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STAFF REPORT

Date: June 17, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Gonowabie Lot Line Adjustment Permit, 460, 470, 480 Gonowabie Road, Washoe County, APNs 123-131-04, -05, 06; TRPA Appeal File Numbers ADMIN2020-002, LLAD2019-0821

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Executive Director to issue the Lot Line Adjustment ("LLA") as it meets all requirements by the TRPA Code of Ordinances.

Required Motion:

In order to deny the appeal, the Governing Board should vote "no" on the following motion, based on the staff summary:

- 1) A motion to grant the appeal, which motion should fail to affirm the Executive Director's determination

The motion to grant the appeal will fail unless it receives five affirmative votes from Nevada and nine overall.

Background:

At its May 27, 2020 meeting, the Governing Board continued this appeal to its June meeting in order to obtain further information regarding (1) the effect of a 1947 court judgment on TRPA's authority to entertain the lot line application in the first instance, and (2) the ownership of a parking area in front of one of the subject lots. TRPA staff has reviewed the submission of the parties regarding the former issue as discussed below. As regards the ownership of the parking area, all parties agree the area is part of the public right of way.

As discussed in the original May 20, 2020 staff report (attached hereto as Attachment A) this appeal challenges the Executive Director's approval of a lot line adjustment for three adjacent parcels within the Crystal Bay subdivision. The parcels in question were subject to litigation in 1947 over whether certain development restrictions in the deeds limiting the owners to residential uses could be avoided by deleting such restrictions from the deeds. The resulting 1947 Judgment confirmed that the common development restrictions articulated in all of the prior deeds could not be changed simply by deleting them from a seller to the next purchaser. The 1947 Judgment listed the parcels subject to the order and then set forth the restrictions found in the deeds, including set back standards. No provision in the 1947 Judgment expressly restricts the ability of the owner(s) of two or more lots from adjusting lot lines.

The Neighbors contend in their supplemental appeal statement (see Attachment B) that TRPA could not approve an LLA because it would constitute a “collateral attack” on the 1947 Judgment’s recitation of the side setback standard. The Permittee, Gonowabie Properties, LLC, argues the opposite in its supplemental filing (see Attachment C). The Permittee contends the 15-foot side setback standard in the 1947 Judgment is in error and it should be the 3-foot side setback contained in the deed restriction.

Both the Neighbors and the Permittee arguments are a bit misguided. The LLA permit before the Governing Board on this appeal did not apply side setbacks, whether it be 15-foot or 3-foot. Indeed, TRPA does not regulate side setbacks – they are “set” by either the local jurisdiction or other local applicable law (e.g., CC&Rs), and are applied when actual development on the lots is approved. In other words, TRPA merely adjusted these lot lines, nothing more. The actual placement of future development may be relevant to future TRPA action approving actual residential construction. That determination, however, is not relevant to the LLA permit now before the Governing Board. Since there is no expression of intent in the 1947 Judgment to preclude lot lines from changing, and likelihood of that eventually occurring, staff concludes TRPA has the necessary authority to adjust lot lines in the Crystal Bay subdivision.

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Julie Roll, Senior Planner, at (775) 589-5283 or jroll@trpa.org.

Attachments:

- A. May 20, 2020 Staff Report and Attachments
- B. Neighbors’ Supplemental Statement of Appeal, dated June 11, 2020
- C. Permittees’ Supplemental Response, dated June 12, 2020
- D. Neighbors’ Response re: 6-12-10 Correspondence from L. Feldman

Attachment A

May 20, 2020 Staff Report and Attachments



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STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Gonowabie Lot Line Adjustment Permit, 460, 470, 480 Gonowabie Road, Washoe County, APNs 123-131-04, -05, 06; TRPA Appeal File Numbers ADMIN2020-002, LLAD2019-0821

Requested Action:

To consider and act upon an appeal filed by Robert Goldberg and Reuben Richards of an Executive Director-issued permit to Gonowabie Properties, LLC to adjust the two lot lines between three adjacent lots in Crystal Bay, Nevada.

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Executive Director to issue the Lot Line Adjustment ("LLA") as it meets all requirements by the TRPA Code of Ordinances.

Motion:

- 1) A motion to grant the appeal, which motion should fail to affirm the Executive Director's determination

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:

In January 2020, TRPA staff issued an LLA permit to Gonowabie Properties, LLC ("Permittee"). The Permittee owns three lakefront adjoining buildable lots on Gonowabie Road, Crystal Bay, Nevada. The LLA shifted the two common side lot lines of the three neighboring parcels northward to make the southern-most lot a little wider and the northern-most lot a little narrower. A map of the three parcels is appended as Attachment A.

TRPA reviews LLAs for potential increases in new development potential. Goals and Policies LU-2.2(D) allows:

A modification to an existing subdivision or a lot line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.

TRPA Code of Ordinances Section 39.1.3(D) provides for the same review criteria.

The LLA maintained the overall coverage available to the three lots but the changes in width allowed a little more coverage on the southern lot and an equal amount less on the northern lot. The middle lot stayed essentially the same size with approximately the same amount of coverage assigned to it. All three parcels are vacant, although the middle lot has a residential unit and coverage banked on it. While the LLA itself did not adjust coverage or render a lot buildable where it was not before, the LLA did result in shift northward of the potential building locations for each parcel and would permit more coverage on the previously smaller southern lot than could have occurred before. A project area deed restriction across all three lots maintains the same development potential. TRPA has acknowledged the LLA permit.

The LLA permit provides the foundation for the development plans the Permittee has for the three adjacent lots. TRPA has received single family residential applications for the middle and northern lots, with the northern lot application remaining incomplete and the middle lot application under review and likely ready for a decision hearing (Hearings Officer level). Staff understands that the Permittee is intending to submit a residential development application for the southern lot in the near future. The Permittee has also submitted an application to rebuild an existing pier and construct a new multiple use pier appurtenant to these parcels.

Discussion:

On February 21, 2020, Appellants Robert Goldberg and Rueben Richards (the “Neighbors”) appealed to the Governing Board the Executive Director’s grant of the LLA permit. On April 6, 2020, the Neighbors filed their Statement of Appeal (Attachment B) providing their grounds for overturning the Executive Director’s action.¹ On April 22, 2020, the Permittee submitted its Response to Statement of Appeal (Attachment C) providing its basis for upholding the Executive Director’s action. And on May 15, 2020, the Neighbors filed their Reply in Support of Statement of Appeal (Attachment D).

As described below, the Neighbors argue the Executive Director erroneously issued the LLA permit because, as addressed in more detail below, coverage was incorrectly counted, findings were not made with sufficient specificity, the environmental analysis viewed the project too narrowly, and deed restrictions created side setback “no build” areas that remain within the original lot lines.

A. Coverage

The Neighbors argue that the LLA permits “double counted” coverage allowing additional coverage across the three lots than had been verified as previously existing (see Attachment B, pp. 5-7). TRPA staff reviewed the amount of coverage verified on the middle parcel (from the existing development) and the amount of base allowable coverage on the other two lots. Staff agrees with the Neighbors to the extent that the LLA permit over-calculated the total allowable coverage by 207 square feet. Gonowabie Properties will be required to revise its total coverage figures and a revised deed restriction will be required. Gonowabie Properties recognizes this error and consents to the remedy.

¹ The Neighbors also requested TRPA stay the effectiveness of the LLA permit. Pursuant to TRPA Rules of Procedure Section 11.2, Chair Yeates denied the stay request principally because no change to the status quo was threatened as no development had been authorized on these lots.

B. Adequacy of Findings

The Neighbors assert that TRPA did not make the necessary finding under TRPA Code Section 3.3.2 regarding the significance of any environmental impacts of the LLA (see Attachment B, p. 8). To the contrary, the appropriate “Findings of Significance” are found on page 22 of the Initial Environmental Checklist (“IEC”) (see Attachment E).

Next, the Neighbors argue that the findings for the LLA only mirror code requirements and do not define how the project (here the LLA) meets environmental design standards (see Attachment B, p. 9). The LLA at issue here moved two boundary lines 10-15 feet; the applicable design “standards” are minimal: namely whether the change maintains development potential. With the adjustment of coverage, no increase in development potential exists so the applicable design standard is met in full.

C. Adequacy of Initial Environmental Checklist

The Neighbors contend that the scope of the Initial Environmental Checklist (Attachment E) did not address the eventual development of the adjusted lots, (see Attachment B, pp. 10-12). The IEC focused on the approval of the minor lot line changes rather than the particulars of the residential development to follow. The IEC compared the development condition beforehand to the development condition afterwards in terms of any increase in development facilitated by the LLA. The IEC concluded that no significant impacts would occur as the LLA did not facilitate any increase in development potential.

The Appellants argue that ultimate development of residences on the three parcels will impact parking, traffic, and views. The LLA, however, did not result in a change in development pattern that either (1) already existed because of the existing development potential of the three lots, or (2) could not be adequately addressed during the consideration of the development applications. For example, the Neighbors complain of the potential of increased traffic should the parcels be developed. The parcels, however, could already be developed and the LLA does not increase the total capacity for such development and related traffic. Additionally, the Appellants argue that residences could block public views (TRPA does not protect private views, nor is the degradation of such an adverse environmental impact). TRPA will, for each parcel, determine whether the proposal will adversely affect public views and assign appropriate mitigation if necessary. In short, the scope of the Executive Director’s environmental review was appropriate.

D. Applicable of Deed Restriction/No Build Zones

The Neighbors contend that setback requirements in the certain court orders and conditions, covenants, and restrictions (collectively “CCRs”) recorded for this development describe “no build” zones that remain in place notwithstanding adjustment of lot lines (see Attachment B, pp. 13-14). The Neighbors argue that the CCRs define a generic side setback from lot lines and those corridors remain dedicated open space even if lot lines are moved (presumably a new setback would also apply to the new lot line). The Neighbors’ interpretation of CCR minimum lot setbacks as *de facto* unchangeable open space corridors is novel. In general, TRPA will use setbacks of either the local jurisdiction or CCRs, whichever is greater, but it has never treated the setback from the prior lot line as an immovable, “no build” zone. The operation and construction of the CCRs as between these private parties is dispute between these property owners and should be resolved between them in another forum.

Contact Information:

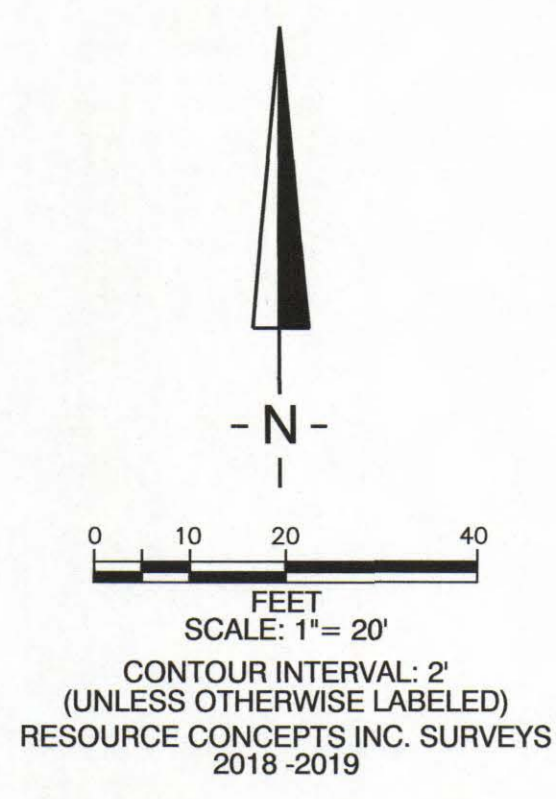
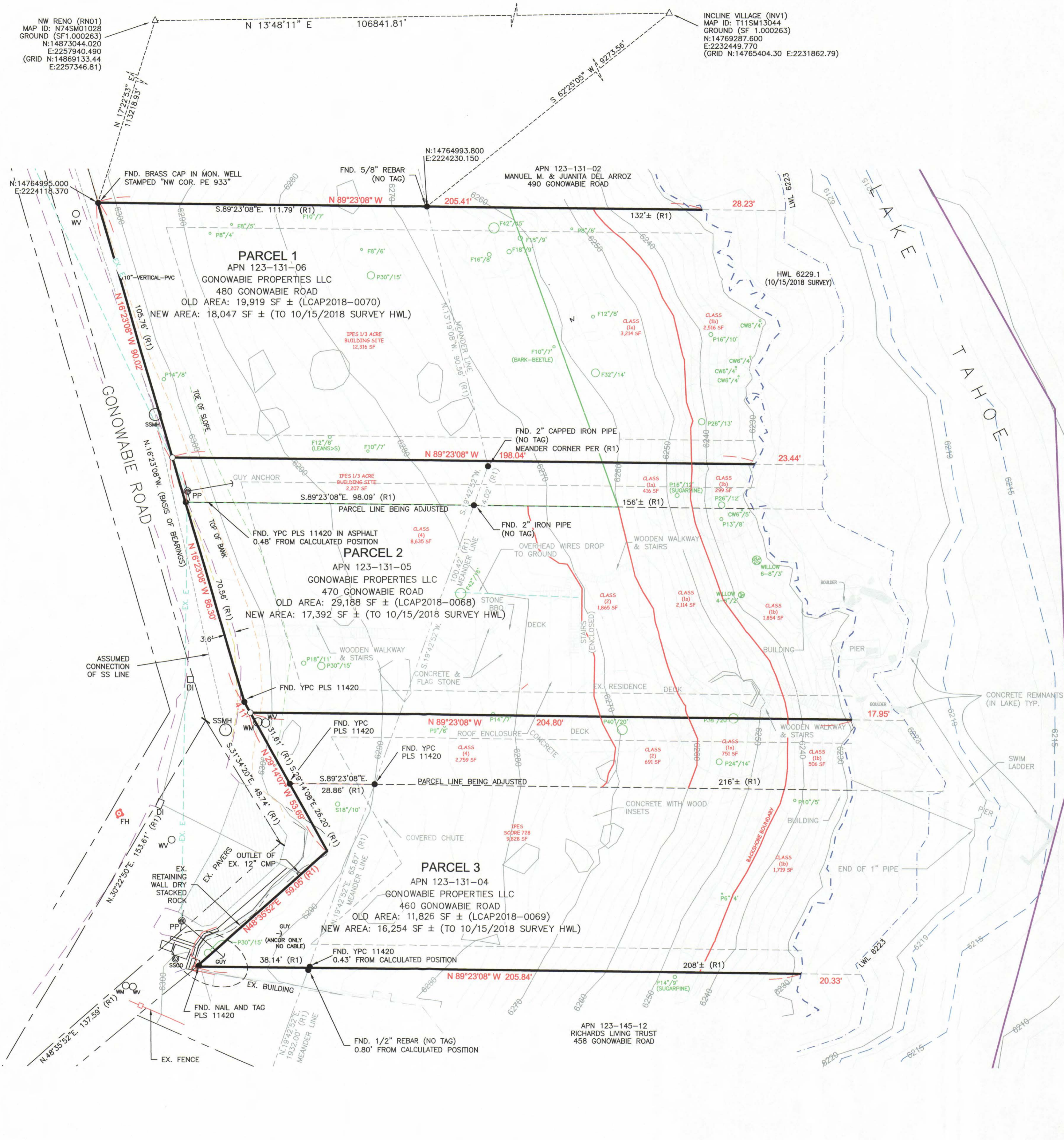
For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Julie Roll, Senior Planner, at (775) 589-5247 or jroll@trpa.org.

Attachments:

- A. Site Plan
- B. Statement of Appeal, dated April 6, 2020
- C. Response to Statement of Appeal, dated April 22, 2020
- D. Reply in Support of Statement of Appeal, dated May 15, 2020
- E. Initial Environmental Checklist

Attachment A

Site Plan



LEGEND

- FOUND MONUMENT AS NOTED
- △ RENO GPS CONTROL MONUMENT
- SET 5/8" REBAR WITH PLASTIC CAP, PLS 19734
- (SSMH) SANITARY SEWER MANHOLE
- (SSCO) SANITARY SEWER CLEAN OUT
- DROP INLET
- WATER VALVE
- WATER METER
- POWER POLE/GUY ANCHOR
- FIRE HYDRANT
- YPC
- CMP
- PARCEL & NEW PARCEL LINE
- - - PARCEL LINE BEING REMOVED
- - - EDGE OF PAVEMENT (EP)
- - - EX. E. OVERHEAD POWER/PHONE LINE
- - - ADJACENT PROPERTY LINE
- - - MEANDER LINE
- - - WOODEN FENCE
- - - HIGH WATER LINE LAKE TAHOE
- - - ASSESSOR'S PARCEL NUMBER
- - - TOP OF BANK
- - - TOE OF SLOPE
- TREE TYPE/DIA./DRIP RADIUS
P=PINE, F=FIR, C=CEDAR, S=SPRUCE
- BOULDERS

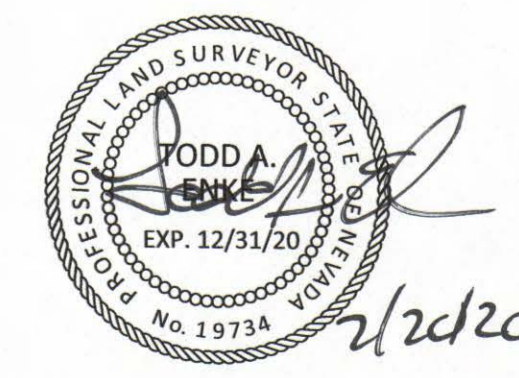
NOTES:

1. ALL EXISTING SITE IMPROVEMENTS WILL BE REMOVED AND REVEGETATED PRIOR TO RECORDING OF THIS MAP.
2. PER TRPA/PAUL NIELSEN E-MAIL AGREEMENT, DATED AUG. 1, 2019, A PROJECT AREA DEED RESTRICTION WILL BE CREATED TO MAINTAIN THE ALLOWABLE IPES COVERAGE PRE AND POST BLA ON THE IPES PARCELS (PARCELS 1 AND 3) AND MAINTAIN THE EXISTING BAILEY'S COVERAGE ON PARCEL 2 PRE AND POST BLA, TO ENSURE DEVELOPMENT POTENTIAL DOES NOT INCREASE.

TOTAL PROJECT AREA COVERAGE (APN 123-131-05)	4,799 SF
TOTAL PROJECT AREA IPES COVERAGE	5,361 SF
TOTAL PROJECT AREA COVERAGE	10,160 SF
3. *VALUES PER DEED RESTRICTION DOCUMENT NUMBER 5000712 FILED FOR RECORD FEBRUARY 13, 2020 IN THE OFFICE OF THE WASHOE COUNTY RECORDER.
 - ...1. THE PROPERTY IDENTIFIED HEREIN SHALL NOT INCREASE DEVELOPMENT POTENTIAL AS A RESULT OF THE LOT LINE ADJUSTMENT. THE TOTAL ALLOWED COVERAGE FOR THE PROPERTY IS 5,361 SQUARE FEET OF BASE ALLOWABLE IPES COVERAGE, 4,799 SQUARE FEET OF VERIFIED EXISTING BAILEY COVERAGE, AND UP TO 1,131 SQUARE FEET OF TRANSFERRED IPES COVERAGE (IPES 827)...
 - ...2. COVERAGE MAY BE RELOCATED WITHIN THE PROJECT AREA, BUT COVERAGE ON BAILEY PARCEL 123-131-05 SHALL NEVER EXCEED 4799 SQUARE FEET."
- REFERENCE IS HEREBY MADE TO THE ENTIRE DEED RESTRICTION DOCUMENT NO. 5000712 FOR PARTICULARS.
4. HIGH WATER LINE (HWL) IS BASED ON AN RCI TOPOGRAPHIC SURVEY DATED OCTOBER 15, 2018.
5. LOW WATER LINE (LWL) IS BASED ON AN RCI BATHYMETRIC SURVEY DATED MARCH 18, 2019.

These plans have been reviewed and approved as required under TRPA Rules, Regulations and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in these plans, i.e. structural, electrical, mechanical, etc. which are not required for review under said Rules, Regulations and Ordinances.
TAHOE REGIONAL PLANNING AGENCY

APPROVED
 THIS APPROVAL EXPIRES ON
JAN 31 2023
 EXECUTIVE DIRECTOR / DESIGNEE
 TAHOE REGIONAL PLANNING AGENCY



BASIS OF BEARINGS

RECORD OF SURVEY MAP 5996 IN SUPPORT OF A LOT COMBINATION DEED FOR THE HILDEGARD WILLMANN TRUST, FILED FOR RECORD ON SEPTEMBER 25, 2018, AS FILE NO. 4853261, OFFICIAL RECORDS OF WASHOE COUNTY NEVADA

BASIS OF ELEVATIONS

THE LEVEL OF LAKE TAHOE ON OCTOBER 15, 2018 AS PUBLISHED BY THE USGS FOR THE LAKE TAHOE GAUGE (6227.15').

RECORD OF SURVEY
 IN SUPPORT OF A BOUNDARY LINE ADJUSTMENT FOR
 FOR
HILDEGARD WILLMANN
 AS TRUSTEE OF THE HILDEGARD WILLMANN TRUST
 460, 470 & 480 GONOWABIE ROAD
 CRYSTAL BAY, NEVADA
 APNS: 123-131-04, 123-131-05, 123-131-06
 LOCATED WITHIN A PORTION OF LOT II SECTION 19,
 T.16N., R.18E., M.D.M.
 WASHOE COUNTY, NEVADA

Carson City
 340 N. Minnesota St.
 Carson City, NV 89703
 775-883-1600

Lake Tahoe
 Kingsbury Canyon, Suite 206
 276 Kingsbury Canyon Rd.
 775-568-7500

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RCI
 Resource Concepts Inc

JOB NO.	19-129.3A
DATE	2-19-2020
DRAWN	CNJ/JTS
CHECKED	TAE

SHEET 2 OF 3

Attachment B

Statement of Appeal, dated April 6, 2020



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Calpine, CA 96124
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www.sierralanduselaw.com

April 6, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Statement of Appeal and Request for Stay of Permit - Appeal File Number
ADMIN2020-0002; TRPA Project File Number LLAD2019-0821**

Dear Honorable Members of the Board and Mr. Marshall:

This Statement of Appeal and Request for Stay of Permit is respectfully submitted on behalf of Robert Goldberg and Reuben Richards, owners of the residences located at 459 and 458 Gonowabie, Crystal Bay, Washoe County, Nevada, respectively (“Appellants”). Appellants are appealing approval of a lot line adjustment (TRPA File No. LLAD2019-0821) (the “Project”) affecting the real property located at 460, 470, and 480 Gonowabie Road (Washoe County APNs 123-131-04, -05, & -06) (collectively the “Properties”) filed on behalf of Gonowabie Properties, LLC (the “Applicant”). Appellants’ residences are directly adjacent to (458 Gonowabie) and across the street from (459 Gonowabie) the Properties.

In conjunction with this Statement of Appeal, Appellants respectfully request that the Chairman of the Board stay any approval of the Project and concomitant processing of applications dependent on the Project approval for the reasons more specifically detailed below.¹

This appeal arises from a lot line adjustment that would allow for the development of three oversized residences and a new multi-use pier on the shore of Lake Tahoe. Throughout the development process before both TRPA and Washoe County, the Applicant has endeavored to omit material facts, obfuscate information, and mislead the public and decisionmakers alike. In the current application under appeal, the Applicant has “double counted” coverage, disregarded potentially significant environmental impacts resulting from the ultimate development of the Properties, and concealed recorded deed restrictions and a judgment that create “no build” zones within the Properties as reconfigured.

The Project is inconsistent with the Regional Plan and Code, results in an exceedance of

¹ Appellants hereby incorporate by reference the complete administrative record of proceedings in this matter. Given circumstances relating to the coronavirus pandemic and difficulty in obtaining records, Appellants also respectfully request and reserve the right to submit additional information/justification in support of this appeal.



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c/o John Marshall, General Counsel
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environmental thresholds, has potentially significant impacts that were not fully analyzed or mitigated, and suppressed vital information that directly impacts development of the Properties. Accordingly, Appellants respectfully request that the Board grant this appeal, and overturn the Project approval.

I. Background Facts

Appellants first learned of this Project when they received notice of a front setback variance application submitted to Washoe County for 460 Gonowabie on Christmas Eve, 2019. At that time, they made multiple attempts to meet with the owner and/or design professionals of the Properties, but were repeatedly rebuffed, and informed that the Applicant likes the plans the way they are and has no interest in meeting.

Surprisingly, on Friday January 31, Appellants received an email from the Applicant informing them that the Applicant was “planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion” with Appellants. In what can only be described as sandbagging, on the afternoon of February 4th, less than two days prior to the scheduled hearing, the Applicant abruptly emailed Appellants to inform them that “[a]fter further review and consideration, we’ve decided to proceed with the hearing....” A true and correct copy of this correspondence is attached hereto as **Exhibit A**.

Shortly before the Washoe County Board of Adjustments hearing, Appellants learned that the Project had been approved by TRPA, on January 31, 2020. Nevertheless, during the variance hearing, the Applicant claimed that the exceptional narrowness of 460 Gonowabie supported the variance, claiming the lot was only approximately 60 feet.² What the Applicant failed to represent to the County was that the plans submitted depicted an approximately 86-foot lot, as a result of the TRPA-approved lot line adjustment. After public comments informed the Board of TRPA’s approval of the lot line adjustment, the Applicant was asked numerous times by Board members about the status of the Project. The answers provided were evasive, and in some cases, were outright misrepresentations. Under initial questioning, the Applicant responded only that they were “contemplating” a boundary line adjustment (not revealing that one had already been approved by TRPA). When pressed further, the Applicant responded that what they were contemplating was “very minor, you’re talking a few feet....” Subsequently, it was discovered by the Board that the lot line adjustment had been already approved by TRPA, and adjusted the boundary line over 20-feet. On the basis of these misrepresentations and other facts, the Applicant’s variance application was denied by a 4-0 vote.

² A video of the Washoe County Board of Adjustments hearing can be found at the following link: https://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=3113



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After the Washoe County hearing, Appellants received records from the County showing that the Properties are subject to eight separate deed restrictions, including a recorded court judgment, which strictly prohibit any development within the front setback from which the Applicant was requesting a variance, and create no build zones of up to 15-feet along the side lines of the originally described parcels. A true and correct copy of the preliminary title report for the Properties is attached hereto as **Exhibit B**, and the associated deed restrictions are attached hereto as **Exhibit C**. Yet in response to the application for the variance submitted to Washoe County, when the Applicant was asked whether “there are any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request,” the Applicant declared “No”.

And, as explained further below, the Applicant similarly failed to list any property restrictions and easements affecting the Properties in its application to TRPA, even though it was required to do so under penalty of perjury. Disturbingly, Applicant’s preliminary title report was issued on September 9, 2019, just shortly before Applicant submitted its application for the Project, on September 25, 2019. Despite its current and direct knowledge of the deed restrictions, and the requirement to disclose their existence to TRPA, Applicant decided to conceal this information. This omission directly impacts the ability to develop the Properties as a result of the lot line adjustment.

In response to Appellants continued attempt to reach a resolution regarding Applicant’s proposed development, the parties recently convened a video conference to discuss design considerations. During the call, revised plans for 460 Gonowabie were presented on-screen, which appeared to still be non-compliant with various TRPA and Washoe County regulations, including those relating to height, coverage, and scenic considerations. Notably, the plans did not address any of the traffic and safety concerns previously expressed by numerous neighbors. At the conclusion of that call, Applicant represented that a copy of the revised plans for development of 460 Gonowabie would be shared, yet despite Appellants’ subsequent inquires, no plans have been forthcoming.

