

RECORDING REQUESTED BY:
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449



KAREN ELLISON, RECORDER

WHEN RECORDED MAIL TO:
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Julie Roll, Senior Planner
TRPA File No. TRAN2019-0541

**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR LAND COVERAGE TRANSFER
("DEED RESTRICTION") TO BE RECORDED AGAINST
ASSESSOR'S PARCEL NUMBER (APN) 1318-26-101-011**

This Deed Restriction is made this 4th day of October, 2019, by C & J Worldwide Holdings, Inc. a Nevada Domestic Corporation, pursuant to an Irrevocable Power of Attorney Regarding Transfer of Commercial Floor Area recorded August 3, 2017 (hereinafter "Declarant").

RECITALS

1. Declarant is authorized to transfer land coverage from certain real property located in Douglas County, State of Nevada, described as follows:

PARCEL 1:

A parcel of land situated in and being a portion of the Northeast ¼ of the Northwest ¼ of Section 26 Township 13 North, Range 18 East, M.D.B.&M., more particularly described as follows, to wit:

BEGINNING at a point on the Section line between Sections 23 and 26, Township 13 North, Range 18 East, M.D.B.&M, which is 1,146.60 feet West from the ¼ corner between Sections 23 and 26; thence South 0 degrees 08' East 1,317.13 feet; thence North 89 degrees 42' West, a distance of 157.02 feet; thence North 0 degrees 08' West, a distance of 1,316.93 feet; thence South 89 degrees 46' East, a distance of 160.95 feet to the POINT OF BEGINNING.

EXCEPT TBEREFROM that portion of said land conveyed to SPIVAK DEVELOPMENT COMPANY, a Partnership, in Deed recorded July 23, 1970 in Book 77, Page 655, Document No. 48829, Official Records.

ALSO EXCEPTING THEREFROM all that portion of said land conveyed to KINGSBURY GENERAL IMPROVEMENT DISTRICT, a Municipal corporation, in Deed recorded March 10, 1976 in Book 376, Page 476, Document No. 88812, Official Records.

TOGETHER WITH a parcel of land situate in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26, Township 13, Range 18 East M.D.B.&M. in Douglas County, Nevada that is described as follows:

Beginning at a point on the left or westerly highway right-of-way line of the reroute of U.S. 50, project F-002-1 (31), said point of beginning being 175.00 feet left of and at right angles to Highway Engineer's Station "04" 48+ 65.00 P.O.T.; and further described as beating South 84 Degrees 19'17" East a distance of 944.42 feet from the Northwest corner of Section 26, Township 13, Range 18 East, M.D.B.&M.; thence North 61 Degrees 46'56" West along said right-of-way line a distance of 78.61 feet to a point on the right or southerly right-of-way line of SR-19 (Kingsbury Grade); thence South 88 degrees 55'43" East along said SR-19 right-of-way line a distance of 434.86 feet to a point on the easterly boundary of the Northwest Quarter of the Northwest Quarter of said Section 26, said point also being on the right or easterly highway right-of-way line; thence South 0 degrees 50'01" West along said easterly boundary a distance of 102.34 feet to a point, said point being the true point of beginning; thence South 6 degrees 58'18" West a distance of 671.14 feet to a point on the southerly boundary of that parcel of land as granted to Walter Cox and John E. Michelsen, in deed recorded August 22, 1963, in Book 19, Page 135, Document No. 23282, Official Records of Douglas County, Nevada; thence South 60 degrees 41'40" East along said southerly boundary a distance of 82.28 feet to a point, said point being the southeasterly corner of said Cox and Michelsen parcel; thence North 0 degrees 03'56" East a distance of 707.55 feet to the true point of beginning.

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM THE INSTRUMENT RECORDED MAY 9, 2003, BOOK 0503, PAGE 4872, AS FILE NO. 576343, AND DEED RECORDED JULY 14, 2006 IN BOOK 0706, PAGE 4975, AS FILE NO. 679748, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA." Reference is made to Record of Survey for Robert M. Melnikoff, et al and filed for record with the Douglas County Recorder on July 6, 1993, in Book 793, at Page 693 as Document No. 311703, Official Records of Douglas County, Nevada.

PARCEL 2:

TOGETHER WITH that certain easement for Common Roadway to service the above described parcel of land, to which said easement is appurtenant to the adjoining parcel of land, as set forth in Agreement dated December 30, 1969, executed by PHILLIP H. FENN and CHARLES BARBER, recorded January 22, 1970 in Book 73, Page 38, Document No. 46935, Official Records, more particularly described as follows:

(A) A strip of land being the East 30 feet of that certain lot, piece or parcel of land situate in the county of Douglas, State of Nevada, described as follows:

BEGINNING at a point on the Section line between Sections 23 and 26, Township 13 North, Range 18 East, M.D.B.&M., which is 1,146.60 feet West from the $\frac{1}{4}$ corner between Sections 23 and 26, thence South 0 degrees 08' East, a distance of 1,317.13 feet, thence North 89 degrees 49' West, a distance of 157.02 feet; thence North 0 degrees 08' West,

a distance of 1,316.93 feet; thence South 89 degrees 46' East, a distance of 160.95 feet to the POINT OF BEGINNING.

