December 2, 2025

Tahoe Regional Planning Agency ("TRPA")
Environmental Review Services
Attention: Trevor Smith
Shannon Friedman
P.O. Box 5310
Stateline, NV. 89449
(775) 589-5245 (Trevor Smith)
(775) 589-5205 (Shannon Friedman)
tsmith@trpa.gov (Trevor Smith)
sfriedman@trpa.gov (Shannon Friedman)

Re: IVGID RECREATION APPLICATION, 967 LAKESHORE BLVD, INCLINE VILLAGE, NV; ASSESSOR'S PARCEL NUMBER (APN) 127-280-01; File No. ERSP2025-1343 ("the application")

Dear Mr. Smith and Ms. Friedman:

The undersigned submits to your attention the following objections to the application. Although we trust one or both of you are the proper planners therefore, if we are mistaken, would you please be so kind as to forward this letter/enclosures to the proper assigned planner(s)?

I submit these objections given I am a full time resident[1] of, and parcel and easement owner in Incline Village, NV. As such, I believe I am a "necessary party" to the subject application inasmuch as although I "hold...an interest in the subject property," I have never been requested to provide authorization for the application. Nor have the parcel owners of approximately 7,800 other parcels in Incline Village who like me hold deeded easement interests in the subject property. Contrary to the applicant's agent's express declaration to the contrary under penalty of perjury.

Introduction: The application is the product of a standard, distasteful *modus operandi* employed by Incline Village General Improvement District ("IVGID") staff. I speak with experience on this issue inasmuch as I and many of my fellow residents have seen this movie play out many times before. Because TRPA and many other governmental agencies are and have been generally ignorant of the foregoing, here I share the truth. So, TRPA understands, the Agent[2] has specifically been employed to speak with forked tongue. Because IVGID staff have not disclosed the truth.

IVGID has a professional engineering department. Accordingly, it's staff are well equipped to submit applications such as the application. So why don't they? In this instance because to do so will require staff to misstate the truth (such as the existence of easements). To avoid being placed in this predicament, staff intentionally outsource such tasks to a third party representative who is *not be privy to the truth*. So with that said,

[1] My wife and I have been full time residents of Incline Village for in excess of eighteen (18) years.

[2] Identified as Exline & Co.

IVGID Holds Title to the Subject Property as Nothing More Than the Steward, Trustee and Fiduciary For And on Behalf of Myself, My Local Incline Village Real Property, And The Properties And Owners of Approximately 7,800 Other Parcels in Incline Village: The application conveniently omits evidence of who the owners of the subject parcel really are. To learn the answer, I attach, as Exhibit "A," the June 4, 1968 deed by which IVGID obtained bare legal title to the subject property. Why hasn't the Agent shared this evidence notwithstanding the application expressly asks for the identity of the owner? Why hasn't the Agent identified any *deed restrictions, easements or other restrictions* against the subject property notwithstanding the application expressly asks for a listing of the same? Instead the Agent disingenuously and deceitfully answers "please see site plan." These restrictions are not apparent on a site plan. And the applicant knows this!

Now that TRPA knows the truth, hopefully it understands that the deed must be examined to learn of the subject property's actual easements and other restrictions. And once it does, it will learn that IVGID was *only* granted the right to:

> "H(o)ld, maintain...and use (the beaches[3])...**for the purposes for recreation by,** and for the benefit of, property owners and their tenants...within the Incline Village General Improvement District as (then) constituted, and...the guests of such property owners...as the Board of Trustees of the District may determine ...and for such other purposes (only) as are (t)herein expressly authorized. (Moreover,) this covenant shall be in perpetuity, shall...run with and be a charge against the land herein described, *shall be for the benefit of each parcel of real property located within the area presently designated and described as Incline Village General Improvement District and shall be enforceable by the owners of such parcels and their heirs, successors and assigns.*"

Moreover, local parcel owners with beach access including "their respective successors and assigns in said ownership" have been expressly granted easements "to enter upon and use the (subject property)...for the (expressly limited) recreational uses and purposes specified (t)herein."

Operating an $11 million or greater restaurant, at the direct expense of IVGID's fiduciaries, as if it were a "for profit" private business enterprise, for the benefit of persons other than local parcel owners with beach access, violates the beach deed because it has nothing "only" to do with parcel owners' recreation. It's really, that simple.

Moreover, the beach deed is not only a grant id bare legal title to the subject property, but it is an express contract [note where IVGID expressly "accept(ed) and approve(d)" the covenants contained therein] whereby I and the owners of approximately 7,800 other parcels in Incline Village who like me hold deeded interests and easements in the subject property, are express third party beneficiaries to that contract. In other words, interested persons.

Given that "under Nevada law a valid express trust created in relation to real property must either: arise by operation of law or be evidenced by '[a] written instrument signed by the trustee' or [a] written instrument...conveying the trust property and signed by the settlor,"[4] and here that trust is

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[3] "The real property above described."

[4] See *In re Tr. Agreement of Davies*, 138 Nev. Adv. Op. 89 (Dec. 29, 2022).

expressly created under the beach deed, IVGID holds title to the beaches as nothing more a steward, trustee and fiduciary for the express benefit of the owners of local parcels within its boundaries with beach access! And *not* for the benefit of itself, its employees, its "favored collaborators," or others it wrongfully allows on the beaches. And given IVGID has never sought nor obtained the authorization from we equitable owners of the beaches insofar as the application is concerned, *I object*!

The Equitable Owners of the Subject Property: What's the difference between bare legal title to real property and title where the named party is nothing more than a fiduciary for its true equitable owners? "The significance of the differences between legal and equitable title is an outright confusing topic, requiring some knowledge of constructive trusts (and) beneficial interests...That said, the concept can be made digestible by boiling it down to its essential elements. When done, this simplification reveals how often we encounter both types of titles in common real estate transactions.

At its core, the difference between these (two) titles contains significance only (where)...there are multiple interested parties in the same property. When this is the case, (as it is here,) the law creates a legal fiction of sorts, assigning the beneficial use of the property to the 'equitable' titleholder and the legal power over the property to the 'legal' titleholder...

What is a Legal Title? Generally, the phrase 'legal title' evokes some idea of ordinary record title to the property. (Thus) if 'Shawn' holds record title to a piece of property, he is its owner and can do with it as he pleases. His ownership is recognized in the county through a deed recorded when he purchased the property. What's more is that he...has the rights of possession, alienability, and the ability to devise and descend the property to whomever he chooses[5]. These rights can be thought of as Shawn's 'beneficial interest' in the property. Shawn benefits because of the existence of these rights.

In the legal context, however, 'legal title' refers only to the deed insofar as it is some written instrument recognized in the courts and government as valid. Put differently, legal title has been defined as 'one cognizable or enforceable in a court of law, or one which is complete and perfect...but which *carries no beneficial interest in the property*, another person being equitably entitled thereto.'[6] Thus, equitable title, as defined under the law, really only has meaning (when as here) there exists an equitable title holder to the same property. In Shawn's case above, there really isn't a difference between legal and equitable title because he owns both[7]...

What is an Equitable Title? Equitable title is related to legal title in that it embodies the *beneficial use of the property* associated with the legal title. It is everything up to but not including the 'bare legal title' recognized in the courts." Here IVGID has legal title to the subject property *only* because it was the named grantee under the beach deed. Current and future local parcel owners are the equitable owners of that property. (The current and future legal owners are restricted in what they can do with the subject property[5]). Meaning the latter are entitled to everything up to but not including 'bare legal title.' Meaning current and future parcel and easement owners are really the ones necessary to grant authorization to IVGID to pursue the application. Which as aforesaid, has never taken place.

