



STAFF REPORT

Date: October 18, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Single-Parcel Pier Rebuild, 1713 Lakeshore Blvd., Washoe County, Nevada, Assessors' Parcel Number (APN) 130-331-14, TRPA File Number ERSP2022-1124; Appeal No. ADMIN2023-0016

Requested Action:

To consider and act upon an appeal filed by John and Jeanette Finney ("Neighbors") of the approval of a single parcel pier rebuild issued by the Executive Director to RAH RAH LLC ("Dixons") with Permit ERSP2022-1124.

Staff Recommendation:

Staff recommends that the Governing Board uphold the Executive Director's issuance of a permit to the Dixons/RAH RAH LLC to be able to rebuild a pier to TRPA design standards. Staff recommends that the Governing Board deny the appeal.

Motion:

1. A motion to grant the appeal, which motion should fail in order to affirm the Executive Director's decision.

In order to deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from Nevada and nine overall.

Background:

The property at 1713 Lakeshore Blvd is in the Rocky Point subdivision of Incline Village, Nevada, directly off Highway 28. This property has been in the same family for almost 100 years. Apparently, a pier built prior to 1972 existed on this property until it was damaged by a 1993 storm.

In 2005, TRPA issued a single-family remodel permit for the Dixons' residence. The stamped plans included rebuilding the damaged pier. In a subsequently issued plan revision, TRPA noted that the residential rebuild permit did not authorize the pier reconstruction. At some point, the Dixons improved the pier without authorization.

In 2015, TRPA staff and the Dixons' consultants discussed options to move forward with reconstructing the pier and resolving the violation. At that time, TRPA staff indicated that the Dixons possessed the ability to rebuild their pier.

“...TRPA has on several occasion confirmed that you have . . . the right to construct a single-use pier to gain access to the water. This is based on the existence of the previous structure which was located lakeward of the high-water line which TRPA identifies as a pier. You have a right to modify or extend that structure or rather what used to be that pier structure by making formal application along with the appropriate support documents. Any landward based structure that extends lakeward of the highwater line like your previous deck structure is recognized as a pier.” [Attachment A, ERSP2022-1124 Application, at 9.]

The Finneys acquired their neighboring property in 1995.

In 2022, the Dixons applied for a permit to rebuild their pier. The proposed pier meets current design standards except the setback from the adjoining Finney property – which it need not meet if it’s a rebuild of an existing pier. To issue the permit, TRPA staff relied on the prior representation that the Dixons possessed a pier right to rebuild.

Issue on Appeal

The Finneys contend no pier existed at 1713 Lakeshore entitling the applicant to a rebuild permit. See Attachment B, Statement of Appeal at 2. In their Response, the Dixons present evidence that a pier existed previously. Attachment C, at 7-11. And, since the applicants’ first Single-Family Dwelling addition applications in 2004, they have noted the existence of a pier and that it was damaged in the 1993 storm (see Attachment C at 11). Site assessments and site visits were conducted during the approval of this permit and subsequent revisions. Photos from a re-issue permit #ERSP2010-1122 show the remains of pier and point to the existing/remaining pier foundation (See Attachment C at 10). Photos provided by the applicant in their response to this appeal also show use of a pier at this property from 1970 (see Attachment C at 7) and an aerial photograph from 1968 (see Attachment C at 8). Based on the evidence, staff determined to rely on the prior staff representation and approve the reconstruction of the pier.

Contact Information: For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.gov, or Julie Roll, Senior Planner, at (775) 589-5247 or jroll@trpa.gov. To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. ERSP2022-1124 Application, dated May 31, 2022
- B. Finney Statement of Appeal, dated June 7, 2023
- C. Dixons Response to Statement of Appeal, dated June 29, 2023

Attachment A

ERSP2022-1124 Application, dated May 31, 2022



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

SHOREZONE PROJECT APPLICATION

- | | | | |
|---|--|---------------------------------------|---|
| <input type="checkbox"/> New Pier | <input type="checkbox"/> Water Intake Line | <input type="checkbox"/> Boat Ramp | <input type="checkbox"/> Shoreline Protective Structure |
| <input type="checkbox"/> Pier Modification* | <input type="checkbox"/> Concessions | <input type="checkbox"/> Beach Raking | <input type="checkbox"/> Filling & Dredging |
| <input type="checkbox"/> Floating Platforms | <input type="checkbox"/> Banking | <input type="checkbox"/> Transfer | <input type="checkbox"/> Other |
| <input type="checkbox"/> New Buoys, Buoy Relocation, & Low-Water Blocks | | | |

**Use this checklist for new boat lifts*

Applicant _____

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____

Representative or Agent _____

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____

Owner _____ ☐ Same as Applicant

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____

Project Location/Assessor's Parcel Number (APN) _____

Street Address _____

County: _____ **Previous APN(s)** _____

Local Plan: _____

Property Restrictions/Easements *(List any deed restrictions, easements, or other restrictions below in the space provided.)*

☐ None _____

I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. **Initial here:** _____

Is the property owner a member of a homeowners' or similar association or club? ☐ Yes ☐ No

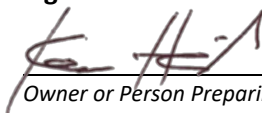
If so, name of homeowner's association or similar association: _____

APPLICATION SIGNATURES

DECLARATION:

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project.

Signature:

 Karin Hoida / Basin Strategies At _____ Date: _____
Owner or Person Preparing Application County

AUTHORIZATION FOR REPRESENTATION:

Complete this section only if an agent or consultant is submitting this application on behalf of the property owner.

The following person(s) own the subject property (Assessor's Parcel Number(s) _____) or have sufficient interest therein (such as a power of attorney) to make application to TRPA:

Print Owner(s) Name(s):

I/We authorize _____ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s):

Please see attached.

Date: _____

Date: _____

FOR OFFICE USE ONLY

File Number: _____

Date Received: _____ Received By: _____

Filing Fee: \$ _____ Receipt No.: _____

Basin Strategies

Planning and Consulting Services

1046 Lucerne Way

Incline Village, NV 89451

(775) 671-0559

E-mail: basinstrategies@gmail.com

Authorization for Representation

The following person(s) own the subject property(ies): APN 130-331-05
or has/have a sufficient interest therein to make application to regional and local agencies:

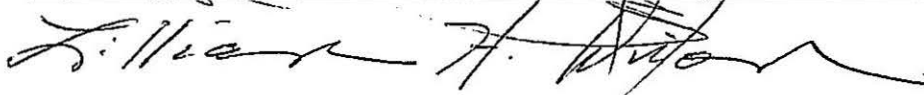
Print Owner(s) Name(s):

Lillian & Richard Dixon

I/We authorize Basin Strategies Planning & Consulting, or any representative thereof to act as my/our representative in connection with applications to any applicable state, regional, federal or local agencies for the subject property and agree to be bound by said representative. I understand that additional information may be required by said agencies, beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by applicable agencies. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, the affected agency or agencies may rescind any approval or take other appropriate action. I further accept that if this project is approved I, as the permittee, will be held responsible for any and all permit conditions.

Date _____

Signed _____



ADDRESS OR DESCRIPTION OF PROPERTY:

1713 Lakeshore Blvd., Washoe County

- High and low water elevations
- Illustration of full pier dimensions with all appurtenant structures from side and frontal views
- Existing and proposed lake bottom elevations and topography
- ☐ **For floating piers or floating portions longer than 25 feet, submit a site-specific littoral drift and wave analysis which evaluates the sediment movement along the lake bottom at low, mid, and high lake levels.**
- ☐ **Color photographs of existing conditions from Scenic Corridor, taken 300' lakeward of highwater**
- ☐ **Noticing materials for Hearings Officer Review**
 - List of names, addresses, and APNs of property owners within 300 feet of the perimeter of the project area
 - Stamped, addressed envelopes to the same (mailing addresses) with no return address
 - 8 ½" x 11' plan reductions of site plan, elevations, and floor plans
- ☐ **Construction Methodology Plan and schedule (including, but not limited to, proposed methods of demolition, construction access, staging locations, method and location of spoil material disposal, equipment types, and temporary best management practices)**
- ☐ **Lighting plan**
- ☐ **Tahoe yellow cress survey. If Tahoe yellow cress is present, a mitigation and avoidance plan is required**
- ☐ **Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat**
- ☐ **Baseline scenic analysis, demonstrating contrast rating score of 21**
- ☐ **Scenic analysis of proposed project, demonstrating a minimum resulting contrast rating score of 25**
- ☐ **Visible mass calculations and mitigation plan**
- ☐ **Landscape plan, if upland vegetative screening is proposed**
- ☐ **Material and color samples labeled with corresponding Munsell Color**
- ☐ [Initial Environmental Checklist](#)
- ☐ [Applicable findings explanation and rationale](#)

PIER EXPANSION/MODIFICATION

- ✓ **Completed and signed application form**
- ✓ [Application fee](#)
- ✓ **Detailed project description (include any proposed conversions)**
- ✓ **Proof of TRPA Mooring Allocation(s) for new moorings (if applicable)**
- ✓ **One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**
 - All property lines, easements, and distance from the property lines to the proposed project
 - Map scale & north arrow
 - Assessor Parcel Number (APN), property address, owner name
 - Parcel size in square feet, length of lake frontage
 - Topographic contour lines at 2' intervals
 - Verified land capability districts and backshore boundary
 - High and low water lines

- Setback lines, projected perpendicular to the tangent of shoreline from the low water line
- TRPA pier headline, as shown on [TRPA GIS map](#)
- Pier length as measured from the highwater line
- Elevation 6,219 Lake Tahoe Datum
- Location, dimension of, and distance to adjacent shorezone structures (piers, jetties, buoys, etc.)
- Location and dimensions of existing and proposed coverage
- Location and dimensions of existing and proposed shorezone structures (including accessory structures)
- Setbacks (minimum of 40 feet from all other piers as measured from the pierhead and 20 feet from each adjacent property owner's property boundary projection line).
- Pier deck elevation
- Verified, allowable, existing, and proposed coverage for each land capability district including backshore
- Geologic features below elevation 6,229 (large boulders, etc.)
- Temporary and permanent BMPs
- Staging areas & construction access points
- Mapped fish habitat (marginal, feed/cover, and spawning)
- Location and method of fish habitat mitigation (if applicable)
- Location of all existing and proposed utilities
- ✓ **Elevation drawings including the following:**
 - Highwater line and the lake bottom elevation at the end of the structure
 - Lake bottom elevation relative to the proposed structure
 - Pier deck elevation
 - Accessory structures or appurtenances
 - Visible mass calculations
- ✓ **Cross- Sections, showing:**
 - Pier deck elevation
 - High and low water elevations
 - Illustration of full pier dimensions with all appurtenant structures from side and frontal views
 - Existing and proposed lake bottom elevations and topography
- ✓ **Color photographs of existing conditions from Scenic Corridor, taken 300' lakeward of highwater**
- ✓ **Color photographs of existing shorezone structures and areas directly adjacent, taken 300' lakeward of highwater**
- ✓ **Noticing materials for notification of affected neighbors**
 - List of names, addresses, and APNs of property owners within 300 feet of the perimeter of the project area
 - Stamped, addressed envelopes to the same (mailing addresses) with no return address
 - 8 ½" x 11' plan reductions of site plan, elevations, and floor plans
- ✓ **Construction Methodology Plan and schedule (including, but not limited to, proposed methods of demolition, construction access, staging locations, method and location of spoil material disposal, and temporary best management practices)**

- ✓ **Lighting plan**
- ✓ **Tahoe yellow cress survey. If Tahoe yellow cress is present, a mitigation and avoidance plan is required**
- ✓ **Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat**
- ✓ **Visible mass calculations and mitigation plan**
- ✓ **Landscape plan, if upland vegetative screening is proposed**
- ✓ **Material and color samples labeled with corresponding Munsell Color**
- ✓ **[Initial Environmental Checklist](#)**
- ✓ **[Applicable findings explanation and rationale](#)**

PROTECTIVE STRUCTURE/ShORELINE REVETMENT

- ☐ **Completed and signed application form**
- ☐ **[Application fee](#)**
- ☐ **Detailed project description**
- ☐ **One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**
 - All property lines, easements, and distance from the property lines to the proposed project
 - Map scale & north arrow
 - Assessor Parcel Number (APN), property address, owner name
 - Parcel size in square feet, length of lake frontage
 - Topographic contour lines at 2' intervals
 - Verified land capability districts and backshore boundary
 - High and low water lines
 - Elevation 6,219 Lake Tahoe Datum
 - Location, dimension of, and distance to adjacent shorezone structures (piers, jetties, buoys, etc.)
 - Location and dimensions of existing and proposed coverage
 - Location and dimensions of existing and proposed shorezone structures
 - Verified, allowable, existing, and proposed coverage for each land capability district including backshore
 - Geologic features below elevation 6,229 (large boulders, etc.)
 - Temporary and permanent BMPs for project area
 - Staging areas & construction access points
 - Location of shoreline revetment
 - Amount of cut and fill material
 - Mapped fish habitat (marginal, feed/cover, and spawning)
 - Location and method of fish habitat mitigation (if applicable)
 - Location of all existing and proposed utilities
- ☐ **Elevation drawings including the following:**
 - Highwater line and the lake bottom elevation at the end of the structure
 - Lake bottom elevation relative to the proposed structure
 - Visible mass calculations (shoreline protective structures only)
- ☐ **Cross- Sections, showing:**

Basin Strategies

Planning and Consulting Services

1046 Lucerne Way

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(775) 671-0559

E-mail basinstrategies@gmail.com

TRPA Shorezone Application Project Description

Single-Parcel, Single-Use Pier Modification/Expansion

1713 Lakeshore Blvd.

APN 130-331-05

Washoe County

May 31, 2022

The purpose of this application is to expand a grandfathered single-parcel, single-use pier to increase functionality of the structure during low water years.

The pier is proposed to be 61.2 feet in length as measured from the high water line. The width of the pier is proposed at 10 feet. A 3-foot wide by 13-foot long adjustable catwalk is proposed.

A new 12,000 lb boat lift is proposed utilizing mooring allocation TRPA-20-MOOR-117. There is a pending TRPA application that has been deemed complete for a new buoy to be associated with this mooring allocation (TRPA File #MOOR2021-1721), which we would like to replace with this application for a boat lift instead.

There is one existing buoy registered (#11272) and paid current through the end of 2022.

The pier deck height is proposed at El. 6,234' consistent with other piers on the north shore of Lake Tahoe due to local wave characteristics. The pier is proposed to be grey in color with steel piles and composite decking.

16 square feet of previously verified Class 1b land coverage will be relocated to accommodate this project. 2,315 square feet of Class 1a land coverage and 658 square feet of Class 1b land coverage (2,973 square feet in total) was previously verified as legally existing per TRPA File #374625SA. The results letter is included with this application. 2,530 square feet of Class 1a and 356 square feet of Class 1b land coverage (2,886 square feet in total) is proposed onsite. As required, 5 square feet of Class 1b land coverage will be permanently retired in association with the proposed relocation of land coverage and the remaining 82 square feet of Class 1b land coverage is proposed to be banked onsite (2,973 s.f. verified – 2,886 s.f. proposed – 5 s.f. to be retired = 82 s.f. to be banked).

Some boulder relocation is proposed on sheet T1 of the plan set in the immediate vicinity of the expanded pier for navigational purposes. The most prominent boulders are proposed to be relocated under the pier where they can contribute to fish habitat without posing a navigational hazard. Fish habitat mitigation is proposed at a ratio of 1:1 for this project located in marginal and feed & cover fish habitat.

Scenic mitigation is proposed at a ratio of 2:1 for this project area mapped as visually modified scenic character type. Details of proposed fish habitat and scenic mitigation are included in the engineered plan set and in the scenic report.

Proposed standard safety features include low-level lighting on the pier deck, swim ladders, a boatlift step to facilitate safe access to a boat on the lift, fender piles, and a handrail on the ramp to access the catwalk.

There is substantial history surrounding this structure, which is summarized below:

- The pier was built prior to 1972 and the owners (and TRPA) have old family photos documenting this.

10 feet beyond
HWL

The pier was destroyed by a storm in the early 1990s.

derelict?

- There exists a TRPA-approved site plan associated with a plan revision to TRPA File #20061555STD that includes rebuilding the pier (referred to as an 'old deck' on the approved plan).
- Washoe County would not approve the plans associated with TRPA File #20061555STD because those plans did not meet parking requirements so a new plan revision permit was issued by TRPA to add a garage (TRPA File #ERSP2007-0950). As part of this plan revision, TRPA staff retracted the prior approval to rebuild the 'structure in the backshore', as evidenced in Special Condition 1 of the permit and in TRPA's hand-written mark-up of the approved site plan.
- The Dixons have been advised repeatedly by various legal counsel that TRPA's action in retracting this approval was unlawful.
- A smaller platform was built without a TRPA permit to provide access to the shorezone. TRPA has been aware of this for many years and considers it an unresolved violation. That platform is proposed to be removed as part of this project.
- In 2014 and 2015 TRPA shorezone staff, David Landry, in consultation with Paul Nielsen, met and corresponded with representatives of the Dixons on multiple occasions and declared that the pier is considered historically grandfathered and that the Dixons have the opportunity to apply for a pier modification/expansion at any time.

Below is a copy of my correspondence with TRPA staff regarding this issue, including an excerpt from David Landry's 6/26/15 email highlighted in yellow. I did not receive a response to my last email to Paul Nielsen and Tiffany Good regarding this issue, dated July 28, 2021.

We respectfully request TRPA staff review and process this shorezone application at this time. Thank you.

On 6/26/2015 15:17, David Landry wrote:

It is not a delaying tactic on my part. Not sure why you think this is a delaying tactic as there is nothing to be gained by delaying. The question would be, delaying for what? The current design which I have verbalized several time does not meet TRPA design standards. The pier is designed in an "J" shaped dog-legged configuration which is the incorrect approach, it is not approvable. Nothing more nothing less. The violation work is not a QE but rather a Shorezone permit in the amount of \$1200 + \$400+ \$88 = \$1688.00 for just the initial fee. The fee I confirmed with Gary Weigel at the front counter. Because this is a violation you could very well be assessed a double filing fee which would be up to our Violation Resolution Unit Steve Sweet who is currently out of the office. The lawsuit is not for me to judge but perhaps a subject to be broached with John Marshall. We have welcomed you to submit an application for a pier expansion/modification on several occasions however with that said we have also discussed many time the various design alternatives that Art has prepared none of which have met TRPA design standards which we have verbalized on several different occasions as well. So if you design drawings, findings, project description, application, application fees, scenic mitigation materials ready then by all means please submit on Monday if you like. Finally TRPA has on several occasion confirmed that you have littoral rights or the right to construct a single-use pier to gain access to the water. This is based on the existence of the previous structure which was located lakeward of the high water line which TRPA identifies as a pier. You have a right to modify or extend that structure or rather what used to be that pier structure by making formal application along with the appropriate support documents. Any landward based structure that extends lakeward of the highwater line like your previous deck structure is recognized as a pier. There is no obstruction of these rights as far as the agency is concerned. The agency is concerned as to the design of the structure that you choose in order to modify or extend this structure. Once again you are welcome to make application for a pier modification/expansion at any. I hope this helps.

David L. Landry AICP, CPTED-CPD, LEED Green Associate

Senior Planner

Planning Department

T: 775.589.5214

F: 775.588.4547

E: dlandry@trpa.org



PLEASE NOTE: The TRPA front counter is open M, W, Th, F 9am – 12pm/1pm - 4pm, **Closed Tuesday**. New Applications are accepted until 3pm.

From: Lee [<mailto:user645137@aol.com>]
Sent: Friday, June 26, 2015 2:15 PM
To: art@oceng.com
Cc: David Landry; Richard Dixon; TJH
Subject: Re: Meeting 30 June

Right now I am sitting 40 feet above the Lake, wondering how to haul my almost 70 year old ass over the rocks to get to the water. Obviously the meeting scheduled for the 30th will be nothing more than another delaying tactic. I would prefer instituting a law suit immediately.

Sent from my iPhone

On Jun 26, 2015, at 12:14 PM, Art O'Connor <art@oceng.com> wrote:

David,

Sometimes I think you don't read my stuff. You did notice that the very first item in my 24 June email was to fix the violation? Because of the structural repairs, this needs to be done with a Washoe County Building Permit, which will require TRPA approval. You did not tell me which TRPA permit to use for this or the fee. I am thinking Exempt? Completion of this work clears the violation.

**LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.**

Re: Please confirm the attached documentation in TRPA File #COOR2015-0820, pier project pre-submittal, confirms a pier rebuild application can be submitted at this time

1 message

Basin Strategies <basinstrategies@gmail.com>

Wed, Jul 28, 2021 at 3:09 PM

To: Paul Nielsen <pnielsen@trpa.gov>

Cc: Tiffany Good <tgood@trpa.gov>

Hi Paul,

In preparing for the pre-application meeting you suggested below with regard to 1713 Lakeshore Blvd., APN 130-33-05, we came across the attached very clear correspondence from David Landry on this issue dated 6/26/15, which states:

...Finally TRPA has on several occasion confirmed that you have littoral rights or the right to construct a single-use pier to gain access to the water. This is based on the existence of the previous structure which was located lakeward of the high water line which TRPA identifies as a pier. You have a right to modify or extend that structure or rather what used to be that pier structure by making formal application along with the appropriate support documents...Once again you are welcome to make application for a pier modification/expansion at any. [sic]

I know you all are swamped with work, especially shorezone projects, and my clients are concerned how many more years they will be in good health to enjoy their pier once it can finally be rebuilt.

Furthermore, as Tiffany can attest, we've recently had issues with reliability of pre-application results.

Therefore, if at all possible we'd like to skip the pre-application meeting in light of the attached crystal clear direction from TRPA and proceed with a pier modification/expansion application at this time. As mentioned in the attached correspondence, there is an alleged shorezone violation that we also plan to resolve with this application, as directed.

Please confirm we can proceed with a pier modification/expansion application at this time.

Thank you,

Karin Hoida
Basin Strategies Planning & Consulting
1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559 phone
basinstrategies@gmail.com

On Wed, Jun 2, 2021 at 10:06 AM Paul Nielsen <pnielsen@trpa.gov> wrote:

Hi Karin,

Yes, we discussed and you will need to apply for a pre-application meeting so we can do more research. I was unable to find confirmation that TRPA recognizes the pier.

Paul

From: Basin Strategies <basinstrategies@gmail.com>

Sent: Wednesday, June 2, 2021 9:17 AM

To: Paul Nielsen <pnielsen@trpa.gov>

Cc: Tiffany Good <tgood@trpa.gov>

Subject: Re: Please confirm the attached documentation in TRPA File #COOR2015-0820, pier project pre-submittal, confirms a pier rebuild application can be submitted at this time

Hi Paul,

I'm just wondering if you had a chance to discuss this yet.

Hi Karin,

Thank you!

Karin Hoida
Basin Strategies Planning & Consulting
1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559 phone
basinstrategies@gmail.com

On Fri, May 14, 2021 at 11:52 AM Basin Strategies <basinstrategies@gmail.com> wrote:

Sounds good, thank you.

Karin Hoida
Basin Strategies Planning & Consulting
1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559 phone
basinstrategies@gmail.com

On Fri, May 14, 2021 at 10:43 AM Paul Nielsen <pnielsen@trpa.gov> wrote:

Hi Karin,

I don't know the answer but I will discuss the situation at our Current Planning staff meeting next week.

Paul

From: Basin Strategies <basinstrategies@gmail.com>

Sent: Monday, May 10, 2021 8:00 AM

To: Paul Nielsen <pnielsen@trpa.gov>

Cc: Tiffany Good <tgood@trpa.gov>

Subject: Please confirm the attached documentation in TRPA File #COOR2015-0820, pier project pre-submittal, confirms a pier rebuild application can be submitted at this time

**LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.**

Good Morning Paul,

I hope you are well.

It seems Tiffany has too many projects and other duties at this time for me to add another question to her plate and since the above-referenced file included correspondence between you and David Landry, it seems you are the most appropriate person to contact with regard to this request.

My question is with regard to the prior determination of grandfathered status of a pier located at 1713 Lakeshore Blvd., APN 130-331-05 in Washoe County.

TRPA File # COOR2015-0820 includes, "*Correspondence about a pier project pre-submittal.*"

The file includes a letter from Leah Kaufman, independent consultant, dated 3/3/2015. The letter includes the following statements from Leah Kaufman in relation to a meeting with TRPA planner, David Landry, on November 14, 2014:

The TRPA is not against the rebuilding and extension of a pier. They have determined that a pier is historically grandfathered to the property and that it was capable of mooring a boat.

The reason I'm asking for clarification is because the letter was written by Leah Kaufman. I too have written summaries of pre-application meetings on behalf of TRPA staff to be included in the file records, so I assume that is what happened here.

An attachment to Ms. Kaufman's letter is an email from David Landry, to you that includes the following statement, "*The Dixon's right for a pier, which TRPA believe [sic] is fair...*"

This TRPA staff correspondence seems to justify the statements made by Leah Kaufman above.

The file is attached and the above-referenced statements are highlighted on pages 1 and 4.

On behalf of the Dixons, I would like to submit a pier rebuild application in accordance with the above findings. Please confirm this is appropriate.

Thank you,

Karin Hoida
Basin Strategies Planning & Consulting
1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559 phone
basinstrategies@gmail.com

 **Highlighted correspondence with David Landry, TRPA Shorezone Planner.pdf**
171K

June 2, 2021

Karin Hoida / Basin Strategies
1046 LUCERNE WAY
INCLINE VILLAGE, NV 89451
basinstrategies@gmail.com

**2020 MOORING ALLOCATIONS, ASSESSOR'S PARCEL NUMBER (APN) 130-331-05, LOTTERY
SUBMISSION NUMBER L2020-0129**

Dear Karin Hoida / Basin Strategies,

Congratulations, your mooring lottery submission has received 1 new mooring allocation based on the standards in TRPA Code Section 84.3.2 and 84.3.3, and you are now eligible to move forward with the application process. The deadline to submit a complete shorezone project application for the new mooring is December 2, 2021. Unused mooring allocations will be returned to the mooring pool for reallocation the following year (TRPA Code Section 84.3.2 E 4b).

