



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  
Attention: Aly Borawski, Senior Planner  
TRPA File No. TRAN2019-0837

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TRANSFER OF COMMERCIAL FLOOR AREA  
("DEED RESTRICTION") TO BE RECORDED AGAINST  
ASSESSOR'S PARCEL NUMBER (APN) 1318-22-002-014**

This Deed Restriction is made this 16<sup>th</sup> day of July, 2020 by

1. Jonathan E. Sieben, a married man as his sole and separate property, as to an undivided 18.05% interest
2. Christopher J. Sieben, a married man as his sole and separate property, an undivided 12.5% interest
3. Blake Cornelius Vanderwerff, as his sole and separate property, an undivided 8.34% interest
4. Nichole A. Duster, as her sole and separate property, an undivided 8.33% interest
5. Caleb Thomas Duster, as his sole and separate property, an undivided 8.33% interest
6. Clayton John Vanderwrff, as his sole and separate property, an undivided 8.34% interest
7. John Mathias Madden, a single man, an undivided 8.33% interest
8. Shane M. Yager, a single man, an undivided 22.22% interest
9. Trisha Madden, as her sole and separate property, an undivided 5.56% interest

Collectively referred to herein as "Declarants".

**RECITALS**

1. Declarants are the owner of certain real property located in Douglas County, State of Nevada, described as follows:

**A PARCEL OF LAND BEING A PORTION OF AND SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 18 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:, TO-WIT:**

**BEGINNING AT A POINT ON THE WEST SIDE OF THE HIGHWAY RIGHT-OF-WAY LINE CREATED BY DEED RECORDED OCTOBER 23, 1935, IN BOOK U OF DEEDS, PAGE 110, DOUGLAS COUNTY, NEVADA, RECORDS, SAID POINT BEING DESCRIBED AS BEARING OF SOUTH 60°13' WEST, A DISTANCE OF 127.20 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27, TOWNSHIP 13 NORTH, RANGE 18 EAST, M.D.B. & M.; SAID POINT ALSO BEING FURTHER DESCRIBED AS THE SOUTHEAST CORNER OF THE PARCEL OF LAND CONVEYED TO JOHN PALADY, ET UX, IN DEED RECORDED APRIL 08, 1957, IN BOOK C-1 OF DEEDS, PAGE 343, DOCUMENT NO. 12128, DOUGLAS COUNTY, NEVADA, RECORDS;**

**THENCE NORTH 61°00' WEST, A DISTANCE OF 220 FEET TO A POINT; SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE PARCEL OF LAND CONVEYED TO CHARLES T. RIVERS, ET UX, IN DEED RECORDED MAY 10, 1960, IN BOOK 2, PAGE 293, DOCUMENT NO. 15994, OFFICIAL RECORDS OF DOUGLAS COUNTY, NEVADA;**

**THENCE NORTH 18°24'08" EAST, A DISTANCE OF 121.97 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF THE PARCEL OF LAND CONVEYED TO H.L. HAYNES, ET UX, IN DEED RECORDED JANUARY 09, 1958, IN BOOK C-1 OF DEEDS, PAGE 61, DOCUMENT NO. 12864, DOUGLAS COUNTY, NEVADA, RECORDS;**

**THENCE SOUTH 61°00' EAST, A DISTANCE OF 50.00 FEET TO A POINT;**

**THENCE SOUTH 18°24'08" WEST, A DISTANCE OF 12.73 FEET TO A POINT;**

**THENCE SOUTH 61°00' EAST, A DISTANCE OF 186.10 FEET TO A POINT ON THE WEST LINE OF SAID HIGHWAY RIGHT-OF-WAY LINE; SAID POINT BEING FURTHER DESCRIBED AS THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND CONVEYED TO FRANK A. RICH, ET UX, IN DEED RECORDED JUNE 24, 1959, IN BOOK E-1 OF DEEDS, PAGE 288, DOUGLAS COUNTY, NEVADA, RECORDS;**

**THENCE SOUTHWESTERLY ALONG THE WESTERLY SIDE OF SAID HIGHWAY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2460 FEET, AN ARC DISTANCE OF 107.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