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[5] To the extent not restricted by the grant itself by which title was obtained. Which as shown above, is *not* the case here given the deed's restrictions which expressly extend to grantee's successors and assigns.

[6] See *Parkmerced Co. v. City* (1983) 149 Cal.App.3d 1091, 1094].

[7] But as shown above, that's *not* the case here.

Thus Rather Than "Public Property" The Application Represents, the Beaches Are Private or Non-Public Property: In that access and use is restricted to current and future local parcel owners whose parcels were located within IVGID's boundaries on June 4, 1968. In fact, this is exactly what IVGID tells the public:

> "The Incline Village General Improvement District (IVGID) manages four restricted-access beaches within Incline Village, Nevada, *for the use of IVGID Recreation Pass and Recreation Punch Card holders* (with beach access), and their guests. Please review the access rules & restrictions for IVGID-managed beaches below. For information on public beaches nearby check out the Tahoe Public Beaches website."[8]

> "Only Parcels which were located within the District as of June 4, 1968, and which are assessed by the District and have paid and continue to pay a Recreation Fee which includes a Beach Facility Fee, are eligible to receive an IVGID Recreation Pass or Recreation Punch Card *with Beach Access*."[9]

Yet Being Private Property, IVGID Has *Never* Been Granted The Basic Power to Furnish Such Systems And Facilities: Just because IVGID is a governmental subdivision of the State of Nevada[10] doesn't mean it possesses the same general powers true municipalities[11] possess. In Nevada, GIDs possess *limited* powers. Namely, the "statement of the basic power or basic powers for which the district is proposed to be created (for instance, by way of illustration, 'for paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district')" within its initiating ordinance[12], with the *proviso* "the basic power or basic powers stated in the initiating ordinance *must* be one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter designated therein."[12] But that's not exactly how NRS 318.055 read at the time of IVGID's creation.

IVGID's Initiating Ordinance: was represented by Washoe County Ordinance No. 97, Bill No. 57 (I have attached a copy of the same as Exhibit "B"). As TRPA can see, this ordinance was adopted by a majority of the Washoe County Board of Commissioners ("Washoe County Board") on May 20, 1961. NRS 318.055(2) read at the time that,

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[8] Go to https://www.yourtahoeplace.com/parks-rec/incline-village-beaches/.

[9] See ¶43 of IVGID Ordinance No. 7, an Ordinance Establishing Rates, Rules and Regulations for IVGID Recreation Passes and Recreation Punch Cards (go to https://www.yourtahoeplace.com/wp-content/uploads/2024/05/20220526_BOT_IVGID_Ordinance7_Resolution1894.pdf).

[10] See NRS 318.075(1) which describes Nevada general improvement districts ("GIDs") as "a governmental subdivision of the State of Nevada, a body corporate and politic and a quasi-municipal corporation."

[11] Such as counties, cities or unincorporated towns.

[12] See NRS 318.055(4)(b).

> "The organization of a district shall be initiated by the adoption of an ordinance by the board of county commissioners, which ordinance is in this chapter sometimes designated the 'initiating ordinance. The initiating ordinance shall set forth: (a) The name of the proposed district, consisting of a chosen name preceding the words 'General Improvement District.' (b) *A statement of the general purposes for which the district is proposed to be created* (for instance, by way of illustration, 'for paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district.' With the *proviso* that)...the purpose or purposes stated in the initiating ordinance shall be any or all of those authorized in NRS 318.120 to 318.145, inclusive, or any part or parts thereof..."[13]

When IVGID Was Created, it Was *Not* Granted The Basic Power to Furnish Systems And Facilities For Recreation by The Washoe County Board, Because *No Such Power Existed* Under NRS 318.120 to 318.145, Inclusive: The possible basic powers a GID could be granted by County Boards was not expanded to include systems and facilities for public recreation until April 13, 1965[14] when former NRS 318.100 was amended to read as follows:

> "Subject to the provisions of subsection 2, the board may acquire, construct, reconstruct, improve, extend and better lands, works, systems and facilities for *public* recreation."

Since Public Recreation Was a Supplemental Basic Power, County Boards Were Not Permitted to Grant Existing GIDs Such Supplemental Powers[15] Until April 12, 1963 When NRS 318.077 Was Adopted: to read as follows:

> "The board may elect to add powers not provided in its formation, in which event the board shall cause proceedings to be had by the board of county commissioners similar, as nearly as may be, to those provided for the formation of the district, and with like effect."[16]

Accordingly, The Washoe County Board Did Not Grant IVGID The Basic Power to Furnish Systems And Facilities For *Public* Recreation Until November 15, 1965: I have attached a copy of County Board Ordinance No. 97, Bill No. 132, as Exhibit "C" which evidences the same.

Given The Washoe County Board Has *Never* Granted IVGID The Basic Power to Furnish Systems and Facilities For Private or Non-Public Recreation, The District Has No Power to Prosecute The Application Insofar as The Subject Property is Concerned: Because the beaches are private. There is a difference between the basic power to furnish systems and facilities for public versus non-public recreation. County Boards were not permitted to grant existing GIDs the basic power of non-public recreation until April 27, 1967 when NRS 318.143(1) was modified to read as follows:

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[13] See https://www.leg.state.nv.us/Statutes/52nd1963/Stats196304.html#Stats196304page571.

[14] See Sec 21.5 - https://www.leg.state.nv.us/Statutes/53rd/Stats196506.html#Stats196506page1088.

[15] Supplemental to those granted in a GID's initiating ordinance.

[16] See https://www.leg.state.nv.us/Statutes/54th/Stats196709.html#Stats196709page1687.

> "Subject to the provisions of subsection 2, the board may acquire, construct, reconstruct, improve, extend and better lands, works, systems and facilities *for recreation*."[17]

Given the subject property is private or non-public property, the simple fact of the matter is IVGID has never been granted the express basic power to "construct, reconstruct, improve, extend and better (the)...works, systems and facilities" insofar as the subject or any other property is concerned!

***Dillon's Rule* Instructs That The Applicant *Cannot* Argue Its Basic Power to Furnish Systems And Facilities For Public Recreation is Identical to Non-Public Recreation**: "In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied *Dillon's Rule* to county, city *and other local governments*"[18] like GIDs.

> "*Dillon's Rule* provides that (the governing board of a local government) possesses and may exercise *only* the following powers and *no others*: (a) Those powers granted in express terms by the Nevada Constitution or statute; (b) Those powers necessarily or fairly implied in or incident to the powers expressly granted; and (c) Those powers essential to the accomplishment of the declared objects and purposes of the county and not merely convenient but indispensable...(And) if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved *against the (local governing) board*...and *the power is denied*."[19]

In other words, Applicant's limited powers must be narrowly and strictly construed. And should there be any doubt, that doubt *must be resolved against IVGID*. In this instance, applicant has no power to prosecute the application because operating a restaurant on the beaches is neither expressly granted nor necessarily nor fairly implied nor incident to recreation.

Moreover, The Application Mis-States The Nature of The Proposed Project: As merely "Changing the (Existing)...Use." Here mere improvements to existing structures are *not* being proposed. Rather, a complete "teardown/rebuild...concerning the beach house building, and the nearby guard shack" are being proposed. Therefore I submit we must examine the applicant's ability to improve the subject property as represented from day one. As if there never were existing structures.

