

20

OFFICIAL RECORD

Requested By:
ROGERS SHADEK WOLF ROSS &
HERHUSKY LLP
Douglas County - NV
Werner Christen - Recorder

Page: 1 OF 7 Fee: 20.00
BK-0406 PG- 2813 RPTT: 0.00



APN 1320-17-000-009

RECORDING REQUESTED BY AND
RETURN TO:

✓ Cassell V. Ross
Rogers Shadek Wolf Ross & Herhusky, LLP
264 Village Blvd., Ste. 104
Incline Village, NV 89451
Re: American AVK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
(DEED RESTRICTION)

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
"Declaration" is made this 4TH day of APRIL, 2006 by American AVK, a California
corporation (hereinafter "Declarant").

WHEREAS, Declarant, is the owner of certain real property commonly located in Douglas
County, Nevada, and more commonly identified as Assessor's Parcel Number 1320-17-000-009,
and as is more particularly described in Exhibit A, hereto (the "Property").

WHEREAS, Declarant is currently in the process of improving the property with an
industrial manufacturing building.

WHEREAS, as a condition to obtaining a building permit, Douglas County has requested
that Declarant pave a portion of its property for the purposes of a parking lot that will accommodate
more parking spaces than needed for Declarant's actual use.

WHEREAS, Declarant and Douglas County have reached an agreement by which Declarant
shall reserve a portion of the land for future use as a parking lot should Declarant's actual use
requirements change.

WHEREAS, it is the desire of the County of Douglas and Declarant to deed restrict a
portion of the land (as shown on Exhibit B, hereto) for use as additional parking lot on the terms and
conditions contained herein.

WHEREAS, as a condition to the grant of a building permit by the county of Douglas, Declarant agrees to grant the deed restriction set forth herein.

NOW THEREFORE, for good and valuable consideration, Declarant declares and agrees as follows:

1. Additional Parking. Each year this Declaration is in effect for the Property, Declarant shall prepare a report addressing existing parking space adequacy which shall be prepared by an independent traffic engineer, licensed in the State of Nevada. This report shall be submitted to the Douglas County Community Development Department, Planning Division, on or before September 30th of each year beginning on September 30, 2007.

This report will provide a written analysis of:

- a. Staffing requirement projections supplied by Declarant based on projected business activity for the subsequent twelve (12) month period (October 1st through September 30th).
- b. An on-site parking utilization review, performed by the independent traffic consultant during a peak production month of the previous twelve (12) months. The review shall be done at a time when the maximum parking load is experienced (i.e. midweek at shift change between day and swing shift).
- c. Any changes in the nature of Declarant's operations or use that would impact the adequacy of the existing parking facilities.

In the event that the report indicates that the parking load will exceed existing available parking spaces during the subsequent twelve (12) months, Declarant shall prepare and submit a remediation plan to the Douglas County Community Development Department, Planning Division, within thirty (30) days of Declarant's receipt of the report. Said remediation plan may provide for alternative remediation measures such as shift splitting or car pooling. If reasonably determined in a written request by Douglas County Community Development Department that the proposed remediation measures will not provide adequate parking spaces, Declarant shall, within sixty (60) days of receipt of notification from the Douglas County Community Development Department, seek a permit to add sufficient parking spaces following the approved Douglas County design review-permitting process.

2. Running With the Land. Each and all of the covenants, restrictions, and provisions contained in this Declaration shall be deemed to be covenants running with the land and will bind every person having any fee, leasehold, or other interest in any portion of the property at any time or from time to time to the extent that such portion is affected or bound by the covenant, restriction or provision in question, or that the covenant, restriction or provision is to

Page 2 of 5

ROGERS & SHADEK
WOLF, ROSS & HERHUSKY, LLC
264 VILLAGE BOULEVARD, SUITE 104, INCEPINI VILLAGE, NEVADA 89451



be performed on such portion. This Declaration will inure to the benefit of Declarant its respective successors and assigns.

3. No Third Party Beneficiaries. No person, entity or agency that is not a party to this Declaration shall derive any rights hereunder or be construed to be a third party beneficiary hereof.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first written above.

