

APN: 142-182-08, 09 & 11

DOC # 4781338
01/22/2018 01:12:16 PM
Requested By
TRUCKEE MEADOWS WATER AUTHORITY
Washoe County Recorder
Laurence R. Burtness - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 6

When Recorded, Return to:

Truckee Meadows Water Authority
Attn: Heather Edmunson, SR/WA, Land Agent
P O Box 30013
Reno, NV 89520-3013



DRAINAGE EASEMENT USE AGREEMENT AND GRANT OF EASEMENT

This Drainage Easement Use Agreement and Grant of Easement (Agreement) is entered into as of January 19, 2018, between THE FAIRWAYS AT FIELD CREEK RANCH HOMEOWNERS ASSOCIATION, INC., a Nevada non-profit corporation (HOA) and TRUCKEE MEADOWS WATER AUTHORITY (TMWA), a Joint Powers Authority created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada and Washoe County, Nevada, pursuant to NRS Chapter 277.

RECITALS:

- A. TMWA is a water purveyor providing commercial and domestic water service within Truckee Meadows.
- B. The HOA owns and maintains a 15' drainage easement on the east side of the properties known as APN: 142-182-11 and -08 (HOA Easement) and a storm drain detention basin within HOA common area on APN 142-182-09 (Detention Basin), all of which are described and shown on the attached Exhibits A and B).
- C. TMWA owns a parcel of property, commonly known as the STMGID 2 Well, APN 142-020-20, which requires the construction of improved drainage modifications, including installation of a pump-to-waste drain line that will be constructed to discharge water from the STMGID 2 Well through the HOA Easement to the Detention Basin (Well Improvements Project).
- D. As consideration for TMWA's use of the HOA Easement and an easement to use the Detention Basin to discharge water from the STMGID 2 Well, as required periodically by TMWA's operations, TMWA agrees to construct approximately 200 linear feet of a rock (riprap) lined open channel V-ditch within the existing HOA Easement, a majority of which is located within APN 142-182-11, to connect two existing sections of rock lined open drainage channel, as shown on attached Exhibit B.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Access and Use of HOA Easement and Common Area. The HOA hereby grants TMWA the right to access and use the HOA Easement and an easement to use the Detention Basin to discharge water from the STMGID 2 Well, as required periodically by TMWA's operations. The HOA also grants TMWA the right to access the HOA Easement and Detention Basin for any purpose related to the Well Improvements Project. As consideration for right to use the HOA Easement and grant of easement to use the Detention Basin, TMWA shall complete, within nine months of the date of this Agreement, construction of approximately 200 linear feet of rock (riprap) lined open channel V-ditch within the existing HOA Easement, a majority of which is located within APN 142-182-11, to connect two existing sections of rock lined open drainage channel, as shown on attached Exhibit B.
2. Term and Termination. TMWA may terminate this Agreement at any time prior to the start of the above-described construction by providing written notice to the HOA. The HOA may terminate this Agreement if TMWA has defaulted on any material term and fails to cure such default within a reasonable time period after receiving written notice of default from the HOA.
3. Hazardous Materials, Waster, Nuisance or Unlawful Activity. TMWA represents and warrants that it shall not use, generate, handle, store or dispose of any Hazardous Material in, on, under, upon or affecting the HOA Easement or Detention Basin in violation of any Environmental Law. "Environmental Law" as used herein means any and all Federal, state or local laws, rules, regulations, codes, ordinances, or by-laws, and any judicial or administrative interpretations thereof, including orders, decrees, judgments, rulings, directives or notices of violation, that create duties, obligations or liabilities with respect to: (i) human health; or (ii) environmental pollution, impairment or disruption, including, without limitation, laws governing the existence, use, storage, treatment, discharge, relicense, containment, transportation, generation, manufacture, refinement, handling, production, disposal, or management of any Hazardous Material, or otherwise regulating or providing for the protection of the environment. TMWA shall not allow or create any waste or nuisance of any kind whatsoever on the HOA Easement or Detention Basin, or use, or allow them to be used, for any unlawful purpose.
4. Compliance. TMWA will comply with all applicable laws, rules and regulations.
5. Assignment, Subagreement, or License. TMWA shall not assign any right or privilege connected with this Agreement, or allow any other person except agents, contractors and employees of TMWA to enter, use or occupy the HOA Easement or Detention Basin or any part thereof without the prior written consent of the HOA.
6. Governing Law. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Nevada.

