



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

7/23/2019 1:00 P.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

JAY CARMONA
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda.

All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 1:00 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **DISCUSSION/POSSIBLE ACTION:**

Approval of the Agenda for July 23, 2019.

4. CONSENT AGENDA

- I. For Possible Action: 2019-025 Consideration and Possible Action of Grant of Non-Exclusive Easement for Access and Utilities in a portion of the Electric Avenue Right of Way to Eagle CPT II LLC, 550 Milan, located in McCarran, Storey County, Nevada

5. DISCUSSION/POSSIBLE ACTION:

Consideration and Possible action on Resolution 19-548 to provide a date for a public hearing on the proposed lease of that portion of the Divide Building commonly known as Divide Fitness located at 800 South C Street in Virginia City, Nevada to Divide Fitness, Inc.

6. DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports

7. BOARD COMMENT (No Action - No Public Comment)

8. PUBLIC COMMENT (No Action)

9. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 7/23/2019; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By _____
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 7/23/19

Estimate of time required: 5 min.

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☒

For

1. **Title:** ~~Discussion~~ **Possible Action:** 2019-025 Consideration and Possible Action of Grant of Non-Exclusive Easement for Access and Utilities in a portion of the Electric Avenue Right of Way to Eagle CPT II LLC, 550 Milan, located in McCarran, Storey County, Nevada.
2. **Recommended motion:** In accordance with the recommendation by staff, I [commissioner] move to approve a Grant of Non-Exclusive Easement for Access and Utilities (2019-025) in a portion of the Electric Avenue Right of Way to Eagle CPT II LLC, 550 Milan, located in McCarran, Storey County, Nevada.
3. **Prepared by:** Lyndi Renaud
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** This ROW Easement was approved at the June 4th BOCC meeting. Prior to recording, the entity name was changed to Eagle CPT II LLC, same ownership but different entity name. Due to this change, the easement must again be presented to the Board for approval. See revised attached easement deed reflecting new entity name and Grant, Bargain and Sale Deed with Grantor as Eagle CPT LLC and Grantee as Eagle CPT II LLC. Note: There is a different managing agent for Eagle CPT II LLC from the managing agent for Eagle CPT LLC, which necessitates a change in the signature lines.
6. **Supporting materials:** See attached non-exclusive grant of easement document and legal description. Grant Bargain and Sale Deed.
7. **Fiscal impact:** None on local government.
Funds Available: _____ Fund: _____ Comptroller
8. **Legal review required:** ☒ District Attorney
9. **Reviewed by:**
☒ Department Head Department Name: Planning
☒ County Manager Other agency review: _____
10. **Board action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Agenda Item No.

41

A.P.N: 005-111-22

Recording Requested by:
Eagle CPT II, LLC.

After Recordation Return To:
Eagle CPT II, LLC
c/o Washington Capital Management
1200 Sixth Avenue, Suite 700
Seattle, WA 98101

NON-EXCLUSIVE GRANT OF EASEMENT FOR ACCESS AND UTILITIES

STOREY COUNTY, a political subdivision of the State of Nevada, (hereinafter referred to as "Grantor"), for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant(s) and convey(s) to **EAGLE CPT II, LLC**, a Nevada limited liability company hereinafter referred to as "Grantee"), its successors and assigns, an easement as follows:

1. To construct, place, inspect, operate, modify, maintain, replace and remove street and utility improvements, including without limitation, paving, curb, gutter, gas, electric, water, sewer, telephone, storm drain, ditches and culverts and cable TV (the "Improvements"), upon, over, under and through the property described in **Exhibit "A"** and graphically shown on **Exhibit "B"** attached hereto and by this reference made a part of this Grant of Easement ("**Easement Area**") and the right for ingress of vehicles and pedestrians to and the egress of vehicles and pedestrians to and from the Easement Area;
2. Grantee shall bear the entire cost and expense of installing and maintaining said Improvements in said Easement Area.
3. Grantee will be responsible for any damages, caused by Grantee constructing, placing, inspecting, operating, modifying, maintaining, replacing and removing the Improvements, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date the Grantor signs the Grant of Easement.
4. Grantee shall, at its expense, comply with all applicable laws, regulations, rules and orders regardless of when they become or became effective, including, without limitation, those relating to health, safety, noise, environmental protection, waste disposal, and water air quality.