II. Request for Stay

Pursuant to section 11.2 of the TRPA Rules of Procedure, a stay of a project may be granted upon appellant demonstrating the need for a stay pending a hearing on the appeal, supported by an affidavit or under penalty of perjury. The Chairman of the Board shall review any request for a stay of a project, any evidence of the hardship on the appellee, shall balance the equities, and shall determine whether or not a stay shall be issued.

In balancing the harms in cases where the potential impacts of a project have not been



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thoroughly evaluated, such as this one, the Supreme Court of the United States has noted “[e]nvironmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, i.e. irreparable.” *Save the Yaak Committee v. J.R. Block*, 840 F.2d 714, 722 (9th Cir. 1988) (quoting *Amoco Production Company v. Gambell*, 480 U.S. 531, 545 (1987) (evaluating balance of harms in lawsuit brought under the National Environmental Policy Act (“NEPA”). Therefore, when environmental injury is “sufficiently likely, the balance of harms will usually favor the issuance of an injunction to protect the environment.”³ *Ibid*.

This case presents the classic situation under which a stay should be issued - - once the bell is rung, i.e. construction commenced, it will be difficult if not impossible to unring. Under such circumstances, courts have widely recognized that “[b]oth parties would suffer harm if the building were constructed and then had to be torn down.” *Friends of Westwood, Inc. v. City of Los Angeles*, 191 Cal.App.3d 259, 264 (1987).

The Project is the first of many subsequent approvals sought by the Applicant, which approvals are all dependent on the lot line adjustment. Applications for construction of single-family residences on 470 and 480 Gonowabie have already been submitted, as has an application for tear down/rebuild of an existing pier, proposed with a new multi-use designation. An application for construction of a residence on 460 Gonowabie is expected to be filed shortly. Given the error in coverage calculations explained below, and the no build restrictions on the Properties that were concealed from TRPA, it is likely these applications will all have to be revised. Additionally, upon required further evaluation of potential environmental impacts of the entire development, it is likely that mitigation measures and design changes will be required to mitigate potentially significant impacts associated with the overall development of the Properties.

If the Project were allowed to proceed to construction pending the appeal, additional environmental harm is likely to occur given potential for design changes and unnecessary grading and other work that would have to be remediated if the appeal is granted. Moreover, it would be a waste of limited TRPA resources to continue to process the multiple applications pending appeal when it is probable the plans will need to be revised.

By contrast, there is little to no hardship to Applicant that would result from the issuance of a stay. The applications for construction of single-family residences on 470 and 480 Gonowabie

³ While NEPA and CEQA do not directly apply to TRPA, cases interpreting these statutes may “inform interpretation of the Compact . . . where those cases rest on language analogous to that used in the Compact.” *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1274, 1276 (E.D. Cal. 2010) (noting that “like CEQA and NEPA, the Compact serves to inform the public and to protect the environment in a general sense”).



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 c/o John Marshall, General Counsel
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are currently incomplete, and awaiting submittal of additional information from Applicant. It is certainly in the Applicant’s interest to avoid processing, design, and construction costs when it is likely the plans as presented cannot be approved, nor the houses constructed. Accordingly, Appellants respectfully request that TRPA stay the Project, and processing of any further applications dependent on Project approval, until this appeal is heard.

III. Bases for Appeal

A. The Total Allowed Coverage for the Project Area Was Improperly Calculated.

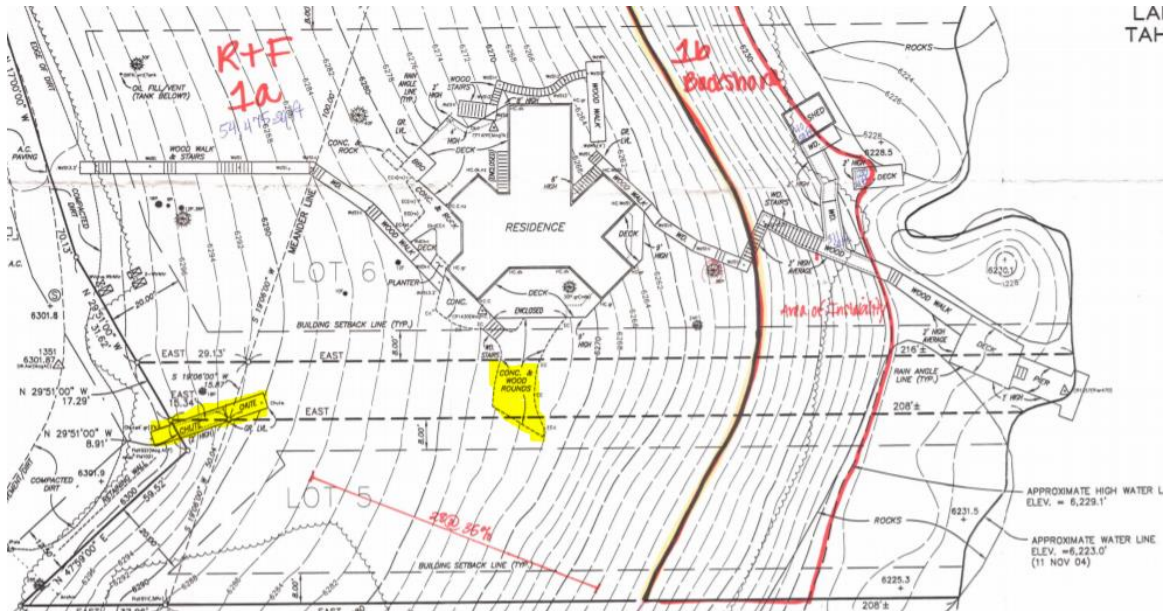
Per Special Condition No. 1 of the Project permit, the total allowed coverage for the Project area was calculated as 5,361 sf of base allowable IPES coverage, 4,799 sf of existing land coverage on a Bailey parcel, and up to 1,131 sf of transferred IPES coverage. However, because the existing land coverage was verified under a site assessment for multiple lots of record the verified coverage partially overlapped onto an IPES parcel (460 Gonowabie), this coverage was double counted, resulting in a total allowable coverage figure (11,291 sf) greater than authorized by the Code.

The calculation of existing land coverage for the Project is based on a July 28, 2008 Land Capability Verification and associated site assessment.⁴ A true and correct copy of the 2008 Land Capability verification is attached hereto as **Exhibit D**, and a true and correct copy of the 2008 site assessment is attached hereto as **Exhibit E**. The 2008 site assessment noted 1,780 sf of existing coverage, which includes a “Chute”, and 648 sf of coverage for concrete/rock/bbq.

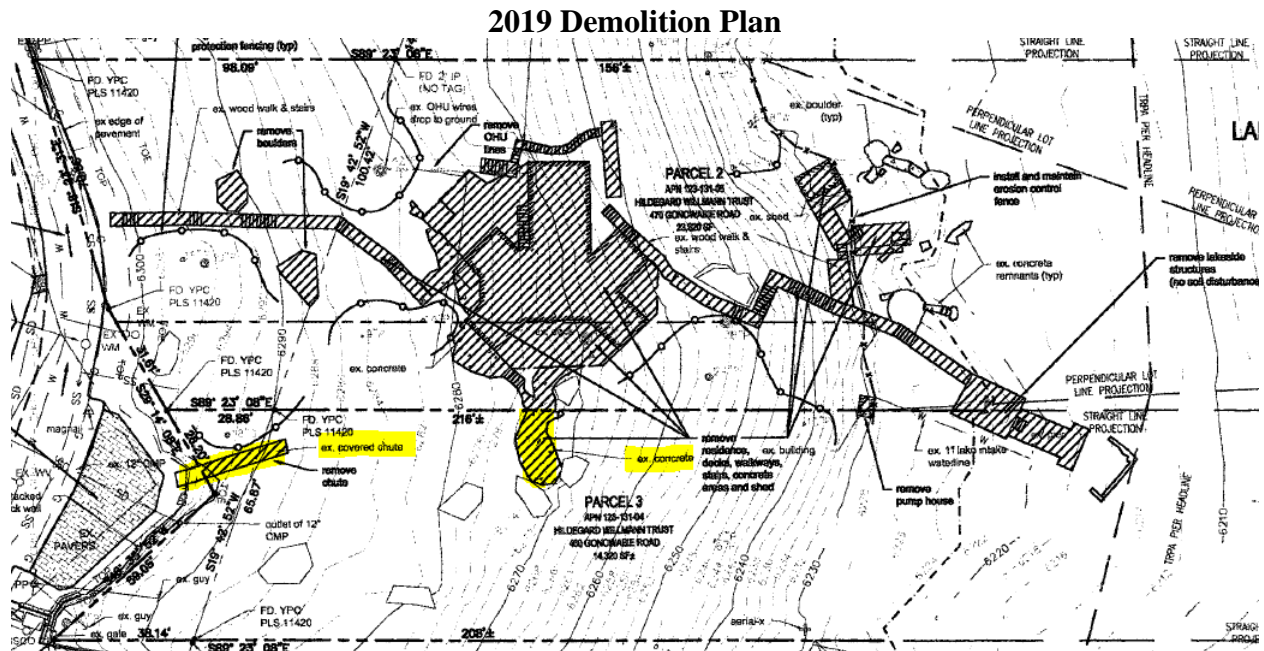
2008 Site Assessment

IMPERVIOUS SURFACE AREA (TO APPROXIMATE HIGH WATER LINE)		
RESIDENCE	1,439	SQ. FT.
DECKS/STAIRS/PIER/CHUTE	1,780	
CONCRETE/ROCK/BBQ	648	
A.C. PAVING	11	
SHED	44	
COMPACTED DIRT	877	
TOTAL	4,799	SQ. FT.

⁴ The 2008 Land Capability Verification erroneously calculates the entire project area as 63,888 sf. The Project area actually encompasses 50,929 sf.



The 2008 site assessment depicts a portion of the concrete coverage and the entirety of the chute coverage on 460 Gonowabie (see above). The location of the coverage encroaching onto 460 Gonowabie was confirmed in a 2019 demolition plan submitted by the Applicant (see below). A true and correct copy of the 2019 demolition plan is attached hereto as **Exhibit F**.





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In addition to utilizing the existing land coverage on 460 Gonowabie for determining total allowable coverage, the coverage calculations also utilize the entirety of the 460 Gonowabie parcel to calculate allowable IPES coverage for 460 Gonowabie (1,241 sf allowed, with up to 1,131 sf of transferred coverage). By incorporating both the existing land coverage and IPES maximum land coverage from 460 Gonowabie, the Project essentially double counts a portion of the coverage on this lot, resulting in greater allowable coverage for the Project area than authorized by Code. Total allowable coverage figures must be revised, and a new project area deed restriction limiting total coverage recorded, prior to proceeding with the Project.⁵ See p. 9 of 18 of Project Application:

LAND COVERAGE CONFORMANCE WORKSHEET

APN: 123-131-04 / 460 Gonowabie

PART 1: EXISTING PARCEL(S)

First Lot

Total Area: 11,862 sq. ft.

Land Capability District(s) *	% Allowed Coverage	Area (sq. ft.)	Allowable Coverage (sq. ft.)	Existing Coverage (sq. ft.)
IPES	12%	10,197	1,224	NA
Bailey's 1b	1%	1,665	17	NA

* If this parcel was evaluated under the Individual Parcel Evaluation System (IPES), disregard the first column (Land Capability Districts) but complete all other columns.

Total Allowed Coverage: 1,241 sq. ft. *Max w/transfer = 2172 (1131 w/transfer)*

Total Existing Coverage: NA sq. ft.

B. The Findings Adopted as Part of the Project Approval Are Not Supported by Substantial Evidence and Are Legally Insufficient.

Findings required in support of a project approval must be in writing, supported by substantial evidence, and accompanied by a brief statement of the facts and rationales upon which they are based. TRPA Code of Ordinances § 4.3. Such findings must also articulate a rational connection between the facts found and the conclusions reached. *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F.Supp.2d 1260, 1267 (E.D. Cal. 2010).

As explained below, the required findings submitted by the Applicant and adopted by TRPA are conclusory, not supported by substantial evidence, and in some cases, entirely absent from the record.

⁵ The application also omits calculations of existing coverage by Land Capability District on the Bailey parcel (470 Gonowabie). See Applicant's Lot Line Adjustment Application, p. 9 of 18. These calculations must be included prior to any Project approval.



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1. The Written Findings Required Under Code of Ordinances Section 3.3.2 Are Not Included in the Record.

TRPA Code of Ordinances Section 3.3.2 requires the Agency to make one of three findings based on information submitted in an initial environmental checklist when approving a project:

- A. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.6;
- B. The proposed project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- C. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

When TRPA finds that either a project will not have a significant effect on the environment, or that significant adverse effects can be mitigated to a less than significant level, a statement of such finding must be placed in the TRPA project file. (TRPA Rules of Procedure §§ 6.6 & 6.7.)

The file is devoid of any such finding in this matter.⁶ Based on the potential Project impacts discussed below, Appellants respectfully request that an Environmental Assessment or, if appropriate, an Environmental Impact Statement be prepared to fully analyze project impacts, and that appropriate mitigation measures be incorporated in the Project conditions of approval. (TRPA Code of Ordinances § 3.7.)

2. The Findings Required Under Code of Ordinances Sections 4.4.1.A. and B. Are Not Supported by Substantial Evidence.

Pursuant to Code of Ordinances Sections 4.4.1.A. and B., a project can only be approved when, on the basis of substantial evidence, the project is found to be consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs, and the project will not cause the environmental threshold carrying capacities to be exceeded.

⁶ Appellants requested a copy of the Project files, and while certain findings were produced, there were no written findings made in accordance with TRPA Rules of Procedure sections 6.6 or 6.7



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The proposed findings in support of the Project merely parrot the findings as stated in the Code, and do not articulate any connection between the facts in the record and the conclusions reached. *See League to Save Lake Tahoe*, 739 F.Supp.2d at 1267. As summarized above, the Project is inconsistent with the Code and Regional Plan, and results in exceeding environmental thresholds by “double counting” coverage on 460 Gonowabie.

Further, while the Applicant’s finding under Section 4.4.1.C. baldly claims that the “BLA involving the three (3) Subject Parcels, has been designed to meet and to the maximum extent feasible, exceed all applicable federal, state and local air and water quality standards by implementing the strictest standards at the planning and design stages,” the record lacks any evidence whatsoever of the “strictest standards” that are being applied by the Applicant to development of the Properties. If application of “strictest standards” is a basis for this finding, such standards must be identified and made a part of the conditions of approval for the Project.

C. The Environmental Analysis Failed to Analyze the Potentially Significant Impacts Associated With Development of the Properties as a Result of the Lot Line Adjustment.

TRPA’s definition of a “project” closely mirrors the definition under CEQA, i.e. “an *activity* undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region. TRPA Compact art. II(h) (emphasis added); *see also* Cal. Pub. Res. Code § 20165(a) (project is “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....”) By referring to an “activity,” the definition of a project “focuses attention on that which has impact on the environment,” and ensures that the action reviewed by TRPA is not the approval itself, but the development or other activities that will result from the approval. *See Poet, LLC v State Air Resources Bd.*, 12 Cal.App.5th 52, 73 (2017); *Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 283-84 (1975).

TRPA’s definition of “project” is broad to enable maximum protection of the environment, requiring that environmental considerations not be concealed by separately focusing on isolated parts, overlooking the effect of the whole action in its entirety. This rule against piecemealing insures that “environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” *Bozung*, 13 Cal.3d at 283-84 (1975); *see also National Wildlife Fed. v. Andrus*, 440 F.Supp. 1245 (D. D.C. 1977) (one of the purposes of NEPA “was to break the cycle of such incremental decision-making.”). Further, TRPA requires an analysis of the cumulative impacts of a project. TRPA Initial Environmental Checklist § 21.c.; *see also, Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 897 (9th Cir. 2002)



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(requiring analysis of the cumulative impact of “individually minor but collectively significant actions taking place over a period of time.”). Implicit in the analysis of cumulative impacts is that TRPA should not limit environmental disclosure by ignoring the development or other activity that will ultimately result from an initial approval. *See City of Antioch v. City Council*, 187 Cal.App.3d 1325, 1337-38 (1986).

Here, Applicant has submitted applications for three additional projects that are all dependent on the approval of the lot line adjustment: ERSP2019-1498 (reconstruction of a pier with new multi-use designation), ERSP2019-1453 (single family dwelling on 470 Gonowabie), ERSP2019-1471 (single family dwelling on 480 Gonowabie), and a fourth application, for development of a single family home on 460 Gonowabie, is anticipated to be submitted shortly.

Yet despite these incremental and interdependent developments, the Applicant’s Initial Environmental Checklist evaluates only the impacts of the lot line adjustment approval, and ignores the development *activities* associated with the entire Project, in blatant violation of TRPA requirements.

Specifically, the following sections of the Applicant’s Initial Environmental Checklist all fail to analyze the impacts associated with development of the Properties resulting from approval of the lot line adjustment. Because these impacts are potentially significant, they should be fully evaluated in an Environmental Assessment or Environmental Impact Statement, and mitigated accordingly.

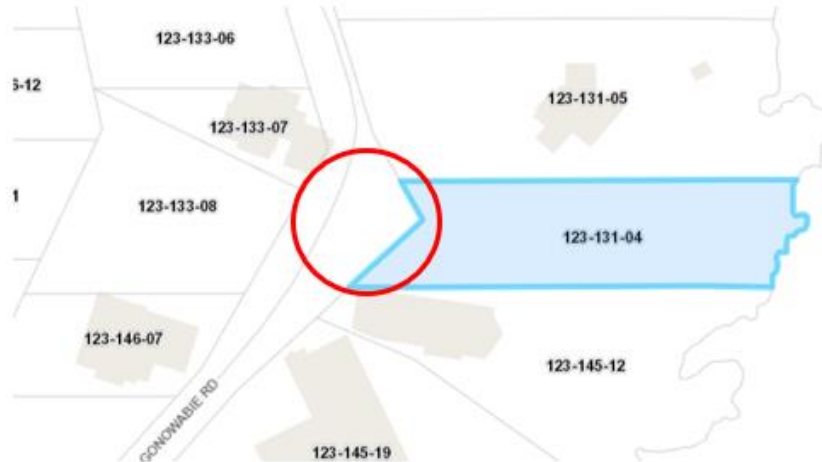
a. IEC Section 13.b. & f. – Loss of Parking Facilities and Increase in Traffic Hazards.

Initial Environmental Checklist sections 13.b. and f. require an analysis of (i) whether there will be a change to existing parking facilities or demand for new parking, and (ii) an increase in traffic hazards to motor vehicles, bicyclist, and pedestrians as a result of the Project. The development of three estate-sized residences within this small subdivision will indisputably result in significant parking impacts and increased traffic hazards.

The public right-of-way on Gonowabie Road was uniquely developed to require a large turnout directly in front of 460 Gonowabie (see below).



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This turnout feature serves several purposes. It functions as one of the only available on-street parking areas on Gonowabie Road. As depicted on the Google earth picture below (dated June 7, 2018), there are two cars parked in the public right of way directly fronting 460 Gonowabie.



The turnout also enhances emergency vehicular access on this narrow roadway, helps to eliminate conflicts between motor vehicles and bicycles and pedestrians, and serves as snow removal storage.

Appellants are informed and believe that the Project is proposing three separate single-family homes, all with a minimum of four bedrooms, and each exceeding 5,500 sf. Yet, each residence will only include two onsite parking spaces. With such sizeable manors, there is a potential for



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large gatherings, including vacation rentals, that could easily exceed onsite parking availability. And, without proper design and mitigation for any driveway encroachments on 460 Gonowabie, an already extremely limited supply of on street public parking will be virtually eliminated. An analysis of the project's potential impact to parking and traffic hazards, and implementation of appropriate designs, should be considered as part of the Project.

b. IEC Section 18.a. & c. – Modification of Views of and from Lake Tahoe.

In response to Section 18.a. of the Initial Environmental Checklist, where the Applicant was asked whether the Project would be visible from Lake Tahoe, the Applicant responded that the “proposed LLA will have no impact on existing views and will not add scenic massing.” This again ignores the impact of the whole of the Project/activity that must be assessed. The Project involves three substantial lakefront residences and a new multi-use pier, all of which will be very visible from the Lake. Further, the effect on scenic views must be analyzed in light of Washoe County's denial of the 460 Gonowabie setback variance. As a result of the variance denial, the Applicant's intention is to build the same size house on 460 Gonowabie, but now much closer to the shoreline, which will undoubtedly have a detrimental effect on shoreline views. The impacts associated with these developments should be analyzed and mitigated as part of this Project application.

Similarly, the Project will block and modify views of the Lake from a public road (Gonowabie) as the three residences are developed. *See* Initial Environmental Checklist Section 16.c. Yet there is no evaluation of the impacts associated with this development, nor mitigation measures proposed to protect the public's views. *See Ocean View Estates Homeowners Ass'n v. Montecito Water Dist.* 116 Cal.App.4th 396, 402 (2004) (an adverse effect on scenic views enjoyed by the public is significant).

Similarly, while the Applicant's Initial Environmental Checklist claims there will be no new sources of exterior lighting, it would be nonsensical to presume that three residences and a pier could be developed without any exterior lighting. *See* Initial Environmental Checklist Section 7.a.

The potentially significant view impacts should be identified, analyzed, and appropriately mitigated as part of approval of this Project.



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D. The Applicant Failed to Provide Complete and Accurate Information With its Application, and Recorded Deed Restrictions and a Judgment Restrict Developability of the Properties.

Special Condition No. 5 of the permit issued for the Project provides that:

This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

As part of an application for a lot line adjustment, applicants are required to disclose, under penalty of perjury, all property restrictions and easements affecting the property. The importance of this requirement cannot be understated. By requiring an applicant to disclose property restrictions as part of the application, TRPA can help to avoid what may otherwise be costly civil disputes, including lawsuits directly involving the agency. Early disclosure of private restrictions also conserves valuable agency resources, as it is futile to process and permit a project that ultimately cannot be approved and constructed.

Here, rather than listing the known deed restrictions impacting the Properties, as required by TRPA, the Applicant merely stated "See attached site plan." A true and correct copy of Applicant's declaration submitted in connection with the Project application is attached hereto as **Exhibit G**. In response to a similar question on a related application for a variance submitted to Washoe County, where the Applicant was asked whether "there are any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request," Applicant similarly declared "No". A true and correct copy of portions of the variance application submitted by Applicant to Washoe County is attached hereto as **Exhibit H**.

Contrary to the Applicant's misrepresentations, the title report for the Properties list eight separate deed restrictions, including a judgment, applicable to the Properties, none of which are disclosed or in any way depicted on the site plan. *See* Ex. B (exception nos. 21-28). And notably, the deed by which the Applicant took title to the Properties states it is subject to "Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record." A true and correct copy of Applicant's deed is attached hereto as **Exhibit I**.

The recorded deed restrictions affecting the Properties directly impact site design and building location, creating no build zones within the Properties. In fact, the deed restrictions restrict any dwelling or building within three (3) feet of a specifically described side line. The recorded



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judgment contains an even more expansive no build zone, prohibiting any dwelling or building within fifteen (15) feet of the side lines of the parcels described therein.⁷ See Exh. C.

While a TRPA lot line adjustment may alter parcel lines, it does not alter a private deed restriction or judgment, nor relocate these privately restricted no build zones. *Western Land Co. v. Truskolaski*, 88 Nev. 200, 495 P.2d 624, 627 (Nev. 1972) (the actions of a regulatory agency “cannot override privately-placed restrictions.”). The no build zones apply to the side lines of the lots as originally configured and described within the deeds and judgment, and do not “move” when a lot line is adjusted by a regulatory agency. *Ibid.* These no build zones, as described with reference to the original lot lines contained in the deeds and judgment creating them, were relied on by adjacent property owners when they themselves purchased their lots and sited their residences, providing open space and view corridors. They cannot now be relocated as a result of a lot line adjustment.

The recorded no build zones serve to severely restrict development on the parcels as reconfigured by the Project. The impact of the proposed lot line adjustment to the deed and judgment created no build zones must be evaluated as part of the Project application.

Because of the Applicant’s violation of Special Condition No. 5 of the permit, failure to provide accurate and true information in connection with its application, and active concealment of property restrictions that directly impact the lot line adjustment, the Project approval should be rescinded.

Based on the foregoing, Appellants respectfully request that the Board set aside and rescind the Project approval.

I declare under penalty of perjury that this Statement of Appeal and Request for Stay of Permit and all information submitted herewith is true and accurate to the best of my knowledge.

Respectfully,

Greg Gatto

Exhibits (highlighting of pertinent information has been added to exhibits)

⁷ The recorded judgment provides that the building restrictions are made pursuant to the maintenance of a common building plan and scheme for the Crystal Bay Park subdivision, which benefits Appellants’ properties.

EXHIBIT LIST

Statement of Appeal and Request for Stay of Permit - Appeal File Number ADMIN2020-0002

- Exhibit A** February 3 and 4, 2020 Correspondence Regarding Washoe County Board of Adjustments Appeal
- Exhibit B** Preliminary Title Report for 460, 470, and 480 Gonowabie Road
- Exhibit C** Recorded Deed Restrictions and Judgment Applicable to 460, 470, and 480 Gonowabie Road
- Exhibit D** 2008 Land Capability Verification
- Exhibit E** 2008 Site Assessment
- Exhibit F** 2019 Demolition Plan
- Exhibit G** Portion of Lot Line Adjustment Application With Declaration of Property Restrictions/Easements
- Exhibit H** Portion of 460 Gonowabie Variance Application
- Exhibit I** Gonowabie Properties, LLC Deed (Washoe County Recorder Document No. 4869226)

EXHIBIT A

Greg Gatto

From: Nick Exline <nick@midkiffandassoc.com>
Sent: Tuesday, February 4, 2020 2:56 PM
To: 'Hayes Parzybok'; Robert Goldberg
Cc: Brian Helm; Greg Gatto; reubr@aol.com
Subject: RE: 460 Gonowabie

Hi All,

Just to confirm, the meeting is actually this Thursday, February 6th at 1:30 PM at the Washoe County offices in Reno.

Thanks,

Nick Exline, AICP

Senior Planner

Midkiff and Associates, Inc.

Office: (775) 588-1090

Fax: (775) 588-1091

nick@midkiffandassoc.com

P.O. Box 12427

Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Hayes Parzybok <hparzybok@paradigm8.com>
Sent: Tuesday, February 04, 2020 2:52 PM
To: Robert Goldberg <rtgoldberg@gmail.com>
Cc: Brian Helm <bhelm@paradigm8.com>; Greg Gatto <Greg@sierralanduselaw.com>; reubr@aol.com; Nick Exline <nick@midkiffandassoc.com>
Subject: Re: 460 Gonowabie

Hi Rob,

After further review and consideration, we've decided to proceed with the hearing next week. That said, we continue to welcome the opportunity to meet with you and the project owner, and understand your issues.

Yes, Brian will be at the hearing.

Thanks,

Hayes Parzybok | PARADIGM8
p: (530) 448-9310
hparzybok@paradigm8.com

On Feb 4, 2020, at 10:58 AM, Robert Goldberg <rtgoldberg@gmail.com> wrote:

Brian,

I'm copying Greg Gatto our legal counsel. Based on your representation that you are asking for a continuance, we have asked him to stand down on preparing opposition to the variance request. We have also notified concerned neighbors they will not need to attend. Please advise when you have made that formal request.

