DOUGLAS COUNTY, NV Rec:\$40.00

Total:\$40.00
OGILVY CONSULTING

2022-981096

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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: Aly Borawski, Associate Planner

TRPA File # ERSP2021-0592

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS CONCERNING THE USE OF THE LIVING AREA ABOVE THE GARAGE ("DEED RESTRICTION") TO BE RECORDED AGAINST APN 1418-27-210-037

This Deed Restriction is made this <u>31 5+</u> day of <u>January</u> 20 <u>aa</u> by William C. Kessinger and Rachel H. Kessinger, Trustees of the Kessinger Community Property Trust (hereinafter "Declarant").

RECITALS

1. Declarant is the owner of the certain real property described as follows:

PARCEL 1:

All that portion of Amended Lot C, Amended Lot D and Amended Lot E as shown on the Record of Survey for Leslie McLaren, filed for record on August 24, 2011 as Document Number 788513, being more particularly described as follows:

Beginning at the Southerly most corner of said Amended Lot D, thence North 63°55'00" West 443.61 feet to the approximate Low Water Line of Lake Tahoe; thence along said approximate Low Water Line of Lake Tahoe the following three (3) courses;

North 25°33'56" East 20.99 feet; North 15°45'01" East 25.78 feet; North 12°31'48" East 3.75 feet;

Thence South 63°55'00" East 161.81 feet; Thence South 85°45'48" East 137.72 feet;

Thence South 79°02'30" East 47.45 feet;

Thence along a tangent curve concave to the Southwest with a radius of 64.00 feet, a central angle of 63°56'38" and an arc length 71.43 feet, the chord of said curve bears South 45°59'30" East 67.78 feet;

Thence South 14°01'11" East 49.34 feet;

Thence along a tangent curve concave to the West with a radius of 80.00 feet and a central angle of 10°16'01" and an arc length of 14.34 feet, the chord of said curve bears

South 19°09'12" East 14.32 feet; Thence South 16°42'00" West 45.56 feet to the Point of Beginning.

NOTE: Said legal description previously appeared in Deed recorded February 7, 2020, as Document No. 2020-941977, Official Records, Douglas County, Nevada.

PARCEL2:

Shorezone pedestrian access as set forth in a Pedestrian Access Agreement recorded February 7, 2020, as Document No. 2020-941978, Official Records, Douglas County, Nevada.

PARCEL3:

A perpetual reciprocal easement for ingress and egress as set forth in a Declaration of Reciprocal Access Easement and Gate Construction and Maintenance Agreement recorded February 7, 2020, as Document No. 2020-941979, Official Records, Douglas County, Nevada.

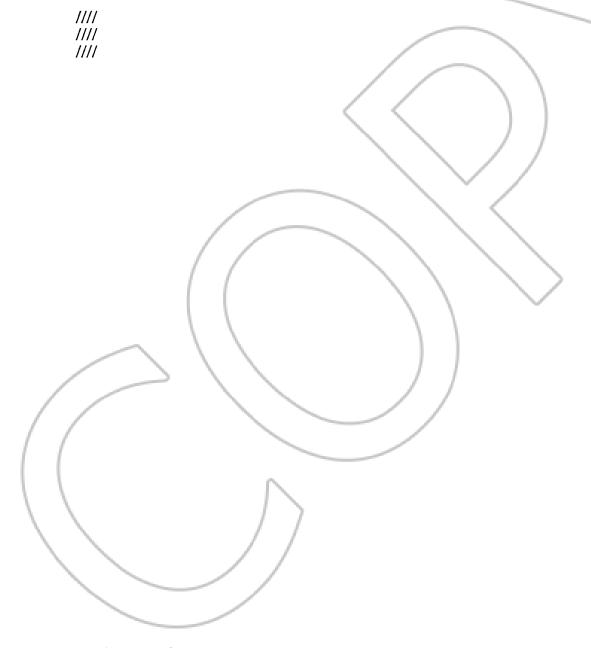
Said parcel was recorded in a Grant, Bargain, Sale Deed, Document Number 2020-951642, on August 31, 2020, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-27-210-037.

- 2. Declarant received approval from the Tahoe Regional Planning Agency (TRPA) on January 28, 2022, to construct a new single-family dwelling with a detached garage located at 1470 Flowers Avenue in Douglas County, Nevada (APN 1418-27-210-037). The attached garage will have an accessory living area above that complies with the TRPA Code of Ordinances Section 21.3.6. Said garage and living area is to be accessory to the primary single-family use associated with the Property and shall not be used as a separate residential unit per TRPA Code of Ordinances.
- 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 on the second level of the garage.

DECLARATIONS

1. Declarant hereby declares that the living area above the garage 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 per TRPA Code of Ordinances. Said living area, 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 are permissible. Said living area shall not be leased, rented, or used separately from the primary residence on the Property. Use of the living area above the garage 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 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.



Declarant's Signature: William C. Kessinger 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 California) COUNTY OF WAYIN) SS. On <u>al/31/2022</u> before me, <u>JC WioStegui Lapez</u> personally appeared <u>William C. Kessinger</u> 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 Califoldia that the foregoing paragraph is true and correct. WITNESS my hand and official seal. J C URIOSTEGUI LOPEZ Signature: (Seal) Notary Public - California Name: Jc wiostzqui Marin County Commission # 2318135 My Comm. Expires Jan 7, 2024 (typed or printed)

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

above.

IN WITNESS WHEREOF, Declarant has executed this Deed Restriction	this the day and year written
above.	()
Declarant's Signature:	\ \
	2
1/ (achul H. 11) Dated: 1-31	-102d
Rachel H. Kessinger	
A notary public or other officer completing this certificate verifies only	
signed the document, to which this certificate is attached, and not th	e truthfulness, accuracy, or validity
of that document.	
STATE OF California)	
COUNTY OF MATIN) SS.	
on <u>o//31/2022</u> before me, <u>Je wie Stegui Lo</u> personally appeared <u>Rachel H. Kessinger</u> who proved to me on the basis of satisfactory evidence to be the persubscribed to the within instrument and acknowledged to me that he his/her/their authorized capacity(ies), and that by his/her/their signates	on(s) whose name(s) is/are /she/they executed the same in
person(s), or the entity upon behalf of which the person(s) acted, exe	cuted the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of	alifolvia that the foregoing
paragraph is true and correct.	
WITNESS my hand and official seal.	
Signature: (Seal)	J C URIOSTEGUI LOPEZ
Name: Jc VIOSTEGUI LOPE Z	Notary Public - California Marin County
(typed or printed)	Commission # 2318135 My Comm. Expires Jan 7, 2024

APPROVED AS TO FORM: Julie Roll Senior Planner Tahoo Regional Planning Agency
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 February 9, 2322 before me, TRACY CAMPBELL a Notary Public, personally appeared TRACY ROLL 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 Nevala that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. Signature:
(typed or printed) TRACY CAMPBELL Notary Public-State of Neva

My Appointment Expires 05-21-2022