5. Grantee agrees that no assessments will be levied against the property of Grantor to defray any part of the expense incurred in connection with any construction in the Easement Area.
6. Grantee agrees to investigate, release, defend, indemnify and hold harmless Grantor, its officers, employees, agents, successors and assigns from all claims, liability, cost and expense, howsoever same may be caused, including reasonable attorney's fees, for loss of or damage to property for injuries to or death of persons arising out of the construction, reconstruction, maintenance, presence in, or use of the Easement Area by Grantee, its employees, agents, licensees, invitees, successors or assigns.
7. Grantee shall fully pay for all materials installed in the Easement Area and shall pay in full all persons who perform labor thereupon. Grantee shall not permit any mechanics' or materialmen's liens of any kind or nature to be enforced against the Easement Area for any work done or materials furnished thereon at Grantee's request.

THIS GRANT OF EASEMENT and the terms contained herein shall be binding upon the successors, agents and assigns of Grantor and Grantee, and all rights herein granted may be assigned, providing written notice is provided to Grantor and Grantee prior to any such assignment.

IN WITNESS WHEREOF, Grantor has caused these presents duly to be executed the day and year first above written.

GRANTOR:

**Accepted for the County of Storey,
by the Board of County Commissioners**

By: _____

Name: _____

Title: _____

Date: _____

Approved as to form:

Storey County Deputy District Attorney

By: _____

ACKNOWLEDGEMENT

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

This instrument was acknowledged before me this ____ day of _____, 2019, by _____ as _____ of STOREY COUNTY, a political subdivision of the State of Nevada.

Notary Public

[signature page to Non-Exclusive Grant of Easement for Access and Utilities]

GRANTEE:

EAGLE CPT II LLC
a Nevada limited liability company

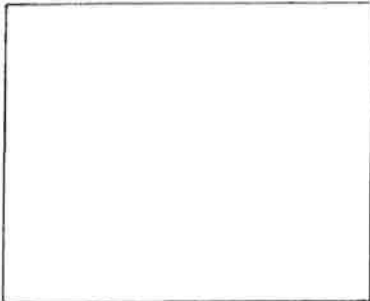
By: Washington Capital Management, Inc.
Its: Manager

By: _____
Name: _____
Title: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Washington Capital Management, Inc., the Manager of Eagle CPT II LLC, a Nevada limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____



(Use this space for notarial stamp/seal)

Notary Public
Print Name _____
My Commission Expires _____

EXHIBIT A

The following describes an easement situated within a portion of the Northeast 1/4 of Section 1, T.19 N., R.22 E., and a portion of the Northwest 1/4 of Section 6, T.19 N., R.23 E., M.D.M., County of Storey, State of Nevada, being a portion of Electric Avenue (Formerly Portofino Avenue) as dedicated to Storey County per Doc. No. 110596, Official Records of Storey County, Nevada, more particularly described as follows:

BEGINNING at a point on the northerly right-of-way of said Electric Avenue, being the southerly line of Parcel 2009-1 as shown on Record of Survey File No. 111108, said point bears S 58°36'24" E a distance of 93.75 feet from the southeasterly corner of said Parcel 2009-1;

Thence from said Point of Beginning, S 58°36'24" E a distance of 481.09 feet;

Thence, leaving said northerly line of Electric Avenue, the following Nine (9) arcs, courses and distances;

- 1) Thence, N 88°40'50" W a distance of 7.72 feet;
- 2) Thence, along a tangent curve to the right, having a radius of 120.00 feet, a delta angle of 30°04'16", a distance of 62.98 feet;
- 3) Thence, N 58°36'34" W a distance of 325.77 feet;
- 4) Thence, along a tangent curve to the left, having a radius of 30.00 feet, a delta angle of 90°00'00", a distance of 47.12 feet;
- 5) Thence, S 31°23'26" W a distance of 37.00 feet;
- 6) Thence, along a tangent curve to the left, having a radius of 30.00 feet, a delta angle of 90°00'00", a distance of 47.12 feet, to a point of cusp;
- 7) Thence, N 58°36'34" W a distance of 118.50 feet;
- 8) Thence, along a non-tangent curve to the left, having a tangent bearing of S 58°36'34" E, with a radius of 30.00 feet, a delta angle of 90°00' 00", a distance of 47.12 feet;

EXHIBIT A (cont.)

