



*Board of County Commissioners  
Lincoln County, Nevada*

COUNTY COMMISSIONERS  
PAUL CHRISTENSEN  
REY FLAKE  
DAN FREHNER  
JIM MANNER  
ED WRIGHT

P.O. BOX 90, POCHE, NEVADA 89043  
TELEPHONE 962-5390  
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DISTRICT ATTORNEY  
THOMAS A. DILL  
COUNTY CLERK  
CORRINE HOGAN

On February 10, 1984 Union Pacific Railroad deeded to Lincoln County a railroad right-of-way Nev-042771. The deed, although not accepted by Lincoln County, was recorded in the Lincoln County Recorder's Office.

The deed from Union Pacific Railroad was an invalid transfer of interest and is nullified by the Seventh Judicial Court of the State of Nevada in the case of James E. Scott vs. Union Pacific Railroad Company, File #5636, and by Federal Regulations which prohibit such transfer of interest without prior authorization from the Federal Agency granting the right-of-way.

Therefore, this recording extinguishes said deed recorded in Lincoln County on February 10, 1984. This serves notice that said deed granted to Lincoln County by Union Pacific Railroad and recorded by Lincoln County Recorder on February 16, 1984, was improperly executed.

Although the deed was recorded, a requirement by NRS 111.240 (the County Recorder must record any instrument tendered to him/her regardless of its character and notwithstanding the fact that it has not been properly acknowledged (Nevada Attorney General's Opinion 129, 12-5-1917) recording in itself did not constitute acceptance by Lincoln County.

The purposes of recording this document is to remove any cloud of title to private parcels along the old railroad right-of-way Nev-042771. Upon relinquishment of said right-of-way by Union Pacific Railroad to the managing federal agency, the Bureau of Land Management, clouds of title will be removed from all private parcels that were patented into private hands subject-to right-of-way Nev-042771.

DATED this 5 day of November, 1997.

BOARD OF COUNTY COMMISSIONERS  
LINCOLN COUNTY, NEVADA

By Edward E. Wright  
Chairman

**UNION PACIFIC RAILROAD COMPANY**  
CONTRACTS & REAL ESTATE DEPARTMENT



1416 Dodge Street WP001  
Omaha, Nebraska 68178  
(402) 997-3600  
Fax (402) 997-3601

R. D. Ulrich  
Assistant Vice President  
J. A. Anthony  
Director-Contracts  
D. D. Brown  
Director-Real Estate  
M. W. Casey  
General Director-Special Properties  
J. P. Gade  
Director-Facility Management

J. L. Hawkins  
Director-Operations Support  
M. E. Heenan  
Director-Administration & Budgets  
D. H. Lightwine  
Director Real Estate  
T. K. Love  
Director-Real Estate

September 29, 1997

1612-13

**MR KEVIN FINN**  
U S DEPARTMENT OF INTERIOR  
ELY DISTRICT OFFICE  
HC 33 BOX 335500  
ELY NV 89301-9408

Dear Mr. Finn:

Enclosed please find duplicate originals of the Relinquishment covering the abandoned Pioche Branch right-of-way. Please have both originals executed and return one copy to me in the enclosed envelope.

If you have any questions, please contact me at (402) 997-3541.

Sincerely,

*Garry A. Malmberg*  
Garry A. Malmberg  
Manager - Real Estate



1612-13

RELINQUISHMENT OF RIGHT OF WAY  
PIOCHE-PRINCE BRANCH  
LINCOLN COUNTY, NEVADA

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WHEREAS, Union Pacific Railroad Company, a Utah corporation, and its predecessors in interest including the Los Angeles & Salt Lake Railroad Company, a Utah corporation, were the holders of a railroad right of way secured from the United States pursuant to the Act of 1875, known as the Pioche-Prince Branch, located in Lincoln County, Nevada, and administered by the Bureau of Land Management as R/W Nev-042771; and

WHEREAS, Union Pacific Railroad Company received authority from the Interstate Commerce Commission to abandon all operations on said Pioche-Prince Branch right of way north of Mile Post 0.268 in the city of Caliente, Nevada, and thereafter did in fact abandon all operations effective February 11, 1984; and

WHEREAS, the Supreme Court of the State of Nevada, on July 29, 1993, ruled in the case of *Scott v. Union Pacific Railroad Company and Lincoln County, Nevada* (Case No. 23565), that said right of way designated as Nev-042771 had reverted to the full ownership and control of the Bureau of Land Management on February 11, 1984, and that Union Pacific Railroad Company ceased to hold any ownership interest in said right of way from and after such date; and


WHEREAS, the Bureau of Land Management has requested that Union Pacific Railroad Company execute a formal relinquishment of said right of way as an accommodation to the Bureau in its efforts to convey the right of way to other parties; and

WHEREAS, Union Pacific Railroad Company is willing to do so as set forth hereinbelow.

NOW, THEREFORE, Union Pacific Railroad Company hereby relinquishes all claim, right, title and interest in and to that certain Bureau of Land Management right of way in Lincoln County, Nevada, located northerly of Mile Post 0.268 in the City of Caliente, Nevada, known as the former Pioche-Prince Branch and identified as R/W Nev-042771, which relinquishment shall

be deemed to have been made and effective as of February 11, 1984.

ATTEST:

  
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

by:   
Title: Assistant Vice President

Date: 9/28/97

(Seal)

BUREAU OF LAND MANAGEMENT  
UNITED STATES DEPARTMENT OF THE INTERIOR

by: \_\_\_\_\_  
Title: \_\_\_\_\_



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office  
HC 33 Box 33500  
Ely, NV 89301-9408

10/21/97

In Reply Refer To:  
Nev-042771  
(NV-040)

CERTIFIED MAIL NO. P 313 269 588  
RETURN RECEIPT REQUESTED

Gary A. Malmberg  
Contracts & Real Estate Dept.  
Union Pacific Railroad  
1416 Dodge Street WP001  
Omaha, Nebraska 68179

DECISION

:  
: Right-of-Way  
: Nev-042771  
:

RIGHT-OF-WAY RELINQUISHMENT ACCEPTED

Your Relinquishment of right-of-way Nev-042771, received by the Bureau of Land Management on October 3, 1997 is hereby accepted effective on the date of receipt.

*Gene L. Drais*

Gene L. Drais  
Assistant District Manager  
Nonrenewable Resources

NO. 103907

RECORDED AT REQUEST OF  
Lincoln County Commissioners

November 5, 1997

AT 30 MINUTES PAST 11 O'CLOCK

AM IN BOOK 131 OF OFFICIAL

RECORDS PAGE 148 LINCOLN

COUNTY, NEVADA

*Shirley A. Peterson*  
COUNTY RECORDER

cc: Lincoln County Commissioners  
Representative John Ensign