

Official Record

Recording requested By  
DORSEY GRAY

Lincoln County - NV  
Leslie Boucher - Recorder

Fee: \$16.00

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RPTT:

Recorded By: LB

Book- 231 Page- 0396



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APN 013-160-08

APN 013-160-09

APN 013-160-10

APN 013-160-07

*Clarification of issues regarding a abandoned Railroad  
right of way and how it affects above parcels*  
Title of Document

Affirmation Statement

*Dorsey Gray* the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number of any person or persons. (Per NRS 239B.030)

\_\_\_\_\_, I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number of a person or persons as required by law:  
(State specific law)

*Dorsey D. Gray* owner  
Signature Title

Signature

5/12/07  
Date

*Dorsey D. Gray*  
Grantees address and mail tax statement:

150 Colonne dr.  
Henderson, NV  
89074



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Nevada State Office  
P.O. Box 12000 (1340 Financial Blvd)  
Reno, Nevada 89520-0006  
<http://www.nv.blm.gov>



In Reply Refer To:  
2800 (NV-930)  
(NV-912)

**MAR 14 2006**

Dorsey D. Gray  
150 Cologne Drive  
Henderson, Nevada 89014

Dear Mr. Gray:

This letter is regarding your property located within the NW $\frac{1}{4}$  of Section 11, T. 3 S., R. 67 E., Mount Diablo Meridian, Lincoln County, Nevada. This parcel of land was part of a larger parcel of land that left federal ownership under Patent No. 27-69-0035 on August 29, 1968.

The patent was made subject to a right-of-way for railroad purposes. On February 17, 1904, the Caliente and Pioche Railroad Company, succeeded by the Union Pacific (UP) Railroad Company, was granted a right-of-way 200 feet in width over and across certain lands for the construction of a railroad pursuant to the Act of March 3, 1875, 43 U.S.C. 934-939. The right-of-way was assigned Bureau of Land Management (BLM) serial number Nev-042771.

In 1983, the UP filed for abandonment and discontinuance of service for this railroad which was granted by the Surface Transportation Board (formerly the Interstate Commerce Commission). The UP notified the Surface Transportation Board that abandonment of all operations was completed on February 11, 1984. At the request of the BLM, the UP subsequently filed a relinquishment for right-of-way Nev-042771, which was accepted on October 21, 1997. The purpose of the relinquishment was to clear BLM records.

If a railroad right-of-way is legally abandoned, the Act of 1922 (43 U.S.C. 912) provides that if the lands over which the right-of-way passes have been patented, then any interest the United States may have had in that right-of-way vests in the underlying land owner. You own the underlying fee. The United States has no interest. The effective date of the abandonment was February 11, 1984.

Reference is made to the Nevada Supreme Court case *Scott v. Union Pacific Railroad Company*, 857 P. 2d 10 (Nev. 1993). The case was heard on an appeal from the Nevada Seventh Judicial Court, Lincoln County. The United States was not a party to any of this litigation. The case involved a motorcycle accident that occurred in 1985 on the same abandoned railroad right-of-way over public lands near Pioche. The motorcyclist brought suit against the UP and Lincoln County as "owners" of the right-of-way. The court determined that the right-of-way at the



location of the accident had been legally abandoned pursuant to 43 U.S.C. 912 and reverted to the United States. As a result of this court case, there seems to be an impression that the entire length of the abandoned right-of-way reverted to the United States. This is not the case. Only those portions over public land reverted to the United States. Those portions over lands that have been patented reverted to the underlying fee owner.

I hope that this letter clarifies the issue regarding the abandoned right-of-way and how it affects your property.

Sincerely,



Margaret L. Jensen  
Deputy State Director  
Natural Resources, Lands, and Planning

