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 District Property APN: 127-280-01 (Incline Beach)
for the Purposes of Constructing, Operating, Adding to,
Modifying, Removing, Accessing and Maintaining Above and
Below Ground Communication Facilities and Electric Line
Systems

DATE: July 1, 2019

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I. RECOMMENDATION

Staff recommends that the Board of Trustees:

1. Approve a grant of Easement to NV Energy District Property APN: 127-280-01
   (Incline Beach) for the Purposes of Constructing, Operating, Adding to,
   Modifying, Removing, Accessing and Maintaining Above and Below Ground
   Communication Facilities and Electric Line Systems.

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 District Property APN: 127-280-01 (Incline Beach) for the installation and maintenance of electrical appurtenances servicing a Southwest Gas pipeline anti-corrosion system. Southwest Gas maintains a pipeline nearby in Lakeshore Blvd. The utility power is on poles on the Incline Beach property in a separate overhead-only easement granted to NV Energy. The proposed easement is approximately 50 square feet and is located near the fence and pedestrian path along Lakeshore Boulevard and has no impact to parking, operations or any District facilities.

The easement before the Board of Trustees will allow for the construction of a power drop off an existing electrical pole to serve a galvanic protection system already installed in the right-of-way by Southwest Gas.

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 out the last week of May. The notice and effected area is provided as attachments to this memo. The easement document, notification letter and notification map is also included as an attachment.

IV. FINANCIAL IMPACT AND BUDGET

NV Energy will be required to prepare and record all easement documents and 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 utility service.

This item has been placed on the consent calendar because it is a routine matter and follows Resolution 1475.

**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): 127-280-01

The undersigned hereby affirms that this document, including any exhibits hereby 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 quasi-municipal corporation organized and existing pursuant to the provisions of the General Improvement District Law, Chapter 318, Nevada Revised Statutes, ("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, and other equipment, fixtures, apparatus, and improvements ("Underground Utility Facilities") and transformers (aboveground or underground), service boxes/meter panels (aboveground or underground), cabinets (aboveground or underground), bollards (aboveground), and other equipment, fixtures, apparatus, and improvements ("Additional 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 above 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 Underground Utility Facilities or the Additional Utility Facilities within the Easement Area.

Grantee will be responsible for any damages, proximately caused by Grantee negligently constructing, operating, adding to, maintaining, or removing the Underground Utility Facilities and/or the Additional 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

APN(s): 127-280-01
RW# 0459-2017 (Is)
Proj. #3001902137
Project Name: E-951 LAKESHORE-E-COMM-SOUTHWEST GAS
GOE_DESIGN (Rev. 8/2017)
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, signage, roads, fencing, storage facilities, parking canopies, and other covered facilities. 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. Grantee may use this easement to provide service to any of its customers.

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 ____________, 2017 by __________________ as

_________________ of INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT.

________________________________________
Signature of Notarial Officer

Notary Seal Area →
Exhibit A

A portion of Lot II, III and IV of Section 22, Township 16 North, Range 18 East, M.D.B.&M., more particularly described as follows:

Commencing at the Southwesterly corner of Lot 12 in Block N and the Northerly right of way line of Nevada State Highway No. 28, as said lot, block and Highway are shown on the map of Lakeview Subdivision, Washoe county, Nevada, filed in the office of the County Recorder of Washoe County, State of Nevada on February 27, 1961; thence South 20°35'35" West 80.00 feet to a point in the southerly right of way of said Highway; thence South 69°24'25" East 174.28 feet along the Southerly right of way line of said Highway to the true point of beginning of this description, said point of beginning also being the Northwest corner of that certain parcel conveyed to Crystal Bay Development Co. on September 30, 1963, under filing No. 395633, Washoe County Records; thence continuing South 69°24'25" East 1251.79 feet along the Southerly right of way of said Highway to the Northwest corner of that certain parcel deeded to Pacific Bridge Company and Associates on October 23, 1963, under Filing No. 397736, Deed Records; thence South 20°35'35" West 574.75 feet, more or less, to Lake Tahoe; thence Westerly along Lake Tahoe to a point from which the true point of beginning of the description bears North 31°07'35" East; thence North 31°07'35" East to the true point of beginning of this description.

Notwithstanding the foregoing, with respect to the Underground 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 Underground Utility Facilities after same are installed in connection with Sierra Pacific Power Company Project ID 3001902137. 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 3001902137.
May 22, 2019

Chryssanthy Lemos-Petalas Living Trust
Po Box 6261
Incline Village, Nv 89450

Re: 943 Lakeshore Blvd
Washoe County APN: 122-251-10

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 967 Lakeshore Blvd. 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.

Granting of this easement will be considered by the IVGID Board of Trustees.