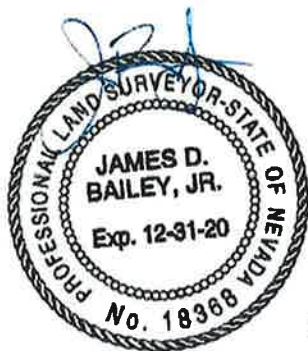
9) Thence, N 31°23'26 E a distance of 87.05 feet, to the point of beginning.

CONTAINING: 15,457 square feet of land, more or less.

See drawing Exhibit attached hereto, and made a part hereof.

BASIS OF BEARINGS: Nevada State Plane coordinated system, West Zone (NAD 83/94).

James D. Bailey, Jr.
P.L.S. 18368



5/28/2019

PREPARED BY THE FIRM OF
MERIDIAN SURVEYING & MAPPING, INC.
8725 TECHNOLOGY WAY, STE. C2
RENO, NV. 89521

EXHIBIT B

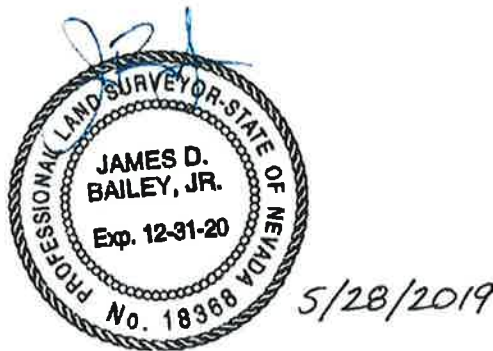
That portion of the Northeast 1/4 of Section 1, T.19 N., R.22 E., and a portion of the Northwest 1/4 of Section 6, T.19 N., R.23 E., M.D.M., Storey County, State of Nevada, more particularly described as follows:

Being Parcel 2009-1 as shown on that "Record Of Survey For Eagle CPT, LLC", recorded in the office of the Storey County Recorder, May 4, 2009, as Document No. 111108, Official Records of Storey County, Nevada, and as described by Deed conveyed in the office of the Storey County Recorder, May 4, 2009, as Document No. 111109, Official Records of Storey County, Nevada

