MEMORANDUM

TO:    Board of Trustees

THROUGH:    Steven J. Pinkerton
            General Manager

FROM:    Joseph J. Pomroy, P.E.
            Director of Public Works

Michael Lefrancois, P.E.
Senior Engineer

SUBJECT:    Review, discuss, and possibly approve a Grant of Easement to NV Energy on District Property APN: 128-352-01 (687 Wilson Way) for the Purposes of Constructing, Operating, Adding to, Modifying, Removing, Accessing and Maintaining Above and Below Ground Communication Facilities and Electric Line Systems.

DATE:    January 24, 2019

I.  RECOMMENDATION

Staff recommends that the Board of Trustees:

1. Approve a grant of Easement to NV Energy on District Properties APN: 128-352-01 to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution of electricity underground.

2. Authorize Staff to execute the easement documents upon review by District Counsel.

II.  DISTRICT STRATEGIC PLAN

Long Range Principle #5 – Assets and Infrastructure – The District will practice perpetual asset renewal, replacement, and improvement to provide safe and superior long term utility services and recreation activities.
III. BACKGROUND

NV Energy is requesting the District grant an easement at the Mountain Golf Course property – 687 Wilson Way, APN: 128-352-01 to provide additional power capacity in support of planned equipment replacement by Verizon on the existing Cell tower and also provide additional future capacity for the Clubhouse.

Similar easements were granted in 2008, 2014 and 2018 for modifications at Burnt Cedar Beach and Mercury Ct to allow improvements to stabilize power and improve infrastructure.

The proposal before the Board of Trustees will allow for the installation of a new electrical transformer on District property adjacent to the existing installation. This work will occur outside of the existing area leased by Verizon. This transformer will support District facilities as well as the existing cell tower. Work planned separately by Verizon is permitted under their existing lease agreement.

The existing transformer and underground utilities from Wilson Way to the clubhouse were constructed on or about 1970 with the construction of the existing clubhouse. The cell tower was added to the circuit with Board approval on or about 2011.

The District followed the notification requirements in Resolution 1475, A Resolution Establishing Policy for the Granting of Easements Across District Property, that requires written notice be given to owners of property within three hundred (300) feet of the District property at least 30 days prior to the date the request will be considered. The notice was mailed to 140 parcel owners. The notice and effected area is provided as attachments to this memo. The easement document is also included as an attachment.

IV. FINANCIAL IMPACT AND BUDGET

NV Energy will be required to prepare and record all easement documents. NV Energy is responsible for construction of all improvements. There is no financial impact to the District.
V. **ALTERNATIVES**

No alternatives provided. The District works cooperatively with public agencies and utility companies to provide necessary easements and encroachments to facilitate providing public services to the community.

VI. **COMMENTS**

Providing NV Energy access to maintain this infrastructure is beneficial to the communities of Incline Village and Crystal Bay as well as the Incline Village General Improvement District as it helps ensure the reliable delivery of electrical power. The existing utility service is 48 years old and of limited capacity. This upgrade will have both direct and indirect benefits to the District and its customers.

VII. **BUSINESS IMPACT**

This item is not a "rule" within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.
APN(s): 128-352-01

The undersigned hereby affirms that this document, including any exhibits herein submitted for recording does not contain the personal information of any person or persons (Per NRS 239B.030)

RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:
Land Resources
NV Energy
P.O. Box 10100 MS S4B20
Reno, NV 89520

GRANT OF EASEMENT

Incline Village General Improvement District, a Nevada quasi-municipal corporation and political subdivision of the State of Nevada, ("Grantor"), for One Dollar ($1.00) and other good and valuable consideration — receipt of which is hereby acknowledged — and on behalf of itself and its successors and assigns, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy ("Grantee") and its successors and assigns a perpetual right and easement:

1. to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution of electricity underground, consisting of cables, conduit, duct banks, manholes, vaults, transformers (aboveground or underground), service boxes/meter panels (aboveground or underground), cabinets (aboveground or underground), bollards (aboveground), and other equipment, fixtures, apparatus, and improvements ("Utility Facilities") upon, over, under and through the property legally described in Exhibit A attached hereto and by this reference made a part of this Grant of Easement ("Easement Area");

2. for ingress and egress to, from, over and across the Easement Area for the allowed purposes defined in numbered paragraph 1 of this document and for all other activities permitted by this agreement;

3. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of the Easement Area as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the Utility Facilities in the Easement Area.

