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DOC # 0222169

11/20/2012 02:28 PM

Official Record

Recording requested By
EUREKA COUNTY COMMISSIONERS

Eureka County - NV

Mike Rebaleati - Recorder

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RPTT: _____ Recorded By: FES
Book- 542 Page- 0088



0222169

Please complete Affirmation Statement below:

I the undersigned hereby affirm that this document submitted for recording contains the social security number of a person or persons as required by law:

Signature (Print name under signature)

Title

RESOLUTION GRANTING EASEMENT ALONG MONROE STREET

(Insert Title of Document Above)

Only use the following section if one item applies to your document

This document is being re-recorded to _____

-OR-

This document is being recorded to **correct** document # _____, and is correcting _____

If **legal description** is a metes & bounds description, furnish the following information:

Legal description obtained from _____ (Document Title), Book _____ Page _____
Document # _____ recorded _____ (date)
in the Eureka County Recorder's Office.

-OR-

If Surveyor, please provide name and address:

GREGORY S. PHILLIPS, P.L.S. 17616

800 EAST COLLEGE PARKWAY, CARSON CITY, NV 89706

This page added to provide additional information required by NRS 111.312 Sections 1-4. (Additional recording fee applies)

RESOLUTION

OF THE BOARD OF EUREKA COUNTY COMMISSIONERS GRANTING AN EASEMENT FOR EMPLACEMENT OF A RETAINING WALL ALONG MONROE STREET IN EUREKA

WHEREAS, on August 20, 2012, according to the minutes, a true and correct copy of which is attached, the Board of Eureka County Commissioners approved a request by the owner of real property adjacent to Monroe Street in Eureka, Nevada to build a short retaining wall with concrete blocks to level out the real property and assist in shoring up Monroe Street; and

WHEREAS, in October, 2012, a legal description (Exhibit A) and map (Exhibit B) of that portion of Monroe Street to be burdened by the retaining wall was prepared, a true and correct copy of which is attached to this Resolution; and

WHEREAS, N.R.S. 244.276 authorizes the Board to adjust a street without first complying with the requirements of N.R.S. 244.281 (appraisals required); and

WHEREAS, providing an easement to the adjacent property owner over 385 square feet, more or less, in a two foot wide strip along Monroe Street for a retaining wall will benefit the public street because of the difference in elevation between the street and the adjacent property; and

WHEREAS, in exchange for the adjacent property owner's payment of the costs to purchase the concrete blocks and install the retaining wall, the Board is willing to grant this easement;

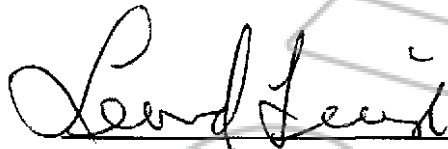
NOW THEREFORE BE IT RESOLVED The Board of Eureka County Commissioners grants this easement for the sole purpose of emplacing a retaining wall upon the burdened property, on the following conditions:

1. The retaining wall must be acceptable in all respects to the County Public Works Department.
2. The retaining wall shall be paid for and installed by the adjacent property owner.

3. The use and enjoyment of this easement for a retaining wall may be revoked at any time by the Board of County Commissioners provided the easement is no longer burdened by a retaining wall acceptable in all respects to the County Public Works Department.

4. This Resolution shall be recorded once it is approved.

Adopted this 20th day of November, 2012.



Chairman of the Board
Eureka County Commissioners

Attest:



Executive Assistant



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EUREKA COUNTY BOARD OF COMMISSIONERS

August 20, 2012

STATE OF NEVADA)
)
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on August 20, 2012. Present were Chairman Leonard Fiorenzi; Vice Chair Mike Page; Member Jim Ithurralde; District Attorney, Theodore Beutel; and Executive Assistant, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Chairman Fiorenzi stated that the Natural Resources section would be deleted from the agenda. Commissioner Ithurralde motioned to approve the agenda with that change; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC COMMENT

The Chairman opened the floor for public comments; there were none.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$757,200.75 for accounts payable, \$490,159.35 for a pass-through tax payment to the School District, and \$304,503.66 for payroll, for a grand total of \$1,551,863.76; Commissioner Page seconded the motion; motion carried 3-0. There were no expenditures for Yucca Mountain.