According to IVGID staff, "the existing structure at Incline Beach dates to the early 1970s."[20] And according to page 23 of the official statement for IVGID's recreation bonds of 1992; page 19 of the official statement for IVGID's recreation bonds of 1999; and, page 27 of the official statement for IVGID's recreation bonds of 2004; the existing structure consists of nothing more than a "refreshment

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[17] See https://www.leg.state.nv.us/Statutes/54th/Stats196709.html#Stats196709page1714.

[18] See NRS 244.137(2) and 268.001(2).

[19] See https://nvbar.org/wp-content/uploads/NevLawyer_June_2013_Dillon's_Rule.pdf; https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/20034?rewrote=1; *Ronnow v. City of Las Vegas*, 57 332, 342-43 (1937).

[20] See page 2 of that May 6, 2016 Memorandum in support of Authorizing a Design Services Contract for the Incline Beach House Project [page 354 of the packet of materials prepared by staff in anticipation of the IVGID BOT's January 29, 2025 meeting (https://ivgid.portal.civicclerk.com/event/549/files/attachment/2700)].

stand" and "restrooms." In no way are the applicant's proposed improvements limited to renovation of a mere refreshment stand and existing restrooms! And if it were improper for the applicant to have constructed the current "refreshment stand" in the first place, it shouldn't be granted a "pass" simply because that's what's there now. In other words, if there was a mistake fifty (50) or more years ago, doesn't mean it should be replicated, on steroids no less, today.

Although TRPA was created in 1969, a search of its permits issued to the subject property reveals *nothing* insofar as these improvements are concerned. Therefore, objectors have every reason to believe these improvements were constructed without the benefit of TRPA oversight, conditions such as the ones applicable to the application, approval, or permit. The proposed project should be treated as it really is: a complete new "teardown/rebuild project."

Why a Majority of Local Parcel Owners With Beach Access Are Against The Application: Because rather than the general public as a whole, they're the ones who will have to pay should the application be granted. And how will they pay? By a special tax which is involuntarily assessed against their properties when no such tax is recognized by the NRS. And how can this be? Because IVGID disingenuously labels its special tax a "fee." Even though the law is clear that "the nature of (a)...charge ...(the) law imposes is *not* determined by the label given...but (rather)...its operating incidence."[21] Thus whenever the question is presented, "courts will determine and classify (monetary exactions) on the basis of realities"[22] rather than labels, looking to their "operative effect."[23] Given the purpose of the application has nothing directly to do with its funding source, TRPA need not go there. Other than to recognize this funding source is invalid, and that the equitable owners of the subject property have valid reasons for opposing the application apart from the fact we are necessary parties, our authorization is required, and the applicant lacks the power.

How Much Are we Talking About? According to IVGID, over $11 million for a design which resembles a reincarnation of the Incline Village Post Office (which will be operational, due to weather constraints, roughly five months out of the year). Given the way IVGID hides its financial dealings, and its track record when it comes to spending, I and a number of other local parcel owners believe that when all is said and done, the real number will be closer to $15 million or even more! Which works out to nearly $2,000 per each of the approximate 7,800 parcel owners with beach access who will be assessed! Plus money losing operational costs guaranteed to require the subsidy of future Rec Fees.

I and most local parcel owners with beach access I know, are vehemently opposed to involuntarily paying these annual costs on a project like this one. Especially given the fact applicant really doesn't have the power to construct this project, and local parcel owners' consent to the application has arrogantly never been sought.

Given Applicant's Beaches Are Private Property, NRS 318.015(2) Prohibits The Applicant's Intended Use of Provisions of Chapter NRS 318 as a Method For Financing the Costs of This Development: The current Board has already announced it intends to finance construction of its

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[21] See *Clean Water Coalition v. The M Resort, LLC*, 127 Nev. 301, 315, 255 P.3d 247, 256 (2011) citing *State v. Medeiros*, 89 Haw. 361, 973 P.2d 736, 741 (1999).

[22] See *Hukle v. City of Huntington*, 134 W.Va. 249, 58 S.E.2d 780, 783 (1950); *Clean Water Coalition, supra*, at 127 Nev. 315.

[23] See *Emerson College v. City of Boston*, 39 Mass. 415, 462 N.E.2d 1098, 1105 (1984).

proposed Beach House with the invalid special tax against real property described above[24]. Which represents a violation of NRS 318.015(2) which instructs:

> "It is hereby...declared that the provisions of this chapter are not intended to provide a method for financing the costs of developing private property."

The Developers of Incline Village Misrepresented to All Purchasers of Incline Village Property That The Subject Property Would be Owned by an Homeowners' Association ("HOA"), Rather Than IVGID, Whereby Every Purchaser Would be a Voting Member Therein: I'm not going to go into the history of Incline Village and the beaches other than to comment that the applicant was never intended to be the owner of the subject property. Rather, it was supposed to be an HOA amenity. And property purchasers *weren't* supposed to pay the $2.1 million they ended up paying for the beaches through IVGID as an involuntary conduit. The beaches were supposed to be conveyed to the HOA for no additional charge. Given the initial trustees of IVGID were either employed or their interests aligned with the developer, the applicant's ownership of the subject property is the product of fraud. If TRPA members are interested, they can read about it all in author J Gumz's recent book; *Tahoe Illusions: Unraveling a Web of Fraud And Corruption*[25].

Moreover, The IVGID Board of Trustees ("Board") Does *Not* Represent The Majority of Local Parcel Owners With Beach Access: I fully expect the applicant to assert its Board was elected to make the hard decisions like this one, on local parcel owners' behalf. If so, this is another example of the applicant intentionally speaking with forked tongue for at least two reasons.

First, it Has a Conflict of Interest: IVGID's boundaries expand beyond Incline Village. They include Crystal Bay. And since Crystal Bay was not part of Incline Village when the applicant acquired the beaches by deed, Crystal Bay property owners have no right to use the beaches. Nor do approximately 100 other Incline Village property owners whose parcels were not included in IVGID's boundaries when it was granted the beaches. Thus IVGID trustees are not just elected by Incline Village residents with beach access. They are elected by all residents within IVGID's current boundaries. Which is a nice way of saying that when it comes to the subject property, IVGID's trustees have a conflict of interest. Because they're incapable of exercising 100% loyalty to 100% of their constituents.

Second, More Than 60% of Those Who Own Incline Village Property With Beach Access Are Disenfranchised Insofar as Voting For/Against IVGID's Trustees: Although District staff hide this information, in the past they have admitted that more than 60% of the parcels with beach access are owned by persons not entitled to vote in elections for IVGID trustees[26]. So who really do Board members represent?

If Applicant Really Cared About Securing Local Parcel Owners With Beach Access' Authorization to Submit The Application, it Could Have Easily Pursued This Course of Action: TRPA

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[24] This tax is allegedly founded upon NRS 318.197(1); a method for financing the costs of developing private property.

[25] This book is available on Amazon.com at https://www.amazon.com/Tahoe-Illusions-Unraveling-fraud-corruption/dp/B0FMG7J9G9/ref=sr_1_1?crid=2FWZMYJIITMJ8&dib=eyJ2IjoiMSJ9.hME_WkOcpdY3XiL5lx8o0_NzcZkLaAqRMZ98e1d8uwnGjHj071QN20LucGBJIEps.9uQoarNAy83WiuzqxPm5kiUu6vJzkhudeOAVfq5HAJY&dib_tag=se&keywords=tahoe+illusions+book&qid=1764628273&sprefix=tahoe+illu%2Caps%2C258&sr=8-1.