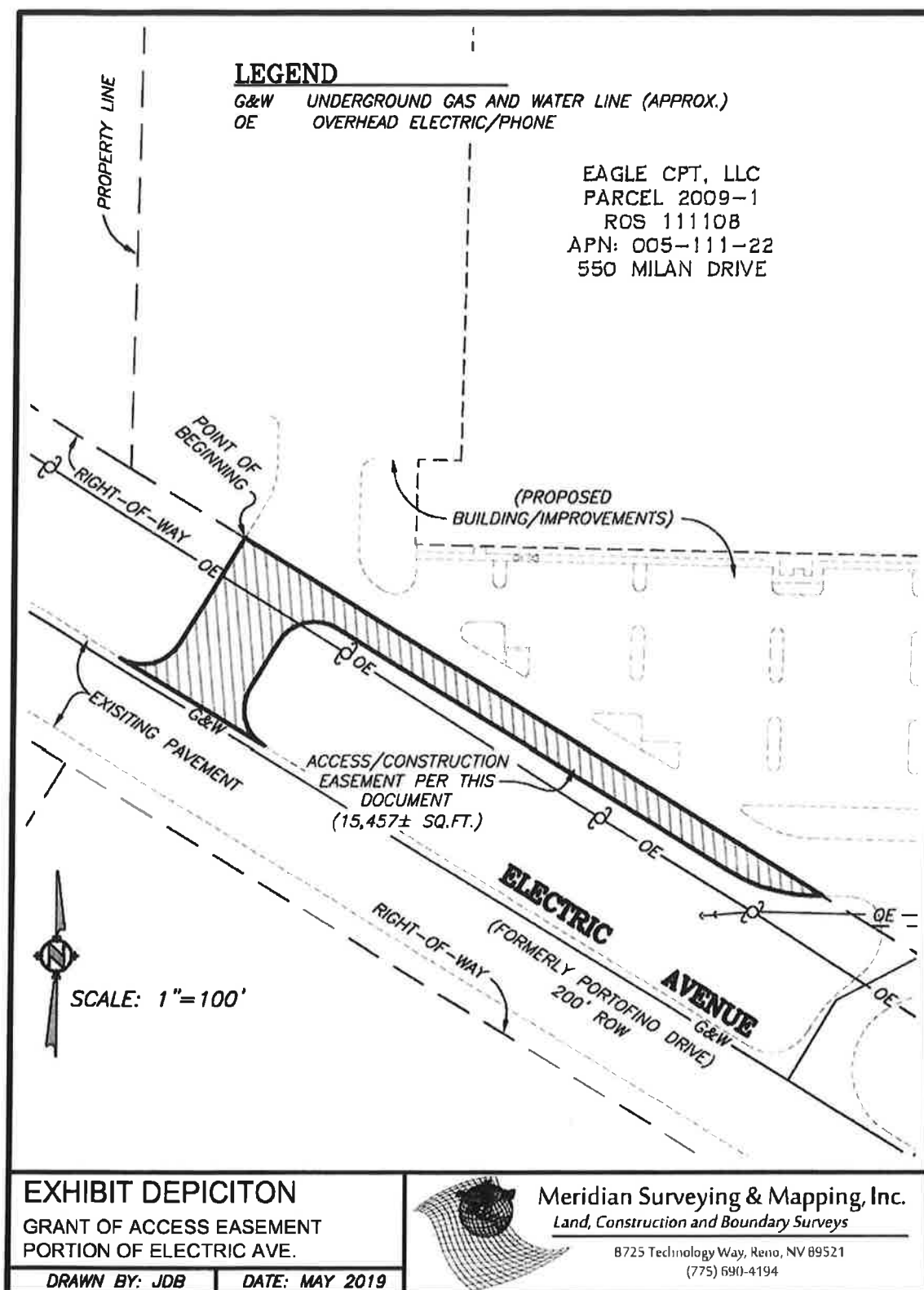
TOTAL CONTAINING: 31.82 acres of land, more or less.

BASIS OF BEARINGS: Nevada State Plane coordinated system, West Zone (NAD 83/94).

James D. Bailey, Jr
P.L.S. 18368



PREPARED BY THE FIRM OF
MERIDIAN SURVEYING & MAPPING, INC.
8725 TECHNOLOGY WAY, STE. C2
RENO, NV. 89521



Doc #: 129801

06/10/2019 01:20 PM Page: 1 of 10

OFFICIAL RECORD

Requested By: TICOR TITLE - RENO (T

Storey County, NV
Jen Chapman, Recorder

Fee: \$35.00 RPTT: \$0.00

Recorded By: dmcpherson

**WHEN RECORDED, RETURN THIS
DOCUMENT AND TAX STATEMENTS TO:**

Eagle CPT II LLC
c/o Washington Capital Management, Inc.
1200 6th Ave, Suite 700
Seattle, WA 98101

APN: 5-111-22

Transfer Tax: \$0.00

The undersigned hereby affirms that this document submitted for recording does not contain the social security number of any person or persons.
(Pursuant to NRS 239b.030)

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE is made and entered into this 4th day of June, 2019, by and between EAGLE CPT, LLC, a Nevada limited liability company ("Grantor") and EAGLE CPT II LLC, a Nevada limited liability company, as grantee ("Grantee").

WITNESSETH:

That the Grantor, for valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, all that certain real property situate in the County of Storey, State of Nevada, more particularly described on Exhibit A attached hereto and incorporated herein, subject to the items described on Exhibit B, attached hereto and incorporated herein:

TOGETHER WITH ALL and singular the tenements, hereditaments and appurtenances, thereunto belonging or in manner appertaining, and the reversions, remainder and remainders, rents, issues or profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto Grantee and to its successors and assigns forever.

[signature and acknowledgment follows]

IN WITNESS WHEREOF, Grantor has executed this indenture the day and year first above written.