Auditor's Report: The Board reviewed the Auditor's Report without comment.

Compensation Rates for Special Positions: Each year the Commissioners set or affirm compensation rates for special positions in the County. Mr. Rebaleati provided adjusted rates for Fiscal Year 2013, which included a 3.5% increase for all positions except the Crescent Valley Fire Chief, since that position had just been filled. Commissioner Ithurralde motioned to approve the Fiscal Year 2013 compensation rates for the Eureka Fire Chief, Crescent Valley Fire Chief, Agricultural Extension Weather Reporter, Budget Director, and Webmaster; Commissioner Page seconded the motion; motion carried 3-0.

NEVADA DIVISION OF FORESTRY

Extrication Equipment: In June, the Board agreed with a recommendation to return Holmatro equipment and to purchase AMKUS equipment for the Crescent Valley Volunteer Fire Department in order to be consistent with other departments. The equipment was budgeted for Fiscal Year 2013. Eureka County Battalion Chief, Tom Turk, requested approval to move forward with this purchase. Commissioner Ithurralde motioned to authorize purchase of extrication pump and tools for the Crescent Valley Fire Department as directed by the Board on June 6th, not to exceed \$20,000.00; Commissioner Page seconded the motion; motion carried 3-0.

COMMISSIONERS

Update Reports: Commissioner Page reported that he met with staff and participated in a conference call. Commissioner Ithurralde attended the Economic Development Program meeting on August 17th; and has been in communication with Nevada Health Centers, Inc.,



regarding recent management changes and lack of a current contract. Commissioner Ithurralde informed that Nevada Division of Environmental Protection has another Community Meeting scheduled at the Eureka Opera House on September 12th (*this meeting was later cancelled*). Chairman Fiorenzi met with Barrick Gold regarding the man camp at JD Ranch on August 6th, later met with Lone Tree, the man camp operator; and met with staff and elected officials.

Resolution Supporting Rural Colleges: Commissioner Ithurralde recently attended a meeting in Winnemucca regarding the college funding formula proposed by the Nevada System of Higher Education. Based on this meeting and in cooperation with other counties and cities, Commissioner Ithurralde proposed a resolution to let the State Legislature know Eureka County's position on the funding formula and support of rural colleges. Commissioner Ithurralde motioned to adopt the resolution supporting Great Basin College and other rural colleges and imploring the State to adopt an equitable funding formula that sustains the rural colleges in Nevada; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

August 20, 2012

**RESOLUTION
OF THE EUREKA COUNTY BOARD OF COMMISSIONERS
IN SUPPORT OF GREAT BASIN COLLEGE AND RURAL COLLEGES IN NEVADA**

WHEREAS, the Board of Eureka County Commissioners recognizes the necessity of rural colleges in Nevada and the essential service they provide; and

WHEREAS, Eureka County and its citizens have benefited first-hand by having an institute of higher education, Great Basin College, within a reasonable distance from our communities; and

WHEREAS, Great Basin College is the only institute of higher education in our portion of the State; and

WHEREAS Eureka County also acknowledges the benefits provided by Western Nevada College to our citizens and our neighboring towns, cities, and counties; and

WHEREAS, many citizens in our rural and remote communities would be unable to attain higher education without the benefit of rural colleges due to the time and expense required to travel long distances, as well as related impacts on family, livelihood, and other responsibilities; and

WHEREAS, Eureka County has great concerns over the new funding formula that has been proposed by the Nevada System of Higher Education and the severe budget cuts this would mean for the small rural colleges; and

WHEREAS, while Eureka County understands that the previous funding formula is not perfect and may need some changes, we cannot support the new funding formula as proposed.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of Eureka County Commissioners joins with other cities, counties, and local governments across the State of Nevada in support of the rural institutions of higher learning; and

BE IT FURTHER RESOLVED, that the Board of Eureka County Commissioners implores the Governor, the Nevada Legislature, and the Nevada Board of Regents to consider a funding model that is equitable to all institutions and preserves the integrity and level of services offered by Great Basin College, Western Nevada College, and other rural colleges across the State, thereby ensuring that higher education is accessible and affordable to all.

