

## **GIS DATA USE AGREEMENT**

This agreement is between NYE COUNTY, a political subdivision of the state of Nevada (referred to as "County"), and \_\_\_\_\_, whose Address is \_\_\_\_\_ (referred to as "Data User").

The parties agree as follows:

The County provides the GIS digital data layers to the Data User subject to the terms and conditions of this agreement.

**FEE:** The GIS digital layers are provided at a fee adopted by the Nye County Board of County Commissioners.

**USE OF GIS DIGITAL DATA:** The GIS digital data layers may be used by the Data User for its internal use, provided that it does not violate any state or Federal law restrictions. The GIS digital data layers are provided for use in a geographic information system or for study maps to depict the approximate location of existing and proposed information.

**DUPLICATING/DISTRIBUTING DATA:** Metadata shall be maintained and included with the dataset in an appropriate fashion. Nye County shall be credited as the data source as appropriate. If changes are made to the dataset by the Data User, new users will be made aware.

**TITLE:** Except as otherwise provided, the County does not transfer any right, title, or interest in the GIS digital data layers to the Data User.

**FUTURE RELEASES:** The County does not guarantee that any future releases of the same data will be in the same format nor even that the data will be available for release.

**WARRANTY:** The GIS digital data layers are provided "AS IS", without any warranty of any type whether express or implied, including any warranties of merchantability or fitness for a particular purpose. The Data contained in GIS digital data layers are subject to constant change and their accuracy cannot be guaranteed. The County does not warrant that the data contained in the GIS digital data layers will meet the requirements of the Data User or that the operation of GIS digital data layers will be uninterrupted or error free, or that any County GIS data defects will be corrected.

**LIABILITY:**

- A. The data User assumes the entire risk, including quality, performance, and usefulness of any data requested.
- B. The County will not be liable in any event for any damages resulting from loss of data, loss of profits, loss of use of layers or any incidental or consequential damages, even if advised of the possibility of such damage. This limitation of the County's liability will apply regardless of the form of action, whether in contract or tort.

C. The Data User shall indemnify, defend, and hold harmless the County, their officers, employees, and agents from any and all claims, actions, damages or injuries of any kind and nature whatsoever, by or to any and all person or property, arising directly or indirectly from this agreement.

DATA USER:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Purpose for Data Request:

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DATA PROVIDER: NYE COUNTY

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title Position: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

## ATTACHMENT A: NOTES

- Data accuracy varies from layer to layer and within each layer. As a general rule, the layers are intended to be used for mapping for cartographic purposes.
- The County generally shares this data with a fee in the spirit of sustainability. We appreciate how having access to other GIS datasets can help maximize the efficiency of local government functions.
- Data Format: GIS Digital Data is provided in ESRI Personal Geodatabase format.
- GIS Data may not be the best tool to complete the task the user desires. It is most useful for analysis and mapping as well as a stepping stone to source documents. Precise property boundaries should always be determined by careful research that often involves the assistance of a licensed surveyor. GIS may help in this research by directing attention to relevant surveys. For most people, the Aerial Photos with Parcel Boundaries at [www.nyecountynv.gov](http://www.nyecountynv.gov) GIS web browser will meet their needs and does not require this form or a password.
- Mail the signed original to:  
Nye County Commissioners  
P O Box 153  
Tonopah, NV 89049-0153