**EXCEPTING THEREFROM FROM ALL THAT PORTION OF THE ABOVE-DESCRIBED PARCEL OF LAND WHICH WAS CONVEYED TO CHARLES T. RIVERS, ET UX., IN DEED RECORDED MAY 10, 1960, IN BOOK 2, PAGE 293, DOCUMENT NO. 15994, OFFICIAL RECORDS.**

**THE ABOVE METES AND BOUNDS DESCRIPTION APPEARED PREVIOUSLY IN THAT CERTAIN DOCUMENT RECORDED DECEMBER 16, 2011 IN BOOK 1211, PAGE 3751 AS DOCUMENT NO. 794444 OF OFFICIAL RECORDS.**

Said parcel was recorded in Grant Deeds as follows;

1. To Jonathan E. Sieben, Document Number 2017-895401, on March 2, 2017, and Document Number 2017-895402, on March 2, 2017, and Document Number 2017-895399, on March 2, 2017, and Document Number 2017-895400, on March 2, 2017, and Document Number 0827151, on July 17, 2013, in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
2. To Christopher J. Sieben, Document Number 0838396, on February 14, 2014, and Document Number 0571373, on March 26, 2003, in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014

3. To Blake Cornelius Vanderwerff, Document Number 2017-906728, on November 9, 2017 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  4. To Nichole A. Duster, Document Number 2017-906743, on November 9, 2017 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  5. To Caleb Thomas Duster, Document Number 2017-906739, on November 9, 2017 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  6. To Clayton John Vanderwrff, Document Number 2017-906737, on November 9, 2017 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  7. To John Mathias Madden, Document Number 0748336, on August 5, 2009 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  8. To Shane M. Yager, Document Number 0842158, on May 7, 2014 and Document Number 2019-934153, on August 22, 2019, in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
  9. To Trisha Madden, Document Number 2017-906744, on November 9, 2017 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number 1318-22-002-014
2. The Declarants have received approval from the Tahoe Regional Planning Agency (TRPA) on April 1, 2020 to transfer six thousand, five hundred (6,500) square feet of commercial floor area from the Sending Parcel to the Receiving parcel, described as follows:

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

PARCEL 1:

Lot 5 and 6, in Block E, as shown on the Official Plat of Industrial Subdivision No. 2, Tract Map No. 883, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 28, 1964, as Document No. 407989.

PARCEL 2:

An easement for ingress and egress and parking purposes as set forth in Agreement recorded January 5, 1979, in Book 1347, Page 239, Document No. 580940, Official Records.

PARCEL 3:

A perpetual easement for pedestrian and vehicular ingress and egress and for parking purposes as set forth in Deeds to the Tantara Company, et al, recorded July 2, 1979, in Book 1404, Page 382, 384 and 386, as Document Nos. 614949, 614950, and 614951, Official Records.

Said parcel was recorded in Document Number DOC# 4678229 on February 7, 2017, in the Official Records of Washoe County, Nevada, and having Assessor's Parcel Number 132-240-02 and 03 (hereinafter "Receiving Parcel").

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 and pursuant to the TRPA Code of Ordinances, TRPA requires that the Sending Parcel be restricted in accordance with Subsection 51.5 of the TRPA Code.