DECLARANT
AMERICAN AVK, a California corporation

By: Alan E. Jurkonis
Its: ALAN E. JURKONIS
PRESIDENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF FRESNO)

On this 4TH day of APRIL 2006 before me LAWRENCE R. MONTEE personally appeared ALAN E. JURKONIS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Lawrence R. Montee
Notary Public



**EXHIBIT A
LEGAL DESCRIPTION**

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

A parcel of land located within portions of Sections 8 and 17, Township 13 North, Range 20 East, Mount Diablo Meridian, more particularly described as follows:

Parcel 1, Phase II as set forth on Record of Survey #1 of Meridian Business Park, Phase II for Allegretti and Company filed in the office of the County Recorder of Douglas County, State of Nevada on January 24, 2005, Book 0105, Page 8168, document number 635092.

1320-17-000-009

Together with all water rights, surface or ground, permitted, certificated, adjudicated, or vested as well as all seeps, springs and other rights to water, of any nature whatsoever appurtenant to or historically used on the property ALL WITH THE EXCEPTION of any surface agricultural water rights and all supplemental surface and ground water rights which shall be retained by Grantor.

Together with 981 gallons per day of sewer capacity rights (out of a total 2803.17 GPD) owned by Grantor which have been allocated to Phase II of the Meridian Business Park pursuant to that certain Agreement Regarding Meridian Business Park dated November 6, 1997, and recorded on November 13, 1997, in Book 1197, Page 2770 of the official records of the Recorder of Douglas County, Nevada, as Document number 0426341.

This legal description is taken from that certain Corporation Grant, Bargain, Sale Deed recorded on January 28, 2005, in the Office of the Douglas County Recorder in Book 0105, as Instrument number 0635495.

Page 4 of 5

ROGERS & SHADEK
WOLF, ROSS & PERLINSKY, L.L.C.

264 VILLAGE BOULEVARD, SUITE 104 INCLINE VILLAGE, NEVADA 89451



0672357 Page: 4 Of 7 04/07/2006

BK- 0406
PG- 2816

**EXHIBIT B
LEGAL DESCRIPTION OF PORTION
OF PROPERTY TO BE DEED RESTRICTED**

COPY

Page 5 of 5

ROGERS & SHADEK
WOLF, ROSS & HERHUSKY, L.L.C.
284 VILLAGE BOULEVARD, SUITE 104, INFLINE VILLAGE, NEVADA 89451



BK- 0406
PG- 2817
0672357 Page: 5 of 7 04/07/2006

LEGAL DESCRIPTION

American AVK Deed Restriction for Future Parking

All that certain real property for use as a Deed Restriction for Future Parking, situate within a portion of the Northwest one-quarter (1/4) of Section 17, T13N, R20E, MDM, County of Douglas, State of Nevada, more particularly described as follows:

Commencing at the North one-quarter (1/4) corner of said Section 17 as shown on that certain "Record of Survey #1 of Meridian Business Park, Phase II for Allegretti & Company", recorded on January 24, 2005, as File No. 635092, Official Records of Douglas County, Nevada;

Thence S 49°51'37" W, 303.35 feet to the **POINT OF BEGINNING**;

Thence S 00°12'30" E, 490.00 feet;

Thence S 89°47'30" W, 330.00 feet;

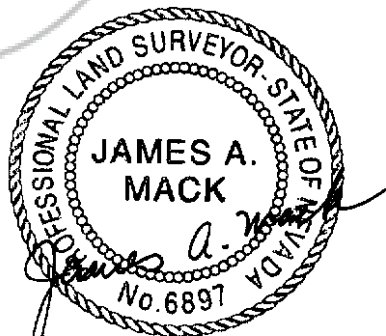
Thence N 00°12'30" W, 490.00 feet;

Thence N 89°47'30" E, 330.00 feet to the Point of Beginning.

Containing an area of 3.71 acres of land, more or less.

BASIS OF BEARINGS: "Record of Survey #1 of Meridian Business Park, Phase II for Allegretti & Company", recorded on January 24, 2005, as File No. 635092, Official Records of Douglas County, Nevada.

