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KATHERINE J. BOWLING, CLERK RECORDER

Eureka, Nevada

December 20, 2023

PETITION AND PROPOSED ORDER OF EUREKA  
COUNTY PUBLIC WORKS TO VACATE AND  
ABANDON A PORTION OF A STREET AND  
EASEMENT OWNED BY EUREKA COUNTY

WHEREAS, pursuant to NRS 278.480 any abutting property owner or local government can petition the governing body having jurisdiction to vacate or abandon any street or easement; and

WHEREAS, the Eureka County Commissioners have jurisdiction over the parcel identified on Exhibits "A" and "B" which is an unimproved access and unused easement on the southern boundary of parcel APN 001-194-05; and

WHEREAS, this street and easement is a government patent easement, in that the easement was for the purpose of a public street owned by Eureka County and governed by the Eureka County Commissioners over land which was conveyed by a patent as part of the original Eureka townsite; and

WHEREAS, this street easement, which was never properly developed as a street, is no longer required for a public purpose; and

WHEREAS, no hearing is required because Eureka County Public Works has obtained the written consent of Mt. Wheeler Power (copy attached), the owner of property abutting the proposed vacation, and there are no utilities affected by the proposed vacation; and

WHEREAS, the public will not be materially injured by the proposed vacation because the area is not used for that identified purpose; and

WHEREAS, each public utility and video service provider known to be servicing the affected area has been provided by Eureka County Public Works with a written notice of this Petition; and

WHEREAS, granting this Petition will not alter the course of any drainage or waterway; and

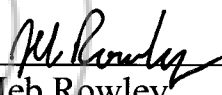
WHEREAS, in the event this Petition is granted, and an order approving the vacation has been filed in the Office of the Eureka County Recorder, a Professional Land Surveyor has already prepared an appropriate description for the new boundary of the affected parcel and abutting property owner (a copy of which is attached to the Proposed Order included with this Petition); and

WHEREAS, granting this Petition has a public benefit, in that it relieves Eureka County of maintaining custody and control of a small remnant of property too small and without proper access for other development; and

WHEREAS, that benefit offsets a determination of consideration that may be paid for the parcel when the abutting property owner has reimbursed all costs for the preparation of this Petition;

NOW THEREFORE the Petitioner asks the Eureka County Commissioners to approve this Petition and execute and record the Order attached hereto.

DATED THIS 20 day of December, 2023.

  
\_\_\_\_\_  
Jeb Rowley  
Eureka County Public Works Director

**EXHIBIT "A"**  
**Area to be Abandoned to A.P.N. 001-194-05**

All that certain real property situated within a portion of the Southwest one-quarter (SW1/4) of the Northwest one-quarter (NW1/4) of Section 24, Township 19 North, Range 53 East, M.D.M., County of Eureka, State of Nevada, being more particularly described as follows:

**BEGINNING** at the Southeast corner of Parcel 1 as shown on the Parcel Map for Jack Scott Burnett, recorded June 20, 1990 in the office of Recorder, Eureka County, Nevada as File No. 132576, said point also being Corner No. 4 of the Silver West Consolidated Mining Co. Mill Site, Survey No. 94 as shown on the Plat of the Townsite of Eureka, Nevada accepted by the General Land Office November 19, 1937;

**THENCE** South 04°30' East, 25.71 feet to a point on the northerly line of Block 104 of said Townsite Plat;

**THENCE** along said northerly line, South 81°20' West, 133.93 feet to Corner No. 6 of said Survey No. 94;

**THENCE** along the line between Corner No. 6 and Corner No.5 of said Survey No. 94, North 04°45' East, 25.00 feet to said Corner No. 5;

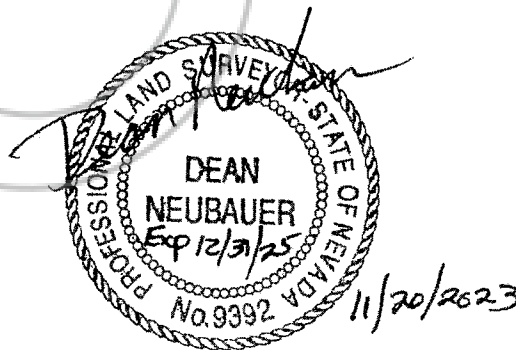
**THENCE** along the line between Corner No. 5 and Corner No.4 of said Survey No. 94, North 80°45' East, 130.00 feet to the **POINT OF BEGINNING**.

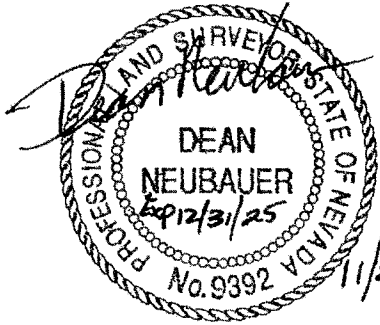
Containing 3,294 square feet, more or less.

