

Official Record

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STATE OF NEVADA

Lincoln County - NV

Leslie Boucher - Recorder

Fee: Page 1 of 9
RPTT: Recorded By: DP
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513-B

Un-assessed Railroad R/W
Adjacent to APN 08-091-01 &
APN 14-110-01



AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: STAFF SPECIALIST ACQ.
1263 S. STEWART ST.
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
1263 S. STEWART ST.
CARSON CITY, NV 89712

Project: SPSR-0317(005)
E.A. 73328
Parcels: S-317-LN-039.336TE
S-317-LN-043.534TE
S-317-LN-043.790TE

UPRR Folder No. 2553-73

TEMPORARY CONSTRUCTION EASEMENT

THIS instrument is made this 20th day of November, 2009 by and between UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation, successor in interest to the SAN PEDRO, LOS ANGELES & SALT LAKE RAILROAD COMPANY ("Grantor"), and the STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION ("Grantee"):

WITNESSETH:

1. Grantor, for and in consideration of the sum of Three Thousand Three Hundred Ninety-Four Dollars (\$3,394.00) and in consideration of and subject to the mutual covenants contained herein, hereby grants to Grantee, its successors and assigns, temporary construction easements upon and across the property located in Lincoln County, State of Nevada described below (the "Property") for a period of thirty-six (36) months or until completion of the Project, whichever occurs earlier, commencing on the Effective Date of the separate Agreement for Right-of-Way Grant Covering Roadway Construction, Reconstruction and Maintenance of SR317 - Rainbow Canyon Near Caliente, Lincoln County, Nevada dated November, 20, 2009 (the "C&M Agreement"), covering the construction and maintenance of the highway identified as SR317 as located between Grantor's Mileposts 440.3 and 459.1 on Grantor's Caliente Subdivision.



Parcel S-317-LN-039.336TE

Situate, lying and being in the County of Lincoln, State of Nevada, and more particularly described as being a portion of that Right-of-Way Grant, CC 00360, issued by the Department of the Interior, Bureau of Land Management on April 20, 1906, located in the NE 1/4 of Section 1, T. 7 S., R. 66 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at the intersection of the right or easterly right-of-way line of SR-317 with the westerly 100 foot right-of-way line of the Union Pacific Railroad at approximate Railroad Milepost 440.1, 45.00 feet right of and at right angles to Highway Engineer's Station "X1" 178+51.76 P.O.T.; said point of beginning further described as bearing N. 2°48'40" E. a distance of 3,399.77 feet from the south quarter corner of said Section 1; said corner further described as being a 2.5" GLO BRASS CAP ON A 1" PIPESTEM IN A 3' COLLAR OF STONES, STAMPED "1/4 S1/S12 1920"; thence N. 14°35'54" W., along said right or easterly right-of-way line of SR-317, a distance of 238.61 feet to said westerly railroad right-of-way line; said Railroad right-of-way line further described as being 100 feet west of and parallel to the Union Pacific Railroad centerline from approximate Railroad Station 1026+64.3 P.T. to 1021+59.9 P.S., said centerline further described as being a spiral curve with a 6°00' of Curvature (chord definition) with a total central angle of 19°25'08" and spiral segments of 5°24' and lengths of 180.00 feet; thence along said westerly railroad right-of-way line, subtended by the chord N. 6°44'15" W. a distance of 143.02 feet; thence along said railroad right-of-way line, subtended by the chord N. 5°12'56" W. a distance of 143.32 feet; thence along the following three (3) courses and distances:

- 1) S. 11°59'02" E. - 283.39 feet;
- 2) S. 14°35'54" E. - 412.34 feet;
- 3) S. 14°58'29" E. - 22.40 feet to a point on said westerly railroad right-of-way line;

thence along said railroad right-of-way line, subtended by the chord N. 24°38'04" W. a distance of 43.29 feet; thence along said railroad right-of-way line, subtended by the chord N. 22°58'28" W. a distance of 155.17 feet to the point of beginning; said parcel contains an area of 14,703 square feet (0.34 of an acre).