#### **DECLARATIONS**

1. Declarant hereby declares that, for the purpose of transferring six thousand, five hundred (6,500) square feet of banked commercial floor area and applying TRPA ordinances relating to the transfer of verified development, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred six thousand, five hundred (6,500) square feet of banked commercial floor area to the Receiving Parcel, and to now contain seven thousand, nine hundred and forty-five (7,945) square feet of remaining existing commercial floor area and one existing residential unit of use on the sending parcel.
2. Declarant declares that the Receiving Parcel, described above, is hereby deemed to have received six thousand, five hundred (6,500) square feet of banked commercial floor area from the Sending Parcel. Said development right does not constitute project approval or a vested right to development.
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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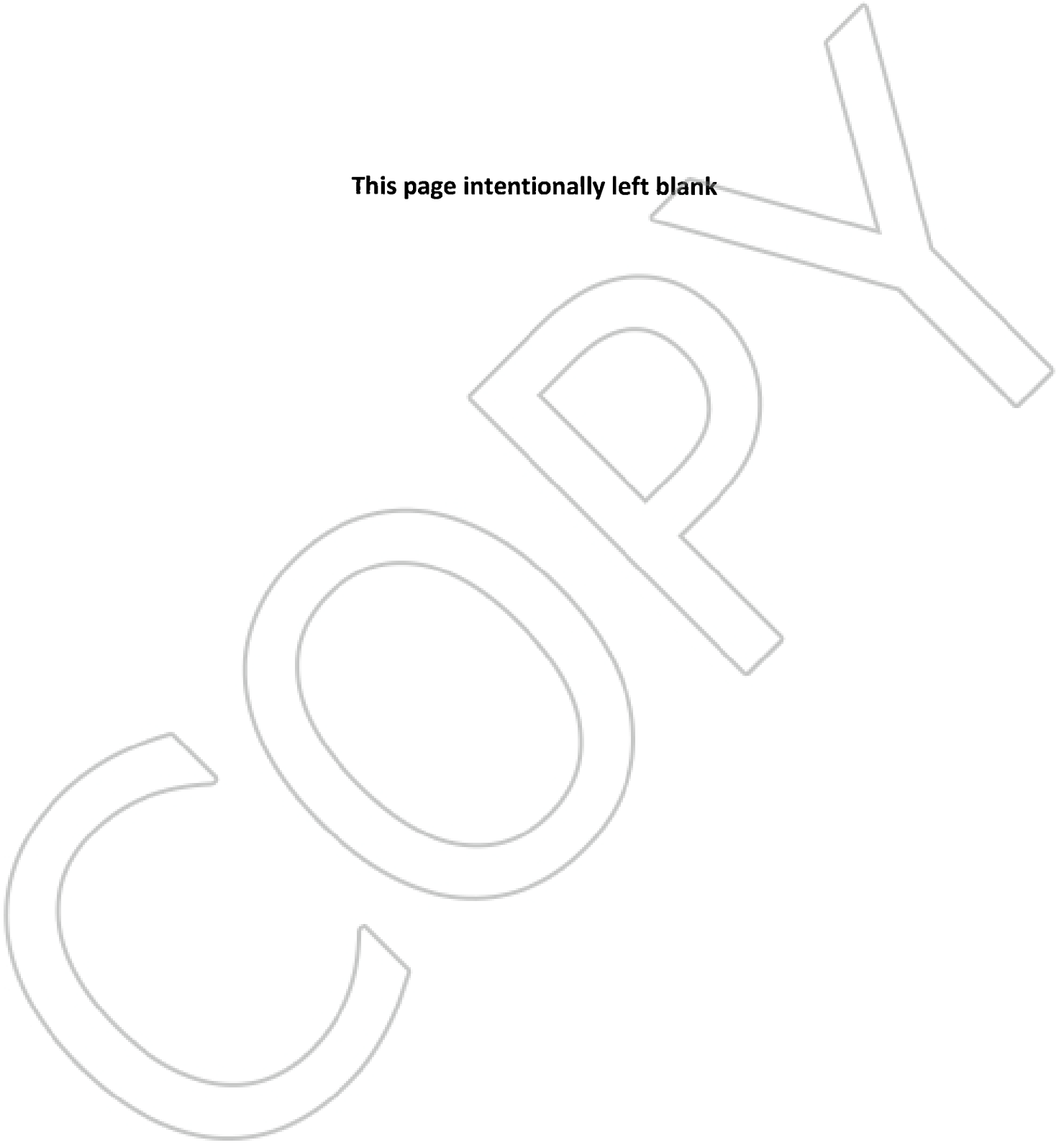








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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written , above.

Declarant's Signature:

Shane M. Yager  
Shane M. Yager

Dated: 6-18-20

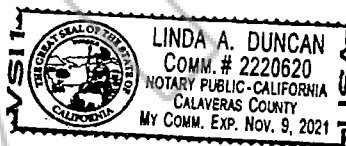
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF )  
 ) SS.  
COUNTY OF )

On 6-18-2020 before me, LINDA A. DUNCAN a Notary Public, personally appeared Shane M. Yager, 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 California that the foregoing paragraph is true and correct.

