

**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, CA 95814-2922

**APN 1418-34-210-021 AND
APN 1418-34-110-025**



00178812202410056850140143

SHAWNYNE GARREN, RECORDER

**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

December 19, 2023

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 and/or adjacent to my certain piece of real property at Assessor's Parcel Number 1418-34-210-021 and 1418-34-110-025 in the County of Douglas, State of Nevada, described in **EXHIBIT A AND EXHIBIT B**, 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-2014-00779 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 FOR APN 1418-34-210-021:

<u>John F. Milligan</u>	<u>Feb. 17, 2024</u>
JOHN F. MILLIGAN, TRUSTEE	DATE
MILLIGAN FAMILY TRUST	

<u>Kathryn P. Milligan</u>	<u>Feb 17, 2024</u>
KATHRYN P. MILLIGAN, TRUSTEE	DATE
MILLIGAN FAMILY TRUST	

OWNER(S) OF RECORD FOR APN 1418-34-110-025:

<u>Charles W. Scharer</u>	_____
CHARLES W. SCHARER, TRUSTEE	DATE
SCHARER, C & S 1996 TRUST	

<u>Susan M. Scharer</u>	_____
SUSAN M. SCHARER, TRUSTEE	DATE
SCHARER, C & S 1996 TRUST	

Attachment: DA Permit SPK-2014-00779



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

December 19, 2023

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

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

OWNER(S) OF RECORD FOR APN 1418-34-210-021:

JOHN F. MILLIGAN, TRUSTEE	DATE
MILLIGAN FAMILY TRUST	

KATHRYN P. MILLIGAN, TRUSTEE	DATE
MILLIGAN FAMILY TRUST	

OWNER(S) OF RECORD FOR APN 1418-34-110-025:

<i>Charles W. Scharer TTE</i>	<i>1/3/2024</i>
CHARLES W. SCHARER, TRUSTEE	DATE
SCHARER, C & S 1996 TRUST	

<i>Susan M. Scharer TTE</i>	<i>1-3-2024</i>
SUSAN M. SCHARER, TRUSTEE	DATE
SCHARER, C & S 1996 TRUST	

IN WITNESS WHEREOF, Declarant has executed this Declaration this the day and year written below.

Declarant's Signature:

John F. Milligan
JOHN F. MILLIGAN, TRUSTEE
MILLIGAN FAMILY TRUST

Dated: Feb. 17, 2024

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)
) SS.
COUNTY OF San Mateo)

On the 17th of February, 2024 before me, Sharaschandra Anant Bhat a
Notary Public, personally appeared
John F. Milligan

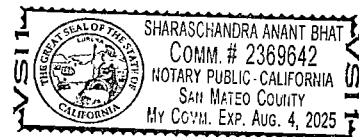
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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: [Signature]

(Seal)



Name: SHARASCHANDRA ANANT BHAT
(typed or printed)

IN WITNESS WHEREOF, Declarant has executed this Declaration this the day and year written below.

Declarant's Signature:

Kathryn P. Milligan
KATHRYN P. MILLIGAN, TRUSTEE
MILLIGAN FAMILY TRUST

Dated: Feb 17 2024

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STATE OF California)
) SS.
COUNTY OF San Mateo)

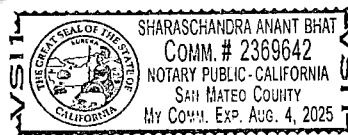
On the 17th of February 2024 before me, Sharaschandra Anant Bhat a
Notary Public, personally appeared
Kathryn P. Milligan

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: ~~_____~~



(Seal)

Name: SHARASCHANDRA ANANT BHAT
(typed or printed)

IN WITNESS WHEREOF, Declarant has executed this Declaration this the day and year written below.

Declarant's Signature:

Charles W. Scharer

Dated: 1/3/2024

CHARLES W. SCHARER, TRUSTEE
SCHARER, C & S 1996 TRUST

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 January 3, 2024 before me, Rebecca L Colley a
Notary Public, personally appeared

Charles W Scharer

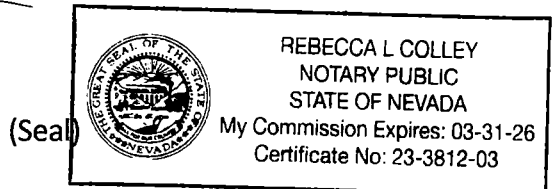
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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 Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]

Name: Rebecca L Colley
(typed or printed)





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

December 19, 2023

Regulatory Division (SPK-2014-00779)

Milligan Family Trust
Attn: John and Katheryn Milligan
125 El Cerrito Avenue
Hillsborough, CA 94010-6807
i_milligan@sbcglobal.net