In the interest of making progress on a number of time sensitive issues including scheduling a meeting with Dave, we should find a time to talk or meet soon. Will you be at the hearing on Thursday? If so perhaps we can talk then, if not please suggest a few times that might be convenient for you to meet or talk on the phone.

Best,
Robert

On Mon, Feb 3, 2020 at 1:38 PM Robert Goldberg <rtgoldberg@gmail.com> wrote:

Nick as of the last hour, staff had not received the request. When are you intending on making it?

Also we understand it is too late to be pulled from the agenda.

Robert

On Mon, Feb 3, 2020 at 12:38 PM Brian Helm <bhelm@paradigm8.com> wrote:

Robert,
Nick was going to request the deferral. I have copied him to confirm.

thanks
Brian

From: Robert Goldberg <rtgoldberg@gmail.com>
Sent: Monday, February 3, 2020 6:52:12 AM
To: Brian Helm <bhelm@paradigm8.com>
Cc: reubr@aol.com <reubr@aol.com>; Hayes Parzybok <hparzybok@paradigm8.com>
Subject: Re: 460 Gonowabie

Brian, thanks for reaching out. Have you formally requested the postponement? It looks like the item is still on the agenda for Thursday.

We are open to meeting, but not certain those dates will work for us.

Robert

On Fri, Jan 31, 2020 at 5:54 PM Brian Helm <bhelm@paradigm8.com> wrote:

Reuben and Robert,

I received your contact information from Nick Exline at Midkiff & Associates. He provided me with some background from your previous discussions. As a follow-up, we would like to coordinate a time for a meeting with the property owner to discuss your comments on the 460 Gonowabie Residence.

We are planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion with you both.

Please let me know if you have any availability on Feb 11 or 12 and we will schedule the meeting.

Thanks and have a nice weekend,

Brian

<image001.png>

Brian Helm

Principal

p: (775) 313-6903

w: www.paradigm8.com e: bhelm@paradigm8.com

EXHIBIT B



PRELIMINARY REPORT

Proposed Buyer: buyer
 Proposed Lender: Prelim only
 Proposed Loan Amount: \$0.00
 Property Address: 460, 470, and 480 Gonowabie Road, Crystal Bay, NV 89402

Escrow Office:
 Ticor Title of Nevada, Inc.
 264 Village Boulevard #101
 Incline Village, NV 89451
 Phone: (775) 413-6111 Fax: (775) 249-9510
 Escrow Officer: Shannon Pisano
 Customer No.: /

Title Office:
 Ticor Title of Nevada, Inc.
 5441 Kietzke Lane, Suite 100
 Reno, NV 89511
 Phone: (775) 324-7400 Fax: (775) 324-7402
 Order No.: 01905559-SLP

The information contained in this report is through the date of September 4, 2019 at 7:30 a.m.

In response to the application for a policy of title insurance referenced herein, Ticor Title of Nevada, Inc. hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Timothy S. Palko, Title Officer

THE FOLLOWING REQUIREMENTS MUST BE MET PRIOR TO CLOSE OF ESCROW:

1. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Gonowabie Properties, LLC

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps
- c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member
- d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin
- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE

Title to said estate or interest at the date hereof is vested in:

Gonowabie Properties, LLC, a Nevada Limited Liability Company

The land referred to in this Report is situate in the State of Nevada, County of Washoe and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to lien for services, labor or material not shown in the Public Records.
7. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:
Assessor's Parcel No.: 123-131-04
Fiscal Year: 2019-2020
Total Taxes: \$6,002.93
1st Installment: \$1,500.83 PAID
2nd Installment: \$1,500.70 OPEN
3rd Installment: \$1,500.70 OPEN
4th Installment: \$1,500.70 OPEN
8. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:
Assessor's Parcel No.: 123-131-05
Fiscal Year: 2019-2020
Total Taxes: \$13,202.05
1st Installment: \$ 3,300.61 PAID
2nd Installment: \$ 3,300.48 OPEN
3rd Installment: \$ 3,300.48 OPEN
4th Installment: \$ 3,300.48 OPEN

9. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:
 Assessor's Parcel No.: 123-131-06
 Fiscal Year: 2019-2020
 Total Taxes: \$8,257.18
 1st Installment: \$2,064.40 PAID
 2nd Installment: \$2,064.26 OPEN
 3rd Installment: \$2,064.26 OPEN
 4th Installment: \$2,064.26 OPEN
10. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Nevada Revised Statutes.
11. Any liens which may be levied by reason of the Land being within the Washoe County Public Works Department, Utility Division. Specific amounts may be obtained from Washoe County Public Works Department, Phone Number (775) 954-4601.
12. Any liens, charges or assessments levied by the Incline Village General Improvement District by reason that the Land is located within said district.
13. Any adverse claim based upon the assertion that:

 Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Lake Tahoe in the event the boundary of said Lake Tahoe has been artificially raised or is now or at any time has been below the high watermark, if said Lake Tahoe is in its natural state.

 Some portion of said Land has been created by artificial means or has accreted to such portion so created.

 Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Lake Tahoe, or has been formed by accretion to any such portion.
14. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Lake Tahoe.
15. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.
16. The right to raise or lower the level of Lake Tahoe as set forth and defined in Nevada Revised Statutes, further evidenced by matters and determinations set forth in the Truckee River Agreement, final decree entered in 1944, case entitled United States vs. Orr Water Ditch Co., United States District Court for the District of Nevada.
17. Excepting any portion of the Land lying within the bed of Lake Tahoe below the line whose elevation is 6223 feet, Lake Tahoe datum pursuant to Nevada Revised Statutes and also excepting any artificial accretions to said Land, waterward of said Land or natural ordinary high water or, if lake level has been artificially lowered, excepting any portion below such elevation as may be established as the boundary by boundary line agreement with the state or by quiet title action in which the state is a party.
18. Water rights, claims or title to water, whether or not disclosed by the public records.
19. Rights of way for any existing roads and alleys, trails, canals, ditches, flumes, conduits, pipes, poles or transmission lines on, under, over, through or across the Land.

20. The following provisions as set forth in the deed to the State of Nevada,

Executed By: Walter D. Bliss, et al
Recording Date: June 27, 1930
Recording No: Book 83, Page 155, Deed Records

Which recites as follows:

“It is expressly agreed and understood that grantee with the consent of grantors in writing first had and obtained, may deposit earth and rock excavated from said right-of-way upon grantors land immediately adjacent to said highway.”

21. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: June 22, 1935
Recording No: Book 99, Page 288, as Document No. 70435, Deed Records

22. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: June 24, 1936
Recording No: Book 106, Page 132, as Document No. 74334, Deed Records

23. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: January 11, 1938
Recording No: Book 112, Page 522, as Document No. 80564, Deed Records

24. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: April 22, 1943
Recording No: Book 154, Page 26, as Document No. 111350, Deed Records

25. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: September 29, 1943
Recording No: Book 156, Page 363, as Document No. 115323, Deed Records

26. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: February 18, 1946
Recording No: Book 179, Page 72, as Document No. 138290, Deed Records

27. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 17, 1947
Recording No: Book 15, Page 411, as Document No. 153196, Decrees Records

28. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: April 5, 1955
Recording No: Book 376, Page 388, as Document No. 241612, Deed Records

29. Facts and Matters as shown on that certain ALTA/NSPS Survey prepared by Resource Concepts Inc. dated 11/09/2018 as Job No. 18-299-1:
- a) Improvements located within the Gonowabie Road right-of-way.
 - b) Transmission lines and pole across the Westerly Boundary.
 - c) "Chute" across the Westerly boundary of Parcel 3.
 - d) Concrete patio area and doc across the common boundary between Parcels 2 and 3 described herein.
 - e) Edge of asphalt for Gonowabie Road extends in to Parcel 1 and 2 as much as 3.6'.
 - f) Stone steps across the boundary line in the Southwest corner of Parcel 3.
30. Easement(s) and rights incidental thereto as delineated or as offered for dedication on Record of Survey Map No. 5996 in Support of a Lot Combination Deed
- Recording Date: September 25, 2018
Recording No: 4853261 Official Records
31. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

INFORMATIONAL NOTES

1. Note: Due to the Nevada Supreme Court's interpretation of N.R.S. §116.3116 (2)(c) in SFR Investments Pool 1, LLC v. U.S. Bank, N.A. 334 P. 3d 408 (2014), the Company is unwilling to issue the ALTA 9-06 Endorsement, but instead will issue the ALTA 9.10-06 Endorsement. This does not apply to common interest communities that are not subject to N.R.S. §116.3116 (i.e. apartment complexes, commercial condominiums that are exempt or other commercial properties).
2. Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
3. Note: The charge for a policy of title insurance, when issued through this title order, will be based on the Basic Title Insurance Rate.
4. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Recording Date: September 25, 2018
Recording No: 4853260, Official Records

Grantor: Suzanne Meehan, Successor Trustee of the Hildegard Willmann Trust, dated October 14, 1983
Grantee: Gonowabie Properties, LLC, a Nevada Limited Liability Company
Recording Date: November 28, 2018
Recording No: 4869226, Official Records

5. Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Type of Dwelling: Vacant Land
Address: 460 Gonowabie Road, Crystal Bay, Nevada
Affects: Parcel 3 APN: 123-131-04

6. Note: None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land a single family residence known as 470 Gonowabie Road, Crystal Bay, Nevada, to an Extended Coverage Loan Policy, when issued.

Affects: Parcel 2 APN: 123-131-05

7. Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Address: 480 Gonowabie Road, Crystal Bay, Nevada
Affects: Parcel 1 APN: 123-131-06

Order No.: 01905559-SLP

EXHIBIT A

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

PARCEL 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the TRUE POINT OF BEGINNING.

Thence North 13°19'08" West 90.56 feet;

Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 98.09 feet to said Meander Line;

Thence North 19°42'52" East 14.02 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

PARCEL 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North. Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road;

Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 28.86 feet to said Meander Line;

Thence North 19°42'52' East 100.42 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

PARCEL 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 28.86 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 29°14'08" East 2.20 feet along said Easterly boundary of Gonowabie Road;
Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 38.14 feet to said Meander Line;
Thence North 19°42'52" East 65.87 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

Note: Document No. 4869226 is provided pursuant to the requirements of Section 6.NRS 111.312.

EXHIBIT A

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

PARCEL 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the TRUE POINT OF BEGINNING.

Thence North 13°19'08" West 90.56 feet;

Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 98.09 feet to said Meander Line;

Thence North 19°42'52" East 14.02 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

PARCEL 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North. Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road;

Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 28.86 feet to said Meander Line;

Thence North 19°42'52' East 100.42 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

PARCEL 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the TRUE POINT OF BEGINNING.

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Thence South 29°14'08" East 2.20 feet along said Easterly boundary of Gonowabie Road;

Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road;

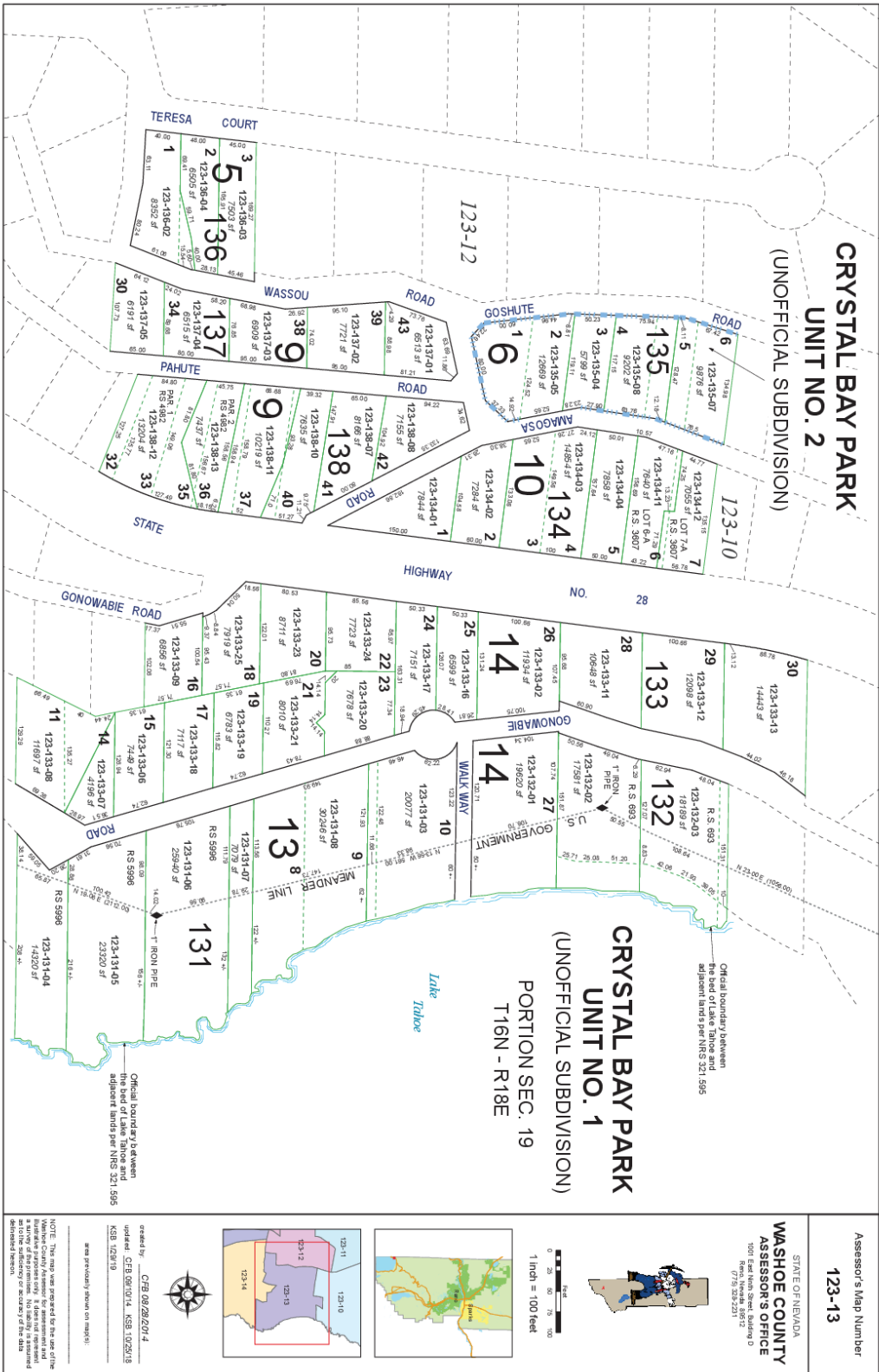
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Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

Note: Document No. 4869226 is provided pursuant to the requirements of Section 6.NRS 111.312.

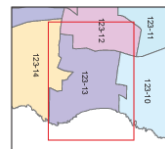
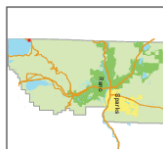


Assessor's Map Number
123-13

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
1001 East Main Street, Suite 10
Reno, Nevada 89512
(775) 784-2321



0 20 40 60 80 100
feet
1 inch = 100 feet



created by: CFB 08/28/2014
updated: CFB 09/17/14, KSB 10/23/15
KSB 10/29/16
*see previously shown on maps!
NOTICE: This map was prepared by the assessor of the Washoe County Assessor's Office. It is not intended to be a substitute for a professional survey. It is not intended to be used as a basis for title insurance or other legal matters. The assessor is not responsible for the accuracy or completeness of the data shown on this map.

ATTACHMENT ONE (Revised 05-06-16)

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;

- e. land division; and
 - f. environmental protection.
- This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
 5. Failure to pay value for Your Title.
 6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
 7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is

- (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

{Except as provided in Schedule B - Part II, {or T}his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

{PART I

{The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.}

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:}

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

{The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records. }
7. {Variable exceptions such as taxes, easements, CC&R's, etc. shown here.}

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY – ASSESSMENTS PRIORITY (04-02-15)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

Note: Notice of Available Title Insurance and Escrow Discounts

Your transaction may qualify for one of the discounts shown below. In order to receive these discounts, you will need to contact your escrow officer or a company representative to determine if you qualify and to request the discount. Your escrow officer or company representative will provide a full description of the terms, conditions and requirements associated with each discount.

Available Title Insurance Discounts (These discounts will apply to all transactions where the company is issuing a policy of title insurance, including such transactions where the company is not providing escrow closing services.)

CREDIT FOR PRELIMINARY TITLE REPORTS AND/OR COMMITMENT CANCELLATION CHARGES ON SUBSEQUENT POLICIES

Where an order was cancelled and no major change in the title has occurred since the issuance of the original report or commitment, and the order is reopened within 24 - 36 months, all or a portion of the charge previously paid upon the cancellation of the report or commitment may be credited on a subsequent policy charge.

SHORT TERM RATE

The Short Term Rate is a reduction of the applicable insurance rate which is allowable only when the current order is placed within 60 months from the date of issuance of a prior policy of title insurance to the vested owner or an assignee of the interest insured. The short term rate is 80% of the Basic Rate. Unless otherwise stated, the reduction only applies to policies priced at 80% or greater of the basic rate. This reduction does not apply to Short Sale transactions or to any surcharge calculated on the basic rate.

PRIOR POLICY DISCOUNT (APPLICABLE TO ZONE 2, DIRECT OPERATIONS ONLY)

The Prior Policy Discount will apply when a seller or borrower provides a copy of their owner's policy upon opening escrow. The prior policy rate is 70% of the applicable owner's title premium. This discount may not be used in combination with any other discount and can only be used in transactions involving property located in Zone 2 (Zone 2 includes all Nevada counties except Clark, Lincoln and Nye) that are handled by a direct operation of the FNF Family of Companies.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities the charge for a policy shall be 50% to 70% of the appropriate title insurance rate, depending on the type of coverage selected. This discount shall not apply to charges for loan policies issued concurrently with an owner's policy.

EMPLOYEE RATE

No charge shall be made to employees of the Company, its subsidiary or affiliated companies (including employees on approved retirement) for policies issued in connection with financing, refinancing, sale or purchase of the employee's bonafide home property. Waiver of such charges is authorized only in connection with those costs which the employee would be obligated to pay, by established custom, as a party to the transaction.

INVESTOR RATE

This rate is available for individuals, groups of individuals or entities customarily engaged in real estate investments. The parties must provide reasonable proof that they currently hold title to or have transferred title to three (3) or more investment properties in the State of Nevada within the past twelve (12) months to qualify for this rate. On a sale transaction, the investor rate is 70% of the basic rate. This reduction does not apply to any surcharge calculated on the basic rate. On a refinance transaction or where the investor is obtaining a loan subsequent to a purchase, the rate shall be 85% of the applicable rate with a minimum charge of \$385.00. The loan discount shall only apply to transactions priced under Section 5.1 B (1b) of the title insurance rate manual. This rate is available upon request only.

Available Escrow Discounts These discounts will apply only to the escrow fee portion of your settlement charges, and the discounts will apply only if the company is issuing a policy of title insurance in conjunction with providing escrow services.

SENIOR CITIZEN RATE

If a valid identification is provided, principals to a given transaction who qualify as Senior Citizens (55 year of age and over) shall be charged 70% of their portion of the escrow fee wherein a valid identification is provided. This discount shall only apply on residential resale transactions wherein the principal resides in the subject property. This discount may not be used in combination with any other escrow rate discount. This rate is available upon request only.

MILITARY DISCOUNT

Any person on active military duty or a Veteran of the U.S. Armed Forces shall be charged 80% of their portion of the escrow fee. A copy of a current military identification card or a copy of the DD-214 (Certificate of Release or Discharge from Active Duty) must be provided. This discount may not be used in combination with any other discount. This rate is for sale transaction and it is available upon request only.

FIRST TIME HOMEBUYER RATE (APPLICABLE TO ZONE 2 ONLY)

A first time homebuyer of an owner-occupied residential property shall be charged 75% of their portion of the escrow fee, provided reasonable evidence is presented that this is their first home. Applies to all counties **except** Clark, Lincoln and Nye. This discount may not be used in combination with any other discount. This rate is for sale transactions and it is available upon request only.

EMPLOYEE RATES

An employee will not be charged an escrow fee for the purchase, sale or refinance of the employee's primary residence. The employee must be a principal to the transaction and the request for waiver of fees must be submitted to Management prior to approval.

INVESTOR RATE

This rate is available for individuals, groups of individuals or entities customarily engaged in real estate transactions. The parties must provide reasonable proof that they currently hold title to or have transferred title to three (3) or more investment properties within the State of Nevada within the past twelve (12) months to qualify for this rate. The charge is 70% of their portion of the escrow fee. This discount may not be used in combination with any other discount. This rate is for sale transactions and it is available upon request, only.

Wire Fraud Alert

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the phone number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g., Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g., loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and third parties’ products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or

- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see “**Choices With Your Information**” to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an “opt out” request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not share information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF’s headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the “Service Websites”). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender’s privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender’s privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

EXHIBIT C

21. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: June 22, 1935
Recording No: Book 99, Page 288, as Document No. 70435, Deed Records
22. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: June 24, 1936
Recording No: Book 106, Page 132, as Document No. 74334, Deed Records
23. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: January 11, 1938
Recording No: Book 112, Page 522, as Document No. 80564, Deed Records
24. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: April 22, 1943
Recording No: Book 154, Page 26, as Document No. 111350, Deed Records
25. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: September 29, 1943
Recording No: Book 156, Page 363, as Document No. 115323, Deed Records
26. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: February 18, 1946
Recording No: Book 179, Page 72, as Document No. 138290, Deed Records
27. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording Date: June 17, 1947
Recording No: Book 15, Page 411, as Document No. 153196, Decrees Records
28. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: April 5, 1955
Recording No: Book 376, Page 388, as Document No. 241612, Deed Records

STATE OF NEVADA,)
County of Washoe) ss.

On this 3rd. day of October A. D. one thousand nine hundred and thirty-two personally appeared before me E. R. Simms, a Notary Public in and for said County of Washoe; Charles M. Sherman and Ida May Sherman, his wife known (or proved) to me to be the persons described in and who executed the annexed instrument, who 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 at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) E. R. Simms

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires Dec. 1, 1932

FILING NO. 70432

Filed for Record at the Request of F. Raffetto JUN 22 1935 at 26 min. past 9 o'clock A M.

Fee \$2.05

HR: MB
HD: JL
MB *Verbed*

Idella B. Boyd
COUNTY RECORDER

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC

(U. S. Internal Rev. Stamps \$2.50 Attached & Cancelled)

THIS INDENTURE, made the 21 day of May, 1935, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and HILDEGARD WILLMANN MIRC of Reno, State of Nevada, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N. R. 18 E., Washoe County, Nevada, bears S. 19°06' W. 1997.87 feet and S. 5°06' W. 435.57 feet and S. 89°05' 50" W. 601.37 feet; thence West 29.13 feet; thence N. 29°51' W. 31.62 feet; thence N. 17°00' W. 28.38 feet, thence East to the said Meander Line; thence S. 19°06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof;

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

Book: 99
Page: 288

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL) CRYSTAL BAY CORPORATION

By Norman. H. Biltz
President.

By E. M. Anderson
Secretary.

STATE OF NEVADA,)
) ss.
County of Washoe)

On this 21st day of May A. D. one thousand nine hundred and thirty-five personally appeared before me George Springmeyer, a Notary Public in and for said County of Washoe, NORMAN H. BILTZ known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the

uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) George Springmeyer.

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires _____

FILING NO. 70435

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO.
JUN 22 1935 at 17 Minutes past 10 o'clock A M.

Fee \$2.45

HR: LF
HD: JL
MB Verified

Idella B. Boyd

COUNTY RECORDER

WASHOE COUNTY WATER CONSERVATION TO C. W. WORDEN, ET AL
DISTRICT

THIS INDENTURE, made this 13th day of December, 1934, by and between WASHOE COUNTY WATER CONSERVATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Nevada, Party of the First Part, and C. W. and M. T. WORDEN, Parties of the Second Part,

W I T N E S S E T H:

That the Party of the First Part, in consideration of the sum of \$4.75, lawful money of the United States to it paid by the Parties of the Second Part, the receipt of which is hereby acknowledged, does by these presents, remise, release and quitclaim unto the Parties of the Second Part, as tenants in common, all that certain parcel of land situated in Washoe County Water Conservation District in Washoe County, Nevada, and described as follows:

Fractional Southwest Quarter of Northeast Quarter of Section 1, T. 19 N., R. 19 E., M. D. B. & M., containing 4.7 acres, more or less.

TOGETHER with all the appurtenances thereunto belonging or in any-wise appertaining, and the reversion and reversions, rents, issues and profits thereof.

TO HAVE AND TO HOLD said premises with the appurtenances unto the Parties of the Second Part, their heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part, by resolution of its Board of Directors, has caused these presents to be executed and signed by its Vice-President the day and year first above written.

(CORPORATE SEAL) WASHOE COUNTY WATER CONSERVATION DISTRICT.

By Lawrence Christensen
Vice-President.

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

On this 14th day of December, 1934, personally appeared before me, the undersigned, a notary public in and for said County and State, LAWRENCE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

Matilda A. Hancock
Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Mar. 2, 1938.

FILING NO. 74322

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO.
JUN 23 1936 at 43 min. past 1 o'clock P M. FEE \$2.05

HR: ACB
HD: MP
ACB ~~MP~~

Stella B. Perry
COUNTY RECORDER

Book: 106
Page: 132

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC.

(U. S. INT. REV. STAMPS \$2.50 ATTACHED AND CANCELLED)

THIS INDENTURE, made the 18th day of June, 1936, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and HILDEGARD WILLMANN MIRC, of Crystal Bay, Washoe County, State of Nevada, SECOND PARTY,

W I T N E S S E T H:

That first party, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by second party, receipt whereof is hereby acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19°06' West, 1932 feet and South 5°06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47°59' East, 59.05 feet; thence North 29°51' West, 26.20 feet, thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred Dollars (\$400.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and to her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

By Norman Biltz
President

By George Springmeyer
Secretary

STATE OF NEVADA,)
)
COUNTY OF WASHOE.) SS.

On this 18th day of June, A. D., one thousand nine hundred and thirty-six, personally appeared before me, the undersigned, a Notary Public in and for said County of Washoe, NORMAN BILTZ, known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate

first above written.

(SEAL)

Ethel L. Fletcher
Notary Public

My commission expires June 4, 1939.

FILING NO. 74334

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO.
JUN 24 1936 at 56 Minutes past 9 o'clock A M. FEE \$3.25

HR: ACB
HD: MP
ACB /

Ethel L. Fletcher
COUNTY RECORDER

ALFRED H. TILLIS & WF. TO CARL LEWIS & WF.

