

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**Department of the Army Sacramento District,
Corps of Engineers Regulatory Division
1325 J Street, Room 1480
Sacramento, California 95814-2922**

APN 1418-15-701-001

DOUGLAS COUNTY, NV

2023-1003306

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12/21/2023 08:34 AM

DEPARTMENT OF THE ARMY SACRAMENTO

SHAWNYNE GARREN, RECORDER

(THIS SPACE FOR RECORDER'S USE ONLY)

**DECLARATION OF ESTABLISHMENT OF
CONDITIONS, COVENANTS, AND RESTRICTIONS**



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922**

November 27, 2023

**WHEN RECORDED, MAIL TO:
Department of the Army
Sacramento District, Corps of Engineers
Regulatory Division
1325 J Street, Room 1480
Sacramento, California 95814-2922**

**DECLARATION OF ESTABLISHMENT OF
CONDITIONS, COVENANTS, AND RESTRICTIONS**

KNOW ALL MEN BY THESE PRESENTS, that whereas the Sacramento District Engineer, US Army Corps of Engineers, has authorized certain improvements on a certain piece of real property at Assessor's Parcel Number 1418-15-701-001 in the County of Douglas, State of Nevada, described in **Exhibit A, I, the owner of said real property, in consideration of such authorization, certify and declare that the following covenants, conditions, and restrictions are placed on said property for the protection of the owner:**

- a. All conditions in that authorization document known as Department of the Army Permit Number SPK-1992-00659 in the official records of the US Army Corps of Engineers, Sacramento District, will be observed.**
- b. That the Sacramento District Engineer will be informed when the authorized improvements are permanently removed.**
- c. That no alterations or additions to the improvements will be made unless expressly authorized by the US Army Corps of Engineers.**
- d. These covenants are to run with the land and shall be binding on all successors and assigns of the owner.**

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed

OWNER(S) OF RECORD:



Dated: 12/7/23

David Stein, Manager

SSS Repeat LLC, a Delaware limited liability company

Attachment: DA Permit SPK-1992-00659

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

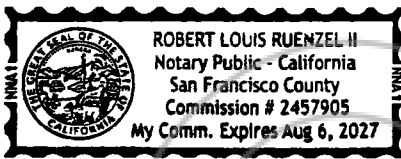
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Francisco }

On December 7, 2023 before me, Robert Louis Ruenzel II
Date Here Insert Name and Title of the Officer

personally appeared David A. Stein
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922**

November 28, 2023

Regulatory Division (SPK-1992-00659)

SSS Repeat LLC.
Attn: Mr. David Stein
157 Church Street
New Haven, CT 06510-2100
tkimball@clockavenue.com

Dear Mr. Stein:

We are responding to your April 20, 2023, pre-construction notification for a Department of the Army (DA) permit for the 1820 Highway 50 Structures project. The approximately 0.06-acre (2,572 square foot) project site is located in Lake Tahoe, lakeward of 1820 Highway 50, Latitude 39.07472°, Longitude -119.94761°, Glenbrook, Douglas County, Nevada. Assessor Parcel Number (APN): 1418-15-701-001.

Based on the information you provided to this office, the 1820 Highway 50 Structures project involves work and structures in navigable waters and the discharge of 15 cubic yards of fill material into 0.06 acre of waters of the U.S. for the maintenance of an existing crib pier subject to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The specific activities that require DA authorization are the work to replace an existing swim ladder, the discharge of fill material into the pier platform gaps, and the replacement of the timber cribbing with steel cribbing. Approximately 15 cubic yards of rock fill material would be discharged below the ordinary high-water mark of Lake Tahoe (6229.1 feet). The existing pier covers 2,572 square feet and is 163 feet long by 7.5 feet wide. The existing boathouse is 23.4 feet long by 35.8 feet wide. The dimensions of the existing boathouse and pier are proposed to remain. These activities would result in permanent effects to 0.06 acre of Lake Tahoe. The proposed activities would be conducted in accordance with the 1820 Highway 50 Boathouse/Pier Repair plans by Ferrell Civil Engineering, dated April 4, 2023.

