BOARD OF REGENTS BRIEFING PAPER

1. **Agenda Item Title:** Granting of Permanent Easements to NV Energy

for Gas and Electrical Utilities at the Graduate and Student Family Housing Project Site

Meeting Date: March 6 & 7, 2014

BACKGROUND & POLICY CONTEXT OF ISSUE:

Location of Property to Contain Easement: Located on a portion of parcel 003-180-17 on the University of Nevada, Reno, main campus, the current site of a land lease by NSHE (Landlord) to Balfour Beatty for the construction of a graduate and student housing facility (Exhibit 1).

Background: The Board of Regents approved a Ground and Improvements Lease to Balfour Beatty for the construction of a graduate and student family housing facility at the March 1, 2013 meeting. The proposed new construction will require two new utility easements for gas and electrical service.

Easement Area Descriptions: Each easement contains easement areas for the underground and the above ground utility improvements. Underground easements areas shall be 10 feet in width, being 5 feet on each side of the centerline of the utilities installed. Above ground easements will include the area of the installed facilities plus 3 feet in all directions around the installed utility improvement. (Exhibit 2)

Easement Description: Separate easements for gas and electrical utilities that include surface and subsurface installations as required for the projects utility requirements. (Exhibit 3).

Required Easement: The easements are required to be supplied to NV Energy to provide gas and electrical service through the installed utility lines. These easements are granted to NV Energy with no compensation to NSHE as this is for the sole benefit of the Graduate and Student Family Housing Project. There is no expense to NSHE for these easements. All documents were reviewed and approved by UNR General Counsel and Nicholas Vaskov, System Counsel and Director of Real Estate Planning.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

University of Nevada, Reno President Marc Johnson requests approval of two "Grants of Easement" for gas and electrical easements to NV Energy for the construction and operation of utility lines.

IMPETUS (WHY NOW?):

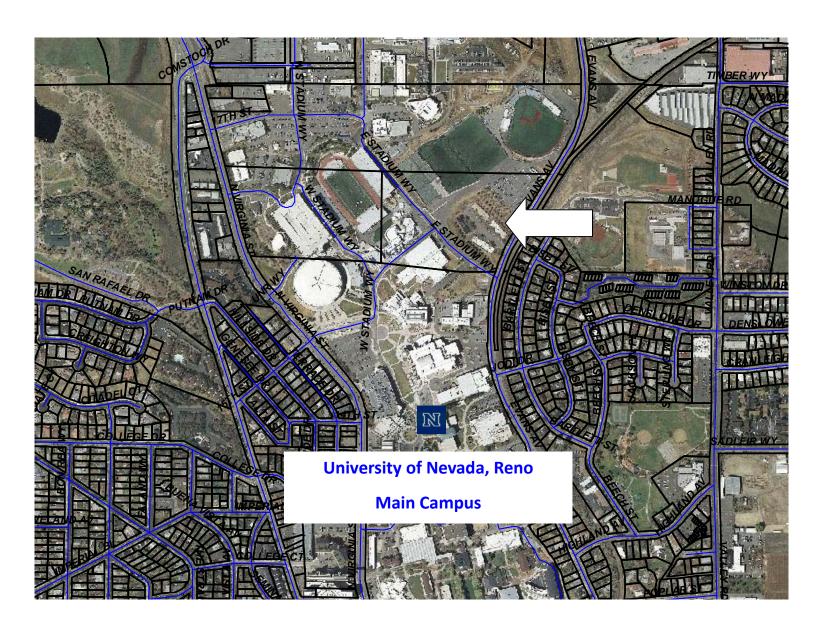
- These easements will provide the means for the utilities to be installed for the construction of the new graduate and student family housing project currently under construction on the UNR campus.
- The easements are needed now in order to meet the projected facility opening date of August 2014.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