The information packet and application are available at <https://www.trpa.gov/applications-forms/>. To apply for a new boat lift, complete the pier modification checklist. Application requirements are listed in the respective application checklists. If you decide not to continue with the application process, please notify TRPA. This allocation is not authorization to place a new mooring in Lake Tahoe, it simply serves as authorization to proceed with the application process.

Please note that TRPA has conducted an initial review based on the preliminary eligibility criteria only. Once the complete application is submitted, the project will be reviewed against all applicability, eligibility, and development standards listed in TRPA Code Section 84.3. If the project is unable to meet all standards and make the required findings, the property will be deemed ineligible for new moorings.

Mooring Allocation Numbers Received:

TRPA-20-MOOR-117

If you have any questions, please contact me at 775-589-5234 or mmiller@trpa.gov.

Sincerely,



Matt Miller
Senior Planner
Current Planning Department



Karin Hoida <basinstrategies@gmail.com>

TRPA Other inspection: - 1713 LAKESHORE BLVD, INCLINE VILLAGE, NV 89451

1 message

trpa@trpa.gov <trpa@trpa.gov>
To: Basinstrategies@gmail.com
Cc: lallen@trpa.gov

Mon, Sep 13, 2021 at 2:26 PM

Dear Property Owner or Owner's Representative,

Below are official results of the TRPA **Other** inspection.

Assessor's Parcel Number (APN): 130-331-05
TRPA File Number: TYCS2021-1052
Street Address: [1713 LAKESHORE BLVD, INCLINE VILLAGE, NV 89451](#)

Record Type: **Tahoe Yellow Cress Survey**
Inspector: **Bruce Barr**
Inspection Date: **9/13/2021**
Inspection Type: **Other**

Result: **Inspected**

Result Comments: **No TYC found**

For additional information about inspections or the security return process, please visit [frequently asked questions](#).

Thank you,

Tahoe Regional Planning Agency
128 Market Street
PO BOX 5310
Stateline, NV 89449
(775) 588-4547

130-331-02
POWERS, JOHN A III
C/O POWERS STEEL & WIRE PRODUCTS INC
4118 E ELWOOD ST
PHOENIX AZ 85040

130-331-03
BISNAR FAMILY TRUST, BRENT A
774 MAYS BLVD # 10-181
INCLINE VILLAGE NV 89451

130-331-04; 130-332-03, -06, -07, -08;
130-333-02, -03, -10; 130-340-01, -02
NEVADA STATE OF
C/O DIVISION OF STATE LANDS
901 S STEWART ST STE 5003
CARSON CITY NV 89701

130-331-05
DIXON, RICHARD M & LILLIAN H
14080 EDMANDS DR
RENO NV 89511

130-331-06
FINNEY, JOHN & JEANETTE K
774 MAYS BLVD # 10-352
INCLINE VILLAGE NV 89451-9669

130-331-12, -13
STEINHEIMER/OSTOMEL FAMILY TRUST
1140 ALPINE CIR
RENO NV 89509

130-320-02, -03
UNITED STATES OF AMERICA
ATTN: LAKE TAHOE BASIN MGMT UNIT
35 COLLEGE DR
SOUTH LAKE TAHOE CA 96150

130-332-11
RKIO MACK FAMILY TRUST
17000 WEDGE PKWY # 2622
RENO NV 89511

130-332-10
PRYOR FAMILY TRUST
6211 CAZADOR
RANCHO MURIETA CA 95683

130-332-12
HERZ-CALLAHAN FAMILY TRUST, SUSAN J
PO BOX 4092
INCLINE VILLAGE NV 89450

130-332-13
DUNLAP, TRANG & MATT R
38 CASTLEWOOD DR
PLEASANTON CA 94566

130-333-01
MANSFIELD, THOMAS J
C/O JOHN R ROSS
PO BOX 635
CARSON CITY NV 89702

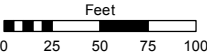
130-333-04
CARLSON TRUST, ANN J
1075 PINERIDGE DR
RENO NV 89509

130-331-08
MILLER FAMILY TRUST
105 KING ST
LARKSPUR CA 94939

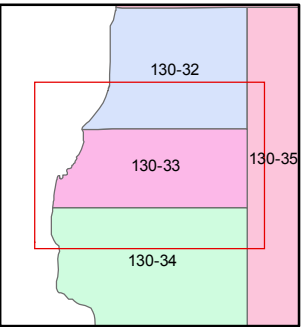
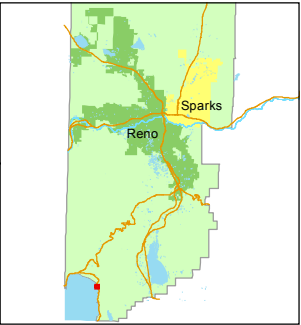
BASIN STRATEGIES
1046 LUCERNE WAY
INCLINE VILLAGE NV 89451

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Joshua G. Wilson, Assessor

1001 East Ninth Street
Building D
Reno, Nevada 89512
(775) 328-2231



1 inch = 100 feet



created by: CFB 06/03/2009

last updated: CFB 06/19/2013

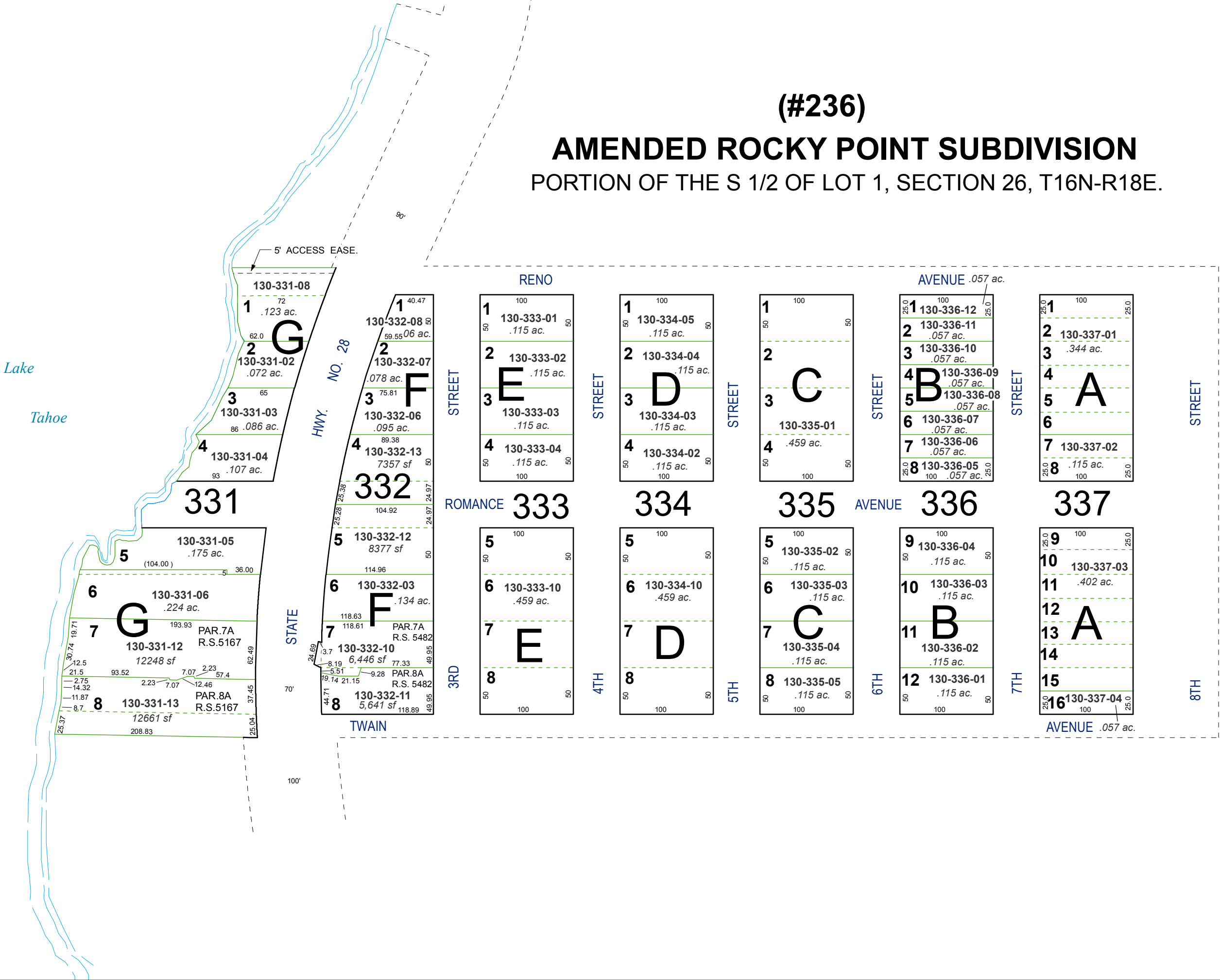
area previously shown on map(s)

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed for errors or omissions or for any inaccuracy of the data delineated hereon.

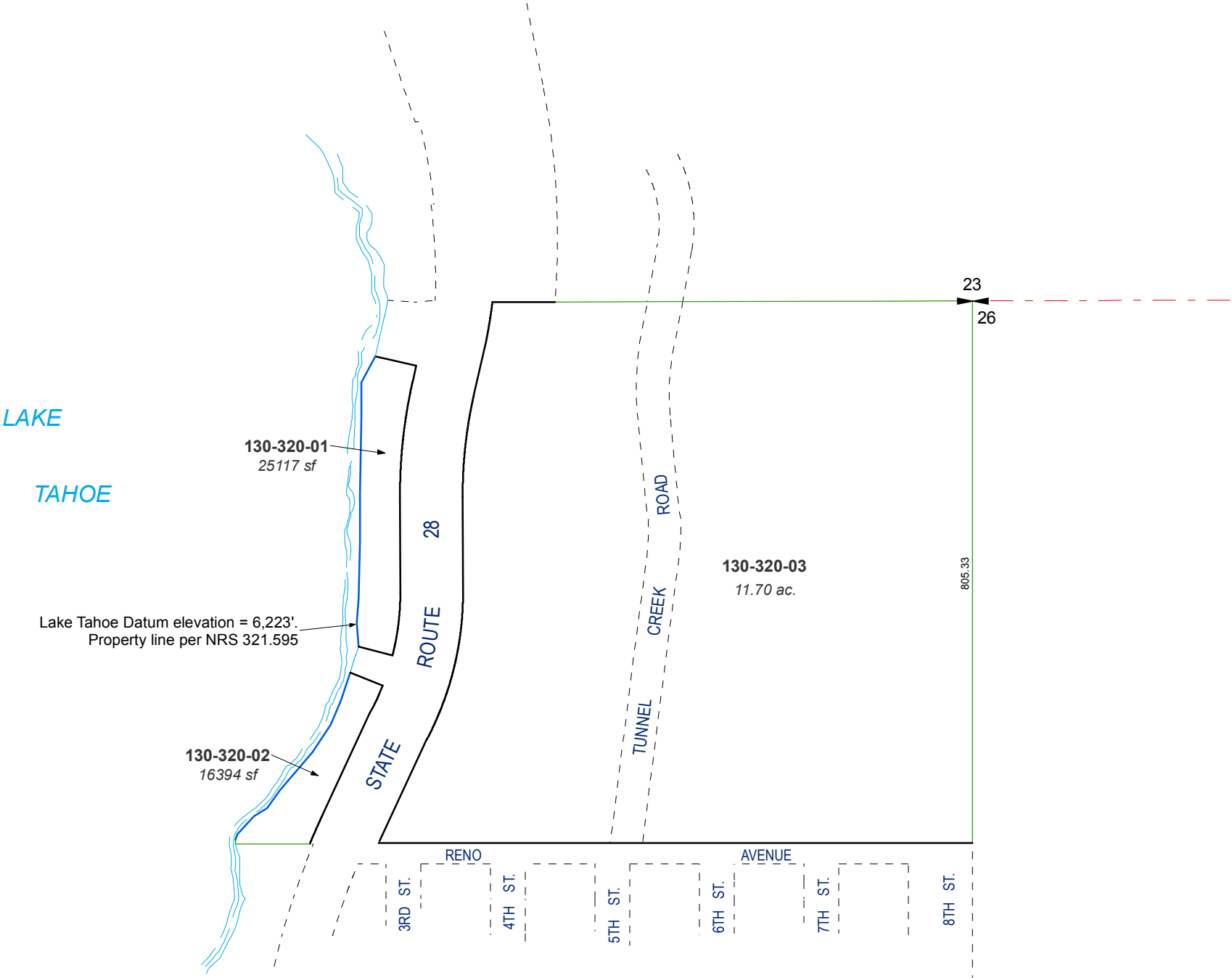
(#236)

AMENDED ROCKY POINT SUBDIVISION

PORTION OF THE S 1/2 OF LOT 1, SECTION 26, T16N-R18E.



PORTION OF THE NW 1/4 OF SECTION 26
T16N - R18E

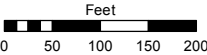


Assessor's Map Number

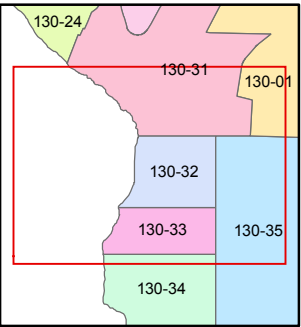
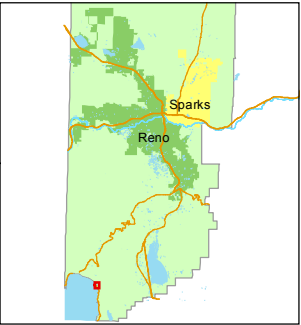
130-32

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Joshua G. Wilson, Assessor

1001 East Ninth Street
Building D
Reno, Nevada 89512
(775) 328-2231



1 inch = 200 feet

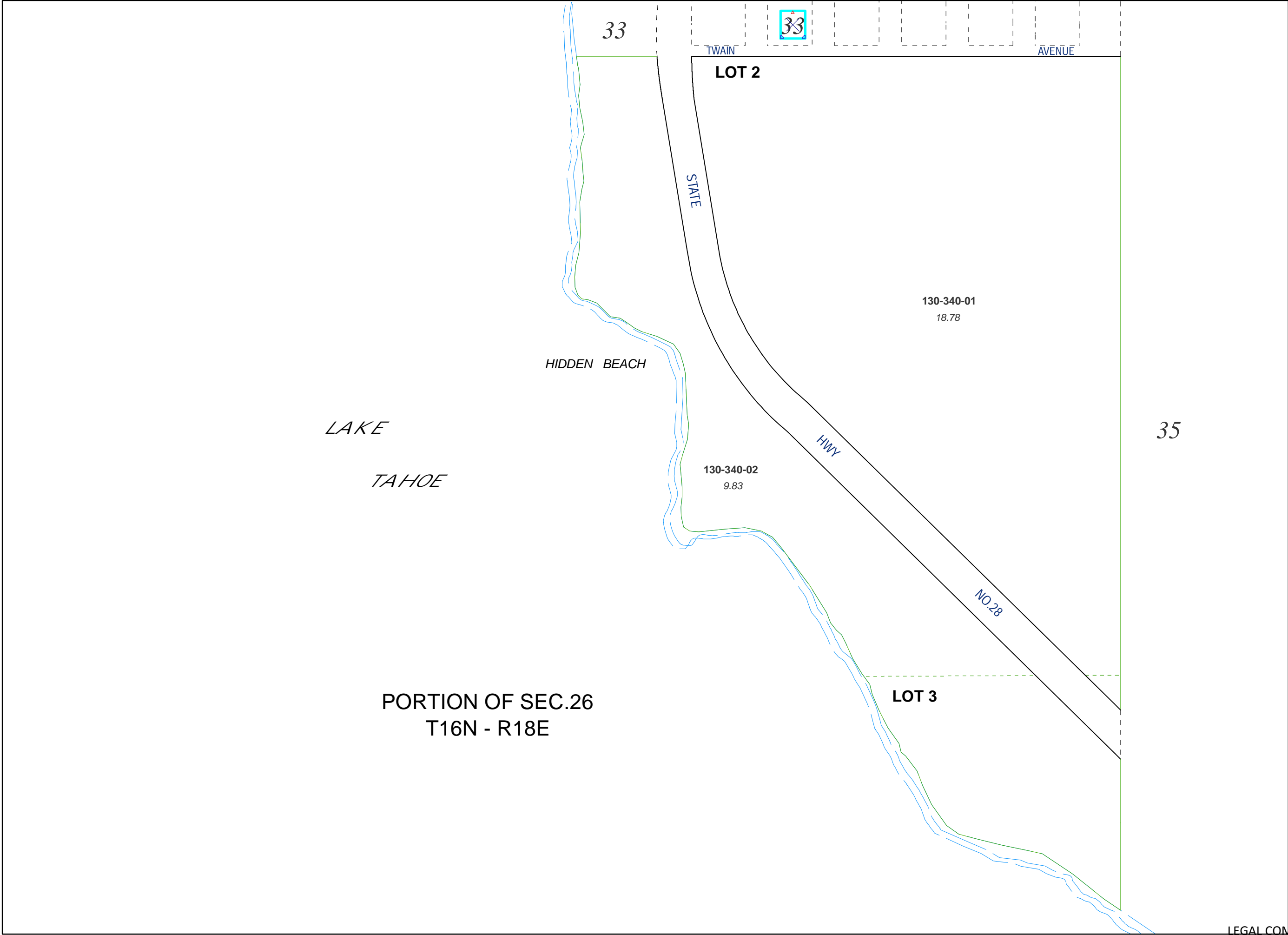


created by: KSB 9/29/11

last updated: _____


area previously shown on map(s)

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed for the accuracy or accuracy of the data delineated hereon.

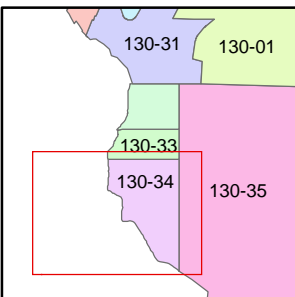
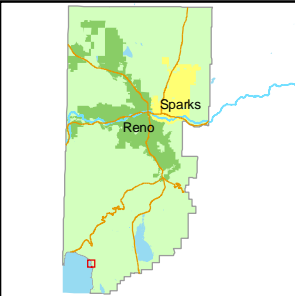


Assessor's Map Number
130-34

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Joshua G. Wilson, Assessor
1001 East Ninth Street
Building D
Reno, Nevada 89512
(775) 328-2231



0 25 50 100 150 200 Feet
1 inch = 200 feet



A

created by: CFB 04/14/2009
last updated: _____
area previously shown on map(s) _____

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated hereon.

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

APN# 130-331-04 & 05

Recording Requested by:

Name: ROBERT WIMER - WASHOE COUNTY CSD

Address: 1001 E. 9TH ST

City/State/Zip: RENO, NV 89512

When Recorded Mail to:

Name: SAME AS ABOVE

Address: _____

City/State/Zip: _____

Mail Tax Statement to:

Name: _____

Address: _____

City/State/Zip: _____

DOC # 5306083

05/26/2022 11:10:58 AM

Requested By

WASHOE COUNTY CSD

Washoe County Recorder

Kalie M. Work - Recorder

Fee: \$0.00 RPTT: \$0.00

Page 1 of 8

(for Recorder's use only)

RESOLUTION AND ORDER OF ABANDONMENT

(Title of Document)

RE-RECORDING OF DOC # 5298093 TO ADD EXHIBIT 'A'

Please complete Affirmation Statement below:

☐ I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

☐ I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law:

(State specific law)

Signature

Title

Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

APN: 130-331-04 & 05

When recorded return to:
Washoe County Engineering Division
1001 E. Ninth Street
Reno, NV 89512
Attn: Robert Wimer
WAB19-0002

RESOLUTION AND ORDER OF ABANDONMENT

WHEREAS, the Washoe county Planning Commission did receive a petition to abandon a portion of Romance Avenue per the Amended Rocky Point Subdivision, recorded October 9, 1933, tract map number T-236, document no. 63615, in the official records of Washoe County. The area is designated East Shore Zone in the Tahoe Planning Area, and is situated in the South one-half (S 1/2) of Lot 1 of Section 26, Township 16 North, Range 18 East, of the Mount Diablo Meridian, and

WHEREAS, pursuant to NRS 244.276 and 278.480 the County of Washoe has the power to vacate the roadway easement, and

WHEREAS, existing public utility and drainage easements shall remain; and

WHEREAS, upon evidence presented by the County Engineer and other interested persons, the Washoe County Planning Commission finds 1) that the public will not be materially injured by the proposed abandonment; and 2) that the abandonment is in the best interests of the County; and 3) the Planning Commissioners gave reasoned consideration to information presented; and

WHEREAS, the Washoe County Planning Commission ordered on February 1, 2022, the abandonment of the above-mentioned roadway easements.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE WASHOE COUNTY PLANNING COMMISSION that the following described portions of roadway easements be abandoned and that this Order of Abandonment be recorded in the Office of the Washoe County Recorder pursuant to NRS 278.480.

See attached: Exhibit "A" Descriptions, Abandonment Portions of Roadway Easements
Exhibit "B" Map to Accompany Description for Abandonment

RESOLUTION AND ORDER OF ABANDONMENT 130-331-04 & 05, CONTINUED

WASHOE COUNTY PLANNING COMMISSION
WASHOE COUNTY, NEVADA

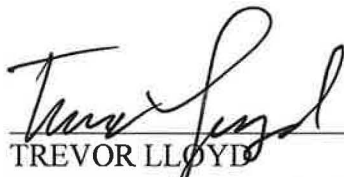
By: 

FRANCINE DONSHICK, Chair

Date 

4/21/22

ATTEST:



TREVOR LLOYD

Secretary to the Planning Commission

EXHIBIT 'A'

Page 1 of 2

All that real property being a portion of Romance Avenue per the Amended Rocky Point Subdivision, recorded October 9, 1933, as map number T-236, document no. 63615, in the official records of Washoe County, situate in the South one-half (S 1/2) of Lot 1 of Section 26, Township 16 North, Range 18 East, of the Mount Diablo Meridian, and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 5, Block G, said point also being on the Westerly right-of-way of Lakeshore Boulevard;

THENCE along the North line of Lot 5, Block G, Amended Rocky Point Subdivision, North 89°00'02" West 149.07, feet more or less, to the low water line of Lake Tahoe, having an elevation of 6223.0 feet, Lake Tahoe Datum;

THENCE along said low water line of Lake Tahoe the following 10 courses and distances:

- 1) North 14°26'20" East, 3.07 feet;
- 2) North 75°03'49" West, 1.44 feet;
- 3) North 28°46'34" East, 4.58 feet;
- 4) North 17°35'29" West, 1.41 feet;
- 5) North 00°37'14" West, 2.47 feet;
- 6) North 25°25'34" East, 3.58 feet;
- 7) North 62°48'35" East, 8.05 feet;
- 8) North 82°20'35" East, 2.37 feet;
- 9) South 78°01'10" East, 2.84 feet;
- 10) North 23°31'28" East, 2.09 feet;

THENCE leaving said low water line, South 89°00'02" East parallel with the North line of Lot 5 Block G, 136.54 feet to a point on the Westerly right-of-way of Lakeshore Boulevard;

THENCE along the Westerly right-of-way of Lakeshore Boulevard, on a non-tangent curve, concave to the East having a radius of 1,130 feet, through a central angle of 01°01'29", a distance 20.21 feet, whose chord bears South 09°18'26" West, 20.21 feet to the **POINT OF BEGINNING** and the end of this description.

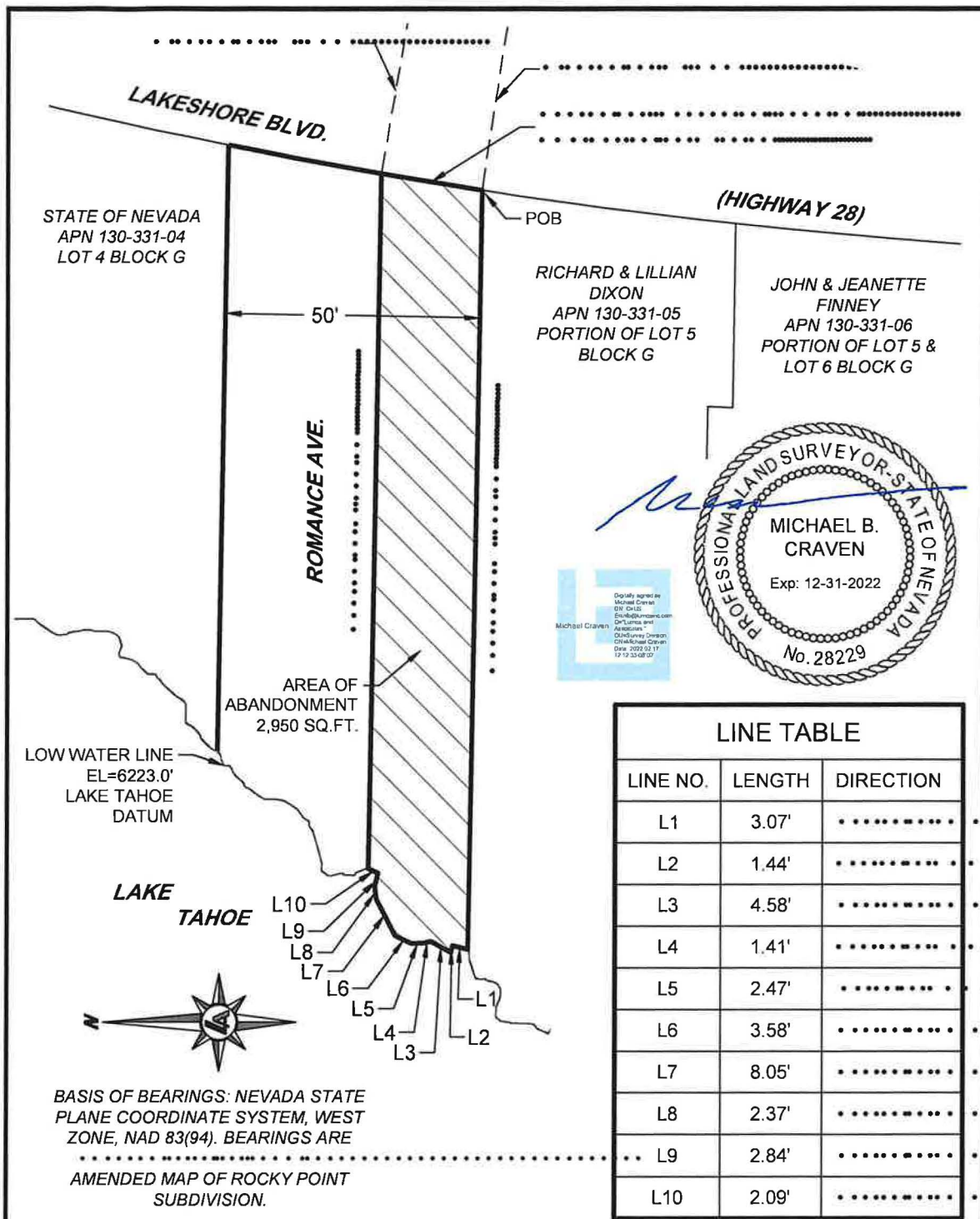
Containing 2,950 square feet more or less.