ADOPTED this 20th day of August, 2012.



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BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

/s/ Mike Page
Mike Page, Vice Chairman

/s/ J.P. Ithurrealde
J.P. Ithurrealde, Member

Attest: /s/ Beverly Conley
Beverly Conley, Eureka County Clerk

Ambulance Billing Rates: The Board reviewed ambulance billing rates, which had been set at a flat rate of \$325.00 per run in March 2009. It had recently come to Commissioner Ithurrealde's attention that Medicare and Medicaid do not pay for transport to the local clinics. EMS Coordinator, Mike Sullivan, explained that this had nothing to do with the rate charged or the mileage traveled, but was because these agencies only pay for transport to a hospital. After some discussion, Commissioner Ithurrealde motioned to set the rate at \$50.00 for in-County transport to the Eureka Medical Clinic or Crescent Valley Medical Clinic from a radius of 25 miles (road miles), effective August 20, 2012; Chairman Fiorenzi seconded the motion; motion carried 2-1. Commissioner Page declined to second and voted against the motion because he felt the rate should be at least \$75.00. The \$325.00 flat rate remains in place for other ambulance runs.

Search & Rescue: Commissioner Page stated he received several inquiries about moving the northern Search & Rescue into the old Fire House in Beowawe. Commissioner Page motioned to relocate Search & Rescue into the old Fire House in Beowawe, currently used by the Road Department, after the Road Department relocates to the new Crescent Valley/Beowawe Road Shop; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Letter to Nevada Rural Housing Authority: Commissioner Page motioned to send a letter to Nevada Rural Housing Authority confirming that 6% interest now applies to the most recent loan of money, pursuant to the Eureka Canyon Agreement recorded on May 29, 2012; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Nevada Health Centers, Inc.: Commissioner Ithurrealde has been in contact with Nevada Health Centers regarding recent changes in management and the need to get the Fiscal Year 2012-2013 contract in place. The Board was going to consider suspending payments to Nevada Health Centers pending this contract, but decided to table this item since Monica Taylor, Chief Operations Officer for NVHC, plans to attend the September 6th meeting. Interim Executive Officer, Chuck Wiesen, may also attend.

EUREKA COUNTY SCHOOL DISTRICT – GYMNASIUM PROJECT

Status of New Gymnasium: Project Manager, Mike Mitchell, provided an update on the new gymnasium that is being built between the high school and the swimming pool in Eureka. Phase 1 of construction has begun with excavation of the site. Preparations are underway for pouring of concrete for footings and a retaining wall scheduled for August 22nd. They are working with neighboring property owners, including Eureka County (Public Works and Lumos & Assoc.), to move a property line. The property line on the east side of the high school is closer to the swimming pool than anticipated. The proposal is to move that property line further west which will result in the School District giving the County approximately 2,568 sq. ft. of additional land affecting APN 001-051-01. The other privately owned property, APN 001-051-04, is



minimally affected. The engineers are still working on the final layout, so this will come before the Commissioners at a future date for approval. The Commissioners asked that any right-of-way or street issues, if any exist, be cleared up at the same time the new parcel map is presented. Mr. Mitchell stated that he received the same direction from the School District Board of Trustees.

BARRICK GOLD CORPORATION

Open House on August 20th: Melanie Lawson, Community Relations Specialist, invited everyone to attend Barrick's Open House that evening at the Eureka Opera House. The purpose of the Open House is to provide information on the man camp and introduce Lone Tree, the company that will be operating the facility.

