DOUGLAS COUNTY, NV

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FELDMAN THIEL LLP

KAREN ELLISON, RECORDER

APNs 1318-22-310-006

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Feldman Thiel LLP Attn: Kara Thiel P.O. Box 1309 Zephyr Cove, NV 89448

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR STREAM ENVIRONMENT ZONE RESTORATION AND PROTECTION
("DEED RESTRICTION")

This Deed Restriction is made as of this day of _________, 2021, (the "Effective Date") by BEACH CLUB DEVELOPMENT, LLC, a Nevada limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in Douglas County, Nevada, having Assessor's Parcel Number (APN) 1318-22-310-006 (the "**Declarant Property**") and more particularly described, respectively, as follows:

Lot A as shown on the Final Subdivision Map LDA 15-026 for Tahoe Beach Club recorded on November 27, 2018, as Document No. 2018-922870, Official Records of Douglas County, Nevada.

- B. The Declarant Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("**TRPA**") pursuant to the Tahoe Regional Planning Compact.
- C. Pursuant to the Settlement Agreement approved by the TRPA Governing Board on September 30, 2020, and executed by and between TRPA and Declarant (the "Settlement Agreement"), Declarant is required to restore the entire stream environment zone ("SEZ") located on the north side of the access drive on the Declarant Property shown on the TRPA-approved site plan prepared by Welsh Hagen Associates ("WHA"), dated August 21, 2019. (TRPA File Nos. ERSP2014-0375 and CODE2019-0019.)
- D. Pursuant to the Settlement Agreement, Declarant is further required to record a deed restriction prohibiting, in perpetuity, future development in the SEZ located on the north side of the access drive on the Declarant Property shown on the TRPA-approved site plan prepared by WHA, dated August 21, 2019.

DECLARATION

1. Declarant hereby declares that, consistent with the terms of the Settlement Agreement, future development in the SEZ to be restored on the north side of the access drive on the

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Declarant Property shown on the TRPA-approved WHA site plan, dated August 21, 2019, shall be prohibited in perpetuity.

- 2. 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 Declarant, Declarant's assigns, and all persons acquiring or owning any interest in the Declarant Property.
- 3. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the TRPA or its successor entity, 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, Declarant has executed this Deed Restriction as of the Effective Date.

DECLARANT:

Signature:

BEACH CLUB DEVELOPMENT, LLC, a Nevada limited liability company

By: Patrick Rhamey, Chief Executive Officer

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)
STATE OF Nevacia) COUNTY OF Douglas) SS.
on March 17, 2021 before me. Juliette P. Snyde 1
Notary Public, personally appeared Partick Rhames, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/arc
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.

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APPROVED AS TO FORM:

TAHOE REGIONAL PLANNING AGENCY

By: Print Name: Paul Nielsen
Its: Special Projects Manager

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 ynsux De Santo On March 10, 2021 before me, Notary Public, personally appeared Paul Nicken 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.

WITNESS my hand and official seal.

Signature: WWSWA Communication Signature

(Seal)

LYNSEY DESANTO
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 11-5603-5
My Appt. Expires November 30. 2023

END.