

RESOLUTION NO. 1475

A RESOLUTION ESTABLISHING POLICY FOR
THE GRANTING OF EASEMENTS ACROSS
DISTRICT PROPERTY

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

WHEREAS, at their regular meeting of August 9, 1984, the Board of Trustees of the Incline Village General Improvement District discussed and, by motion, adopted a policy for the granting of easements across District property;

KNOW, THEREFORE, IT IS HEREBY ORDERED as follows:

The "Policy for Easements Across Property Owned by the Incline Village General Improvement District" attached hereto as Exhibit A, is adopted as Policy and Procedure Resolution No. 103.

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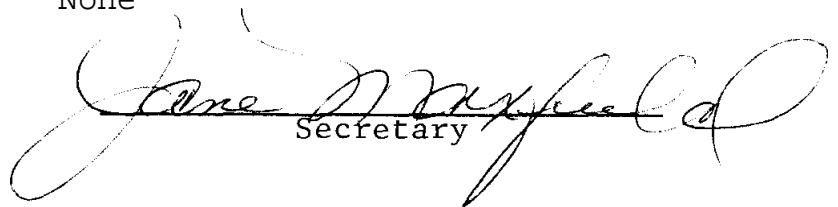
I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regularly held meeting of the Board of Trustees of the Incline Village General Improvement District on the 30th day of August, 1984, by the following vote:

AYES, and in favor thereof, Trustees:

Syd Brosten, Tom Duggan, Bob Jones, Jane Maxfield,
Bob Wolf

NOES, Trustees: None

ABSENT, Trustees: None


Secretary

POLICY FOR EASEMENTS
ACROSS PROPERTY OWNED BY THE
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

1. The process should be initiated by a letter request of the property owner, detailing the following:
 - (a) Complete legal description of the easement, accompanied by a plat map with a sketch of the easement. If public utilities are located within or adjacent to the easement, or, in the opinion of the General Manager, other property characteristics make a survey desirable, a certified survey shall also be furnished by the property owners.
 - (b) Description of the applicant's property to be benefited, together with a plat map.
 - (c) Specific reasons for the request.
 - (d) Whether the easement will be exclusive or non-exclusive.
 - (e) Estimate of the market value of the easement.
2. The letter application must be accompanied by a non-refundable application fee in the amount of One Hundred Dollars (\$100.00) to cover the administrative processing cost. The applicant also must agree to reimburse IVGID for the District's out-of-pocket expenses for surveys, title research and attorney fees in relation to the easement.
3. Written notice of the Board's intention to consider a request for easement must be given to owners of property within three hundred (300) feet of the affected District property at least thirty (30) days prior to the date the request will be considered.
4. The District staff will evaluate each request on a case-by-case basis to make a recommendation to the Board. All costs of any survey, engineering, or improvements to the easement shall be borne by the applicant.
5. If the requested easement requires improvements, plans for the improvements shall be attached to the easement application and a performance bond must be provided upon execution of the easement document to ensure completion. If the easement requires maintenance, a covenant must be included in the easement document binding applicant and his successors to perform such maintenance.
6. The easement document will provide for insurance, maintenance and other items that may be recommended by staff based on a case-by-case review.
7. Once executed, the easement document will be recorded by the property owner and a copy of the recorded document furnished to IVGID.
8. The granting of any easement will be completely discretionary with the Board. Board actions shall not constitute a precedent. In general, the Board will not grant **nn** easement that may interfere with the present or future operations of the District. In considering an application

for easement, the Board shall consider the property owner's need for the easement, impact upon District operations, future plans for the property, the degree to which the easement restricts future use of the property, environmental matters, safety matters, impact upon adjacent properties and the surrounding neighborhood, and other matters the Board deems pertinent and appropriate.

9. If there is a benefit to the District because of easement improvements or other mitigation measures, the staff and Board will consider this in setting a price for the easement. The price set for the easement will also be determined in relation to the value added to the property (No. 1(e) above) as well as any detriment to the District.
10. The General Manager may require an appraisal of any proposed easement, if in his judgement the market value of the easement is not clear and the easement may be sufficiently valuable to warrant the expense of an appraisal. If an appraisal is required by IVGID, all expenses pertaining thereto shall be paid for by the property owner.
11. If improvements within the easement require permits from any local, regional, state or federal agency, or if the easement is associated with any project which otherwise requires such permits, and all such permits have not been obtained, the easement shall expire in one year or at other such time stated in the easement, if all such permits are not obtained by such time by the property owner.

EASEMENT REQUEST

Applicant: _____

Address: _____

Phone: _____

Date: _____

Check List for Required Backup to Request

1. Letter detailing:
 - (a) Legal description of easement & plat map with sketch of the easement _____
 - (b) Description of property to be benefited & plat map _____
 - (c) Reasons for request _____
 - (d) Whether easement will be exclusive or non-exclusive _____
 - (e) Estimate of market value of easement _____
2. Has the \$100.00 non-refundable application fee been paid? _____
3. Agreement to reimburse IVGID for out-of-pocket expenses (surveys, title research, attorney fees) _____
4. Have property owners within 300 feet of District property been notified? _____
5. Plans for improvements, if the requested easement requires improvements _____
6. Staff recommendation _____