The **BASIS OF BEARINGS** for this description is Nevada State Plane Coordinate System of 1983, West Zone, NAD83(94). Bearings are rotated 00°59'58" clockwise from the Amended Map of Rocky Point Subdivision.

Refer to Exhibit "B" attached hereto, and by this reference made a part of.

Prepared by:
Lumos & Associates, Inc.
Michael Craven, NV PLS 28229
PO Box 890
Zephyr Cove, NV 89448
Job No. 10545.000





LUMOS
& ASSOCIATES

312 DORLA COURT
SUITE 202
ZEPHYR COVER, NV 89448
TEL (775) 588-6490

EXHIBIT "B"
BEING A PORTION OF ROMANCE AVE.
PER AMEND. ROCKY POINT SUBDIVISION
OF LOT 1, SEC. 26, T16N, R18E, MDM
WASHOE COUNTY NEVADA

Date: 2/2022
Scale: 1" = 30'
Job No: 10545.000

EXHIBIT 'A'
Public Utility Easement Description

All that real property being for the purpose of a Public Utility Easement across a portion of Romance Avenue per the Amended Rocky Point Subdivision, recorded October 9, 1933, as map number T-236, document no. 63615, in the official records of Washoe County, situate in the South one-half (S 1/2) of Lot 1 of Section 26, Township 16 North, Range 18 East, of the Mount Diablo Meridian, and being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 5, Block G said Amended Rocky Point Subdivision, said point also being on the Westerly right-of-way of Lakeshore Boulevard;

THENCE along the North line of said Lot 5, North 89°00'02" West 45.63 feet to the **POINT OF BEGINNING**:

THENCE continuing along said North line of Lot 5, North 89°00'02" West, 10.01 feet;

THENCE departing said North line of Lot 5, North 03°45'23" East, 20.02 feet;

THENCE South 89°00'02" East parallel with said North line of Lot 5, 10.01 feet;

THENCE South 03°45'23" West, 20.02 feet to the **POINT OF BEGINNING** and the end of this description.

Containing 200 square feet more or less.

The **BASIS OF BEARINGS** for this description is Nevada State Plane Coordinate System of 1983, West Zone, NAD83(94). Bearings are rotated 00°59'58" clockwise from the Amended Map of Rocky Point Subdivision.

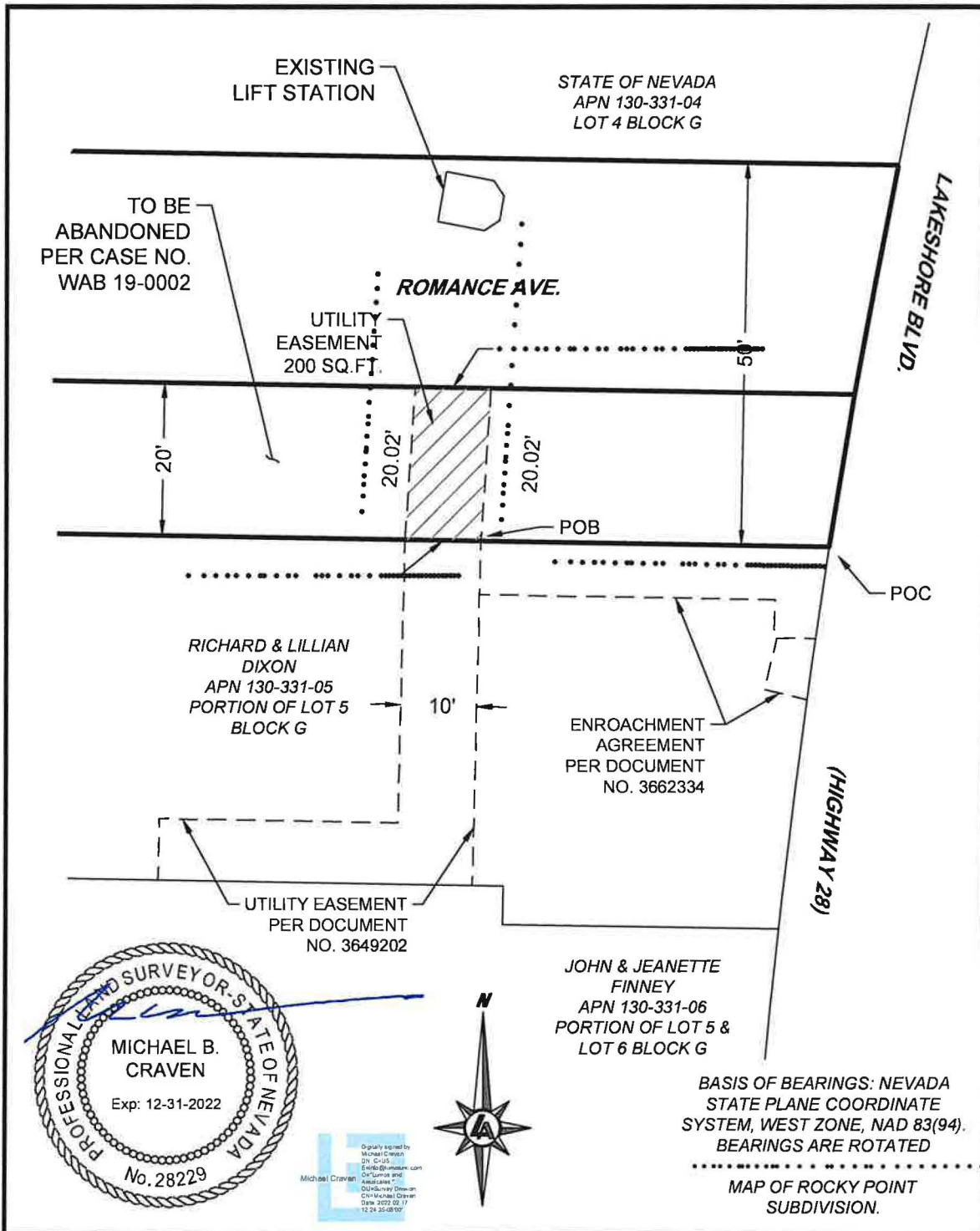
Refer to Exhibit "B" attached hereto, and by this reference made a part of.

Prepared by:
Lumos & Associates, Inc.
Michael Craven, NV PLS 28229
PO Box 890
Zephyr Cove, NV 89448
Job No. 10545.000

Michael Craven

Digitally signed by
Michael Craven
DN: C=US,
E=info@lumos.com,
O=Lumos and
Associates, Inc.,
OU=Survey Division,
CN=Michael Craven
Date: 2022.02.17
12:24:20 -08'00'





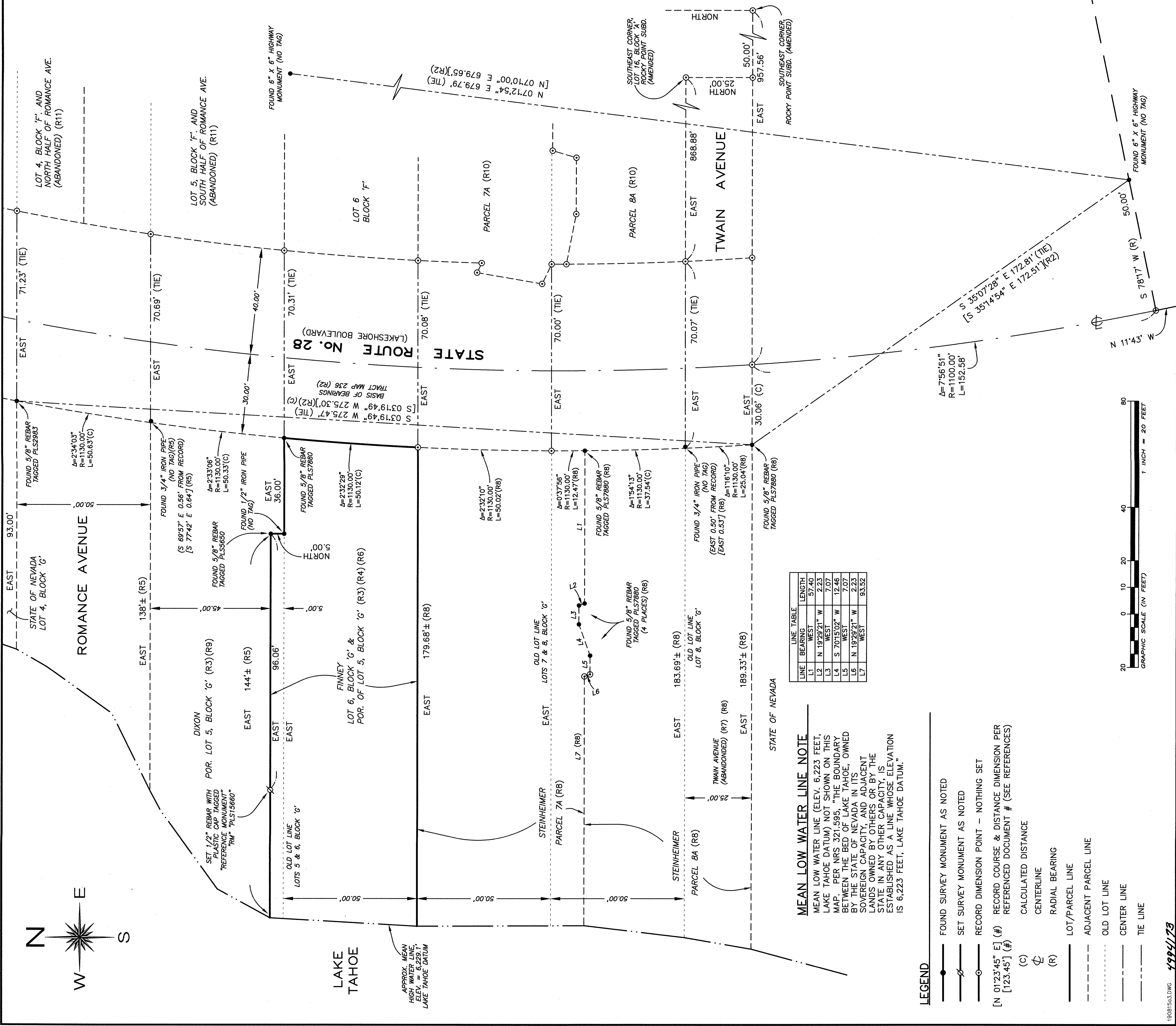
LUMOS
& ASSOCIATES

312 DORLA COURT
SUITE 202
ZEPHYR COVER, NV 89448
TEL (775) 588-6490

EXHIBIT "B"
BEING A PORTION OF ROMANCE AVE.
PER AMEND. ROCKY POINT SUBDIVISION
OF LOT 1, SEC. 26, T16N, R18E, MDM
WASHOE COUNTY NEVADA

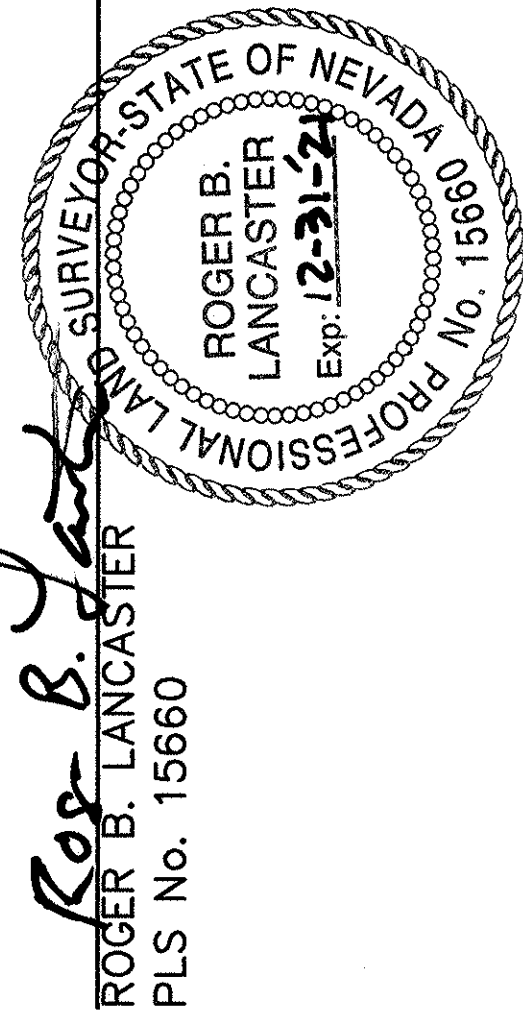
Date: 2/2022
Scale: 1" = 30'
Job No: 10545.000

6/12/1



SURVEYOR'S CERTIFICATE

- ROGER B. LANCASTER, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, DO HEREBY CERTIFY THAT:
- THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF JOHN FINNEY;
- THE LANDS SURVEYED LIE WITHIN LOT 1 OF SEC. 26, T.16N., R.18E., M.D.M., WASHOE COUNTY, AND THE SURVEY WAS COMPLETED ON DECEMBER 13, 2019;
- THIS PLAT COMPLIES WITH APPLICABLE STATUTES OF THIS STATE AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED, AND THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH CHAPTER 625 OF THE NEVADA ADMINISTRATIVE CODE;
- THE MONUMENTS DEPICTED ON THIS PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT NUMBER AND DURABILITY.



23 JAN 2020
DATE

ROGER B. LANCASTER
PLS No. 15660

REFERENCES (ALL OFFICIAL RECORDS OF WASHOE COUNTY, NEVADA)

- TRACT MAP 108 "ROCKY POINT TRACT", RECORDED SEPTEMBER 9, 1908 AS DOCUMENT No. 6262.
- TRACT MAP 236 "ROCKY POINT SUBDIVISION AMENDED", RECORDED OCTOBER 9, 1933 AS DOCUMENT No. 63615.
- QUITCLAIM DEED RECORDED MARCH 12, 1970 AS DOCUMENT No. 168625 (PORTION OF LOT 5).
- GRANT, BARGAIN AND SALE DEED RECORDED DECEMBER 23, 1995 AS DOCUMENT No. 1954796 (FINNEY).
- AS-BUILT CONTOUR SURVEY OF LOT 5 (PORTION), JOB No. 144--00, BY KEN BARROW, PLS 2983, DATED JUNE 20, 2000.
- GRANT, BARGAIN AND SALE DEED RECORDED MAY 26, 2004 AS DOCUMENT No. 3043788 (FINNEY).
- ABANDONMENT RECORDED JANUARY 29, 2009 AS DOCUMENT No. 3724556 (TWIN AVE. IN BLOCK 'C').
- RECORD OF SURVEY No. 5167 "BOUNDARY LINE ADJUSTMENT FOR STEINHEIMER" RECORDED JUNE 25, 2009 AS DOCUMENT No. 3775258 (LOTS 7 & 8, BLOCK 'G').
- GRANT, BARGAIN AND SALE DEED RECORDED FEBRUARY 5, 2013 AS DOCUMENT No. 4201977 (DIXON).
- RECORD OF SURVEY No. 5482 "BOUNDARY LINE ADJUSTMENT FOR SIRLIA" RECORDED MARCH 11, 2013 AS DOCUMENT No. 4213101 (LOTS 7 & 8, BLOCK 'F').
- ABANDONMENT RECORDED APRIL 12, 2013 AS DOCUMENT No. 4225926 (ROMANCE AVE. IN BLOCK 'F').

BASIS OF BEARINGS

TRACT MAP 236 "ROCKY POINT SUBDIVISION AMENDED" RECORDED OCTOBER 9, 1933 AS DOCUMENT No. 63615.
(ALL DIMENSIONS SHOWN ARE REFERENCED FROM THIS DOCUMENT, UNLESS NOTED OTHERWISE.)

NOTES

- THE INTENT OF THIS MAP IS TO DOCUMENT THE REFERENCE MONUMENT SET ON THE BOUNDARY LINE OF SUBJECT PARCEL ON DECEMBER 13, 2019.
- NO EASEMENTS ARE CREATED, ABANDONED, OR CHANGED AS A RESULT OF THIS MAP.
- NO NEW PARCELS HAVE BEEN CREATED AS A RESULT OF THIS SURVEY.
- BEARINGS SHOWN THAT ARE REFERENCED FROM (R6) ARE ROTATED TO ALIGN WITH THIS MAP'S BASIS OF BEARINGS, TRACT MAP 236 (R2).

VICINITY MAP

INGLINE VILLAGE, NV (NO SCALE)

TOTAL AREA = 60,683± SQ. FT.

RECORD OF SURVEY

FOR
JOHN & JEANETTE FINNEY

BEING LOT 6 AND A PORTION OF LOT 5, BLOCK 'C', AMENDED PLAT OF ROCKY POINT SUBDIVISION (TRACT MAP 236). PER GRANT DEED RECORDED MAY 26, 2004 AS DOCUMENT No. 3043788, OFFICIAL RECORDS OF WASHOE COUNTY, NEVADA.

SITUATE WITHIN A PORTION OF LOT 1 OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 18 EAST, MDM.

WASHOE COUNTY NEVADA

ROGER B. LANCASTER P.L.S. 15660
930 TAHOE BLVD. STE. 802-118, INCLINE VILLAGE, NV 89451
13 DEC 2019
SHEET 1 OF 1

COUNTY RECORDER'S CERTIFICATE

FILE NO. 4994173

FILED FOR RECORD AT THE REQUEST OF

Lancaster Land Surveys

ON THIS 03rd DAY OF January, 2020,

AT 45 MINUTES PAST 2 O'CLOCK P.M.

OFFICIAL RECORDS OF WASHOE COUNTY, NEVADA.

COUNTY RECORDER

BY: A. Peaslee

DEPUTY

FEE: \$ 35.00

1909 LS-3.DWG 4994173

LEGAL COMMITTEE ITEM NO. 3.8
AGENDA ITEM NO. VII.A

CUMULATIVE INDEXES
SHOULD BE EXAMINED
FOR ANY SUBSEQUENT
CHANGES TO THIS MAP

Record of Survey Map 6/12/1

02/22/2011 04:53:30 PM

Requested By

INCLINE VILLAGE GID

Washoe County Recorder

Kathryn L. Burke - Recorder

Fee: \$48.00 RPTT: \$0.00

Page 1 of 10

APN: 130-331-05

RECORDING REQUESTED BY:

Incline Village General Improvement District

WHEN RECORDED RETURN TO:

Incline Village General Improvement District

1220 Sweetwater Road

Incline Village, Nevada 89451



SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

AGREEMENT FOR GRANT OF UTILITY AND PARKING EASEMENTS

(1713 Lakeshore Drive, Incline Village, Nevada)

11/14 THIS AGREEMENT FOR GRANT OF UTILITY AND PARKING EASEMENTS, dated this day of February 2011, is made by and between LEE H. DIXON and RICHARD M. DIXON ("GRANTORS") and INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision of the State of Nevada ("GRANTEE"). Hereinafter, GRANTOR and GRANTEE may be referred to collectively as the "Parties" or each as a "Party." Reference herein to GRANTORS' PROPERTY shall mean the property owned by GRANTORS identified as Assessor Parcel Number 130-331-05, or any subsequent parcel number established therefore, and commonly referred to as 1713 Lakeshore Drive, Incline Village, Nevada.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. **GRANT OF EASEMENT:** GRANTORS hereby grant, convey, establish and create, for the benefit of GRANTEE, its successors and assigns, the following easements:

(a) A non-exclusive utility easement (the "UTILITY EASEMENT") under, through, over and across, and appurtenant to GRANTORS' PROPERTY for the purpose of installing and maintaining one underground electrical line for primary service and one underground electrical line for backup power with accompanying "stab" (collectively, the "IMPROVEMENTS") to provide electrical power to an Existing Lift Station utilized by GRANTORS for conveying water and sewage, as set forth herein and depicted on Exhibit 1, attached hereto. The specific easement description is contained in Exhibit 2, attached hereto.

The UTILITY EASEMENT includes the right to excavate, construct, maintain, repair, replace and rebuild the IMPROVEMENTS installed therein, subject to the express right of GRANTORS to retain all existing improvements or any future improvements permitted by applicable governing authorities thereon, provided the GRANTORS shall give GRANTEE reasonable notice of intention for such future improvements, and the construction, installation and maintenance thereof by GRANTORS shall not materially interfere with GRANTEE'S use of the UTILITY EASEMENT, including the maintenance and repair of the IMPROVEMENTS installed by GRANTEE.

The location of the UTILITY EASEMENT ("UTILITY EASEMENT LOCATION") shall be limited to that portion of GRANTORS' PROPERTY more particularly depicted in Exhibit 1 and described in Exhibit 2, attached hereto. The UTILITY EASEMENT shall include the right of ingress and egress over, across and through the UTILITY EASEMENT LOCATION for the limited and restricted purpose of installing, constructing and maintaining the IMPROVEMENTS. No other improvements may be constructed or installed upon or within the UTILITY EASEMENT LOCATION by GRANTEE. GRANTORS shall give GRANTEE reasonable notice of any intention to install future improvements upon or within the UTILITY EASEMENT LOCATION. No other use or purpose of the UTILITY EASEMENT or UTILITY EASEMENT LOCATION by GRANTEE shall be permitted or authorized without the expressed written consent of GRANTORS first had and obtained.

(b) A non-exclusive parking easement (the "PARKING EASEMENT") upon, and appurtenant to, GRANTORS' PROPERTY for the limited purpose of temporarily locating an electrical generator ("GENERATOR"), from time to time, as it becomes necessary for GRANTEE to provide an alternative source of electricity in the event the main power supply serving the immediate area of GRANTORS' PROPERTY is disrupted, or if GRANTEE has a temporary need for a portable power source. The PARKING EASEMENT, although intended to be continuing, may only be used on a temporary basis for the limited purpose of parking the GENERATOR and may not be used on a continuous basis so long as a primary source of electricity is available within the area of GRANTORS' PROPERTY. The location of the PARKING EASEMENT ("PARKING EASEMENT LOCATION") shall be limited to that portion of GRANTORS' PROPERTY depicted on Exhibit 1. The specific easement description is on Exhibit 3, attached hereto. Other than the GENERATOR, no other equipment may be placed upon the PARKING EASEMENT, whether or not on a temporary basis, without the expressed written consent of GRANTORS first had and obtained. In exercising the right granted by this Agreement, GRANTEE shall use all reasonable and diligent care to assure minimum disturbance to GRANTORS' PROPERTY including, but not limited to, impeding access to and use of the garage located upon GRANTORS' PROPERTY.

2. MAINTENANCE AND REPAIR OF THE UTILITY EASEMENT: In the construction and maintenance of the underground IMPROVEMENTS in the UTILITY EASEMENT, GRANTEE shall provide GRANTOR with reasonable notice of any intended work, and shall seek to avoid any impact to improvements, vegetation and other natural obstructions installed by GRANTORS. In the event, however, of any such impact, GRANTEE, at GRANTEE'S sole and exclusive cost and expense, shall be required to cure, restore and replace, as soon as practical, any impact upon the GRANTORS' existing improvements and improvements permitted as herein provided, including, but not limited to, propane tank, electrical line, concrete pad retaining wall and elevated walkway, and also any landscaping or BMP improvements required by TRPA to be installed by GRANTOR. Additionally, the GRANTEE, at GRANTEE'S sole and exclusive cost and expense, shall be required to cure, restore and replace, as soon as practical, any impact upon any underground utilities to be installed after the date of this Agreement. GRANTEE shall be solely responsible to immediately repair any such damage caused or created by GRANTEE.

3. ATTORNEY FEES: If any legal action or any arbitration or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the successful or prevailing Party or Parties shall be entitled to recover reasonable attorney fees and other costs incurred in that action or proceeding, in addition to any other relief to which it or they may be entitled.

4. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations and understandings of the Parties. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the Parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the Party making the waiver.

5. BINDING EFFECT: This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, successors, executors, administrators, and assigns.

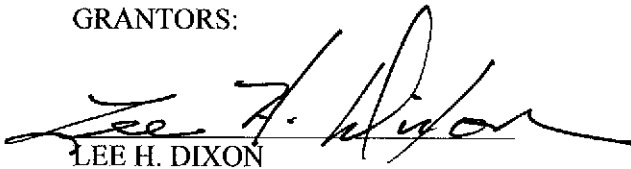
6. SEVERABILITY: Invalidation of any one of the provisions hereof by judgment or court order shall in no way effect any other provisions which shall remain in full force and effect.

7. RECORDATION: This Agreement shall be recorded in the Office of the County Recorder of Washoe County, Nevada.

8. GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT FOR GRANT OF UTILITY AND PARKING EASEMENT as of the date first above set forth.