Update on JD Ranch Man Camp: Canyon Construction is currently working on the road to the site and site preparation. Construction on the man camp will begin before month end. On behalf of Barrick Gold, Ms. Lawson thanked Public Works and the Road Department, especially Raymond Hodson, Road Superintendent, for all of the help on the roads.

Speed Limit on Portion of JD Ranch Road: Barrick Gold requested that the County adjust the speed limit and install new signs on a portion of the JD Ranch Road. The area was identified as hazardous in a double-risk field assessment. Commissioner Ithurralde motioned to approve Barrick's request to reduce the speed limit from 45 mph to 35 mph on a portion of the JD Ranch Road (+/- two mile section from top of grade on west side of Pete Hansen Creek to top of grade on east side of Pete Hansen Creek); Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC WORKS

Update on Public Works Projects: Public Works Director, Ron Damele, and County Engineer, Tom Young, provided an update on various projects. CRESCENT VALLEY/BEOWAWE ROAD SHOP: Framing of interior walls and electrical and plumbing work is taking place. SOUTHERN EUREKA WATER & SEWER LINE EXTENSION: The sewer and water main lines are both completed; the water line will be tested later in the week. EXISTING SPRINGS REHABILITATION PROJECT: Prospect and Lucky Springs have been excavated and the spring collection galleries are finished. 2012 STREET MAINTENANCE PROJECT: McDaniels Avenue in Crescent Valley is complete except for a few punch list items. Patching is done and the contractor is now working on County Road 101. The extended Devil's Gate water line is loaded and will be flushed and tested the following week. EUREKA CANYON SUBDIVISION, PHASE 2: Approximately 25% of the mass grading is completed. BALL FIELD RESTROOMS PROJECT: A walk-through was conducted the previous week and only a couple very minor items were found, so that project will be complete before the September 2nd deadline.

Request for Right-of-Way on Monroe Street in Eureka: Mike Rebaleati requested a two feet right-of-way on Monroe Street adjacent to his lot, APN 001-124-04. He intends to build a short retaining wall with concrete blocks which will level out his property and shore up the road. Mr. Damele confirmed that this should not interfere with road maintenance and snow plowing. The Board briefly discussed safety issues and fence location. Mr. Rebaleati stated he was willing to relocate the fence if needed. Commissioner Ithurralde motioned to approve the request from Mike Rebaleati for a two feet right-of-way on Monroe Street adjacent to APN 001-124-04; Commissioner Page seconded the motion; motion carried 3-0.

CLERK & TREASURER

Treasurer's Report: The Treasurer's Report for July was presented by Clerk & Treasurer, Beverly Conley. Ending balance for the month was \$53,274,597.66.

Deputy Clerk/Elections Administrator Position: Ms. Conley notified the board that her budget allows for a permanent casual position. In the past this has been utilized for a Department Assistant and she intends to fill that with the upgraded position of Elections Administrator.

EUREKA COUNTY SHERIFF

Equitable Sharing Agreement: Sheriff Ken Jones presented the annual Equitable Sharing Agreement for approval. Each year the County signs this agreement with the US Department of Justice regarding allocation of forfeited cash, property, and proceeds. The agreement also contains certification of funds obtained during the previous fiscal year. Approximately \$2,300.00 was received the previous year and was used towards purchase of bulletproof vests. Commissioner Ithurralde motioned to approve the annual Equitable Sharing Agreement between Eureka County and the US Department of Justice regarding allocation of forfeited cash, property, and proceeds; Commissioner Page seconded the motion; motion carried 3-0.