[26] Non-citizens, non-natural persons, non-residents, etc.

needs to understand that applicant's staff and a majority of the IVGID Board are so arrogant, they refuse to canvass the votes of those most directly affected by the application and who will be made to pay therefore; local parcel owners with beach access. Whether or not they are citizens, natural persons, local residents, or voters. And why? Because as former Public Works Director Joseph Pomroy once quipped, given a choice, local parcel owners with beach access might vote no! Notwithstanding, a legal process exists for all of these questions to be fully, finally and judicially answered.

Judicial Confirmation: NRS 43.100(1) instructs,

> A "governing body[27] may file or cause to be filed a petition at any time in the district court in and for any county in which the municipality[28] is located or any act or project is undertaken, wholly or in part, praying a judicial examination and determination of the validity of any power conferred or of any instrument, act or project of the municipality, whether or not such power has been exercised, such instrument has been executed or otherwise made or such act or project has been taken."

I and other local residents I know have asked the IVGID Board to file the petition authorized by NRS 43.100 to confirm the validity of its actions insofar as the application is concerned. But a majority of members refuse. Why? Because the Board doesn't want to risk that a court may withhold its confirmation.

Conclusion: For all of these reasons, the application should be summarily dismissed. The applicant really isn't the equitable owner of the subject property. It has intentionally withheld the identities of known interested parties. It doesn't have the limited power to prosecute the application. And a majority of those who are the ones most primarily affected have been disenfranchised from voicing their opposition. There's only one way to fairly deal with the application. And it's the ethical one. Dismiss it until the applicant can secure a judgment of validation from a District Court.

Thank you for your anticipated courtesies, cooperation and assistance in these matters.

Truly yours,

AARON L. KATZ
P.O. Box 3022
Incline Village, NV. 89450
(408) 741-1008
e-mail · *s4s@ix.netcom.com*

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encl.

[27] As opposed to any other interested person.

[28] For purposes hereof, NRS 43.080 expressly instructs IVGID is a municipality ("Municipality means the State of Nevada, or any corporation, instrumentality or other agency thereof, or any incorporated city, any unincorporated town, or any county, school district, conservancy district, drainage district, irrigation district, *general improvement district*, other corporate district constituting a political subdivision of this State, housing authority, urban renewal authority, other type of authority, the Nevada System of Higher Education, the Board of Regents of the University of Nevada, or any other body corporate and politic of the State of Nevada, but excluding the Federal Government").

EXHIBIT "A"

16713

R.P.T.T. $ 2,310.00

D E E D

THIS INDENTURE, made this 24 day of June, 1968, between VILLAGE DEVELOPMENT CO., formerly known as CRYSTAL BAY DEVELOPMENT CO., a Nevada corporation, party of the first part, (hereinafter referred to as "Grantor"), and INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a quasi-municipal corporation organized and existing pursuant to the provisions of the General Improvement District Law, Chapter 318, Nevada Revised Statutes, party of the second part (hereinafter referred to as "Grantee"),

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS ($10.00), lawful money of the United States, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, more particularly described in Exhibit "A" attached hereto.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

It is hereby covenanted and agreed that the real property above described, and any and all improvements now or hereafter located thereon, shall be held, maintained and used by grantee,

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Bible, Bidwell, Cowan & Wilson
ATTORNEYS AT LAW
300 SOUTH VIRGINIA ST.
RENO, NEVADA 89505

its successors and assigns, only for the purposes of recreation by, and for the benefit of, property owners and their tenants (specifically including occupants of motels and hotels) within the Incline Village General Improvement District as now constituted, and, as the Board of Trustees of said District may determine, the guests of such property owners, and for such other purposes as are herein expressly authorized.

This covenant shall be in perpetuity, shall be binding upon the successors and assigns of grantee, shall run with and be a charge against the land herein described, shall be for the benefit of each parcel of real property located within the area presently designated and described as Incline Village General Improvement District and shall be enforceable by the owners of such parcels and their heirs, successors and assigns; provided, however, that said Board of Trustees shall have authority to levy assessments and charges as provided by law, and to control, regulate, maintain and improve said property as in its sole discretion it shall deem reasonable and necessary to effectuate the purposes herein mentioned; and provided, further, the said District shall have the right to use the real property above described for the maintenance and operation of the water pumping facilities now located thereon and such other utility facilities necessary to the operation of the District.

Grantor, for the benefit of itself and its successors and assigns in the ownership of real properties located within the presently constituted boundaries of Incline Village General Improvement District, and for the benefit of all other owners of property located within said boundaries, and their respective successors and assigns in such ownership, hereby specifically reserves an easement to enter upon the above described real property and to

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Mc. Mahaffey, Dayton & Wilson
ATTORNEYS AT LAW
200 SOUTH VIRGINIA ST.
RENO, NEVADA 89505

use said real property for the recreational uses and purposes specified herein. Said District shall have the authority to impose reasonable rules, regulations and controls upon the use of said easement by the owners thereof.

The easement hereby created and reserved shall be appurtenant to all properties located within the Incline Village General Improvement District, as said District is now constituted. Such easement may not be sold, assigned or transferred in gross, either voluntarily or involuntarily, but shall pass with any conveyance of real properties within said District as now constituted.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

ATTEST:

Secretary

VILLAGE DEVELOPMENT CO.

By
President

ACCEPTED AND APPROVED:

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

ATTEST:

Secretary

By
President

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STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

On this ___ day of June, 1968, before me, a Notary Public in and for said County and State, personally appeared _____ and _____, known to me to be the President and Secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that they are the officers of said corporation as above designated; that they are acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp at my office in said County and State, the day and year in this certificate first above written.

_____
Notary Public

DOROTHY E. LeCROIX
Notary Public — State of Nevada
Washoe County
My Commission Expires February 3, 1972

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McDonald, Carano & Wilson
ATTORNEYS AT LAW
100 SOUTH VIRGINIA ST.
RENO, NEVADA 89505

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

On this 11th day of June, 1968, before me, a Notary Public in and for said County and State, personally appeared George L. Lauer and Frank T. Henderson, known to me to be the President and Secretary of INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, the quasi-municipal corporation that executed the foregoing instrument, and upon oath, did depose that they are the officers of said corporation as above designated; that they are acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp at my office in said County and State, the day and year in this certificate first above written.

Dorothy E. LeBrooke
Notary Public

DOROTHY E. LeBROOKE
Notary Public — State of Nevada
Washoe County
My Commission Expires February 1, 1972

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-5- 1671

DESCRIPTION

Situate in the County of Washoe, State of Nevada, as follows, to-wit:

PARCEL 1

A portion of Lots II, III and IV of Section 22, Township 16 North, Range 18 East, M.D.B.&M., more particularly described as follows:

Commencing at the Southwesterly corner of Lot 12 in Block N and the Northerly right of way line of Nevada State Highway No. 28, as said lot, block and Highway are shown on the map of Lakeview Subdivision, Washoe County, Nevada, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 27, 1961; thence South 20°35'35" West 80.00 feet to a point in the Southerly right of way of said Highway; thence South 69°24'25" East 174.28 feet along the Southerly right of way line of said Highway to the true point of beginning of this description, said point of beginning also being the Northwest corner of that certain parcel conveyed to Crystal Bay Development Co. on September 30, 1963, under Filing No. 395633, Washoe County Records; thence continuing South 69°24'25" East 1251.79 feet along the Southerly right of way of said Highway to the Northwest corner of that certain parcel deeded to Pacific Bridge Company and Associates on October 23, 1963, under Filing No. 397736, Deed Records; thence South 20°35'35" West 574.75 feet, more or less, to Lake Tahoe; thence Westerly along Lake Tahoe to a point from which the true point of beginning of this description bears North 31°07'35" East; thence North 31°07'35" East to the true point of beginning of this description.

