

**RECORDING REQUESTED BY:**  
Nevada Division of State Lands  
901 South Stewart Street  
Suite 5003  
Carson City, Nevada 89701

**WHEN RECORDED MAIL TO:**  
Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attention: Wendy Jepson, Senior Planner  
TRPA File No. EICP2007-2009

This instrument is being recorded as an "Accommodation Only" by First American Title Insurance Company and has not been examined as to its validity, execution or its effect upon title, if any.

**DOUGLAS COUNTY APNS:**  
1318-16-810-007 & 1318-16-810-008

**EL DORADO COUNTY APNs:**  
029-441-20, 028-021-02, 028-021-03, 029-260-25, 029-260-32, & 029-441-19

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR PROJECT AREA AND COVERAGE CALCULATION**

This Declaration is made this 2 day of July, 2009 by the Nevada Division of State Lands (hereinafter "Declarant A") and the State of California, acting by and through the California Tahoe Conservancy (hereinafter "Declarant B").

**RECITALS**

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

Parcel One (Parcel N-1)

All that portion of the SE ¼ SE ¼, (situated in Douglas County) of Section 27, Township 13 North, Range 18 East, M.D.M. (APN 07-019-09) a portion; Except therefrom that certain parcel of land conveyed to HARRAH'S CLUB in Deed recorded November 17, 1961, in Book 9, page 419, Document NO. 19100, of Official Records, described as follows: That certain triangular parcel of land lying in the SE ¼ SE ¼ of Section 27, Township 13 North, Range 18 East, M.D.M., in Douglas County, Nevada, more particularly described as follows:

Beginning at the intersection of the North boundary of SE ¼ SE ¼ of Section 27 and the Nevada-California State Line which is located North 48 degrees 43 minutes West, 497.51 feet from State Line Monument No. 2, a pipe and brass cap; thence following along the State Line South 48 degrees 43 minutes East, 870.83 feet to the power line; thence along the power line North 34 degrees 54



minutes East, 694.08 feet to the North boundary of said SE  $\frac{1}{4}$  Se  $\frac{1}{4}$ ; thence along the North boundary of said SE  $\frac{1}{4}$  Se  $\frac{1}{4}$  North 89 degrees 42 minutes 40 seconds West, 1,051.52 feet to the point of beginning.

Said parcel is described in Document Number 0238191, recorded on November 6, 1990, in the Official Records of Douglas County, Nevada, (Assessor's Parcel Number 1318-00-002-007, formerly APN 07-019-09).

Parcel Two (Parcel N-2)

All that portion of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , (situated in Douglas County); the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; and SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ; in Section 26, Township 13 North, Range 18 East, M.D.M. (Formerly APN 07-010-09 and 07-010-06 a portion, APN 07-010-10 a portion)

Said parcel is described in Document Number 0238191, recorded on November 6, 1990, in the Official Records of Douglas County, Nevada, (Assessor's Parcel Number 1318-00-002-007 and 1318-00-002-008, formerly APN 07-010-09 and 07-010-06 a portion, APN 07-010-10 a portion).

Parcel Three (Parcel N-3)

All that portion of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , and all that portion of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; and all that portion of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , and all that portion of SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 35, Township 13 North, Range 18 East, M.D.M., situated in Douglas County; (APN 07-010-09, a portion, and 07-010-10).

Together with all easements of record and of use, particularly that shown by an instrument recorded June 23, 1961, in Book 7 as Document No 18221 of Official Records of Douglas County, Nevada, SUBJECT TO all easement of record and of use and reservations for roads as contained in Document No. 15743 of Official Records of Douglas County, Nevada.

Said parcel is described in Document Number 0238191, recorded on November 6, 1990, in the Official Records of Douglas County, Nevada, (Assessor's Parcel Number 1318-00-002-007 and 1318-00-002-008, formerly APN 07-010-09, a portion, and 07-010-10).

2. Declarant B is the owner of certain real property located in El Dorado County, State of California, described as follows:

Parcel Four (Parcel C-1)

Lot 2, as shown on that certain map entitled "Crescent "V" Subdivision", filed in the office of the County Recorder of El Dorado County, State of California, on March 23, 1962 in map book "C", at page 89.

TOGETHER WITH an easement for utility lines, poles, wires and pipelines as they presently exist over and across Lot 3 as shown on that certain map entitled Crescent "V" Subdivision, filed in the office of the County Recorder of El Dorado County, State of California, on March 23, 1962 in map book "C", at page 89,



together with a non-exclusive right of ingress and egress over and across the northeasterly 50' along the property boundary common to Lots 2 and 3 as described in the deed recorded February 7, 1985 in book 2399, page 256 of Official Records.