Written by:
James A. Mack, PLS 6897
130 Vine St.
Reno, NV 89503



3-22-06
exp. 12-31-07

G:\05066.00\Docs\ Legal Deed Restrict.doc



0672357 Page: 6 of 7

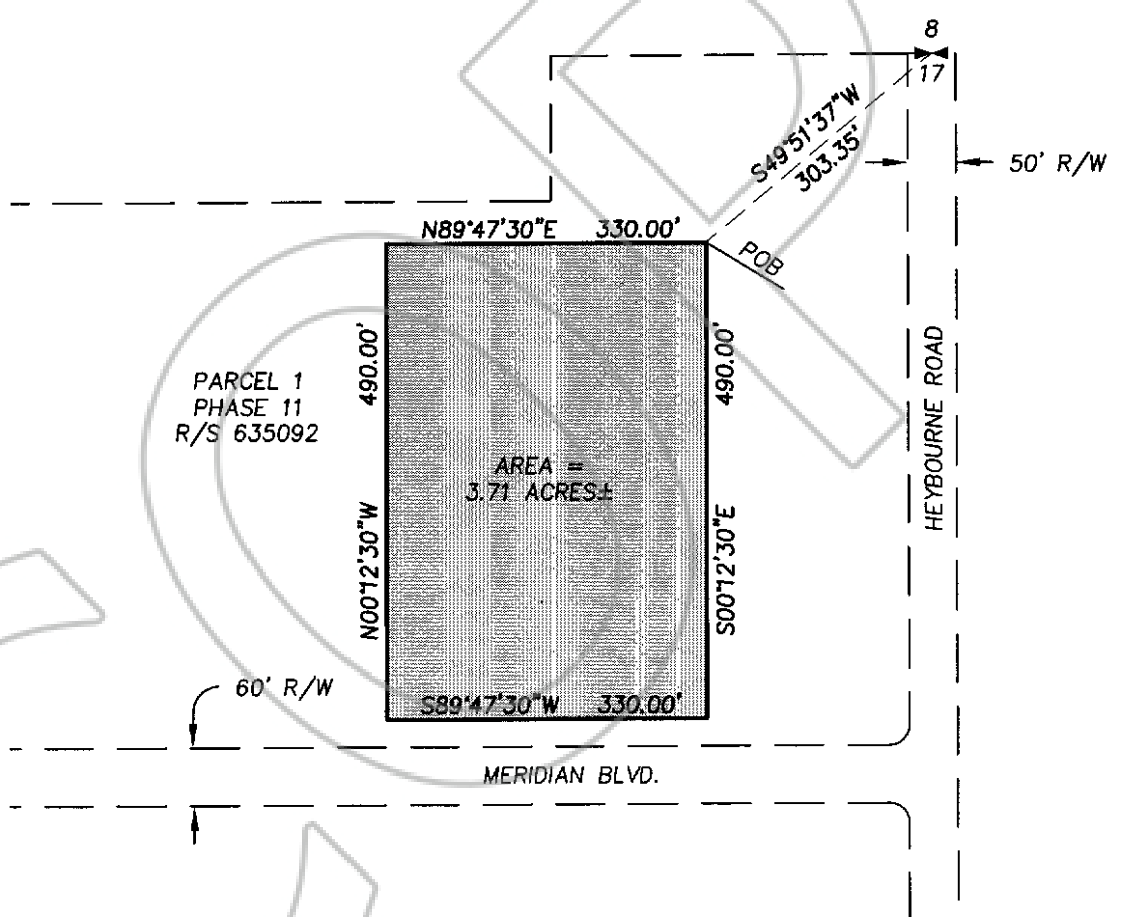
BK- 0406
PG- 2818

04/07/2006


BASIS OF BEARINGS

"RECORD OF SURVEY #1 OF MERIDIAN BUSINESS PARK, PHASE II FOR ALLEGRETTI & COMPANY",
 RECORDED ON JANUARY 24, 2005, AS FILE
 No. 635092, OFFICIAL RECORDS OF DOUGLAS
 COUNTY, NEVADA

AREA = 3.71 ACRES±



G:\05066.00\dwg\LEGAL-DEED RESTRICT.dwg

MAP TO SUPPORT LEGAL DESCRIPTION AMERICAN AVK POR. NW 1/4 SEC. 17, T13N, R20E, MDM DOUGLAS COUNTY NEVADA	SCALE: 1" = 200'	 Gray & Associates INC CIVIL ENGINEERS * PLANNERS * SURVEYORS 130 Vine Street Reno, Nevada 89503 (775) 329-2911 * 329-6469 Fax www.grayassociates.net
	DRAWN BY: JAM	
	DATE: 12-23-05	
	JOB NO.: 05066.00	