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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 31st day of January, 2022 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.
4. 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.

2. 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.

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