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**RECORDING REQUESTED BY:**

Tahoe Regional Planning Agency  
Post Office Box 1038  
Zephyr Cove, Nevada 89448

**WHEN RECORDED MAIL TO:**

✓ Tahoe Regional Planning Agency  
Post Office Box 1038  
Zephyr Cove, Nevada 89448  
Attn: Kathy Canfield

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR LAND COVERAGE RETIREMENT ("DEED RESTRICTION")**

This Deed Restriction is made this 16<sup>TH</sup> day of MARCH, 2000, by George E. McCall and Carole J. McCall, Trustees of the George E. McCall and Carole J. McCall Family Trust dated March 6, 1997 (hereinafter "Declarant").

**RECITALS**

1. Declarant is the owner of certain real property located in Douglas County, State of Nevada, described as follows:  
  
See Exhibit A, and having Assessor's Parcel Number (APN) 07-362-02, and as recorded on November 14, 1997, in Book 1197, Page 2874 as Document Number 0426368 (hereinafter "Retiring Parcel").
  
2. The Declarant has requested approval from TRPA to retire 6,212 square feet of potential land coverage to meet the requirements of the TRPA Man-Modified Determination of February 25, 1998, for the following parcel described as follows:  
  
See Exhibit B, and having Assessor's Parcel Number (APN) 07-180-04, and as recorded on August 28, 1998, in Book 0898, Page 6445 as Document Number 0448270 (hereinafter "Man-Modified Parcel").
  
3. Both parcels are located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

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4. As a condition of the Man-Modified Determination approval, Chapter 20 of the TRPA Code of Ordinances [Subsection 20.3.C(2)] requires that the appropriate deed restriction be recorded against the Retiring Parcel documenting the retirement of land coverage and the requirement that the area of the retired land coverage on the Retiring Parcel be maintained in a natural or near-natural state. The deed restriction must likewise document that the area of the retired land coverage on the Retiring Parcel must be protected from soil disturbance.

### **DECLARATIONS**

1. Declarant hereby declares that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage (Subsection 20.3.C(2) of the TRPA Code of Ordinances), the Retiring Parcel described above is and shall be, deemed by TRPA to have retired 6,212 square feet of unused base allowable IPES land coverage and to now contain 36,416 square of unused base IPES allowable land coverage, 10,905 square feet of unused base Class 4 allowable land coverage and 155 square feet of unused base Class 1b allowable land coverage.
2. Declarant also hereby declares that the area of the retired land coverage on the Retiring Parcel shall maintained in a natural or near natural state and that Declarant shall make provisions for the future maintenance of the Retiring Parcel. Declarant acknowledges that land coverage may be returned to the Retiring Parcel only if TRPA approves the transfer of such pursuant to TRPA's ordinances in effect at the time of such development. Declarant further acknowledges that any such future transfer to the Retiring Parcel shall be evidenced by a recorded instrument approved by TRPA.
3. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Retiring Parcel and shall be binding on the Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Retiring Parcel.
4. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.

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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant's Signature:

George E. McCall

Dated: 3-16-00

George E. McCall, Trustee  
George E. McCall and Carole J. McCall Family Trust Dated March 6, 1997

STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 16<sup>th</sup> day of March, 2000, before me, personally appeared George E. McCall personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted) executed the instrument.

Paul Kaleta  
NOTARY PUBLIC



Declarant's Signature:

Carole J. McCall

Dated: 3-16-00

Carole J. McCall, Trustee  
George E. McCall and Carole J. McCall Family Trust Dated March 6, 1997

STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 16<sup>th</sup> day of March, 2000, before me, personally appeared Carole J. McCall personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted) executed the instrument.

Paul Kaleta  
NOTARY PUBLIC



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APPROVED AS TO FORM:

Jordan Kahn  
Tahoe Regional Planning Agency

STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 9<sup>th</sup> day of March, 2000, before me, personally appeared Jordan Kahn personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted) executed the instrument.

