

APN: 14031102002

When Recorded, Return To:

Southern Nevada Water Authority
Conservation Division
PO Box 99956
MS 110
Las Vegas, NV 89193-9956

CONSERVATION EASEMENT

This Grant of Conservation Easement ("Easement"), is made by the undersigned owner, as the grantor, ("Owner") and Southern Nevada Water Authority ("Authority"), a political subdivision of the State of Nevada, as the holder.

RECITALS:

Whereas, Owner is the fee-simple owner of that certain real property located at 3951 E BONANZA RD, LAS VEGAS ("Property"), and more particularly described in Exhibit A;

Whereas, the Authority has implemented its Water Smart Landscapes Program ("Program") for the express purpose of permanently reducing demand for water resources and reducing or deferring major infrastructure needs. The Program accomplishes this by offering a "Rebate" to Program participants for converting lawn and/or water surface to qualifying landscaping described in the Program's *Requirements for the Converted Area*;

Whereas, pursuant to Program requirements, the Owner has converted a portion of lawn and/or water surface present on the Property to desert landscaping and related irrigation consistent with *Requirements for the Converted Area* in the size described in Exhibit B and further depicted in Exhibit C ("Converted Landscape Area");

Whereas, pursuant to the Program, Owner shall receive, upon recordation of this Easement, a Rebate from the Authority as consideration for removing turfgrass in the Converted Landscape Area;

Whereas, for the Authority to maximize the Program's intended water savings, it is essential that the Owner and any and all of Owner's successors in interest preserve the Converted Landscape Area;

Whereas, this Easement, which applies to the Converted Landscape Area, will provide a significant public benefit by protecting natural resources and reducing water consumption;

Whereas, this Easement is created pursuant to the Uniform Conservation Easement Act provided for in NRS 111.390 to 111.440, and the Authority is a governmental body empowered to hold an interest in real property under the Act; and

Whereas, the Owner and Authority recognize the importance of water conservation and have the common purpose of conserving water usage on the Property, through the grant of this Easement, which is applicable to the Property's Converted Landscape Area.

NOW, THEREFORE, based on the foregoing Recitals, this Easement, with its conditions and restrictions, and pursuant to the laws of Nevada, including, but not limited to, NRS 111.390 to 111.440, the Owner and the Authority agree as follows:

1. Owner grants and conveys to the Authority this Easement over the Property's Converted Landscape Area 12166 square feet, which has been converted to drought tolerant landscaping in accordance with the Program. In exchange, the Authority shall issue a Rebate to the Owner upon recordation of this Easement. The Owner agrees that the Property shall be held, conveyed, hypothecated, developed, or encumbered subject to this Easement and shall be binding upon the Owner and all successors in interest to the Owner pursuant to NRS 111.390 to 111.440. Subject to Sections 3 and 4, any modifications to the drought tolerant landscaping installed on the Property in accordance with the Program, including, without limitation, the installation of irrigated lawn or grass, spray irrigation systems, swimming pools, ponds or other bodies of water or water features upon or within any areas subject to the Easement shall constitute a breach.

2. This Easement is made for the express benefit of the Authority and its successors and assigns.

3. The Authority may consent to modifications of the Converted Landscape Area installed in accordance with the Program and subject to this Easement. The landscape conversions made to the Property pursuant to the Program may be modified without the Authority's consent through normal maintenance of the Property, provided the outcome of such modifications provides equal or greater water efficiency and that no irrigated lawn or grass, spray irrigation, swimming pools, ponds, or other bodies of water or water features are developed in or upon the Converted Landscape Area.

4. The Authority may agree to waive the requirements of this Easement. The Owner may request the Authority consider a waiver of the Easement. The Authority may require a reasonable administrative fee for consideration of the waiver, must determine that the waiver is not detrimental to the public interest, and shall require repayment of the Rebate, along with a reasonable rate of interest calculated from the original date of payment. Any waiver must be in writing, executed by a duly authorized representative of the Authority, and recorded in the official records of the County Recorder of Clark County, Nevada.

5. This Easement shall be liberally construed to promote and accomplish the public benefits of water conservation and protection and preservation of natural resources.

6. The Authority shall have all rights of enforcement and remedies for breach available at law and in equity including, without limitation, the right to damages and the right to injunctive and other equitable relief to enforce this Easement. No delay in enforcing this Easement or any portion of it shall be deemed a waiver by the Authority or of the part not enforced. A waiver of Authority rights may be granted only by a written instrument signed by the Authority or its successors or assigns and recorded in the official records of the County Recorder of Clark County, Nevada.

7. The person executing this Easement is the record owner of the Property or has been delegated authority to act as Owner's agent and represents and certifies that the Owner or Owner's appointed agent is duly authorized to execute and deliver this Easement, which the Authority shall record in exchange for the Rebate.

8. This Easement is governed by, and shall be construed in accordance with, the laws of the State of Nevada. The exclusive venue for the resolution of any dispute arising out of this Easement shall be in the Eighth Judicial District Court of the State of Nevada.