7. Binding Effect. This Agreement shall be binding upon the HOA and upon TMWA and their respective heirs and assignees. This Agreement cannot be assigned by TMWA without the HOA's prior consent.

8. Amendment. No amendment or modification of this Agreement shall be effective unless in writing signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on and as of the day and year first above written.

THE FAIRWAYS AT FIELDCREEK
RANCH HOMEOWNERS
ASSOCIATION, INC., A Nevada
non-profit corporation

TRUCKEE MEADOWS WATER AUTHORITY,
A Joint Powers Authority

By: _____

By: John R. Zimmerman

Name: Jack Angaran

Name: John R. Zimmerman

Its: President

Its: Water Resources Manager

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

This instrument was acknowledged before me this 18 day of January, 2018, by Jack Angaran, as President of THE FAIRWAYS AT FIELDCREEK RANCH HOMEOWNERS ASSOCIATION, INC., on behalf of said Nevada non-profit corporation.



[Signature]
Notary Public

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

This instrument was acknowledged before me this 19th day of January, 2018, by John R. Zimmerman, as Water Resources Manager of TRUCKEE MEADOWS WATER AUTHORITY, on behalf of said Joint Powers Authority.



[Signature]
Notary Public

EXHIBIT "A"

The 15' private drainage easement maintained by the HOA as noted on the east side of the following:

Lot 2 of the Official Plat of the Fieldcreek Ranch Subdivision, Unit 12A Tract Map No. 3876, according to the map thereof, filed in the Office of the County Recorder of Washoe County, State of Nevada, on September 21, 2000, as File No. 2484343, also known as Lot A of Record of Survey to Support Boundary Line Adjustment for Townsend/Poulter-STMGID, Map No. 4833, according to the map thereof, filed in the Office of the County Recorder of Washoe County, State of Nevada, on January 9, 2007.