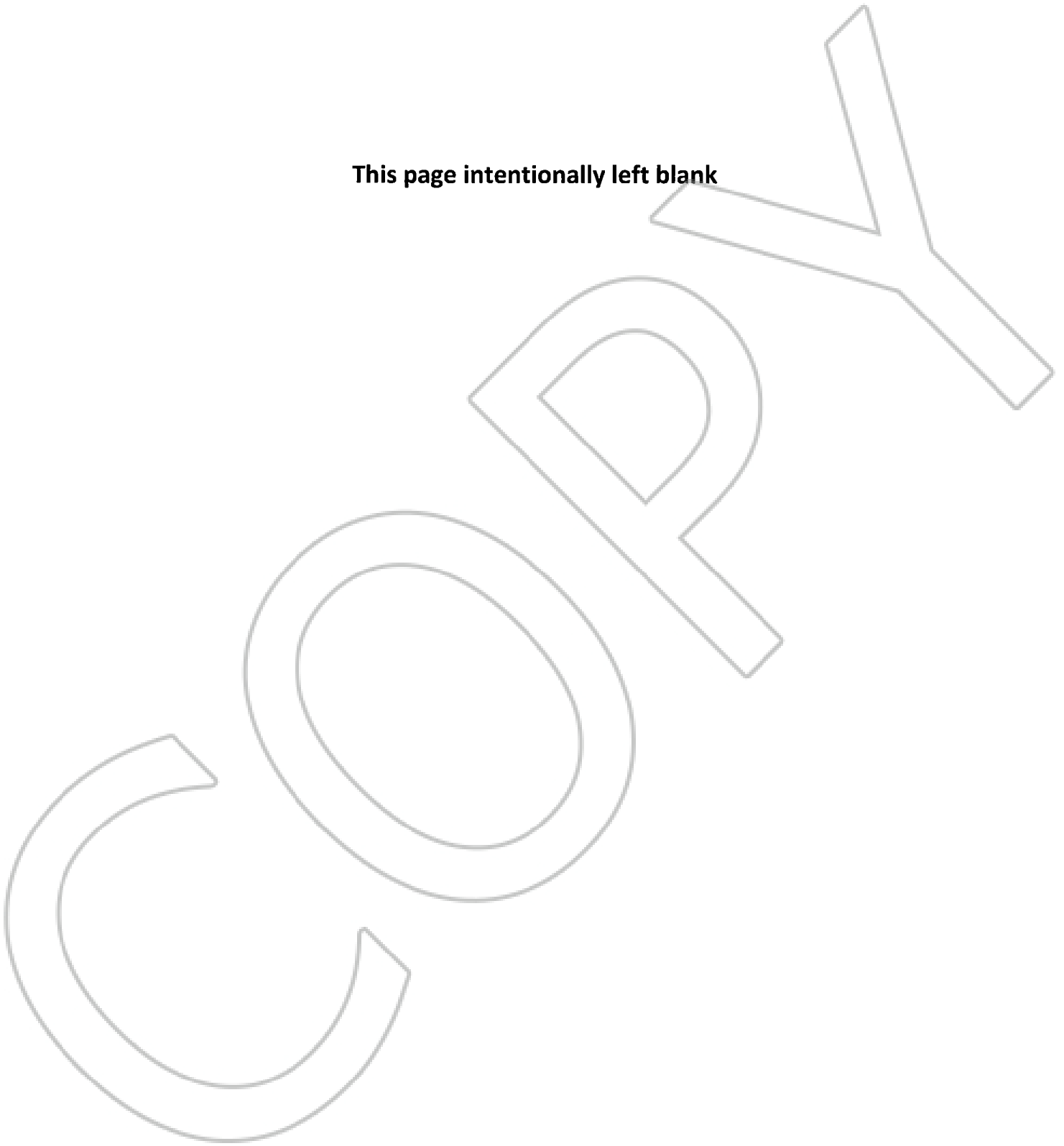
WITNESS my hand and official seal.

Signature: Linda A. Duncan (Seal)  
Name: LINDA A. DUNCAN  
(typed or printed)





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APPROVED AS TO FORM:

Alyson Borawski

Alyson Borawski

Tahoe Regional Planning Agency

Dated: 7/16/2020

*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 JULY 16, 2020 before me, TRACY CAMPBELL a Notary Public,  
personally appeared ALYSON BORAWSKI

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: Tracy Campbell (Seal)

Name: TRACY CAMPBELL  
(typed or printed)