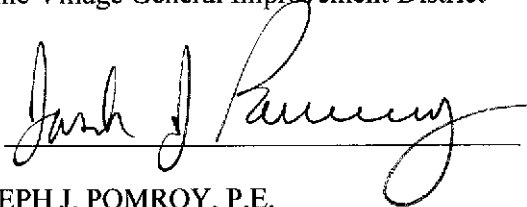
GRANTORS:


LEE H. DIXON


RICHARD M. DIXON

GRANTEE:

Incline Village General Improvement District

By: 

JOSEPH J. POMROY, P.E.
PUBLIC WORKS DIRECTOR

STATE OF NEVADA }
 } ss:
 COUNTY OF WASHOE }

On this 8th day of February 2011, before me, personally appeared Lee H. Dixon, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that, by her signature on the instrument, the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


 Notary Public



STATE OF NEVADA }
 } ss:
 COUNTY OF WASHOE }

On this 8th day of February 2011, before me, personally appeared Richard M. Dixon, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that, by his signature on the instrument, the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

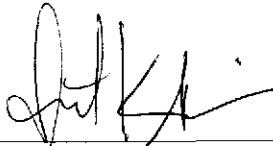

 Notary Public



STATE OF NEVADA }
 }
 } ss:
COUNTY OF WASHOE }

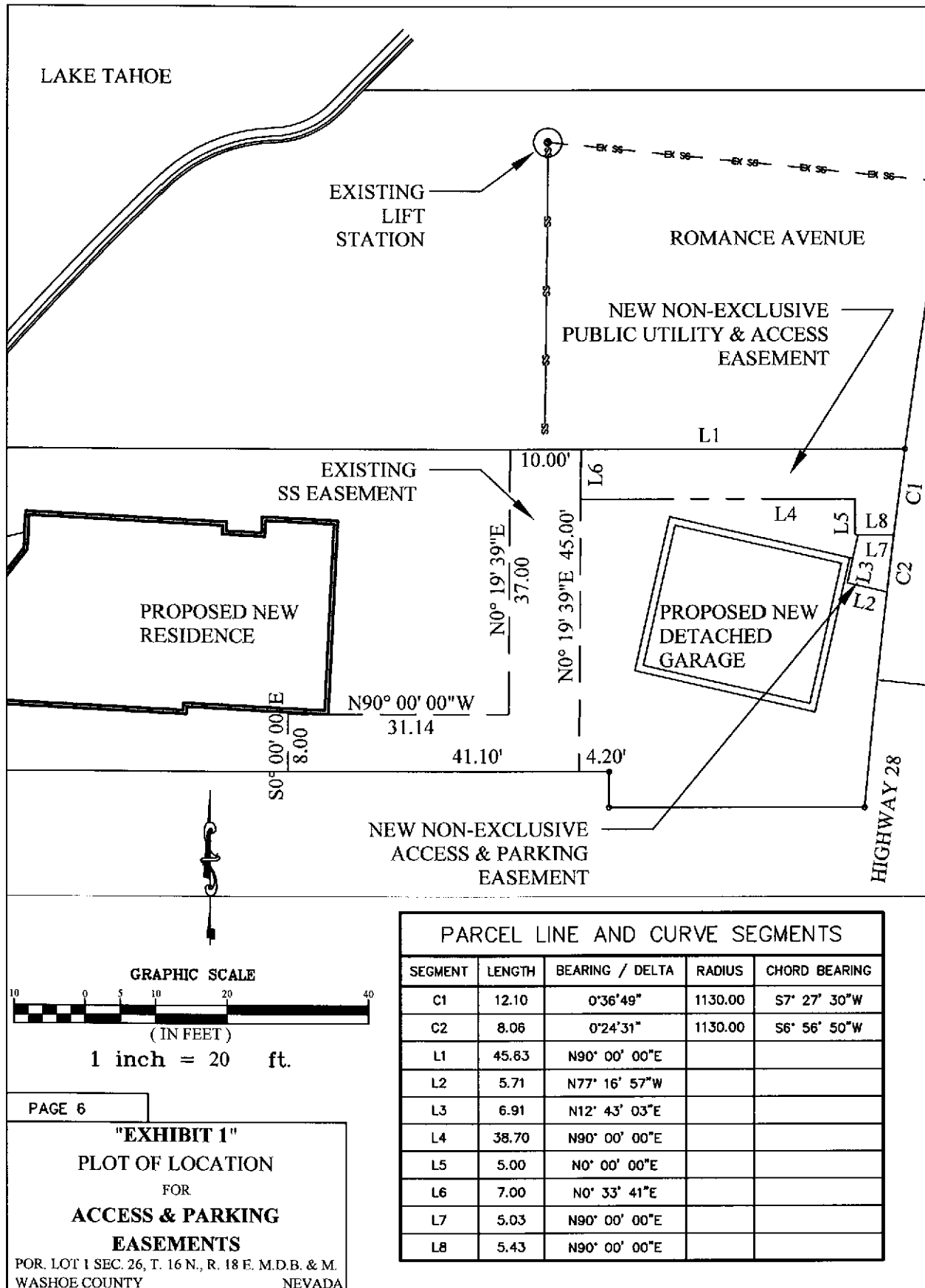
On this 14th day of February 2011, before me, personally appeared Joseph J. Pomroy, in his capacity as Public Works Director of the Incline Village General Improvement District, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that, by his signature on the instrument, the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public





"EXHIBIT 2"

UTILITY AND ACCESS EASEMENT DESCRIPTION

"Electrical Line Easement for Pump Station 6"

A non-exclusive easement for access and utility purposes over a parcel of real property located in Incline Village, Washoe County, Nevada, being a portion of the south one-half of Government Lot 1, Section 26, Township 16 North, Range 18 East, Mount Diablo Base and Meridian, which is more particularly described as follows:

Beginning at the southwest corner of the intersection of Romance Avenue and Nevada State Highway 28 as shown on Tract Map No. 236, Amended Rocky Point Subdivision, recorded 9 October 1933, Washoe County Records;

Thence westerly along the southerly right-of-way of Romance Avenue, as shown on said Tract Map, following that course designated as "L1" on the graphical depiction attached hereto, 45.63 feet to the easterly line of that utility easement to the Incline Village General improvement District, a political subdivision of the State of Nevada, described in Document No. 3649202, Recorded 13 May 2008, Washoe County Records:

Thence, along the easterly boundary of said existing utility easement, following that course designated as "L6" on the graphical depiction attached hereto, South 00°33'41" East 7.00 feet;

Thence, following that course designated as "L4" on the graphical depiction attached hereto, North 90°00'00" East 38.70 feet;

Thence, following that course designated as "L5" on the graphical depiction attached hereto, South 00°00'00" West 5.00 feet;

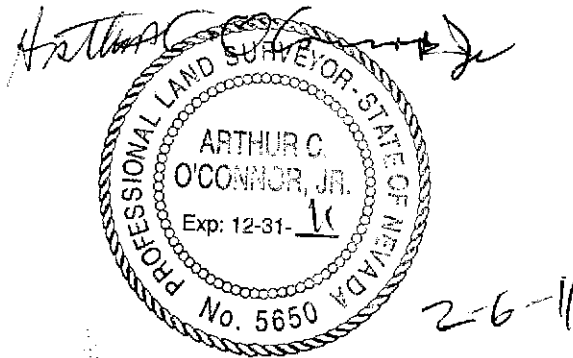
Thence, following that course designated as "L8" on the graphical depiction attached hereto, North 90°00'00" East 5.43 feet to a point on the Right-of-Way for said Highway 28;

Thence, along said Right-of-Way for Highway 28, following that course designated as "C1" on the graphical depiction attached hereto, 12.10 feet on a non-tangent curve to the right, with radius of 1130.00 feet and a central angle of 00°36'49", whose long chord bears North 07°27'30" East, to the point of beginning.

Said easement contains 345 square feet, more or less.

The basis of bearings for this legal description is that portion of the southerly right-of-way of Romance Avenue which forms the northerly boundary of Lot 5, Block G of the Amended Rocky Point Subdivision, Tract Map No. 236, filed 9 October 1933 as Document No. 63615, Washoe County Records.

This legal description was prepared by Arthur C. O'Connor Jr., a Professional Land Surveyor, Licensed in the State of Nevada, whose address is P. O. Box 10307, Reno, Nevada 89510.



"EXHIBIT 3"

PARKING EASEMENT DESCRIPTION

A non-exclusive intermittent access and parking easement over a parcel of real property located in Incline Village, Washoe County, Nevada, being a portion of the south one-half of Government Lot 1, Section 26, Township 16 North, Range 18 East, Mount Diablo Base and Meridian, the northerly line of which is more particularly described as follows:

Commencing at the southwest corner of the intersection of Romance Avenue and Nevada State Highway 28 as shown on Tract Map No. 236, Amended Rocky Point Subdivision, recorded 9 October 1933, Washoe County Records;

Thence, along said Right-of-Way for Highway 28, following that course designated as "C1" on the graphical depiction attached hereto, 12.10 feet on a non-tangent curve to the left, with radius of 1130.00 feet and a central angle of $00^{\circ}03'49''$, whose long chord bears South $07^{\circ}27'30''$ West, to the True Point of Beginning;

Thence, continuing along said Right-of-Way for Highway 28, following that course designated as "C2" on the graphical depiction attached hereto, 8.06 feet on a compound curve to the left, with radius of 1130.00 feet and a central angle of $00^{\circ}24'31''$, whose long chord bears South $06^{\circ}56'50''$ West;

Thence, following that course designated as "L2" on the graphical depiction attached hereto, North $77^{\circ}16'57''$ West 5.71 feet;

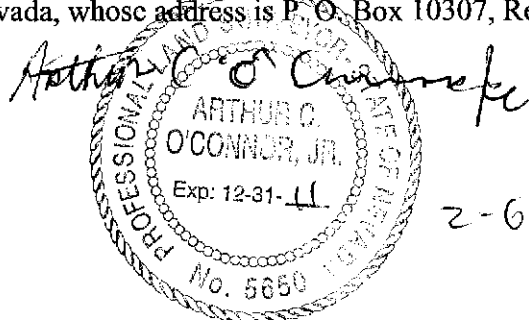
Thence, following that course designated as "L3" on the graphical depiction attached hereto, North $12^{\circ}43'03''$ East 6.91 feet;

Thence, following that course designated as "L7" on the graphical depiction attached hereto, North $90^{\circ}00''$ East 5.03 feet to the True Point of Beginning.

Said easement contains 40 square feet, more or less.

The basis of bearings for this legal description is that portion of the southerly right-of-way of Romance Avenue which forms the northerly boundary of Lot 5, Block G of the Amended Rocky Point Subdivision, Tract Map No. 236, filed 9 October 1933 as Document No. 63615, Washoe County Records.

This legal description was prepared by Arthur C. O'Connor Jr., a Professional Land Surveyor, Licensed in the State of Nevada, whose address is P. O. Box 10307, Reno, Nevada 89510.





WASHOE COUNTY RECORDER

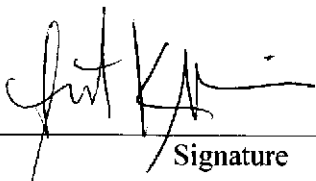
OFFICE OF THE RECORDER
KATHRYN L. BURKE, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.


Signature

2/17/11

Date

Samantha Kutashewich

Printed Name

APN: 130-331-05

AFTER RECORDING, Mail to:
Incline Village General Improvement District
1220 Sweetwater Road, Incline Village, Nevada 89451
Attention: Ronnie Rector

DOC # 3662334

06/20/2008 03:59:09 PM

Requested By
INCLINE VILLAGE GID
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$16.00 RPTT: \$0.00
Page 1 of 3



(For Recorder's use only)

1713 Lakeshore Drive
ENCROACHMENT AGREEMENT

THIS AGREEMENT is entered into this 18th June, 2008, by and between INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision of the State of Nevada, hereinafter referred to as "IVGID", and Lee H & Richard M Dixon, hereinafter referred to as "User".

WITNESSETH:

WHEREAS, User is the owner of the following described property: South one-half of Lot 1, Section 26, Township 16 North, Range 18 East, Mount Diablo Base and Meridian and parcel being a portion of Lot 5, Block G of the Amended Rocky Point Subdivision. APN 130-331-05, and

WHEREAS, IVGID is engaged in providing utility services within its service areas and is the owner and holder of certain perpetual easement and right of way over and through the following property of User: described as a 10.0 utility easement see legal easement description for details and

WHEREAS, User desires to construct, use and maintains certain improvements within and upon the easement area(s) owned and possessed by IVGID, said improvements consisting of a stair walk way; and

WHEREAS, IVGID is willing to consent to the proposed construction, use and maintenance of the above-described improvements by User, within the right(s) of way of IVGID's easement, subject to the following promises, terms, conditions and limitations:

NOW, THEREFORE, in consideration of the mutual promises, detriments, covenants and conditions herein contained, IVGID and User agree and follows;

1. Easement Ownership: User recognizes without qualification IVGID's priority of title and ownership of the hereinabove described easement location, acknowledging the exclusivity of the easement location.

2. Grant to construct: Subject to IVGID's written approval, which approval shall not be unreasonably withheld, IVGID grants the User the right to construct said improvements consisting of: a stair walk way; as referenced by Washoe County Building Permit No. 08-0553.

3. User Liability: User shall be liable for and promptly pay all costs of demolition and removal of said improvements, including any excavation or other work, materials and costs needed and made necessary by the presence of the improvements, should IVGID need to open said easement location(s) for new construction or maintenance, repair and replacement of existing pipelines/mains and related facilities.

4. Hold Harmless, Indemnifications: User shall indemnify and hold harmless IVGID and its directors, officers and employees from and against any and all actions, suits, causes of action or suits, costs, claims, demands, expense, loss or liability for any injury to or death of any persons, or damage to any property, including IVGID's or User's, arising out of or in any way connected with the common use or occupancy of the said right(s) of way, easement location(s), unless such claims, losses or liabilities, etc. are the result of negligent or willful act of IVGID, its employees, contractors or representatives, in which case IVGID shall indemnify and hold harmless User.

5. Running of Benefits and Burdens: All provisions of this Agreement including the benefits and burdens shall run with the land described and are binding upon and inure to the parties hereto, their heirs, personal representatives, tenants, successors and assigns.

6. Attorney's Fees: Either party hereto may enforce this Agreement by appropriate legal action. The prevailing party in any such action shall recover its costs and reasonable attorney's fees.

7. Entire Agreement: This document contains the entire Agreement between the parties relating to the rights and obligations herein contained and any oral representations or modifications concerning this instrument shall be of no force and effect. This Agreement may be modified only by a writing signed and executed by all parties hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision of the State of Nevada:

By: _____

Joseph J. Pomroy, P. E.
Director of Public Works

User: Lee H & Richard M Dixon

By: _____

Lee H Dixon

By: _____

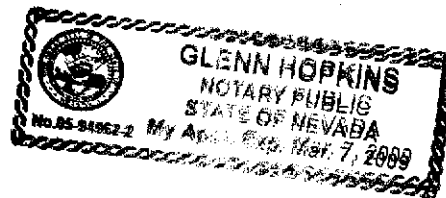
Richard M Dixon

STATE OF NEVADA)
COUNTY OF WASHOE) ss

On this 2nd day of JUNE, 2008, personally appeared before me, a Notary Public in and for the said County and State, LEE H & RICHARD M DIXON, known to me to be the person(s) described herein and who executed the foregoing instrument and duly acknowledged to me that (they) executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.


Notary Public

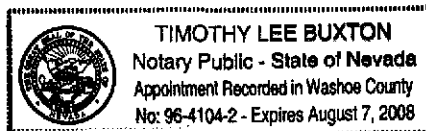


STATE OF: Nevada)
COUNTY OF: Washoe) ss

On this 18th day of JUNE, 2008, personally appeared before me, a Notary Public in and for the said County and State, Joseph J. Pomroy, a duly authorized representative of Incline Village General Improvement District, known to me to be the persons described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.


Notary Public



APN: 130-331-05

AFTER RECORDING, Mail to:
Grantee: Incline Village GID
1220 Sweetwater Road
Incline Village, NV 89451
Attention: Tim Buxton

DOC # 3649202
05/13/2008 09:52:37 AM
Requested By
INCLINE VILLAGE GID
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$44.00 RPTT: \$0.00
Page 1 of 6



For Recorder's Use Only

**1713 Lakeshore
EASEMENT**

THIS INDENTURE, made this 8th day of April 2008, by and between GRANTOR, Lee H & Richard M Dixon, hereinafter referred to as the "Party of the First Part," and GRANTEE, INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision of the State of Nevada, hereinafter referred to as the "Party of the Second Part,"

WITNESSETH:

THAT FOR AND IN CONSIDERATION OF the sum of ONE DOLLAR (\$1.00), cash-in-hand paid, or credit the district utility account, the receipt of which is hereby acknowledged, and other good and valuable consideration, the Party of the First Part has this day bargained and sold and by these presents does bargain and sell, transfer, and deliver unto the Party of the Second Part, a perpetual non-exclusive easement and right-of-way to construct, maintain, repair, replace, and rebuild underground pipelines, drains, and/or mains for the purpose of conveying water and sewage over, across, through and under the lands hereinafter described, together with the right of ingress and egress, also together with the right to excavate and level ditches and/or trenches for the location of said pipelines, drains, and/or mains; and the further right to remove trees, bushes, undergrowth and any other obstructions, natural or constructed, interfering with the location, construction, and maintenance of said pipelines, drains, and/or mains, provided the Party of the Second Part has the obligation to return said site to its natural grade reasonably comparable with the surrounding site.

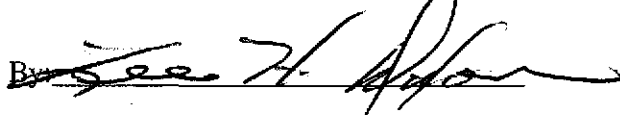
THE PARTY OF THE FIRST PART covenants that no improvements shall be placed or erected on subject property without prior written approval by the Party of the Second Part.

THE LAND AFFECTED by the grant of this easement and right of way is located in the County of Washoe, State of Nevada, and is more particularly described in the attached Exhibit "A" and Mapped as Exhibit "B"

TO HAVE AND TO HOLD said easements and rights of way unto the Party of the Second Part and unto its successors and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has executed these presents the day and year first above written.

GRANTOR: Name as recorded on Title:

By: 

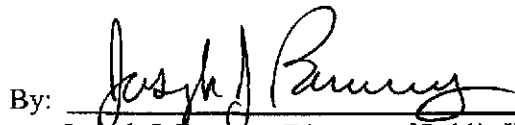
Print: Lee H Dixon

By: 

Print: Richard M Dixon

IN WITNESS WHEREOF, the Party of the Second Part has accepted this Easement the day and year first above written.

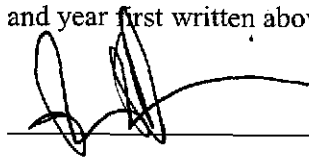
GRANTEE: INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT,
a political subdivision of the State of Nevada:

By: 
Joseph J. Pomroy, Director of Public Works

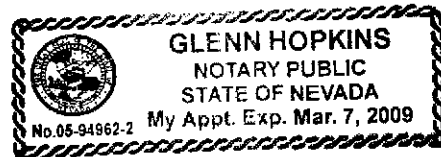
STATE OF NEVADA)
) ss
 COUNTY OF WASHOE)

On this 15 day of APRIL, 2008, personally appeared before me, a Notary Public in and for the said County and State, _____, known to me to be the person(s) described herein and who executed the foregoing instrument and duly acknowledged to me that (they) executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.



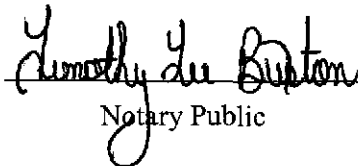
 Notary Public



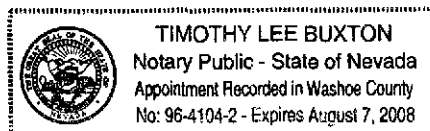
STATE OF: Nevada)
) ss
 COUNTY OF: Washoe)

On this 8th day of April, 2008, personally appeared before me, a Notary Public in and for the said County and State, Joseph J. Pomroy, a duly authorized representative of Incline Village General Improvement District, known to me to be the persons described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.



 Notary Public



APN 130-331-05

Exhibit A

Easement Description

An easement over a parcel of land located in Washoe County, Nevada, being a portion of the South one-half of Lot 1, Section 26, Township 16 North, Range 18 East, Mount Diablo Base and Meridian, said being a portion of Lot 5, Block G of the Amended Rocky Point Subdivision, Tract Map No. 236, filed 9 October 1933 as Document No. 63615, Washoe County Records, more particularly described as follows:

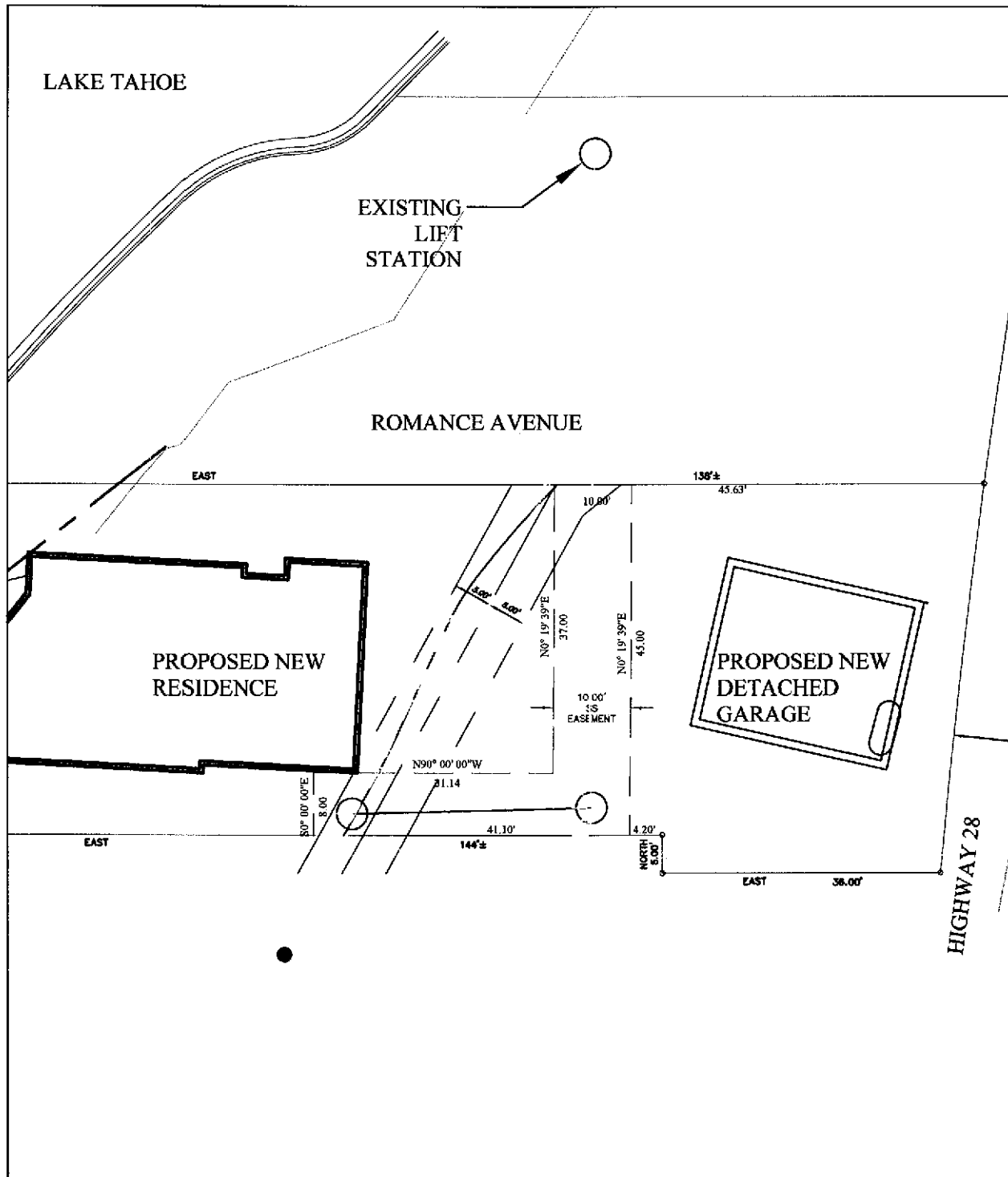
Commencing at the southwest corner of the intersection of Romance Avenue and Nevada State Highway 28, as shown on Tract Map No. 236, Amended Rocky Point Subdivision, recorded 9 October 1933, Washoe County Records, which is also the northeast corner of said Lot 5;

Thence westerly along the southerly right-of-way of Romance Avenue, which is also the northerly boundary of said Lot 5, 45.63 feet to the true Point of Beginning; Thence South 00° 19'39" west 45.00 feet to the southerly boundary of said Lot 5 as amended by Document No. 168625, recorded 12 March 1970, Washoe County Records; Thence, along said southerly boundary in a westerly direction, 41.10 feet; Thence North 00°00'00" East 8.00 feet; Thence North 90° 00'00" East 31.14; Thence North 00° 19'39" East 37.00 feet to a point on the northerly boundary of said Lot 5, which is also the southerly boundary of said Romance Avenue; Thence easterly along the southerly right-of-way of Romance Avenue which is also the northerly boundary of said Lot 5, 10.00 feet to the True Point of Beginning.

Said easement contains 699 square feet, more or less.

The basis of bearings for this legal description is that portion of the southerly right-of-way of Romance Avenue which forms the northerly boundary of Lot 5, Block G of the Amended Rocky Point Subdivision, Tract Map No. 236, filed 9 October 1933 as Document No. 63615, Washoe County Records.

This legal description was prepared by Arthur C. O'Connor Jr., a Professional Land Surveyor, Licensed in the State of Nevada, whose address is P.O. Box 10307, Reno, Nevada 89510.



SHEET 1 OF 1	<p>LOT OF LOCATION FOR SANITARY SEWER EASEMENT</p> <p>SEC. 26, T. 33 N., R. 23 E. M.D.B. & M. WASHOE COUNTY NEVADA</p>		<p>RENO OFFICE: 10455 DEVEREN DRIVE E-MAIL: oceng@oceng.com 775-861-7335 RENO, NEVADA 89510 P. O. BOX 10307</p>	<p>OC ENGINEERING</p>
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WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER
KATHRYN L. BURKE, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

Timothy Lee Buxton
Signature

5-7-08.

Date

Timothy Lee Buxton
Printed Name

DOC # 3618812

02/08/2008 10:50:19 AM

Requested By

LEE HERZ DIXON

Washoe County Recorder

Kathryn L. Burke - Recorder

Fee: \$16.00 RPTT: \$0.00

Page 1 of 3

RECORDING REQUESTED BY:

Washoe County Department of Community Development

Attn: Eva M. Krause, Planner

P. O. Box 11130

Reno, NV 89520

MAIL RECORDED DOCUMENT TO:

LEE HERZ DIXON

14080 EDMONDS DRIVE

RENO, NEVADA 89511



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

THE USE OF DETACHED ACCESSORY STRUCTURE

This Deed Restriction is made this 8th of FEB., 2008,

by LEE HERZ DIXON, a married woman as her sole and separate property as to an undivided

(Owner)

2/3 interest and LEE HERZ DIXON, Trustee of THE PATRICIA J. HERZ QUALIFIED

(Owner)

PERSONAL RESIDENCE TRUST dated December 20, 1996 as to an undivided 1/3 interest

(hereinafter "Declarant").

