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**OFFICIAL RECORD**

Requested By:

JUDITH W AHERN

**RECORDING REQUESTED BY:**

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

Douglas County - NV  
Werner Christen - Recorder

Page: 1 Of 4 Fee: 17.00  
BK-0605 PG- 3156 RPTT: 0.00



**WHEN RECORDED MAIL TO:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attention: Chris M Chambers, Assistant Planner  
TRPA File No. 20050166

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR LAND COVERAGE TRANSFER ("DEED RESTRICTION")  
TO BE RECORDED AGAINST ACCESSOR'S PARCEL NUMBER (APN) 1318-09-810-097**

This Deed Restriction is made this 5th day of June, 2005, by John F. Ahern and Judith W. Ahern, Trustees of the John F. Ahern Family Trust dated July 13, 1983 (hereinafter "Declarants").

**RECITALS**

1. Declarants are the owners of certain real property located in Douglas County, State of Nevada, described as follows:

Lot 31, Block G, as shown on the Amended Map of Zephyr Cove Properties, Inc. Subdivision No. 2, filed in the Office of the Recorder of Douglas County, Nevada on August 5, 1929.

Said parcel was recorded in Document Number 0411175, Book 0497, page 3642 on April 24, 1997, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-09-810-097 (formerly 05-115-13) (hereinafter "Sending Parcel").

2. The Declarants received approval from the Tahoe Regional Planning Agency (TRPA) on June 3, 2005, to transfer 638 square feet of Class 4 base allowable land coverage from the Sending Parcel to the Receiving parcel, described as follows:

All that certain lot, piece or parcel of land situate in the County of Douglas, state of Nevada more particularly described as follows:

Lot 20 in Block G, as delineated on that certain map entitled Amended Map of Subdivision No. 2, Zephyr Cove Properties, Inc. in Sections 9 and 10, Township 13 North, Range 18 East which was filed for record August 5, 1929 in the Office of the County Recorder, Douglas County Nevada. This subdivision is sometimes called "Marla Bay".

Said parcel was recorded in Document Number 0578109, Book 0503, page 13806 on May 28, 2003, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-09-810-083 (hereinafter "Receiving Parcel").

3. Both the Sending Parcels and the Receiving Parcel 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.
4. As a condition of the above approval, Chapter 20 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting both the transfer of coverage and the requirement that the area of the transferred land coverage on the Sending Parcel be restored and maintained in a natural or near-natural state. The deed restriction must likewise document that the area of the transferred land coverage on the Sending Parcel must be protected from soil disturbance, and that provisions must be made for the future maintenance of the Sending Parcel.

#### DECLARATIONS

1. Declarants hereby declare that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred and retired 638 square feet of Class 4 base allowable land coverage and to now contain no additional base allowable land coverage available for transfer from the sending parcel. Declarants also hereby declare that the Declarants are restricted from transferring the coverage back to the Sending Parcel unless the transfer is consistent with TRPA regulations and is reviewed and approved by TRPA. Declarants likewise declare that the Declarants shall protect the Sending Parcel from future soil disturbance (except as authorized by a TRPA permit), and that the Declarant shall make reasonable provisions for the future maintenance of the Sending Parcel to ensure that no future unauthorized soil disturbance shall occur.
2. 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 Sending parcel and the Receiving Parcel and shall be binding on the Declarants and Declarants' assigns and all persons acquiring or owning any interest in the Sending Parcel and the Receiving Parcel.
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 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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(DOCUMENT CONTINUED ON NEXT PAGE)



APPROVED AS TO FORM:

[Signature]  
Tahoe Regional Planning Agency

STATE OF NEVADA     )  
                                  ) SS.  
COUNTY OF DOUGLAS )

On this 3<sup>rd</sup> day of June, 2005, 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.

[Signature]  
NOTARY PUBLIC



(END OF DOCUMENT)