Parcel S-317-LN-043.534TE

Situate, lying and being in the County of Lincoln, State of Nevada, and more particularly described as being a portion of that Right-of-Way Grant, CC 06192, issued by the Department of the Interior, Bureau of Land Management on October 20, 1913, located in a portion of the NE 1/4 of Section 14, T. 6 S., R. 66 E., M.D.M., and more fully described by metes and bounds as follows, to wit:



Parcel S-317-LN-043.534TE (continued)

BEGINNING at an intersection of the left or easterly right-of-way line of the Union Pacific Railroad at approximate Railroad Milepost 444.4 with the left or westerly right-of-way line of SR-317, 50.00 feet left of and measured radially from Highway Engineer's Station "X" 413+49.59 P.O.C.; said point of beginning further described as bearing N. 38°54'05" W. a distance of 1,892.56 feet from the east quarter corner of said Section 14; said corner described as being a 2.5" GLO BRASS CAP ON A 1" PIPE IN A 3' COLLAR OF STONES, STAMPED "1/4 S14/S13 1916"; said railroad right-of-way line described as being 100 feet east of and parallel to the Union Pacific Railroad centerline from approximate Railroad Station 789+61.0 P.O.T. to Station 798+41.1 P.O.C.; said centerline further described as being portions of a spiral curve with a 4°00' of curvature, chord definition, a total central angle of 15°30' with spiral segments of 2°24' and lengths of 120.00 feet; thence along said easterly railroad right-of-way line the following three (3) courses and distances:

- 1) S. 8°59'51" E. – 99.24 feet;
- 2) along the spiral segment of said 4°00' spiral curve, subtended by the chord S. 10°08'28" E. – 115.87 feet;
- 3) from a tangent which bears S. 11°21'56" E., curving to the left along the central curve of said 4°00' spiral, with a radius of 1,332.39 feet, through an angle of 8°11'21", an arc distance of 190.44 feet to said left or westerly right-of-way line of SR-317;

thence along said left or westerly right-of-way line the following four (4) courses and distances:

- 1) from a tangent which bears S. 3°42'27" W., curving to the left with a radius of 540.43 feet, through an angle of 18°01'17", an arc distance of 169.98 feet;
- 2) S. 23°36'16" E. – 9.52 feet;
- 3) N. 74°41'16" E. – 23.55 feet;
- 4) from a tangent which bears S. 15°18'44" E., curving to the left with a radius of 1,060.00 feet, through an angle of 4°29'56", an arc distance of 83.23 feet;

thence along the following four (4) courses and distances:

- 1) S. 70°11'20" W. – 38.00 feet;
- 2) N. 16°38'44" W. – 646.70 feet;
- 3) S. 80°59'10" W. – 114.73 feet;



Parcel S-317-LN-043.534TE (continued)

4) N. 58°35'53" W. – 16.94 feet to the westerly right-of-way line of said Union Pacific Railroad;
thence N. 8°59'51" W., along said westerly railroad right-of-way line, a distance of 212.50 feet to said left or westerly right-of-way line of SR-317;
thence along said left or westerly right-of-way line of SR-317 the following three (3) courses and distances:

- 1) from tangent which bears S. 43°05'26" E., curving to the left with a radius of 325.00 feet, through an angle of 15°30'27", an arc distance of 87.96 feet;
- 2) S. 58°35'53" E. – 116.09 feet;
- 3) from tangent which bears the last described course, curving to the right with a radius of 400.00 feet, through an angle of 10°56'14", an arc distance of 76.36 feet to the point of beginning;

said parcel contains an area of 51,848 square feet (1.19 acres).

Parcel S-317-LN-043.790TE

Situate, lying and being in the County of Lincoln, State of Nevada, and more particularly described as being a portion of that Right-of-Way Grant, CC 00360, issued by the Department of the Interior, Bureau of Land Management on April 20, 1906, located in a portion of the NE 1/4 of Section 14 and a portion of the SE 1/4 of Section 11, all in T. 6 S., R. 66 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

BEGINNING at an intersection of the easterly 100 foot right-of-way line of the Union Pacific Railroad at approximate Railroad Milepost 444.6; with the right or easterly right-of-way line of SR-317, 35.00 feet right of and at right angles to Highway Engineer's Station "X" 414+38.11 P.O.T.; said point of beginning further described as bearing S. 55°25'06" E. a distance of 1,765.75 feet from the north quarter corner of said Section 14; said corner further described as being a 2.5" GLO BRASS CAP ON A 1" PIPE IN A 3' COLLAR OF STONES, STAMPED "1/4 S11/S14 1920"; thence along said right or easterly right-of-way line the following six (6) courses and distances:

- 1) N. 58°35'53" W. - 113.46 feet;
- 2) from a tangent which bears the last described course, curving to the right with a radius of 240.00 feet, through an angle of 4°08'31", an arc distance of 17.35 feet;
- 3) S. 83°57'26" W. - 12.90 feet;
- 4) N. 8°52'55" W. - 13.02 feet;