The Basis of Bearings for this description is the Plat of the Townsite of Eureka, Nevada accepted by the General Land Office November 19, 1937.

Refer to Exhibit "B" attached hereto and by this reference made a part of.

Prepared by:  
**Lumos & Associates, Inc.**  
Dean Neubauer, P.L.S. No. 9392  
308 N. Curry Street, Suite 200  
Carson City, NV 89703  
JN 8515.000





11/20/2023

A.P.N. 001-194-05  
 MT. WHEELER POWER, INC.  
 PARCEL 1 OF FILE NO. 132576 & A  
 PORTION OF SURVEY NO. 94 AS  
 SHOWN ON THE PLAT OF THE  
 TOWNSITE OF EUREKA, NEVADA

N 4°45'00" E  
 25.00'

5

N80°45'00"E 130.00'

4

POB

S 4°30'00" E  
 25.71'

6

S81°20'00"W 133.93'

ABANDONMENT AREA  
 3294 SQ.FT. +/-

A.P.N. 001-171-20  
 EUREKA COUNTY  
 DOCUMENT NO. 67481



**LUMOS**  
 & ASSOCIATES  
 308 N. CURRY ST.,  
 SUITE 200  
 CARSON CITY, NV 89703  
 TEL (775) 883-7077

**EXHIBIT "B"**  
**ABANDONMENT**  
**PORTION OF SEC. 24, T19N, R53E, MDM**

**EUREKA COUNTY**

**NEVADA**

Date: 11/2023

Scale: 1" = 40'

Job No: 8515.000



# MT. WHEELER POWER

1600 GREAT BASIN BLVD, ELY, NEVADA

1600 GREAT BASIN BLVD  
ELY, NEVADA 89301

TELEPHONE (775) 289-8981  
TELEFAX (775) 289-8987

November 27, 2023

Parcel 119405  
Eureka NV, 89316

Attn: Jeb Rowley

Jeb:

This letter is petitioning a abandonment of the county right of way on the southwest corner of parcel 119405 known as 131 Richmond Street Eureka NV, 89316 Mt. Wheeler feels the vacation or abandonment will not substantially, unduly, or unreasonably impair the access of any owner of the surrounding property owners abutting this property. Mt Wheeler Power agrees to the abandonment per the Legal Description created by Dean Neubauer Maps dated November 20<sup>th</sup> 2023 showing the area that we are requesting to be a abandoned. If you have any questions, please see my contact information below.

Respectfully,

*Jake Brunson*

Mt. Wheeler Power  
Design Engineer  
(775)289-8981 EX 116 (775)-296-1011  
(800)977-6937  
jbrunson@mwpower.org

ORDER OF THE BOARD OF EUREKA COUNTY  
COMMISSIONERS APPROVING THE PETITION AS  
TO PARCEL 001-194-05:

The Board, upon review of the attached Petition; and upon consideration of the merits,

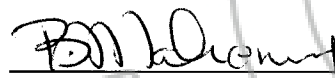
DOES HEREBY ORDER THE PETITION APPROVED, and DOES HEREBY FURTHER DIRECT THIS ORDER APPROVING THE PETITION AND STREET AND EASEMENT VACATION, BE FILED IN THE OFFICE OF THE EUREKA COUNTY RECORDER, along with the description of the resultant boundary of parcel APN 001-194-05 attached hereto as Exhibit "A" to this Order.

DATED this 20 day of December, 2023.

THE BOARD OF COMMISSIONERS  
OF EUREKA COUNTY, a political  
subdivision of the State of Nevada

  
\_\_\_\_\_  
Rich McKay, Chair

ATTEST:

  
\_\_\_\_\_  
Eureka County Clerk DEPUTY

**EXHIBIT "A"**  
**Resultant Parcel A.P.N. 001-194-05**

All that real property situated within the County of Eureka, State of Nevada, bounded and described as follows:

Parcel 1 as shown on that Parcel Map for JACK SCOTT BURNETT, filed in the office of the County Recorder of Eureka County, State of Nevada, on June 20, 1990 as File No. 132576, being a portion of Section 24, TOWNSHIP 19 NORTH, RNGE 53 EAST, M.D.B. & M.

**INCLUDING THERETO**

All that certain real property situated within a portion of the Southwest one-quarter (SW1/4) of the Northwest one-quarter (NW1/4) of Section 24, Township 19 North, Range 53 East, M.D.M., County of Eureka, State of Nevada, being more particularly described as follows:

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