Grantee will be responsible for any damages, proximately caused by Grantee negligently constructing, operating, adding to, maintaining, or removing the Utility Facilities, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date Grantor signs the Grant of
Easement. However, this paragraph does not apply to, and Grantee is not responsible for, any damages caused when Grantee exercises its rights under numbered paragraph 3 above.

Grantor covenants for the benefit of Grantee, its successors and assigns, that no building, structure or other real property improvements will be constructed or placed on or within the Easement Area without the prior written consent of Grantee, such structures and improvements to include, but not be limited to, drainage, trees, bridges, and signage. Grantee and Grantor must document Grantee's consent by both signing Grantee's standard, recordable use agreement. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape the Easement Area for its own purposes; provided, however, that all such purposes and uses do not interfere with Grantee's rights herein and are in all respects consistent with the Grantee's rights herein, Grantee's electrical practices, and the National Electrical Safety Code.

To the fullest extent permitted by law, Grantor and Grantee waive any right each may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Grant of Easement. Grantor and Grantee further waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

[signature page follows]
GRANTOR:
Incline Village General Improvement District

SIGNATURE

By: ____________________________
PRINT NAME

Title: ____________________________

STATE OF ________________________ )
COUNTY OF _____________________ ) ss.

This instrument was acknowledged before me on ____________, 2018 by ________________ as
__________________________ of Incline Village General Improvement District, a Nevada quasi-municipal corporation and political subdivision of the State of Nevada.

________________________________________
Signature of Notarial Officer

Notary Seal Area →

APN(s): 128-352-01
RW# RW-1150-2018
Proj. # 3002485603
Project Name: E-687 WILSON-E-COMM-VERIZON WIRELESS
GOE_DIST (Rev. 8/2017)
Exhibit A

A portion of the Northwest quarter of Section 10, Township 16 North, Range 18 East, M.D.M., Washoe County, Nevada; situated within that Parcel of land shown as Parcel F on the Map for Incline Village Unit No. 3, recorded as File Number 147003 on June 25, 1969, Official Records of Washoe County, Nevada.

Notwithstanding the foregoing, with respect to the Utility Facilities, Easement Area shall be reduced to an area ten (10) feet in width, being five (5) feet on each side of the centerline of the Utility Facilities after same are installed in connection with Sierra Pacific Power Company Project ID 3002485603 The easement area around any Additional Utility Facilities shall be reduced to three (3) feet in all directions around the perimeter of the Additional Utility Facilities, as originally installed in connection with Sierra Pacific Power Company Project ID 3002485603.

APN(s): 128-352-01
RW# RW-1150-2018
Proj. # 3002485603
Project Name: E-687 WILSON-E-COMM-VERIZON WIRELESS
GOE_DIST (Rev. 8/2017)
INCLINE VILLAGE GENERAL IMPROVEMENT DIST
893 SOUTHWOOD BLVD
INCLINE VILLAGE, NV 89451

December 17, 2018

To Whom It May Concern:

This written notice has been sent to you from NV Energy as a requirement of the Incline Village General Improvement District (IVGID) to notify you of our request for a utility easement across IVGID lands at 687 Wilson Way. The IVGID Board is expected to consider this easement modification no sooner than 30-days from the date of this notice at a regularly scheduled board meeting.

1. Granting of this easement will be considered by the IVGID Board of Trustees.
2. District policy requires written notice to owners of property within three hundred feet of the affected District property
3. Meeting and agenda updates can be found at: www.yourtahoeplace.com/ivgid/board-of-trustees/meetings-andagendas

Should you have any questions regarding NV Energy's request affecting District property, please contact NV ENERGY at 775-834-7116, or IVGID Engineering Division at 775-832-1267.

Best Regards,

Charlene Schlager

Epic Wireless
Authorized Representative for Verizon Wireless
(773)732-5497
Charlene.schlager@epicwireless.net