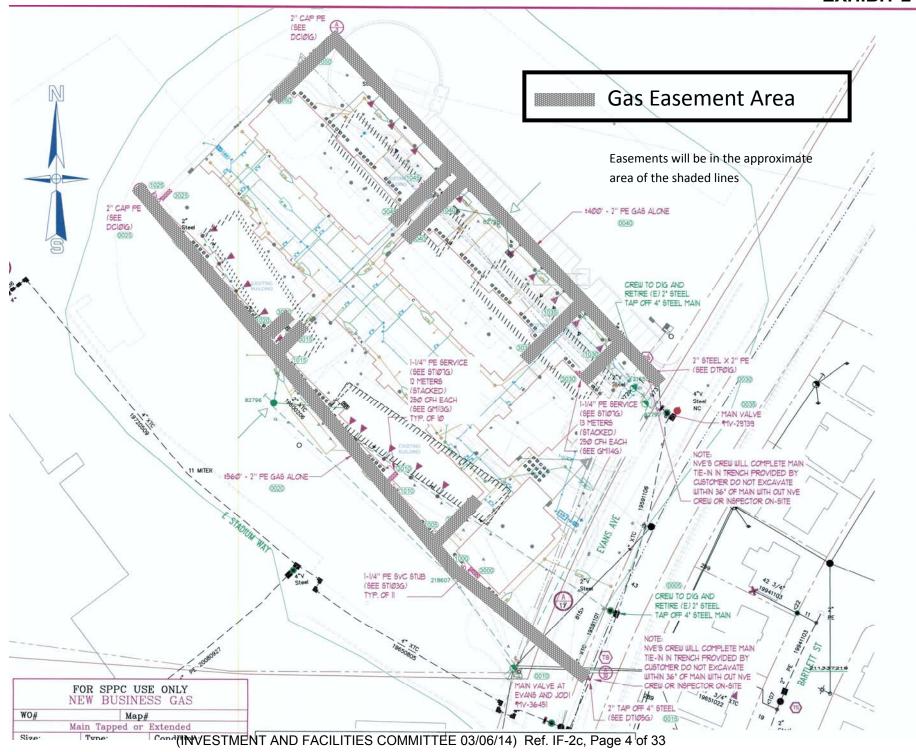
- The proposed easements are required for utility service to the project.
- Any delay in the granting of the easements may delay the construction timeline of the project.

POTENTIAL ARGUMENTS AGAINST THE REQUEST RECOMMENDATION:
N/A
ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:
Defer this easement to a future date which may delay project completion.
COMPLIANCE WITH BOARD POLICY:
X Consistent With Current Board Policy: Title #4 Chapter #10 Section #1
☐ Amends Current Board Policy: Title # Section #
X Other: <u>Procedures & Guidelines Manual, Chapter 5, Section 3, Preparation and Approval of NSHE</u>
Contracts.
X Fiscal Impact: Yes _ No_X_

EXHIBIT 1 Proposed Easement Property Location



White arrow shows the location of the proposed property for the easement.