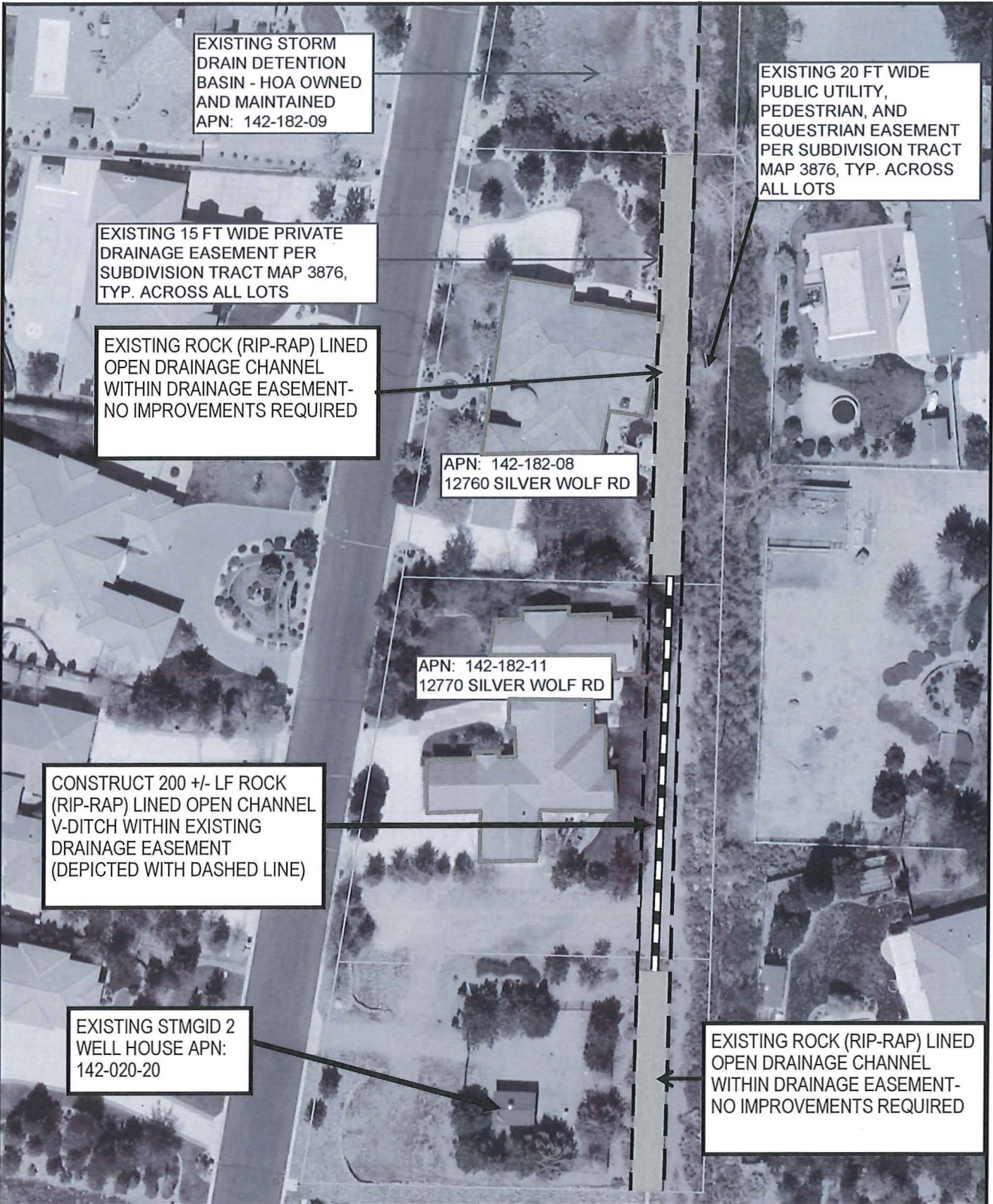
APN: 142-182-11

Lot 1 of the Official Plat of the Fieldcreek Ranch Subdivision, Unit 12A Tract Map No. 3876, according to the map thereof, filed in the Office of the County Recorder of Washoe County, State of Nevada, on September 21, 2000, as File No. 2484343.

APN: 142-182-08

Common Area as shown on the Official Plat of the Fieldcreek Ranch Subdivision, Unit 12A Tract Map No. 3876B, according to the map thereof, filed in the Office of the County Recorder of Washoe County, State of Nevada, on September 21, 2000, as File No. 2484343.

APN: 142-182-09



EXISTING STORM DRAIN DETENTION BASIN - HOA OWNED AND MAINTAINED
APN: 142-182-09

EXISTING 15 FT WIDE PRIVATE DRAINAGE EASEMENT PER SUBDIVISION TRACT MAP 3876, TYP. ACROSS ALL LOTS

EXISTING ROCK (RIP-RAP) LINED OPEN DRAINAGE CHANNEL WITHIN DRAINAGE EASEMENT- NO IMPROVEMENTS REQUIRED

APN: 142-182-08
12760 SILVER WOLF RD

APN: 142-182-11
12770 SILVER WOLF RD

CONSTRUCT 200 +/- LF ROCK (RIP-RAP) LINED OPEN CHANNEL V-DITCH WITHIN EXISTING DRAINAGE EASEMENT (DEPICTED WITH DASHED LINE)

EXISTING STMGID 2 WELL HOUSE APN: 142-020-20

EXISTING 20 FT WIDE PUBLIC UTILITY, PEDESTRIAN, AND EQUESTRIAN EASEMENT PER SUBDIVISION TRACT MAP 3876, TYP. ACROSS ALL LOTS

EXISTING ROCK (RIP-RAP) LINED OPEN DRAINAGE CHANNEL WITHIN DRAINAGE EASEMENT- NO IMPROVEMENTS REQUIRED

K:\2017-18 Capital Projects\50-0001.011 STMGID Well Bypass Improvements\Land\STMGID 2 Well Property Lines and Existing Easements.dwg
Jan 10, 2018 - 2:26pm

TRUCKEE MEADOWS WATER AUTHORITY
Quality. Delivered.
1355 CAPITAL BLVD. PO BOX 30013 RENO, NEVADA 89520-3013 PHONE: 775-834-8080

**STMGID 2 WELL
FAIRWAYS AT FIELDCREEK HOA**
PROPOSED DRAINAGE IMPROVEMENTS

DATE:	1/10/2018
DRAWN BY:	KM
WORK ORDER #:	50-0001.011
SCALE:	NTS

**EXHIBIT
B**



WASHOE COUNTY RECORDER

OFFICE OF THE COUNTY RECORDER
LAWRENCE R. BURTNES, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.



