DOUGLAS COUNTY, NV

Rec:\$35.00 Total:\$35.00 2019-935522 09/23/2019 09:02 AM

WALTON DESIGN & ENGINEERING

Pgs=5



KAREN ELLISON, RECORDER

## **RECORDING REQUESTED BY:**

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

#### WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency Post Office Box 5310 Stateline, Nevada 89449 Attn: Julie Roll, Senior Planner TRPA File # ERSP2019-0191-01

# DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS CONCERNING THE USE OF THE ACCESSORY RESIDENTIAL BUILDING ("DEED RESTRICTION") TO BE RECORDED AGAINST APN 1418-10-801-004

This Deed Restriction is made this 12 day of September 2019 by 183 Yellow Jacket, LLC, a New York Limited Liability Company (hereinafter "Declarants").

### RECITALS

1. Declarants are the owners of certain real property described as follows:

All that real property situated in Douglas County, Nevada, LEGALLY described as:

#### Parcel 1:

Beginning at a point on the Meandor Line of Lake Tahoe, said point being on the Westerly side line of the Campbell property, whence the South 1/4 corner of Section 10, Township 14 North, Range 18 East, M.D.B.& M., bears South 6°59' West, 861.53 feet; thence South 38°28' East, 427.72 feet along the Westerly side line of said Campbell property extended; thence South 62°30' West, 343.34 feet; thence North 42°41' West, 507.60 feet to the Meander Line of Lake Tahoe; thence along said Meandor Line North 58°49' East, 0.48 feet South 74°58' East, 210.12 feet North 45°46' East, 250.19 feet to the place of beginning.

Together with a Right of Way over that certain road as now located or as it may be located hereafter, extending from the State Highway known as U.S. Route 50 to the hereinabove described property.

Parcel 2:

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Beginning at a point on the Meandor Line of Lake Tahoe, said point being on the Westerly side line of the Campbell property, whence the South 1/4 corner of Section 10, Township 14 North, Range 18 East, M.D.B.& M. bears South 6°59' West 861.53 feet; thence along the Meandor Line of Lake Tahoe, South 45°46' West 250.19 feet; North 74°58' West 210.12 feet; South 58°49' West, 0.48 feet; thence North 42°41' West to Lake Tahoe; thence Easterly and Northeasterly along Lake Tahoe above 460 feet; thence South 38°28' East to the place of beginning.

### Easement A:

A 10-foot wide access easement, the centerline of which is described as follows:

Beginning at a point on the Southwesterly line of that certain Parcel 1, as described in Deed recorded in Book 6, Page 77, on April 19, 1961, which bears North 42°41'00" West, 57.0 feet from the Southeasterly corner of said Parcel No. 1; thence along the centerline North 65°41'41" East, 142.25 feet to a point on the Northeasterly line of said Parcel 1, and the Northerly terminus of this easement description.

The side lines are to be lengthened or shortened to intersect the property lines.

#### Easement B:

Also a 10-foot wide access easement, the centerline of which is described as follows:

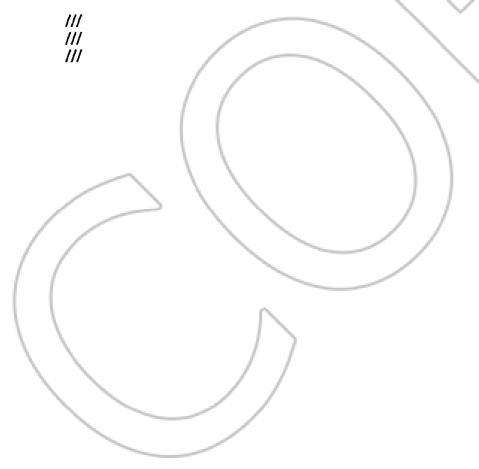
Beginning at a point on the above described centerline which bears North 65°41'41" East, 11.0 feet from the point of beginning; thence along the centerline North 42°41'00" West, 11.0 feet to the beginning of a tangent curve to the right with a radius of 50 feet and a central angle of 82°00'; thence along said curve an arc length of 71.56 feet; thence North 39°19' East 32.00 feet; thence North 43°19' East, 49.95 feet to a point on the Northeasterly line of said Parcel 1, and the Northerly terminus of this easement description.

The above metes and bounds legal description appeared previously in that certain Document recorded on 7/28/1988 as Document No. 183114 Official Records, pursuant to NRS Section 6. NRS 111.312.

- Declarants received approval from the Tahoe Regional Planning Agency (TRPA) on September 6,
   2019 that included the construction of a detached accessory residential building. Said building is to be accessory to the primary single-family use associated with the Property.
- 3. 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 TRPA pursuant to the Tahoe Regional Planning Compact.
- Subsection 21.3.6 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the accessory living area in the accessory residential building.

#### **DECLARATIONS**

- Declarants hereby declare that the accessory residential building is and shall be an accessory use to and part of the primary residence on the Property and shall not be used in a fashion as to constitute a separate residential unit. Said accessory residential building, as an accessory use, shall not be permitted to contain cooking facilities, and shall not contain both a wet bar and bathing facilities. Either a wet bar or bathing facilities is permissible. Said Game House shall not be leased, rented, or used separate from the primary residence on the Property. Use of the Game House as a separate residential unit shall constitute a violation of the TRPA approval.
- 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 Property described above and shall be binding on the Declarant and Declarant's assigns and all persons hereafter acquiring or owning any interest in the Property.
- 3. This Deed Restriction may not be revoked or modified 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.



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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above. **Declarant's Signature:** Andrew Cooper, Managing Partner 183 Yellow Jacket, LLC 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 N a Notary Public, 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 that the foregoing paragraph is true and correct.

Signature: Name:

WITNESS my hand and of

(typed of Bringer blic, State of New York Registration #01SU6348517 Qualified In Kings County

Commission Expires Sept. 26, 2020

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APPROVED AS TO FORM:	$\wedge$
Julie Roll Dated: _	9/10/19
Tahoe Regional Planning Agency	
A notary public or other officer completing this certificate verifies of signed the document, to which this certificate is attached, and not to of that document.	
STATE OF Nevada ) ) SS. COUNTY OF Douglas )	
on 9-10-19 before me, Linda Allen a Notary Public, personally appeared Julie Foll 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 _ paragraph is true and correct.	NWada that the foregoing
WITNESS my/hapd and official seal	
Signature: Allah (Seal)  Name: Unda Allah (typed or printed)	LINDA ALLEN Notary Public-State of Nevada Appointment No. 99-56327-5 My Appointment Expires June 11, 2023