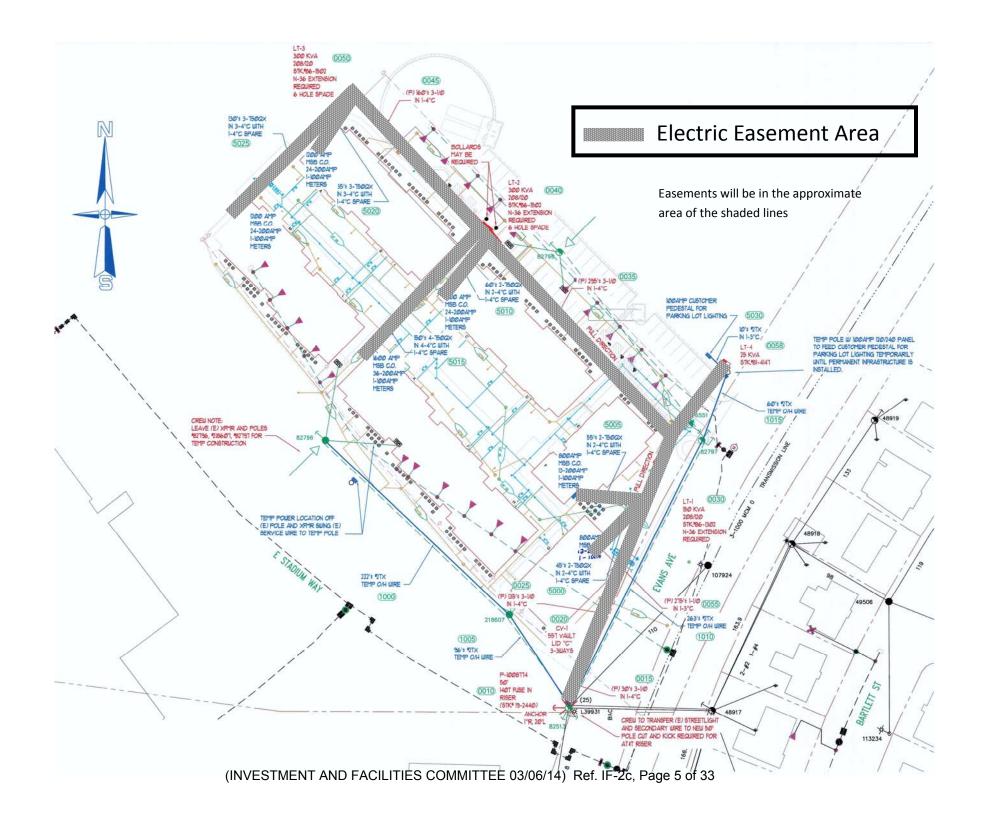


Exhibit 3

APN: 003-180-17

WHEN RECORDED MAIL TO: Land Operations Department NV Energy P.O. Box 10100 MS S4B20 Reno, NV 89520

GRANT OF EASEMENT

Board of Regents of the University of Nevada System of Higher Education on Behalf of the University of Nevada, Reno, ("Grantor") for One Dollar (\$1.00) and other and good valuable consideration, receipt of which is hereby acknowledged, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy ("Grantee"), its successors and assigns, a perpetual right and easement:

- 1. to construct, operate, add to, modify, maintain and remove aboveground and/or underground communication facilities and gas systems for the distribution and transmission of gas underground, consisting of pipes, valves, fittings, regulators, meters, vaults, and other equipment, fixtures, apparatus, and improvements ("Underground Utility Facilities") upon, over, under and through the property described in <a href="Exhibit "A" hereto and by this reference made a part of this Grant of Easement ("Easement Area 1");"
- 2. to construct, operate, add to, modify, maintain and remove communication facilities and gas systems for the distribution of gas underground, consisting of valves (aboveground or underground), service boxes/meter panels (aboveground or underground), regulators (aboveground or underground), bollards (aboveground), and other equipment, fixtures, apparatus, and improvements ("Additional Utility Facilities") upon, over, under and through the property described in Exhibit "B" hereto and by this reference made a part of this Grant of Easement ("Easement Area 2");
- 3. for the ingress of vehicles and pedestrians to and the egress of vehicles and pedestrians from, the Easement Area 1, Easement Area 2, and the unrestricted passage of vehicles and pedestrians within, on, over and across said Easement Areas; and
- 4. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of Easement Area 1 and Easement Area 2 as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the gas systems and communication facilities in Easement Area 1 and Easement Area 2.

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 the real property, any tangible, personal property or improvements owned by

RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

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Grantor and located on Easement Area 1 and/or Easement Area 2 on the date Grantor signs the Grant of Easement.

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 1 or Easement Area 2 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 a mutually acceptable recordable use agreement. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape Easement Area 1 and Easement Area 2 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 gas practices, and standards.

GRANTOR:

Board of Regents of Higher Education on B Nevada, Reno				
By: Title:			_	
STATE OFCOUNTY OF)			
This instrument was acknown asBehalf of the University of	owledged before me of Nevada, Reno.	e on Board of Rege	, 2014 by nts of the Nevada Sys	tem of Higher Education on
Signature of Notarial Off	icer			
Notary Seal area →				

APN: 003-180-17 RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

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Exhibit A

APN: 003-180-17 RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN



W.O. 3000316268

Board of Regents of the University of Nevada System

APN: 003-180-17

EXHIBIT "A-1" EASEMENT

A portion of the Northeast quarter of Section 2, Township 19 North, Range 19 East, M.D.M., Washoe County, Nevada, more particularly described as follows:

Commencing at the Washoe County GPS Control Point No. PLS 3736;

Thence North 78°54'03" East, 1543.99 feet to a point on the Westerly right-ofway of Evans Avenue and the POINT OF BEGINNING;

Thence North 45°43'42" West, 336.25 feet;

Thence North 31°09'58" West, 140.02 feet;

Thence North 39°34'39" West, 29.32 feet;

Thence North 18°54'22" West, 27.96 feet;

Thence North 44°47'41"East, 34.92 feet;

Thence North 12°19'09" West, 13.25 feet;

Thence North 45°12'19" West, 23.29 feet;

