

APNs: 1418-34-112-002
1318-16-810-022



KAREN ELISON, RECORDER

RECORDING REQUESTED BY:

Leonard Werbin
614 Ladin Lane
Lakeway, TX 78737

PLEASE MAIL RECORDED DOCUMENT TO:

Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449
Attn: Bridget Cornell, Associate Planner
TRPA File Number ERSP2021-0365

AND

Douglas County Community Development
PO Box 218
Minden, Nevada 89423
Attn: Lorenzo Mastino, Senior Planner
Douglas County File Number DP18-0225, **DP 21-0160**

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAND
COVERAGE TRANSFER ("DEED RESTRICTION") TO BE RECORDED AGAINST
ASSESSOR'S PARCEL NUMBER (APN) 1418-34-112-002**

This Deed Restriction is made this 13th day of August, 2021, by **Leonard Werbin**, Owner of Land Coverage Held In Douglas County Land Bank (hereinafter "Declarant").

RECITALS

- 1. Pursuant to the Deed Restriction filed as Document Number 2019-934097 on August 21, 2019, Declarant is authorized to transfer land coverage from certain real property located in Douglas County, State of Nevada, described as follows:

Lot 72, of NORTH LAKERIDGE and revised portion of Lakeridge Estates #2, according to the map thereof, filed in the office of the County Recorder of Douglas County, Nevada, on August 29, 1960, as Document No. 16529.

EXCEPTING THEREFROM that portion granted to the State of Nevada, Department of Highways by Deed recorded August 4, 1970, in Book 78, Page 166, Document No. 48950, Official Records, Douglas County, Nevada.

Said parcel was recorded in Document Number 2018-920044 on September 25, 2018, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-34-112-002, and having address 1262 Lincoln Circle (hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on May 5, 2021 (TRPA File Number ERSP2021-0365) to transfer 872 square feet of Class 1a land coverage to certain real property located in Douglas County, State of Nevada, described as follows:

Lot 58, of the ELKS SUBDIVISION PLAT, according to the official map thereof, filed in the office of the County Recorder of Douglas County, Nevada, on May 5, 1927 and as shown on the Amended Plat of the Elks Subdivision, on January 5, 1928 and as shown on the Second Amended Plat of the Elks Subdivision, on June 5, 1952, as Document No. 8537.

Said parcel was recorded in Document Number 2020-941555 on January 30, 2020, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-16-810-022, and having address 413 Lakeview Avenue (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. The "Douglas County Land Bank" was established per the Memorandum of Understanding (MOU) recorded as Document 0489695, Book 0400 and page 1672, between the TRPA and Douglas County, wherein MOU said allows, in part, the Douglas County Land Bank to transfer land coverage and other development rights.
5. As a condition of the above approval, Chapter 30 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting both the transfer of land coverage and the requirement that the area of the transferred land coverage on the Sending Parcel be restored and maintained in a natural or near-natural state. The Deed Restriction must likewise document that the area of the transferred land coverage on the Sending Parcel must be protected from soil disturbance, and that provisions must be made for the future maintenance of the Sending Parcel.

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 872 square feet of Class 1a banked land

coverage and to now contain 28 square feet of Class 1a land coverage banked in the Douglas County Land Bank.

2. Declarant also hereby declares that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural state or near natural state if not redeveloped pursuant to a TRPA permit. Declarant also declares that the Declarant is permanently restricted from transferring the coverage back to the Sending Parcel. Declarant likewise declares that Declarant shall make provisions for the future maintenance of the Sending Parcel.
3. 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.
4. 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.

///
///
///

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

DECLARANT'S SIGNATURE

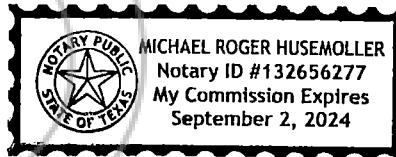
Leonard Werbin
Leonard Werbin

Dated: 8/16/21

STATE OF ~~NEVADA~~ ^{NRH})
~~TEXAS~~) ss.
COUNTY OF ~~DOUGLAS~~)
~~TRAVIS~~ ^{NRH})

On this 6th day of August, 2021, before me, personally appeared Leonard Werbin personally known to me or proved to me to be on the basis of satisfactory evidence to be the person 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 of the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

Michael Roger Husemoller
NOTARY PUBLIC



APPROVED AS TO FORM:

Bridget K. Cornell

Bridget K. Cornell, Associate Planner
Tahoe Regional Planning Agency

Dated: August 4, 2021

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 WASHOE)

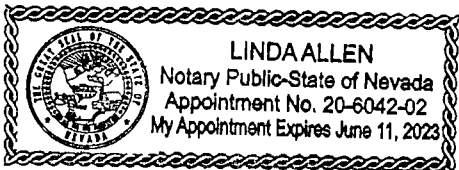
On 8-4-2021 before me, Linda Allen a Notary Public,
personally appeared Bridget K. Cornell,
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the
within instrument and acknowledged to me that she executed the same in her authorized capacity, and
that by her signature on the instrument the person, or the entity upon behalf of which the person 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: Linda Allen (Seal)

Name: Linda Allen
(typed or printed)



APPROVED AS TO FORM

Jan Mastino
Douglas County Community Development
Lorenzo Mastino

Dated: 8/3/21

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On this 3rd day of August, 20 21, before me, personally appeared Lorenzo Mastino personally known to me or proved to me to be on the basis of satisfactory evidence to be the person 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 of the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

Angela M. Madera
NOTARY PUBLIC

