

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement is dated this 8th day of January 2021, by and between **Martin Marietta Materials, Inc** "Assignor" and **Pyramid Materials, Inc** referred to herein as the "Assignee."

RECITALS

- A. Assignor entered into an agreement (A-3167) for the sale of treated effluent pursuant to an agreement between Assignor and the City of Sparks dated December 31, 2004. A copy of agreement A-3167, Exhibit A (Site Map) and Exhibit B (Effluent Fee Calculation) is attached hereto.
- B. Assignor is conveying its interest in the property and improvements as described in Agreement A-3167, Exhibit "A," and Exhibit "B" to **Pyramid Materials, Inc.**
- C. In connection with the sale described above, Assignor desires to assign the Agreement and Assignee agrees to assume the obligations contained in the Agreement as set forth below.

AGREEMENT

Now, therefore, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns all of its rights, duties and obligations under the Agreement to Assignee and Assignee hereby assumes all rights, duties and obligations of the Agreement including the following terms and conditions:

- 1. To update the General Provisions Section A of the Agreement, the Assignee's agent that the City of Sparks shall contact shall be:

COMPANY (USER) NAME: Pyramid Materials, Inc. dba Western Nevada Materials

PRINCIPAL NAME: Tom Herschbach

ADDRESS: P.O. Box 11857
Reno, NV 89510

TELEPHONE: 775-355-2888

EMAIL: therschbach@teichert.com

- 2. No further assignment of the Agreement shall be allowed unless an additional Assignment and Assumption Agreement whose terms and conditions is acceptable to the City of Sparks.
- 3. This agreement shall become effective upon the acceptance of the City of Sparks.

4. Assignor represents that the Agreement A-3167 is in full force and effect and there are no defaults that exist under the Agreement nor has the Assignor received any notice of default.

In witness whereof the parties have executed this agreement the day and year first above written.

ASSIGNOR:

Company Name: Martin Marietta Materials, Inc.

Principal Name: Abbott Lawrence

Title: Division President

Address: 1627 Cole Boulevard, Suite 200

Lakewood, CO 80401

Telephone: 720-245-6400

Signature: 

Principal, Title: Division President

ASSIGNEE:

Company Name: Pyramid Materials, Inc. dba Western Nevada Materials

Principal Name: Tom Herschbach

Title: General Manager

Address: P.O. Box 11857

Reno, NV 89511

Telephone: 775-355-2888

Signature: 

Principal, Title:

CITY OF SPARKS, a municipal corporation and a political subdivision of the State of Nevada

By: _____

Ed Lawson, Mayor

ATTEST:

Lisa Hunderman, City Clerk

APPROVED AS TO FORM:

Chester H. Adams, City Attorney