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PARCEL 2

Beginning at the Southeasterly corner of Lot 24 in Block H of Lakeview Subdivision, Washoe County, Nevada, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 27, 1961; thence South 15°11'27" East 111.13 feet to a point on the Southerly right of way line of Nevada State Highway 28 as it now exists and the true point of beginning of this description, said point of beginning being the Northwest corner of Lot 36 of Lakeshore Subdivision No. 1, as said Lot 36 is shown on the map of Lakeshore Subdivision No. 1, Washoe County, Nevada, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 28, 1960, and being on a curve concave to the Northeast, having a central angle of 4°41'11", a radius of 5040.00 feet and a tangent which bears North 61°40'36" West 206.23 feet, thence Northwesterly along said curve and the Southerly boundary of said highway 28, an arc distance of 412.24 feet; thence continuing along the Southerly right of way line of said highway 28, North 56°59'25" West 907.76 feet; thence leaving said Highway 28, South 27°17'46" West 90.72 feet; thence South 00°50'05' West to Lake Tahoe; thence running Southeasterly along Lake Tahoe to a point from which the true point of beginning bears North 28°08'35" East (Lakeshore Subdivision No. 1 bearing North 27°16'00" East); thence North 28°08'35" East along the Westerly boundary of said Lakeshore Subdivision No. 1 to the true point of beginning of this description.

RESERVING FROM the above described parcel an easement for maintaining and operating an existing pumping plant and pipe lines.

116713

Note of information: Basis of bearings, Lakeview Subdivision.

EXHIBIT "B"

~~JENKINS-BAKER:jm 4/24/61~~

Original

Summary - An Ordinance Creating the Incline Village General Improvement District

BILL NO. 57

ORDINANCE NO. 97
(of Washoe County, Nevada)

AN ORDINANCE CREATING THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT PURPOSED FOR PAVING, CURBS AND GUTTERS, SIDEWALKS, STORM DRAINAGE, SEWER DISPOSAL AND WATER SUPPLY; AND DECLARING AN EMERGENCY

WHEREAS, on the 20th day of April, 1961, this Board adopted an Ordinance numbered 95 entitled "An Ordinance Initiating Proceedings for the Organization of the Incline Village General Improvement District Purposed for Paving, Curbs and Gutters, Sidewalks, Storm Drainage, Sewer Disposal and Water Supply; Providing for Publication and Notice of Hearing and Hearing on the Creation of the District and Declaring an Emergency", wherein it did provide for the publication of notice of hearing on the creation of the District and declaring an emergency;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, a copy of said Ordinance was published by title, together with a separate statement to the effect that typewritten copies of the Ordinance were available for inspection at the office of the County Clerk by all interested persons, together with the names of the County Commissioners voting for or against its passage, in the Nevada State Journal, a newspaper of general circulation printed and published in the County of Washoe, and being the newspaper which was most likely to give notice to persons interested therein, at least once a week for a period of two weeks before said Ordinance became effective;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, said Clerk gave notice by publication of the intention of this Board to establish such District, which notice set forth the name, statement of purposes, general description of its

boundaries and the time and place of hearing, in the Nevada State Journal, a newspaper of general circulation in the District, and being the newspaper most likely to give notice to interested persons in said matter, once a week for three consecutive weeks, the first of which was at least fifteen days prior to the day of hearing;

WHEREAS, on the 20th day of April, 1961, as appears from affidavits of posting on file with the County Clerk, a full, true and correct copy of said Notice was posted on the bulletin board in the entrance hall to the office of the County Clerk of Washoe County, and full, true and correct copies of said notice were conspicuously posted in three public places within said District;

WHEREAS, on the 4th day of May, ~~April~~, 1961, as appears from the affidavit of mailing on file in the office of the County Clerk, full, true and correct copies of the notice of intention to establish said District were mailed by first class mail in sealed envelopes, postage prepaid, by depositing them in the United States Post Office at Crystal Bay, to each of the taxpaying electors within said proposed district as their names and addresses appear on the last equalized tax roll for the County of Washoe, and to all persons interested in any property within the District as shown in the records of the Crystal Bay Development Company, the principal owner and developer of the properties within said proposed District, and to all other persons interested therein as known to said affiant;

WHEREAS, at or before the time fixed in the initiating Ordinance and Notice, written protests were not filed with the County Clerk, signed by 51% or more of the taxpaying electors within said proposed District, and the percentage of said taxpaying electors who so filed written protests against the formation of the District was 0 %;

WHEREAS, said matter came on regularly for hearing before this Board at the hour of 10:00 o'clock A.M. on the 20th day of May, 1961 in the Chambers of this Board in the County Sheriff's Office Building, Room 103, Reno, Nevada, being the time and place fixed for said hearing;

WHEREAS, all persons interested who appeared were given an opportunity to and were fully heard, and all written communications were fully considered, and competent proof was presented that the boundaries of said proposed District are correct and close, that all of the lands within said proposed District will be benefited by being formed into said District, and that said proposed boundaries contain all of the lands that at this time will be benefited by being formed into said District;

WHEREAS, due to the necessity of immediately providing for exercise of the powers of the general improvement district, the Board has determined, and does hereby declare, that an emergency exists requiring this ordinance to take effect from and after its passage and publication by title in accordance with law; and

WHEREAS, it will not be necessary to make any changes in said proceedings in order for them to be equitable;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DOES ORDAIN:

1. The Incline Village General Improvement District is hereby created and established.

2. The general description of the boundaries of the proposed district are the coterminous exterior boundaries of the composite and consolidated area consisting of the several parcels of land described in the exhibit entitled Incline Village hereto attached and by reference made a part hereof.

3. The general purposes for which the district is proposed to be formed, are:

(a) To grade and regrade and to surface and to resurface streets, alleys and public highways, and parts thereof, within the district, with suitable material, and to acquire street and alley improvements necessary and incidental thereto.

(b) To improve streets within the district by grading and regrading and by the construction and reconstruction of

curb, gutter and combined curb and gutter, in combination with sidewalk or otherwise, and to acquire improvements necessary and incidental to the foregoing improvements, including, without limiting the generality thereof, drains, catch basins, valley gutters, driveway inlets and the removal of existing improvements.

(c) To construct, reconstruct, replace or extend sidewalks, adjacent to or in combination with curb and gutter or otherwise, within the district, and to acquire improvements necessary and incidental thereto.

(d) To construct, reconstruct, replace or extend storm sewer and other drainage facilities and improvements necessary and incidental thereto within the district, including, without limiting the generality of the foregoing, the laying of pipes and the erection of catch basins, drains, and necessary inlets and outlets.

(e) To construct, reconstruct, improve, extend or better the sanitary sewer system or any part thereof, including without limiting the generality of the foregoing, mains, laterals, wyes, tees, meters and collection, treatment and disposal plants.

(f) To sell any product or byproduct thereof and acquire the appropriate outlets within or without the district and to extend the sewer lines of the district thereto.