(U. S. INT. REV. STAMP FIFTY CENTS ATTACHED AND CANCELLED)

THIS INDENTURE made the 8th day of May, 1936, between ALFRED H. TILLIS and MELBA TILLIS, his wife, of the County of Washoe, State of Nevada, the parties of the first part, and CARL LEWIS and ANN LEWIS, his wife, of the aforesaid county and State, the parties of the second part, as joint tenants;

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said parties of the second part, with right of survivorship and to the survivor of either, as joint tenants and not as tenants in common, and to their heirs and assigns, and to the heirs and assigns of the survivor thereof, all that certain lot, piece or parcel of land situate, lying and being in the County of Washoe, State of Nevada, and particularly described as follows, to-wit:

Commencing at a point on the west line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, T. 19 N., R. 19 E., M. D. B. & M., distant thereon 370 feet north of the Southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 1; thence running easterly, parallel with the south line of said 40 acre tract a distance of 249 feet; thence running southerly and parallel with the west line of said 40 acre tract a distance of 70 feet; thence running westerly and parallel with the south line of said 40 acre tract a distance of 124 $\frac{1}{2}$ feet; thence running southerly and parallel with the west line of said 40 acre tract a distance of 20 feet; thence running westerly and parallel with the south line of said 40 acre tract a distance of 124 $\frac{1}{2}$ feet to a point on the west line of said 40 acre tract; thence running northerly along said west line of said 40 acre tract a distance of 90 feet to the point of beginning, said lands being a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, T. 19 N., R. 19 E., M. D. B. & M.

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

TOGETHER with the appurtenances and all rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto said party of the second part, his heirs, successors and assigns forever., as joint tenants with right of survivorship as such and not as tenants in common.

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

N Filipelli
Maria Filipelli


STATE OF CALIFORNIA)
(ss.
County of San Joaquin)

On this 4th day of January, A.D., one thousand nine hundred and thirty-eight, before me, a Notary Public in and for the county and state aforesaid, personally appeared N. FILIPELLI and MARIA FILIPELLI personally known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he 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.

(Recorder's note:Signature traced)

(SEAL)


Notary Public
In and for the County of
San Joaquin State of California

FILING NO. 80563

Filed for Record at the Request of John Donovan JAN 11 1938 at 12
Minutes past 9 o'clock AM. Fee \$2.45

HR: LG
HD: ACB
LG *marked*


COUNTY RECORDER

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC

(U. S. Int. Rev. Stamps \$1.50 Attached & Cancelled)

THIS INDENTURE, made the 2nd day of November 1937, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and Hildegard Willmann Mirc of RENO, State of NEVADA, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

NORTH POR. LOT SIX, BLOCK 13

Beginning at a point on the U. S. Meander Line from which the S.W. Corner of Lot III Section 19 Township 16 N., R. 18 E Washoe County, Nevada, bears S. 19° 06' W. 2057.87 ft. and S 5° 06' W. 435.57 ft. and S. 89° 05'50" W. 601.37 ft., thence Westerly along the Northerly line of parcel conveyed by Party of the First Part by deed recorded Book 99 Page 288 Washoe Co., Nevada Records, to the N.W. Corner

Book: 112
Page: 522

thereof, thence North 17° W. 41.75 ft., thence Easterly 98.10 ft. to the Meander Line; thence Southerly 19° 06' W. 40 ft. along the Meander Line to the place of beginning, being also the N. E. Corner of the parcel of land previously conveyed by said First Party as herein above mentioned in said Book 99 of Deeds, Page 288, said parcel of land in this conveyance containing .074 Acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the grantor's unofficial map thereof.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

By Norman H. Biltz
President.

By George Springmeyer,
Secretary.

STATE OF NEVADA,)
(ss.
County of Washoe)

On this 2nd day of November A.D. one thousand nine hundred and Thirty Seven personally appeared before me the undersigned, a Notary Public in and for said County of Washoe, NORMAN H. BILTZ and GEORGE SPRINGMEYER known to me to be the President and Secretary of the corporation that executed the foregoing instrument,

and upon oath, did depose that they are the officer of said corporation as above designated; that they are acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Madeleine C. Huber

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires Sept. 15, 1940.

FILING NO. 80564

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO. JAN 11 1938 at 48 Minutes past 9 o'clock AM. Fee \$2.85

HR: LG
HD: ACB
LG Verific

Della B. Boyd

COUNTY RECORDER

CECIL H. SKIPPER & WF. TO MARIE CLARK HART

(U. S. Int. Rev. Stamps \$2.00 Attached & Cancelled)

THIS INDENTURE made the 13th day of August, 1937, between CECIL H. SKIPPER and FRANCES G. SKIPPER, his wife, of the City of Reno, County of Washoe, State of Nevada, the parties of the first part, and MARIE CLARK HART, of the aforesaid city, county and State, the party of the second part; W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part, and to her heirs and assigns, all those certain lots, pieces or parcels of land situate, lying and being in the City of Reno, County of Washoe, State of Nevada, and particularly described as follows, to-wit:

Lots 9 and 10 in Block 7 of "SCENIC PARK ADDITION", according to the official map thereof filed in the office of the County Recorder of Washoe County, State of Nevada.

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

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

This conveyance is given subject to the terms and provisions of two trust deeds dated May 4th, 1937, which said trust deeds are recorded in the office of the County Recorder of Washoe County, State of Nevada, in Book 109 of Trust Deeds, at pages 25 and 33 respectively.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

certificate first above written.

(SEAL)

Esther J. Detlow

Notary Public in and for said
County of Alameda, State of
California

My Commission Expires March 4th, 1945

FILING NO. 111339

Filed for Record at the Request of WASHOE COUNTY TITLE GNTY. CO. APR
22 1943 at 13 Minutes past 10 o'clock A M.

Fee \$2.75

HR: ACB
HD: BE
HM *verified*

Esther J. Detlow
COUNTY RECORDER

Book: 154
Page: 26

CRYSTAL BAY CORP.

TO

HOWARD PARISH

(U. S. Int. Revenue Stamps \$1.10 Attached & Cancelled)

THIS INDENTURE made the Twenty-fifth day of February, one thousand
nine hundred and forty-three, between: CRYSTAL BAY CORPORATION, a Nevada Corporation,
the party of the first part, and HOWARD PARISH, the party of the second part,

WITNESSETH: That the said party of the first part, in consideration
of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to
it in hand paid by the said party of the second part, the receipt whereof is hereby
acknowledged, does by these presents grant, bargain, and sell unto the said party of
the second part, and to his heirs and assigns forever, all that certain lot, piece or
parcel of land situate in the County of Washoe, State of Nevada, and bounded and
described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which
the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D.
B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06'
west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning
for the description of this parcel of land; thence north 19°06' east 14.13 feet to
the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed record-
ed in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along
the north line of the said Mirc parcel a distance of 98.10 feet to the northwest
corner of said Mirc parcel; thence north 17°00' west to a point which would be inter-
sected by a line drawn west (and parallel to the north line of said Mirc parcel) from
a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point
of beginning; thence east along said line so drawn, to said meander line; thence south
13°56' east along said meander line 60.87 feet to the true point of beginning; being
the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according to an unofficial
map thereof, which has never been placed of record in the office of the County Recorder
of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for
the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

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

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

By Norman Biltz
President

By George Springmeyer.
Secretary

STATE OF NEVADA,)
) ss.
County of Washoe)

On this 25th day of February A. D. one thousand nine hundred and forty-three personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, NORMAN BILTZ Known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

C Edgar Miller

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires September 10, 1944.

STATE OF NEVADA,)
County of Washoe) ss.

On this 25th day of February A. D. one thousand nine hundred and forty-three personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, GEORGE SPRINGMEYER Known to me to be the secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

C Edgar Miller

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

My commission expires September 10, 1944.

FILING NO. 111350

Filed for Record at the Request of WASHOE COUNTY TITLE GNTY. CO. APR 22 1943 at 2 o'clock P M.

Fee \$3.25

Ellen B. Boyd

HR:JL
HD:HM
HM Verified

COUNTY RECORDER

~~MRS. E. F. LAWRENCE, also known as MRS. ELLEN F. LAWRENCE~~

TO

PAUL MANUEL

(U. S. Int. Rev. Stamps 55 Cents Attached & Cancelled)

~~THIS INDENTURE, made this 22nd day of April, 1943, between MRS. E. F. LAWRENCE, also known as MRS. ELLEN F. LAWRENCE, a widow, of the City of Reno, County of Washoe, State of Nevada, the party of the first part, and PAUL MANUEL, of the aforesaid City, County, and State, the party of the second part;~~

W I T N E S S E T H:

~~That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged~~

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

Irving J Smith

Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Feby 20, 1945.

FILING NO. 115312

Filed for Record at the Request of Mrs Joseph. Greco SEP 28 1943 at 26
Minutes past 3 o'clock P M.

Fee \$2.25

HR: HM
HD: MP
ACB/verified

Dale B. Boyd

COUNTY RECORDER

HOWARD PARISH & WF.

TO

HILDEGARD WILLMANN MIRC

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

THIS INDENTURE made the Twenty-fifth day of September, one thousand nine hundred and forty-three, between: HOWARD PARISH and RUTH PARISH, his wife, the parties of the first part, and HILDEGARD WILLMANN MIRC, the party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which the southwest corner of Lot 111, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06' west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning for the description of this parcel of land; thence north 19°06' east 14.13 feet to the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed recorded in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along the north line of the said Mirc parcel a distance of 98.10 feet to the northwest corner of said Mirc parcel; thence north 17°00' west to a point which would be intersected by a line drawn west (and parallel to the north line of said Mirc parcel) from a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point of beginning; thence east along said line so drawn, to said meander line; thence south 13°56' east along said meander line 60.87 feet to the true point of beginning; being the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according

to an unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling ---- intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF the said parties of the first part, have hereunto set their hands the day and year first above written.

Howard Parish

Ruth Parish

STATE OF NEVADA,)
)
County of Washoe) ss.

On this 25th day of September A. D. one thousand nine hundred and forty-three personally appeared before me La Rie Riley, a Notary Public in and for said County of Washoe, Howard Parish and Ruth Parish, his wife, known (or proved) to me to be the persons described in and who executed the annexed instrument, who 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 at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

La Rie Riley

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires November 19, 1946

FILING NO. 115323

Filed for Record at the Request of Howard Parish SEP 29 1943 at 5 Minutes past 10 o'clock A M. FEE \$3.05

HR: ACB
HD: HM
ACB *W. R. S.*

Della B. Boyd
COUNTY RECORDER

L. A. SAUER & WF.

TO

KENNETH A. ARNOLD ET AL

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

DEED

THIS INDENTURE, made the 22nd day of September, in the year of our Lord one thousand nine hundred and forty three, between L. A. SAUER and NEVA SAUER, his wife, both of Washoe County, State of Nevada, the parties of the first part, and KENNETH A. ARNOLD and DORIS ARNOLD, of the County of Washoe, State of Nevada, parties of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of the sum of Seven Hundred (\$700.00) Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said parties of the second part, and to their heirs and assigns forever; all that certain lot, piece, or parcel of land situate, lying, and being in the County of Washoe, State of Nevada, and bounded and particularly described as follows, to-wit:

All that portion of the Northeast quarter of the Southeast quarter of Section 34, Township 17 North, Range 19 East; lying immediately South of the land heretofore sold to John Evans and immediately West of the Reno-Carson City Highway and containing seven acres, more or less.

Also to take from Ophir Creek of the water belonging to the parties of the first part three miners inches under six inches pressure.

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

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

* thereunto belonging, or in anywise appurtenant, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, together with all water and water rights in or upon or appurtenant to said real property.

TO HAVE AND TO HOLD said real property unto GEORGE H. MCKAIG and MARY MCKAIG, his wife, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of the survivor thereof forever;

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and caused its seal to be impressed hereon the day and year first above written by a duly qualified officer of said party of the first part.

FIRST NATIONAL BANK OF NEVADA,
RENO, NEVADA.

(CORPORATE SEAL)

By R. C. Kwapil
Trust Officer

By Paul W. Beidler
Asst. Trust Officer

STATE OF NEVADA,
COUNTY OF WASHOE, SS:

On this 29th day of January, 1946, personally appeared before me, a notary public in and for Washoe County, R. C. Kwapil, Trust Officer of the FIRST NATIONAL BANK OF NEVADA, RENO, NEVADA, Party of the First Part in the foregoing instrument, known to me to be the duly authorized representative acting for and on behalf of said Bank, who acknowledged to me that he executed the foregoing instrument, freely and voluntarily and for the uses and purposes therein mentioned.

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

(SEAL)

Bert Goldwater
Notary Public in and for the County
of Washoe, State of Nevada.

My commission expires: Oct. 22, 1949

FILING NO. 138289

Filed for Record at the Request of WASHOE COUNTY TITLE CNTY. CO. FEB 18
1946 at 35 Minutes past 10 o'clock A M.

Fee \$2.25

HR: ACB
HD: HB
EB

COUNTY RECORDER

CRYSTAL BAY CORPORATION

TO

F. J. CODDINGTON & WF.

(U. S. Internal Revenue Stamps \$2.75 Attached & Canceled)

D E E D

THIS INDENTURE made the twenty-first day of January, one thousand nine hundred and forty-six, between CRYSTAL BAY CORPORATION, a Nevada corporation, the party of the first part, and F. J. CODDINGTON and MILDRED CODDINGTON, his wife, the parties of the second part,

W I T N E S S E T H:

That the said party of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does

Book: 179
Page: 72

by these presents grant, bargain and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain lot, piece, or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 north, Range 18 east, M.D.B.&M., Washoe County, Nevada, bears south $13^{\circ} 56'$ east 60.37 feet and south $19^{\circ} 06'$ west 2112.00 feet and south $5^{\circ} 06'$ west 435.57 feet and south $89^{\circ} 05' 50''$ west 601.37 feet, the true point of beginning for the description of this parcel of land; thence north $13^{\circ} 56'$ west 60.00 feet; thence west 113.56 feet to the easterly boundary of Gonowable Road; thence south $17^{\circ} 00'$ east along said easterly boundary of Gonowable Road to the northwest corner of that parcel of land conveyed to Howard Parish by deed recorded in Book 154 of Deeds, page 26, Records of Washoe County, Nevada; thence east along the north line of said Parish parcel to the U. S. Government Meander Line, the true point of beginning.

Said premises being approximately the north 22.73 feet of Lot 7 and the south 37.27 feet of Lot 8 in Block 13 as designated upon the unofficial map of Crystal Bay Park which said map has never been filed for record in Washoe County, Nevada. Said Crystal Bay Park being a subdivision of Portions of Lots 2, II, and 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada.

Subject, however, to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature, or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water, also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents,

issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

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

(CORPORATE SEAL) CRYSTAL BAY CORPORATION
By John Mueller President
By Albert J Judge Secretary

STATE OF NEVADA,)
; ss.
County of Washoe)

On this 21st day of January A. D. one thousand nine hundred and Forty-six personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, John Mueller known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) C Edgar Miller

My commission expires September 10, 1948

STATE OF NEVADA,)
; ss.
County of Washoe)

On this 21st day of January A. D. one thousand nine hundred and Forty-six personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, Albert J. Judge known to me to be the Secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) C Edgar Miller

My commission expires September 10, 1948

FILING NO. 138290

1946 at 36 Minutes past 10 o'clock A M.

Fee \$3.25

HR:HB
HD:GK
HB

COUNTY RECORDER

AUGUST HILL & WF.

TO

FRED BOTTI & WF.

(U. S. Internal Revenue Stamps \$2.20 Attached & Canceled)

THIS INDENTURE made the 1st day of March, 1946, between AUGUST HILL and ELIZA HILL, his wife, both of the City of Reno, County of Washoe, State of Nevada, the parties of the first part, and FRED BOTTI and JENNIE BOTTI, his wife, of the County of Washoe, State of Nevada, the parties of the second part, as Joint Tenants with right of survivorship;

W I T N E S S E T H:

That the said parties of the first part, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain piece or parcel of land situate in the County of Washoe, State of Nevada and bounded and described as follows, to-wit:

Starting at the northeast corner of Lot 5, NIXON FARM SUBDIVISION, T. 19 N., R. 19 E., M.D.B. & M.; Section 24, WASHOE COUNTY, NEVADA, according to the official map thereof filed in the office of the County Recorder of Washoe County, State of Nevada, on April 11, 1916; thence N. 11°07' W., 461 feet to a point on the easterly right-of-way line of Reno-Carson State Highway, said point being the southwesterly corner of the Boswell property; thence S. 20°36' E., 100 feet along said easterly right-of-way line to the place of beginning; thence N. 69°21' E., 82.89 feet to the westerly right-of-way line of Virginia and Truckee Railroad; thence S. 20°53' E. 100 feet along said railroad right-of-way line; thence S. 69°21' W., 83.38 feet to the easterly right-of-way line of Reno-Carson State Highway; thence N. 20°36' W., 100 feet along said Highway right-of-way line to the place of beginning; containing 0.191 acre, more or less.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

Grantees, in accepting this conveyance, covenant for themselves, their heirs and assigns that they will at all times keep all ditches now traversing said premises open and clean in accordance with the custom and manner employed in connection with other ditches in the vicinity thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands the day and year first above written.

August Hill
AUGUST HILL

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

Book: 15
Decree Records
Page: 411

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS

Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

F I L E D

May 14 11 24 AM '47

Plaintiffs

E. H. BEEMER, CLERK

vs.

BY B Buchanan

DEPUTY

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :

Defendants.

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LESLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL I.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South $23^{\circ} 11' W.$ 351.98 feet and South $13^{\circ} 56'$ East 561 feet and South $19^{\circ} 06'$ W. 2112.00 feet and South $5^{\circ} 06'$ W. 435.57 feet and South $89^{\circ} 05' 50''$ W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South $23^{\circ} 00'$ W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. $14^{\circ} 19'$ W. 271.55 feet and S. $75^{\circ} 41'$ E. 40 feet and S. $14^{\circ} 19'$ W. 1235.11 feet and S. $89^{\circ} 05' 50''$ W. 246.05 feet; thence west 147.34 feet; thence N. $13^{\circ} 49'$ E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. $14^{\circ} 19'$ W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears S. $19^{\circ} 06'$ W. 1997.87 feet and S. $5^{\circ} 06'$ W. 435.57 feet and S. $89^{\circ} 05'$ W. 601.37 feet; thence West 29.13 feet; thence N. $29^{\circ} 51'$ W. 31.62 feet; thence N. $17^{\circ} 00'$ W. 28.38 feet; thence East to the said Meander Line; thence S. $19^{\circ} 06'$ W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof; and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South $19^{\circ} 06'$ West, 1932 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; thence West 38.42 feet; thence North $47^{\circ} 59'$ East, 59.05 feet; thence North $29^{\circ} 51'$ West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South $19^{\circ} 06'$ East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Washoe County, Nevada, bears S. $19^{\circ} 06'$ 2057.87 feet and S. $5^{\circ} 06'$ 435.57 feet and S. $89^{\circ} 05'$ 50" W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North $17^{\circ} W.$ 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly $19^{\circ} 06'$ W. 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 86.67 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and south $1^{\circ} 54'$ West 288.60 feet and South $10^{\circ} 17'$ East 88.32 feet and South $19^{\circ} 33'$ East 231.62 feet and South $0^{\circ} 07'$ East 75.67 feet and South $13^{\circ} 47'$ West 625.25 feet and South $26^{\circ} 01'$ West 101.31 feet and South $20^{\circ} 29'$ West 335.60 feet and South $0^{\circ} 34'$ 05" East 68.53 feet and South $18^{\circ} 35'$ West 629.87 feet and North $89^{\circ} 18'$ 50" East 176.13 feet; thence North $5^{\circ} 47'$ East 40.00 feet; thence East 159.41 feet; thence South $20^{\circ} 39'$ West 61.06 feet; thence North $79^{\circ} 18'$ West 80.24 feet; thence North $87^{\circ} 47'$ West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and South $1^{\circ} 54'$ West 288.60 feet

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 238.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 625.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.52 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 25° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 85.78 feet through a central

angle of $9^{\circ} 05'$ same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South $23^{\circ} 00'$ West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South $25^{\circ} 00'$ West 551.98 feet and South $13^{\circ} 66'$ East, 561.00 feet and South $19^{\circ} 06'$ West, 2112.00 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North $23^{\circ} 00'$ East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $19^{\circ} 06'$ West 1444.97 feet, and South $5^{\circ} 06'$ West 435.57 feet, and South $89^{\circ} 05' 50''$ West 601.37 feet; thence West 25.85 feet; thence North $16^{\circ} 00'$ West 147.41 feet; thence North $9^{\circ} 00'$ East 151.05 feet; thence North $42^{\circ} 00'$ East 147.48 feet; thence North $47^{\circ} 59'$ East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South $19^{\circ} 06'$ West 497.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the adoption of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Wasnoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Wasnoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERTAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

A. J. Maestretti

JUDGMENT RECORD

DISTRICT JUDGE

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray Wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 153196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70

HR: CG
HD: EB
ES

COUNTY RECORDER

IN RE ESTATE OF MARVIN P. HARGES Also Known as MARVIN PORTER HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oOo-

IN THE MATTER OF THE ESTATE) NO. 109887. DEPT. NO. 1.
)
OF) FILED
) Jun 23 10 19 AM '47
MARVIN P. HARGES, also known as)
) E. H. BEEMER, CLERK
MARVIN PORTER HARGES,) BY M. Dowd
) DEPUTY
Deceased.)

-oOo-

ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of

Four Hundred (400) Dollars.

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DEED 241612

THIS INDENTURE, made the 15th day of September, 1954,
between CRYSTAL BAY CORPORATION, a Nevada corporation, the party
of the first part, and ED MALLEY, a single man, the party of
the second part,

WITNESSETH :

That the said party of the first part, in consideration
of the sum of Ten Dollars (\$10.00) lawful money of the United
States of America to it in hand paid by the said party of the
second part, the receipt whereof is hereby acknowledged, does by
these presents grant, bargain and sell unto the said party of the
second part, and to his heirs and assigns forever, all those
certain lots, pieces or parcels of land situate in the County of
Washoe, State of Nevada, and bounded and described as follows,
to-wit:

All of Lots 1, I, 2, II, 3 and III in
Section 19, Township 16 North, Range 18
East, M.D.B. & M., EXCEPT such portions
as have been heretofore conveyed.

Said lands are generally referred to as
"Crystal Bay Park Subdivision," according
to an unofficial map, and "Crystal Bay Park
Unit No. 2 comprising Lots 1 to 10 inclusive,
of Block 6, and being a portion of Lot I of
Section 19, T. 16 N., R. 18 E., M.D.B. & M.,
Washoe County, Nevada", according to the
map thereof, filed in the office of the
County Recorder of Washoe County, State of
Nevada, on August 20, 1948, together with
unlotted portions. Also including here-
with all roads, trails, walkways now standing
of record in the name of the grantor herein.

SUBJECT TO existing highways, telephone,
telegraph and transmission lines and ease-
ments granted to the Crown-Willamette Paper
Company, or rights of way of record.

SUBJECT, however, to the following reservations and restrictions:

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1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature, or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and together with all water rights, facilities and systems owned by first party.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

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

CRYSTAL BAY CORPORATION,



By [Signature] President
By [Signature] Secretary

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STATE OF NEVADA }
COUNTY OF WASHOE } ss.

On this 15th day of September, 1954, personally appeared before me, Jeanette F. Green, a Notary Public in and for said County of Washoe, JOHN V. MUELLER, known to me to be the President of Crystal Bay Corporation, the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by said officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

Jeanette F. Green
Notary Public in and for the
County of Washoe, State of Nevada.

My Commission Expires: 2/28/58

DOCUMENT No. 241612
Filed for record at the request of Ed Malley
APR 5 - 1955 at 30 Minutes past 1 o'clock P.M.
Recorded in Book 376 of PEEPS
Page 388 Records of Washoe County, Nevada.
Fee: \$ 3.05
DELE B. BOYD, County Recorder
By W.E. McLeod Deputy

EXHIBIT D

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

July 28, 2008

Midkiff and Associates, Inc.
PO Box 12427
Zephyr Cove, NV 89448

DELETT FULL SITE ASSESSMENT, 470 GONOWABIE ROAD, WASHOE COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 123-131-01, TRPA FILE NUMBER LCAP2008-0171.

Dear Mr. Midkiff,

At your request, a full site assessment was recently conducted at the above-referenced property. Based on the submitted information and a site visit to the property, TRPA will recognize the following existing land coverage:

LAND CAPABILITY VERIFICATION

The land capability of this property has been verified as follows:

<u>Capability District</u>	<u>Percent Coverage</u>	<u>Area (sq.ft.)</u>	<u>Total Allowed Coverage (sq.ft.)</u>
Class 1a (RtF)	1%	54,475	545
Class 1b (Backshore)	1%	9,413	94

Assuming a parcel size of 63,888 square feet, the total allowed land coverage for this parcel is 639 square feet.

LAND COVERAGE VERIFICATION

The Tahoe Regional Planning Agency (TRPA) has verified the following existing land coverage:

<u>Existing Coverage</u>	<u>Class 1a (RtF)</u>	<u>Square Feet</u>
Residence		1,439
Deck /Stairs/Pier/Chute		1,444
Concrete/Rock/BBQ		648
A.C. Paving		11
Compacted Dirt		877
Total existing on-site coverage:		4,419 square feet

Class 1b (Backshore)

<u>Existing Coverage</u>	<u>Square Feet</u>
Deck /Stairs	336
Shed	44
Total existing on-site coverage:	380 square feet

Please revise the project plans to reflect the verified existing land coverage by capability district (see attached site plan).

Please note, under the TRPA Code of Ordinances, land coverage created before TRPA standards were adopted is legal coverage, even though it may exceed the allowable coverage for the parcel. Additional coverage is not allowed but, in many cases, coverage may be moved from one place to another on the parcel.

Please be advised that according to the Tahoe Regional Planning Agency (TRPA) Code of Ordinances (Sections 30.4 and 37.3.D) no additional land coverage or other permanent land disturbance shall be permitted in Class 1a, 1c, 2 or 3 Land Capability Districts or in Class 1b Stream Environment Zone (SEZ) or in the SEZ setback.

Fertilizer use and application shall be minimized near SEZ. Slow release organic fertilizers are to be released only. All fertilizer shall be applied per section 81.7 of the TRPA Code of Ordinances.

Please note that this property is visible from the waters of Lake Tahoe and is located within the TRPA defined Shoreland. Any future projects that will be visible from the Lake will require a Baseline Scenic Assessment to be completed prior to the submittal of the project application. The Scenic Assessment for the Shoreland and Shorezone application is available from our website, www.trpa.org.

TREES

Please be advised that Section 71.2 of the TRPA Code of Ordinances requires certain standards for the conservation of healthy and sound trees in excess of 30 inches diameter at breast height (dbh) for your area. These standards require that specified trees be retained as specimen trees having aesthetic and wildlife values, unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking area and/or modification of the original design; 2) a written discussion pursuant to Section 71.2 has been provided, regarding how this Code section was applied. The TRPA Code of Ordinances is available for viewing online at www.trpa.org.

HISTORIC

Based on assessor's data, the structures on this parcel are over 50 years in age and could be eligible as historic resources. Demolitions, repairs, additions, reconstruction, modifications and maintenance of the structures are subject to the provisions of Section 29.6 of the TRPA Code of Ordinances and will require TRPA review and approval. Please note that demolition of structures 50 years or greater in age is not exempt from TRPA review and approval.

FIRE DISTRICT APPROVAL

Future construction or development projects may be subject to defensible space and fire protection review and approval by local fire protection agencies before an application can be submitted for TRPA review. If you are planning a project, contact the appropriate fire protection agency for their submittal requirements before you intend to apply for a permit from TRPA or the local building department. Pre-approval of landscape plans, site plans, and/or architectural plans by the fire agency will be required prior to submittal to TRPA or our delegation partner agencies.