Linda Allen  
NOTARY PUBLIC



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EXHIBIT A

All that portion of the Southeast one-quarter of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

Beginning at a point which bears North  $62^{\circ}32'43''$  West 1,470.99 feet from the Southeast corner of said Section 24; thence North  $88^{\circ}48'47''$  West 657.11 feet; thence North  $00^{\circ}52'02''$  East 680.16 feet, to the Point of Beginning; thence North  $00^{\circ}52'02''$  East 288.29 feet to a point on the Southerly line of Kingsbury Grade; thence along said Southerly line South  $86^{\circ}07'30''$  East 139.28 feet to the beginning of a tangent curve concave to the Northwest with a radius of 449.00 feet and a central angle of  $40^{\circ}38'$ ; thence along said curve an arc length of 312.04 feet; thence North  $53^{\circ}14'30''$  East 206.15 feet to the beginning of a tangent curve concave to the Southeast with a radius of 360.00 feet and a central angle of  $11^{\circ}40'57''$ ; thence along said curve an arc length of 73.40 feet to a point on the East line of the Southeast quarter of the Northwest quarter of the Southeast quarter of said Section 24; thence along said East line South  $00^{\circ}49'52''$  West 539.72 feet to a point which bears South  $79^{\circ}20'12''$  East 3.56 feet from the Southwest corner of ANSALDO ACRES, recorded October 26, 1959, Document No. 15143; thence North  $88^{\circ}50'15''$  West 656.70 feet to the Point of Beginning.

EXCEPTING THEREFROM any portions of the above described parcel lying within the bounds of ANSALDO ACRES, filed in the Office of the County Recorder of Douglas County, Nevada, on October 26, 1959, as Document No. 15143.

Further excepting therefrom any portions of the above described property described in that Deed to Kingsbury General Improvement District, recorded April 21, 1975, in Book 475 of Official Records at Page 620, Douglas County, Nevada, as Document No. 79528.

TOGETHER WITH a non-exclusive easement and right of way for the purpose of ingress and egress, snow removal, landscaping and public utilities, more particularly described as follows:

A strip of land 20.00 feet in width, lying 10.00 feet on each side of the following described centerline:

Commencing at the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 24, Township 13 North, Range 18 East, N.D.M., thence along the North line of said Northwest 1/4, South  $89^{\circ}39'17''$  East, 90.00 feet to the POINT OF BEGINNING of this centerline; thence from said point of beginning South  $0^{\circ}02'19''$  West 80.00 feet to the point of termination of this easement.

Assessors Parcel No. 07-362-02

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## LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows:

## PARCEL 1:

The Northerly 190 feet of that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Beginning at a point on the Section line between Sections 23 and 26, Township 13 North, Range 18 East, N.D.B.&M., which is 1146.6 feet West from the quarter corner between Sections 23 and 26; thence South  $0^{\circ}08'$  East 1317.13 feet; thence North  $89^{\circ}42'$  West 157.02 feet; thence North  $0^{\circ}08'$  West 1316.93 feet; thence South  $89^{\circ}46'$  East 160.95 feet to the Point of Beginning. This parcel is also described as a portion of Lot 8 of Palady Tract in the Northeast quarter of the Northwest quarter of Section 26, Township 13 North, Range 18 East, N.D.B.&M.

## PARCEL 2:

A roadway easement over the Westerly 30 feet of the following described parcel as shown in document recorded January 22, 1970, Book 73, Page 38, Document No. 46935. Beginning at a point on the Section Line between Sections 23 and 26, Township 13 North, Range 18 East, N.D.B.&M., which is 1146.6 feet West from the Quarter corner between Sections 23 and 26; thence South  $0^{\circ}08'$  East 1317.13 feet, thence East 163.80 feet; thence North 1316.93 feet; thence West 160.80 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion of said land lying within Kingsbury Grade as described in quitclaim deed to State of Nevada Department of Transportation recorded May 21, 1984, Book 584, Page 1784, Document No. 101099.

Assessors Parcel No. 07-180-04

REQUESTED BY  
*Basin Strategies*  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 MAR 21 PM 3:19

LINDA SLATER  
RECORDER

\$12<sup>50</sup> PAID *KJ* DEPUTY

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