(g) To acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes.

(h) To operate, maintain and repair the improvements acquired by the district.

4. The following five taxpaying electors of the District are appointed to serve as the first Board of Trustees of said District,

for the following terms, to wit:
RAYMOND PLUNKETT and RAYMOND M. SMITH, who shall serve until, at the first biennial election following the formation of the District, there shall have been elected by the taxpaying electors of the District two members of said Board; and ROBERT L. MCDONALD, HAROLD B. TILLER and JOHN M. VHALOE, who shall serve until, at the second biennial election after the formation of the District, there shall have been elected by said taxpaying electors three members of the Board.

5. The members of the Board of Trustees shall qualify by filing with the County Clerk oaths of office and corporate surety bonds, at the expense of the District, the bonds to be in the amount of $1,000 each, in standard corporate official bond form which is hereby approved, conditioned for the faithful performance of their duties as Trustees.

6. That the Board of County Commissioners has expressed in the preamble to this ordinance the existence of an emergency, and does hereby find and declare that an emergency does exist and consequently, final action shall be taken immediately and this ordinance shall be in effect from and after its publication as hereinafter provided.

The facts constituting such urgency are as follows:

There is a substantial shortage of improved lands along the shore of Lake Tahoe to meet the demands of the growing influx of people therein. In the improvement of the lands of this proposed district it is necessary that the improvements herein proposed be provided for the protection of public health, safety and general welfare. Since the area is subject to heavy winter snows, it is necessary that these proceedings be had without delay so that the proposed improvements may be made available before the winter snows.

7. The County Clerk shall cause this Ordinance to be published by title, together with a separate statement to the effect that typewritten copies of the Ordinance are available for inspection at the office of the County Clerk by all interested persons, together with the names of the County Commissioners voting for or against its passage,

in the NEVADA STATE JOURNAL, a newspaper of general circulation printed and published in the County of Washoe, and being the newspaper which is most likely to give notice to persons interested herein, at least once a week for a period of two weeks before this Ordinance shall become effective.

8. Forthwith upon the effective date of this Ordinance and within thirty (30) days thereafter, the County Clerk shall file a copy of this Ordinance in his office and shall cause to be filed an additional copy of it in the Office of the Secretary of State.

Proposed on the 20th day of May, 1961

Proposed by Commissioner McKENZIE

Passed the 20th day of May, 1961

Vote:

AYES: Commissioners: McKENZIE, McKISSICK, CLARKSON, STREETER AND MIRABELLI

NOES: Commissioners: NONE

ABSENT: Commissioners: NONE.

Michael G. Mirabelli
Chairman of the Board

Attested:
T W Brown
County Clerk

This Ordinance shall be in force and effect from and after the 31ST day of MAY, 1961.

EXHIBIT "C"

Summary - An Ordinance Amending County Ordinance 97 by Adding to the Incline Village General Improvement District Powers Relating to Public Recreation, and Repealing Ordinance 97 Adopted by Bill No. 117.

BILL NO. 132

ORDINANCE NO. 97
(of Washoe County, Nevada)

AN ORDINANCE AMENDING COUNTY ORDINANCE 97 BY ADDING TO THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT POWERS RELATING TO PUBLIC RECREATION, AND REPEALING ORDINANCE NO. 97 ADOPTED BY BILL NO. 117

WHEREAS, on the 5th day of October, 1965, this Board adopted an Ordinance numbered 140 entitled "An Ordinance Initiating Proceedings for Adding to the Incline Village General Improvement District Powers Relating to Public Recreation; and Providing for the Publication and Notice of Hearing Thereon," wherein it did provide for the publication of notice of hearing on the adding of powers to the District;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, a copy of said Ordinance was published by title, together with a separate statement to the effect that typewritten copies of the Ordinance were available for inspection at the office of the County Clerk by all interested persons, together with the names of the County Commissioners voting for or against its passage, in the Nevada State Journal, a newspaper of general circulation printed and published in the County of Washoe, and being the newspaper which was most likely to give notice to persons interested therein, at least once a week for a period of two weeks before said Ordinance became effective;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, said Clerk gave notice

by publication of the ordinance of intention of this Board to add such powers to the District, which notice set forth the powers to be added and the time and place of hearing, in the Nevada State Journal, a newspaper of general circulation in the District, and being the newspaper most likely to give notice to interested persons in said matter, once a week for three consecutive weeks, the first of which was at least fifteen days prior to the day of hearing;

WHEREAS, at or before the time fixed in the Ordinance of intention, written protests were filed with the County Clerk, signed by taxpaying electors within the District and proof was presented that said protests were signed by not more than 15% of the taxpaying electors within the District, and this Board finds that protests were not filed with the County Clerk, signed by 51% or more of the taxpaying electors within the District;

WHEREAS, said matter came on regularly for hearing before this Board at the hour of 10:30 o'clock A.M., on the 25th day of October, 1965, in the Chambers of this Board in the County Sheriff's Office Building, Room 103, Reno, Nevada, being the time and place fixed for said hearing;

WHEREAS, proof, oral and documentary, was presented to the Board from which this Board finds, upon which this Ordinance is based, that the public convenience and necessity require the vesting of powers as to recreation in such District, and the vesting of such powers therein is economically sound and feasible; and

WHEREAS, all persons interested who appeared were given an opportunity to and were fully heard, and all written communications were fully considered;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DOES ORDAIN:

1. County Ordinance 97, Section 3, is hereby amended by adding thereto a subsection (k) to read as follows:

"(k) To acquire, construct, reconstruct, improve, extend and better lands, works, systems and facilities for public recreation. If the proposed recreational facilities are situated within 7 miles from the boundary of an incorporated city or unincorporated town, and if the county in which the proposed recreational facilities are situated has adopted a recreation plan pursuant to Chapter 278 of NRS, the authority conferred herein by this subsection (k) may be exercised only in conformity with such plan."

2. Ordinance No. 97, adopted by Bill No. 117, entitled "An Ordinance Amending County Ordinance 97 by Adding to the Incline Village General Improvement District Powers Relating to Public Recreation," adopted on June 15, 1965, is repealed.

3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

* * * * * * * *

Proposed on the 25th day of October, 1965

Proposed by Commissioner Streeter

Passed on the 15th day of NOVEMBER, 1965.

Vote:

Ayes: Commissioners: STREETER, CUNNINGHAM AND McKENZIE.

Nayes: Commissioners: SAUER AND McKISSICK

Absent: Commissioners: NONE

J C McKenzie
Chairman of the Board

ATTEST: H.K. Brown, Clerk
by Alice Coon, Chief Dep
County Clerk

This Ordinance shall be in force and effect from and after the 26th day of November, 1965.

To: Zach Davis, Associate Environmental Specialist
From: Judith Miller
Subject: Comments on ERSP2025-1343
IVGID's recreation application dated 10/23/2025
Date: 12/4/2025

I am a resident of the District and after having read IVGID's recreation application, I would like to provide a community member's perspective. I believe there are a number of inaccurate/less than truthful responses. I also have discovered elements of the application that I believe do not comport with the Washoe County Tahoe Area Plan and need major modifications to come into compliance.

Here are some examples from IVGID'S 10/23/25 recreation application.