GRANTOR:

EAGLE CPT, LLC
a Nevada limited liability company

By: Southwest Carpenters Pension Trust
Its: Managing Member

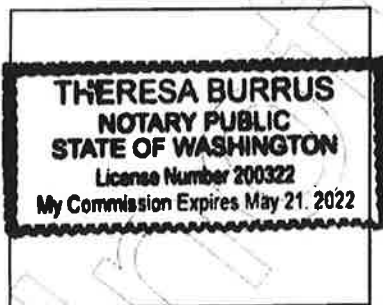
By: Washington Capital Management, Inc.
Its: Investment Manager

By: *Cory A. Carlson*
Name: Cory A. Carlson
Title: President / CEO

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Cory A. Carlson is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the President / CEO of Washington Capital Management, Inc., the Investment Manager for Southwest Carpenters Pension Trust, the Managing Member of Eagle CPT, LLC, a Nevada limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6/4/19



(Use this space for notarial stamp/seal)

Theresa Burrus
Notary Public
Print Name Theresa Burrus
My Commission Expires 5/21/22

EXHIBIT A
LEGAL DESCRIPTION

Document No. 111109 is provided pursuant to the requirements of Section 6. NRS 111.312

PARCEL 1:

Parcel 2009-1 as shown on the Record of Survey for Eagle CPT, LLC, according to the map thereof, filed in the office of the County Recorder of Storey County, State of Nevada, on May 4, 2009, as File No. 111108, Official Records, being more particularly described as follows:

All that certain parcel situate within a portion of the Northeast 1/4 of Section 1, Township 19 North, Range 22 East, and a portion of the Northwest 1/4 of Section 6, Township 19 North, Range 23 East, Mount Diablo Base and Meridian, Storey County, Nevada, and being a portion of Parcel 2007-70, as shown on Record of Survey Map, File No. 106985, in the Official Records of Storey County, Nevada, said Parcel being more particularly described as follows:

COMMENCING at the Northeast Section corner of said Section 1;
THENCE South $12^{\circ}15'35''$ East, 476.71 feet to the POINT OF BEGINNING, said point being on the Northerly line of said Parcel 2007-70, said point also being on the Southerly right-of-way line of Milan Drive;

THENCE departing said Northerly line, South $01^{\circ}19'20''$ West, 1,553.38 feet to the Southerly line of said Parcel 2007-70, said point also being on the Northerly line of Munich Drive;
THENCE along said Southerly line being coincident with said Northerly right-of-way line, North $88^{\circ}40'40''$ West, 413.05 feet to the intersection of said Northerly right-of-way line and the Easterly right-of-way line of Portofino Drive;
THENCE continuing along said Southerly line being coincident with said Easterly right-of-way line, North $58^{\circ}36'24''$ West, 614.68 feet to the Westerly line of said Parcel 2007-70;
THENCE departing said Easterly right-of-way line, along said Westerly line, North $01^{\circ}19'20''$ East, 1,245.38 feet to the Northwest corner of said Parcel 2007-70, said point also being on the Southerly right-of-way line of Milan Drive;
THENCE along said Northerly line being coincident with said Southerly right-of-way line, South $88^{\circ}40'40''$ East, 945.00 feet to the POINT OF BEGINNING.

APN: 5-111-22

PARCEL 2:

An easement for ingress and egress over the 80 foot access easement shown on Parcel 99-11, 99-12 and 99-13 of the Map of Division into Large Parcels, Map No. 85087, filed in the office of the County Recorder of Storey County, State of Nevada, on May 28, 1999, as File No. 85087, Official Records, and as set forth in a "Nonexclusive Construction and Access Easement Agreement", recorded December 15, 1999, in Book 132, Page 868, as Document No. 86556, Official Records.

PARCEL 3:

An easement for ingress and egress over the 80 foot access easement shown on Parcel 99-10 of the Map of Division into Large Parcels, Map No. 85090, filed in the office of the County Recorder of Storey County, State of Nevada, on May 28, 1999, as File No. 85090, Official

Records, and as set forth in a "Non-exclusive Construction and Access Easement Agreement", recorded December 15, 1999, in Book 132, Page 874, as Document No. 86557, Official Records.

