

Recording requested by and
when recorded return to:

✓ Patrick K. Elliott
Post Office Box 2641
Minden NV 89423

DEED RESTRICTION

Pursuant to Condition No. 15 of the conditions of approval of Parcel Map 2033, a copy of which condition is included in the letter dated 11 July 1996, a copy of which is attached hereto as Exhibit A and made a part hereof by this reference, the undersigned, as President of Kelly Development Corp., the owner of the parcel of real property, hereinafter described on Exhibit B, and in consideration of the willingness of the County of Douglas, State of Nevada, to approve and accept for filing in the official records of Douglas County, Nevada the above-referenced Parcel MAP No. 2033, do hereby waive any and all protests to the creation of an assessment district which, at some future time, may be established to generate funds to construct a community water/sewer system to serve a geographical area which may include, but is not necessary limited to, the following described parcel of real property, or any small parcels crated therefrom, upon the recordation of the above-referenced parcel map:

See Exhibit B attached hereto and made a part hereof by this reference.
Douglas County APN 29-110-14

This waiver of protest extends only to the creation of the referenced assessment district and not to any assessment which may, at any time, be found by a court of competent jurisdiction to be either an unreasonable, inequitable, unlawful or otherwise inappropriate assessment.

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BK 1296PG0291

This Deed Restriction shall run with the land and shall bind the heirs, successors and assigns of the owner of the above-described parcel of real property, who has hereunto set its hand.

Dated this 03 day of December, 1996.

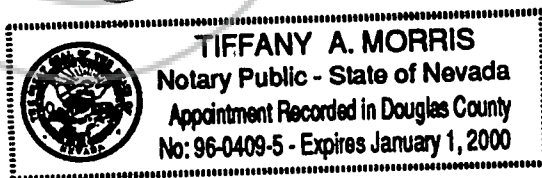
KELLY DEVELOPMENT CORP.,
a Nevada corporation

By: Patrick K. Elliott
Patrick K. Elliott, President

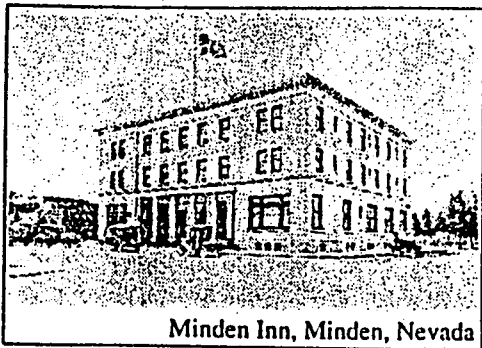
STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On Dec. 3, 1996, 1996, before me, a notary public, personally appeared Patrick K. Elliott as the President of KELLY DEVELOPMENT CORP., personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

Tiffany Morris
Notary Public



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BK 1296PG0292



DOUGLAS COUNTY
Community Development

BOB NUNES
Director of Community Development

Planning Division
Engineering Division
Building Division
Regional Transportation
Facilities Operations
Water Utility
Road Maintenance
Vehicle Maintenance
Code Enforcement

July 11, 1996

Patrick K. Elliott
P O Box 2641
Gardnerville, NV 89410

Re: Tentative Parcel Map Application 2033
APN 29-110-14

Dear Patrick,

On July 10, 1996 the Douglas County Administrative Hearing Panel approved Parcel Map Application 2033 to allow the division of 40 acres into four parcels, the smallest being 5.03 net acres in size located north of Palomino Lane (extended), approximately 2,300 feet east of Mustang Lane within an A-3 (Five Acre Agricultural) zoning district, subject to the following conditions:

1. Prior to submitting the final parcel map application, the applicant shall effect the standard technical map corrections as prescribed by law.
2. A note shall be placed on the map stating, "Douglas County does not insure the development of any lot where wells and septic systems have been placed on the lot or adjoining lots in compliance with the separations required by Nevada State Health Code".
3. Utilities (including electric, telephone, & natural gas) shall be installed underground or secured to the approval of Community Development in accordance with the provisions of Douglas County Code.
4. The applicant shall dedicate and delineate on the map a seven and one-half foot public utility easement along front lot lines and a five foot public utility easement along side and rear lot lines.
5. The following note shall be placed on the map: "Any further division of these parcels shall be subject to subdivision improvements as provided under NRS 278.462(3)".
6. The applicant shall comply with Section 16.32.085 of Douglas County Code with the dedication of acceptable water rights for each of the newly created parcels. Water rights offered for dedication must be in proper form and in conformance with the property by reflecting the proposed place of use, manner of use, and any point of diversion approved by the state engineer.