PDF Page	IVGID incorrect/inaccurate statements	More correct/accurate statement
4	Refers to "two public beaches"	IVGID's beaches are not considered public. Access is restricted to parcel owners/their guests and hotel guests.
4	Claims the existing beach house is used as a bar.	The existing beach house is not used as a bar. Instead a temporary structure, possibly constructed without permits, known as the Barefoot Bar, only recently plumbed with a water source, has been used as a small bar.
5	Claims beaches are used by "residents of the Incline Village area.	More accurately, the beaches are used by property owners within the original subdivision of Incline Village and loosely defined guests, including short term renters, long term tenants, hotel guests and anyone in possession of a "punch card". Many residents of the area are precluded from using the beaches (e.g. tenants whose landlords are unwilling to "assign privileges").
7	Finding 4.4.1.A Response- The proposed project is consistent with all TRPA goals and policies as well	The project is not consistent with the WCTAP as explained in item 18 d, below.

	as the goals and objectives outlined within the Washoe County Tahoe Area Plan.	
17	Statement on the recreation application that "*I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. Initial here:_____*" (and included on the site plan)	There is no mention of the restriction on the beach deed that use is limited to recreation for the benefit of the property owners, their tenants and guests.
25	The project description for the Initial Environmental Checklist is incomplete and misleading	The description does not mention that project includes a large permanent structure built to house a bar and bar seating, to replace an unpermitted "temporary" structure known as the Barefoot Bar that was temporarily closed when it was determined to be violative of the County's environmental health regulations.
47	Multi modal connections Statement that IVGID owns all the multi-use paths in Incline Village	Most of the multi-use paths here are owned and maintained by Washoe County.

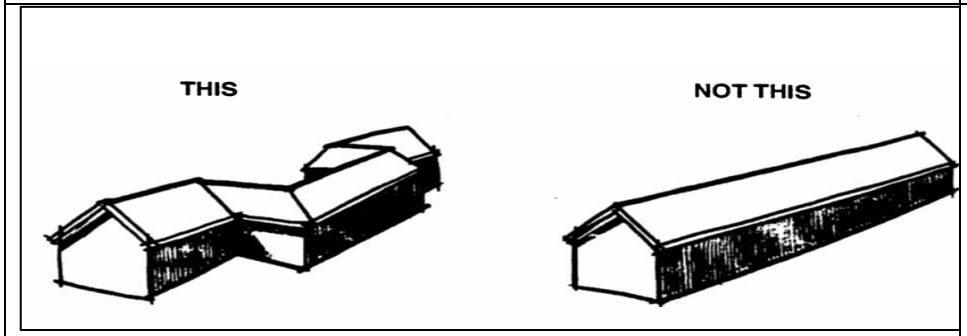
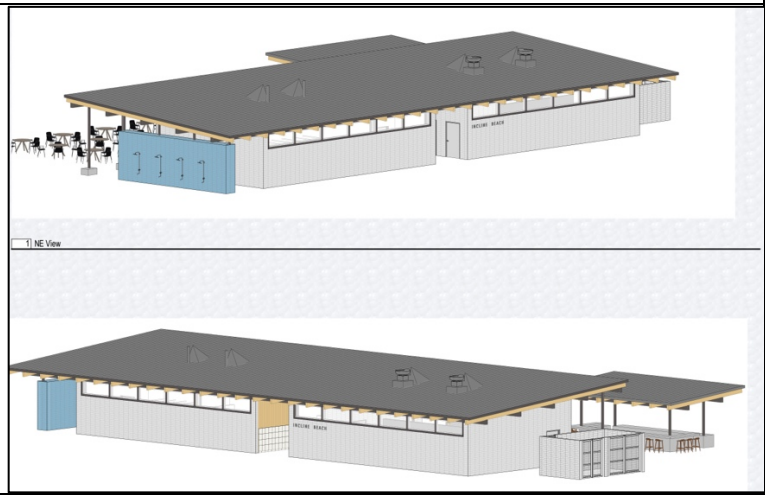
Initial Environmental Checklist Item 18 Scenic Resources items b, c and d.

IVGID answered no to all 3 sections.

PDF Page	**Item 18. Will the project ..**	**IVGID's response**	**More accurate response**
38	b. Be visible from any public recreation area or TRPA designated bicycle trail?	NO	The beach house will be visible from the multi-use trail identified in the WCTAP, Table 3.1 as Lakshore Boulevard Trail *From the eastern intersection of State Route28 to 0.25 miles from its western Intersection*
38	c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	NO	The beach house with its linear design, will obliterate the view of Lake Tahoe for 180 feet along Lakeshore Blvd., a public road.

38	d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan*?*	NO	The "boxy" design is clearly not consistent with the design standards in WCTAP Chapter 2, more specifically "*Building Design: Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. Building design shall reflect the "Old Tahoe" or "Historic Alpine" architectural features, which promote the rustic, alpine character of the area.* There is nothing about the design that is compatible with the Old Tahoe or Historic Alpine features in our community.

Pictures speak louder than words.

From WCTAP's TRPA Design Guidelines p. 269	**From IVGID's 100% Design Document Package**
	

:* Note, Bar structure appears in the drawing and is a separate structure, not the same building as the beach house, itself.

Initial Environmental Checklist Item 19 Recreation

Item 19	**IVGID's response**	**More accurate response**

a. Create additional demand for recreation facilities?	No	Providing a stage for entertainers and new enlarged bar area with more seating will create additional demand.
b. Create additional recreation capacity?	No	Providing a stage and new enlarged bar area with more seating and more restrooms will create additional capacity.

Persons At One Time considerations/VMT

Although IVGID claims it is not changing the primary use, enlarging the bar and food service areas and adding a stage area for musical groups to perform has a high likelihood of drawing more attendees for these attractions, not related to "beach recreation". It is not just serving the existing customers.

Concurrently with this project, IVGID is modifying its policies to extend free or discounted access to its deed restricted beaches to the majority of IVGID's non-resident employees and their immediate families. Many will be driving from other locations in California, Reno and Carson City to use these beaches.

Significant increases in both persons at one time as well as VMT will be a likely outcome of these two changes. The new facilities will accommodate this new class of guest, non-resident IVGID employees, spouses and dependents in addition to those who already have beach access.

Commercial application vs. Recreation

Although TRPA has asked IVGID to submit a recreation application, I believe this application would be even more appropriately handled as a commercial application. In this particular case, the use as an expanded bar for the service of alcohol, is really not accessory to beach recreation. In fact, by adding a stage, the parcel becomes a venue for entertainment and drinking having nothing to do with beach recreation. It eclipses any "beach recreation" use. Just ask those who gather on Wednesday and Friday during summer months if they even set foot on the actual beach area. Instead, they congregate around the bar, arriving shortly before the music starts and leaving when it ends. Trustee Homan spoke about adding the firepits to lengthen the time people could remain "recreating", i.e. drinking.

IVGID has discovered that alcohol sales are a good commercial business. Most public agencies outsource this type of operation, since it is not generally considered public recreation or an appropriate activity for a public agency. When the temporary bar at Burnt Cedar was closed this past summer because it did not meet Washoe County code, IVGID realized increased revenues by taking over sale of alcoholic beverages there. IVGID has announced its intention to operate the new bar itself, not as a concession.

Conclusion

I hope you will find my observations useful. I believe a permit for this project should be denied on the basis that the design does not comport with the Washoe County Tahoe Area Plan and the application mischaracterizes a second primary use of the project; operating a bar and entertainment venue is in addition to. not accessory to, beach recreation.