C & S Scharer 1996 Trust
Attn: Charles and Susan Scharer
P.O. Box 11176
Zephyr Cove, NV 89448-3176
cwscharer@gmail.com

Dear John & Katheryn Milligan and Charles & Susan Scharer :

This letter of permission (LOP) authorizes your proposed activities in approximately 0.05 acre of waters of the United States, for the 1268/1270 Tamarack Drive Pier project. The approximately 0.05 acre project site is located in Lake Tahoe lakeward of 1268 and 1270 Tamarack Drive, Latitude 39.03697°, Longitude -119.95085°, Glenbrook, Douglas County, Nevada. (Assessor's Parcel Numbers: 1418-34-210-021, and 1418-34-110-025).

Based on the information you provided to this office, the 1268/1270 Tamarack Drive Pier project involves work and structures in navigable waters of the U.S. for the construction of a pier extension, the relocation of 2 boat lifts and 2 catwalks, and the removal of 2 mooring buoys. The project requires authorization under Section 10 of the Rivers and Harbors Act. The specific activities that require DA authorization are the construction of the 30 feet long by 13 feet wide pier head extension, the relocation of the two 12,000-pound boatlifts, the relocation of two 3 feet wide by 30 feet long adjustable catwalks, the installation of 8 additional 10 ¾ inch diameter steel piles, and the removal of 2 mooring buoys. The 2 boat lifts will replace 2 of the 4 existing mooring buoys. The boatlifts will be welded with an electric welder. The piles will be installed with a barge mounted vibratory impact driver or drop hammer. These activities will result in permanent effects to 0.05 acre/2,208 square feet of Lake Tahoe. The proposed activities would be conducted in accordance with the *Scharer/Milligan Pier Extension Project* plans dated June 8, 2023, prepared by Ferrell Civil Engineering.

The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. **Work in waters of the United States must be in accordance with the following special conditions of authorization and the "General LOP Conditions" below:**

Special Conditions:

1. At least 10 days prior to initiation of construction activities in waters of the U.S. authorized by this permit, 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 permit, you shall notify this office in writing that construction activities have been completed.
2. You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit. You shall ensure that a copy of the permit and associated drawings are available for quick reference at the project site until all construction activities in waters of the U.S. authorized by this permit are completed.
3. You shall record this permit 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 30 days prior to initiation of authorized construction activities within waters of the U.S. authorized by 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.
4. You shall comply with all terms and conditions of the enclosed October 31, 2023, Section 401 Water Quality Certification (NV-401-23-035).
5. 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.
6. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number:

U.S. Coast Guard
2500 Lake Forest Road
Tahoe City, California 96145
(530) 583-4433
7. You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from this office, to remove, relocate, or alter the structural work or obstructions caused hereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. 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.

General Conditions:

1. The time limit for completing the work authorized by this permit ends on **December 19, 2028**. If you find that you need more time to complete the authorized activity, submit a request for time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of these requirements if you abandon the permitted activity. This permit may be transferred upon request provided the work complies with the terms and conditions of this authorization. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Should you wish to cease to maintain the authorized activity or abandon it without a good faith transfer, you must obtain a permit modification from this office.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register.

4. You shall comply with all terms and conditions of the Section 401 Water Quality Certification for this project.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

6. You must sign the enclosed Compliance Certification and return it to this office within 45 days after completion of the authorized work.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

6. **Extensions.** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the federal official designated to act for the Secretary of the Army has signed below.

This letter contains a proffered permit for your proposed project. If you object to the terms or special conditions of this permit, you may request an administrative appeal under Corps regulations at 33 CFR Part 331 by following the instructions on the enclosed Notification of Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2014-00779 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. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

For and on the behalf of Colonel Chad W. Caldwell, Commander and District Engineer.

Sincerely,



Lisa M. Gibson
Chief
Special Projects Branch

Enclosures

cc: (w/ encls)

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

cc: (w/o encls)

Joseph Morgan, US Environmental Protection Agency, Morgan.Joseph@epa.gov

US Fish and Wildlife General Mailbox, RFWOMail@fws.gov

Tyrone Conner, Commander's Office, U.S. Coast Guard, Tyrone.L.Conner@uscg.mil

Coast Guard General Mailbox, SFWaterways@uscg.mil

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

Katie Andrie, NV Department of Wildlife/Utah Division of Wildlife Resources, kmandrie@ndow.org

NDEP 401 Certification General Mailbox, ndep401@ndep.nv.gov

Patrick Smorra, NV Division of State Lands, psmorra@lands.nv.gov

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

EXHIBIT "A"