Parcel S-317-LN-043.790TE (continued)

- 5) from a tangent which bears N. 49°58'21" W., curving to the right with a radius of 240.00 feet, through an angle of 20°21'52", an arc distance of 85.30 feet;
- 6) N. 29°36'29" W. - 126.42 feet to the westerly right-of-way line of said Union Pacific Railroad;
said railroad right-of-way line being 100 feet west of and parallel to the Union Pacific Railroad centerline from approximate Railroad Station 787+45 P.O.T. to Station 780+45 P.O.T.; thence N. 8°59'51" W., along said westerly railroad right-of-way line, a distance of 780.00 feet; thence from a tangent which bears the last described course, curving to the left along said westerly railroad right-of-way line, with a radius of 2,764.79 feet, through an angle of 0°26'55", an arc distance of 21.65 feet; thence along the following six (6) courses and distances:
 - 1) from a tangent which bears S. 12°41'54" E., curving to the right with a radius of 4,520.00 feet, through an angle of 1°55'19", an arc distance of 151.62 feet;
 - 2) S. 10°46'35" E. - 462.13 feet;
 - 3) from a tangent which bears the last described course, curving to the left with a radius of 400.00 feet, through an angle of 18°49'54", an arc distance of 131.47 feet;
 - 4) S. 29°36'29" E. - 165.97 feet;
 - 5) from a tangent which bears the last described course, curving to the left with a radius of 175.00 feet, through an angle of 28°59'24", an arc distance of 88.55 feet;
 - 6) S. 58°35'53" E. - 58.14 feet to said easterly right-of-way line of the Union Pacific Railroad;
thence S. 8°59'51" E., along said easterly railroad right-of-way line, a distance of 85.35 feet to the point of beginning; said parcel contains an area of 34,537 square feet (0.79 of an acre).

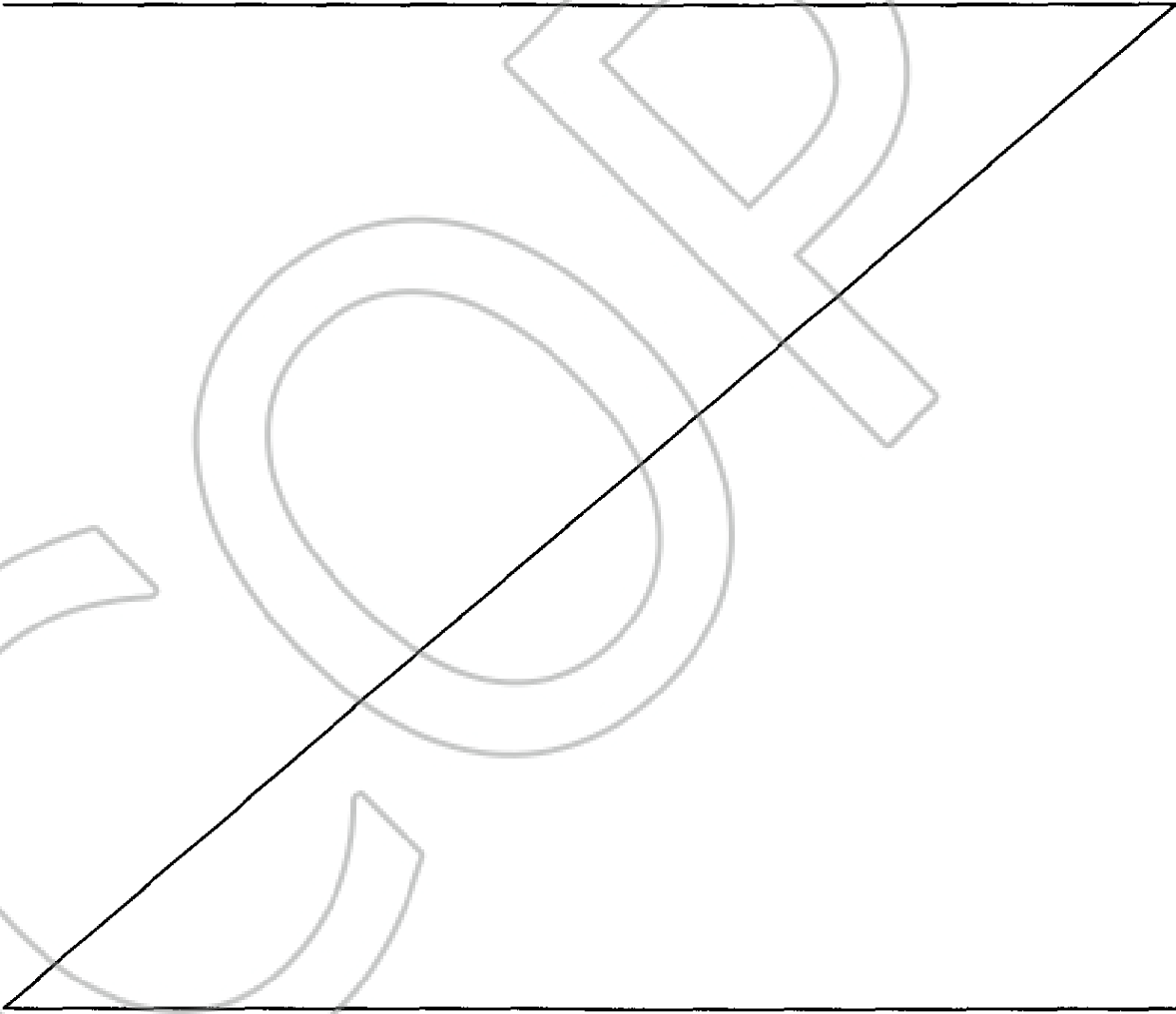
The Basis of Bearing for these descriptions is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 27 DATUM, East Zone as determined by the State of Nevada, Department of Transportation.