7. In conformance with the requirements of the *Minimum Required Facilities Policy*, the applicant shall construct full width paving, including drainage improvements for the extension of Palomino Lane, east of Mustang Lane. In addition Bridle Path shall be improved for its full length. All improvements shall be in conformance with the requirements as specified in the "DCPW Engineering Division - Road Improvements" edition of January 4, 1993. All necessary off-site easements must be obtained prior to recording the map.
8. To mitigate the exiting flows created by the road drainage collection system, the applicant shall submit an engineered hydrology report and improvement plans detailing the measures needed to bring this property into conformance with the "DCPW Engineering Division Drainage Improvement Requirements" edition of December 1 1994. The applicant shall effect the mitigation measures as detailed within the report.
9. The applicant shall provide a temporary 50-foot radius cul-de-sac turnaround at the northern termination of Bridal Path Road. In addition, the applicant shall grant a 25-foot road right-of-way along the northern boundary of the project as depicted on the proposed circulation plan shown as Attachment 3. The 50-foot easement on the western project boundary shall be abandoned prior to recording the parcel map.
10. The applicant shall insure the placement of county regulation street signs at all intersections created by this development.
11. Phasing and construction of road improvements shall comply with the proposed amended cul-de-sac ordinance.
12. The project shall comply with all ordinances and fees adopted by Douglas County, applied on a uniform basis to all similar development projects in Douglas County.
13. The final map shall be reviewed and approved by the East Fork Fire Protection District per their memo dated April 19, 1994 (attached).
14. Prior to recording the map, all intervening right-of-way dedications between this proposed parcel map and existing dedicated portions of Palomino and Arabian Lane shall be made and recorded to the satisfaction of the Community Development Department. The extension of Palomino Lane right-of-way must be recorded with the final parcel map with the standard note for a perpetual offer of dedication of all streets to Douglas County.
15. The parcels shall connect to a community water system and a community sewer system when such systems are within 660 feet of the parcel. The applicant shall record as part of the deed restrictions, a waiver of protest for any community water and/or sewer system assessment district over this property. A copy of the recorded waiver of protest shall be transmitted to Community Development prior to or concurrently with the submittal of the final parcel map application.

16. Maintenance of drainage and detention facilities must be funded and provided by the owner(s) of the parcels. The means of funding and coordinating the maintenance of all drainage facilities must be addressed by the developer and completed in a form acceptable to Douglas County.
17. Drainage easements must be recorded that encompass all drainage facilities. A statement shall be recorded with the final map allowing Douglas County personnel access to the drainage facilities for inspection and maintenance if the owner(s) fail to provide the required maintenance. The owner(s) or organization responsible for maintenance of the property will be billed for any maintenance services to the drainage facilities performed by Douglas County.
18. As built/record drawings will be required that address any changes in the construction of the previously approved plans. All changes to the approved plans must be treated as a revision; the change must be "clouded" and registered in a revision block on the revised plan sheet. An index revision block that lists all revisions throughout the plans must be included on the cover sheet.

If you have any questions regarding this information, please give me a call at (702) 782-6213.

Sincerely,



Mimi Moss
Associate Planner

c: Dean Higginbotham, P O Box 425, Gardnerville, NV 89410
Stan Hill, Engineering Division
Clerk
File