RECITALS

1. Declarant is the owner of certain real property located in Washoe County, State of Nevada, Assessor Parcel Number APN 130-331-05, described as follows:

DESCRIPTION

All that real property situated in the County of Washoe, State of Nevada, bounded and described as follows:

Lot 5 in Block G as shown on the Amended Plat of ROCKY POINT SUBDIVISION, filed in the office of the County Recorder of Washoe County, State of Nevada on October 9, 1933.

EXCEPTING THEREFROM that portion conveyed to the United States of America, in the deed recorded November 13, 1919 in Book 53, page 505, Document No. 17315, Deed Records.

FURTHER EXCEPTING THEREFROM that portion conveyed to Camille T. Ryan, by Deed recorded March 12, 1970 in Book 449, page 377, Document No. 168625, Official Records.

FURTHER EXCEPTING THEREFROM that portion lying below the high water mark of Lake Tahoe.

2. The Declarant is building a detached accessory structure Building Permit No. _____ to establish a garage with below grade story. A detached accessory structure used as a garage is allowed to have a below grade story within the Washoe County Development Code, Article 220, Tahoe , June 1, 1998 under the standards defined within that section at the time of the issuance of the building permit.

3. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (TRPA) pursuant to the Tahoe Regional Planning Compact of which Washoe County is a signatory.

4. An detached accessory structure may be established in the Tahoe Region as long as the habitable space is accessory to the main dwelling unit and does not provide a separate residential unit.

5. As a condition of the above approval by Washoe County an appropriate deed restriction be recorded documenting the limits to the use of the detached accessory structure.

DECLARATION

1. Declarant declares that the detached accessory structure, is and shall be an accessory use to and part of the primary residence on the Property, and shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The detached accessory structure shall not be leased, rented or used separate from the primary residence on the Property. Use of the detached accessory structure as a separate residential unit shall constitute a violation of the TRPA Codes and Ordinance and a violation of Washoe County approval.

2. The Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Property described above and shall be binding on the Declarant and Declarant's assigns and all persons hereafter acquiring or owning any interest in the Property.

3. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of Washoe County or its successor agency, if any. Washoe County is deemed and agreed to be a third party beneficiary of this Deed Restriction and as such, can enforce the provisions of this Deed Restriction.

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

DECLARANT (S)' SIGNATURE (S):

Lee Herz Dixon
LEE HERZ DIXON, a married woman as her sole and separate property

DATE: 2-8-08

Lee Herz Dixon
LEE HERZ DIXON, Trustee of THE PATRICIA J. HERZ
QUALIFIED PERSONAL RESIDENCE TRUST

DATE: 2-8-08

STATE OF NEVADA)

) ss.

COUNTY OF WASHOE)

On this 8th day of FEB, 2008, before me, personally appeared
LEE HERZ DIXON personally known to me, or proved to me to be on the basis of
satisfactory evidence to be the person 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.

Diane S. Erickson
(Notary Public)



APPROVED AS TO FORM:

Eva Krause
Washoe County Department of Community Development
EVA KRAUSE, PLANNER
(Print name and title)

DATE: 8 Feb 2008

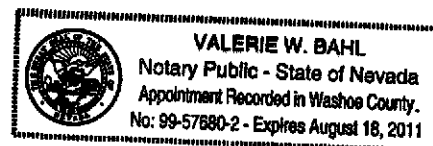
STATE OF NEVADA)

) ss.

COUNTY OF WASHOE)

On this 8 day of Feb, 2008, before me, personally appeared
Eva Krause personally known to me, or proved to me to be on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that
he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the
person or the entity upon behalf of which the person acted executed the instrument.

Valerie W. Bahl
(Notary Public)



E A S E M E N T

THIS INDENTURE, made this 9th day of May,
1974, by and between CAMILLE T. RYAN

hereinafter referred to as "party of the first part", and
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, hereinafter
referred to as "party of the second part",

W I T N E S S E T H:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the party of the first part has this day bargained and sold and by these presents does bargain and sell, transfer and deliver unto party of the second part, a perpetual non-exclusive easement and right of way to construct, maintain, repair, replace and rebuild underground pipelines, drains and/or mains for the purpose of conveying water and sewage over, across, through and under the lands hereinafter described, together with the right to excavate and level ditches and/or trenches for the location of said pipelines, drains and/or mains; and the further right to remove trees, bushes, undergrowth and any other obstructions interfering with the location, construction and maintenance of said pipelines, drains and/or mains, provided second party has the obligation to replace any improvements removed.

The land affected by the grant of this easement and right of way is located in the County of Washoe, State of Nevada, and is more particularly described in the attached Exhibit "A"..

TO HAVE AND TO HOLD said easements and rights of way unto party of the second part and unto its successors and assigns, forever.

338287

IN WITNESS WHEREOF, party of the first part has executed these presents the day and year first above written.

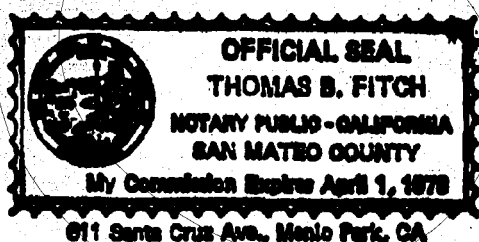
Camille T. Ryan

STATE OF California)
County of San Mateo) ss

On this 9th day of May, 1974,
personally appeared before me, a Notary Public in and for
said County and State, CAMILLE T. RYAN

known to me to be the persons described in and who executed
the foregoing instrument and duly acknowledged to me that
they executed the same freely and voluntarily and for the
uses and purposes therein mentioned.

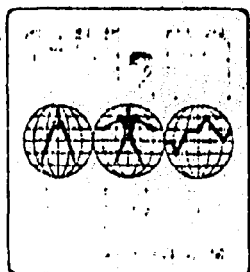
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.



Thomas B. Fitch
NOTARY PUBLIC



EXHIBIT "A"



CORNELL HOWLAND, HAYES & MERRYFIELD
CLAIR A. HILL & ASSOCIATES

1525 Court Street P.O. Box 2088, Redding, California 96001, Telephone: 916/243-5831

Redding Regional Office

ENGINEERS PLANNERS ECONOMISTS

DESCRIPTION FOR

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
Project No. 73-1

2 April 1974

R-3158.70

~~XXXXXXXXXX~~

055-341-10

Utility Easement to be acquired from:

RYAN, CAMILLE T.

A portion of the South half of Government Lot 1, Section 26,
T. 16 N., R. 18 E., M.D.M., Washoe County, Nevada.

A strip of land 10.00 feet in width the centerline of which is
described as follows:

Beginning at a point on the
Northerly line of Lot 6,
Block G of the Rocky Point
Subdivision, Section 26,
T. 16 N., R. 18 E., M.D.M.,
distant S. 42°18'29" W.,
136.17 feet from the South-
east corner of Lot 4 of said
Block G; thence,

S. 29°04'42" W., 10.22 feet; thence,

S. 1°16'43" E., 41.08 feet to the point of termination
on the Southerly line of
said Lot 6.

Together with a strip of land 10.00 feet in width for use as a
Working Easement lying 5.00 feet on each side of the above-
described Utility Easement.

The sidelines to be lengthened or shortened to meet adjoining
property lines.

Initial CR

OFFICIAL RECORDS
WASHOE COUNTY, NEV.

RECORD REQUESTED BY

Incline Village General Imp. Dist

AUG 23 8 01 AM '74

It is suggested that this description be referred
to a title company before incorporating it into
document.

ARDIS BROWN

COUNTY RECORDER

NO FEE DEP CB

338287

Checked:

	By	Date
Typing	CS	TG THB 7-3-74
Traverse	TG	✓
Map	TG THB	✓

Attachment B

Finney Statement of Appeal, dated June 7, 2023

June 7, 2023

TRPA

Attn: Katherine Hangeland

128 Market Street

Stateline, NV 89449

Sent via email to khangeland@trpa.gov

Sent via email to jroll@trpa.gov

Re: 1713 Lakeshore Blvd. "Pier Rebuild"

TRPA File #ERSP2022-1124

Appeal # ADMIN2023-0016

Dear Ms. Hangeland & Ms. Roll:

Further to the Finney appeal in the above referenced matter, we have continued to delve into the history of the claimed preexistence of a pier located at 1713 Lakeshore Blvd (previously 1709) and, in consultation with my clients have uncovered the following documentation:

EXHIBIT A:

EASEMENT dated February 18, 1970, by and between Richard A. Herz and Lillian Herz (now, Lee Dixon) and Roslyn Hertz, granting an easement to Camille Ryan, a prior owner of 1715 (previously 1711) for a **boat pier and a garage building** which were built by Ryan that encroached on the Herz property. This easement allowed for both the Ryan (now Finney) property to maintain both the garage and pier so long as they were maintained, with the proviso that no boat parking would be allowed on the NORTH side of the pier. It is unclear when this pier was destroyed, most likely by waves, but it did not exist when Finney purchased the property in 1995.

EXHIBIT B:

AFFIDAVIT dated May 24, 2010 made by M. Max Steinheimer, Partner at the Law firm of Downey Brand and at the time of the Affidavit a co-owner at 1717 Lakeshore Blvd. outlining his recollections of growing up at the property. Whereas this affidavit was primarily for the purpose of establishing coverage confirmation for the Finneys, he very specifically makes note that a pier was built at the Finney residence, NOT at the Herz (fka Dixon, Now Rah-Rah) property.

EXHIBIT C:

WASHOE COUNTY APPRAISAL RECORD, dated 1/16/2004, clearly stating that a pier was located at 1711 (now 1715) APN # 130-331-06, upon which the Finneys paid taxes since purchase in 1995 until at least 2004.

EXHIBIT D:

TITLE SEARCH dated October 23, 1995 also showing that 130-331-06 possessed a boat dock.

EXHIBIT E:

NUMEROUS SITE PLANS submitted by Dixon, clearly stating a 61 SF deck, which was destroyed in a storm in 1993 that they would like to be rebuilt. This was denied by TRPA at least three times (3/4/08, 3/13/08 & 5/5/09). Commentary by Planner Leah Kauffman in the fall of 2014 does indicate she could not find any evidence of historical buoys, and she doesn't comment at all about the existence of a pier which she surely would have had she found evidence of one.

EXHIBIT F:

RESPONSE FROM BASIN STRATEGIES/ELISA HESLOP to Finney protest. Posted on TRPA website on 5/30/23.

In the initial notification from TRPA about this project, site plans were not initially included. After reviewing and understanding the scope of the project, changing a 61 SF deck into an enormous pier with 2 boat lifts is a significant imposition on the Finneys and appears to be designed to be installed too close to the property line. As to family photos of the "old pier", no documentation or photos have been provided showing a pier anywhere in the files that I have reviewed. The deck may well have been destroyed in 1993 as the Finneys agree that the remnants were there in 1995. However, Dixon's have always referred to this as a deck, not a pier, in all their site drawings. It is unclear why David Landry would reverse course on not objecting to a pier in 2014 except for the fact that Art Connor was bullying him and the Dixons repeatedly threatened to sue. There is every indication that TRPA was against replacing the Deck in 2008 & 2009. On page 4 there is a comment "pre-1968 WOOD PIER AREA" This is Finney property. Indeed, when Finneys purchased the house in 1995, there was a wooden deck & stairs, which sit upon a huge steel beam. The deck has been rebuilt but the beam remains and is what holds up the current deck. One could make the obvious assumption that the steel beam was in fact the remains of the old steel pier built by the Goldens. Lastly, the fact that Johnson Land Surveys referred to the deck as a dock and old pier is simply the surveyor's lack of knowledge about history of the area. Nothing more can be construed by this comment as the Finneys had no input into the labeling on the survey.

In summary, it seems that TRPA is relying upon Dixon/RAH RAH misrepresentations to "rebuild" a pier that has, in fact, never existed. This would cause a huge hardship on the Finneys and create a huge impact on both their view and their quiet enjoyment of their waterfront. We respectfully request that TRPA review the Exhibits provided (all of which were obtained on the TRPA website) and deny the Application and withdraw any associated permits, provisional or otherwise, until a proper determination can be made as to the legality of adding a new pier to Lake Tahoe.

Respectfully submitted,


John & Jeanette Finney

MAY 12 1970

R.P.T.T. & Notes

THIS AGREEMENT made and entered into this 18th day of February, 1970, by and between RICHARD A. HERZ and LILLIAN HERZ and ROSLYN M. HERZ, (hereinafter referred to as "HERZ"), and CAMILLE T. RYAN, an unmarried woman (hereinafter referred to as "RYAN").

BOOK 677 PAGE 381

SEND TAX STATEMENT
4
TO OFFICE OF ALLEN & CONSIDERATED ELECTRIC BROS
PO BOX 2768 TERMINAL HUNTER L.A. CALIF 90024
RECORDED DOCUMENT TO REGISTER HERE AFTER A-LAN PO BOX 3291, BEVERLYHILLS 90704

WHEREAS said RYAN property adjoins said HERZ property to the south of said HERZ property;

WHEREAS a boat pier and a garage building have been constructed on the RYAN property which, through inadvertence, encroach upon the HERZ property.

5-9915

1. HERZ does hereby grant, bargain and sell, to RYAN and her heirs and assigns, so long as the present boat pier exists, the right and easement to keep said boat pier in its present position, to maintain said boat pier in its present condition, and to make normal use of said boat pier provided that neither RYAN nor her heirs or assigns will at any time moor or dock any boat or other craft on the northerly side of said boat pier.

MAR 12 1970

BOOK 449 PAGE 382

2. HERZ does hereby grant, bargain and sell unto RYAN and her heirs and assigns, so long as the present garage building exists on said RYAN property, the right and easement to keep said garage building in its present position, to maintain said garage building in its present condition, and to make all normal use of said garage building.

3. RYAN agrees that apart from the easements granted herein, she is not possessed of or vested with any claim of right or color of title or title in or to any part of the said property of HERZ described in Exhibit A attached hereto, and RYAN covenants that the maintenance of said boat pier and said garage shall not, at any time be deemed to be a hostile or adverse possession of any portion of said land of HERZ.

4. RYAN further agrees not to extend the existing pier on the northerly side of its present and existing location.

5. The parties agree that this Agreement shall run with and against said real property of HERZ and RYAN, and shall be binding upon and enure to the benefit of the heirs, assigns, successors, administrators and executors of each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

Richard A. Herz
Richard A. Herz

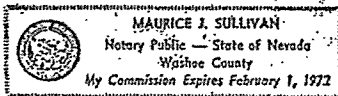
Lillian Herz
Lillian Herz

Roslyn M. Herz
Roslyn M. Herz

Camille T. Ryan
Camille T. Ryan

STATE OF NEVADA)
COUNTY OF WASHOE) ss:

On this 5 day of MARCH, 1970, personally appeared before me, a Notary Public, RICHARD A. HERZ, LILLIAN HERZ and ROSLYN HERZ who acknowledged that they executed the above instrument.



[Signature]
Notary Public in and for the County
of Washoe, State of Nevada

STATE OF CALIFORNIA)
COUNTY OF San Mateo) ss:

On this 18th day of February, 1970, personally appeared before me, a Notary Public, CAMILLE T. RYAN, who acknowledged that she executed the above instrument.

Virginia M. Finney
Notary Public in and for said
County and State

VIRGINIA M. FINNEY
My Commission Expires Sept. 24, 1971



168627

BOOK 449 PAGE 384

Lot 5, Block G Rocky Point Subdivision, Lake Tahoe, as shown on the Amended Plat of Rocky Point Subdivision, filed in the office of the County Recorder of Washoe County, State of Nevada on October 9, 1933 Less the fractional part of said Lot 5, Block G described as follows:

Beginning at a point upon the south boundary line of said Lot 5, Block G which is thirty-six (36) feet in a westerly direction along the said south boundary line from the right-of-way line of Nevada State Highway No. 28; thence continuing along said south boundary line in a westerly direction one hundred and four (104) feet more or less to the shore line of Lake Tahoe, thence northeasterly along the shore line five (5) feet, and thence in an easterly direction parallel to the south boundary line of Lot 5, Block G, one hundred and four (104) feet more or less, and thence southwesterly five (5) feet upon an angle of 90 degrees to the point of beginning.

EXHIBIT "A"

168627

BOOK 449 PAGE 385

MAR 12 1970

Lot 6, Block G Rocky Point Subdivision, Lake Tahoe, as shown on the Amended Plat of Rocky Point Subdivision, filed in the office of the County Recorder of Washoe County, State of Nevada on October 9, 1933 Plus the fractional part of said Lot 5, Block G described as follows:

Beginning at a point upon the south boundary line of said Lot 5, Block G which is thirty six (36) feet in a westerly direction along the said south boundary line from the right-of-way line of Nevada State Highway No. 28; thence continuing along said south boundary line in a westerly direction one hundred and four (104) feet more or less to the shore line of Lake Tahoe, thence northeasterly along the shore line five (5) feet, and thence in an easterly direction parallel to the south boundary line of Lot 5, Block G one hundred and four (104) feet more or less, and thence southwesterly five (5) feet upon an angle of 90 degrees to the point of beginning.

168627

OFFICIAL RECORDS
WASHOE COUNTY, NEV.
RECORD REQUESTED BY

Title Ins. & Tr. Co.

MAR 12 1970 1:35 pm

ARDIS BROWN
COUNTY RECORDER

FEE 7.00 DEP 0.75

EXHIBIT "B"

168627

Melanie Vincent

From: Heather Beckman
Sent: Thursday, June 10, 2010 3:22 PM
To: Melanie Vincent
Subject: FW: Easement Document

Follow Up Flag: Follow up
Flag Status: Red

Attachments: 20100527163755272.pdf; ATT00001.c



2010052716375527ATT00001.c (210 B)
2.pdf (368 KB)...

Here goes. We'll need to review..can you read first? This is a reciprocal easement...whatever that means We will likely need help.

Heather (Gustafson) Beckman
Senior Planner
Land Capability & IPES Program Manager
Tahoe Regional Planning Agency

775.589-5313

-----Original Message-----

From: Wyatt Ogilvy [mailto:wyatt@ogilvylanduse.com]
Sent: Wednesday, June 09, 2010 4:02 PM
To: Heather Beckman
Subject: Fwd: Easement Document

Heather,

Attached is the easement document for your review. The property referenced as "Ryan" in this document is now the "Finney" parcel, Lee Herz is still an owner in the adjoining property to the north. Can you and I set a time to discuss the driveway width and any remaining issues to bring this site assessment to conclusion?

Thanks,

Wyatt Ogilvy
Ogilvy Consulting | Land Use & Development Strategies

Phone: (530) 583-5800 | Fax: (530) 583-5858
Mailing: Post Office Box 1636 | Kings Beach, CA 96143
Office/Delivery: 850 North Lake Blvd., Suite 16 | Tahoe City, CA 96145

Begin forwarded message:

Kimberly Ellis

From: Wyatt Ogilvy <wyatt@ogilvylanduse.com>
Sent: Tuesday, May 24, 2011 4:21 PM
To: Heather Beckman
Cc: Kimberly Ellis
Subject: Re: Finney Site Assessment (APN: 130-331-06/File no. LCAP2009-0284) - Revision

Great, thanks for getting to this Heather. We will follow up with Kim for the formal revision to the site assessment.

Best,

Wyatt Ogilvy
Ogilvy Consulting | Land Use & Development Strategies

Phone: (530) 583-5800 | Fax: (530) 583-5858
Mailing: Post Office Box 1636 | Kings Beach, CA 96143
Office/Delivery: 850 North Lake Blvd., Suite 16 | Tahoe City, CA 96145

On May 24, 2011, at 10:04 AM, Heather Beckman wrote:

> Hi Wyatt
> Thanks for your synopsis of our conversation. Yes, I concur.
>
> I will not be able to revise this letter before my departure. I have cc'd Kim Ellis as she may be the person who would do this. As she has quite a full workload at the moment, it would likely be a few weeks before she could get to it.
>
> thanks
>
> -----Original Message-----
> From: Wyatt Ogilvy [mailto:wyatt@ogilvylanduse.com]
> Sent: Wednesday, May 18, 2011 4:41 PM
> To: Heather Beckman
> Subject: Finney Site Assessment (APN: 130-331-06/File no. LCAP2009-0284) - Revision
>
> Heather,
>
> Pursuant to our recent conversations, we had met with Melanie Vincent to revisit the previously completed site assessment (referenced above). As indicated on the attached survey document utilized by Ms. Vincent in the field (Finney.TRPA.Field.pdf), a planter on the lake side of the deck that the survey had classified as "compacted dirt" was not verified.
>
> In preparing the schematic architectural plans for a rebuild we came to realize that this excluded compacted dirt area was within the 3:1 reduction shadow of the deck above (faint solid line, triangular in shape). See the second attachment as a jpeg for a graphical depiction of this specific area (TRPA Coverage Diagram). This area should have been calculated as "decks" not under compacted dirt by the surveyor. The last attachment (TRPA coverage calcs comparison 02-16-2011) shows a clouded line item for the 37 square foot area in question.

>

> Based on these documents, we assert that the 'Decks and Stairs' line item in the site assessment should be revised from 801 to 838 square feet. This revision would result in the total verified land coverage increasing from 4,677 to 4,714 square feet.

>

> If you are in agreement with this revision, an email stating your review that will suffice for ERS at a later date would be appreciated. Please let me know if you have any questions regarding these documents or this request.

>

> Sincerely,

>

> Wyatt Ogilvy

>

>

>

>

July 8, 2010

Melanie Vincent
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, NV 89449

**Subject: Finney Property – TRPA Site Assessment
1715 State Route 28, Incline Village, Nevada
Washoe County APN: 130-331-06**

RECEIVED

JUL 08 2010

TAHOE REGIONAL
PLANNING AGENCY

Dear Ms. Vincent,

Enclosed please find three (3) copies of a revised site exhibit drawing in order for you to complete the site assessment for the above reference property. This site exhibit drawing reflects the notations on the draft determination, which you had previously provided to our office to complete area calculations in AutoCAD.

I have coordinated with Ed Breakell, a licensed Nevada Architect, to complete this exhibit drawing. The areas of unverified coverage on your draft assessment have been hatched on this plan, with corresponding calculations specific to those areas calculated in AutoCAD. There are call-outs that denote the square footage areas for each unverified segment. In turn, these area calculations are tabulated by descriptive item (i.e., concrete) and subtracted from the original figure tabulated on the topographic survey dated October 12, 2009.

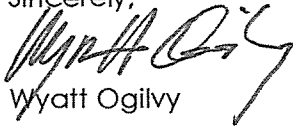
Additionally, the Backshore Boundary delineated in your draft assessment has been overlaid in AutoCAD. Thereafter, the corresponding gross land areas within the backshore and the upland segment of the property were calculated. Please note that your draft assessment did not provide the upland land capability. The verified land coverage, per your draft, have also been calculated for the backshore and upland segments of the property. The only deviation from your draft assessment is that we have calculated the footprint of the propane tank at the property, as Mr. Finney recalls Heather (Gustafson) Beckman asserting that this footprint would be verified as land coverage in our meeting at the site on May 26, 2010.

As you are well aware, we are anxious to conclude the site assessment process in order to move forward with a residential rebuild application. Should you have any questions or need additional information in order to complete the site

July 8, 2010
Melanie Vincent
TRPA
Finney – Site Assessment
Page Two

assessment process, please let me know. We greatly appreciate your efforts in relation to the processing of this application.

Sincerely,



Wyatt Ogilvy

WWO: Attachments

cc: John Finney
Ed Breakell

EXHIBIT B

AFFIDAVIT
to the
Tahoe Regional Planning Agency

This Affidavit is made on May 24, 2010, by M. Max Steinheimer who resides at 1410 Mettler Road, Lodi, California 95242, with telephone number (209) 334-4209, regarding the property, project, or other matter under review by the Tahoe Regional Planning Agency, with file number or County Assessor's Parcel Number 130-331-06 (Finney property"), located in Washoe County in the State of Nevada. The Affiant declares he/she has the following financial, real estate, business, or other interests in this matter (write "N/A" if none) N/A, and evidence of this interest is available on request. The Affiant affirms under oath that the following statement is true and correct to the best of his/her knowledge and that the information stated herein is submitted voluntarily.

STATEMENT
(Use additional sheets if necessary. Please number and initial additional sheets.)

My name is Max Steinheimer. I am one of the owners of the property bordering the Finney parcel on the south at Rocky Point, Lake Tahoe, Nevada.

The parcels to the south of the Finney property that are owned by my family have been in the family since before 1920. I first began spending part of the summer at the Lake Tahoe property in 1947 and between 1947 and 2008 I was on the property each and every year.

The following relate to my observations of the use and improvements located on the Finney parcel during those periods of ownership prior to the Finney acquisition.

In the 1950s the driveway for the Finney property began at the highway and went toward the lake along the south boundary of the Finney property ending at a point near the corner of our cabin that was and is located on the parcel closest to the Finney property. The driveway was used on a weekly basis by Elsie and Frank Golden, the then owners of the property. They would back their vehicle down the drive each weekend when they arrived, unload their provisions and take them down the path from the end of the driveway to the front door. In addition to the pathway and the steps, down to the front door of the Finney home, there were walkways that went around both ends of the Finney house to the lakeside. One walkway went towards the Herz property from the front door of the Finney house and then continued to the northeast onto the Herz property. That north walkway branched just past the north edge of the Finney house and went to the lake and rocks. The other walkway went from the front door of the Finney house around the southern edge of the home passing by the front of the storage shed (concrete bunker) that is located on my family's property and continuing around the lake side of the Finney home to both a deck area and to wooden steps that then went down onto the rocks of the lakefront. Walkways on the Finney property were regularly used by the Steinheimer, Golden and Herz family to access each of the homes as well as the Steinheimer storage bunker and the lakefront.

All of the walkways surrounding the Finney home as described above were wide enough for two or three people to walk or pass, the walkways were regularly used for movement of material for construction projects, including wheelbarrows and carts and for the transport of small boats to

MS

the rocks for launching. There were, in the 1950s and into the 60s, wooden decks on both the Herz lakefront property and on the lakeside and southeast corner of the Finney property. Compacted decomposed granite flat areas were on the lakeside of the Finney property and on the south side of the Finney property. There were also wooden decks and rails and steps on the lake side where the pathways met the rocks between the south line of the Finney property and approximately the middle of the Finney property on the lakeside.

