

19

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

**RECORDING REQUESTED BY:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449

2004 AUG 18 PM 3:48

WERNER CHRISTEN  
RECORDER

\$ 19.00 PAID *K J* DEPUTY

**WHEN RECORDED MAIL TO:**

Tahoe Regional Planning Agency  
✓ Post Office Box 5310  
Stateline, Nevada 89449  
Attn: Theresa Avance, Associate Planner  
TRPA File # 20040112

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
("DEED RESTRICTION")  
TO BE RECORDED AGAINST APN 1418-22-501-006**

This Deed Restriction is made this 19<sup>th</sup> day of August, 2004 by George E. McCall and Carole J. McCall, Trustees of the McCall Family Trust dated March 6, 1997 (hereinafter "Declarants").

**RECITALS**

1. Declarants are the owners of certain real property located in Douglas County, State of Nevada, described as follows:  
  
See Exhibit "A", attached.  
  
Said parcel was recorded under document number 0593277, Book 1003, Page 5931, on October 13, 2003, in the Office of the Douglas County Recorder, and having Assessor's Parcel Number 1418-22-501-006 (hereinafter "the Property").
2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on May 11, 2004 to subdivide two existing pre-1987 single family residential units, and divide the existing parcel into two separate parcels, each containing one of the existing residential units. The approval was issued subject to certain conditions contained on said approval, including a condition that Declarants record a deed restriction permanently assuring that shorezone structure review, scenic contrast rating analysis, and the coverage calculations for the resulting parcels within the project area shall always be made as if the parcels had not been subdivided.

0621768

BK0804PG07734

4. As a condition of the above approval, Chapter 20, Land Coverage, Section 20.3.D(1)(a) of the TRPA Code of Ordinances, requires that the parcels within the above project area be treated as if they had never been subdivided for the purpose of future land coverage calculations within the project area. Additionally, Chapter 41, Permissible Subdivisions, Section 41.3 of the TRPA Code of Ordinances, allows subdivisions to occur only if they do not create new development potential in the Region. In order to comply with this provision, the parcels resulting from the subdivision shall be treated as a project area for the purposes of shorezone structures and scenic analysis.

#### DECLARATIONS

1. Declarants hereby declare that, for the purpose of satisfying TRPA's May 11, 2004 condition of approval, the Property identified herein shall always be treated as if the resulting parcels had never been subdivided for the purposes of shorezone structures, scenic analysis, and land coverage calculations within the project area, and the TRPA ordinances pertaining to land coverage.
2. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interest in the property.
3. 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 shall be deemed and agreed to be a third party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

|||

|||

|||

0621768

BK0804PG07735





## EXHIBIT "A"

All that certain real property situate, lying and being in the City of Zephyr Cove, County of Douglas, State of Nevada, described as follows, to wit:

## PARCEL NO. 1:

Commencing at the meander corner on the East shore of Lake Tahoe between Sections 15 and 22, Township 14 North, Range 18 East, M.D.B.&M.; thence along the meander line the following courses and distances:

South  $0^{\circ}06'50''$  West a distance of 258.08 feet; thence South  $17^{\circ}04'$  West a distance of 490.09 feet; thence South  $49^{\circ}53'$  West a distance of 90.70 feet to the True Point of Beginning; thence North  $64^{\circ}04'$  West a distance of 74.83 feet to a point on the low water line of said Lake Tahoe; thence along said line the two following courses and distances:

South  $36^{\circ}57'40''$  West a distance of 37.50 feet and South  $47^{\circ}43'$  West a distance of 113.70 feet; thence South  $59^{\circ}20'30''$  East a distance of 294.88 feet to a point on a curve; thence on a curve to the right the long chord of which bears North  $54^{\circ}01'10''$  East a distance of 55.98 feet having a radius of 573.77 feet through a central angle of  $5^{\circ}35'32''$  for an arc distance of 56.00 feet; thence North  $33^{\circ}11'$  West a distance of 49.89 feet; thence North  $56^{\circ}29'$  East a distance of 106.50 feet; thence North  $64^{\circ}04'$  West a distance of 207.38 feet to the True Point of Beginning and being Parcel No. 6 as shown on a record of survey for K. Amundson, filed in the office of the County Recorder of Douglas County, Nevada, on August 19, 1959 under File No. 14816.

## PARCEL NO. 2:

That portion of Lot 3 of CEDARBROOK SUBDIVISION filed in the office of the Douglas County Recorder on November 2, 1964, File No. 26423, being the northerly five feet thereof, more particularly described as follows:

Commencing at the point where the Lake Tahoe Meander Line intersects the North line of said Lot 3 of CEDARBROOK SUBDIVISION, and the South line of Lot 6 as shown on the Record of Survey Map, filed August 19, 1959 as Document No. 14816 in the office of the Recorder of Douglas County,

moper35

EXHIBIT "A" Page 1

0621768

BK0804PG07738

Nevada. Said point being further described as a lead plug and tack set in granite rock and the True Point of Beginning; thence North 59°20'30" West a distance of 52.00 feet, along the line common to Lot 3, CEDARSBROOK SUBDIVISION, and Lot 6, as shown on said Record of Survey Map to the Northwest corner of said Lot 3; thence South 41°22' West 5.09 feet to a point; thence South 59°20'30" East a distance of 286.97 feet to a point on the Westerly highway right-of-way line of Nevada State Highway U.S. 50; thence Northerly, around a curve to the right, having a radius of 575 feet, through a central angle of 0°31'53", for an arc distance of 5.33 feet, along said Westerly right-of-way line to the Northeast corner of the parcel; thence North 59°20'30" West 235.88 feet to the True Point of Beginning.

EXCEPTING any portion of the above described property lying within the bed of Lake Tahoe below the line of natural ordinary high water and also excepting any artificial accretions to the land water ward of the line of natural ordinary high water or, if Lake level has been artificially lowered, excepting any portion lying below an elevation of 6,223.00 feet, Lake Tahoe Datum established by NRS 321.595.

The above metes and bounds description appeared previously in that certain document recorded November 12, 1969 in Book 6971, page 364 as Document No. 46310.

msper35

EXHIBIT "A" Page 2

0621768

BK0804PG07739