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DOC # 0736502  
01/27/2009 03:49 PM Deputy: GB

OFFICIAL RECORD

Requested By:

TAHOE REGIONAL PLANNING

Assessor's Parcel Number: Ptn. of APN's 1318-24-404-001  
1318-24-404-002

Recording Requested By:

Name: Nevada Dept. of Transportation  
Address: 1263 S. Stewart St.  
City/State/Zip: Carson City, NV. 89712

Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 6 Fee: 19.00  
BK-0109 PG- 5518 RPTT: 0.00



Mail Tax Statements to:

Name: Kenneth C. Kjer  
Address: 83-1018 Kamoku Place  
City/State/Zip: Captain Cook, HI 96704-8324

Please complete Affirmation Statement below:

X I the undersigned hereby affirm that this document submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that this document submitted for Recording contains the social security number of a person or persons as required by law: \_\_\_\_\_ (state specific law)

[Signature]  
Signature (Print name under signature)

Right-of-Way Agent  
Title

Amended and Restated Declaration of  
Permanent Restrictive covenant for coverage  
transfer (Amended Deed Restriction) to be recorded  
against APNS 1318-24-404-001 and 1318-24-404-002  
(Title of Document)

If legal description is a metes & bounds description furnish the following information:

Legal description obtained from: \_\_\_\_\_ (Document Title), Book: \_\_\_\_\_ Page: \_\_\_\_\_  
Document # \_\_\_\_\_ recorded \_\_\_\_\_ (Date) in the Douglas County Recorders  
Office.

-OR-

If Surveyor, please provide name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This page added to provide additional information required by NRS 111.312 Sections 1-4.

(Additional recording fees apply)

# TAHOE REGIONAL PLANNING AGENCY

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Stateline, Nevada  
www.trpa.org

P.O. Box 5310  
Stateline, Nevada 89449

(775) 588-4547  
Fax (775) 588-4527  
Email: trpa@trpa.org

## RECORDING REQUESTED BY:

Nevada Department of Transportation  
Ray Luciani  
1263 S. Stewart St.  
Carson City, NV 89712

## WHEN RECORDED MAIL TO:

Kenneth C. Kjer  
83-1018 Kamuku Pl.  
Captain Cook, HI 96704-8324

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## AMENDED AND RESTATED DECLARATION OF PERMANENT RESTRICTIVE COVENANT FOR COVERAGE TRANSFER ("AMENDED DEED RESTRICTION") TO BE RECORDED AGAINST APNS 1318- 24-404-001 and 1318-24-404-002

This Deed Restriction is made this 3<sup>rd</sup> day of NOVEMBER, 2008 by  
Kenneth C. Kjer ("Declarant").

### RECITALS

1. WHEREAS, Declarant is the owner of that certain real property located in Douglas County, State of Nevada, described as follows:

Parcels "A" and "B" of Stateline, according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on June 9, 1981 in Book 681, Page 770, under Filing No. 57043, Official Records. Assessors Parcel Numbers 1318-24-404-001 and 1318-24-404-002 (hereinafter the "subject parcel")

2. Declarant expressly acknowledges a prior Deed Restriction recorded against APN's 1318-24-404-001 and 1318-24-404-002 ("formally" APN's 07-292-19 and 07-292-20 respectively) on July 25, 1990, as Documented by the Official Records of Douglas County, Nevada ("Deed Restriction").



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BK- 0109  
PG- 5519

The Deed Restriction as recorded acknowledged the transfer of land coverage and commercial floor area from the subject parcel. The transfer required the subject parcel be retired in accordance with TRPA Code subsection 34.5.E.

3. Nevada Department of Transportation is seeking to obtain a permanent easement of 15,117 square feet within the sending parcel to install water quality improvement infrastructure within the property boundaries for the NDOT Lake Tahoe Phase III Masterplan, EIP Numbers 239 & 242.

### DECLARATIONS

1. NOW THEREFORE, declarant hereby declares that the Deed Restriction is hereby amended to allow the Nevada Department of Transportation to acquire the requested easement and to construct, if and when approved by TRPA, the intended water quality improvement infrastructure on the property.
2. Specifically this Deed Restriction shall amend items 1.b, 1.d, and 1.e of the Deed Restriction, thereby allowing the excavation of topsoil, sand, gravel, rocks or minerals, and fill; the removal of trees shrubs, or other vegetation; and, the alteration of the landscape, native trees, wildlife, ground cover, or other attractive scenic features of the property as needed to install the water quality BMPs for SR 207, as described in the NDOT Lake Tahoe Phase II Masterplan, EIP numbers 239 and 242.
3. All unrelated remaining provisions of the Deed Restriction shall remain in full force effect and are not altered by this amendment.
4. This Amended 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 shall be binding on the Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Sending Parcel.
5. This Amended Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA and Kenneth C. Kjer or future property owner, if any. TRPA and Kenneth C Kjer are deemed and agreed to be third party beneficiaries of this Amended Deed Restriction and as such can enforce the provisions of this Amended Deed Restriction.



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

**KENNETH C KJER**

By: *Kenneth C. Kjer* Date: *Nov. 3, 2008*

~~Hawaii~~  
STATE OF NEVADA )  
~~Hawaii~~ ) ss  
COUNTY OF ~~Douglas~~ )

On this 3<sup>rd</sup> day of November, 2008, before me, personally appeared *Kenneth C. Kjer* personally known to me, (or proved 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 acted, executed the instrument.

*Erinn M. Tayamen* ERINN M. TAYAMEN

NOTARY PUBLIC DEC 25 2009

*My commission exp. Notary Certification Attached*

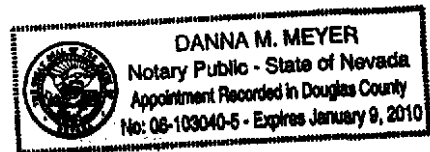
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**APPROVED AS TO FORM:**

Tahoe Regional Planning Agency

*Nicole Rankin* *S. Jordan Dunlap*

STATE OF NEVADA )  
 ) ss  
COUNTY OF *Douglas* )



On this 20<sup>th</sup> day of November, 2008 before me, personally appeared Sondra Dunlap personally known to me, (or proved 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 acted, executed the instrument.

Danna M Meyer  
NOTARY PUBLIC



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///  
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COPY

NOTARY PUBLIC CERTIFICATION

Erinn M. Tayamen Third Circuit

Doc Description

~~Tahoe Regional Planning Agency~~  
~~Amended Will - Estate - Kenneth E. Fry~~

No. of Pages 5 Date of Doc 11-2-08

Erinn M. Tayamen 11/03/08  
Notary Signature Date

LS

COPY