BEST MANAGEMENT PRACTICES

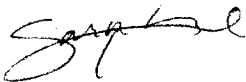
It was observed during the site visit to this property that the Best Management Practices identified below had not been installed as required by the BMP retrofit program. This program requires the installation of BMP's by **October 15, 2000** in your neighborhood. Infiltration facility sizes may be adjusted based on final BMP design. **Please contact the Nevada Tahoe Conservation District at 775-586-1610 ext. 28 for a BMP evaluation.**

It will be necessary to post a security to ensure compliance with certain conditions of approval. Project securities are typically equal to 110 percent of the estimated cost of the required BMPs.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this full site assessment may be appealed within twenty-one (21) days from the time TRPA releases any final decision (July 28, 2008).

If you have any questions, please call.

Sincerely,



Sara Thorne
Associate Planner
Land Capability Program
Environmental Review Services

enclosures

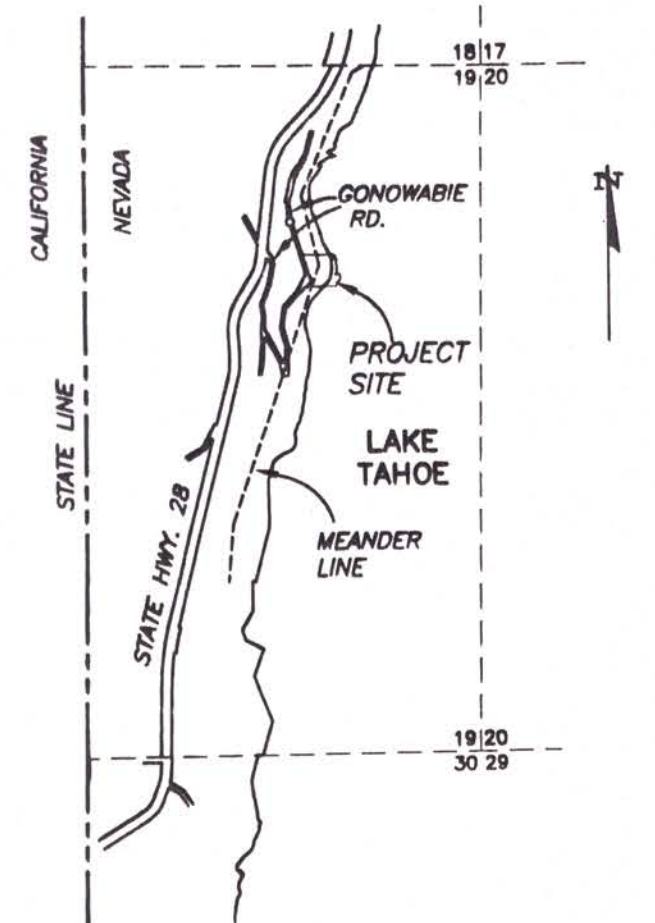
Cc: Washoe County Building Department

Robert Delett
550 Hammill Lane
Reno, NV 89511

EXHIBIT E

DISCLAIMER
 THIS DRAWING WAS PREPARED EXCLUSIVELY FOR SEAN MEEHAN AND ACCURATELY REPRESENTS, TO THE BEST OF OUR KNOWLEDGE, THE MATTERS CONTAINED HEREIN AS OF THE DATE STATED HEREON. THIS DRAWING MAY NOT BE RELIED UPON BY ANY OTHER PERSON OR ENTITY FOR ANY PURPOSE, WHATSOEVER.

Ken Barrow
 KENNETH F. BARROW
 LAND SURVEYOR
 DATE 1-31-05



VICINITY MAP
 WASHOE COUNTY, NV - NO SCALE

- NOTES**
- 1) BUILDING SETBACKS SHALL BE CONFIRMED WITH HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP.
 - 2) IMPERVIOUS SURFACE AREA SHALL BE CONFIRMED BY TRPA SITE ASSESSMENT.
 - 3) SOME LANDSCAPE FEATURES MAY NOT BE SHOWN ON MAP; CONTOURS ARE AVERAGED IN THESE AREAS.
 - 4) CONTOUR LINES PRODUCED FROM KELLOGG AERIAL SURVEYS.
 - 5) YEAR BUILT = 1935 PER WASHOE COUNTY ASSESSOR.

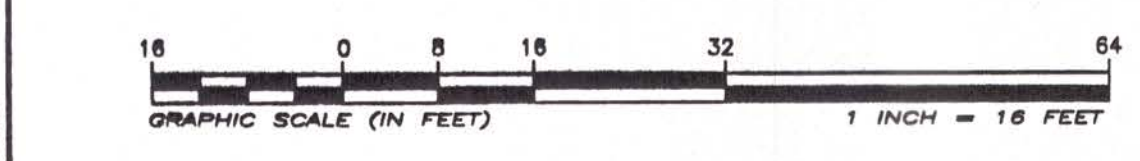
- NOTES FROM KELLOGG AERIAL SURVEYS**
 4200 N. FREEWAY BLVD. SUITE 3, SACRAMENTO, CA. 95834 (916) 649-0557
- 1) MAP SCALE: 1" = 20', CONTOUR INTERVAL: 2', PHOTO DATE: 11-17-04, PHOTO SCALE: 1:2400, KELLOGG AERIAL PROJECT #: 04171
 - 2) SURVEY GROUND CONTROL PROVIDED BY: KEN BARROW LAND SURVEYOR.
 - 3) ADJACENT BUILDING OUTLINES INDICATE DRIP LINE BUT MAY ALSO INCLUDE STAIRS AND ATTACHMENTS.
 - 4) DASHED LINES MAY NOT MEET MAPPING ACCURACY STANDARDS.
 - 5) FEATURES IN SHADOWS AND VEGETATION MAY BE OBSCURED DUE TO PHOTOGRAPHIC ANGLE.
 - 6) PLANIMETRY AND TOPOGRAPHY IN OBSCURED AREAS MAY NOT MEET MAPPING ACCURACY STANDARDS.
 - 7) SMALL SHADOW AND VEGETATION AREAS NOT SHOWN FOR CLARITY.
 - 8) SHOWN CONTROL POINT ELEVATIONS ARE AT GROUND LEVEL UNLESS OTHERWISE INDICATED.

IMPERVIOUS SURFACE AREA (TO APPROXIMATE HIGH WATER LINE)

RESIDENCE	1,439	SQ. FT.
DECKS/STAIRS/PIER/CHUTE	1,780	
CONCRETE/ROCK/BBQ	648	
A.C. PAVING	11	
SHED	44	
COMPACTED DIRT	877	
TOTAL	4,799	SQ. FT.

LOT AREA (TO APPROXIMATE WATER LINE)
 63,888 SQ. FT.
 1.4667 ACRES

1b (backshore) 9,413 sq ft. x 10% = 94 sq. ft. of coverage
1a (R+F) 54,475 sq ft. x 10% = 545 sq. ft. of coverage



SYMBOL LEGEND

+	Spot Elevation
△	Survey Control Point
⊗	Tree (Pine/Fir/Cedar) (20P=20"dia. Pine)
○	Centerline
⊕	Water Valve
⊙	Sewer Manhole
⊕	Joint Utility Pole
⊗	Dead Tree
⊕	Water Meter

Scenic - Yes
Historic - Yes, 1935
BMP's - None in place
Coverage - All verifiable, parking
Tree language

Area of Instability
Area of Instability
Area of Instability

Site Assessment
Sara Thorne
Heather Gustafson
7-8-08



123-131-01 // LCAP2008-0171 // 05/09/2008
 HILDEGARD WILLMANN
 Robert Delett
 470 GONOWABIE RD - Washoe County
 081 - Site Assessment - Complete

KENNETH F. BARROW P.L.S.
 LAND SURVEYOR
 P.O. DRAWER 7000 INCLINE VILLAGE, NEVADA 89450
 775 - 831 - 1701
 775 - 831 - 1766

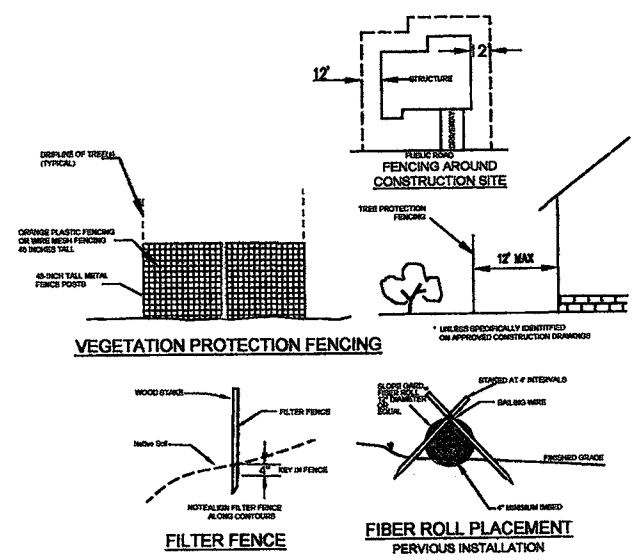
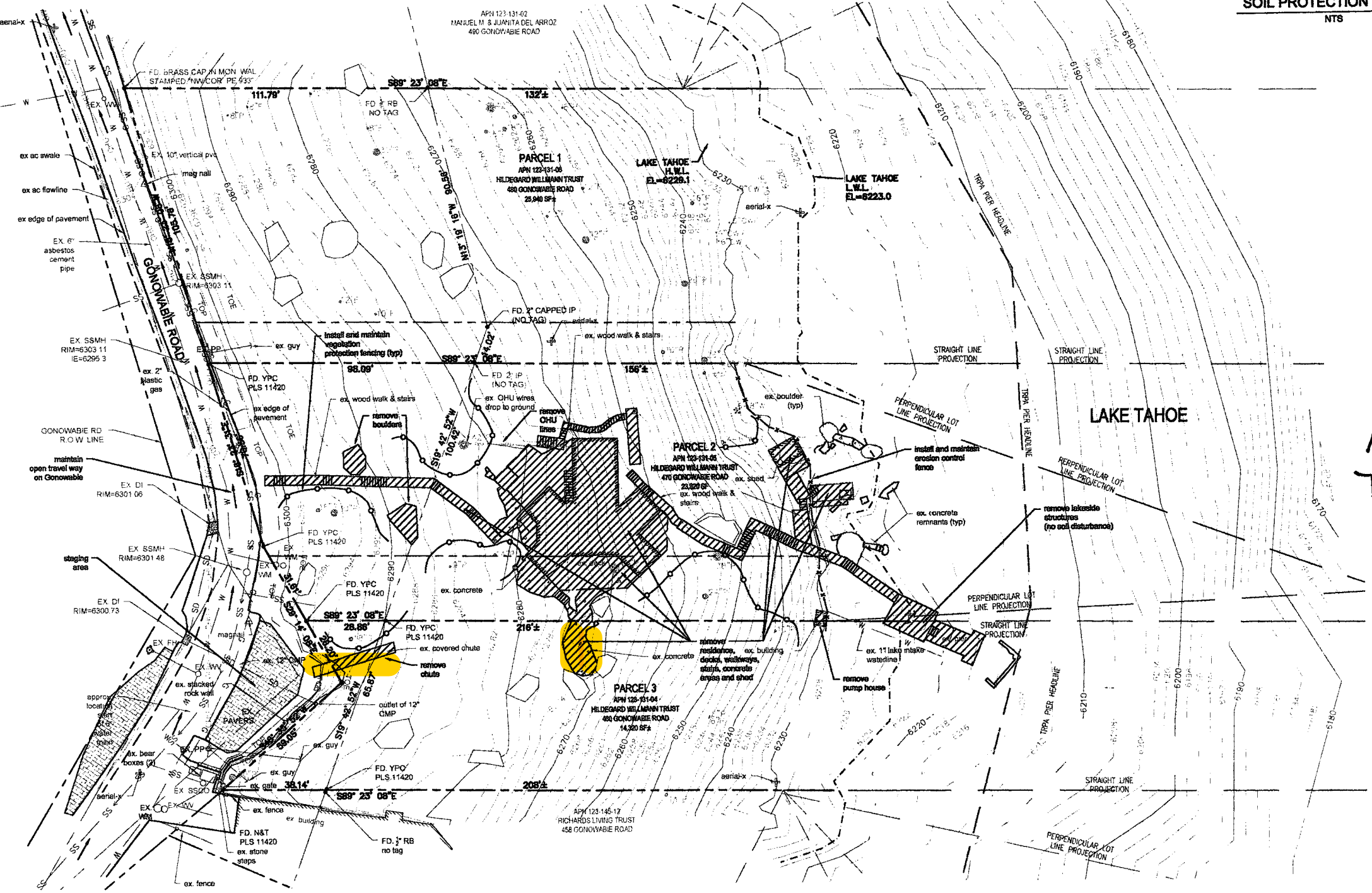
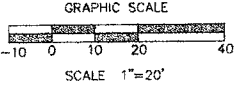
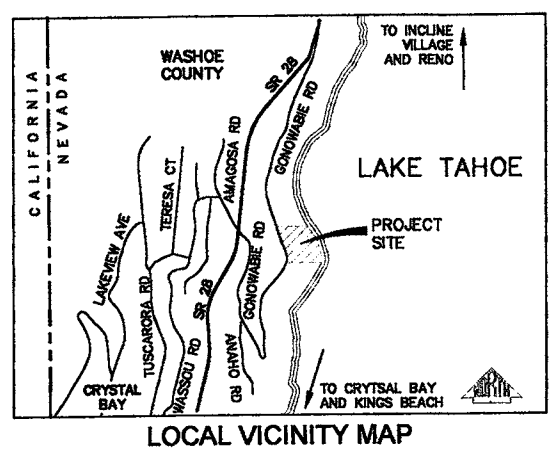
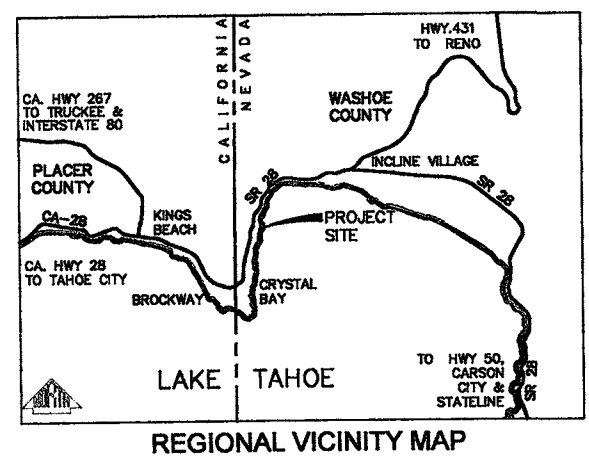
AS-BUILT CONTOUR SURVEY
 LOTS 6 & 7 AND POR. OF LOTS 5 & 8, BLOCK 13, CRYSTAL BAY PARK UNIT NO. 1 SUBD. (UNOFFICIAL)
 CRYSTAL BAY, WASHOE COUNTY, NEVADA
 A.P.N. 123-131-01

SCALE 1" = 16'
 DATE 11 NOV 04
 DRAWN RBL
 APPROVED KFB
 REVISED
 JOB NO. 164-04

EXHIBIT F

19-103905
PLAN

2 working days
Call before you Dig.
1-800-227-2600
AVOID CUTTING UNDERGROUND UTILITIES



- DUST CONTROL PRACTICES ARE REQUIRED FOR ANY GRADING ACTIVITY AND ARE APPLICABLE TO MOST CONSTRUCTION SITES. ALL EXPOSED AREAS OF THE APPROVED CONSTRUCTION SITE SHALL BE MULCHED WITH A 2 TO 3 INCH LAYER OF PINE NEEDLES OR WOOD CHIPS. MULCHING TO A DEPTH WHICH APPROACHES OR EXCEEDS 4 INCHES NEGATIVELY AFFECTS SOIL PROPERTIES AND CAN INHIBIT REVEGETATION. STRAW MULCH WILL NOT BE ACCEPTABLE. OTHER TECHNIQUES SUCH AS EROSION CONTROL BLANKETS CAN BE SUBSTITUTED FOR MULCH IF THEY ARE INSTALLED AND MAINTAINED ACCORDING TO MANUFACTURERS SPECIFICATIONS.
- FENCING OF "NON-APPROVED" CONSTRUCTION AREAS SHALL BE SPECIFIED TO BE AT LEAST 48 INCHES HIGH AND SHALL BE CONSTRUCTED OF METAL POSTS AND EITHER ORANGE CONSTRUCTION FENCING OR METAL MESH FENCING ALSO AT LEAST 48 INCHES HIGH.
- NO MATERIAL OR EQUIPMENT SHALL ENTER OR BE PLACED IN THE AREAS PROTECTED BY FENCING OR OUTSIDE THE APPROVED CONSTRUCTION AREA WITHOUT PRIOR APPROVAL.
- TO REDUCE SOIL DISTURBANCE AND DAMAGE TO VEGETATION, THE AREA OF DISTURBANCE DURING THE CONSTRUCTION OF A STRUCTURE SHALL BE LIMITED TO THE AREA BETWEEN THE FOOTPRINT OF THE BUILDING AND THE PUBLIC ROAD. FOR THE REMAINDER OF THE SITE, THE DISTURBANCE AREA SHALL NOT EXCEED 12 FEET FROM THE FOOTPRINT OF THE STRUCTURE, PARKING AREA OR CUT/FILL SLOPE. THIS FENCING SHALL BE CLEARLY SHOWN ON THE APPROVED PLANS. ALL CHANGES OR EXCEPTIONS SHALL BE SHOWN ON A REVISED SET OF PLANS FOR APPROVAL. ANY "IN-THE-FIELD" CHANGES SHALL BE APPROVED BY THE ENGINEER.

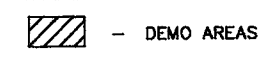
SOIL PROTECTION DETAILS
NTS

NOTES

- DUST CONTROL PRACTICES ARE REQUIRED FOR ANY GRADING ACTIVITY AND ARE APPLICABLE TO MOST CONSTRUCTION SITES. ALL EXPOSED AREAS OF THE APPROVED CONSTRUCTION SITE SHALL BE MULCHED WITH A 2 TO 3 INCH LAYER OF PINE NEEDLES OR WOOD CHIPS. MULCHING TO A DEPTH WHICH APPROACHES OR EXCEEDS 4 INCHES NEGATIVELY AFFECTS SOIL PROPERTIES AND CAN INHIBIT REVEGETATION. STRAW MULCH WILL NOT BE ACCEPTABLE. OTHER TECHNIQUES SUCH AS EROSION CONTROL BLANKETS CAN BE SUBSTITUTED FOR MULCH IF THEY ARE INSTALLED AND MAINTAINED ACCORDING TO MANUFACTURERS SPECIFICATIONS.
- FENCING OF "NON-APPROVED" CONSTRUCTION AREAS SHALL BE SPECIFIED TO BE AT LEAST 48 INCHES HIGH AND SHALL BE CONSTRUCTED OF METAL POSTS AND EITHER ORANGE CONSTRUCTION FENCING OR METAL MESH FENCING ALSO AT LEAST 48 INCHES HIGH.
- NO MATERIAL OR EQUIPMENT SHALL ENTER OR BE PLACED IN THE AREAS PROTECTED BY FENCING OR OUTSIDE THE APPROVED CONSTRUCTION AREA WITHOUT PRIOR APPROVAL.
- TO REDUCE SOIL DISTURBANCE AND DAMAGE TO VEGETATION, THE AREA OF DISTURBANCE DURING THE CONSTRUCTION OF A STRUCTURE SHALL BE LIMITED TO THE AREA BETWEEN THE FOOTPRINT OF THE BUILDING AND THE PUBLIC ROAD. FOR THE REMAINDER OF THE SITE, THE DISTURBANCE AREA SHALL NOT EXCEED 12 FEET FROM THE FOOTPRINT OF THE STRUCTURE, PARKING AREA OR CUT/FILL SLOPE. THIS FENCING SHALL BE CLEARLY SHOWN ON THE APPROVED PLANS. ALL CHANGES OR EXCEPTIONS SHALL BE SHOWN ON A REVISED SET OF PLANS FOR APPROVAL. ANY "IN-THE-FIELD" CHANGES SHALL BE APPROVED BY THE ENGINEER.

ALL UTILITIES TO BE PROPERLY CAPPED OFF

LEGEND



REV.	DATE	DESCRIPTION	APPROVED

TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCEI@TAHOE.COM
(530) 946-8005



DEMOLITION PLAN
GONOWABLE PROPERTIES, LLC
470 GONOWABLE ROAD
APN 123-131-05

COMP. _____	DESIGN. _____
DRWN. _____	PRJ.ENG. AT _____
PROJECT #: 19.008	
SCALE: HORIZONTAL: 1" = 20'	
VERTICAL: N/A	
DATE: 8/20/2019	

LEGAL COMMITTEE AGENDA ITEM NO. 9.2
& AGENDA ITEM NO. VIII.A

EXHIBIT G



OFFICE
128 Market St.
Stateline, NV
Phone: (775) 588-4547
Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310
trpa@trpa.org
www.trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday
New Applications Until 3:00 pm

LOT LINE ADJUSTMENT AND RIGHT-OF-WAY ABANDONMENT APPLICATION FORM

Projects involving divisions of land (the creation of new lots of record, including new condominium lots) should be submitted with a subdivision application form.

LOT LINE ADJUSTMENT BETWEEN TWO OR MORE EXISTING LOTS OF RECORD.

Number of affected lots: 3

PUBLIC RIGHT-OF-WAY ABANDONMENT AND MERGER WITH ONE OR MORE EXISTING LOTS OF RECORD.

Number of affected lots: _____

Number of affected rights-of-way: _____

(attach additional sheets if necessary)

OTHER (PLEASE DESCRIBE):

Applicant Gonowabie Properties, LLC

Mailing Address P.O. Box 14001-174 City Ketchum State ID
Zip Code 84440 Email Contact Agent Phone Contact Agent FAX Contact Agent

Representative or Agent Midkiff & Associates, Inc.

Mailing Address P.O. Box 12427 City Zephy Cove State NV
Zip Code 89448 Email nick@midkiffandassoc.com Phone 775-588-1090 FAX 775-588-1091

Note: A signed Authorization For Representation must accompany this application if the authorized person is not sole owner of all the properties involved with this project.)

Project Location/Assessor's Parcel Number (APN) 123-131-04, -05, -06
Street Address 460, 470 & 480 Gonowabie Rd. Subdivision _____ Lot # _____
County Washoe Previous APN _____
(if changed by county assessor since 1987)

Plan Area Statement/Community Plan: Crystal Bay

Property Restrictions/Easements (List any deed restrictions, easements or other restrictions): None

(initial here): I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed.

-See attached site plan.

TRPA-Lot Line Adjust.

123-131-04 // LLAD2019-0821 // 09/25/2019
GONOWABIE PROPERTIES LLC
MIDKIFF AND ASSOCIATES, INC.
460 GONOWABIE RD - Washoe County
105 - Lot Line Adjustment

RECEIVED

SEP 25 2019

TAHOE REGIONAL PLANNING AGENCY

Mar 2012

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A

EXHIBIT H

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: 460 Gonowabie Variance			
Project Description: 460 Gonowabie setback variance. For additional information please see attached submittal letter and packet.			
Project Address: 460 Gonowabie			
Project Area (acres or square feet): 14,564			
Project Location (with point of reference to major cross streets AND area locator): Gonowabie Road, approx. 1 mile south of CA/NV border			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-131-04	.33		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Gonowabie Properties, LLC		Name: Midkiff & Associates, Inc.	
Address: P.O. Box 14001-174		Address: P.O. Box 12427, Zephyr Cove, NV	
Ketchum, ID	Zip: 83340		Zip: 89448
Phone: Contact Consultant		Phone: 588-1091	
Fax: Consultant		Fax: 588-1091	
Email: Consultant		Email: nick@midkiffandassoc.com	
Cell: Consultant		Cell: 775-240-9361	
Other: Consultant		Other:	
Contact Person: Contact Consultant		Contact Person: Nick Exline	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Contact Consultant		Name: Contact Consultant	
Address:		Address:	
Zip:		Zip:	
Phone:		Phone:	
Fax:		Fax:	
Email:		Email:	
Cell:		Cell:	
Other:		Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:		Planning Area:	
Initial:		Master Plan Designation(s):	
County Commission District:		Regulatory Zoning(s):	
CAB(s):			

Property Owner Affidavit

Applicant Name: Gonawebic Properties, LLC - David Duffield

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF ^{Idaho} ~~NEVADA~~)
COUNTY OF ^{Blaine} ~~WASHOE~~)

I, David A. Duffield
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123-131-04

Printed Name David A. Duffield

Signed [Signature]

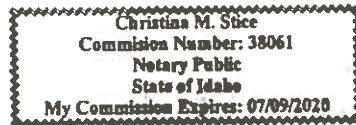
Address _____

Subscribed and sworn to before me this 15th day of November, 2019.

[Signature]
Notary Public in and for said county and state

My commission expires: 07-09-2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Variance Application Supplemental Information

(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

Front Yard Setback (110.406.05.1) MDS - 20' Front Yard Setback.

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

Steep slope (33%+) and parcel configuration abutting road.

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Garage closer to road will improve views - see submittal letter.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Scenic, community, health & safety, environment - see submittal letter.

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

Enclosed garage require per Washoe County Code - see submittal letter.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

Yes No If yes, please attach a copy.

7. How is your current water provided?

IVGID

8. How is your current sewer provided?

IVGID

EXHIBIT I

RECORDING REQUESTED BY:

Reliant Title
937 Tahoe Blvd., Ste 130
Incline Village, NV 89451
Escrow No.: 203-1800324-KOT

DOC #4869226

11/28/2018 11:21:20 AM
Electronic Recording Requested By
RELIANT TITLE - INCLINE VILLAGE
Washoe County Recorder
Lawrence R. Burtness
Fee: \$41.00 RPTT: \$41000.00
Page 1 of 4

**WHEN RECORDED MAIL TO and
MAIL TAX STATEMENTS TO:**

Gonowabie Properties, LLC
PO Box 14001-174
Ketchum, ID 83340

R.P.T.T.: \$41,000.00

A.P.N.: 123-131-04; 123-131-05 and 123-131-06

GRANT, BARGAIN, SALE DEED

THE INDENTURE WITNESSETH: That Suzanne Meehan, Successor Trustee of the Hildegard Willmann Trust, Dated October 14, 1983

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and

Convey to Gonowabie Properties, LLC, a Nevada Limited Liability Company

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

All that certain real property situate in the County of Washoe, State of Nevada, described as follows;

Parcel 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the True Point of Beginning;

Thence North 13°19'08" West 90.56 feet;
Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;
Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 98.09 feet to said Meander Line;
Thence North 19°42'52" East 14.02 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

Parcel 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the True Point of Beginning;

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada; Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road; Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road; Thence South 89°23'08" East 28.86 feet to said Meander Line; Thence North 19°42'52" East 100.42 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

Parcel 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the True Point of Beginning;

Thence North 89°23'08" West 28.86 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada; Thence South 29°14'08" East 26.20 feet along said Easterly boundary of Gonowabie Road; Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road; Thence South 89°23'08" East 38.14 feet to said Meander Line; Thence North 19°42'52" East 65.87 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

The above legal descriptions appeared previously in that certain Document recorded on September 25, 2018, as Document No. 4853260, Official Records, pursuant to NRS Section 6. NRS 111.312.