2. RESERVING, however, unto the Grantor, its successors and assigns, the right to construct at any and all times and to maintain railroad tracks, track appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Property, but in such a way as to not unreasonably interfere with Grantee's use of the Property for the purposes specified herein; it being understood that the rights so reserved unto the Grantor, its successors and assigns, are retained along with the general right of the Grantor, its successors and assigns, to the use of the Property for any purpose not inconsistent with Grantee's use of the

Property, for the purposes herein defined, including, but not limited to, any and all general railroad purposes.

3. This grant of a temporary construction easement is also made SUBJECT to (i) the terms and conditions of the separate C&M Agreement, covering the construction and maintenance of the highway, (ii) all valid outstanding and pre-existing leases, licenses and other outstanding rights, including, but not limited to, those for pipelines, wirelines, fiber optic lines and facilities and the right of renewals and extensions of the same, and (iii), all outside and pre-existing conditions, limitations, restrictions, encumbrances, reservations or interests of any person or entity which may affect the Property, whether recorded or unrecorded, and the word "grant" as used herein shall not be construed as a covenant against the existence of any thereof.

4. The temporary construction easement rights granted herein are also limited to such rights as the Grantor may have in the Property and are granted without warranty, express or implied.





IN WITNESS WHEREOF, the Grantor and Grantee have each duly executed this instrument as of the date first here in written.

ATTEST:

UNION PACIFIC RAILROAD COMPANY,
a Delaware corporation, successor in interest
to the SAN PEDRO, LOS ANGELES & SALT
LAKE RAILROAD COMPANY

C. J. Meyer
Assistant Secretary

By: Lawrence E. Wzorek
Print Name: Lawrence E. Wzorek
Title: Assistant Vice President - Law

(SEAL)

ACCEPTED:

STATE OF NEVADA, acting by and through its
DEPARTMENT OF TRANSPORTATION

By: Kent Cooper
Print Name: Kent Cooper
Title: Assistant Director
Date: 9 Dec 09

APPROVED AS TO LEGALITY AND FORM:

Matthew J. Smith
Deputy Attorney General
Date: 12/11/09



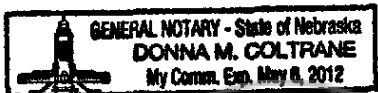
ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this 20th day of November, 2009, before me, Donna M. Coltrane, a Notary Public in and for said County and State, personally appeared Lawrence F. Wzarek and C. J. Meyer, who are the Assistant Vice President-Law and the Assistant Secretary, respectively, of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Donna M. Coltrane
Notary Public



(SEAL)



ACKNOWLEDGMENT

STATE OF NEVADA)
COUNTY OF Carson City) ss:

On this 9 day of December, 2009, before me, Claudia Castillo, a Notary Public in and for said County and State, personally appeared Kent L. Cooper, who is the Assistant Director Engineering of the STATE OF NEVADA, by and through its DEPARTMENT OF TRANSPORTATION, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

(SEAL)