EXCEPTING THEREFROM that portion conveyed to the State of California by Deed, recorded May 26, 1970 in book 987, pages 565 and 568, and 571, Official Records.

ALSO EXCEPTING THEREFROM the following area beginning at a point on the Westerly line of said Lot 2 which bears North 39°35'28" East 273.43 feet from the most Westerly corner of said Lot 2; thence North 42°58'00" East 145.65 feet; thence along a curve to the right with a radius of 20.00 feet, a delta of 46°42'30", and a chord of North 66°19'15" East 15.86 feet; thence along a reverse curve to the left with a radius of 50.00 feet, a delta of 51°57'51", and a chord of North 63°41'34" East 43.81 feet; thence South 52°17'21" East 271.91 feet; thence South 26°16'51" West 228.10 feet, thence North 48°14'55" West 358.13 feet to the Point of Beginning, containing 67,770 Square feet.

Said parcel is described in document number 2002-0032599-00, recorded on May 3, 2002 in the Official Records of El Dorado County, State of California ( Assessor's Parcel Number 29-441-20).

Parcels Five through Seven (Parcel Nos. C-2 [APN 028-021-02];  
C-3 [APN 028-021-03]; and C-4 [APN 029-260-25])

All those portions of the Southwest quarter of the Southwest quarter of Section 26, and the Southeast quarter of Section 27, and the Northeast quarter of Section 34, and of the North half of Section 35, all in Township 13 North, Range 18 East, M.D.M., described as follows:

Beginning at the intersection of the South line of the Northeast quarter of said Section 35, with the California-Nevada State Line; thence North 48 deg. 42' West along said State Line, to the North line of the Southeast quarter of the Southeast quarter of said Section 27; thence West along said North line to the most Southerly corner of the property conveyed to Fay H. Nosker, et ux., by Deed recorded November 8, 1954, in Book 352, page 27, of Official Records; thence North 70 deg. 35' West, 390.74 feet to the most Westerly corner of the property so conveyed to the most Easterly corner of the property conveyed to Fay H. Nosker, et ux., by Deed recorded June 14, 1955, in Book 363, page 43, of Official Records, the said Easterly corner being in a line parallel with and measured 297.0 feet perpendicularly to the Southeasterly line of U. S. Highway No. 50; thence South 27 deg. 12' 30" West along said parallel line 61 feet more or less to the Northwest corner of Parcel No. 1 of the property conveyed to Crescent V Enterprises, Inc., by Deed recorded June 20, 1962, in Book 596, page 93, of Official Records; thence South 80 deg. 27' 30" East, along the North line of the property last so conveyed, 408.98 feet to the Northwest corner of the property conveyed to Crescent V Apartment Corporation, by Deed recorded February 2, 1962, in Book 580, page 44, of Official Records; thence following



along the Northerly, Northeasterly and Southeasterly boundary lines of the property last so conveyed, the following courses and distances, viz: (1) South 79 deg. 37' 22" East, 115.13 feet to a point that is distant 100 feet at right angles from said State line, (2) along a line parallel with said State line and 100 feet distant therefrom, South 48 deg. 04' 19" East, 594.48 feet, (3) leaving the last said parallel line, South 3 deg. 10' 27" East, 65.52 feet, (4) South 29 deg. 47' 33" West, 600 feet and (5) South 35 deg. 50' 37" West, 482.37 feet to a point in the Northeasterly boundary of the 1.71 acre parcel of land conveyed to Mabel Winter, by Deed recorded February 13, 1940, in Book 175, page 352, of Official Records; thence South 59 deg. 10' East along the Northeasterly line of the property last so conveyed, 832.53 feet to the most Easterly corner thereof and being also the most Northerly corner of a 3.77 acre parcel of land conveyed to the said Mabel Winter, by the Deed last hereinabove set forth; thence South 9 deg. 27' 45" East along the East boundary line of said 3.77 acre parcel of land, 992.05 feet to the most Easterly corner of a parcel of land conveyed to Mabel Winter, by Deed recorded December 31, 1930, in Book 118, page 247, of Official Records; thence South 38 deg. 12' West along the Southeasterly line of the parcel of land last so conveyed 168.31 feet; thence North 81 deg. 41' West along the South line of the parcel of land last so conveyed, 65.78 feet to the most Easterly corner of the parcel of land conveyed to Alma H. Steininger, by Deed recorded November 30, 1937, in Book 159, page 423, of Official Records; thence South 28 deg. 11' West along the Southeasterly line of the property last so conveyed, 460.14 feet to the Southeasterly corner thereof to a point on the Northerly line of the property conveyed to Glidden R. Benefield, et ux., by Deed recorded May 22, 1940, in Book 176, page 215, of Official Records; thence South 68 deg. 14' East, along the last said Northerly line, 188.30 feet to a point in the West line of the property conveyed to Mildred Lee Lynch, by Deed recorded December 1, 1939, in Book 174, page 104, of Official Records; thence following along the boundary lines of the property last so conveyed the following courses and distances, viz: (1) North 2 deg. 19' West, 20.18 feet, (2) South 84 deg. 38' East 319.31 feet, (3) South 7 deg. 24' West, 169.95 feet, and (4) South 60 deg. 00' West, 324.92 feet to the most Southerly corner of the property conveyed to Dorothy Estelle Leonard, by Deed recorded September 18, 1941, in Book 182, page 483, of Official Records; thence North 52 deg. 43' 40" West, along the Southwesterly line of the property last so conveyed 301.82 feet to the most Easterly corner of the property conveyed to F. Dorothy Boring and Catherine M. Paulsen, by Deed recorded June 28, 1939, in Book 172, page 219 of Official Records; thence South 28 deg. 54' West, along the Southeasterly line of the property last so conveyed, 186.25 feet to the most Southerly corner thereof; thence South, 150 feet to a point in the South line of the Northeast quarter of said Section 34; thence East along the last said South line and the South line of the Northwest quarter of said Section 35, to the point of beginning.

Excepting therefrom, all that portion thereof, conveyed to the Tahoe Southside Water Company by Deed recorded November 19, 1959, in Book 490, page 33, of Official Records, and described as follows:

Beginning at the corner common to Sections 26, 27, 34 and 35, Township 13 North, Range 18 East; thence South 56 deg. 45' West 111.48 feet to the Southeast corner of the parcel; thence North 3 deg. 58' East 170.00 feet; thence North 86 deg. 02' West 150.00 feet; thence South 3 deg. 58' West 170.00 feet;



thence South 86 deg. 02' East 150.00 feet to the point of beginning.

Also excepting therefrom all that portion more particularly described as follows:

All that portion of the Northeast quarter of the Northeast quarter of Section 34 and the Southeast quarter of the Southeast quarter of Section 27, Township 13 North, Range 18 East M.D.M.

Beginning at a point from which the Northeast corner of said Section 34 bears North 55 deg. 08' 17" East 107.54 feet; thence North 03 deg. 58' 00" East 170.00 feet; thence North 86 deg. 02' 00" West 150.00 feet; thence North 03 deg. 58' 00" East 55.00 feet; thence South 86 deg. 02' 00" East 200 feet; thence South 03 deg. 58' 00" West 275.00 feet; thence North 86 deg. 02' 00" West 40.22 feet; thence North 07 deg. 06' 20" West 50.95 feet to the point of beginning.

Also excepting therefrom all that portion more particularly described as follows:

All that portion of the Northeast quarter of the Northeast quarter of Section 34, Township 13 North, Range 18 East, M.D.B.&M., described as follows:

Beginning at the Northeast corner of the parcel from which the Northeast corner of said Section 34 bears North 55 deg. 08' 17" East, 107.54 feet; thence along the Southerly line of the Reservoir Parcel, North 86 deg. 02' 00" West, 162.00 feet; thence South 7 deg. 06' 20" East, 300.00 feet to the point of beginning.

Also excepting therefrom a parcel of land .23 acre in size, and located in the north half of the northeast quarter of Section 34, and identified as El Dorado County Assessor Parcel Number 029-260-19.

Also excepting all that portion lying Westerly of the Easterly line conveyed to the State of California by Deed recorded May 26, 1970, in Book 987 of Official Records, at page 580, described as follows:

That portion of Sections 27 and 34, Township 13 North, Range 18 East, M.D.B.&M. described as follows:

Beginning at a point on the Northerly line of the secondly described parcel of land in that certain Deed recorded February 13, 1940 in Book 175, page 352, Official Records of El Dorado County, said point being the most Southerly corner of Lot 3 of Crescent "V" Subdivision per the map thereof filed March 23, 1962 in Map Book "C", Map No. 89, Records of El Dorado County; thence (1) from said point of beginning along said Northerly line South 61 deg. 07' 40" East (recorded South 59 deg. 10' East) 293.86 feet; thence (2) leaving said Northerly line North 43 deg. 07' 07" East 991.30 feet to a point 319.10 feet Southeasterly, measured at right angles from the base line at Engineer's Station "K" 286+69.96 of the Department of Public Works' Survey on Road 03-ED-50 from Post Mile 71.8 to Post Mile 80.4; thence (3) South 84 deg. 56' 55" East 81.93 feet; thence (4) South 54 deg. 36' 24" East 250.80 feet; thence (5) North 39 deg. 58' 03" East 98.50 feet to a point on the California-Nevada State Line; thence (6) along said State line North 50 deg. 00' 12" West 980.40 feet; thence (7) North 50 deg. 01' 57" West 496.93 feet to a point on the North line of the Southeast 1/4 of the



Southeast 1/4 of said Section 27; thence (8) along last said North line South 89 deg. 05' 41" West 151.12 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 27; thence (9) South 49 deg. 35' 25" East 113.40 feet to a point on the exterior boundary of said Crescent "V" Subdivision, said point being distant North 50 deg. 01' 59" West (recorded North 48 deg. 04' 19" West) 310.21 feet from the most Easterly corner of Lot 5 of said Crescent "V" Subdivision; thence (10) along said exterior boundary South 50 deg. 01' 59" East 594.48 feet; thence (11) South 05 deg. 08' 07" East 65.52 feet; thence (12) South 27 deg. 49' 53" West 600.00 feet; thence (13) South 33 deg. 52' 57" West 482.37 feet to the point of beginning.

Said parcels were recorded on May 3, 2002 as document number 2002-0032595-00, Official Records of El Dorado County, State of California (Assessor Parcels Number 028-021-02; 028-021-03; 029-260-25).

Parcel Eight (Parcel C-5, APN 029-260-32)

That portion of Sections 27 and 34, Township 13 N., Range 18 E., MDB.&M., described as follows:

BEGINNING at a point on the Northerly line of the secondly described parcel of land in that certain deed recorded February 13, 1940, in Book 175, page 352, Official Records of El Dorado County, said point being the most Southerly corner of Lot 3 of Crescent "V" Subdivision per the map thereof filed March 23, 1962, in Map Book "C", Map No. 89, Records of El Dorado County; THENCE (1) from said point of beginning along said Northerly line S. 61° 07' 40" E. (recorded S. 59° 10' E.) 293.85 feet; thence (2) leaving said Northerly line N. 43° 07' 07" E. 991.30 feet to a point 319.10 feet Southeasterly, measured at right angles from the base line at Engineer's Station "K"286+69.96 of the Department of Public Works' Survey on Road 03-ED-50 from Post Mile 71.8 to Post Mile 80.4; thence (3) S. 84° 56' 55" E. 81.93 feet; thence (4) S. 54° 36' 24" E. 250.80 feet; thence (5) N. 39° 58' 03" E. 98.50 feet to a point on the California-Nevada State Line; thence (6) along said State line N. 50° 00' 12" W. 980.40 feet; thence (7) N. 50° 01' 57" W. 496.93 feet to a point on the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 27; thence (8) along last said North line S. 89° 05' 41" W. 151.12 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 27; thence (9) S. 49° 35' 25" E. 113.40 feet to a point on the exterior boundary of said Crescent "V" Subdivision, said point being distant N. 50° 01' 59" W. (recorded N. 48° 04' 19" W.) 310.21 feet from the most Easterly corner of Lot 5 of said Crescent "V" Subdivision; thence (10) along said exterior boundary S. 50° 01' 59" E. 594.48 feet; thence (11) S. 05° 08' 07" E. 65.52 feet; thence (12) S. 27° 49' 53" W. 600.00 feet; thence (13) S. 33° 52' 57" W. 482.37 feet to the point of beginning, containing 13.54 acres, more or less.

Said parcel was recorded on May 26, 1970 in Book 987, Page 580, Official Records of El Dorado County, and more recently recorded on December 28, 2000 as document number 2000-0066683-00, Official Records of El Dorado County, State of California (Assessor's Parcel Number 029-260-32).