District policy requires written notice to owners of property within three hundred feet of the affected District property. Meeting and agenda information can be found at:


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

Thank you.
May 22, 2019

Albert W & Jane E Duffield Trust  
Po Box 4080  
Incline Village, NV 89450

Re: 947 LAKESHORE BLVD  
Washoe County APN: 122-251-11

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

F F O Llc  
Po Box 8057  
Incline Village, Nv 89452

Re: 949 Lakeshore Blvd  
Washoe County APN: 122-251-12

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

Eagle Eye Investments Iii Llc
C/O Abbot Downing Financial Admin Mac N9305-520
90 S 7th St Fl 52
Minneapolis, Mn 55402

Re: 951 Lakeshore Blvd
Washoe County APN: 122-251-13

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 967 Lakeshore Blvd. 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.

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

Thank you.
May 22, 2019

John H Force Qualified Pers Res Trust Et Al
22722 Old Canal Rd
Yorba Linda, Ca 92887

Re: 944 Lakeshore Blvd
Washoe County APN: 122-252-01

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

Katherine Everson Living Trust
3074 Woods Dr
Las Vegas, NV 89108

Re: 940 Lakeshore Blvd
Washoe County APN: 122-252-02

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 967 Lakeshore Blvd. 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.

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

Thank you.
May 22, 2019

John D & Cynthia V Hunter Trust
4740 Opal Cliff Dr
Santa Cruz, Ca 95062

Re: 936 Lakeshore Blvd
Washoe County APN: 122-252-03

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 967 Lakeshore Blvd. 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.

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

Thank you.
May 22, 2019

Incline Village General Improvement Dist
893 Southwood Blvd
Incline Village, Nv 89451

Re: 958 Lakeshore Blvd
Washoe County APN: 127-010-04

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 967 Lakeshore Blvd. 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.

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Should you have any questions regarding NV Energy’s request affecting District property please contact IVGID Engineering Division at 775-832-1267.

Thank you.
May 22, 2019

Nevada Pacific Development Corp  
Po Box 4204  
Incline Village, Nv 89450

Re: 956 Lakeshore Blvd  
Washoe County APN: 127-010-05

This written notice has been sent to you from NV Energy as a requirement of the Incline Village General Improvement District (IVGIS) to notify you of our request for a utility easement across IVGIS lands at 967 Lakeshore Blvd. The IVGIS 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.

Granting of this easement will be considered by the IVGIS Board of Trustees.

District policy requires written notice to owners of property within three hundred feet of the affected District property. Meeting and agenda information can be found at:  

Should you have any questions regarding NV Energy’s request affecting District property please contact IVGIS Engineering Division at 775-832-1267.

Thank you.
May 22, 2019

Incline Village General Improvement Dist
893 Southwood Blvd
Incline Village, Nv 89451

Re: 960 Lakeshore Blvd
Washoe County APN: 127-010-07

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 967 Lakeshore Blvd. 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.

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Should you have any questions regarding NV Energy’s request affecting District property please contact IVGID Engineering Division at 775-832-1267.

Thank you.
May 22, 2019

Hyatt Equities Llc
Po Box 2196
Chicago, Il 60690

Re: 111 Country Club Dr
Washoe County APN: 127-010-09

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 967 Lakeshore Blvd. 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.

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Should you have any questions regarding NV Energy’s request affecting District property please contact IVGID Engineering Division at 775-832-1267.

Thank you.
May 22, 2019

Hyatt Equities LLC
Po Box 2196
Chicago, IL 60690

Re: 998 Lakeshore Blvd
Washoe County APN: 127-280-02

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

Plastiras Family Trust
954 Lakeshore Blvd
Incline Village, NV 89451

Re: 946 Lakeshore View Ct
Washoe County APN: 127-440-01

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

PETER REYNOLDS LLP
774 Mays Blvd. #10PMB561
Incline Village, NV 89451

Re: 950 Lakeshore View Ct
Washoe County APN: 127-440-02

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 967 Lakeshore Blvd. 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.

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Should you have any questions regarding NV Energy’s request affecting District property please contact IVGID Engineering Division at 775-832-1267.

Thank you.
May 22, 2019

BOSTON LIBERTY TRUST
PO BOX 3069
INCLINE VILLAGE, NV 89450

Re: 948 LAKESHORE VIEW CT
Washoe County APN: 127-440-03

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

Thomas R & Laura Schneider  
Po Box 3056  
Incline Village, Nv 89450

Re: 952 Lakeshore View Ct  
Washoe County APN: 127-440-04

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 967 Lakeshore Blvd. 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.

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Thank you.
May 22, 2019

954 Lakeshore Group Inc
954 Lakeshore Blvd
Incline Village, Nv 89451

Re: 954 Lakeshore Blvd
Washoe County APN: 127-440-05

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Thank you.
May 22, 2019

Village Est Homeowners Assn
C/O Incline Property Mgmt
876 Tanger St
Incline Village, Nv 89451

Re: 105 Village Blvd
Washoe County APN: 127-450-09

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 967 Lakeshore Blvd. 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.

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