Thence South 44°47'41" West, 14.41 feet;

Thence South 28°49'49" West, 25.36 feet to the beginning of a non-tangent curve to the left, from which the radius point of said curve bears South 62°48'52" East;

Thence along the arc of said curve a distance of 54.56 feet, said curve having a radius of 212.41 feet and a central angle of 14°43'01";

Thence South 12°28'07" West, 4.30 feet;



Thence North 78°56'57" West, 5.00 feet;

Thence North 12°30'02" East, 5.00 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 77°22'45" East;

Thence along the arc of said curve a distance of 55.34 feet, said curve having a radius of 217.41 feet and a central angle of 14°35'01";

Thence North 28°49'49" East, 26.15 feet;

Thence North 44°47'41" East, 15.11 feet;

Thence North 45°12'19" West, 2.00 feet;

Thence North 44°47'41" East, 77.88 feet;

Thence South 45°23'04" East, 42.42 feet;

Thence North 44°47'41" East, 24.37 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 45°12'19" East;

Thence along the arc of said curve a distance of 48.69 feet, said curve having a radius of 31.00 feet and a central angle of 90°00'00";

Thence South 45°12'59" East, 22.48 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears North 62°34'57" East;

Thence along the arc of said curve a distance of 51.45 feet, said curve having a radius of 51.50 feet and a central angle of 57°14'14";

Thence North 62°17'55" West, 2.00 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 60°15'40" East;

Thence along the arc of said curve a distance of 145.48 feet, said curve having a radius of 53.50 feet and a central angle of 155°48'16;



Thence South 70°09'04" East, 7.83 feet;

Thence South 19°50'52" West, 26.35 feet;

Thence North 70°09'04" West, 6.56 feet;

Thence South 45°12'19" East, 288.35 feet;

Thence North 30°59'39" East, 20.59 feet;

Thence South 45°12'19" East, 20.59 feet to a point on said Westerly right-of-way;

Thence along said Westerly right-of-way, South 30°59'39" West, 75.08 feet;

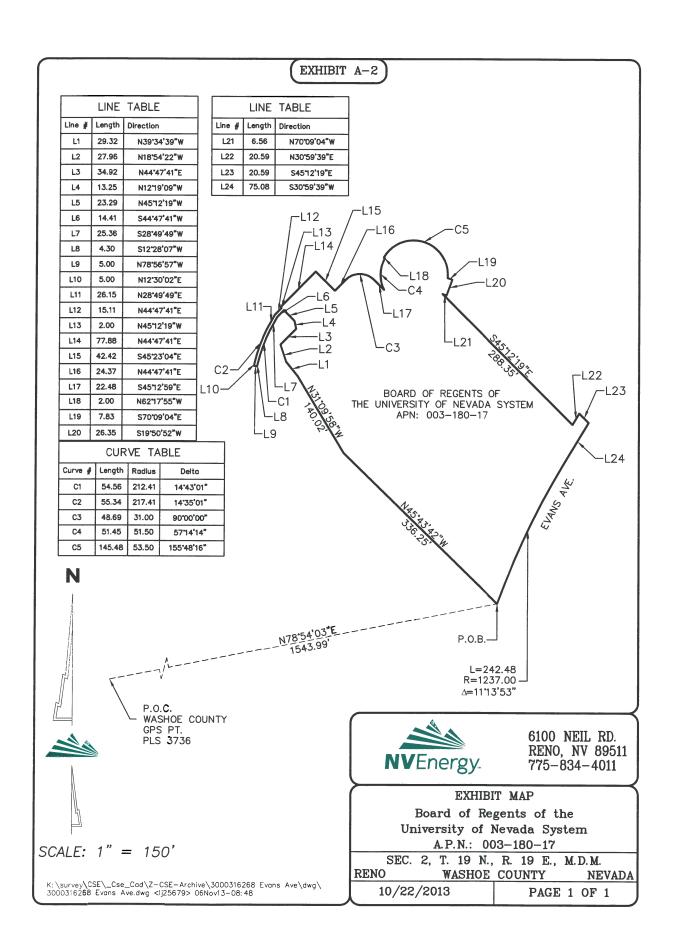
Thence continuing along said Westerly right-of-way along the arc of a tangent curve to the left, having a radius of 1237.00 feet, through a central angle of 11°13'53", a distance of 242.48 feet to the POINT OF BEGINNING and the terminus of this prescription.