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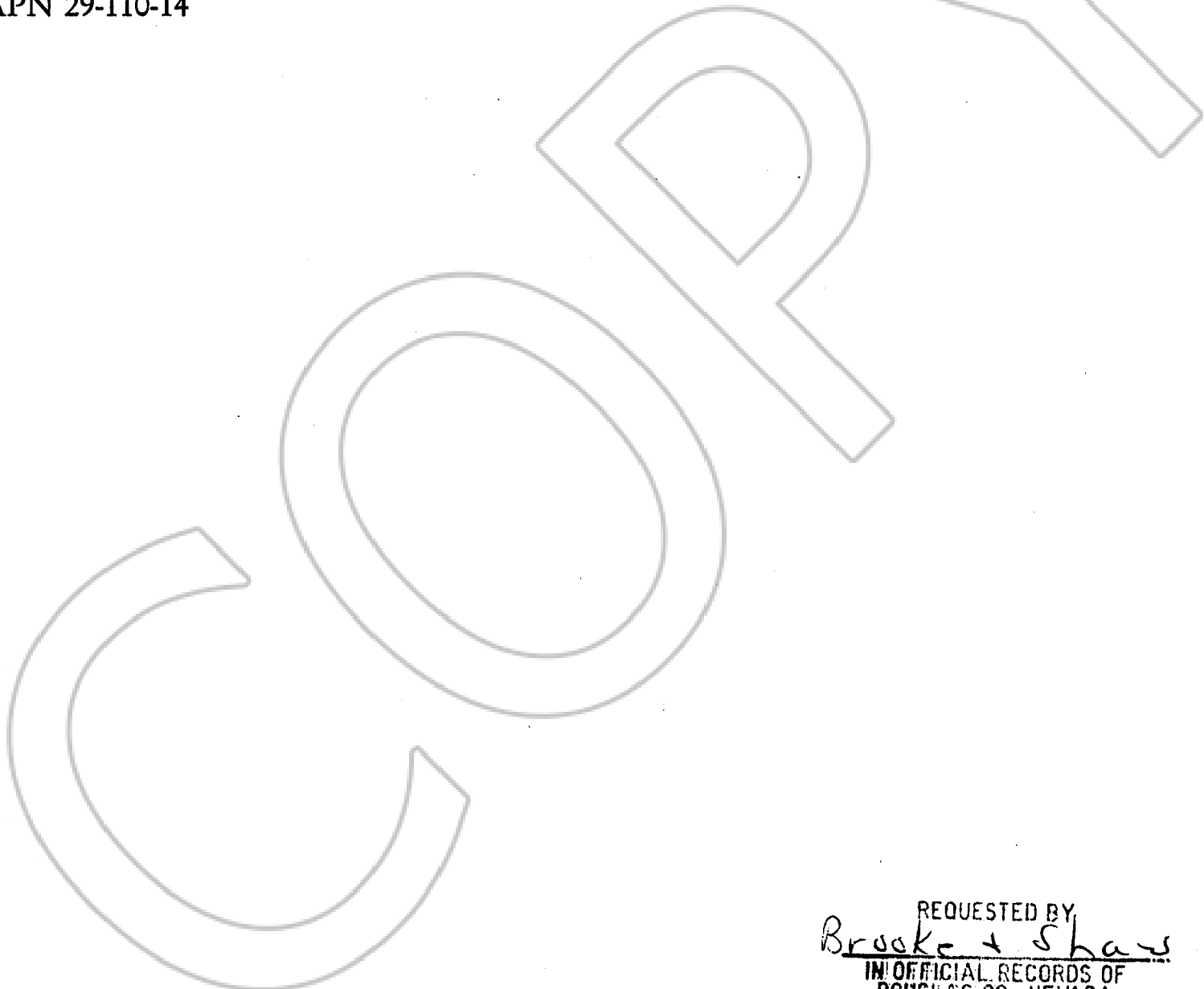
Exhibit B

A parcel of land situate in and being a portion of the southwest 1/4 in Section 19, Township 12 North, Range 21 East, M.D.B. & M., described as follows:

Site 5, as set forth on that certain Land Division Map for RUHENSTROTH CO., filed for record in the office of the County Recorder of Douglas County, Nevada on May 2, 1979, as Document No. 32080.

RESERVING THEREFROM a non-exclusive road and utility easement over, under and across the West 50 feet of said land.

APN 29-110-14



REQUESTED BY
Brooke + Shaw
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'96 DEC -3 AM 11:02

LINDA SLATER
RECORDER
\$12⁰⁰ PAID: K2 DEPUTY

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