- SUBJECT TO:** 1. Taxes for the fiscal year 2018-2019.
2. Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

COPY

Date: October 11, 2018

Hildegard Willmann Trust

BY: Suzanne Meehan
Suzanne Meehan
Successor Trustee

STATE OF NEVADA

COUNTY OF Washoe

On this 13 day of October, 2018, before me, a Notary Public in and for said County and State, personally appeared Suzanne Meehan, as Trustee of Hildegard Willmann Trust the trust which executed the foregoing instrument, and acknowledged that he/she did sign said instrument as such Trustee on behalf of said trust, duly authorized; that said instrument was signed as his/her free act and deed of said trust.

Notary Public: Heidi Kurasewich

My Commission Expires: _____



Attachment C

Response to Statement of Appeal, dated April 22, 2020

April 22, 2020

Honorable Governing Board Members
c/o John Marshall, General Counsel
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Via Electronic Mail – jmarshall@trpa.org

Re: Appeal and Request for Stay – File No. ADMIN2020-002
Boundary Line Adjustment File No. LLAD2019-0821
460, 470 and 480 Gonowabie Road, APNs 123-131-04, 05 and 06

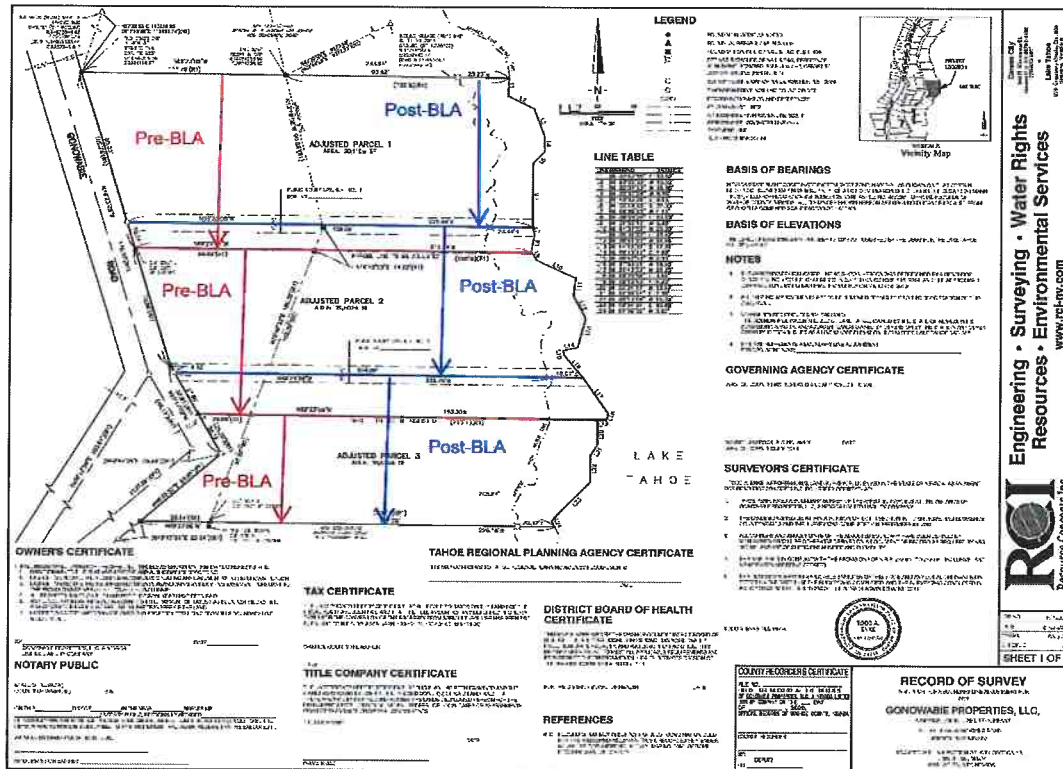
Honorable Governing Board Members:

On behalf of Gonowabie Properties, LLC (“GP”), owner of the above-referenced properties (“Properties”), and appellee/permittee in the above-listed files, we submit this response to Appellants’ Statement of Appeal, dated April 6, 2020, concerning TRPA’s approval of a boundary line adjustment (BLA). As the following demonstrates, the appeal has no merit and, we respectfully submit, must be denied.

I. OVERVIEW.

The appealed “project” is a BLA approved by TRPA on January 31, 2020 which adjusts the common boundary line between 460 Gonowabie Road (“460”) and 470 Gonowabie Road (“470”) and the common boundary line between 470 and 480 Gonowabie Road (“480”). An overlay map depicting the before and after BLA condition is attached as Exhibit A (and imbedded below). While TRPA single family dwelling (SFD) applications are pending for 470¹ and 480, TRPA has not approved or otherwise authorized construction of any improvements on the Properties. If and when TRPA issues development permits for the Properties, we expect Appellants will express concerns relevant to actual development; however, their complaints today concerning future development permits are neither before the Governing Board nor relevant to this appeal.

¹ 470 was previously developed with an SFD and has two legally existing piers. The residence has been demolished and an SFD rebuild application is pending with TRPA.



As a preliminary matter, Appellants correctly explain in their Statement of Appeal that an error occurred in TRPA’s verification of 470’s existing land coverage and determination of base allowable coverage for 460 under IPES.² TRPA and GP only became aware of the error during this appeal. In 2008, well before GP acquired the Properties, TRPA verified 4,799 square feet (sf) of legally existing coverage on 470. Of this coverage, 270 sf was in fact located on 460 rather than 470. As a result, 470’s existing coverage is actually 4,529 sf instead of 4,799 sf. 460’s total permissible coverage remains unchanged.³ TRPA will revise its files to reflect a reduction of 270 sf in 470’s legally existing coverage for a total of 4,529 sf. As corrected, the Properties have 9,890 sf of combined legally existing and allowable coverage instead of 10,160 sf as previously, albeit incorrectly, determined.

As detailed below, Appellants have amalgamated a litany of fear-based, inaccurate and irrelevant allegations concerning a garden variety lot line adjustment. Although this scatter gun

² TRPA’s 2008 land coverage verification encompassed 460, 470 and 480 because, at that time, all three legal lots of record were assigned a single APN. Even though 460 is undeveloped, a few improvements serving 470 were located on 460 and, considering the Properties as a single project area, TRPA included 460’s 270 sf of existing coverage in the total existing coverage for the Properties, the balance of which existed solely on 470. TRPA subsequently evaluated 460 and 480 under IPES.

³ Pursuant to TRPA’s 2018 IPES evaluation, 460’s base allowable coverage was 1,241 sf. Accounting for 460’s 270 sf of existing coverage that was incorrectly attributed to 470, 460’s base allowable coverage is reduced to 971 sf. Combined, 460’s base allowable and legally existing coverage equals 1,241 sf.

effort includes, among other distractions, character attacks, GP respectfully submits the law and facts support Staff's issuance of a BLA permit and has restricted the scope of this reply accordingly.

A. Applicable Standard.

In considering a proposal to adjust boundary lines between adjoining parcels, TRPA must find the BLA will not (1) increase the development potential of any parcel or (2) create a non-conforming condition. The record unequivocally demonstrates TRPA correctly made both findings.

B. Development Potential.

TRPA Goals and Policies LU-2.2 provides that a lot line adjustment which does not result in any increase in development potential, or in present or potential land coverage or density, is consistent with TRPA's general policy prohibiting new divisions of land. The Region's existing development potential is defined by the amount of development authorized under the 1987 Regional Plan that remains unbuilt. If, as a result of a BLA, a greater amount of development than authorized could occur, it would increase the Region's development potential.⁴ The approved BLA does not increase present or potential land coverage or permissible density and is, therefore, consistent with LU-2.2.

Pre-BLA: The Properties are eligible for a total of three (3) SFDs, one on each of 460, 470 and 480, and total combined land coverage of 9,890 sf.

Post-BLA: The resultant parcels are eligible for a total of three (3) SFDs, one on each of resultant 460, 470 and 480, and their total combined land coverage remains unchanged at 9,890 sf as will be evidenced by an amended project area deed restriction to be recorded against the Properties as required in TRPA's BLA permit.⁵

Accordingly, although an arithmetic error in coverage has been acknowledged and corrected, TRPA properly concluded the approved BLA did not increase development potential in the Tahoe Region.

⁴ For example, if a BLA between two adjoining vacant parcels, each less than one (1) acre in size resulted in a parcel greater than one (1) acre in size, it would increase development potential. Parcels less than one (1) acre are eligible for one (1) SFD, while parcels greater than one (1) acre are eligible for a primary and a secondary SFD. Pre-BLA, existing development potential consisted of two (2) SFDs; Post-BLA, development potential increased by one (1) SFD for a total of three (3) SFDs. This increase in density would be impermissible under TRPA's ordinances.

⁵ The deed restriction currently recorded against the Properties as required as a condition of TRPA's BLA approval states the Properties total combined land coverage is 10,160 sf.

C. Non-Conformity.

470 was developed prior to adoption of the TRPA Regional Plan and has legally existing (i.e., grandfathered) land coverage in excess of that otherwise allowable under the Bailey land capability system. As a result, the parcel's verified coverage is legally existing non-conforming coverage. To ensure the BLA did not result in an increase in non-conformity, the deed restriction recorded against the Properties provides that, while coverage may be relocated within the project area, 470 may never contain more than its legally existing grandfathered coverage.

Since the BLA did not increase development potential or exacerbate the extent of 470's legally existing non-conformity, TRPA properly approved the BLA.

II. APPELLANTS' SPECIFIC CONTENTIONS

A. Appellants' Contention: This appeal arises from a lot line adjustment that would allow for the development of three over-sized residences and a new multi-use pier on the shore of Lake Tahoe. (Statement of Appeal, p. 1.)

GP's Response: False.

Each of the Properties is a developable SFD parcel in its current configuration, as evidenced by the buildable IPES scores issued for pre-BLA 480 and pre-BLA 460 and the verification of existing land coverage on pre-BLA 470 in the revised amount of 4,529 sf. The BLA is not necessary to develop 460, 470, or 480 with a residence. Rather, the BLA achieves parcel configurations of relatively equal size the owner deems more desirable, consistent with TRPA's and Washoe County's rules, regulations, and design standards, nothing more.

Although not relevant to the BLA, 470 has two legally existing grandfathered piers. Consistent with TRPA's Shorezone Ordinances which favor multiple-use piers over single use piers, GP proposes to rebuild one of the piers to serve 460 and 470. It is not a *new* pier. In any event, the BLA does not authorize either residential development or future pier uses and these allegations are not relevant to this appeal.

B. Appellants' Contention: The Properties are subject to eight separate deed restrictions, including a recorded judgment, which strictly prohibit any development within the front setback ... and create no build zones of up to 15-foot [sic] along the side lines of the originally described parcels. (Statement of Appeal, p. 3.)

GP's Response re Deed Restrictions: False and false.

The properties are *not* subject to eight separate deed restrictions or a recorded judgment.

~~Various deeds to the parcels comprising the Properties, granted by the original developer of the Crystal Bay Park Subdivision, Crystal Bay Corporation, between the years 1935 and 1955 contained the following restriction: any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line (the “15/3 Setbacks”).⁶ Deeds granted during the same period for other properties in the Subdivision, including Appellants’, contained the same restriction.⁷ GP did not identify or submit these early deeds in the TRPA BLA application package because the 15/3 Setbacks were not relevant to the BLA and Washoe County’s setback standards are more restrictive than the 15/3 Setbacks and, therefore, govern.~~

It is noteworthy, the 15/3 Setbacks have not appeared in deeds to the Properties for approximately 65 years, including the deed whereby GP acquired title to the Properties in 2018. Even if the 15/3 Setbacks apply to the Properties, they do not prohibit adjustments between property lines, and any development of the Properties would satisfy the setbacks. Washoe County’s front yard setback is 15 feet and side yard setback is eight (8) feet; GP is not seeking a variance from these more rigorous standards.

In contrast, both of Appellants’ properties, which are subject to the 15/3 Setbacks to the same extent the Properties are, benefit from variances obtained from Washoe County’s front and side yard setback standards. The Goldberg property located at 459 Gonowabie Road (the “Goldberg Property”) enjoys a zero-foot (0’) front yard setback (reduced from 15 feet) a one-foot (1’) side setback (reduced from five (5) feet). (Variance Case No. V4-15-95.) Mr. Richards sought and obtained a variance on two separate occasions for 458 Gonowabie Road (the “Richards Property”). One reduced the front setback from 15 feet to seven (7) feet, the southern side setback from five (5) feet to two (2) feet, and the northern side setback from five (5) feet to three (3) feet. (Variance Case No. VA0010-029.) The second reduced the side setback from five (5) feet to one (1) foot and the front setback from 20 feet to 13 feet six (6) inches. Although it is evident Appellants are not compliant with the restrictions they advocate, these restrictions are not relevant to this BLA appeal.

GP’s Response re Judgment: False.

The Properties are not subject to the 15-foot side setback restriction in the 1947 judgment as alleged. GP’s immediate predecessor in interest in the Properties was, in fact, a prevailing plaintiff in the cited lawsuit; the 15-foot restriction imposed by the Court only applies to properties owned by defendants in the suit.⁸ Again, the judgment’s restrictions are neither applicable nor relevant to the BLA, although it is evident Appellants are in violation of the 1947 Judgment, not GP.

⁶ See, e.g., Document No. 115323, Book 156, Page 363 recorded September 29, 1943 (enclosed as Exhibit B).

⁷ See 1935 deed to the Goldberg Property: Document No. 71302, Book 99, Page 585 recorded September 16, 1935 (enclosed as Exhibit C), and deed to the Richards Property: Document No. (Exhibit D).

⁸ The 1947 judgment is listed as an exception to title for both the Goldberg Property and the Richards Property.

C. Appellants' Contention: The 2008 Land Capability Verification erroneously calculates the entire project area as 63,888 sf. The Project area actually encompasses 50,929 sf. (Statement of Appeal, p. 5, fn 4.)

GP's Response: Irrelevant.

The Properties comprise a total land area of 63,888 sf to the low water line, and 50,929 sf to the high water line. In accordance with Nevada law, ownership of properties abutting Lake Tahoe extends to the low water line. (NRS 321.595.) However, TRPA calculates allowable coverage based on the size of the parcel to the high water line. The 2008 Land Capability Verification ("2008 Verification") was issued for the Properties as a single project area comprised of Class 1a and Class 1b land entitled to one percent (1%) coverage. The pre-GP acquisition 2008 Verification did incorrectly calculate allowable coverage of 639 sf based on the parcel size to low water. At that time, allowable coverage for the project area should have been 509 sf based on the parcel's size to high water, or 50,929 sf, a difference of 120 sf.

Nevertheless, the error is of no significance for the following reasons:

(1) The IPES evaluations for 460 and 480 supersede the 2008 Land Capability Verification for the vacant SFD parcels;

(2) TRPA approved a land capability challenge in 2016 (File No. LCAP2016-0066) for 470 which reclassified 2/3's of the parcel's area above high water to high capability Class 4 land; and

(3) TRPA completed a subsequent Land Capability Verification for 470 in 2018, following the approved land capability challenge, which properly determined the parcel's base allowable coverage to be 2,428 sf based on the land area to high water.

In other words, like Appellants' reference to deeds and a 1947 judgment that do not bear on the BLA, the 2008 characterization of the project area is irrelevant and of no consequence.

D. Appellants' Contention: The findings adopted as part of the project approval are not supported by substantial evidence and are legally insufficient. (Statement of Appeal, p. 7.)

GP's Response: False.

Based on the Initial Environmental Checklist (IEC) and findings submitted with the BLA application and other information in the record, TRPA properly found the BLA would not have a significant effect on the environment and approved the BLA. Adjusting the boundaries of the Properties did not have the potential to impact any of TRPA's nine (9) thresholds: air quality, water quality, soil conservation, vegetation, wildlife, fisheries, scenic, noise, or recreation. Thus, TRPA having properly determined the BLA would not increase development potential or impact thresholds, TRPA appropriately adopted the required Chapter 4 findings applicable to any project.

~~Appellants are again raising development issues which are not before this Board nor relevant to the BLA.~~

E. Appellants' Contention: The environmental analysis failed to analyze the potentially significant impacts associated with development of the Properties as a result of the lot line adjustment. (Statement of Appeal, p. 9.)

GP's Response: False.

As mentioned above, each of the Properties was eligible for a SFD at the same rate of coverage prior to the BLA; the BLA did not create the potential to develop them. Thus, Appellants' focus on impacts that may result from future development of the Properties is, again, misplaced. The BLA permit does not authorize development or physical changes of any kind. The BLA approval is an independent, stand-alone action that does not guarantee future approval of any proposed development. Prior to TRPA's authorization to construct improvements proposed by GP on one or more of the Properties, TRPA must conclude that potentially significant impacts, if any, will be mitigated.

F. Appellants' Contention: The public right-of-way on Gonowabie Road was uniquely developed to require a large turnout directly in front of 460 Gonowabie. This turnout feature serves several purposes. It functions as one of the only available on-street parking areas on Gonowabie Road. The turnout also enhances emergency vehicular access on this narrow roadway, helps to eliminate conflicts between motor vehicles and bicycles and pedestrians, and serves as snow removal storage. Appellants are informed and believe that the Project is proposing three separate single-family homes, all with a minimum of four bedrooms, and each exceeding 5,500 sf. Yet, each residence will only include two onsite parking spaces. (Statement of Appeal, pp. 10-11.)

GP's Response: False and false.

The BLA does not involve any changes to or otherwise impact the public Gonowabie Road right-of-way. As such, it too is irrelevant to this appeal. GP does not propose alterations to the existing condition of Gonowabie Road.

Contrary to Appellants' contentions, GP's SFD proposals include two (2) garage parking spots and a minimum of two (2) surface parking spots, for a total of four (4) onsite parking spaces. Washoe County Code requires two (2) parking spots per residence one of which must be in a garage. Gonowabie will continue to function as potential turnaround spots for emergency vehicles.

It is important to note, similar to Appellants' deviation from both front and side yard setbacks, Appellants actually encroach into the Gonowabie right-of-way ("ROW") and onto undeveloped properties owned by the State of Nevada as detailed below:

- (1) The Goldberg Property's garage extends beyond its property line several feet into the ROW (see aerial attached as Exhibit E and survey attached as Exhibit F);
- (2) Two (2) bear box trash enclosures, a wooden fence, stone steps and a retaining wall serving the Richards Property are located within the ROW and in front of 460 (in its pre- and post-BLA configurations) hindering access to 460 (see survey attached as Exhibit F);
- (3) The aforementioned wooden fence and a pathway serving the Richards Property encroach onto/across 460's front property line (see photographs attached as Exhibits G and H);
- (4) The Richards Property and the Goldberg Property each have two (2) garage parking spaces but no other onsite parking spaces, whereas, as proposed, the Properties will each have four (4) onsite parking spaces;
- (5) The house, including the roof overhang, patios, outdoor space and yard on the Goldberg Property encroach onto the parcel to the north, APN 123-133-06, owned by the State of Nevada (see aerial attached as Exhibit E);
- (6) Landscaping improvements on the Goldberg Property encroach onto the lot to the south, APN 123-133-08, owned by the State of Nevada (see aerial attached as Exhibit E).

Appellants' zeal to preserve the status quo is impressive given their use and their occupancy of public and private lands they do not own. Their determination to frustrate GP's BLA involving only lands owned by GP is consistent with their unauthorized use of adjoining Nevada State Lands' parcels, the Gonowabie ROW, and GP's private land. It is disingenuous for Appellants to advocate claims to uphold the actual rules and restrictions applicable to properties on Gonowabie Road they have violated, and then some. Cloaking their attempt to deny GP fundamental property rights to be exercised in accordance with TRPA's and Washoe County's applicable standards to maintain the status quo at GP's expense must not be sanctioned.

G. Appellants' Contention: The Project will block and modify views of the Lake from a public road (Gonowabie) as the three residences are developed. See Initial Environmental Checklist Section 16.c. Yet there is no evaluation of the impacts associated with this development, nor mitigation measures proposed to protect the public's views. (Statement of Appeal, p. 12.)

GP's Response: False.

Of course, this is the gravamen of this adventure, stopping development they fear will impact their views. Again, the "project" is the BLA which involves no physical changes that block views. In any event, TRPA's scenic policies only apply to properties in identified scenic resource areas. While Lake Tahoe is a TRPA-identified scenic resource, Gonowabie Road is not. Future development of the Properties must incorporate measures to ensure the improvements,

Honorable TRPA Governing Board Members
c/o John Marshall
Page No. 9
April 22, 2020

FELDMAN
THIEL LLP

when viewed from Lake Tahoe, do not degrade the scenic quality of the shoreland or upland. TRPA is not charged with protecting private views of Lake Tahoe.

III. CONCLUSION

Appellants have made an array of allegations and cited numerous irrelevant materials yet have totally neglected to point to facts or law demonstrating TRPA Staff erred in their issuance of the BLA permit (although Appellants did bring a 270 sf harmless arithmetic error to the attention of the parties which occurred well before GP acquired the Property and that GP agrees requires correction). Again, returning to the proper scope of this appeal, the foregoing analysis clearly demonstrates the BLA (1) did not increase development potential or (2) create a non-conforming condition. GP submits the BLA permit TRPA approved for 460, 470 and 480 was properly issued and respectfully requests the Governing Board deny the appeal.

Sincerely,

FELDMAN THIEL LLP

By:

Lewis S. Feldman

LSF/jps
Enclosures

cc: Gonowabie Properties, LLC
Greg Gatto, Esq.

EXHIBIT A

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A

EXHIBIT B
LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

Irving J Smith

Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Feb'y 20, 1945.

FILING NO. 115312

Filed for Record at the Request of Mrs Joseph. Greco SEP 28 1943 at 26
Minutes past 3 o'clock P M.

Fee \$2.25

HR: HM
HD: MP
ACB Verified

Della B. Boyd

COUNTY RECORDER

HOWARD PARISH & WF.

TO

HILDEGARD WILLMANN MIRC

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

THIS INDENTURE made the Twenty-fifth day of September, one thousand nine hundred and forty-three, between: HOWARD PARISH and RUTH PARISH, his wife, the parties of the first part, and HILDEGARD WILLMANN MIRC, the party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which the southwest corner of Lot 111, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06' west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning for the description of this parcel of land; thence north 19°06' east 14.13 feet to the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed recorded in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along the north line of the said Mirc parcel a distance of 98.10 feet to the northwest corner of said Mirc parcel; thence north 17°00' west to a point which would be intersected by a line drawn west (and parallel to the north line of said Mirc parcel) from a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point of beginning; thence east along said line so drawn, to said meander line; thence south 13°56' east along said meander line 60.87 feet to the true point of beginning; being the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according

to an unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling ---- intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

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

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

.IN WITNESS WHEREOF the said parties of the first part, have hereunto set their hands the day and year first above written.

Howard Parish

Ruth Parish

STATE OF NEVADA,)
County of Washoe) ss.

On this 25th day of September A. D. one thousand nine hundred and forty-three personally appeared before me La Rie Riley, a Notary Public in and for said County of Washoe, Howard Parish and Ruth Parish, his wife, known (or proved) to me to be the persons described in and who executed the annexed instrument, who 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 at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

La Rie Riley

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires November 19, 1946

FILING NO. 115323

Filed for Record at the Request of Howard Parish SEP 29 1943 at 5 Minutes past 10 o'clock A M. FEE \$3.05

HR: AGB
HD: HM
ACB Ver End

Della B. Boyer
COUNTY RECORDER

L. A. SAUER & WF.

TO

KENNETH A. ARNOLD ET AL

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

DEED

THIS INDENTURE, made the 22nd day of September, in the year of our Lord one thousand nine hundred and forty three, between L. A. SAUER and NEVA SAUER, his wife, both of Washoe County, State of Nevada, the parties of the first part, and KENNETH A. ARNOLD and DORIS ARNOLD, of the County of Washoe, State of Nevada, parties of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of the sum of Seven Hundred (\$700.00) Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said parties of the second part, and to their heirs and assigns forever; all that certain lot, piece, or parcel of land situate, lying, and being in the County of Washoe, State of Nevada, and bounded and particularly described as follows, to-wit:

All that portion of the Northeast quarter of the Southeast quarter of Section 34, Township 17 North, Range 19 East; lying immediately South of the land heretofore sold to John Evans and immediately West of the Reno-Carson City Highway and containing seven acres, more or less.

Also to take from Ophir Creek of the water belonging to the parties of the first part three miners inches under six inches pressure.

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

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

EXHIBIT C

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A

CRYSTAL BAY SUBDIVISION

TO

MARGIE F. PEARL LILLY

[U. S. Internal Revenue Stamp \$4.00 Attached & Cancelled]

THIS INSTRUMENT, made the 18th day of August, 1959, by and between CRYSTAL

CRYSTAL BAY SUBDIVISION, a Nevada corporation, FIRST PARTY, and MARGIE F. PEARL LILLY, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at the southeasterly corner (identical with a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears South 19° 00' West, 1766.33 feet; thence South 5° 06' West 435.87 feet and South 89° 05' 50" West 401.57 feet; thence East 88° 54' West 180.40 feet; thence North 9° 00' East 8.71 feet; thence North 48° 00' East 147.46 feet; thence North 47° 59' East, 17.34 feet; thence East 74.51 feet to the said Meander line; thence South 19° 06' West 118.68 feet along the said Meander Line to the place of beginning; containing 0.315 acres more or less.

Also beginning at a point on Meander line from which the Southwest corner of Lot III, Section 19 Township 16 North, Range 18 East bears South 19° 06' West 118.68 feet and South 5° 06' West 435.87 feet and South 89° 05' 50" West 401.57 feet; thence East 74.51 feet; thence North 47° 59' East 17.34 feet; thence East 38.42 feet to Meander line/South 19° 06' West 118.68 feet to the place of beginning; containing 0.315 acres more or less.

The above described premises being all of Lot 6 and the southerly portion of Lot 7--in Block 18 of "Crystal Bay Park, a subdivision of portions of Lots 8, 11, 6, 11, of Section 19, T. 16 N., R. 18 E., Washoe County, Nevada", the map of which has never been filed for record in Washoe County, Nevada.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.
5. No shack or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least

CRYSTAL BAY CORPORATION TO MARCIA FARNELL KERRY, ET

[U. S. Internal Revenue Stamp \$1.00 Attached & Cancelled]

THIS INSTRUMENT, made the 16th day of August, 1966, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and MARCIA FARNELL KERRY, ET AL, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at the southeasterly corner (identical with a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears South 19° 00' West, 1766.33 feet) and South 5° 06' West 422.87 feet and South 89° 05' 50" West 401.57 feet; thence by an arc of 64° West 180.40 feet; thence North 9° 00' East 6.71 feet; thence North 48° 00' East 147.44 feet; thence North 49° 59' East, 17.34 feet; thence East 74.81 feet to the said Meander line; thence South 19° 06' West 115.68 feet along the said Meander Line to the place of beginning; containing 0.315 acres more or less.

Also beginning at a point on Meander line from which the Southwest corner of Lot III, Section 19 Township 16 North, Range 18 East bears South 19° 06' West 115.68 feet and South 5° 06' West 422.87 feet and South 89° 05' 50" West 401.57 feet; thence East 74.81 feet; thence North 49° 59' East 17.34 feet; thence East 33.42 feet to Meander line/South 19° 06' West 80 feet to the place of beginning; containing 0.046 acres more or less.

The above described premises being all of Lot 4 and the southerly portion of Lot 5 in Block 18 of "Crystal Bay Park, a subdivision of portions of Lots 2, 11, 5, 111 of Section 19, T. 16 N., R. 18 E., Washoe County, Nevada", the map of which has never been filed for record in Washoe County, Nevada.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.