Said Easement contains 3.12 acres of land more or less.

See Exhibit "A-2" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Evans Avenue.





Notwithstanding the foregoing, with respect to the Underground Utility Facilities, Easement Area 1 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 originally installed in connection with **Sierra Pacific Power Company Work Request Number 3000353171**. Grantee may use this easement to provide service to any of its customers.

APN: 003-180-17 RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

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Exhibit B

1 x x

APN: 003-180-17 RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN



W.O. 3000316268

Board of Regents of the University of Nevada System

APN: 003-180-17

EXHIBIT "B-1" EASEMENT

A portion of the Northeast quarter of Section 2, Township 19 North, Range 19 East, M.D.M., Washoe County, Nevada, more particularly described as follows:

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Thence along the arc of said curve a distance of 54.56 feet, said curve having a radius of 212.41 feet and a central angle of 14°43'01";

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Thence South 45°12'59" East, 22.48 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears North 62°34'57" East;

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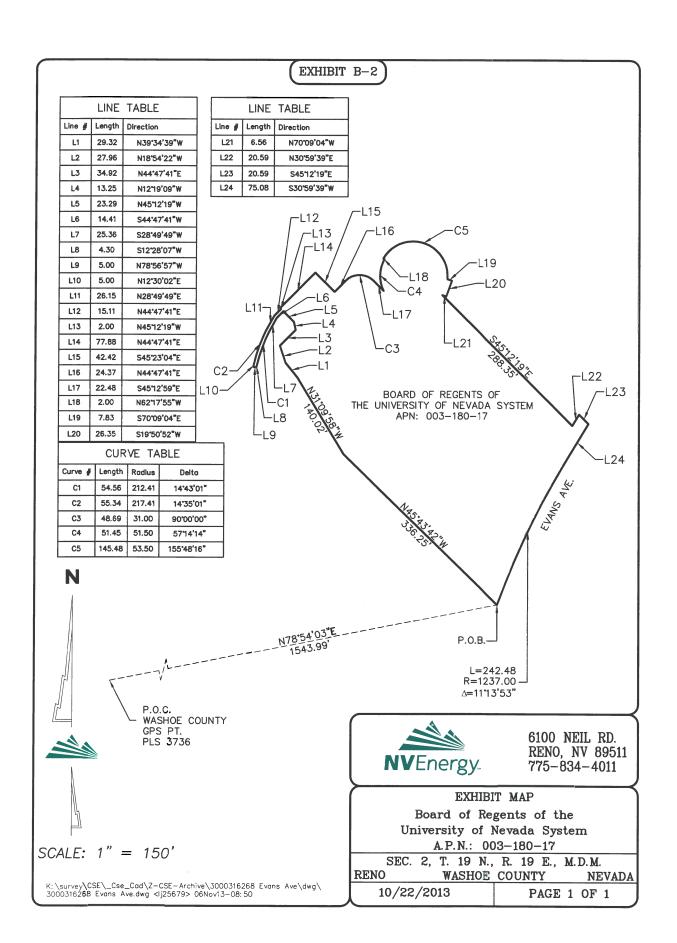
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Said Easement contains 3.12 acres of land more or less.

See Exhibit "A-2" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Evans Avenue.





Notwithstanding the foregoing, with respect to the Additional Utility Facilities, Easement Area 2 shall be reduced to an area that includes the Additional Utility Facilities plus three (3) feet in all directions around the perimeter of the Additional Utility Facilities.

APN: 003-180-17 RW# CR26814 Proj. #3000353171

Project Name: UNR – Evans – Balfour Beatty Campus Solutions

Reference Document: ALTA

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WHEN RECORDED MAIL TO: Land Operations Department NV Energy P.O. Box 10100 MS S4B20 Reno, NV 89520

GRANT OF EASEMENT

Board of Regents of the Nevada System of Higher Education on Behalf of the University of Nevada, Reno, ("Grantor") for One Dollar (\$1.00) and other and good valuable consideration, receipt of which is hereby acknowledged, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy ("Grantee"), 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") upon, over, under and through the property described in Easement Area 1");
- 2. to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution of electricity underground, consisting of 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 described in Exhibit "B" hereto and by this reference made a part of this Grant of Easement ("Easement Area 2");
- 3. for the ingress of vehicles and pedestrians to and the egress of vehicles and pedestrians from, the Easement Area 1, Easement Area 2, and the unrestricted passage of vehicles and pedestrians within, on, over and across said Easement Areas; and
- 4. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of Easement Area 1 and Easement Area 2 as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the electric line systems and communication facilities in Easement Area 1 and Easement Area 2.