Later, after 1962, a large pier structure was built on the rocks of the Finney property that would accommodate access to the water and included a boat lift that was capable of lifting an in-board/out-board boat in the 18 to 20 foot range out of the water. In association with that structure, there were also walkways and decks, however, all of the walkways and decks that were associated with that structure were in place prior to installation of the large docking structure.

All of the areas described above (drives, paths, walkways, decks and steps) surrounding the Finney home were regularly and continuously used for recreation and residential purposes in all of the summer seasons subsequent to 1947.

By: (Signature before Notary)

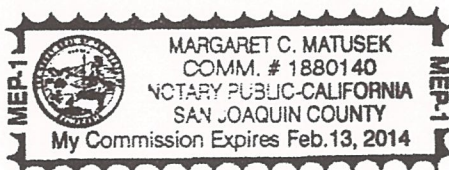
M. Max Steinheimer Date: 5-24-10

JURAT

State of California

County of San Joaquin

Signed and sworn to (or affirmed) before me on May 24, 2010 by M. MAX STEINHEIMER.



Margaret C Matusek
(Signature of notarial officer)

March 18, 2010

Melanie Vincent
Associate Planner
Land Capability Program
Tahoe Regional Planning Agency

RECEIVED

MAR 18 2010

TAHOE REGIONAL
PLANNING AGENCY

Re: Request for Additional information, Land Coverage Verification
APN 130 331 06, TRPA File Number LCAP2009-0284

Dear Ms. Vincent,

In response to your request of February 25, 2010 I submit along with this letter a site plan labeled SC-1 and a binder of photos of the site conditions over time. The photos are numbered and correspond to numbered locations on the site plan along with arrow heads showing the direction of the view.

As background this small lakefront property has been under intensive usage since at least the 1930s. Several of the remaining neighbors, including Judge Connie Steinheimer, have summered in this neighborhood continuously since the 1950s.

There are a home and a separate garage on the property connected by stairs and a walkway/driveway. The home consists of a series of additions capped off by a winterized second story and porches which were added under Washoe County building permit #10149, issued Nov. 2, 1966 and completed on June 30, 1967. The garage was added under building permit #10212, issued Jan. 5, 1967 and completed on June 29, 1967.

Prior to the building of the garage and accompanying concrete parking deck vehicle access was via a sloping asphalt driveway along the southern border of the property (abutting Steinheimer property). See statements by neighbors. At the time of the garage parking deck construction (spring 1967) an electrically heated concrete walkway with intervening steps was poured from the new parking deck down to the expanded home on top of the pre-existing asphalt driveway. See photos 50 and 58 for the 1967 walkway, and photos 48, 49, 51 – 57, 59 and 60 for views of the underlying asphalt driveway taken as the 1967 concrete walkway was removed for a utility project in 2007.

After the utility trench was covered a replacement concrete driveway/walkway (with BMP drainage) was poured on top of the now partially disturbed pre-1966 asphalt driveway. The new pour is narrower than the original driveway and both the new north side curb and pre-1966 curb are exposed and still visible. See photos 37 – 48.

The neighbor's statements indicate that the driveway was used to bring goods down all the way to the top of the existing stairs, adjacent to the steps into the Steinheimer home.

The deck on the south side of the house is one of only two semi-level outdoor spaces on the property. Being lakeside and surrounded by boulders it is the nexus of travel among

many heavily used facilities including the 2 lower lakeside decks, the pier, the two points of basement access (gear rooms), the 1928 concrete shed, "Elsie's project", and the upper decks, house and garage. The paths of travel are illustrated on exhibit SC-1. This area provided the only access to the 1928 shed, photo 12, and was the wheelbarrow path for supplies to "Elsie's project" the concrete and debris pile by the hot tub deck.

The central area was re-decked over the last 5 years due to rotting wood in contact with the earth. Photos 8 – 22 show the several generations of masonry steps, concrete steps (poured as part of the house expansion, 1967), and connecting rotting, wooden decks covering this area which were exposed during the process.

The walkway around the north side of the house has been the means of access to the utilities, crawlspace, north side basement, and via very old steps to the Herz Pier on the north side of the property. Photos 26 – 33. It also was stated by the Steinheimers to have been used as the primary path of travel between the neighboring homes on a continuous basis by the neighborhood children.

The retaining walls below the upper deck were added as part of the 1967 home expansion. They support the concrete pour that supports the house and decks. This pour also leads up to and under the south side surface decking. Photos 22 – 24. The construction is stone and masonry. It is covered with very mature lichen.

The retaining walls and debris pile to the south side of the hot tub were constructed by Elsie Golden in the 1950s and 1960s, long before she transferred the property to her neice Camille Ryan in 1970. The retaining walls are constructed of very old-style cinder block, and various junk, and extend across the property line onto the Steinheimer property, as does the current deck. The walls and fill were intended to support and level the deck area we currently have on the south side as well as to support a no-longer existing lakeside deck connecting to the Steinheimer property. Photos 1 – 7.

I hope this helps answer your concerns.

Sincerely,

John Finney

YEAR	FURNITURE	MERCHANDISE
70/71	170	170
71/72	170	170
72/73	170	170
73/74	170	170
74/75	170	170
75/76	170	170
76/77	170	170
77/78	170	170
78/79	170	170
79/80	—	—
80/81	—	—

CARRIER	ADDRESS	I.R.S.	DATE	TRANS. NO.
Camilla T. Ryan		Comb.	226348	449-377
GEDRA FIDELITY, INC.		Dessc.	3/12/70	168625
Supervised to	130-331-060	15.10	722209	1599/348
			2/9/81	722210
			5/1/83	

RECEIVED

MAR 18 2010

SAHOE REGIONAL
PLANNING AGENCY

POST IN A CONSPICUOUS PLACE ON THE JOB

BUILDING PERMIT CARD AND INSPECTION RECORD

WASHOE COUNTY BUILDING DEPARTMENT
1200 E. Second Street - Reno - Phone 322-0220

PERMIT NO. 10212 DATE 1-5-67
TYPE BLDG. Frame USE Storage
OWNER Mark J. Ryan
LOCATION 1170 Lakeshore Blvd
CONTRACTOR owner

NOTICE: Separate Electric, Plumbing and Heating Permits are Required.

Excavation & Set Back Requirement Insp.

To be Made Before Concrete is Poured

Set Back _____
Foundation Forms _____
Other Forms _____
Reinforcing _____
Plumbing (under slab) _____
Wiring (underground) _____
Wiring (slab) _____

Masonry, Concrete & Reinforcing Insp.

To be Made Before Grouting or Placing of Concrete

Reinforcing _____
Walls _____
Cells _____
Bond Beam _____
Foundation Access _____
Foundation Vents _____

Sub-Floor Inspections

To be Made Before Sub-Floor is Laid

Joists & Sills _____
Rough Plumbing _____
Rough Gas _____

Rough Inspections

To be Made Before Interior Lath and any wall Boards Applied

Rough Plumbing (vents) _____
Rough Plumbing (drains) _____
Water Pipes _____
Rough Gas _____
Rough Wiring _____
Flues _____
Chimney _____
Roofing _____
Framing _____
Air Ducts _____

Plaster and Stucco Inspections

To be Made After Lath, Wire and Wall Board are Applied

Stucco Lath _____
Plastic Lath _____
Wall Board _____

Finish Inspections

Do Not Occupy Building Until These Are Signed

Building OK 6-29-67 MJB
Electrical OK 6-29-67 MJB
Plumbing _____
Heating _____
Sewer _____
Gas _____
Parking _____
Required Concrete Work _____

NOTE: Signature of Inspector after item designates approval. When properly signed this card is a Certificate of Occupancy.

POST IN A CONSPICUOUS PLACE ON THE JOB

BUILDING PERMIT CARD AND INSPECTION RECORD

WASHOE COUNTY BUILDING DEPARTMENT
1200 E. Second Street - Reno - Phone 322-0220

PERMIT NO. 10149 DATE Nov. 2, 1966
TYPE BLDG. Frame USE Dwelling
OWNER Mark J. Ryan
LOCATION Highway 28 & Ruby Rd
CONTRACTOR owner

NOTICE: Separate Electric, Plumbing and Heating Permits are Required.

Excavation & Set Back Requirement Insp.

To be Made Before Concrete is Poured

Set Back _____
Foundation Forms _____
Other Forms _____
Reinforcing _____
Plumbing (under slab) _____
Wiring (underground) _____
Wiring (slab) _____

Masonry, Concrete & Reinforcing Insp.

To be Made Before Grouting or Placing of Concrete

Reinforcing _____
Walls _____
Cells _____
Bond Beam _____
Foundation Access _____
Foundation Vents _____

Sub-Floor Inspections

To be Made Before Sub-Floor is Laid

Joists & Sills _____
Rough Plumbing _____
Rough Gas _____

Rough Inspections

To be Made Before Interior Lath and any wall Boards Applied

Rough Plumbing (vents) _____
Rough Plumbing (drains) _____
Water Pipes _____
Rough Gas _____
Rough Wiring _____
Flues _____
Chimney _____
Roofing _____
Framing _____
Air Ducts _____

Plaster and Stucco Inspections

To be Made After Lath, Wire and Wall Board are Applied

Stucco Lath _____
Plastic Lath _____
Wall Board _____

Finish Inspections

Do Not Occupy Building Until These Are Signed

Building OK 6-29-67 MJB
Electrical OK 6-29-67 MJB
Plumbing _____
Heating OK 6-30-67 MJB
Sewer _____
Gas _____
Parking _____
Required Concrete Work _____

NOTE: Signature of Inspector after item designates approval. When properly signed this card is a Certificate of Occupancy.

RECEIVED

MAR 18 2010

WASHOE REGIONAL
PLANNING AGENCY
LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

1968

Finney Site Conditions APN 130 331 06

RECEIVED

MAR 18 2010

TAHOE REGIONAL
PLANNING AGENCY

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

May 24, 2010

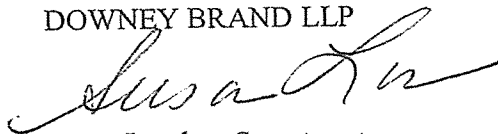
PMB 352
774 Mays Blvd., #10
Incline Village, NV 89451

Dear Mr. Finney:

Pursuant to Mr. Steinheimer's instructions, I am enclosing an Affidavit for the Tahoe Regional Planning Agency. Thank you.

Very truly yours,

DOWNEY BRAND LLP



Susan London, Secretary to
M. Max Steinheimer

MMS:sl

Situs 01711 STATE ROUTE 28

Property Name

Owner #1 FINNEY, JOHN

Mailing Address 774 MAYES BV #10-352 INCLINE VILLAGE, NV 89461

WASHOE COUNTY APPRAISAL RECORD

RESIDENTIAL RECORD Card 1 of 1

130-331-06

APN 2004
Fiscal Year 2004
Date Printed 1/16/2004

Special Property

Create

Tax Dist 5200

Roll year Prior % Inc % Incomplete

	Reopen	
	Reappraisal	

Bldg Data SFTY Sub Area New Sketch

Legal Description ROCKY POINT SUB AMD FR LOT 5 & ALL LOT 6 BLK G

VALUATION HISTORY

Roll Year	Land Acct	Land Taxable Value	Bldg Acct	Roof New Const	Supplemental Roll Bldg Taxable Value	Secured Prop Prop	Total Taxable Value	Land Assessed	Building Assessed	Secured Prop Prop Assd	Secured Total Assessed
2004 NR	1	1,352,600	1,009,62				68,473	1,421,073	473,410	23,966	497,376
2004 VN	1	1,352,600	1,009,62				68,473	1,421,073	473,410	23,966	497,376
2003 FV	REAP	1,352,600	REAP				67,820	1,420,420	473,410	23,737	497,147
2002 FV		660,000					95,513	755,513	231,000	33,430	264,430
2001 FV		440,000					94,143	534,143	154,000	32,950	186,950
2000 FV		440,000					94,143	534,143	154,000	32,950	186,950

BUILDING DATA

Code	Description	Code	Description	%	Year Built	W.A.Y.	Auto Calc	Heat Type	Code	Description	%	Bedrooms	Full Baths	1/2 Baths	Total Fixtures	M/H RP Length	M/H RP Width
Bldg Type	001	SGL FAM RES	Ext Walls	R005	SIDING			1965		R001	FA	100	3	0	11		
Stories	R004	1 SF	2nd Ext Wall						2nd Heat								
Units/Bldg	1		Roof Cover	R002	COMP SHINGLE				Count Mod	CM02	SITE	1.1					
Sub Floor	001	WOOD	Builder					End or Interior	Obs/Adj								
Frame	R001	STUD FRAMED	Quality Class	R030	AVERAGE			Burnt Gar Doors									
								Square Feet	1,633								

SPEC FEATURES / YARD ITEMS (SFT)

Code	Description	QCL	Year	Area	Subst	RCN	%Comp	Sub Area	Description	Year	Area	Subst	%Comp	Recapst Yr	Reason	Appraisal
FWCO	FW CONCRETE	3.0	1949	600				BMTH	BMTH DUG UNE		200			2003		
BTDK	BOAT DCK LP	3.0	1949	336				GLA	GROSS LIVING		1,633			89450		
FWW6	FW WD 6FT	3.0	1949	100				FOR5	FORGH ENCL		71			1.1		
FPSS2	FP SGL 2-STY	EBLD	1949	1				WDK1	WOOD DECK		665					
GARD	GAR DETACHED	3.0	1949	744												

NOTES

93 WAY REMODEL CBE REDUCED PER GARY NO MUNICIPAL WATER
NATURAL GAS SERVICE OT POSTAL SERVICE

LAND DATA

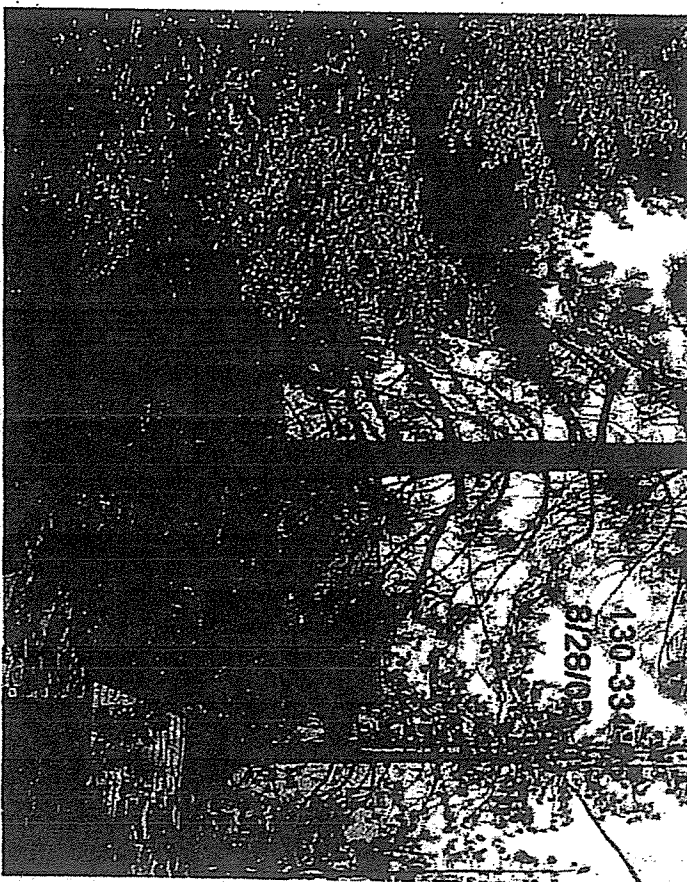
Code	Description	%	Subst	Other	Flood Hazard	Water	MUNI WATER	Factor Dist	187R
MDS	MID DEN SUBR	100						Reval Years	1998-2003
								Reval Dist	001
								Val Year	2003
								Reason	Reappraisal
								Unit Type	Ac

LAND VALUE

Code	Description	# Units	Unit Type	Base Value	Base Adj	Anten/Det	%	Subst	%	Other	%	Jump Sum Adj	Taxable Value	Notes
TSRP	020 Single Family	58	Front Rec			SEE NOT	30			OVERLNDV	-100	500,000	1,352,600 BV 21000	ROCKY BCH 185 DPTH PIER
OVLY	020 Single Family	1,352,600	Units for		1,000									

ALPN 130-331-06

Sum Area By Label:



Roll Year	Land Parcels	Buildings	Water	New Const.	Supplemental Roll	Bids to Public	Value	Specialties	Prop.	Roll to Public	Value	Land Assessed	Building Assessed	Secured Fed. Property	Secured Total	Assessed Total
2003 FV	REAP	1,352,600	REAP				67,820				1,420,420	473,410	23,737			497,147
2002 FV		660,000					95,513				755,513	231,000	33,430			264,430
2001 FV		440,000					94,143				534,143	154,000	186,950			341,000
2000 FV		440,000					94,143				534,143	154,000	32,950			186,950
1999 FV		440,000					94,143				534,143	154,000	32,950			186,950
1998 FV		440,000					92,751				532,751	154,000	32,463			186,463
ACTIVITY INFORMATION												SALES / TRANSFER INFORMATION				

Date	Rolls	Appr.	Notes	Grantor	Document #	Date	DGC	Seller's RS	Net Items	Notes
2/14/2003	APPEAL CBE	SCG	Roll Year 2003-CBE #7-Land reduced 1,718,000 to		01954796	12/29/1995	020	1,100,000	No IG	
11/14/1996	DO NOT USE	W/L								
11/14/1996	DO NOT USE	W/L								

[illegible]

This Information is for use by the Washoe County Assessor for assessment purposes only

PROPERTY TYPE:

WASHOE COUNTY BOARD OF EQUALIZATION

HEARING: 74

TAXABLE VALUE: LAND: \$1,718,000
ASSESSED VALUE: LAND: \$601,300

IMPS: \$67,820 TOTAL: \$1,785,820
IMPS: \$23,737 TOTAL: \$825,037

DATE: 2003 REAPPRAISAL
TIME: 2003 REAPPRAISAL

OWNER: Finney, John

APN: 130-331-06 ADDRESS: 711 State Route 28

LAND: AREA(AC): 0.224 FRONTAGE 88
TAXABLE LAND VALUE: \$1,718,000

SUBJECT INFORMATION

AVG DEPTH: 185 PHYSICAL: Rocky beach, pier

IMP: AREA(SF): 1,633 STORIES: 1.5 QUALITY: 3.0 YR BUILT: 1965 WAY BSMT: 200 sf unfinished

SPECIAL FEATURES:

TOTAL TAXABLE VALUE PER SQUARE FOOT: \$1,094

LAND VALUATION SUMMARY:

The subject's current taxable land value of \$1,718,000 includes a \$500,000 pier right premium. The subject's current base land value is \$21,000 per front foot. The current value does not reflect the lack of municipal water, natural gas or postal service. The following land sales analysis incorporates a recommended reduction in the land value in order to acknowledge these issues. There were three sales included in the analysis. The adjusted sale price range of the comparable land sales is \$10,880 to \$24,591 per front foot. The recommended taxable land value reduces the subject's base land value to \$14,700 per front foot. The subject's recommended taxable land value is below two of the three adjusted comparable sales.

TOTAL VALUATION SUMMARY: The owner is only protesting the land value. Therefore, an improved sales analysis was not conducted.

CONCLUSION SUMMARY:

The current taxable land value does not reflect the lack of municipal water, natural gas service and postal service. To acknowledge these issues, it is recommended that the subject's land value be reduced to \$1,352,600 consisting of \$852,600 for the land and \$500,000 for the pier right premium. This recommendation is incorporated into the land sales analysis of page 3.

RECOMMENDATION:

UPHOLD: REDUCE: X

TAXABLE VALUE:
ASSESSED VALUE:

Land	Buildings	Total
\$1,352,600	\$67,820	\$1,420,420
\$473,410	\$23,737	\$497,147

The owner of record has been notified of the recommendation.

PREPARED BY: Gary Warren, Appraiser III

REVIEWED BY: Ron Sauer, Senior Appraiser

PAGE 1 OF 16

EXHIBIT 1

FIRST AMERICAN TITLE

241 Ridge Road
Reno, NV 89501
702-688-4848

*for my
information*

Property and Ownership Information

Owner: NORTHBROOK PROPERTIES INC
CoOwner:

Phone#:

Site Addr: 1711 STATE ROUTE 28
INCLINE VILLAGE NV 89451

Mail Addr: 555 SKOKIE BLVD #555
NORTHBROOK IL 60062

Property Characteristics

Bldg SF: 1,633	Lot Acres : .22
Bedrooms : 3	Lot Sqft : 9,757
Bathrooms: 3.00	Bsmnt Type: DUGOUT-UN
Fixtures : 11	Bsmnt SqFt: 200
Fireplace: 1	Garage : DETACHED
Stories : 1.5 FIN	Garage SqFt: 744
Units : 1	Wall Mat : SIDING
Heat Type: FORCED	Roof Type : WD SHAKE
Air Cond :	Water : MUNICIPAL
Imp 1 : WOOD DECK	Bld Cond :
Imp 2 : ENCLSD PO	Bld Quality: AVG
Imp 3 : FW CONCRE	Street : PAVED
* Imp 4 → : BOAT DOCK	Sewer Type: MUNICIPAL
Imp 5 : FENCE WOO	Year Blt : 1949
Zoning : 055	Avg YrBlt : 1965
BldgUse : *UNKNOWN	BUILDING USE*

Property Statistics

Parcel #: 130 331 06
Use: 020 RES, SINGLE FAMILY RES
Legal: IN ROCKY POINT ADD LT 6 F
Parcel Lt: 5 Blk: G
Census Tr: Bl:

Sale & Loan Information

Sale Date-Deed: 09/02/88
Sale Price:
Doc #: 1271319
Price/Sqft:
Lender:
1st T.D. Amt:
Loan Type:

Prepared For: MARY REIMER
LAKESIDE SALES

Title Rep:
Prepared By: GERRITT SCHMIDT

Tax Information

Struct: \$28,010	94-95 Tx: \$3,935.80
Land: \$96,250	Tax Area: 5200
Total: \$124,260	* Imp: 23

MetroScan Property Information

NOV 20 2009

The Information Provided Is Deemed Reliable, But Is Not Guaranteed.

Property Profile

OWNER and PROPERTY

Owner : John & Jeanette Finney
Owner Typ : Family
Co-Owner : N/A
Phone # : N/A
Mail Address : 774 Mays Bv 10-352 Incline Village NV 89451
Site Address : 1715 Lakeshore Blvd Incline Village NV 89451
Parcel : 130-331-06 **Census** : 33.041
School District : Washoe County **Tax Area** : 005200
Page-Grid : 18-16-26 **# Props** : 1
Flood Map : N/A **Own Occ** : No
Housing Tract : ROCKY POINT SUB AMD FR 5
Lot / Block : 6
Legal Desc : ROCKY POINT AMD FR LT 5 & ALL LT 6 BLK G

TRANSFER INFORMATION

Date w/ \$: 05/26/2004
Doc # w/ \$: 03043788
Price : N/A
Type : Partial Value
\$ Sqft : N/A
Date w/o \$: N/A
Doc # w/o \$: N/A

TAX and ASSESSMENT

Land : \$420,000
Structure : \$25,745
Total : \$445,745
Improved : 2574500%
Tax Year : 2008-2009
Taxes : \$12,356.72

LOAN INFORMATION

Loan : \$880,000
Lender : Chase Manhattan
Loan Type : Conventional
Rate Type : Variable

PREVIOUS OWNER

Date : 12/29/1995
Price : \$1,100,000
Name : Finney, John

PROPERTY CHARACTERISTICS

Land Use : Single Family Residence	Units : 1	Bldg Sqft: : 0
Zone : MDS Water :	Pool : No	Ttl Sqft: : 1,633
Rooms : N/A Sewer :	Stories : 1.5F	Bsmt Sqft : 200
Bedrooms : 3 Yr Blt : 1949		Gar Sqft: : 0
Bathrooms : 3.00 Acres : 0.22		Lot Sqft: : 9,757

First Centennial Title Co. of Nevada

This information is believed to be accurate, but is not guaranteed.

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Gerritt Schmidt #2729

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.

History of owners of APN 130-331-06

Elsie Golden – original owner
Camille and Mark Ryan – niece of the Golden
Consolidated Electric Company
Northbrook Properties
John Finney – since late 1995

Valuation Section

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No.