PARCEL 4:

An easement for ingress and egress over Parcel 2007-61 of Record of Survey Map No. 106980, filed in the office of the County Recorder of Storey County, State of Nevada, on June 26, 2007, as File No. 106980, Official Records, and as set forth in that certain "Temporary Access, Utility and Drainage Easement", recorded June 26, 2007, in Book 237, Page 880, as Document No. 106982, Official Records, and as amended by that certain "Reduction in Size of Easement Area", recorded October 24, 2014, as Document No. 121125, Official Records.

EXHIBIT B
LIST OF PERMITTED EXCEPTIONS

1. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, for fiscal year 2019-2020, a lien but not yet due or payable.
 2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Nevada Revised Statutes.
 3. Any liens, charges or assessments levied by the Tahoe Reno Industrial Improvement District and TRI General Improvement District by reason that the Land is located within said district.
 4. Any unpaid charges for Waste Management, plus any interest and/or penalties, which would create a lien and attach to said Land, pursuant to Nevada Revised Statutes.
 5. Water rights, claims or title to water, whether or not disclosed by the public records.
 6. Reservations, exceptions and provisions contained in the patent from the United States of America, and in the acts authorizing the issuance thereof.
 Recording Date: October 7, 1957
 Recording No.: Book 64, Page 157, as Document No. 24119, Deed Records
 7. Reservation of a production royalty in the amount of two percent (2%) of the Net Smelter Returns, upon the terms, provisions and conditions contained in an instrument
 Entitled: Deed
 Reserved by: CW-Nevada Incorporated, a Nevada corporation
 Recording Date: July 23, 1987
 Recording No.: Book 59, Page 452, as Document No. 60123, Official Records
 Re-Recording Date: August 18, 1987
 Recording No.: Book 60, Page 41, as Document No. 60225, Official Records
 8. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or course of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
 Recording Date: September 25, 1998
 Recording No.: Book 123, Page 945, as Document No. 83412, Official Records
- Liens and charges as set forth in the above mentioned declaration,
 Payable to: TRI OWNER'S ASSOCIATION
- Declarant's Rights under said Covenants, Conditions and Restrictions now stands of record as Tahoe-Reno Industrial Center, LLC, as evidenced by Assignment of Declarant's Rights under Covenants, Conditions and Restrictions as set forth below:
 Assignor: SSI Properties, a California corporation
 Recording Date: February 19, 1999

Recording No.: Book 126, Page 842, as Document No. 84415, Official Records

The provisions of said covenants, conditions and restrictions were extended to include the herein described Land by an instrument

Recording Date: July 24, 2007

Recording No.: Book 239, Page 391, as Document No. 107216, Official Records.

Declarant's Rights under said Covenants, Conditions and Restrictions now stands of record as Tahoe-Reno Industrial Center, LLC, as evidenced by Assignment of Declarant's Rights under Covenants, Conditions and Restrictions as set forth below:

Assignor: Norman Investments, LLC, a California limited liability company and South Meadows Properties Limited Partnership, a Nevada limited partnership

Recording Date: January 28, 2014

Recording No.: 119884, Official Records

Declarant's Rights under said Covenants, Conditions and Restrictions now stands of record as Tahoe-Reno Industrial Center, LLC, as evidenced by Assignment of Declarant's Rights under Covenants, Conditions and Restrictions as set forth below:

Assignor: Norman Investments, LLC, a California limited liability company and South Meadows Properties Limited Partnership, a Nevada limited partnership

Recording Date: October 2, 2014

Recording No.: 121044, Official Records

9. Terms, provisions and easements as contained in an instrument

Entitled: Mining Operation Easement

By and Between: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company, as to an undivided 65% interest; Norman Investments, LLC, a California limited liability company, as to an undivided 14% interest; and South Meadows Properties Limited Partnership, a Nevada limited partnership, as to an undivided 21% interest and Eagle-Picher Minerals, Inc., a Nevada corporation

Recording Date: December 15, 1999

Recording No.: Book 132, Page 858, as Document No. 86555, Official Records

10. Terms, provisions and easements as contained in an instrument

Entitled: Nonexclusive Construction and Access Easement Agreement

By and Between: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company, as to an undivided 65% interest; Norman Investments, LLC, a California limited liability company, as to an undivided 14% interest; and South Meadows Properties Limited Partnership, a Nevada limited partnership, as to an undivided 21% interest and Eagle-Picher Minerals, Inc., a Nevada corporation