We have determined that activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 3, *Maintenance*. You must comply with all terms and conditions of the NWP and applicable regional conditions. Enclosed is information about the NWP terms and conditions (Enclosure 1). You should pay particular attention to General Conditions 1, 2, 3, 6, 10, 11, 12, 13, 14, 17, 18, 20, 21, 25, 29, 30, and 32. In addition, your work must comply with the following special conditions:

1. At least 10 days prior to initiation of construction activities in waters of the U.S. authorized by this verification, you shall notify this office in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. authorized by this verification, you shall notify this office in writing that construction activities have been completed.

2. You shall record this verification with the Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to, or interest in, real property within 60 days from the effective date of this permit. You shall provide a copy of the recorded permit to this office clearly showing a stamp from the appropriate official indicating the book and page at which the permit is recorded and the date of recordation. This office shall be a party to any modification, alteration, release, or revocation of the deed restriction and shall review and approve, as necessary, any additional structures or activities that require approval (Enclosure 1).

3. You shall comply with all terms and conditions of the enclosed June 23, 2023, Section 401 Water Quality Certification (NV-401-23-016).

4. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

5. You shall not convert or use the structure built under the authority of this permit as a recreation room, residence, or temporary dwelling, nor shall you use the structure to moor a recreation room or floating residence.

Within 30 days after completion of the authorized work you must sign the enclosed Compliance Certification and return it to this office.

This verification is valid until March 14, 2026, when the existing NWP's are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-1992-00659 in any correspondence concerning this project. If you have any questions, please contact Kirsten Grabreck at 1325 J Street Sacramento, California 95814-2922, by email at Kirsten.R.Grabreck@usace.army.mil, or by telephone at 916-557-5353.

Sincerely,

A handwritten signature in black ink that reads "Lisa M Gibson". The signature is written in a cursive style with a large, prominent "L" and "G".

Lisa Gibson
Chief
Special Projects Branch

Enclosures

cc: (w/encls):

Ms. Karin Hoida, Basin Strategies Planning and Consulting, basinstrategies@gmail.com

cc (w/o encls):

Ms. Tiffany Good, Tahoe Regional Planning Agency, tgood@trpa.gov

Mr. Patrick Smorra, State Lands Supervisor, psmorra@lands.nv.gov

Ms. Sherri Barker, Nevada Division of State Lands, sbarker@lands.nv.gov

Shared General Mailbox, SFWaterways@uscg.mil

NOAA Nautical Data Branch, General Mailbox, ocs.ndb@noaa.gov

EXHIBIT "A"
**(Legal Description of 1820 Highway 50,
Douglas County, NV, APN 1418-15-701-001)**

The land referred to herein below is situated in the County of Douglas, State of Nevada, and described as follows:

PARCEL 3 AS SET FORTH ON THAT CERTAIN PARCEL MAP OF WHISPERING PINES OF GLENBROOK, FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY RECORDER ON DECEMBER 15, 1980 IN BOOK 1280, PAGE 1056, AS DOCUMENT 51677.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED RECORDED OCTOBER 12, 1994 IN BOOK 1094, PAGE 2164, DOCUMENT 348425.

EXCEPTING ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE BED OF LAKE TAHOE BELOW THE LINE OF NATURAL ORDINARY LOW WATER AND ALSO EXCEPTING ANY ARTIFICIAL ACCRETIONS TO THE LAND WATER WARD OF THE LINE OF NATURAL ORDINARY LOW WATER OR, IF LAKE LEVEL HAS BEEN ARTIFICIALLY LOWERED, EXCEPTING ANY PORTION LYING BELOW AN ELEVATION OF 6,223.00 FEET, LAKE TAHOE DATUM ESTABLISHED BY NRS 321.595.