5. No sheds or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least

EXHIBIT D

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A

STATE OF NEVADA, }
County of Washoe } ss.

On this 22nd day of October, A.D. one thousand nine hundred and forty-six personally appeared before me Jeanne I. Green, a Notary Public in and for said County of Washoe, John V. Kraler known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; - - - and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Jeanne I. Green

My commission expires February 26, 1950.

STATE OF NEVADA, }
County of Washoe } ss.

On this 22nd day of October A. D. one thousand nine hundred and forty-six personally appeared before me Jeanne I. Green, a Notary Public in and for said County of Washoe, Albert J. Judge known to me to be the Secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Jeanne I. Green

My commission expires February 26, 1950

FILED NO. 147233

Filed for Record at the Request of WASHOE COUNTY TITLE CO. CO. NOV 16 1946
at 16 Minutes past 10 o'clock A M

Fee \$3.05

M: MFB
HD: AOB
JL: [unclear]

Lilla B. Boyd
COUNTY RECORDER

18

Beginning at the southeasterly corner from which the southwest corner of Lot III, Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears S. 30° 00' W. 119.88 feet and S. 42° 00' W. 133.58 feet and S. 9° 00' W. 164.16 feet and S. 16° 00' E. 149.39 feet and S. 0° 14' 06" W. 104.93 feet and East 13.76 feet and S. 19° 06' W. 1330.27 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' 50" W. 601.37 feet; thence N. 64° 01' W. 136.96 feet; thence East 126.94 feet; thence S. 17° 00' E. 36.51 feet; thence S. 30° 00' W. 28.97 feet to the place of beginning.

Said premises being the northeasterly half of Lot 14 in Block 14 of Crystal Bay Park according to the unofficial map thereof which has never become of record in the office of the County Recorder of Washoe County, State of Nevada.

Subject, however, to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water, also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

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

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

John V Mueller
President

Albert J. Judge
Secretary & AGENDA ITEM NO. VIII

LEGAL COMMITTEE AGENDA ITEM NO. 2

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said parties of the second part, with right of survivorship and to the survivor of them, as joint tenants and not as tenants in common, their assigns and to the heirs and assigns of the survivor thereof forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

Elijah W Hardesty
Mayme I. Hardesty

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

On this 15th day of November, 1946, personally appeared before me, the undersigned, a Notary Public in and for the County of Washoe, State of Nevada, ELIJAH W. HARDESTY and MAYME I. HARDESTY, his wife, known to me to be the persons described in and who executed the annexed instrument, who 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 at my office in the County of Washoe, State of Nevada, the day and year in this certificate first above written.

(SEAL)

Lino DelGrande
Notary Public in and for the
County of Washoe, State of
Nevada.

MY COMMISSION EXPIRES FEBRUARY 13, 1950

FILING NO. 147231

Filed for Record at the Request of WASHOE COUNTY TITLE CNTY. CO. NOV 16 1946
at 16 Minutes past 10 o'clock A. M

Fee \$2.25

HR:MFB
HD:AGB
JL Verified

Hella B. Boyd

COUNTY RECORDER

CRYSTAL BAY CORPORATION

TO

CARL B. ERNEST & WF.

(U. S. Internal Revenue Stamps 55¢ Attached and Canceled)

D E E D

THIS INSTRUMENT made the twenty-second day of October, one thousand nine hundred and forty-six between CRYSTAL BAY CORPORATION, a Nevada corporation, the party of the first part, and CARL B. ERNEST and HELLA MAE ERNEST, his wife, the parties of the second part,

W I T N E S S E T H :

THAT the said party of the first part, in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain lot, piece, or parcel of land situate in the County of Washoe, State of Nevada, and bounded and

AP-131

EXHIBIT E

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A



459 GONOWABIE RD - X

APN: 123-133-07 Tax Information

Owner: CRYSTAL BAY TRUST

Corporate Area: CRYSTAL BAY

Zip Code: 89402

Voter Precinct: 8110

Land use: 200

Land Zoning: HDS

Utility: Water: Municipal, Sewer: Municipal

Square Ft.: 2239

Acreage: 0.098003

Tax District: 5200

Total Assessment: 251629

Bedrooms: 4

Baths: 3.5

Year Built: 1998

Subdivision: CRYSTAL BAY PARK 1 UNOFFICIAL

Neighborhood: TAAC

[Related Parcel Information](#)

[FEMA Information](#)

[Google Street View](#)

[Related Documents](#)

459 Gonowable improvements on adjacent property.

459 Gonowable garage extending into Gonowable ROW.

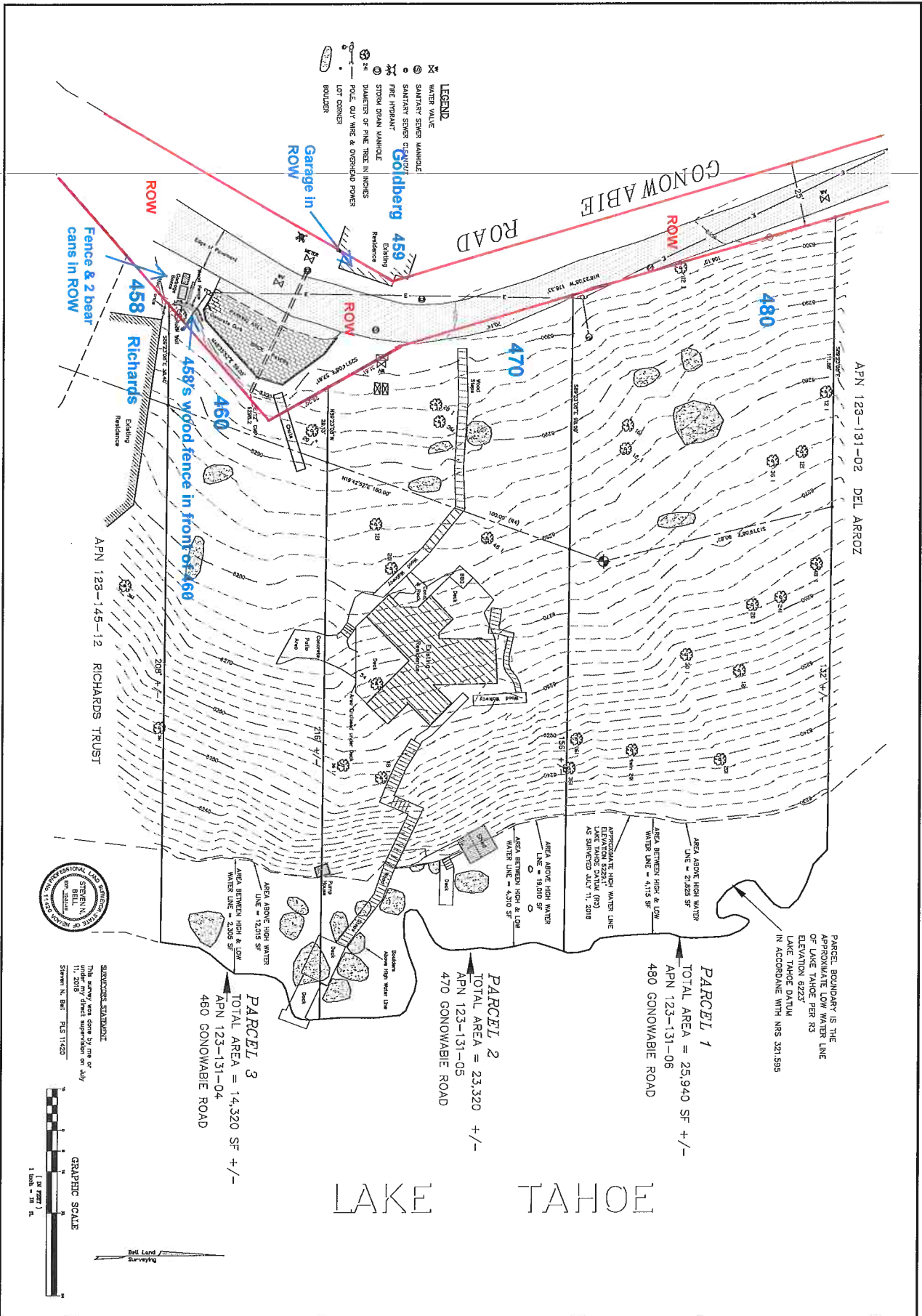
Area of 458 Gonowable improvements in Row and encroaching on 460 Gonowable property (hidden by tree, see photos for detail.)

459 Gonowable improvements on adjacent property

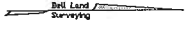
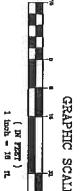


EXHIBIT F

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A



SURVEYOR'S STATEMENT
 This survey was done by me or under my direct supervision on July 28, 2018.
 Steven N. Bell PLS 11220



Bell Land Surveying
 100 Fillmore Way
 Reno, Nevada 89519
 775-740-3070
 Fallon: 775-423-8701
 email: stevenbell@yahoo.com

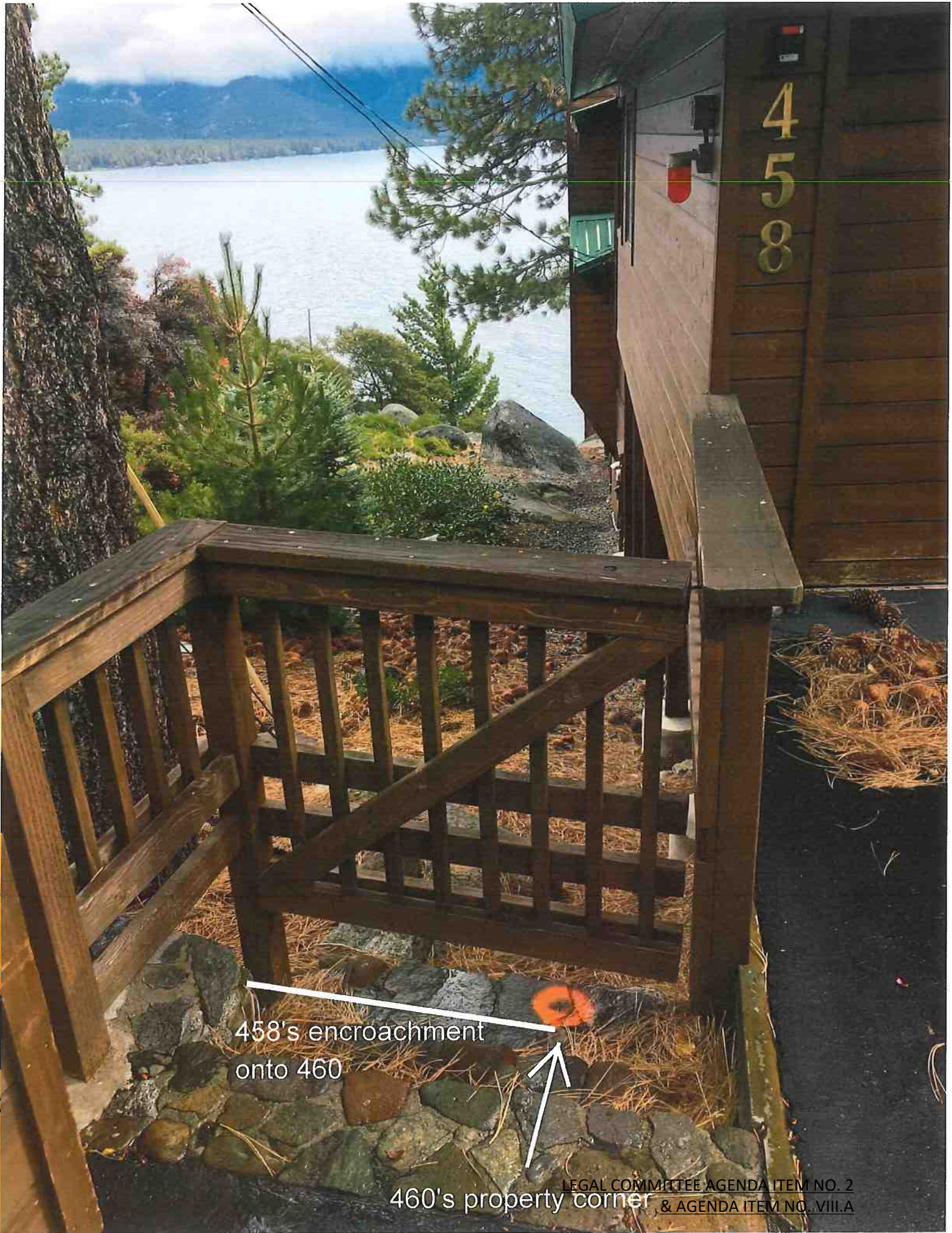
TOPOGRAPHIC & BOUNDARY SURVEY
 ADDRESS: 460, 470 & 480 GONOWABIE ROAD
 APN'S: 123 - 131 - 04, 05, & 06
 A Portion of Lot II, Section 19, T16N, R18E, MDB&M
 CRYSTAL BAY WASHOE COUNTY NEVADA

REVISIONS	
1	AUG 29, 2018
2	SEP 13, 2018

LEGAL COMMITTEE AGENDA ITEM NO. 2
 & AGENDA ITEM NO. VIII.A

EXHIBIT G

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A



458

458's encroachment onto 460

460's property corner

EXHIBIT H

LEGAL COMMITTEE AGENDA ITEM NO. 2
& AGENDA ITEM NO. VIII.A



460's property line

Attachment D

Reply in Support of Statement of Appeal, dated May 15, 2020



GREG GATTO
PO Box 85
Calpine, CA 96124
D. 530.205.6503
greg@sierralanduselaw.com
www.sierralanduselaw.com

May 15, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Reply in Support of Statement of Appeal - Appeal File Number ADMIN2020-0002;
TRPA Project File Number LLAD2019-0821**

Dear Honorable Members of the Board and Mr. Marshall:

On behalf of Robert Goldberg and Reuben Richards (“Appellants”), we respectfully submit the following reply (“Reply”) to the April 22, 2020 Appellee/Applicant Response to Statement of Appeal (“Applicant’s Response”).

Applicant’s Response claims that the Appeal has no merit, yet Applicant admits that it incorrectly double counted total allowable coverage for the Project Area and deliberately omitted information required to be submitted as part of its application, even though it declared under penalty of perjury all required information was provided to TRPA. On this basis alone, the Appeal should be granted, the permit rescinded, and the matter remanded to staff with appropriate direction to require a complete and accurate application prior to processing.

In addition to Applicant’s express admissions compelling the grant of this Appeal, Applicant failed to address one of Appellants’ primary contentions - - that the impacts of an almost 20,000 sf residential Project were not analyzed as part of the Project approval. Instead, Applicant assures us that all impacts will be appropriately addressed and mitigated on a piecemeal building-by-building basis. Applicant’s approach, to segment its Project into bite-sized pieces to obscure the significant cumulative impacts resulting from its aggregate development, is contrary to TRPA’s Code and applicable case law prohibiting piecemeal environmental review of a proposed project.

Because the application erred in its coverage calculations, deliberately excluded mandatory information, and utterly failed to assess the cumulative impacts of development of the Project, Appellant’s Appeal should be granted, and the approval of Applicant’s lot line adjustment rescinded by the Board.



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A. Applicant Admits it Improperly Overstated the Total Allowed Coverage for the Project Area.

The Applicant confesses that its lot line adjustment application erroneously overcounted total allowed coverage for the Project area. By itself, this error requires that the Appeal be granted, the Project approval be overturned, and the permit application be remanded back to staff to process in accordance with correct coverage figures and appropriate conditions of approval ensuring that total allowable coverage thresholds are not exceeded. Any new permit and associated conditions should be made available for public review and appeal of any additional errors contained therein.¹

B. Applicant Deliberately Omitted Mandatory and Vital Information From Its Application.

Applicant claims that it did not disclose the Judgment and deed restrictions creating no build zones within the Properties because they “were not relevant to the BLA.” *See Applicant’s Response*, p. 5. It is not up to the Applicant to determine what property restrictions are relevant to a boundary line adjustment. Rather, TRPA’s lot line adjustment application form requires an applicant to “List any deed restrictions, easements, or other restrictions,” and to “declare under penalty of perjury that all property restrictions and easements have been fully disclosed.” *See Statement of Appeal*, Exh. G. (emphasis added).

Applicant’s argument that it alone should be the arbiter of what property restrictions and easements must be disclosed as part of an application creates a slippery slope for TRPA. Indeed, such a position may result in TRPA being unwittingly dragged into a myriad of lawsuits where a project is wrongfully approved after an applicant refuses to properly disclose property restrictions, easements, and encumbrances. Affirming the Project approval and condoning the omission of vital and required information establishes poor precedent for future projects.

In recognition of situations like this, where an applicant conceals necessary information from its applications, TRPA directed, as a special condition of Applicant’s permit, that “[s]hould any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.” *See Gonowabie Lot Line Adjustment Permit Special Condition No. 5.*

This is not a case where the Applicant was unaware of property restrictions affecting the

¹ As noted in the Statement of Appeal, the application also omits calculations of existing coverage by Land Capability District on the Bailey parcel (470 Gonowabie). *See Applicant’s Lot Line Adjustment Application*, p. 9 of 18. These calculations must be included as part of any reassessment of the application.



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Properties. The Applicant had received a preliminary title report listing the eight separate deed restrictions only two weeks before it submitted its application to TRPA. *See* Statement of Appeal, Exh. B. And the very deed by which the Applicant took title to the Properties proclaimed that the Properties are subject to “Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.” *See* Statement of Appeal, Exh. I. Despite this contemporaneous knowledge of the restrictions affecting the Properties, the Applicant deceitfully declared, under penalty of perjury, that all property restrictions have been fully disclosed.

While Appellants recognize that TRPA’s role is not to adjudicate the scope of an easement or interpret vague covenants, TRPA should not authorize activities that run afoul of express, unambiguous, and recorded court judgments and deed restrictions, such as those encumbering the Properties, especially when the existence of such restrictions was deliberately suppressed by an applicant. Under these circumstances it would be appropriate and consistent with TRPA’s authority, to require, as a condition of any Project approval and prior to any construction on the Properties, that the Applicant either (1) obtain a court judgment determining that the Judgment and deed restrictions are inapplicable, or (2) demonstrate, by substantial evidence, that the Project will not include any buildings within the no build zones described in the Judgment and deed restrictions.²

a. The Judgment Prohibiting Buildings Within 15-Feet of the Property Side Lines Directly Applies to Applicant’s Properties.

The Applicant’s Response erroneously contends that the 15-foot side line no build restriction contained within the 1947 Judgment and Decree does not apply to the Properties because the Applicant’s immediate predecessor in interest in the Properties was a plaintiff in the action and the restriction applies only to properties owned by defendants in the suit. In fact, the Judgment provides it applies to all of the “real property and lots” described therein, including the property owned by Applicant’s predecessor, Hildegard William Mirc, designated as Parcel 4 in the

² Whether the residences on Appellants’ properties violate any deed restrictions is irrelevant to the current appeal. Appellants are not seeking any approvals from TRPA that would trigger these restrictions. Even if violations existed, two violations in the general area are not sufficient to excuse Applicant’s non-compliance. Applicant has the burden to establish an abandonment of deed restrictions “by clear and unequivocal evidence of acts of a decisive nature” demonstrating “substantial and general violations of the covenant within the restricted area.” *Tompkins v. Buttrum Const. Co. of Nevada*, 659 P.2d 865, 867, 99 Nev. 142, 145 (Nev. 1983). Further, “[a]s long as the original purpose of the covenants can still be accomplished and substantial benefit will inure to the restricted area by their enforcement, the covenants stand ...” *Ibid.* (holding that property owner required to comply with restrictive covenant even though the original creators of the restriction may have failed to comply with it). There were no objections to the construction of Appellants residences as they did not interfere with any other property owner’s privacy or view. *See Gladstone v. Gregory*, 596 P.2d 491, 494, 95 Nev. 474 (Nev. 1979). By contrast, Applicant’s proposed violations directly impact numerous property owners benefitted by the deed restrictions. *Ibid.*



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Judgment. A true and correct copy of the Judgment is attached hereto as **Exhibit 1**. Accordingly, the Judgment applies to the Properties, and “[a]ny dwelling or other building upon said property shall be at least fifteen (15) feet from each side line” of the Properties.

b. The Originally Described No Build Zones in the Judgment and Deed Restrictions Cannot be Relocated Via a Lot Line Adjustment.

Just as a regulatory agency cannot override a private restriction prohibiting commercial uses by rezoning a property, it cannot relocate established no build zones by approving lot line adjustments. *See Western Land Co. v. Truskolaski*, 88 Nev. 200, 495 P.2d 624, 627 (Nev. 1972) (the actions of a regulatory agency “cannot override privately-placed restrictions.”).

Here, the deed restrictions and Judgment created no build zones within side lines of specifically described lots. As was the intent with these restrictions, they created view corridors that were relied on by adjacent property owners when they themselves purchased their lots and sited their residences. Allowing relocation of these no build zones via a lot line adjustment would be akin to allowing a variance to a height standard to override a private height restriction or to authorize relocation of an easement without the easement holder’s consent. Accordingly, TRPA should condition approval of any construction on the Properties to prohibit any buildings within the no build zones from the side lines described in the Judgment and deed restrictions.

C. The Applicant’s Response Fails to Address the Potentially Significant Impacts Associated With Approval of the Project.

The crux of the Applicant’s Response is that subsequent permits are required to fully build out the site, and environmental analysis of impacts associated with site development should therefore be deferred until those permits are issued. *See*, Applicant’s Response, p. 7. Under Applicant’s reasoning, the development of a two-hundred lot subdivision should be disregarded because the subdivision itself does not authorize development, and impacts of the subdivision will be assessed when each lot applies for a building permit.

This argument disregards TRPA’s definition of a “project,” and the mandate that TRPA analyze the cumulative impacts of any activity that may substantially affect the land, water, air, space or any other natural resources of the region. TRPA Compact art. II(h); TRPA Initial Environmental Checklist § 21.c. The Compact’s broad definition of a “project,” which refers to an “activity,” and not the mere “approval,” requires analysis of that which has impact on the environment” -- the development or other activities that will result from the approval. *See Poet, LLC v State Air Resources Bd.*, 12 Cal.App.5th 52, 73 (2017). Notably, with regard to scenic impacts in the shoreland, TRPA’s Code expressly provides “[p]rojects may not be segmented in order to qualify



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for a lower level of mitigation requirements.” TRPA Code of Ordinances § 66.3.4. Yet, that is precisely what the Applicant attempts to do, breaking up nearly 20,000 square feet of development into separate and discrete projects so that the true impacts of the total development are obscured from the public and decisionmaker alike.

Future development of this site is not a mere “gleam in a planner’s eye,” but a reasonably foreseeable result of the lot line adjustment. TRPA has pending applications for relocation and construction of a multi-use pier and for construction of the residences on 470 and 480 Gonowabie. And, the Applicant recently submitted applications for building permits to Washoe County for a four-bedroom, five and a half bath, 6,479 sf residence on 470 Gonowabie, and a five-bedroom, five bath, 6,061 sf residence on 480 Gonowabie.³ True and correct copies of the Washoe County Accela permit records for these residences are attached hereto as **Exhibit 2**.

The environmental impacts resulting from the actual development *activities* associated with the lot line adjustment approval, including construction of the three residential compounds and multi-use pier, must be analyzed and appropriately mitigated as part of this Project approval.

a. Loss of Parking Facilities and Increase in Traffic Hazards.

Applicant’s Response states that the lot line adjustment does not involve any changes to the public right-of-way and is irrelevant to the appeal. This ignores the proposed driveway encroachment to access the residence on 460 Gonowabie. If the driveway encroachment is not properly designed, the on-street parking and turn out directly fronting Gonowabie will be eliminated. Numerous neighbors, proximate residents, and the Incline Village Crystal Bay Citizens Advisory Board have rendered public objections in various forums to the loss of nearly the only on-street public parking spaces on Gonowabie. True and correct copies of minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing, both relating to parking impacts resulting from development of the Properties, are attached hereto as **Exhibit 4**.

The significant impacts associated with the Project’s concomitant removal of virtually the only on street public parking on Gonowabie must be fully analyzed and mitigated. *See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal.App.4th 1013, 1053 (2013) (“[t]he personal observations and opinions of local residents on the issue of parking in the area may constitute substantial evidence that a project may have a significant impact on

³ Despite Applicant’s claims to the contrary, Washoe County has not yet issued a final approval of a lot line adjustment for the Properties. A true and correct copy of the Washoe County Accela permit record for the lot line adjustment is attached hereto as **Exhibit 3**.



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parking and thus the environment.”).

b. Scenic Impacts.

The Properties are all located within the “Shoreland,” as defined by the TRPA Code. As referenced above, Section 66.3.4.A. of the Code contains an express prohibition on segmenting shoreland projects in order to qualify for a lower level of mitigation requirements. It follows, therefore, that the scenic impacts of the entire development resulting from approval of the lot line adjustment, including the three estates and multi-use pier, must be evaluated prior to lot-line adjustment approval. Deferring analysis of scenic impacts so that they are only reviewed on a building-by-building basis violates the express prohibition on segmenting scenic review of shoreland projects.

Applicant also incorrectly asserts that TRPA only protects views from Lake Tahoe, and not views of the Lake from Gonowabie Road. *See* Applicant’s Response, pp. 8-9. TRPA’s Initial Environmental Checklist requires analysis and mitigation for any project that will “[b]lock or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area...” *See* TRPA Initial Environmental Check Section 18.c. (emphasis added). Gonowabie Road is a public road, and public views of the Lake will undeniably be significantly impacted by the Project. These impacts were not analyzed nor mitigated as part of the Project approval.

Based on the foregoing and the information presented in the Statement of Appeal, Appellants respectfully request that the Board set aside and rescind the Project approval.

Respectfully,

Greg Gatto

Cc: Lewis S. Feldman, Feldman Thiel LLP

Exhibits (highlighting of pertinent information has been added to exhibits)

EXHIBIT LIST

Reply in Support of Statement of Appeal - Appeal File Number ADMIN2020-0002

- Exhibit 1** Judgment and Decree Affecting the Properties
- Exhibit 2** Washoe County Accela Permit Records for 470 and 480 Gonowabie (accessed May 13, 2020)
- Exhibit 3** Washoe County Accela Permit Records for 460, 470, and 480 Gonowabie Lot Line Adjustment (accessed May 13, 2020)
- Exhibit 4** Minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing

EXHIBIT 1

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

Book: 15
Decree Records
Page: 411

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS
Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LEONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

Plaintiffs

vs.