Recording Date: December 15, 1999

Recording No.: Book 132, Page 868, as Document No. 86556, Official Records

11. Terms, provisions and easements as contained in an instrument
 Entitled: Nonexclusive Construction and Access Easement Agreement
 By and Between: Eagle-Picher Minerals, Inc., a Nevada corporation and Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company
 Recording Date: December 15, 1999
 Recording No.: Book 132, Page 874, as Document No. 86557, Official Records

12. Terms, provisions and easements as contained in an instrument
 Entitled: Memorandum of Development Agreement
 Executed by: The County of Storey, a political subdivision of the State of Nevada, Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company and DP Operating Partnership, L.P., a Delaware limited partnership
 Recording Date: February 8, 2000
 Recording No.: Book 133, Page 635, as Document No. 86804, Official Records

- An agreement to modify the terms and provisions of the said document, as therein provided
 Executed by: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company and Storey County
 Recording Date: June 23, 2009
 Recording No.: 111428, Official Records

13. Terms, provisions and easements as contained in an instrument
 Entitled: Blanket Right of Entry
 Executed by: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company
 Recording Date: March 22, 2007
 Recording No.: Book 133, Page 779, as Document No. 106279, Official Records

14. Easement(s) and rights incidental thereto as delineated or as offered for dedication on the Record of Survey for Tahoe-Reno Industrial Center, LLC
 Recording Date: June 26, 2007
 Recording No.: 106980, Official Records

15. Terms, provisions and easements as contained in an instrument
 Entitled: Temporary Access, Utility and Drainage Easement
 Executed by: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company
 Recording Date: June 26, 2007
 Recording No.: 106982, Official Records

- A Reduction in Size of Easement Area
 By: Tahoe-Reno Industrial Center, LLC, a Nevada limited liability company
 Recording Date: October 24, 2014
 Recording No.: 121125, Official Records

16. Easement(s) and rights incidental thereto as delineated or as offered for dedication on the Record of Survey for Tahoe-Reno Industrial Center, LLC
Recording Date: June 26, 2007
Recording No.: 106985, Official Records
17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Eagle CPT, LLC, a Nevada limited liability company
Purpose: a permanent landscaping easement for the construction, use, irrigation, maintenance and repair of trees, shrubs, turf, decorative walls and other associated facilities
Recording Date: July 24, 2007
Recording No.: Book 239, Page 384, as Document No. 107215, Official Records
18. Easement(s) and rights incidental thereto as delineated or as offered for dedication on the Record of Survey for Eagle CPT, LLC
Recording Date: May 4, 2009
Recording No.: 111108, Official Records
19. Terms, provisions, easements and conditions as contained in an instrument
Entitled: Declaration of Covenants and Reciprocal Easement Agreement
Executed by: Eagle CPT, LLC, a Nevada limited liability company
Recording Date: May 4, 2009
Recording No.: 111110, Official Records
20. Rights and claims of parties in possession by reason of unrecorded leases, if any.

STATE OF NEVADA DECLARATION OF VALUE

1. Assessor Parcel Number (s)

a) 5-111-22
b) _____
c) _____
d) _____

2. Type of Property:

a) ☒ Vacant Land b) ☐ Single Fam Res.
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other

FOR RECORDERS OPTIONAL USE ONLY

Notes: _____

3. Total Value/Sales Price of Property:

\$ 0.00
Deed in Lieu of Foreclosure Only (value of property) \$ _____
Transfer Tax Value: \$ 0.00
Real Property Transfer Tax Due: \$ 0.00

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: 1

b. Explain Reason for Exemption:

Transfer without consideration to entity with identical ownership to original entity, no transfer tax applies.

