

APN: 001-201-09

Eureka, Nevada



0218537

**GRANT OF EASEMENT FOR  
CHANNEL IMPROVEMENTS**

THIS GRANT OF EASEMENT made this 1<sup>ST</sup> day of JULY, 2011 and by and between FRANK & ELMER, LLC (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 a Portion of Block 108 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 or near the easement in a manner to interfere or be inconsistent with Grantee's use of said easement.

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:

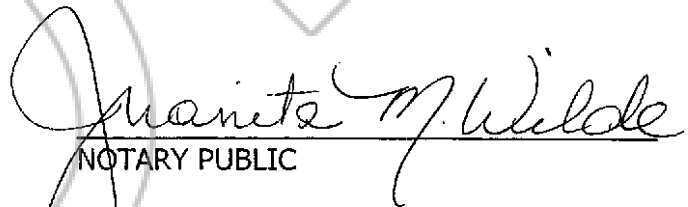


FRANK & ELMER, LLC  
MANAGING MEMBER

STATE OF CALIFORNIA )  
SANTA BARBARA )

: ss.

On this 1 day of JULY, 2011, before me, the undersigned, a Notary Public in and for SANTA BARBARA County and State of CALIFORNIA, appeared FRANK & ELMER, LLC 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.



NOTARY PUBLIC



## EXHIBIT "A"

### A PORTION OF BLOCK 108, SURVEY No. 90, 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 a portion of Block 108, Survey Number 90, lying northerly of the Eureka Canyon Channel, 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:

**BEGINNING** at the westerly intersection of the northerly line of said Eureka Canyon Channel and said Block 108, said point lying on the easterly line of Monroe Street as shown on said Plat of the Townsite of Eureka;

**THENCE** leaving following said easterly line of Monroe Street, North 8°27'30" West, 11.61 feet;

**THENCE** leaving said line, North 30°00'00" East, 12.31 feet;

**THENCE** North 65°00'00" East, 6.74 feet;

**THENCE** North 30°00'00" East, 61.29 feet;

**THENCE** North 5°00'00" East, 14.93 feet to the southerly line of Slag Street as shown on said Plat of the Townsite of Eureka;

**THENCE** easterly along said southerly line of Slag Street, North 81°30'06" East, 38.16 feet more or less to the westerly right of way easement line of Nevada State Highway 50 as shown on sheet number 5 of Nevada Department of Transportation construction drawings for Project Number F002-3(9), said point lying in a curve concave to the west having a radius of 1,950.00 feet;

**THENCE** southerly along said westerly line of Highway 50 and along said curve a distance of 8.27 feet through a central angle of 0°14'35" more or less to the easterly intersection of the northerly line of said Eureka Canyon Channel and said Block 108;

**THENCE** leaving said line of Highway 50 southwesterly along the northerly line of said Eureka Canyon Channel, South 42°00'00" West, 121.38 feet;

**THENCE** continuing along the said northerly line of Eureka Canyon Channel, South 48°59'00" West, 0.31 feet to the **POINT OF BEGINNING** and the end of this description.

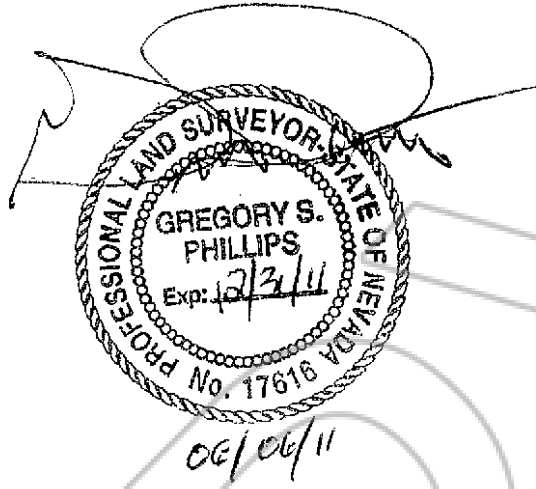
Containing 1,977 square feet, more or less.

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.