AMBUANCE & EMS

Update Report: EMS Coordinator, Mike Sullivan, reported on emergency services during the past month. Eureka received 18 calls for service (89 year-to-date) and Crescent Valley received one call (28 year-to-date). Eureka's calls included one motorcycle accident near Hickison Summit that resulted in a fatality. Mr. Sullivan reviewed volunteer staffing levels which remain stable. Continuing education classes are scheduled for August 27th in Eureka and August 30th in Crescent Valley. Mr. Sullivan attended Team Building training in Las Vegas on August 1st-2nd; conducted a First-Aid and CPR class in Eureka for school bus drivers on August 3rd; conducted Certified Emergency Vehicle Operations training for applicant drivers in Crescent Valley on August 4th; and attended a meeting with Barrick Gold regarding the man camp at JD Ranch as well as a follow-up meeting with Lone Tree, the man camp operators. Mr. Sullivan also assisted the Nevada State Health Division, at their request, with the blood draws conducted in Eureka in order to test for blood lead levels.

Annual operating permits for the Eureka and Crescent Valley ambulance services have been submitted to the State. The primary Eureka ambulance is currently in Draper, Utah, getting decals and striping replaced. Dr. Felix Deguzman has tendered his resignation as Medical Director for the Crescent Valley EMS, but will continue until a replacement is found. Mr. Sullivan commented that he was an exceptional Medical Director.

SWIMMING POOL, PARKS, & RECREATION

Update Report: Parks, Recreation & Facilities Director, Cindy Adams, reported on activities over the past month. The pool had 1,055 total swimmers including participants in exercise and lap swimming, four bicycle groups, and swimming lesson students. There were 44 participants in the third session of swimming lessons. Two instructors from Sierra Dive Center in Reno visited recently and certified four people in the community in scuba diving.

Ms. Adams shared a story of a four year old girl who took swimming lessons in Eureka earlier in the summer. She was at her grandmother's in Reno and the grandmother took her eyes off the girl for just a moment when she heard a splash in the pool. The little girl was flailing in the water, so the grandmother dove in to rescue her; but before she could reach her, the little girl swam to the side and got herself out of the pool. These lessons do matter! Ms. Adams stated this is what she loves about her job.

The parks, buildings, and grounds crews continue with mowing, weed-eating, cleaning and maintenance of bathrooms, downtown area, and various facilities. They prepared and cleaned-up for the VFW Men's Softball Tournament, Eureka County Fair, Cops & Kids picnic, and the National Night Out gathering at the Eureka Fire Station.

COUNTY FACILITIES & ECONOMIC DEVELOPMENT

Update Report: Cultural, Tourism & Economic Development Director, Andrea Rossman, reported on activities for the Opera House, Sentinel Museum, and Economic Development Program. Contemporary instrumentalists, Tingstead & Rumbel performed at the Opera House on August 3rd. Don Edwards, cowboy poet and singer, is scheduled on August 24th and 25th. The casual worker at the Sentinel Museum has resigned, so advertisement for a replacement has begun. Ms. Rossman will be attending a communications course by SkillPath on August 21st-22nd in Las Vegas.

Proposed Great Basin Regional Development Authority: Jim Garza, Director of White Pine Community & Economic Development Office, spoke to the members of the ECEDP (Eureka County Economic Development Program) via teleconference during their meeting on August 17th. He reviewed a course of action for regionalization. The proposal is for Eureka, Lander, and White Pine Counties to join to form the Great Basin Regional Development Authority (all parties are in agreement that this name is a better fit than the originally contemplated Central Eastern Nevada Regional Development Authority). Each county will have three representatives consisting of a County Commissioner, an Economic Development person, and a major employer within their county. Mr. Garza is continuing to work on a draft Memorandum of Understanding for the three counties. The ECEDP board members voted to make a recommendation to the Commissioners to proceed with regionalization efforts. Commissioner Ithurralde motioned to move forward with pursuing a Memorandum of Understanding between Eureka, Lander, and White Pine Counties to join together to form the Great Basin Regional Development Authority as part of the regionalization efforts of the Governor's Office of Economic Development; Commissioner Page seconded the motion; motion carried 3-0.

LOCAL EMERGENCY PLANNING COMMITTEE

Appointment to LEPC: Lisa Hoehne, LEPC Secretary, stated that George Huntington is now the Beowawe Fire Chief and is willing to serve on LEPC. Commissioner Page motioned to appoint George Huntington, Beowawe Fire Chief, to the Local Emergency Planning Committee, replacing the former Chief, Mike Sansinena; Commissioner Ithurralde seconded the motion; motion carried 3-0.

APPROVAL OF MINUTES

July 30, 2012: Commissioner Page motioned to approve the minutes of the July 30, 2012, special meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

August 10, 2012: Commissioner Page motioned to approve the minutes of the August 10, 2012, Commission meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: District Attorney, Ted Beutel; MolyBits Messenger newsletter; Tri-County Meeting (2); Allison, MacKenzie, Pavlakis, Wright & Fagan, Ltd; Nevada Public Employees Retirement System; Nevada Pool/Pact; Nevada Tax Commission; and Western Counties Alliance (3).

Mike Rebaleati reported that he received a letter from Barrick Gold regarding their interest in contributing \$20,000.00 towards relocating the historical steam locomotive that ran on the Eureka Palisade Railroad to Eureka for permanent display. Mr. Rebaleati will include an agenda item on the next regular meeting regarding this. He publicly thanked Barrick for their cooperation on this project.



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PUBLIC COMMENT

Chairman Fiorenzi called for public comments; there were none.


ADJOURNMENT

Commissioner Ithurralde motioned to adjourn the meeting at 11:00 a.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved by vote of the Board this 6th day of September, 2012.


Leonard Fiorenzi, Chairman

I, Jackie Berg, Executive Assistant to the Board of Eureka County Commissioners, this 6th day of September, 2012, attest that these are a true, correct, and duly approved minutes of the August 20, 2012, meeting of the Board of Eureka County Commissioners.


Jackie Berg, Executive Assistant

I, Beverly Conley, Clerk & Treasurer of Eureka County, this 6th day of September, 2012, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Executive Assistant of the Board.


Beverly Conley, Clerk & Treasurer



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EXHIBIT "A"

A PORTION OF MONROE STREET, EUREKA TOWNSITE

JN: 8160.000 Task 3

All that real property situate within a portion of the Southwest One-Quarter (SW 1/4) of Section Thirteen (13), 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 Monroe Street 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, more particularly described as follows:

BEGINNING at the northwest corner of Block 34 of said Townsite map;

THENCE southerly along the westerly line of said Block 34, South $08^{\circ}48'19''$ East, 192.70 feet, to a point on the westerly line of Lot 8 of said Block 34, said point being the southwest corner of that certain parcel shown as "Rebaleati Property" on that certain Record of Survey Supporting a Boundary Line Adjustment for Eureka County, recorded on December 20, 1996 as File Number 165774;

THENCE leaving said line, westerly and perpendicular to the westerly line of said Lot 8, South $81^{\circ}11'41''$ West, 2.00 feet;

THENCE northerly and parallel with the westerly line of said Block 34, North $08^{\circ}48'19''$ West, 192.70 feet, to a point on the projection of the northerly line of said Block 34;

THENCE easterly along said projected northerly line, North $81^{\circ}11'41''$ East, 2.00 feet, to the **POINT OF BEGINNING** and the end of this description.

Containing 385 square feet, more or less.

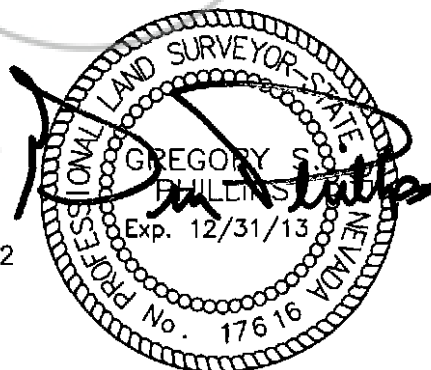
The Basis of Bearings for this description is identical to that of the said Record of Survey Supporting a Boundary Line Adjustment for Eureka County.