ESTIMATED SITE VALUE

ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:

Dwelling 1,818 Sq. Ft. @ \$ 150.00 = \$ 272,700
 Sq. Ft. @ \$ =
 decking/railing/benches/spa = 35,000
 Garage/Carport 744 Sq. Ft. @ \$ 75.00 = 55,800
 Total Estimated Cost New = 363,500
 Less Physical 45 Functional External

Depreciation 163,575
 Depreciated Value of Improvements = \$ 163,575
 "As is" Value of Site Improvements = \$ 199,925

INDICATED VALUE BY COST APPROACH

25,000
 2,824,925

Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property): Cost figures are based on rough local averages and include normal indirect costs; depreciation per age/life method, 60-year. No applicable lot sales were found; site estimate is by market extraction based on S#1 below. The high land/imps. ratio is common for the lakefront. Living area is adjusted in the Market Approach at 75% of est'd base cost new (within norm found) and considers rooms; baths at \$10,000 each.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	1711 State Route 28 Incline Village	1705 State Route 28 Incline Village, NV	638 Lakeshore Blvd. Zephyr Cove, NV	173 Snug Harbor Zephyr Cove, NV
Proximity to Subject		5 lots northerly	16 miles southerly	15 miles southerly
Sales Price	\$ n/a	\$ 2,850,000	\$ 2,700,000	\$ 2,400,000
Price/Gross Liv. Area	\$ n/a	\$ 1,175.74	\$ 1,303.09	\$ 860.22
Data and/or	inspection/owner/ public records	MLS #928553/ Document #2493517	MLS #103859/ Document #550229	MLS #107172/ Document #548898
Verification Source	DESCRIPTION	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment
VALUE ADJUSTMENTS				
Sales or Financing		none known; CTNL Conv.	none known; CTNL Conv.	none known; all cash
Concessions		10-24-00 COE	8-22-02 COE	8-31-02 COE
Date of Sale/Time		same	infer/Maria Bay *	infer/east shore *
Location	good/Rocky Point	same	same	same
Leasehold/Fee Simple	fee simple	same	same	same
Site	.22acre/moderate	.12acre/steep *	.17ac/moderate *	.22acre/gentle *
View	55' rocky lakefront	75' rocky lakefront *	65' sand ho. bch *	40' sandy beach *
Design and Appeal	average/cabin	similar/contemp.	similar/cabin	similar/ranch
Quality of Construction	average-good	similar	similar	similar
Age	1949/remodel	1976/inferior *	1941/minimal *	1951/inferior *
Condition	good	inferior *	inferior *	inferior *
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	5 3 3.00	6 3 3.00	6 4 2.50	7 4 3.00
Gross Living Area	1,818 Sq. Ft.	2,424 Sq. Ft.	2,072 Sq. Ft.	2,790 Sq. Ft.
Basement & Finished		-67,500	+5,000	-110,000
Rooms Below Grade	none	same	same	same
Functional Utility	average	similar	similar	similar
Heating/Cooling	fau/propane	similar	similar	similar
Energy Efficient Items	dual-glazing	same	same	same
Garage/Carport	3 car det. garage	2 car carport	1-pane (@ age)	2 car att. garage
Porch, Patio, Deck,	decking, hot tub,	similar,	none	similar,
Fireplace(s), etc.	bft-ins, 1 fireplace	1 fireplace	similar,	1 fireplace
Fence, Pool, etc.	part.fenced, indscp	similar	similar	similar
boat facilities	2 legal bouys	bouv. dock/hoist	1 fireplace	1 fireplace
Net Adj. (total)		-250,000	none	same
Adjusted Sales Price		+ X - \$ -42,500	+ X + \$ +50,000	+ X + \$ -250,000
of Comparable		\$ 2,807,500	\$ 2,917,500	\$ 2,845,000

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): Discussion of the comparables attached. Notes: Location, site, and view are interrelated (and usually inseparable) factors influencing land value, thus they are considered compositely as indicated by asterisk. The net adjustment is based on the estimated land contribution to sale price via extraction. Age and condition, also interrelated, are treated accordingly. Percentage and/or other adjustments made are attempts to reflect an estimated degree of dissimilarity with the Subject Property, as the dollar amounts shown (dictated by URAR format) might other-wise convey a level of accuracy that rarely exists in this diverse and dynamic market.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data	None	None	None	None
Source, for prior sales	None	List Price: \$3,000,000	List Price: \$2,700,000	List Price: \$2,400,000
within year of appraisal	None	Days-on-Market: 217	Days-on-Market: 105	Days-on-Market: 30

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of any prior sales of subject and comparable property. The Subject Property was acquired 12-29-95 COE for \$1,100,000.

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.



EXTRA COMPARABLES 4-5-6

File No. _____

Borrower FINNEY

Property Address 1711 State Route 28

City Incline Village

County Washoe

State NV

Zip Code 89451

Lender/Client Partners Mortgage Inc.

Address 2271 Lava Ridge Ct. #110, Roseville, CA 95661

These recent sales of properties are most similar and proximate to subject and have been considered in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6
Address	1711 State Route 28 Incline Village	478 Lakeview Ave. Zephyr Cove, NV		
Proximity to Subject		17 miles southerly		
Sales Price	\$ n/a	\$ 2,500,000		
Price/Gross Liv. Area	\$ n/a	\$ 1,470.59		
Data and/or Verification Source	inspection/owner/ public records	records/prior MLS #6223/ Document #556424		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment	DESCRIPTION +(-)\$ Adjustment
Sales or Financing Concessions		none known; CTNL Conv.		
Date of Sale/Time		8-22-02 COE		
Location	good/Rocky Point	simil/Elks Point *		
Leasehold/Fee Simple	fee simple	same		
Site	.22acre/moderate	.12ac/moderate*	+100,000	
View	55' rocky lakefront	40' rocky lakfrnt *		
Design and Appeal	average/cabin	similar/cabin		
Quality of Construction	average-good	inferior *		
Age	1949/remodel	1930/remodel *	+150,000	
Condition	good	inferior *		
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	5 3 3.00	5 3 2.00	+10,000	
Gross Living Area	1,818 Sq. Ft.	1,700 Sq. Ft.	+12,500	
Basement & Finished Rooms Below Grade	none	same		
Functional Utility	average	similar		
Heating/Cooling	fau/propane	similar		
Energy Efficient Items	dual-glazing	1-pane (@ age)		
Garage/Carport	3 car det. garage	none	+90,000	
Porch, Patio, Deck, Fireplace(s), etc.	decking, hot tub, blt-ins, 1 fireplace	similar, 1 fireplace		
Fence, Pool, etc.	part fenced, lndscp	similar		
boat facilities	2 legal bouys	2 bouys, landing	0	
Net Adj. (total)		X + - \$ 362,500	+ - \$ 0	+ - \$ 0
Adjusted Sales Price of Comparable		\$ 2,862,500	\$ 0	\$ 0

Comments on Comparables: Discussion of market data attached.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6
Date, Price and Data	None.	8-31-00 COE \$1,400,000		

LEGAL COMMITTEE ITEM NO. 3 &

AGENDA ITEM NO. VII. A.

Deck, not pier



COVERAGE, %	ADDITIONAL ARES (%)		COMMENT
	2004-05 (C202) 10	2005-06 (C203) 13	
Relevance (living text)	(c) 15.0	(c) 15.0	w 3.1 reduction
Unquoted words (dead text)	(c) 13.1	(c) 14.4	w 3.1 reduction
Spelling on the printed page	(c) 6.69	(c) 6.69	To be removed
Spelling on adjacent page	(c) 5.81	(c) 5.81	To be removed
Spelling on adjacent page	(c) 5.81	(c) 5.81	To be removed
Access from printed page	(c) 5.60	(c) 5.60	Revised actions
Print to sheet	(c) 5.50	(c) 5.50	To be removed
Contents table of contents	(c) 4.18	(c) 4.18	To be removed
Contents table of contents	(c) 3.93	(c) 3.93	To be removed
Upper dead - on the screen	(c) 2.97	(c) 2.97	
Upper dead - on adjacent property	NC	NC	
Upper dead & ramp shelf	(c) 2.25	(c) 2.25	w 3.1 reduction
Picture - on site	(c) 1.97	(c) 1.97	Revised
Picture - on site (10/1)	(c) 1.97	(c) 1.97	Revised
Picture - on site (10/1)	NC	NC	
Picture - on site (10/1)	(c) 1.60	(c) 1.60	Revised
TOTAL - dead zone	(c) 58.60	(c) 58.60	
TOTAL - dead zone	(c) 58.60	(c) 58.60	
Grand TOTAL	(c) 973	(c) 973	No change

NOTE: "Actual Area" calculated using AutoCAD from 20 June 2000 topographic map by Kent Barrow with proposed improvements added. Negative areas indicate existing coverages that will be removed and positive numbers indicate existing coverages that will be increased from "Allowed Area" taken from 17 October 1996 TRPA Site Assessment based on 7 October 1966 topographic map by Strygals Survey. Where there is no change in the "Actual Area" (AC), the TRPA "Allowed Area" is listed.

OC ENGINEERING
P. O. BOX 10307
RENO, NEVADA 89510
775-851-7335
E-MAIL: oceng@oceng.com
RENO OFFICE: 10985 DRYDEN DRIVE

POR. S 1/2 OF LOT 1 SEC. 26, T. 16 N., R. 18 E., M. D. B. & M.
WASHOE COUNTY INCLINE VILLAGE NEV.

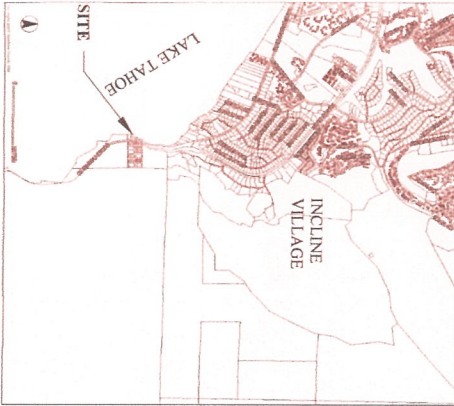
SENIC REFERENCE POINT
LOCATION & ALIGNMENT OF PROPOSED
SANTA FE TRAIL RAILROAD

61' SF 3/4/08
Disallowed

- COVERAGES**
- ON-SITE COVERAGE**
- COVERED PER TRPA PERMIT NO. 2004-0098 = 2,000 SF
- LESS DELETED IN 100' SET (1710' - 1279' - 432 SF)
- LESS DELETED IN 100' SET (1710' - 1279' - 432 SF)
- LESS DELETED IN 100' SET (1710' - 1279' - 432 SF)
- ADD NEW GARAGE STRUCTURE = 775 SF
- REMOVED COVERAGE = 2,000 SF
- OFF-SITE COVERAGES:**
- COVERED PER TRPA PERMIT NO. 2004-0098 = 342 SF (NO CHANGES)

PROJECT SITE

VICINITY MAP



- TRPA NOTES:**
1. NO DAMAGE TO EXISTING MATERIAL PERMITTED ON SITE. ANY EXCESS EXCAVATED MATERIAL WILL BE EXPOSED AT A TRPA.
 2. ALL EXISTING MATERIALS AND AREAS EXPOSED BY CONSTRUCTION SHALL BE REVEGETATED IN ACCORDANCE WITH THE TRPA PLANBOOK.
 3. ALL AREAS WITH PAVING, DRIVEWAYS, ETC., TO BE REMOVED SHALL BE REVEGETATED AND NOT BE REVEGETATED.
 4. THE TRPA PLANBOOK SHALL BE CONSIDERED A SUPPLEMENT TO THE TRPA PLANBOOK AND SHALL NOT BE REVEGETATED FOR PURPOSES OF TRPA.
 5. ALL IMPROVEMENTS SHALL BE PERMITTED ON EXISTING PAVED SURFACES OR EXISTING UNPAVED SURFACES (ROADS ONLY).

NOTE:

THIS PLAN FOR THE TRPA PERMIT NO. 2004-0098 WAS PREPARED BY THE TRPA PLANNING AGENCY. THE TRPA PLANNING AGENCY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE TRPA PLANNING AGENCY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE TRPA PLANNING AGENCY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

PLAN REVISIONS:

THIS APPROVAL EXPIRES ON:

DATE: 12/2008

TRPA PLANNING AGENCY



NO.	DATE	DESCRIPTION	BY
1	12/2008	RECEIVED BY TRPA PLANNING AGENCY	AKC
2	12/2008	RECEIVED BY TRPA PLANNING AGENCY	AKC
3	12/2008	RECEIVED BY TRPA PLANNING AGENCY	AKC
4	12/2008	RECEIVED BY TRPA PLANNING AGENCY	AKC

ENGINEERING

P.O. BOX 10307
RENO, NEVADA 89510
775-851-7335
E-MAIL: ccamp@cceng.com
FAX: 775-851-7336

RICHARD & LEE HERZ DIXON

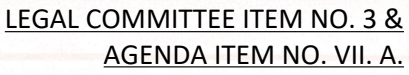
1713 LAKESHORE BOULEVARD
INCLINE VILLAGE, NEVADA
A.P.N. 130-331-05

SITE PLAN

SHEET C1

2-5-08

07



Memo

4/24/23

To: File

From: Julie Roll, Senior Planner

File: ERSP2022-1124

Property Location: 1713 Lakeshore Boulevard, APN 130-331-05

Re: Grandfathered status of pier

The pier on the subject property existed pre-1972 but was destroyed by storms in the early 1990s. Around 2006-2008, permits were issued for improvements to the upland, which included notes on the stamped approved plans that the pier was to be re-built, though it never was. Then there were discussions between the property owner in TRPA around 2013, at which time TRPA staff indicated there is a right to rebuild the pier, and that the owners needed to submit plans for review and permitting. TRPA took a sort pause on accepting new shorezone projects for a period of time while working on adoption of the new Shoreline plan/code (adopted 2018). The owners then submitted this subject application in accordance with the design standards of the new shoreline plan.

There was much internal discussion about whether the pier was derelict, but it was ultimately decided that TRPA would honor the previous staff determination that the pier was eligible to be rebuilt.

61' SF DECK, NOT PIER
DISALLOWED BY TRPA AT
LEAST 3X



Dixon Project Report of Findings
3/3/2015
Job # 201425

Project location: 1709 Highway 28, Washoe County, Nevada

Purpose Determine historical use of the shorezone (Historical buoys/ existing shorezone structures), and TRPA thoughts on rebuild/expansion of pier, determine if TRPA would trade amenities for buoy, and determine TRPA next steps for potential future use in shorezone.

Buoy. We researched aerial photos from 1969, 1998 and 2012. The 1969 photos and the 1998 photos do not show any historic buoys associated with property. The 2012 photos show a buoy in the vicinity of the parcel. Could be the neighbor (Miller) buoy- (Please refer to "Attachments A, B and C").

NO COMMENTS RE : PIER OR DOCK

September 24, 2014 Meeting with Art O Conner

Art explained the property has undergone several TRPA approvals for remodel of the residence (major plan revisions). Class 1b coverage is banked to the site for future use. Art provided photo from 10/27/2001 showing stub of pier to lake, deck winch and small boat on pier. (" Attachment D"). Art also provided a exhibit showing existing conditions with cross bracing, proposed removal of underneath deck and ladder and removal of path etc. (" Attachment E"). Art talked with TRPA regarding access to pier via lakefront deck and adjustable catwalks, etc. A site plan was also provided. (" Attachment F").

Site visit: November 13, 2014

Kaufman Planning made a site visit to the site and took photos of existing conditions prior to meeting with David Landry. (Please refer to "Attachments G, and H")

Meeting with David Landry- November 14, 2014

The TRPA is not against the rebuilding and extension of a pier. They have determined that a pier is historically grandfathered to the property and that it was capable of mooring a boat. TRPA does not see a reason to purchase a buoy to make a finding of mooring capability as they are going to allow extension of the pier.

TRPA provided a current site plan of the property dated 3/13/08 ("Attachment I") Any 1b area not needed for the house can be added to provide access to the pier. 10 foot wide pier would be allowed. David thinks the left over coverage in the class 1b is approximately 64 sf.

Meeting with Tom Hall and Art O'Conner- November 19, 2014

Discussion regarding TRPA allowing pier extension and next steps. Design or access to the pier an issue due to steep slope.

Next Steps

TRPA sent email on 11/20/2014 regarding access to the pier, and next steps).
("Attachment J")

TRPA violation issues must be resolved and then proposal for a new pier extension can be submitted (Bathymetric survey required to determine water depth). Pier can go to pier headline or elevation 6219' whichever is more limiting. No transfer buoy program at this time and would not be needed for the pier extension but could be useful in the future for a boat lift if water depths allow. My recommendation is to have a sit down meeting with David Landry with several proposals in sketch format.

We can provide an outline of the process, filing fees, items required for a shorezone application etc. upon request. Other agencies involved in the permit process include: Nevada State Lands, US Army Corps of Engineers, Dept of Wildlife, Washoe County building dept. Please let us know if you have any questions.

Submitted by:



Leah Kaufman
Principal Planner
enc

EXHIBIT F

Basin Strategies



Planning and Consulting Services

1046 Lucerne Way
Incline Village, NV 89451
(775) 671-0559
E-mail: basinstrategies@gmail.com

March 6, 2023

TRPA

Attn: Julie Roll

128 Market Street

Stateline, NV 89449

Sent via email to: jroll@trpa.gov

**Re: 1713 Lakeshore Blvd. Pier Rebuild
TRPA File # ERSP2022-1124
Response to Neighbor's Comments**

Dear Ms. Roll:

On behalf of the applicants of the above-referenced project, I appreciate the well-informed concerns and questions posed by Jeanette and John Finney of 1715 Lakeshore Blvd., and the opportunity to address them.

Below are excerpts from and responses to the points raised in the email dated March 1, 2023:

- OK
- 1) *Application was made under an incorrect APN #, although the current APN # can be found in the application. The old APN number was 130-331-05. For whatever reason, when the abandonment of the ROW was recorded, Washoe County changed the APN to 130-331-114. This is the APN which should appear on the application AND TRPA notification to us. At minimum, TRPA needs to amend the Notice of Application to correct this. This was the reason for my confusion as to Elisa's/RAH RAH LLC claim to ownership. I do agree that she is the owner of the new property which includes the ROW.*

The APN and owner name provided in the application were current at the time the application was submitted to TRPA. Since that time the APN and owner name have changed, while the property remains within the same family. As referenced above, the APN change was the result of a partial abandonment of the adjacent Right-of-Way on the north side of the applicant's property.

The change in ownership was a family matter. The revisions were discussed with TRPA staff, accordingly. The property address remains the same. I apologize for the confusion.

- 2) *In reviewing the application, we see no reference as to where they actually intend to site the "rebuilt" pier. If we are misreading the various surveys and drawings, please do point this out or provide an accurate site plan. Depending on the requested pier location, we have two permitted buoys (since 1999) with no ability to shift their location due to the four neighbors' buoys to our south. Additionally, we have a Permit # 71736 with the Nevada Division of Water Resources for our Lake pump, which we use for our irrigation.*

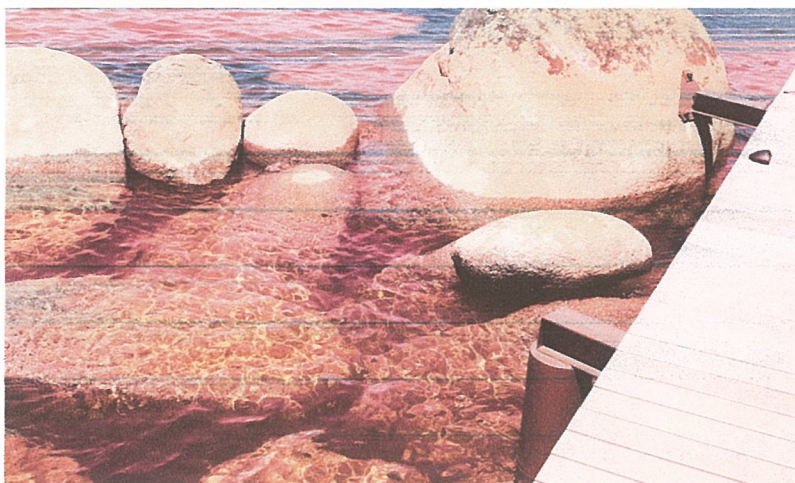
Attached (Exhibit 1) is a copy of the plan set submitted with the TRPA application showing the proposed location of the pier. The pier is proposed to be located further away from the Finney property than the previous pier and the proposed pier conforms to all required setbacks and location standards.

TRPA provided late

The two buoys and the water intake line associated with 1715 Lakeshore Blvd. are bubbled in red on sheet T1 of the attached plan set. The location of the water intake line is per a December 2021 survey by Lumos & Associates. The buoy floats were not visible at the time of the survey so the locations of the buoys are per the aerial exhibit associated with TRPA buoy registration #11096 for 1715 Lakeshore Blvd. (attached as Exhibit 2).

- 3) *Installation of a pier of this size would entail extensive removal of boulders from the Lakebed. Having owned a condominium at 557 Lakeshore during our home rebuild, I know for a fact that rock removal is very much discouraged/prohibited by TRPA as we encountered when we had to rebuild the community docks in our marina.*

Boulder relocation was originally proposed as part of this project but it is not necessary and is no longer proposed. The positioning of the pier is such that it will extend over the top of existing boulders. The pier is proposed to be pinned to existing boulders, as is common practice in Lake Tahoe. Engineering details of the proposed pinning can be found on sheet D1 of the attached plan set. Below is a photo of this construction method on another pier in Lake Tahoe:



- 4) When we purchased our home in 1995, there was no pier at 1709 (now 1713) Lakeshore Blvd, APN # 130-331-05. Existing at that time were a few broken boards from land to a large boulder which the family refers to as "Dixon's Rock" To this day, there remain the remnants of the concrete and pins on that rock that they attached the wooden deck to. There was no existence of a pier over the water - no pilings or detritus whatsoever in the lakebed. The remains of their old water system - pipes etc - were on the lakebed until they were removed in 2021 by that volunteer group that has been cleaning up the lakebed. Until 2007, Rocky Point water was provided solely via Lake pumps for the entire community; when IVGID redid the sewer line under the road we finally got IVGID water (at great expense). Sewer was accepted back in '68 when required and use of all septic systems ceased. So at minimum, no pier has existed at 1709/1713 for over 28 years. Our further neighbors to the north, then Powers, now Powers & Bisnar (APN # 130-331-03 130-331-02, formerly a single family residence which was bi-furcated) - with the expertise of Elise Fett, made the correct application to repair and extend their pier about 15 years ago. This was TRPA policy at that time. That policy has not existed for a very long time: I believe Elise got her approval in at the very last minute, c. 2006.

The history presented above seems accurate and consistent with the history provided in the application:

- * The pier was built prior to 1972 and the owners (and TRPA) have old family photos documenting this. **PROVIDE PHOTOS NONE IN FILE**
- * The pier was destroyed by a storm in the early 1990s.
- * There exists a TRPA-approved site plan associated with a plan revision to TRPA File #20061555STD that includes rebuilding the pier (referred to as an 'old deck' on the approved plan).
- * Washoe County would not approve the plans associated with TRPA File #20061555STD because those plans did not meet parking requirements so a new plan revision permit was issued by TRPA to add a garage (TRPA File #ERSP2007-0950). As part of this plan revision, TRPA staff retracted the prior approval to rebuild the 'structure in the backshore', as evidenced in Special Condition 1 of the permit and in TRPA's hand-written mark-up of the approved site plan. **can't locate this document**
- * The Dixons have been advised repeatedly by various legal counsel that TRPA's action in retracting this approval was unlawful.
- * A smaller platform was built without a TRPA permit to provide access to the shorezone. TRPA has been aware of this for many years and considers it an unresolved violation. That platform is proposed to be removed as part of this project.
- * In 2014 and 2015 TRPA shorezone staff, David Landry, in consultation with Paul Nielsen, met and corresponded with representatives of the Dixons on multiple occasions and declared that the pier is considered historically grandfathered and that the Dixons have the opportunity to apply for a pier modification/expansion at any time.

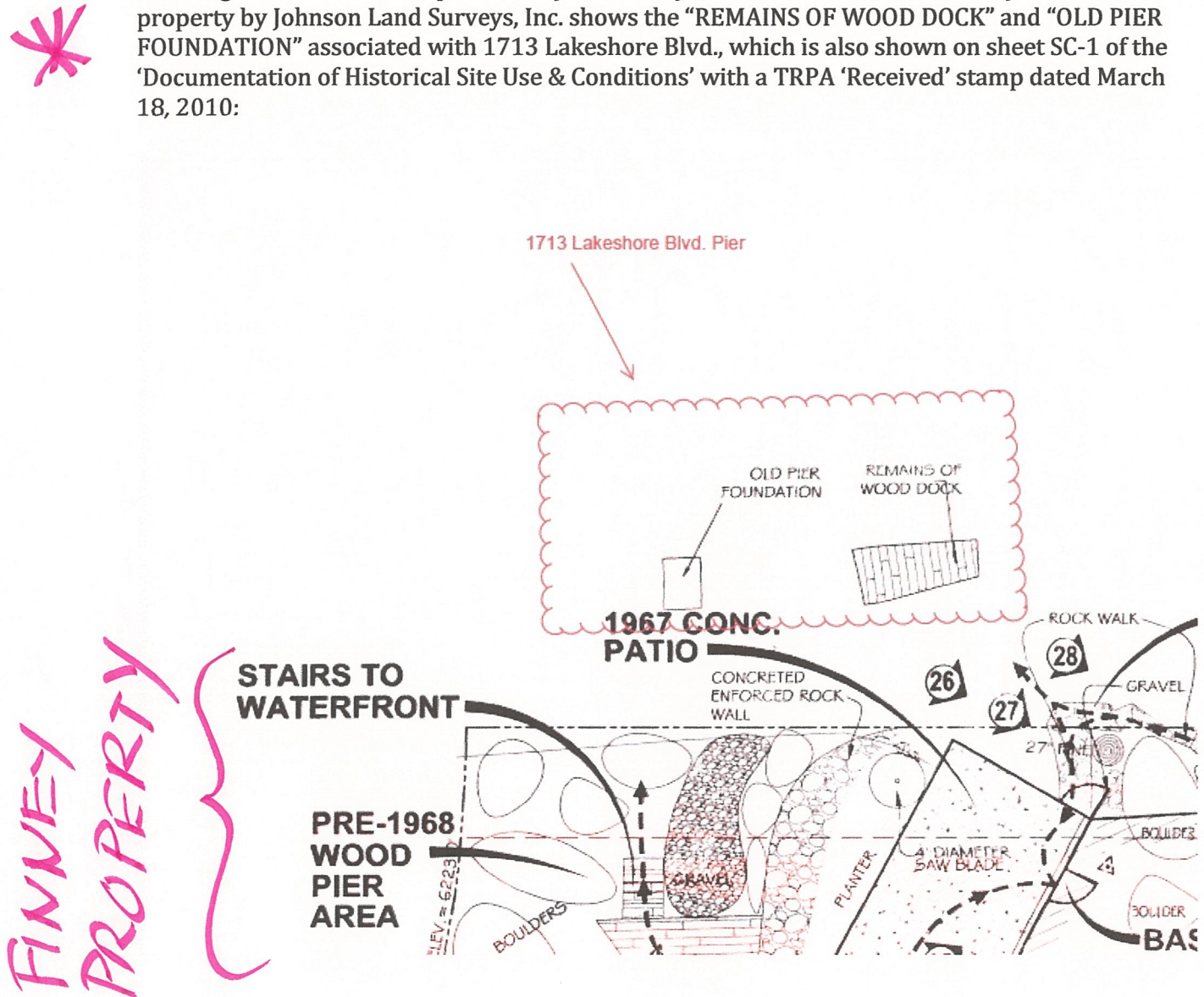
TRPA General Counsel, John Marshall, has most recently reviewed the history associated with this pier and once again determined it to be permissible to rebuild.

NOT A REBUILD

- 5) At the time Lee & Dick Dixon made their application to rebuild/remodel their home, c. 2006, as part of the application process they were required to remove the vestiges of the old wooden land-rock deck, as well as the old decrepit wooden stairs. Their rebuild was due to a flood in the home c. 2003 (?) rendering it uninhabitable. Dick installed an unpermitted metal stair down to the Lake around 5 years ago.