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed. ** See Attached Signature Page*

Signature _____ Capacity _____
Signature _____ Capacity _____

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: Eagle CPT, LLC
Address: c/o WCM 1200 6th Ave., Ste. 700
City: Seattle
State: WA Zip: 98101

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: Eagle CPT II LLC
Address: c/o WCM, Inc. 1200 6th Ave., Ste 700
City: Seattle
State: WA Zip: 98101

COMPANY/PERSON REQUESTING RECORDING

(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: _____ Escrow # _____
Address: _____
City: _____ State: _____ Zip: _____

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED)

Signature Page to State of Nevada Declaration of Value

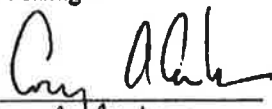
Buyer:

EAGLE CPT II, LLC

a Nevada limited liability company

By: Southwest Carpenters Pension Trust
Its: Managing Member

By: Washington Capital Management, Inc.
Its: Investment Manager

By: 
Name: Cory A. Carlson
Title: President/CEO

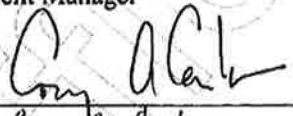
Seller:

EAGLE CPT, LLC

a Nevada limited liability company

By: Southwest Carpenters Pension Trust
Its: Managing Member

By: Washington Capital Management, Inc.
Its: Investment Manager

By: 
Name: Cory A. Carlson
Title: President/CEO



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: July 23, 2019

Estimate of time required: 10 minutes

Agenda: Consent [] Regular agenda [x] Public hearing required []

1. **Title:** Consideration and Possible action on Resolution 19-548 to provide a date for a public hearing on the proposed lease of that portion of the Divide Building commonly known as Divide Fitness located at 800 South C Street in Virginia City, Nevada to Divide Fitness, Inc.
2. **Recommended motion** I Commissioner, _____ hereby move to approve Resolution 19-548 to provide for a hearing on the proposed lease of a portion of the Divide Building to Divide Fitness, Inc. on the 6th day of August, 2019 and further authorize the County Clerk/Treasurer to publish a notice of the proposed lease at least once in a newspaper published in the County.

3. **Prepared by:** Pat Whitten

Department: Consultant

Telephone: 847-0968

4. **Staff summary:** Resolution 19-548 constitutes notice that the County is proposing to lease a portion of Divide Building commonly known as the Divide Fitness, to Divide Fitness, Inc... NRS 244.2833 requires publication of a notice of the proposed lease in a newspaper and sets a date at which a public hearing will be held to consider the proposed lease. The lease is proposed to be for up to 2 years for a rental amount of \$1,500.00 per month

5. **Supporting materials:** Resolution 19 – 548; Proposed Lease Agreement

6. **Fiscal impact:**

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:**

X District Attorney

8. **Reviewed by:**

_____ Department Head

Department Name: Commissioner's Office

K County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

5

RESOLUTION NO. 19- 548

RESOLUTION Declaring Intention of Storey County to Lease Real Property and Improvements Located at 800 South C Street in Virginia City, Nevada

WHEREAS, NRS 244.2833 authorizes the Board of County Commissioners of Storey County to lease real property belonging to the County which is less than 25,000 square feet without first offering the property to the public and for less than fair market value, if applicable, if the Board determines in a resolution that such lease is in the best interests of the County; and,

WHEREAS, NRS 244.2833 further requires that notice of the proposed lease and of a date for a public hearing on the proposed lease be published in a newspaper of general circulation in the County; and

WHEREAS, The land and improvements located at 800 South C Street in Virginia City, Nevada, commonly known as the Divide Building is real property anticipated to be owned by Storey County prior to the public hearing; and,

WHEREAS; The County is proposing to lease that portion of the Divide Building commonly known as Divide Fitness (the Property), to Divide Fitness, Inc. for a rental amount of \$1,500.00 per month

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS:

1. That the proposed lease of the Property to Divide Fitness, Inc., without first offering the Property to the public, and for less than fair market value is in the best interests of the County.

2. Subject to Close of Escrow on or before August 5, 2019, a hearing to consider the proposed lease will be held on the 6th day of August at the hour of 1:05 p.m. at the Virginia City Courthouse at 26 South B Street in Virginia City, Nevada
3. Notice of the time and date for the public hearing to consider the proposed lease must be published in a newspaper of general circulation published in Storey County at least once not less than 10 days nor more than 20 days before the hearing.

ADOPTED this ____ day of _____, 2019

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer