



KAREN ELLISON, RECORDER

RECORDING REQUESTED BY:
Tahoe Regional Planning Agency
Post Office Box 1038
Zephyr Cove, Nevada 89448

WHEN RECORDED MAIL TO:
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449
Attention: Jennifer Self, Associate Planner
TRPA File # ERSP2016-1109-01

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LAND COVERAGE RETIREMENT ("DEED RESTRICTION")
TO BE RECORDED AGAINST ASSESSOR'S PARCEL NUMBER (APN) 1318-16-801-003**

This Deed Restriction is made this 4th day of November, 20 16, by Wavedance LLC, a Nevada Limited Liability Company. (hereinafter "Declarant").

RECITALS

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

See attached "Exhibit A: Legal Description".

Said parcel was recorded on a grant, bargain and sale deed on December 18, 2014, in the Office of the Douglas County recorder, Document Number 2014-854615, and having Assessor's Parcel Number (APN) 1318-16-801-003 (hereinafter "Property").
2. The Property is 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 Tahoe Regional Planning Agency (TRPA) pursuant to the Tahoe Regional Planning Compact.
3. The Declarant received approval from TRPA on September 8, 2016 to relocate 3,872 square feet of Class 1b land coverage, which was restored at the rate of 1.5:1, resulting in **1,936 square feet of on-site coverage restoration.**
4. As a condition of approval for the relocation of coverage in land capability Class 1b, Section 30.5.3.B of the TRPA Code of Ordinances requires the Declarants record a deed restriction **permanently retiring 1,936 square feet of the Class 1b land coverage to be restored** and that the area restored shall function in a natural state.

DECLARATIONS

1. The Declarant hereby declares that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, the Property described on "Exhibit A: Legal Description" is, and shall be, deemed by TRPA to have permanently retired 1,936 square feet of Class 1b land coverage and to now contain 26,159 square feet of Class 1b land coverage.
2. The Declarant also hereby declares that the area on the Property from where the coverage has been relocated shall be restored to a natural or near natural state. Declarants likewise declare that Declarants shall protect the restored area from soil disturbance.
3. The Declarant further acknowledges that any future land coverage relocation on the Property shall be evidenced by a recorded instrument approved by TRPA.
4. 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 Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Property.
5. 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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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant's Signature: [Handwritten Signature]
Wavedance LLC, a Nevada Limited Liability Company

Dated: November 1, 2016

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

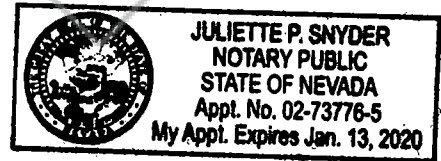
STATE OF Nevada)
) SS.
COUNTY OF Douglas)

On November 1, 2016, before me, Juliette P Snyder Notary Public, personally appeared Nackey Scaglietti, 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: [Handwritten Signature: Juliette P Snyder]



Additional signature page to follow

APPROVED AS TO FORM:

Theresa Vance
Tahoe Regional Planning Agency

Dated: 10/12/16

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.


STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)


On Oct. 12, 2016 before me, Kimberly L. HERN, Notary Public, personally appeared Theresa Vance 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: Kimberly L. HERN

 **KIMBERLY L. HERN**
NOTARY PUBLIC-STATE OF NEVADA
DOUGLAS COUNTY
My Commission Expires: April 03, 2019
3-1379-5

 **KIMBERLY L. HERN**
NOTARY PUBLIC-STATE OF NEVADA
DOUGLAS COUNTY
My Commission Expires: April 03, 2019
15-1379-5

End of Signatures

EXHIBIT A
LEGAL DESCRIPTION

The land referred to herein below is situated in the City of Zephyr Cove, County of Douglas, State of Nevada, and is described as follows:

Parcel 1:

BEGINNING at a point twenty feet North of the South line of Section 16, Township 13 North, Range 18 East, M.D.B.&M., and twenty feet West of the East line of said Section 16, said point being marked by an iron pipe set in concrete, running thence North 0°2-1/2' West 148.05 feet parallel to the East line of said Section, to an iron pipe in concrete;

THENCE South 86°25-1/2' West 368.26 feet to an iron pipe set in concrete on the meander line of Lake Tahoe;

THENCE South 28°00' East along said meander line 142.32 feet to an iron pipe set in concrete at a point 20 feet North of the South line of said Section 16 produced;

THENCE North 89°50-1/2' East parallel to the South line of said section 300.82 feet to the point of beginning.

PARCEL 2:

That certain right-of-way for road purposes, as set forth under those certain agreements recorded in Book "R" of Deed, Page 557 and in Book "F" of Agreements, Page 45 Douglas County Records; said right-of-way extending from the above described property to the public road.

PARCEL 3:

A right-of-way for driveway purposes twenty feet wide as conveyed by deed recorded in Book T of Deeds, Page 356, Douglas County Records.

PARCEL 4:

A parcel of land having as its East boundary, the West boundary of said Parcel 1 description, its North boundary being the North boundary of said Parcel 1 description extended Westerly, its South boundary being the South boundary of said Parcel 1 description extended Westerly and being bounded on the West by a line drawn on contour at elevation 6,223 feet, Lake Tahoe Datum.

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 waterward 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.

Reference is hereby made to that certain Record of Survey Map for John E. Mason, Kenneth Bitler and Lynn Hill Peterson, recorded in the office of the County Recorder of Douglas County, State of Nevada, on July 8, 1992, in Book 792 at Page 1105 as Document No. 282954, Official Records.

NOTE: Legal description previously contained in Document No. 682106, in Book 806 at Page 5269 recorded on August 14, 2006, and Document No. 781364, in Book 411, Page 1774 recorded April 11, 2011, Official Records of Douglas County, State of Nevada.

APN: 1318-16-801-003