The unpermitted structure providing access to the shorezone and the history behind it was included in the project description submitted with this application and is referenced in the bullet points above.

With regard to the exhibits provided by the Finneys, the October 12, 2009 survey of their property by Johnson Land Surveys, Inc. shows the "REMAINS OF WOOD DOCK" and "OLD PIER FOUNDATION" associated with 1713 Lakeshore Blvd., which is also shown on sheet SC-1 of the 'Documentation of Historical Site Use & Conditions' with a TRPA 'Received' stamp dated March 18, 2010:



[illegible]

Additionally, Elisabeth Heslop, owner of 1713 Lakeshore Blvd., reviewed the 1968 aerial image sent by Jeanette Finney and informed me that a portion of the old pier deck is visible in this photo (attached and labeled Exhibit 3).

I questioned Mrs. Heslop about it because to the unfamiliar eye it seems easily mistaken for part of the boulder shoreline and below is her response:

In my opinion (which isn't worth much) the white square visible in the 1968 picture is the original lower deck. You defiantly [definitely] can't see the bridge in the photo though. You can also see the original white deck from that 2001 picture you have in your email from last week [attached as Exhibit 5] that shows both lower deck and pier/bridge to boulders in disrepair from the cabin view. The lower deck was in full sun until sometime in the last 20-30 years when those two pine trees have really gotten quite a bit bigger. So, I would say your labels are totally correct.

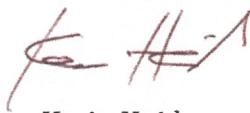
I verified with mom this morning that both the lower deck and the bridge had always been white (which is what they were when I was a kid, and I know what they were from a picture of my grandfather and my brother fishing from the lower deck in the early 70's). [Photo attached as Exhibit 4]

WHICH ARE DECKS, NOT A PIER

Finally, as mentioned above, attached are two photos of the previously existing pier that is associated with 1713 Lakeshore Blvd. (Exhibit 4 and Exhibit 5). Exhibit 4 is a photo of Mrs. Heslop's brother as a boy in the early 1970's, fishing with their grandfather from the pier. Exhibit 5 is a photo that was taken after the pier was damaged by a storm.

I hope this information sufficiently addresses the Finney family's concerns at this time.

Sincerely,



Karin Hoida

Exhibit 5

THE DECK EXTENDED ONLY TO BOULDER
NOT OVERWATER

ORIGINAL JETTY WALK REMAINS

FOUNDATION REMAINS

ORIGINAL PIER & BOAT DOCK

BOAT HOIST

10/27/2001 10:30

Attachment C

Dixons Response to Statement of Appeal, dated June 29, 2023

O. 775.823.2900
One East Liberty Street
Suite 300
Reno, NV 89501-2128
lewisroca.com

E. Leif Reid
Partner
Admitted in Nevada
775.321.3415 direct
775.321.5557 fax
LReid@lewisroca.com



June 29, 2023

Our File Number: 310683.00001

VIA E-MAIL

Tahoe Regional Planning Agency Governing Board
128 Market Street
Stateline, NV 89449

RE: 1713 Lakeshore Blvd - Response to Neighbor's Appeal of Pier Rebuild Project

Dear Governing Board Members:

This Firm represents RAH RAH LLC, the owner and applicant in this matter ("Applicant"). The Applicant applied to the Tahoe Regional Planning Agency ("TRPA") on June 4, 2022 to rebuild and expand the grandfathered, single-use pier located at 1713 Lakeshore Boulevard (the "Applicant's Property" or "1713 Lakeshore Property") (TRPA File No. ERSP2022-1124). On April 24, 2023, TRPA issued a permit to the Applicant for the pier reconstruction and expansion.

Background of 1713 Lakeshore Property:

The Applicant's property has been in the Applicant's family since 1926. Richard Herz purchased the 1713 Lakeshore Property when he was just fourteen years old.¹ The 1713 Lakeshore Property is now owned by Mr. Herz's granddaughter and her husband. The Applicant's Property has remained in the Herz family's possession for nearly one hundred years. Mr. Herz built the pier for the 1713 Lakeshore Property. Mr. Herz's daughter, Lillian "Lee" Dixon (formerly Lillian Herz), cannot identify the exact year the pier was built, but she recalls the pier's existence from as far back as her memories at the 1713 Lakeshore Property begin. For reference, Mrs. Dixon was born in 1946, twenty years after her father bought the property. The pier is critical to the complete and full enjoyment of the property, as without the pier, the Applicant is denied access to the most westerly portion of their property. Unfortunately, the pier was partially destroyed in 1993 following a storm on Lake Tahoe.

Further evidencing the Applicant's position that TRPA correctly permitted the request for Applicant to rebuild and expand their grandfathered pier, attached to this letter is the following:

- **Exhibit "A":** A family photograph of Richard Herz with his grandson on the 1713 Lakeshore Property pier in 1970.
- **Exhibit "B":** A photograph of the 1713 Lakeshore Property pier and ramp in 1970.

¹ At the time Mr. Herz purchased the property, the address was 1709 Lakeshore Boulevard.

- **Exhibit “C”:** An aerial photograph from 1968 of the 1713 Lakeshore Property pier.
- **Exhibit “D”:** A photograph taken in 2001 of the remaining portions of the 1713 Lakeshore Property pier.

Response to Appeal:

John and Jeanette Finney (“Appellants”) who own the residence next to the Applicant’s Property (the “1715 Lakeshore Property” or “Appellants’ Property”), filed a notice of appeal application on May 12, 2023 with TRPA. On behalf of the Applicant, we submit the following responses to the Appellants’ written statement of appeal.

It should be noted that the 1713 Lakeshore Property pier was partially destroyed in 1993, a couple years before the Appellants took ownership of the 1715 Lakeshore Property. The Applicant has been in possession of their property for many, many decades and can provide firsthand information on the history of the grandfathered pier that was located on the 1713 Lakeshore Property.

Easement Agreement (Appellants’ Exhibit A):

An easement agreement was entered into on February 18, 1970, between the Herz family and Camille Ryan. Ms. Ryan owned the 1715 Lakeshore Property. Ms. Ryan was also a member of the Herz Family. In fact, around the same time Richard Herz bought the 1713 Lakeshore Property in 1926, his aunt, Elsie Herz Golden, purchased the neighboring property (the 1715 Lakeshore Property), which is now the Appellants’ Property.² Ms. Ryan came into ownership of the 1715 Lakeshore Property when her aunt, Elsie Herz Golden, sold the property to Ms. Ryan prior to Ms. Golden’s passing in 1967. Ms. Ryan built both a pier and a garage on the 1715 Lakeshore Property which encroached slightly onto the Applicant’s Property. Ms. Ryan built the pier to accommodate the launch of a boat that was owned by her brother. The Applicant does not dispute the fact that the Appellants’ Property had a boat pier at one time. In fact, at the time the easement was granted, the Applicant’s Property and the Appellants’ Property each had its own separate, single-use pier. Thus, there were two piers in operation when the easement was granted.

The easement was granted to Ms. Ryan to permit the 1715 Lakeshore Property to use its boat pier and garage because the garage and pier encroached on the eastern property line of the Applicant’s Property. The easement was granted “so long as the present boat pier exists, the right and easement to keep said boat pier in its present position, to maintain said boat pier in its present condition, and to make normal use of said boat pier” Pursuant to the terms of the agreement, the easement terminated when the boat pier washed away in a storm sometime in the early 1970s. The garage was later demolished by the Appellants around 2012 when the land was cleared to build the Appellants’ new residence. Therefore, the easement agreement is no longer in effect and has no bearing on this appeal.

² At the time Ms. Golden purchased the property, the address was 1711 Lakeshore Boulevard.

The prior existence of the pier associated with the 1715 Lakeshore Property is irrelevant to the approval to rebuild the pier associated with the 1713 Lakeshore Property, as these were two independent structures associated with two separate properties.

Affidavit (Appellants' Exhibit B):

Firstly, the affidavit by M. Max Steinheimer dated May 24, 2010, was given to establish coverage confirmation for the Appellants' Property. Mr. Steinheimer's affidavit was never prepared for the purpose for which the Appellants now seek to introduce it; to deny that the Applicant has a grandfathered pier associated with the 1713 Lakeshore Property. Therefore, the Governing Board should give little, if any, weight to an affidavit that was written twelve years ago that is irrelevant to the underlying question of this appeal, whether the 1713 Lakeshore Property has a grandfathered pier.

Please note the affidavit does state, "[t]here were, in the 1950s and 60s, wooden decks on both the Herz lakefront property [Applicant's Property] and on the lakeside and southeast corner of the Finney property [Appellants Property]." Again, this statement in the affidavit is consistent with the background information provided above. There were independent pier structures associated with both the 1713 Lakeshore Property and the 1715 Lakeshore Property. The Applicant has never denied that the Appellants also had a pier associated with their property at one time. Furthermore, it's likely that the reference to a wooden deck on the 1713 Lakeshore Property corresponds to the pier structure that is visible in the 1968 aerial photograph attached hereto as Exhibit "C". Often piers are referred to as a "deck", "pier deck", "dock", or simply a "pier" on site plans or surveys, a fact that will be discussed further below in this letter.

Appraisal Record (Appellants' Exhibit C & D):

Once again, the Applicant does not deny that the Appellants had a pier located on their property at one time. However, the repeated assertion by the Appellants that their property had a pier at one time, does not negate the fact that Applicant has a grandfathered pier associated with their property.

Prior Site Plans and Application (Appellants' Exhibit E):

The Appellants are incorrect that TRPA denied a pier rebuild project for the 1713 Lakeshore Property on three separate occasions. In fact, TRPA has never denied a pier rebuild for the 1713 Lakeshore Property. In 2004, Richard and Lee Dixon applied to TRPA for a Single-Family Residential Addition (TRPA File No. 20040988STD). Attached hereto as **Exhibit "E"** are the *approved* plans which included rebuilding a section of the pier that was destroyed by a storm in 1993. On May 12, 2005, TRPA issued a permit approving Lee and Richard to commence construction pursuant to the approved plans. Subsequently, Lee and Richard modified their plans and submitted a Plan Revision Application to TRPA in August 2006 (TRPA File No. 20061555STD). Attached hereto as **Exhibit "F"** are the *approved* plans which again included rebuilding the destroyed section of the pier. TRPA issued a permit on August 29, 2006, permitting Lee and Richard to commence construction pursuant to the revised approved plans.

In October 2007, Lee and Richard were required to modify their plans to accommodate a new detached garage for the 1713 Lakeshore Property to satisfy new Washoe County parking requirements for single family residential projects (TRPA File No. ERSP2007-0950). In accordance with TRPA procedures, this modification required another Plan Revision Application. In January 2008, TRPA issued a permit approving construction of the revised plans. A special condition of this approval was that the pier rebuild could not be authorized under the Plan Revision Application for a Single-Family Residential Addition. There is a set of approved plans and a set of approved plan revisions in this file. The dates on the approval stamps correspond to two of the three dates referenced in the Appellants' written appeal statement: 3/4/08 and 3/13/08. The pier rebuild was not *denied*, it was simply not authorized under the application the revised plans were submitted under.

In 2009, an additional Plan Revision Application was submitted to TRPA specifically to revise the plans to allow the walkway to circumnavigate around a rock that was outcropping between the house and the garage (TRPA File No. ERSP2009-0527). The approval of the Plan Revision Application included the same special condition that the pier rebuild could not be authorized under this application. The date on the TRPA-approved stamp associated with the plan revisions in this file corresponds to the third date referenced in the Appellants' written appeal statement: 5/5/09. The pier rebuild was never denied by TRPA. In fact, there is documented correspondence, as shown below, from TRPA staff dated March 3, 2015, which states that TRPA determined in 2014 that a pier is historically grandfathered to the 1713 Lakeshore Property and TRPA staff would support a pier rebuild and expansion project (TRPA File No. CORR2015-0820).

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The TRPA is not against the rebuilding and extension of a pier. They have determined that a pier is historically grandfathered to the property and that it was capable of mooring a boat. TRPA does not see a reason to purchase a buoy to make a finding of mooring capability as they are going to allow extension of the pier.

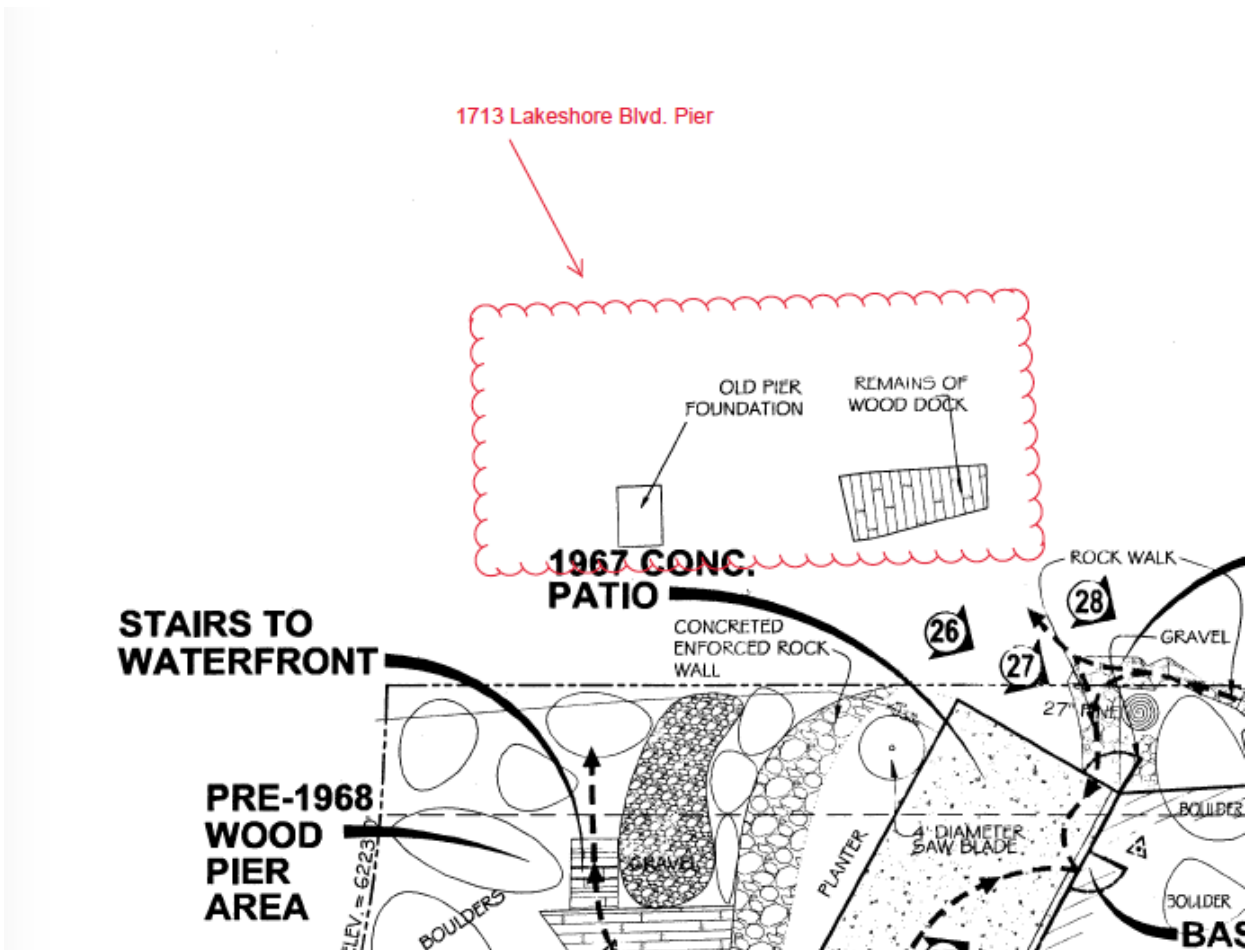
Appellants' Exhibit F:

First, the approved pier rebuild project meets *all* TRPA design standards and setback standards with one boatlift proposed on the north side of the pier.

Second, the Appellants make several erroneous and tasteless comments about the Applicant in this section of their written statement with absolutely no factual basis or firsthand knowledge to support such claims. The Appellants' appeal reads more as a personal protest to the Applicant's right to rebuild their grandfathered pier, rather than an actual appeal found in reasonable fact based on TRPA Code.

Lastly, as previously stated above, it is not uncommon for piers to be referred to as "decks," "pier decks," "docks," or simply "piers" on site plans and surveys. As shown below, the Appellants' surveyor labeled the Applicant's Property's pier remnants as being associated with a pier/wood dock. However, the Appellants, again, resort to disparaging comments, this time

criticizing their own surveyor's expertise/experience as a "lack of knowledge" simply because the surveyor's conclusion that the Applicant's Property has a pier associated with it does not suit the Appellants' narrative on which their entire appeal is based upon.



Interestingly, the Appellants argue that nothing should be construed from the fact that their own surveyor used the term "pier" on the survey because they had no input into the labeling of the survey, but then in the same paragraph the Appellants argue that because in the Applicant's prior site plans and surveys, the pier has been referred to as a "deck," that is definitive evidence that the structure on the 1713 Lakeshore Property was only ever a deck. Thus, in the Appellants' opinion, we should only consider labeling in surveys and site plans when the labeling is of benefit to the Appellants' position. The Appellants' logic and opinion on the site plan or survey labeling is neither reasonable nor equitable.

Conclusion:

Based on the foregoing, TRPA correctly issued the permit for the Applicant's rebuild project. The 1713 Lakeshore Property has been held by three generations of the Herz Family in a direct line for nearly one hundred years. Rebuilding the historic, grandfathered pier will enable the family to have safe water access so that future generations of the family can continue to enjoy the property for the next hundred years. Based on the foregoing, the Applicant respectfully requests that Governing Board affirm TRPA staffs' approval of this pier rebuild project.

Sincerely,

Leif Reid

E. Leif Reid
Lewis Roca Rothgerber Christie LLP

ER

EXHIBIT "A"

HERZ FAMILY PHOTO ON 1713 LAKESHORE PROPERTY PIER IN 1970



EXHIBIT "B"

1970 PHOTO OF 1713 LAKESHORE PROPERTY PIER AND RAMP



EXHIBIT "C"

1968 AERIAL PHOTO OF 1713 LAKESHORE PROPERTY PIER



EXHIBIT "D"

2001 PHOTO OF 1713 LAKESHORE PROPERTY PIER REMNANTS

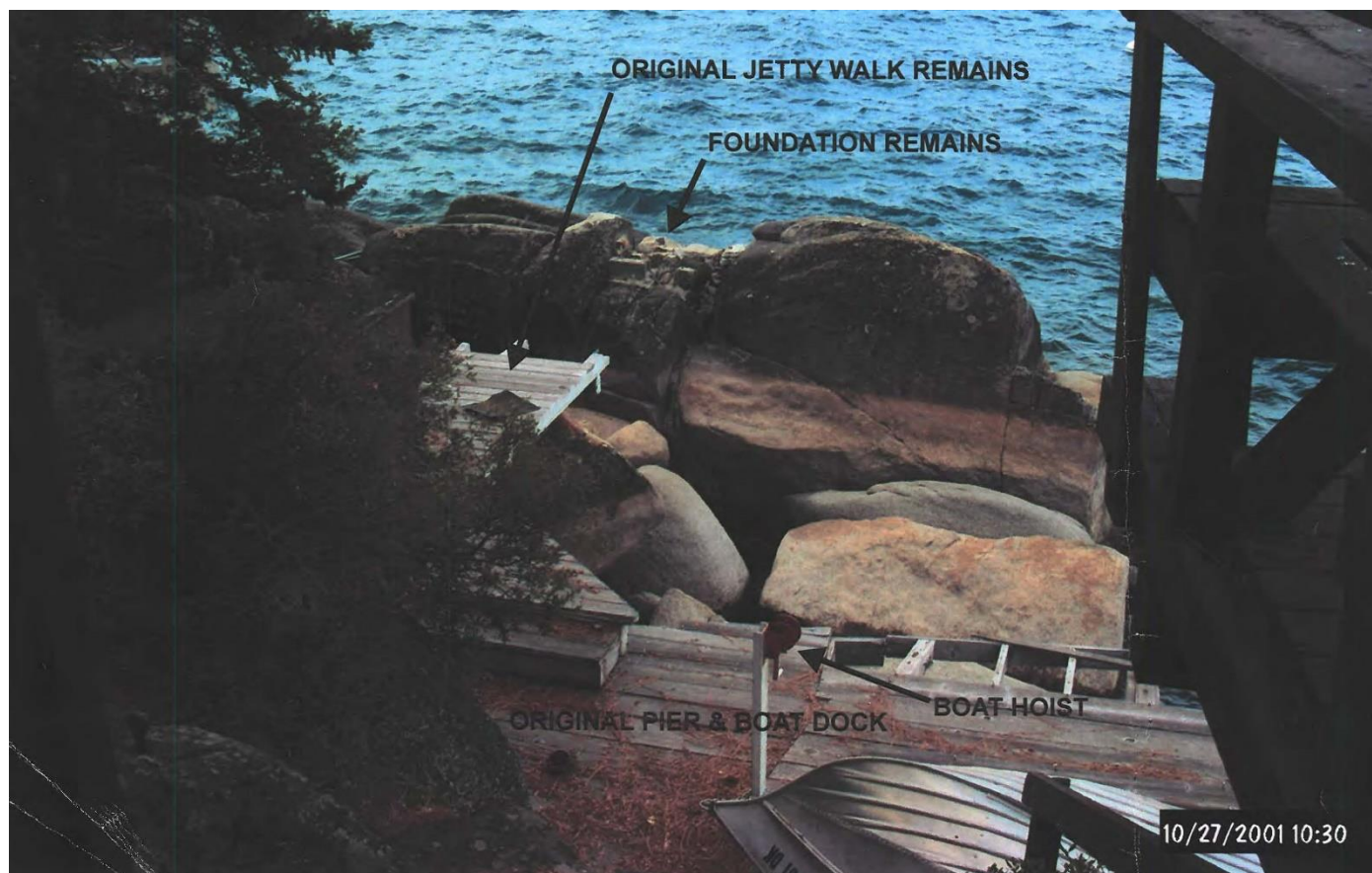


EXHIBIT "E"

TRPA FILE NO. 20040988STD – 2004 TRPA APPROVED PLANS WITH PIER REBUILD

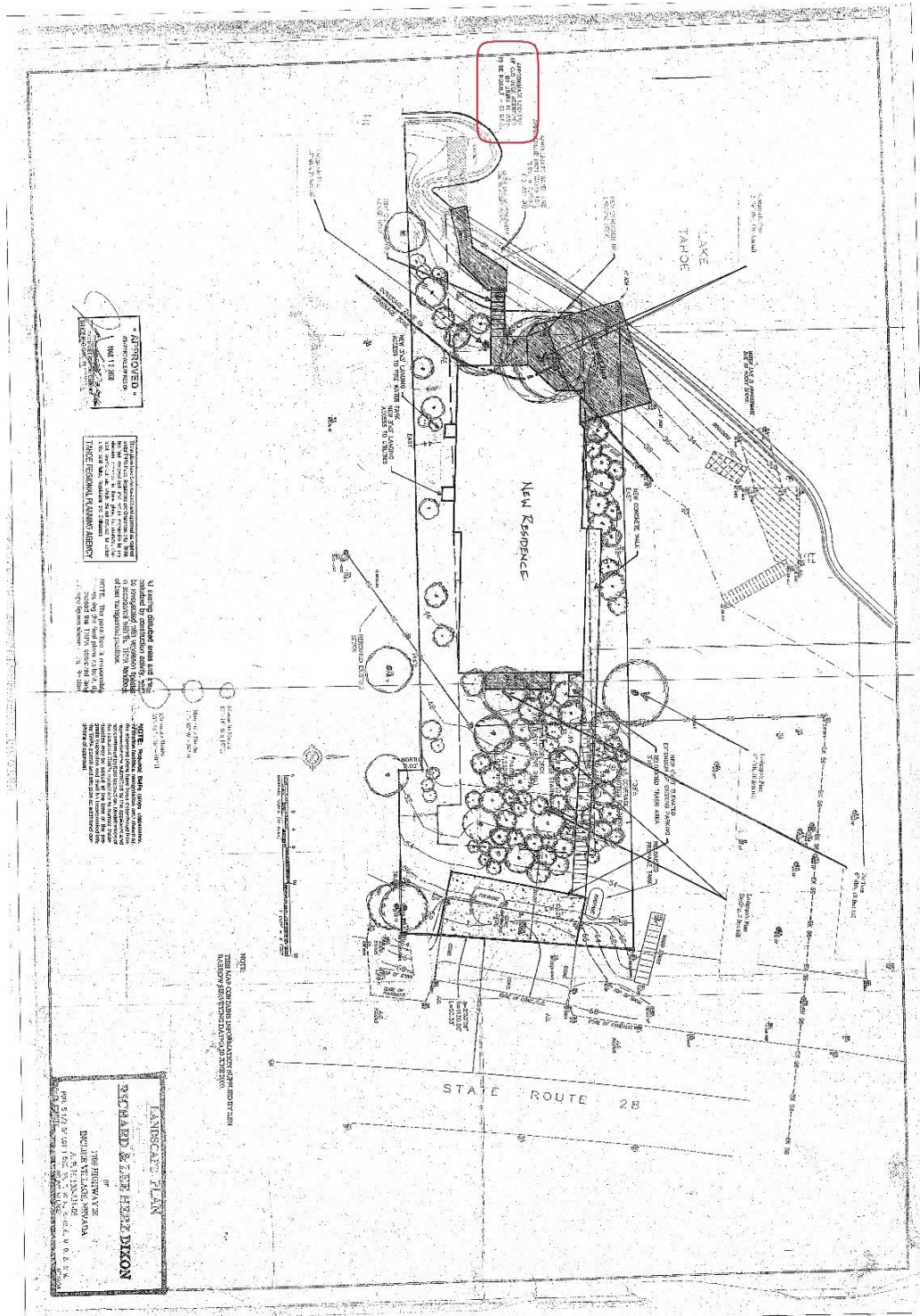


EXHIBIT “F”

TRPA FILE NO. 20061555STD – 2006 TRPA APPROVED PLANS WITH PIER REBUILD