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RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

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GRANTOR:

Board of Regents of the Nevada System of Higher Education of Behalf of the University of Nevada, Reno		
By: Title:	_	
STATE OF		
This instrument was acknowledged before me on of the Board of Regen on Behalf of the University of Nevada, Reno.	, 2014 by ents of the Nevada System of Higher Education	_ on
Signature of Notarial Officer		
Notary Seal area →		
This instrument was acknowledged before me on of the Board of Regen on Behalf of the University of Nevada, Reno. Signature of Notarial Officer	, 2014 by, and the Nevada System of Higher Educa	atio

APN: 003-180-17 RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE DESIGN

Exhibit A

APN: 003-180-17 RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN



W.O. 30003253171

Board of Regents of the University of Nevada System

APN: 003-180-17

EXHIBIT "A-1" EASEMENT

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Thence North 18°54'22" West, 27.96 feet;

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Thence South 28°49'49" West, 25.36 feet to the beginning of a non-tangent curve to the left, from which the radius point of said curve bears South 62°48'52" East;

Thence along the arc of said curve a distance of 54.56 feet, said curve having a radius of 212.41 feet and a central angle of 14°43'01";

Thence South 12°28'07" West, 4.30 feet;



Thence North 78°56'57" West, 5.00 feet;

Thence North 12°30'02" East, 5.00 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 77°22'46" East;

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Thence South 45°12'59" East, 22.48 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears North 62°34'57" East;

Thence along the arc of said curve a distance of 51.45 feet, said curve having a radius of 51.50 feet and a central angle of 57°14'14";

Thence North 62°17'55" West, 2.00 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 60°15'40" East;

Thence along the arc of said curve a distance of 145.48 feet, said curve having a radius of 53.50 feet and a central angle of 155°48'16;



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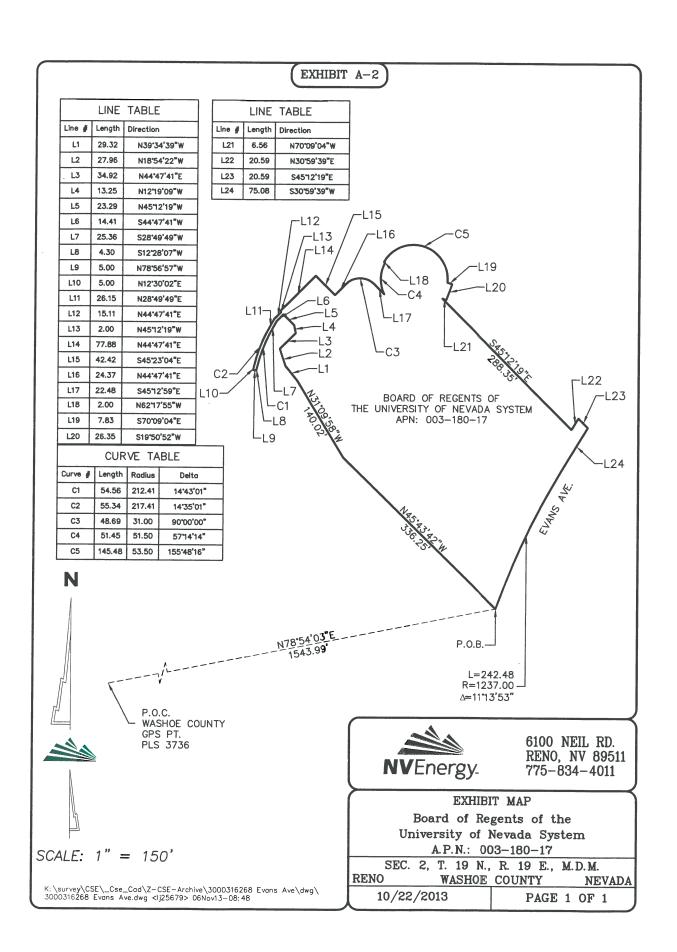
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Said Easement contains 3.12 acres of land more or less.

See Exhibit "A-2" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Evans Avenue.