IVGID staff did not share the plans with the property owners who are being forced to pay more than $1500 per parcel (in addition to property taxes) to fund the project until they were at the 100% design development document stage, even though they had promised the design documents would be presented at the 50% stage when changes would have been less costly. The applicant describes our beaches as “public beaches” and if that was their belief, perhaps the architect was misinformed and came up with such a utilitarian design devoid of any basic architectural interest, perhaps perfectly acceptable for public buildings elsewhere, but not in keeping with TRPA guidelines or community values.

TRPA is the only agency with any architectural oversight. Our community’s architectural committee dissolved a couple of decades ago because there was no funding to store/preserve documents. Maintaining some level of architectural consistency is an important function of TRPA, as evidenced by the section in our Area Plan devoted to the Design Standards and Guidelines.

Thank you for your efforts in growth management as well as maintaining our Tahoe architectural heritage and the desires of our property owners.

Please include my comments in the file for this project.

Best regards,

Judith Miller

Zach Davis

From: Frank Wright <alpinesportss@gmail.com>
Sent: Thursday, December 4, 2025 9:59 PM
To: Zach Davis

To: Zak Davis and

TRPA governing board

Subject: TRPA File ERSP2025-1343 – Permit Incompatibility with Recorded Deed Restrictions.

The following information regarding Permit Application **ERSP2025-1343**, involving the parcel at **967 Lakeshore Blvd., APN 127-280-01** is hereby submitted. The purpose of this correspondence is to ensure TRPA's administrative record accurately reflects the governing law, recorded property restrictions, and historical facts relevant to the permit request.

Based on review of IVGID's application materials and the underlying deeds, statutes, and court rulings, the proposed permit cannot be approved in its current form. The parcel is burdened by **recorded deed restrictions** that have been **affirmed by Nevada courts**, and neither IVGID nor TRPA possesses authority to authorize development inconsistent with those restrictions. Several statements submitted by the applicant are factually incorrect or incomplete, which further prevents TRPA from relying on the application as currently drafted.

This letter summarizes the controlling legal framework, identifies factual inaccuracies, and outlines the procedural requirements necessary to maintain a complete and accurate administrative record.

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1. Binding Deed Restrictions and Court Precedent

The beach property at 967 Lakeshore Blvd. is subject to covenants recorded in the Washoe County Recorder's Office pursuant to **NRS 247.120**. These deed restrictions establish exclusive access rights for certain Incline Village property owners and expressly **exclude Crystal Bay residents and others**,

even though those residents pay mandatory IVGID recreation and beach fees.

The enforceability of these restrictions has been upheld in multiple Nevada decisions, including:

- **Kroll v. IVGID**, affirming the validity of the recorded covenants and their limitation on beach access.
- **Wright v. IVGID**, reiterating that the restrictions run with the land and limit public use.

These rulings remain binding law. Accordingly, IVGID may not modify or disregard these restrictions, and TRPA cannot issue a permit that authorizes uses inconsistent with them.

---

2. Statutory Limitations on IVGID Authority

Nevada's General Improvement District statutes also constrain the scope of development permissible on deed-restricted property.

- **NRS 318.220** prohibits a district from exercising powers that conflict with established property encumbrances.
- **NRS 318.235** limits the district's ability to impose or allocate fees relating to facilities burdened by private restrictions.

Therefore, even if IVGID seeks to expand or redevelop the beach facilities, such actions must conform to the recorded covenants and applicable statutes. TRPA must independently confirm consistency with state law before authorizing a permit.

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3. TRPA Rules Requiring Compliance with Existing Property Rights

TRPA's Code of Ordinances and Rules of Procedure require:

- conformance with underlying **property rights**,
- recognition of **recorded restrictions**,
- accurate **site description**, and

- proper **public noticing** when property rights or access are materially affected.

For example:

- **Code § 2.3** requires projects to be evaluated in light of applicable legal constraints.
- **Rules of Procedure** require a public hearing when a project affects access, land use, or property rights of affected parties.

Based on the deed restrictions and the governing case law, the permit application involves a substantial public-rights issue and cannot be processed solely as a routine administrative matter.

---

4. Required Public Hearing and Notice

Because the deed restrictions impact:

- IVGID fee payers who are legally excluded from the beach property,
- surrounding property owners whose rights derive from the recorded covenants, and
- the general public due to the nature of the shoreline,

a **public hearing** is required under:

- **TRPA Code § 2.2.2**,
- **TRPA Rules of Procedure**, and
- **Nevada Open Meeting Law (NRS 241)**.

Affected parties must have the opportunity to provide comment on a proposal that directly affects recorded property rights and mandatory fee structures.

---

5. Factual Inaccuracies in IVGID's Submitted Materials

A review of the application reveals several statements that are inconsistent with recorded documents and publicly available historical records. These issues must be corrected to maintain an accurate administrative record:

A. Formation and Boundary History

IVGID's application includes statements suggesting TRPA altered district boundaries in 1968. The historical record shows:

- IVGID was created in **1961 and public recreation powers added in 1965**,
- boundaries were established under Nevada improvement district law, and
- TRPA's **1968 Boundary Resolution** did not enlarge, contract, or modify IVGID's statutory boundaries.

No documentary evidence supports the applicant's boundary claims.

B. Ownership and Access Conditions

The application does not accurately describe:

- the deed restrictions recorded against the parcel,
- the access limitations affirmed in *Kroll* and *Wright*, or
- the exclusion of Crystal Bay owners and some Lakeshore Blvd. parcel owners in Incline Village despite mandatory fee payments. These total about 135 parcels.

These omissions are material and prevent TRPA from evaluating the project in context.

C. Environmental and Operational History

Several statements regarding historical site conditions and environmental practices do not align with TRPA files, Washoe County records, or IVGID engineering documents. Because TRPA relies on accurate baseline characterization, these issues must be corrected or clarified.

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6. Request for Action

To comply with Nevada law, TRPA regulations, and the requirements of a complete administrative record, I respectfully request that TRPA:

1. **Deny or suspend approval** of Application ERSP2025-1343 until all deed restrictions, statutory limitations, and court rulings are formally incorporated into the project analysis.
2. **Correct the administrative record** to accurately reflect the binding covenants and Nevada case law affecting the parcel.

3. **Require a public hearing** in accordance with TRPA Code § 2.2.2 and the Rules of Procedure.
4. Ensure that any future permit does not authorize exclusive uses or facilities inconsistent with the legally enforceable deed restrictions.

Conclusion

TRPA's authority is constrained by recorded covenants, Nevada statutory law, and binding judicial precedent. Approval of the permit as submitted would be inconsistent with these legal requirements and could expose TRPA to judicial review and reversal. A careful correction of the record and full compliance with procedural requirements will ensure that any future decision rests on accurate, lawful, and complete information.

Thank you for your attention to these matters.

Respectfully submitted,

Frank Wright
818-601-1996
Alpinesportss@gmail.com

Zach Davis

From: Dave Hildebrandt <hildeaz99@yahoo.com>
Sent: Friday, December 5, 2025 8:09 AM
To: Zach Davis
Subject: Subject: Comments on ERSP2025-1343

Good morning,

I just wanted to weigh in with my very simple comment that the design of the beach house looks more like it belongs in an industrial park than in our beautiful community. Let's not make this mistake and go forward with this design. We have waited too long for this structure to have it be such an eyesore. We can do much, much better. I'm sure you and the consensus of our community would agree.

I appreciate you taking in my comments for consideration.

Dave Hildebrandt
579 Valley Dr., Incline Village

Sent via my iPad