(B) A strip of land being the West 30 feet of that certain lot, piece or parcel of land situate in the County of Douglas, state of Nevada, described as follows:

BEGINNING at a point on the Section line between Sections 23 and 26, Township 13 North, Range 18 East, M.D.B.&M., which is 1,146.60 feet West from the $\frac{1}{4}$ corner between Sections 23 and 26; thence South 0 degrees 08' East, a distance of 1,317.13 feet; thence West 163.80 feet; thence North 1,316.93 feet; thence West a distance of 163.80 feet to the Point of Beginning.

PARCEL 3:

An easement for ingress and egress, drainage and parking as shown in Agreement recorded April 16, 1996, in Book 496, Page 2961 in Document No. 385603.

Douglas County, NV, APN: 1318-26-101-011

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on September 18, 2019, to transfer a total of **1,000 square feet** of banked Commercial Floor Area (CFA) from the Sending Parcel to a receiving parcel, described as follows:

All that portion of the West half of the Northwest quarter of Section 16, Township 12 North, Range 18 East, M.D.B.&M., more particularly described as follows:

Commencing at the most Southerly corner of the parcel herein described from which point the Southeast corner of the West half of the Northwest quarter of said Section 16 bears South 19° 09' West 511.75 feet and South 88° 55' East 1147.20 feet; thence leaving said point of beginning and along the Westerly boundary of U.S. Highway 50 North 19° 09' East 1565.94 feet to a 1 inch iron pipe monument stamped "LS 2217"; thence leaving said Highway No. 50 along the Easterly boundary of the County Road, South 35° 38' West 695.37 feet to a similar iron pipe; thence along a curve with a radius of 400 feet the chord of which bears South 19° 09' 43" West 213.35 feet; thence continuing along said road South 3° 01' 36" West 713.39 feet, to the point of beginning, being Block 2 of the "TH-MG Tract" as said Block is designated and numbered on the Official Map of said TH-MG Tract, filed in the Office of the County Recorder of El Dorado County, State of California, on August 8, 1946, in Map Book "A", at Page 51.

Excepting therefrom Lots 1, 2, 5, 6, 7 & 8.

Said land is further described as Lots 3 and 4, Block 2 of TH-M-G Tract, filed August 8, 1946 in Book A of Maps, at Page 51, and further described as Tract 1 on the Record of Survey map filed March 7, 2017, in book 35 of Record of Surveys, at page 124.

El Dorado County, CA, APN: 033-132-03

3. Both the Sending Parcel and the Receiving Parcel are 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.
4. As a condition of the above approval, Chapter 51 of the Tahoe Regional Planning Agency Code of Ordinances requires that an appropriate deed restriction be recorded documenting both the transfer of Commercial Floor Area and that the use be removed modified consistent with the transfer. The banked Commercial Floor Area from the sending site was converted to Public Use as recorded in a TRPA-approved deed restriction on May 15, 2007, in the Official Records of Douglas County as instrument No. 0701257, stating that the areas designated for TRPA Public Use are restricted to Public Use only.

DECLARATIONS

1. Declarant hereby declares that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred **1,000 square feet** of banked Commercial Floor Area and to now contain **11,000 square feet** of banked Commercial Floor Area.
2. Declarant also hereby declares the banked Commercial Floor Area from the sending site was converted to Public Use as recorded in a TRPA-approved deed restriction on May 15, 2007, in the Official Records of Douglas County as instrument No. 0701257, stating that the areas designated for TRPA Public Use are restricted to Public Use only. The transferred Commercial Floor Area can only be transferred back to the sending parcel with Tahoe Regional Planning Agency approval.
3. 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 Sending parcel and the Receiving Parcel and shall be binding on the Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Sending Parcel and the Receiving Parcel.
4. 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, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

[Handwritten signature of Clint Schue]

Dated: 10-8-19

Clint Schue
C & J Worldwide Holdings, Inc.

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 October 4, 2019 before me, Corinne Kobel a Notary Public,
personally appeared Clint Schue
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: *[Signature]* (Seal)

Name: Corinne Kobel
(typed or printed)



APPROVED AS TO FORM:

[Signature]
Tahoe Regional Planning Agency
Julie Roll

Dated: 9/18/19

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 9-18-19 before me, Linda Allen a Notary Public,
personally appeared Julie Roll

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: [Signature] (Seal)
Name: Linda Allen
(typed or printed)