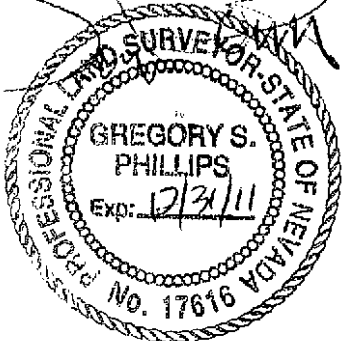
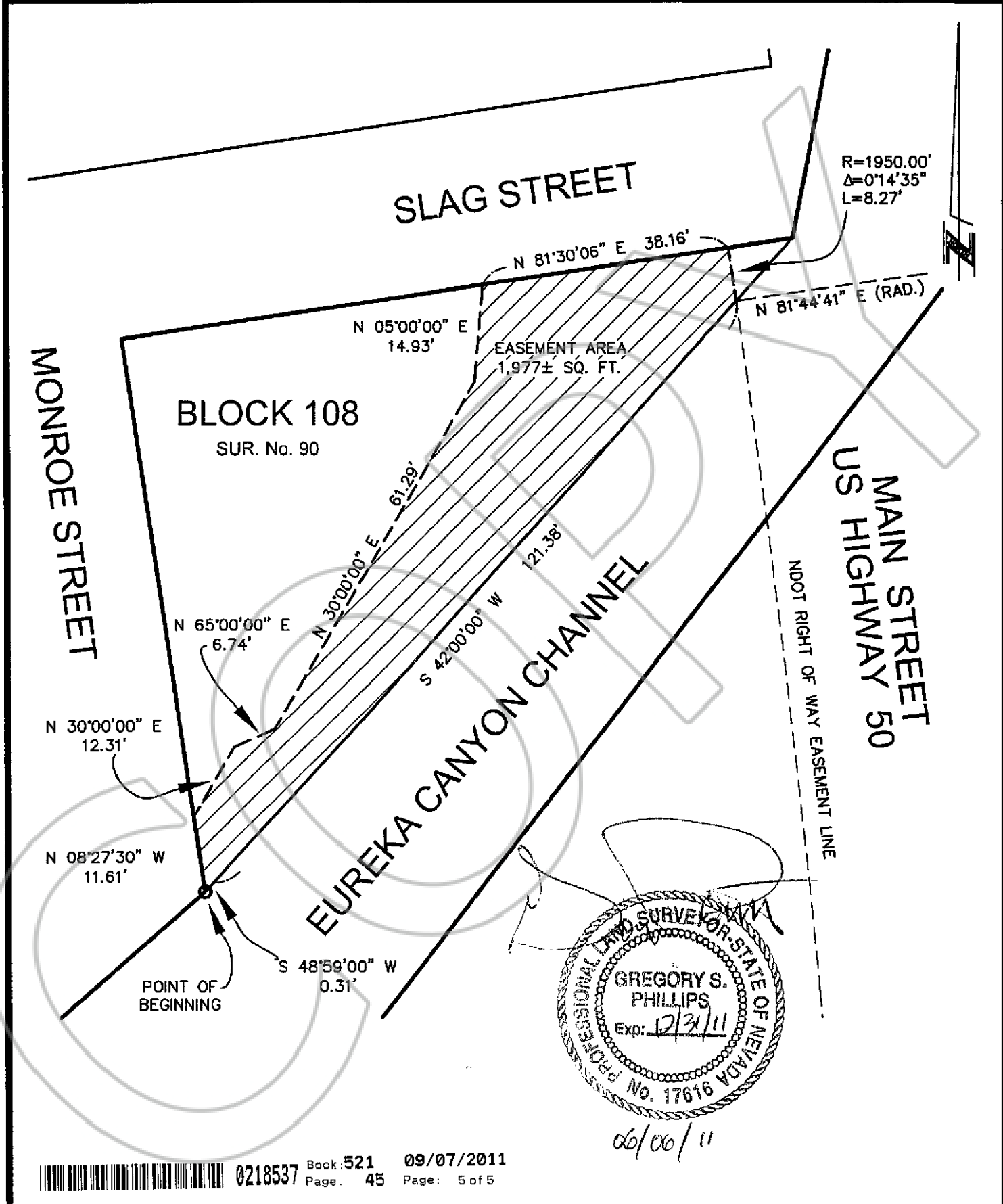
Prepared by:

**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 108, SURVEY No. 90, EUREKA TOWNSITE  
 EUREKA COUNTY

Date: JUNE 2011  
 Scale: 1" = 20'  
 Job No: 7790.001