Notwithstanding the foregoing, with respect to the Underground Utility Facilities, Easement Area 1 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 originally installed in connection with **Sierra Pacific Power Company Work Request Number 3000316268**. Grantee may use this easement to provide service to any of its customers.

APN: 003-180-17 RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN

Exhibit B

APN: 003-180-17 RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN



W.O. 30003253171

Board of Regents of the University of Nevada System

APN: 003-180-17

EXHIBIT "B-1" EASEMENT

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Thence along the arc of said curve a distance of 51.45 feet, said curve having a radius of 51.50 feet and a central angle of 57°14'14";

Thence North 62°17'55" West, 2.00 feet to the beginning of a non-tangent curve to the right, from which the radius point of said curve bears South 60°15'40" East;

Thence along the arc of said curve a distance of 145.48 feet, said curve having a radius of 53.50 feet and a central angle of 155°48'16;



Thence South 70°09'04" East, 7.83 feet;

Thence South 19°50'52" West, 26.35 feet;

Thence North 70°09'04" West, 6.56 feet;

Thence South 45°12'19" East, 288.35 feet;

Thence North 30°59'39" East, 20.59 feet;

Thence South 45°12'19" East, 20.59 feet to a point on said Westerly right-of-way;

Thence along said Westerly right-of-way, South 30°59'39" West, 75.08 feet;

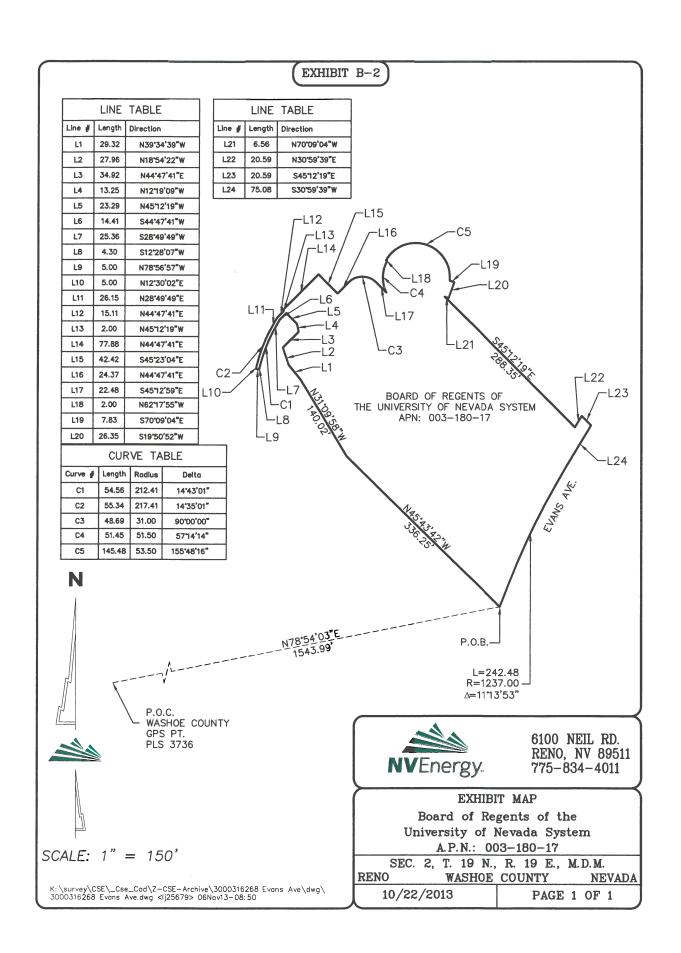
Thence continuing along said Westerly right-of-way along the arc of a tangent curve to the left, having a radius of 1237.00 feet, through a central angle of 11°13'53", a distance of 242.48 feet to the POINT OF BEGINNING and the terminus of this prescription.

Said Easement contains 3.12 acres of land more or less.

See Exhibit "A-2" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Evans Avenue.





Notwithstanding the foregoing, with respect to the Additional Utility Facilities, Easement Area 2 shall be reduced to an area that includes the Additional Utility Facilities plus three (3) feet in all directions around the perimeter of the Additional Utility Facilities.

APN: 003-180-17 RW# CR26814 Proj. #3000316268

Project Name: UNR - Evans - Balfour Beatty Campus Solutions

Reference Document: ALTA

GOE_DESIGN