Prepared by:

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

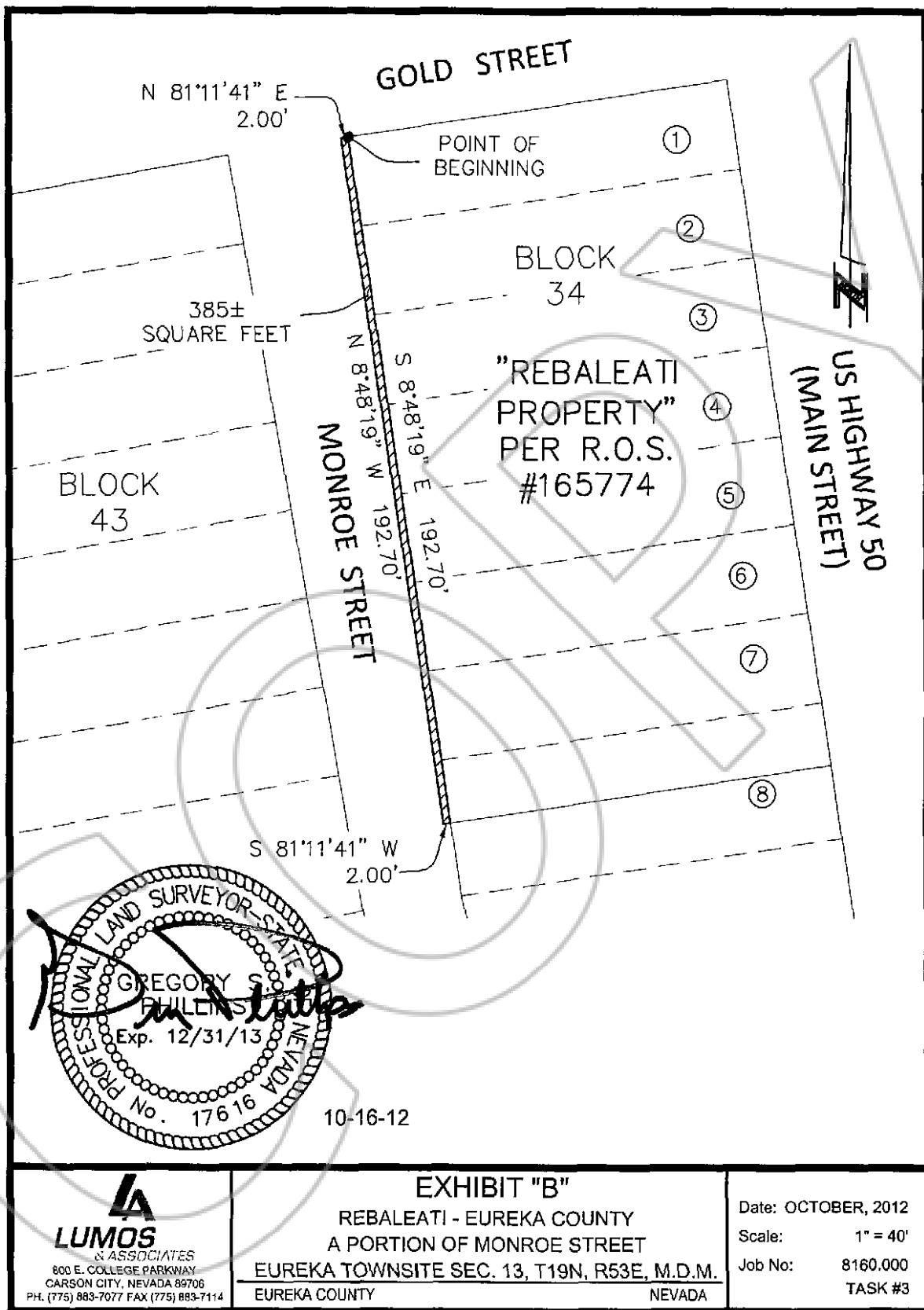
10-16-12

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



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