

FORM 2800-14
(August 1985)

Issuing Office
Schell Resource Area

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER N-58817

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of 1976, 43 USC 1761 and 43 CFR 2802.

2. Nature of Interest:

a. By this instrument, the holder:

U. S. Marshall Service
c/o Ana Baker
300 South Las Vegas Blvd.
Las Vegas, NV 89101

receives a right to construct, operate, maintain, and terminate a road right-of-way, on Federal lands described as follows:

Mt. Diablo Meridian, Nevada

T. 9 N., R. 65 E.,
Section 13, NW~~1~~SW~~1~~NW~~1~~, NE~~1~~SW~~1~~NW~~1~~.

b. The right-of-way or permit area granted herein is 30 feet wide, 660 feet long and contains .45 acre, more or less.

c. This instrument shall terminate twenty years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the

obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental: Rental is waived pursuant to 43 CFR 2803 (b) (2) (iii).

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the Federal lands within 90 days, or otherwise disposed of as provided in paragraph (4) (c) or as directed by the authorized officer.
- c. The stipulations, plans, maps, or designs set forth in Exhibit A attached hereto, are incorporated effectively as if they were set forth herein in their entirety.
- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- f. The right-of-way grant shall be subject to all valid existing rights as of the date of this grant.
- g. There is hereby reserved to the Secretary of the Interior or his lawful delegate, the right to grant additional rights-of-way or permit compatible uses on, under or adjacent to the land involved in this grant.
- h. The signing of this grant constitutes the acceptance by the grantee of the terms, conditions and stipulations specified herein.

IN WITNESS WHEREOF, the undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Herbert J. Brown
(Signature of Holder)

UNITED STATES MARSHAL
(Title)

8-18-94
(Date)

Donald M. Smith
(Signature of Authorized Officer)

Schell Area Manager
(Title)

9/6/94
(Effective Date of Grant)

N-58817
2800 (NV-047)

EXHIBIT A
GENERAL STIPULATIONS

1. The holder of this right-of-way grant, or the holder's successor in interest, shall comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq) and the regulations of the Secretary of the Interior issued pursuant thereto.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmark and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references, using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate office and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 8 - 10 inches deep, the soil shall be deemed to wet to adequately support construction equipment.

5. The holder shall conduct all activities associated with the construction, operation and termination of the right-of-way within the authorized limits of the right-of-way.

6. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.

7. Areas which are disturbed by development of facilities will be seeded with nonexotic species to prevent erosion and replace ground cover.

8. This right-of-way grant is restricted to maintenance of the existing road only. No new ditches, culverts or reconstruction below the existing road bed is allowed without specific authorization in order to avoid additional disturbance.

9. As this right-of-way will be to a federal agency, there will be no application or monitoring fees or rental. Should the property enter private ownership, the new owner will have to apply for assignment of the right-of-way. Application and monitoring fees will be charged at that time and rental will be calculated and charged.

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Desert Mountain Realty, Inc.

September 12, 1994

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Yuriko Setzer

By Lilli Brucher, Deputy