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL MAP FILE 84 PAGE 28
LOT 1

SEC 31 TWP 20 RNG

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

The Project is comprised of 12166 square feet of landscaping in the specific areas described in Exhibit C and having the following characteristics:

Physical description of the Project area:

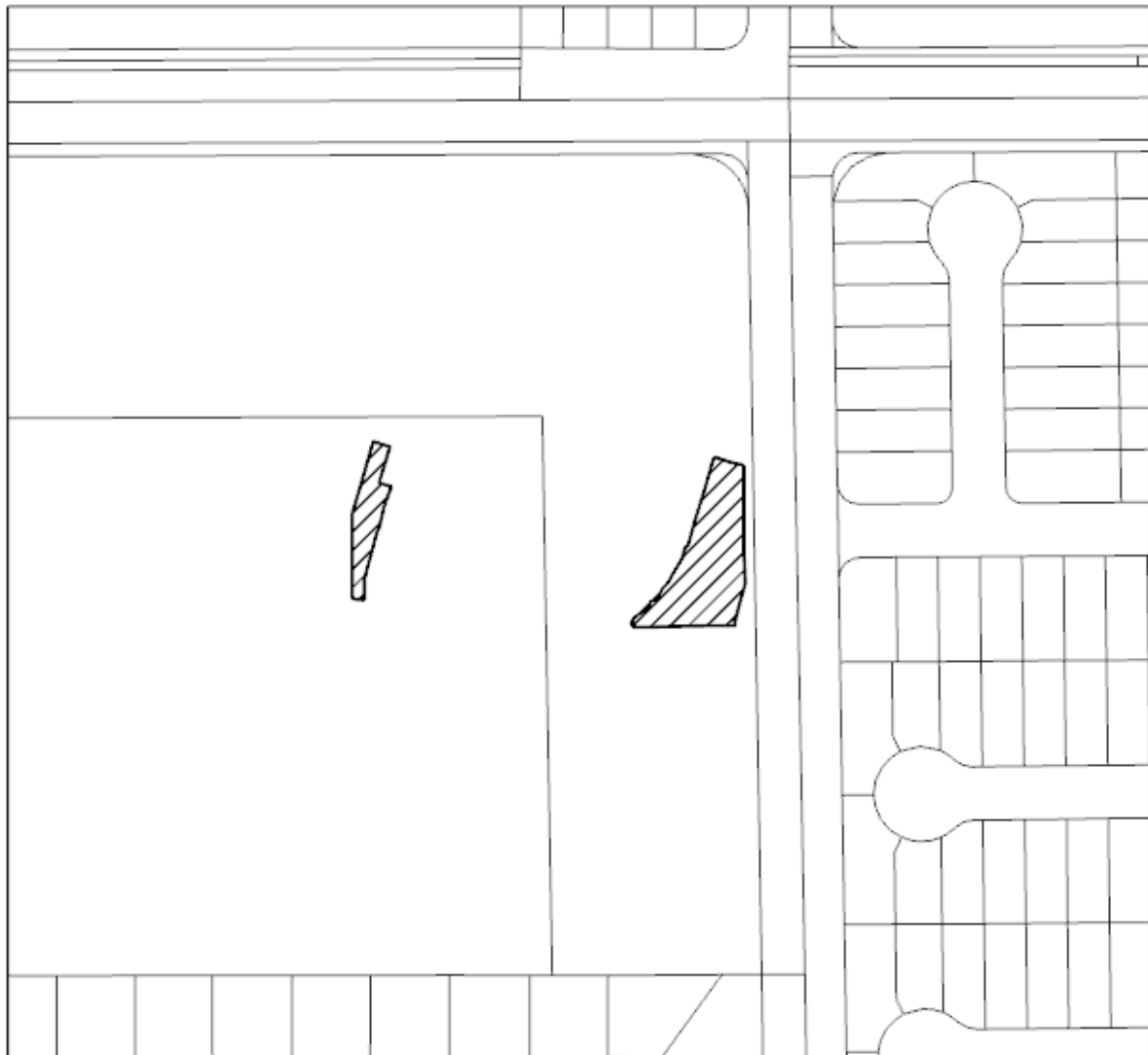
A) Living Plants - The project areas may have living plants; however, there is no turf grass in the project area.

B) Irrigation Systems - The project areas either have no irrigation system or a low-volume drip irrigation system. If a watering system is used, it is a drip irrigation system equipped with a filter, pressure regulator and emitters rated at 20 gallons per hour (gph) or less. The system is maintained free of leaks and malfunctions. No spray irrigation is applied to the area, including spray from irrigation systems adjacent to the project area.

C) Surface Treatments - The project area is covered by a layer of mulch permeable to air and water, including, but not limited to rock, bark, ungrouted steppingstones and artificial turf manufactured to be permeable or a high-density planting of living groundcover plants. There are no impermeable barriers that would inhibit the passage of air and/or water to the soil.

Parcel Number:
14031102002

Exhibit C



Total Sq. Ft.
12166

Incentive Amount
\$34054

0 120 240 360 480 Feet



Legal Description:
PARCEL MAP FILE 84 PAGE 28
LOT 1

Legend

Converted Area



Parcels



Instructions: **Do not mark outside the box.** No markings or notary stamps may overlap any text or handwriting on the page. All printed text or notary stamps must be legible. Improperly executed documents will delay payment incentive.

Owner's Signature

Mike Janssen
Owner's Printed Name

(NOTARY USE ONLY)

STATE OF _____) COUNTY OF _____)

The restrictive covenant and grant of conservation easement was acknowledged

before me on (date) _____, 20_____,

by (Owner's Name)_____

Notary Public Signature

My commission expires (date)

(NOTARY STAMP BELOW)

App Phase ID: 292881