Signature

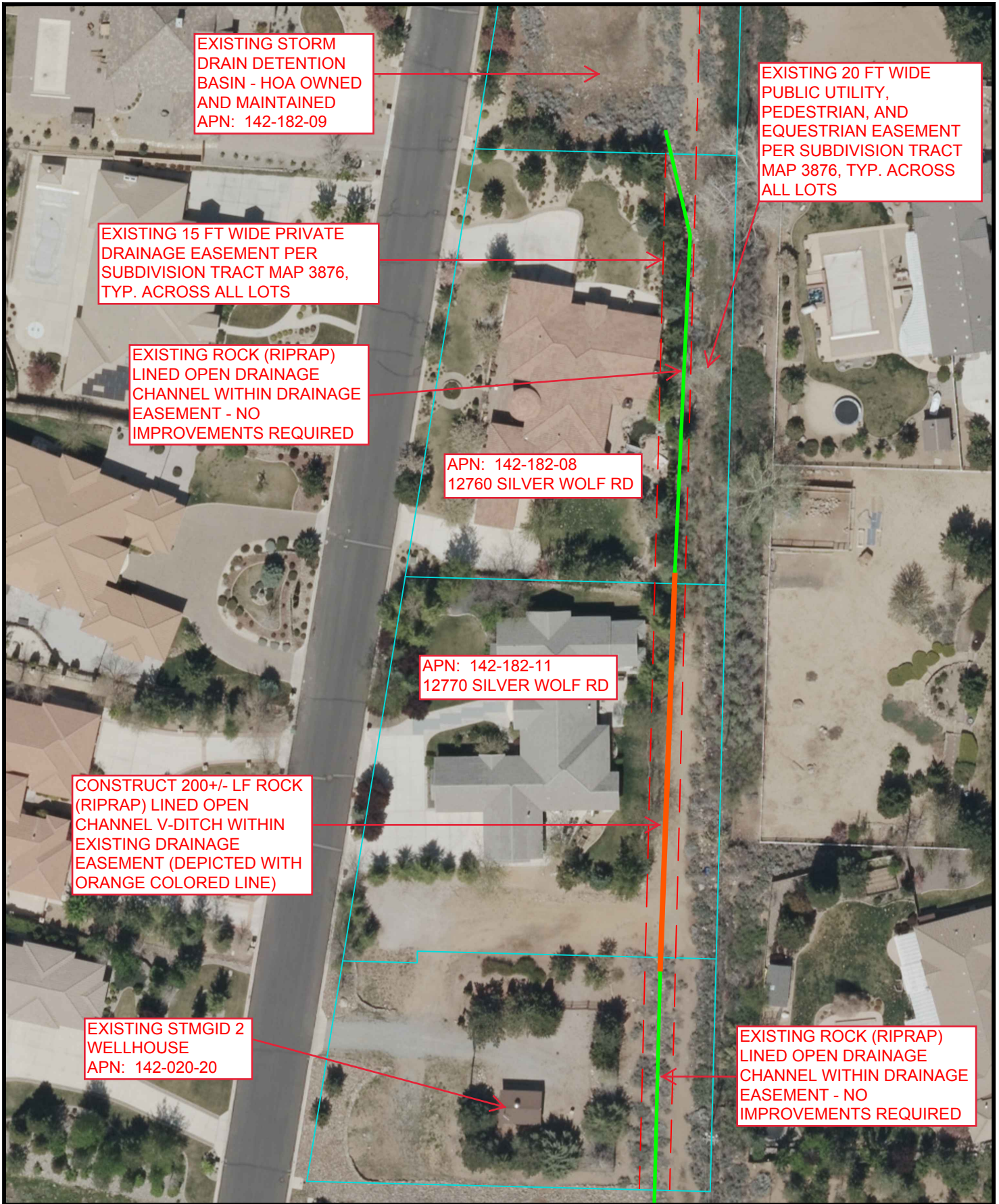
1-22-18

Date

Heather Edmonson

Printed Name

K:\2017-18 Capital Projects\50-0001.011 STMGID Well Bypass Improvements\Land\STMGID 2 Well Property Lines and Existing Easements.dwg
Jan 10, 2018 = 2:28pm



1355 CAPITAL BLVD. PO BOX 30013 RENO, NEVADA 89520-3013 PHONE: 775-834-8080

STMGID 2 WELL
FAIRWAYS AT FIELDCREEK HOA
PROPOSED DRAINAGE IMPROVEMENTS

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B