easement in a manner to interfere or be inconsistent with Grantee's use of said easement.
4. Grantee shall provided certain improvements to the Grantor's Property, in order to maintain ingress and egress to Grantor's Property, as detailed in Article A, which are incorporated by reference as if fully set forth herein.

THIS GRANT OF EASEMENT shall be binding upon the heirs, executors, administrators, successors in title, successors and assigns of Grantor and Grantee.

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto Grantee, its successors and assigns forever.

IN WITNESS WHEREOF Grantor has hereunto signed on the day and year first above written.

GRANTORS:

*P. Benet-Davis*  
P.J. BENET-DAVIS

STATE OF Nevada )  
County of Eureka ) : ss.

On this 17 day of August, 2011, before me, the undersigned, a Notary Public in and for Eureka County and State of Nevada, appeared P.J. BENET-DAVIS known to me to be the persons who executed the above and foregoing instrument, and who acknowledged to me that they did so freely and voluntarily and for the purposes therein mentioned.

*Kimberly L. Todd*  
NOTARY PUBLIC

KIMBERLY L. TODD  
Notary Public - State of Nevada  
My Commission Recorded in Eureka County  
No: 03-79670-8 - Expires January 3, 2015

## ARTICLE A

The Grantee shall make certain "Improvements" to the Grantor's Property in order to maintain ingress and egress to the Grantor's Property during construction.

The Grantor will allow the Grantee access to construct said certain Improvements.

The certain Improvements shall be as follows:

1. Construct a new forty foot wide driveway to allow ingress and egress to Silver West Street from the Grantor's Property. The driveway shall be surfaced with aggregate base.
2. Construct rock rip-rap slope protection of the fill slope located between the Grantor's Property and Silver West Street and also located east of the new forty foot wide driveway discussed in item 1.
3. Construct 67 linear feet, more or less, of new fence located on the top of the rip-rap slope protection discussed in item 2. Fence shall be constructed of peeler core posts, peeler core top rail, and welded wire fabric.
4. Construct 107 linear feet, more or less, of new fence located on the top of the rip-rap slope channel protection, located adjacent to the Grantor's Property and south of Richmond Drive. Fence shall be constructed of peeler core posts, peeler core top rail, and welded wire fabric.

End



## EXHIBIT "A"

### PORTIONS OF BLOCK 103, SURVEY No. 94, EUREKA TOWNSITE

All that real property situate within a portion of the Northwest One-Quarter (NW 1/4) of Section Twenty-Four (24), Township Nineteen (19) North, Range Fifty-Three (53) East, Mount Diablo Meridian (M.D.M.), County of Eureka, State of Nevada, being portions of Block 103, Survey Number 94, as shown on the Plat of the Townsite of Eureka Nevada as approved by the United States Department of the Interior, General Land Office on November 19, 1937 and recorded as Document Number 127447 in the Official Records of the County of Eureka, State of Nevada, being more particularly described as follows:

#### AREA 1

#### WEST OF EUREKA CANYON CHANNEL

**BEGINNING** at the northerly intersection of the westerly line of the Eureka Canyon Channel as shown on said Plat of the Townsite of Eureka and said Block 103, said point lying on the southerly line of Richmond Street as shown on said Plat of the Townsite of Eureka;

**THENCE** southerly following said westerly line of the Eureka Canyon Channel, South 4°00'00" East, 137.87 feet;

**THENCE** North 19°31'00" West, 49.27 feet;

**THENCE** North 5°02'00" West, 56.22 feet;

**THENCE** North 6°37'00" East, 14.45 feet;

**THENCE** North 19°07'00" West, 19.66 feet;

**THENCE** North 35°54'00" East, 9.55 feet to the southerly line of said Richmond Street;

**THENCE** easterly along said southerly line of Richmond Street, South 63°00'00" East, 12.29 feet to the **POINT OF BEGINNING** and the end of this description.

Containing 1,599 square feet, more or less.



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**AREA 2**  
**EAST OF EUREKA CANYON CHANNEL**

All that real property lying within said Block 103, Survey Number 94 as shown on said Plat of the Townsite of Eureka lying between the Eureka Canyon Channel, Richmond Street and the unnamed alley way adjacent to Block 50 all as shown on said Plat of the Townsite of Eureka, being more particularly described as follow;

**BEGINNING** at the northerly intersection of the easterly line of the Eureka Canyon Channel as shown on said Plat of the Townsite of Eureka and said Block 103, said point lying on the southerly line of Richmond Street as shown on said Plat of the Townsite of Eureka;

**THENCE** easterly following said southerly line of Richmond Street, South 63°00'00" East, 4.48 feet more or less to the intersection of the westerly line of the alley way as shown on said Plat of the Townsite of Eureka, said alley way being abandoned by the County of Eureka per Quitclaim Deed Document Number 178142, Official Records of the County of Eureka, State of Nevada;

**THENCE** leaving said southerly line of Richmond Street southerly along the westerly line of said abandoned alley way, South 4°30'00" East, 230.19 feet to the intersection of said line and the northerly line of said Eureka Canyon Channel;

**THENCE** leaving said abandoned alley way line northwesterly along said northerly line of the Eureka Canyon Channel, North 39°45'00" West, 11.68 feet;

**THENCE** northerly continuing along the easterly line of said Eureka Canyon Channel, North 3°45'00" West, 223.02 feet to the **POINT OF BEGINNING** and the end of this description.

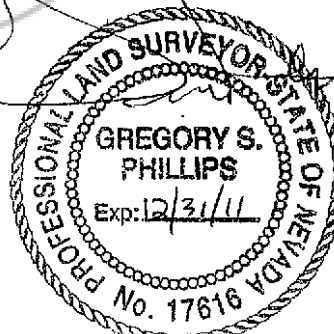
Containing 1,205 square feet, more or less.

The basis of bearing for this description is identical to that said Plat of the Townsite of Eureka Nevada, recorded as Document Number 127447, in the Official Records of the County of Eureka, State of Nevada.

Prepared by:

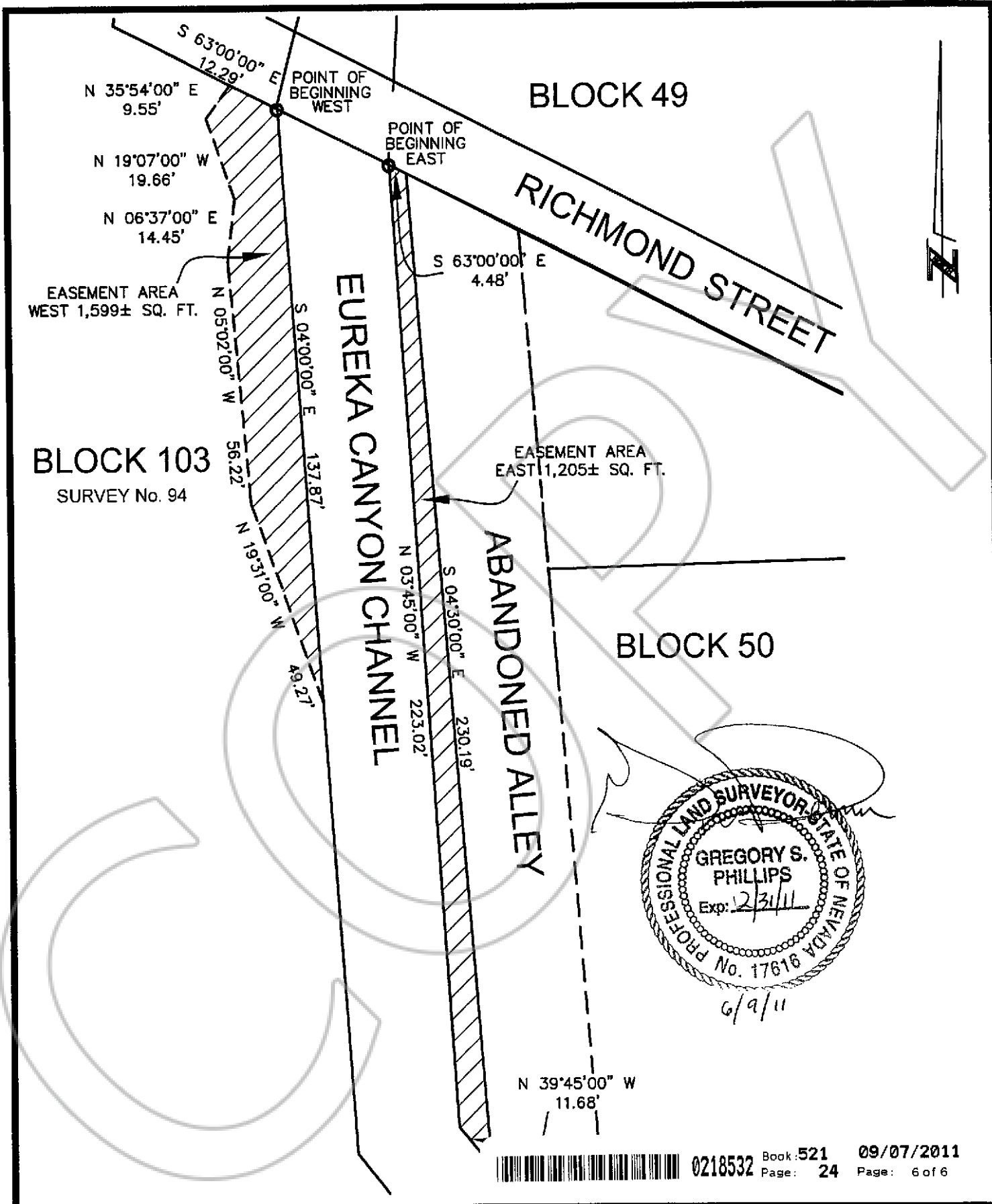
**Lumos & Associates**  
800 East College Parkway  
Carson City, NV 89706

Gregory S. Phillips, P.L.S.  
Nevada Certificate No. 17616



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**LUMOS**  
 & ASSOCIATES  
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EUREKA COUNTY  
**EXHIBIT "B"**  
 PORTION OF BLOCK 103 SURVEY No. 94, EUREKA TOWNSITE  
 EUREKA COUNTY NEVADA

Date: JUNE 2011  
 Scale: 1" = 30'  
 Job No: 7790.001