(Legal Description of 1268 Tamarack Drive,
Douglas County, NV, APN 1418-34-210-021)

All that real property situate in the County of Douglas, State of Nevada, described as follows:

All that portion of Lots 18 and 19, as shown on the revised Plat of Lakeridge Estates No. 1, filed for record in the Office of the County Recorder of Douglas County, State of Nevada, on February 23, 1959, as Document No. 14083, more particularly described as follows:

Beginning at the Southwest corner of said Lot 18; thence North $46^{\circ}51'41''$ West 165.66 feet; thence North $88^{\circ}51'03''$ West 31.28 feet; thence Westerly at a bearing of North $88^{\circ}51'03''$ West 11.00 feet more or less, to a point on the approximate Low Water Line of Lake Tahoe at an elevation of 6,223.00 feet, Lake Tahoe Datum; thence Northerly, Westerly, Southerly, Westerly, Northerly, Northwesterly, Easterly, Southeasterly, Easterly and Northeasterly along said Low Water Line 251 feet, more or less, to a point which bears North $38^{\circ}02'$ West 235 feet, more or less, from the Southwest corner of said Lot 18; thence from the approximate Low Water Line of Lake Tahoe South $77^{\circ}15'44''$ East 84 feet more or less; thence South $56^{\circ}58'43''$ East 62.44 feet; thence South $89^{\circ}53'00''$ East 25.76 feet; thence South $04^{\circ}55'34''$ East 112.37 feet; thence along a curve concave to the Southeast with a radius of 26.60 feet, a central angle of $78^{\circ}06'24''$, and an arc length of 36.26 feet, the chord of said curve bears South $51^{\circ}06'43''$ West 33.52 feet to the Point of Beginning.

Containing 19,957 square feet more or less.

The Basis of Bearing for this description is the above referenced Lakeridge Estates No. 1, Revised.

EXHIBIT "B"
(Legal Description of 1270 Tamarack Drive,
Douglas County, NV, APN 1418-34-110-025)

All that real property situate in the County of Douglas, State of Nevada, described as follows:

All that portion of Lot 1, Block F as shown on the official map of Lincoln Park Subdivision filed in the office of the County Recorder of September 7, 1921, Document No. 305, Official Records of Douglas County, State of Nevada, amended May 7, 1946, in Book D Miscellaneous, Page 338, more particularly described as follows:

Commencing at a point on the North property line of said Lot 1, Block F, said point being the Westerly right of way of the Southerly termination of Lincoln Way;

thence North $77^{\circ}54'05''$ West 53.00 feet to the Point of Beginning; thence South $15^{\circ}59'12''$ West 35.00 feet; thence South $29^{\circ}46'06''$ West 29.30 feet; thence South $50^{\circ}20'56''$ East 5.00 feet; thence along a curve concave to the East from which the radius point bears South $50^{\circ}20'56''$ East, a central angle of $39^{\circ}35'04''$, with a radius of 51.00 feet, and an arc length of 35.23 feet, (chord bearing South $19^{\circ}51'23''$ West 34.54 feet); thence along a compound curve concave to the East with a central angle of $36^{\circ}17'27''$, a radius of 30.26 feet, and an arc length of 19.17 feet, (chord bearing South $18^{\circ}04'43''$ East 18.85 feet); thence South $36^{\circ}13'27''$ East 13.29 feet to a point on the South line of said Lot 1, Block F; thence North $89^{\circ}57'36''$ West 41.80 feet along the South line of said Lot 1, Block F; thence leaving the South line of said Lot 1, Block F, North $57^{\circ}25'42''$ West 62.95 feet; thence North $77^{\circ}33'48''$ West 85 feet, more or less, to a point on the approximately Low Water Line of Lake Tahoe at an elevation of 6,223.00 feet, Lake Tahoe Datum; thence Northwesterly, Westerly, Northerly, Easterly, Northerly, and Northwesterly along said Low Water Line 160 feet, more or less, to a point which bears North $77^{\circ}54'05''$ West from the Point of Beginning; thence South $77^{\circ}54'05''$ East 115 feet, more or less; thence South $77^{\circ}54'05''$ East 84.39 feet to the Point of Beginning.

Containing 20,061 square feet, more or less.

The Basis of Bearing for this description is the above-referenced Lincoln Park Subdivision.

Reference is made to a Record of Survey for Mary S. Navone recorded July 25, 1984, in Book 784, at Page 2455 Official Records of Douglas County, Nevada, as Document No. 104163, Certificate of Amendment January 13, 1994, Book 194, Page 129, as Document No. 326600.