Parcel Nine (Parcel C-6, APN 029-441-19)

That portion of Lots 1 and 2 of "Crescent 'V' Subdivision" per the map thereof filed March 23, 1962 in Map Book "C", Map No. 89, Records of El Dorado County, described as follows:

BEGINNING at a point being the most Southerly corner of said Lot 2, said point being 125.55 feet Northwesterly, measured at right angles, from the base line at Engineer's Station "K"279+57.07 of the Department of Public Works' Survey on Road 03-ED-50 from Post Mile 71.8 to Post Mile 80.4; THENCE from said point of beginning along the Southeasterly line of said Lots 1 and 2 N. 33° 52' 57" E. (recorded N. 35° 50' 37" E.) 186.61 feet; thence N. 27° 49' 53" E. (recorded N. 29° 47' 33" E.) 600.00 feet; thence N. 05° 08' 07" W. (recorded N. 03° 10' 27" W.) 65.52 feet to the Northeasterly line of said Lot 1; thence along said Northeasterly line N. 50° 01' 59" W. (recorded N. 48° 04' 19" W.) 284.27 feet to the most Northerly corner of said Lot 1; thence leaving said Northerly corner S. 40° 09' 38" E. 170.52 feet; thence S. 21° 33' 18" E. 65.03 feet; thence S. 16° 49' 22" W. 375.26 feet; thence S. 24° 19' 11" W. 321.28 feet; thence S. 30° 30' 17" W. 105.15 feet to the point of beginning, containing 0.98 acres, more or less.

Said parcel was recorded on May 26, 1970 in Book 987, Page 571, Official Records of El Dorado County, and more recently recorded on December 28, 2000 as document number 2000-0066683-00, Official Records of El Dorado County, State of California, (Assessor's Parcel Number 029-441-19).

Parcels One through Nine are hereinafter collectively referred to as the "Property."

3. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980) ("the Compact"), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter "TRPA") pursuant to the Compact.

The Declarants received approval from the TRPA on April 27, 2009, to implement the Van Sickle Bi-State Park project subject to certain conditions, including a condition that the Declarants record a deed restriction permanently assuring that land coverage calculations for the parcels within the project area shall always be made as if the parcels had been legally merged or consolidated, pursuant to Chapter 20, "Land Coverage," Section 20.3.D(1)(a) of the TRPA Code of Ordinances

4. This instrument is being executed by Declarant B pursuant to authorization granted by the governing board of the California Tahoe Conservancy, by resolution 09-05-08 adopted on May 29, 2009.
5. This instrument has been entered into by the Declarants for the sole purpose of satisfying Condition No. 3F in the April 27, 2009 TRPA permit for the Van Sickle Bi-State Park project, file number EICP2007-0009, a copy of which is attached hereto as Exhibit A ("the Permit").



### DECLARATIONS

1. The Declarants hereby declare that, for the purpose of satisfying TRPA's April 22, 2009 condition of approval, the Property identified herein shall always be treated as if the parcels contained within the Property had been permanently merged, with respect to and for the sole purpose of calculating allowable land coverage within the project area. Recognized land coverage for this project area, as of acknowledgement of the Permit shall be as shown in the table captioned Land Coverage Calculations, which is attached to the Permit.
2. This instrument 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, 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 Tahoe Regional Planning Agency 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.

IN WITNESS WHEREOF, Declarants have executed this instrument as of the day and year written above.





Declarant A:

James Lawrence  
James Lawrence  
Administrator  
Nevada Division of State Lands

Dated: 7/2/09

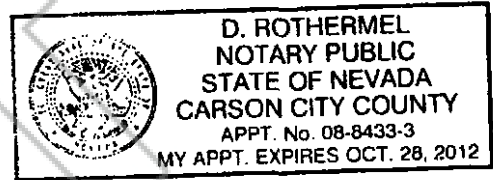
STATE OF NEVADA)  
) SS.  
COUNTY OF DOUGLAS)

On July 2, 2009, before me, D Rothermel, Notary Public,  
personally appeared Jim Lawrence  
who proved to me on the basis of satisfactory evidence to be the person(s) 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 behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: D Rothermel





Declarant B:

Raymond J. Lacey  
Deputy Director  
California Tahoe Conservancy

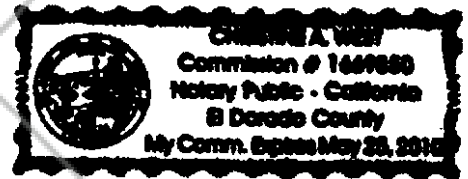
Dated: JULY 2, 2009

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF EL DORADO)

On July 2, 2009, before me, Christine A. West, Notary Public, personally appeared Raymond J. Lacey, personally known to me ( or proved to me on the basis of satisfactory evidence) to be the person(s) 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 behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: Christine A. West