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :
Defendants. :

FILED

May 14 11 24 AM '47

E. H. BEEMER, CLERK

BY B Buchanan
DEPUTY

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LESLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL 1.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South 23° 11' W. 351.98 feet and South 13° 56' East 561 feet and South 19° 06' W. 2112.00 feet and South 5° 06' W. 435.57 feet and South 89° 05' 50" W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South 23° 00' W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. 14° 19' W. 271.55 feet and S. 75° 41' E. 40 feet and S. 14° 19' W. 1235.11 feet and S. 89° 05' 50" W. 246.05 feet; thence west 147.34 feet; thence N. 13° 49' E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. 14° 19' W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16N., R. 18 E., Washoe County, Nevada, bears S. 19° 06' W. 1997.87 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' W. 601.37 feet; thence West 29.13 feet; thence N. 29° 51' W. 31.62 feet; thence N. 17° 00' W. 28.38 feet; thence East to the said Meander Line; thence S. 19° 06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19° 06' West, 1932 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 33.42 feet; thence North 47° 59' East, 59.05 feet; thence North 29° 51' West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Wasnoe County, Nevada, bears S. 19° 06' 2057.87 feet and S. 5° 06' 435.57 feet and S. 89° 05' 50" W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North 17° W. 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly 19° 06' W. 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 86.67 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and south 1° 54' West 288.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 63.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40.00 feet; thence East 159.41 feet; thence South 20° 39' West 61.06 feet; thence North 79° 18' West 80.24 feet; thence North 87° 47' West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 288.60 feet

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 238.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.32 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 25° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 86.78 feet through a central

angle of $9^{\circ} 05'$ same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South $23^{\circ} 00'$ West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South $23^{\circ} 00'$ West 551.98 feet and South $13^{\circ} 56'$ East, 561.00 feet and South $19^{\circ} 06'$ West, 2112.00 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North $23^{\circ} 00'$ East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $19^{\circ} 06'$ West 1444.97 feet, and South $5^{\circ} 06'$ West 435.57 feet, and South $89^{\circ} 05' 50''$ West 601.37 feet; thence West 25.85 feet; thence North $16^{\circ} 00'$ West 147.41 feet; thence North $9^{\circ} 00'$ East 151.05 feet; thence North $42^{\circ} 00'$ East 147.46 feet; thence North $47^{\circ} 59'$ East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South $19^{\circ} 06'$ West 497.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the adoption of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Washoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Washoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERMAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

A. J. Maestretti

JUDGMENT RECORD

DISTRICT JUDGE

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 163196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70

Handwritten signature

HR: CG
HD: EB
ES

COUNTY RECORDER

IN RE ESTATE OF MARVIN P. HARGES Also Known as MARVIN PORTER HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oCo-

IN THE MATTER OF THE ESTATE) NO. 109887. DEPT. NO. 1.
OF) FILED
MARVIN P. HARGES, also known as) Jun 23 10 19 AM '47
MARVIN PORTER HARGES,) E. H. BEEMER, CLERK
Deceased.) BY M. Dowd
) DEPUTY

-oCo-

ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of Four Hundred (400) Dollars.

EXHIBIT 2



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Search Applications

Record WBLD20-101334:
Residential New, Addition or Remodel Permit
Record Status: In Review
Expiration Date: 04/23/2021

Record Info ▼

Payments ▼

Custom Component

Record Details

Applicant:

Individual
 STEVE WALTON
 Home Phone:(530) 583-3690
 STEVE@WALTONAE.COM

Licensed Professional:

JOE STEWART
 SIERRACON NV INC
 P O BOX 7171
 S LAKE TAHOE, CA, 96150
 Home Phone:5305459570
 Contractor 0083420

Project Description:

SFD - GONOWABIE LLC
 NEW SFD / 4 BED 5&1/2 BATHS / 2 CAR GARAGE /
 ELEVATOR / COVERED OUTDOOR DINING /
 RADIANT FLOOR HEATING / OFFICE TERRACE /
 SPA TERRACE / SPA / LAWN TERRACE / OFFICE /
 MEDIA ROOM / BRIDGE FROM GARAGE TO
 HOUSE / ALL INCLUDED ELECTRICAL, PLUMBING
 AND MECHANICAL

Owner:

GONOWABIE PROPERTIES LLC
 PO BOX 14001-174
 KETCHUM ID 83340

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Search Applications

Record WBLD20-101454:
Residential New, Addition or Remodel Permit
Record Status: Pending
Expiration Date: 05/08/2020

[Record Info ▾](#)

[Payments ▾](#)

[Custom Component](#)

Record Details

Applicant:

Organization
Ro Rockett Design
Work Phone:(415) 289-0830
Mobile Phone:(617) 417-9719
zrockett@rorockettdesign.com

Business
RO ROCKETT DESIGN
Sausalito, CA, 94965
United States

Licensed Professional:

SIERRACON NV INC
P O BOX 7171
S LAKE TAHOE, CA, 96150
Home Phone:(530) 545-9570
Contractor 0083420

Project Description:

480 GONOWABIE ROAD BLDG PERMIT -
ROCKETT
APPROX. 6,061 SF NEW SINGLE-FAMILY
DWELLING / 5 BEDROOMS 5 BATHROOMS / REC
ROOM / 2 CAR GARAGE / ELEVATOR / HOT TUB /
PIER

Owner:

GONOWABIE PROPERTIES LLC
PO BOX 14001-174
KETCHUM ID 83353
United States

▾ More Details

- [+ Related Contacts](#)
- [+ Parcel Information](#)

EXHIBIT 3



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[Health District](#) [Planning](#) [Public Works](#)

Search Applications

Record WBLA19-0019: Boundary Line Adjustment Record Status: Submitted

Record Info ▼

Payments ▼

Custom Component

Application Location

460 GONOWABIE RD, CRYSTAL BAY, NV 89402

Record Details

Project Description:

Gonowabie 460, 470, 480 BLA

Owner:

GONOWABIE PROPERTIES LLC
PO BOX 14001-174
KETCHUM ID 83340

▶ [More Details](#)

EXHIBIT 4

Mike Lefrancois had the following corrections to the statements he made in the minutes: During his comment, he stated 'he doesn't believe TOT **alone** needs to be used for enforcement.' 'BMPs are regulated by TRPA. '...afterhours. **There needs to be 2 (min) staff members for 7 day coverage.**' Instead of the sentence 'STR is very specific,' it should have read 'STR regulations as proposed are very focused and don't address overlap of non-STR issues (noise, parking enforcement).

Judy Miller:

On page 2, after Jack Dalton's public comment, the minutes need to reflect that it is '**the end of public comment period.**' Judy Miller also added that a sentence after public comment that states **Judy Miller wanted to get answers to the questions raised during public comment.** Name spelling correction for a public member should be Joy **Gumz**. On page 3, it should state '**Judy Miller had prepared a sheet of comments and gave copies to the board and attendees. She wanted to emphasize the definition of residential use types as wholly or primarily non-transient.**' On the last page, last paragraph, Judy said there are a lot of un-permitted second dwelling units.

Kevin Lyon:

During the portion of the minutes where Kevin Lyons asked about break down of compliance – it should read '**Some of these are possible solutions to problems that are actual problems.**' Additionally, during his comment, it should state **public** nuisance issues such as parking and **noise** should be addressed.

Judy Miller moved to approve the minutes of **DECEMBER 12, 2019** as corrected. Kevin Lyons seconded the motion to approve the minutes as corrected. Sara Schmitz abstained. The motion carried unanimously.

6. DEVELOPMENT PROJECTS- The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page:

www.washoecounty.us/comdev

6.A. Variance Case Number WPVAR-0002 (Gonowabi Properties LLC)

– **Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage. (for Possible Action)**

- **Applicant\Property Owner: Gonowabi Properties, LLC**
- **Location: 460 Gonowabi Rd, between the road and shore of Lake Tahoe**
- **Assessor's Parcel Number: 123-131-04**
- **Staff: Roger Pelham, Senior Planner,; 775-328-3622; rpelham@washoecounty.us**
- **Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 6, 2020**

Roger Pelham, Washoe County Planner, said he was available to answer questions. In response to the public comments, he noted delaying hearing of this item is not an option at this time. He said he can answer code, policy, process questions.

Nick Exline, Midkiff and Associates, Representative, 460 Gonowabi, provided a brief overview of the proposed variance request.

He said the proposed variance is to reduce the required front yard setback on the subject site. He said with this variance, he said they were hoping to put the development closest to Gonowabi instead of using a step down process.

He said a step up height segment process would be ideal on first street level. He said they wanted to bring the property up to the street as far as we could to maintain view corridor for the neighbor, but keep it below the view corridor for the neighbor across the street.

Nick said additional concerns were raised when they walked the site with architect and concerned neighbors. He said parking was a concern. Nick said per code, we would not be afforded the parking requirements off street parking. He said they will look to stake the corners and have another conversation with architect and community before BOA meeting on Feb. 6.

Pete Todoroff said he understands it's a fire lane, but if you build there, there won't be off street parking. Nick said we are focusing on the variance request. He said they aren't afforded the opportunity to include a driveway. Pete asked if they could put a driveway or parking on the lot next door. Pete said this is a major problem with taking away the current off-street parking. That is a major concern.

Sara Schmitz asked what the square footage and number of bedrooms proposed. Nick said it's proposed to be a single-family, 5,671 square feet with 5 bedrooms. Sara said with 5,671 sq. ft. with 5 bedrooms, off-street parking is needed. She said it's a fire lane and a snowplow needs to come down that lane. She asked where are these other people going to park; that's the reason for setbacks. Nick said onsite parking has not changed in the garage and on the bridge.

Mike Lefrancois asked if fire department has reviewed this application. Roger said they had no comments. Mike said the resident concerns are valid. He asked about parking code. Roger said two off-street, one of which should be in an enclosed garage. Both are being created within the garage on the subject site. There will be two spaces on the property.

Judy Miller asked who put the pavers in. A public member said the County installed the paver. She said this proposal will take away the public right-a-way parking for a private development. It doesn't seem equitable. Nick said that's not official parking. Kevin said pavers are on public property. Nick stated this property owner is being asked to solve issues in order to develop a single family residence. Nick said this wouldn't be an acceptable fire lane under current code.

Nick spoke about the shape of the property as pie slice. Robert (neighbor) said the property is that shape because the road used to end there. Kevin said it's a one way road. Robert said there are challenges. He said whether it is permitted or not, it's the only place to park. He said he and Rube aren't prepared to support or oppose it. He said he is sympathizes with it, but have ideas to help mitigate issues. This application not ready. He said the applicant has been collaborative to address concerns. We want to come to an agreement but we aren't ready.

Judy asked if there were conversations with the neighbors prior to notice. Nick said no.

Nick said he is not empowered to make changes now. He said we need to focus on the variance. He said he is empathic to the parking issues. Nick said they are going above and beyond. He said if we move the property away from the property, it will impact the view corridor more. Ruben said he disagrees.

Sara said she is new to this and has been a home owner for many years and has remodeled. She said the first thing we did before building was to understand the parameters of the lot which included setbacks. She asked why wasn't this type of approach taken at this location. Nick spoke about the updated area plan and changes to Gonowabi due to challenges. He said garage will be 40-50 set away from property line. This is a unique parcel configuration, steep slopes, and architectural design.

Public Comment:

Wayne Ford said variance request are based on facts. For interior lots in building placement, this has a 15 foot setback, not 20 foot. He asked Roger for his input. Roger Pelham said it does by means of topography, but 20 foot for zoning. Wayne said 15 foot setback due to steepness of property. 5 feet is a big difference. Roger said the description is correct which is required by the zoning. There is a modification based on topography that would apply in this case if not otherwise varied. Wayne said the water quality project with paving was verified. He said he spent time with a Washoe County staff member on the pavers. The pervious pavers are owned by the county. It was legally done. It took a lot of time to stabilize the area. Nick said he would look into it.

Sara Schmitz asked about the easement for utilities. Robert said there is a public access easement between the subject property and Ruben's property that isn't indicated on the map. He said when he brought the property, the public easement access showed up on the lot map. He said the owners have been responsive, but give proper time to get a decent outcome.

Roger Pelham, the notice that went out are courtesy notices, but they are not requirement. He said we began sending courtesy notices this 20 years ago. He said the legal notices are sent 10 days before the public hearing. He said we send the courtesy to engage community early in the process. This gives the citizens a better opportunity. Applications come in on 15th, courtesy notices might have been slow over holidays. This is a public forum to gather input.

Sara Schmitz asked about additional access requirements and setback. Roger said it depends on the type of public access easement. He spoke about different access easement. Robert said easements should be reflected in the plans.

Kathy Julian spoke about public access. She asked if someone does a development like this, is there a check if a development eliminates public access. She asked who checks for that. Nick said the property line is reflected on the site plan. The title report reflect the legal description. We showed legal described boundaries in the plans.

Wayne said Ann Nichols and Mark Alexander spent a lot of time researching those access easements and aren't sure how accessible they are. They don't show up on the maps except for the originals. They weren't recorded. There has been challenges with property lines in court in Crystal Bay. Public access was controversial. But there is no parking for public access. Robert asked about a property line adjustment. Wayne said that happens a lot. Wayne said new TRPA code allows for height codes. Wayne said the design is great, the only issue is parking.

Robert said we will come to reasonable solution. Ruben said issues can be address if given enough time.

Nick said it's unique burden to solve off-street parking issues for other owners who have their own parking issues. Pete said you are taking it away.

Mike asked if the property lines have already adjusted. Nick said not yet, surveyor has been out there and provided comments. Mike said the surveyor may provide comments. He spoke about the ability to have a driveway based on your property lines. There is 50 feet curbside. Mike said this can be worked out without changing much. He suggested involving fire and roads department and work it out with the neighbors.

Robert said there is a way through this, but we aren't there yet. Mike said it's a parking issue, not a setback issue.

Nick said even if we move it back 10 feet to adhere to the setback, there ultimately is no solution for parking. Robert suggested if you move the house to the north against the other lot line that would solve a problem. Robert said we can solve this before Board of Adjustment meeting.

Robert asked if applicant can ask for a delay. Roger said only the applicant can request a delay.

MOTION: Kevin Lyons moved to forward the comments to Washoe County staff. He wished them good luck. Pete Todoroff seconded the motion. Sara Schmitz opposed. The motion carried.

7. *WASHOE COUNTY COMMISSIONER UPDATE – Commissioner Berkbigler was not present.

8. *CHAIRMAN/BOARD MEMBER ITEMS- This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Pete requested Election of Officers item be placed on the next agenda to determine Vice President. Judy Miller said the Planning Commission is tomorrow. She asked if Phil Horan is still on the board. Roger said he wasn't sure if Phil still lived in Washoe County or Reno. Sara said planning commission is 6pm.

9. * GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –

With no requests for public comment, Pete Todoroff closed the public comment period.

ADJOURNMENT – meeting adjourned at 6:38 p.m.

Number of CAB members present: 5

Number of Public Present: 10

Presence of Elected Officials: 0

Number of staff present: 1

Submitted By: Misty Moga

- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 324, Communication Facilities
- Commission District: 3 – Commissioner Jung
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

This item was moved to March 5, 2020.

F. Variance Case Number WPVAR19-0002 (Gonowabi Properties LLC) – For possible action, hearing, and discussion to approve a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage.

- Applicant/Property Owner: Gonowabi Properties, LLC
- Location: 460 Gonowabi Road, between the road and the shore of Lake Tahoe.
- APN: 123-131-04
- Parcel Size: ± .33 acres (±14,375 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkgigler
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Roger Pelham, Senior Planner, reviewed his staff report dated January 13, 2020.

Member Hill asked if the applicant requested an alternative design with regards to the exceptional characteristics of the site. Mr. Pelham said they don't have that luxury. He said we only look at what is submitted. He said they cannot ask to see other configurations. Member Hill asked if they can build a dwelling while keeping the front yard setback. Mr. Pelham said he isn't a design professional.

Chair Thomas asked if there is sufficient space for off-site parking for guests. He said he understands the garage; that may be full. If friends come over, he asked if there is adequate parking. Mr. Pelham said this has been the crux of the conversation. He said it's not a requirement of code. He said this particular area is utilized for off-street parking and some of that will remain. It's in front of this parcel owners' garage and will become part of the driveway. It is an area that neighbors are using to park off the right-a-way.

Member Toulouse referred to the parcel map. He said when he looks at the map, the only portion that is oddly shaped is the front part that abuts the road. He said there are other parcels that have more odd shapes.

Member Stanley asked if there will be signage to prohibit parking in front. Mr. Pelham said the driveway is two cars in width, so there will be public right-a-way. There are no signs required. Member Stanley asked

about sightlines. Mr. Pelham said that is outside his purview. He said his review is determining special circumstances. He said he cannot consider views. Member Stanley said some may argue detriment to someone personally.

Member Toulouse (no microphone) asked, if the structure was moved down the hill, would they still lose the two off-street parking spots. Mr. Pelham said yes.

Nick Exline, the applicant's representative, provided a presentation. He provided insight to the design and slope challenges.

Member Toulouse asked what is stopping the applicant from pushing the structure down 13 feet. He asked what the obstacle is. Mr. Exline said coverage, sightline, scenic implications, neighbors, and community. He said they want to use existing vegetation as screening. Member Toulouse asked if they moved down the hill there won't be any vegetation and screening. Mr. Exline spoke about TRPA view angle and screening visible facade. Member Toulouse asked about the view angle. Mr. Exline said it's a northern view aspect. He showed a photo. He said they want to reduce disturbance with grading volumes and slope cuts.

Chair Thomas said nobody is guaranteed a view corridor. He said his concern is with fire safety and the difference variances approved in the neighborhood, reducing setbacks, and defensible space. He said there is no house on the property. There is steepness and narrowness on the property. If there is no house on the property now, how is there a hardship when you choose the size of house that encroaches into the setback. Mr. Exline spoke about neighboring variances and challenges. He said they could build without a variance; however, it takes away from the enjoyment of the property.

Clare Walton, project designer, spoke to the hardship component. She said there is a height requirement for the garage that must be 28 feet from grade. In the segmented height approach, the garage would slope down, they would have to create a bridge, and they would be dealing with a steeper grade driveway. The further away from the road, the longer the driveway bridge. It's challenging and visually doesn't fit in with the neighborhood.

Chair Thomas spoke about other properties who experience hardships that require variances. Mr. Exline said it's arduous to build on Lake Tahoe. DDA Large said the hardship is the property, not with the individual owner. Chair Thomas said it becomes a hardship when someone wants to build. Mr. Lloyd said it's the physical constraints of the property – developability, steepness, shape. Mr. Pelham said state law lays it out – narrow, shallow, shape, topography – limits our evaluation of the application. Member Hill asked if they are asking for a side yard setback. Mr. Pelham said no. She said then narrowness shouldn't be considered. He said it goes into their design element.

Member Toulouse referenced the parcel map. He said it says 'exceptional' narrowness. He said the surrounding properties have approximately similar narrowness. He asked what exceptional narrowness means. He asked if there is something more finite to reference. Mr. Pelham said it's an objective standard, minimum requirement within the medium density zone. The minimum lot size is 80 ft. We have those minimum dimensions. It's an objective standard based on regulatory zoning. Slope is an objective standard of 30%. Above 30% is constraint. It's not subject to opinion.

Member Stanley asked about a boundary line adjustment. Mr. Exline said the applicant is contemplating one. There are some unknown factors. He said it would be minor. It would not change any findings. It would be 20 feet +/- . Member Stanley if sightlines were open to discussion with the neighbors. Mr. Exline said the neighbor engagement was challenging. He said at the CAB, recommendation was don't develop on the parcel because they want to park there. He said he reached out to the neighbors for suggestions. He said the neighbors asked him for 5 choices to choose from.

Member Hill (no microphone) asked the status of the boundary line adjustment with TRPA. Mr. Exline said until this piece is done, they haven't applied for the single-family residence.

Mr. Exline said 26 feet is the boundary line adjustment. It would change Mr. Pelham's report.

Member Stanley asked about definitions of what is required with a variance and if it runs with the land. He asked if it's like a deed that runs with the land. Mr. Lloyd said typically you don't list all the constraints

within a deed. If a property owner does their due diligence, it becomes evident through the process. A variance would not be subjected to a property owner. It runs with the land. He asked if it would be mentioned in a deed. Mr. Lloyd said a variance would be identified through a deed and record search.

Public Comment:

Judy Miller said she relied in good faith that a compromise with the neighbors could be reached. She said she sent in her CAB worksheet. She said she disagrees this project meets all requirements for a variance. For instance, special circumstances, it's the applicant's responsibility to show special circumstances create undue hardship. Slope by itself or narrowness by itself doesn't satisfy its requirement. She said she spoke to Julie and there is a lot line adjustment that will increase lot size by more than 4,000 sq. ft. This application shows an 80-foot width; it doesn't show 62 ft. She said she tried to flip the map she showed on the overhead. She showed the contour line. It wouldn't hurt to move the house back 10 feet. It doesn't take a lot to not require a variance. Member Toulouse asked Ms. Miller if the CAB is not supposed to make recommendation. She said Alice McQuone changed the language on the agenda. Ms. Miller said the action would be recommend forwarding citizens and CAB comments to staff. We couldn't forward a voted upon recommendation. Other CABs are still making recommendations. Member Toulouse said he will discuss this with Mr. Lloyd.

Greg Gatto said he is the attorney representing the neighbor and the neighbor across the street from the subject property. He asked for extra time to provide clarification. He said there weren't any answers from the representative. He said it was a misrepresentation. He said a boundary line adjustment has been submitted with the County. There is an application pending concurrent with the variance request. He clarified that a boundary line adjustment has been approved by TRPA and submitted to Washoe County. He addressed the hardship question. The applicant has a burden to prove with evidence there are extraordinary and special circumstances unique to the property; adherence to setback requirements would result in exceptional and undue hardships. The Nevada Supreme Court set a hard standard for variance requirements. They would have to prove the setbacks would deprive them of uses of the property or decrease the value of the property. He said the applicant recently purchased the property with the setbacks. The price reflected the value with the setbacks. Denial of the variance would not decrease the value of the property at all, nor deny beneficial uses of the property. There is no evidence of undue hardship. He addressed one hardship that was brought up with the garage. He said that is common to have a bridge design. The applicant failed to prove the special circumstances to deviant from the setbacks. The property has identical slopes and were able to construct a home. The lot line adjustment was approved by TRPA but pending in Washoe County. Special privilege should be denied. The design will not be approved by TRPA. He said the building plans were rejected due to height standards. The building segment may not exceed 28 feet. The roof pitch is 40 feet and cannot be approved. We respectfully request denial of the request.

Monica Decker said she emailed the Board last night which outlines the opposition to this as a neighbor on Gonowabie. She wanted to be present to show support with the other neighbors who had concerns. Her concerns are around access for emergency and public parking.

Ruben Richards, owner of a house south of the subject property, said he will be most significantly impacted. He said the CAB's impression was for the developer and community to work out a solution that would be acceptable. He said he understands the developer wants to squeeze in homes on a tight road. He said we engaged with developer's representative. He said they asked for feedback. He said we aren't architects. The property has been for sale for a long time. He said we don't know what the developer wants. We aren't designers. He said the representative was disingenuous. He was told this was going to be tabled in order to have a meeting. He said there has been difficulties with the developer. We understand his right to build, but we need to consider the safety of the community. That road hasn't seen development like this. We started this process not knowing if we supported it or not; we didn't know enough. We aren't at that point to find a solution.

Lee Reynolds said she is a neighbor. She spoke about speed limit concerns. She said the road has a sharp curve. People have to back up to allow cars to go by. Safety of the residents is the concern. Moving the front yard setback could create a hazard on the street. The average SUV is 15 feet. They have to

maneuver and backup to get around. Approving this deviation would be a safety hazard. Keep the standard setback enforced.

David Ehrlich, neighbor above the proposed development, said he changed his plans to attend the meeting. He said he reviewed the application and spoke to Roger and reviewed the attorney's letter. He thanked Member Toulouse for his question. They don't want a longer driveway because they want a bigger house. The developer bought the property knowing the setback. This will be a monster house. He said it's not fair. They haven't acted in good faith. He said he wonders what will happen when they start building.

Will Adler, Silver State government relations, said he used to be a contractor. This is a simultaneous development. He said you can move around the lines to build. He said they applied for a lot line adjustment at the same time but lied and said they didn't know about it. It's in the plan. He said he has been a lobbyist. He said he never used a staff member's name in a report before. They filed for this application on Christmas Eve but then say they want community feedback. You don't apply on Christmas Eve and bury it if you want feedback. They aren't acting in good faith. They misrepresented. This cannot be taken as a solo project.

Robert Goldberg thanked the Board for their service. He said he serves on EDAWN and UNR boards. He said he is about thoughtful development. He said he wanted to cover two points. Everything has been covered by the other speakers. He said we are not against development and their ability to make money on the project. He said we reached out to the developer early in the project to understand it but were stiff armed from the beginning when we submitted our ideas and concerns. He said meeting with the architect never happened. The plans were magically produced today. He said the lot line adjustment is made, there is enough room on the far side of the property to not impede the current parking pad at all, but they want to maximize the building envelope of the property. He said you could design this with a single width driveway. He said there were misstatements made during applicant's presentation.

Ardythe McCracken, resident on Gonowabie, apologized for not getting her letter to them earlier. She read from a prepared statement. She said she is opposed to the variance. There is no evidence that the applicant will experience undue hardships by not having this variance. It's evident that the negative impact of this variance affects the parking on Gonowabie. It would remove the only parking space we have on this road which would lead to visitors and guests parking someplace that would impede the use of the road for public safety and emergency vehicles. In case of fire, there would be extreme problems. She said the neighbors have expressed their concerns. This is a neighborhood concerned for each other. We feel this variance should not be approved.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse addressed something Mr. Adler said. He said staff is honest and hardworking. There should be no question of Roger's or anyone else's integrity and they do a good job. He said he is struggling to make the findings to approve this request. We do a lot of variances in Lake Tahoe and on Gonowabie. He struggles with special circumstances and how it won't be detrimental to the public. He said if we grant this, it would grant a special privilege.

Member Stanley said he heard Mr. Alder's comment about staff differently than Member Toulouse. He said he has concerns about the boundary line adjustment and other information not available initially. He said he thought he heard the plans in packet are inaccurate in some way. He said he didn't receive the email as mentioned in public comment. Staff noted the email was handed out before the meeting and they have copies.

Member Hill echoed concern about the lot line adjustments. If plans were design for an 80 ft wide lot, that seems to discount the special circumstances because of narrowness. She said as representative of Incline Village, she uses to go down Gonowabie as a kid. She said she doesn't see many 6,000 square foot houses. They are old-timey cabins. She said she has a hard time approving a 6,000 sq. ft. house on a narrow road. It's not a hardship. It could be a modest home to fit within the setback. There are alternatives to meet the setback requirements.

DDA Large said a boundary line adjustment is not before this Board. Decisions for this application, the findings need to be separate from the boundary line adjustment. Member Hill said if the plans show 80-foot-wide lot, but it's only 62 feet, then we don't know. Chair Thomas said for us to make accurate decisions, we need accurate facts. If there are inaccurate facts, we need clarification from the applicant. DDA Large

suggested bringing the applicant or Mr. Pelham to discuss that, as we cannot consider a boundary line adjustment.

Chair Thomas said there is a discrepancy with a lot line adjustment. Mr. Exline said he hasn't had a chance to review. He guessed they wanted to show the project per completion of the lot line adjustment was approved. He said most of these things happened concurrently. If alterations take place that don't conform, we will have to come back. The plans show boundary line adjustment to 84 feet.

Chair Thomas concurred with fellow Board members. The owner of the property has the right to take away parking because they own it and have decided to do something with it. He said he doesn't believe the requirements have been met to move this forward.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR19-0002 for Gonowabi Properties, with conditions of denial included for this matter, having been unable to make the finding of Special Circumstances, No Detriment, and No Special Privileges. Member Hill seconded the motion which carried unanimously.

10. Chair and Board Items

A. *Future Agenda Items

Member Toulouse requested Soule Grading be agenized. He stated he had issues with conditions of approval (1(c), 1(e), 1(f), 2(c), 2(g)(a), 2(g), 2(h)(a)). He said he doesn't believe the conditions have been met. He would like to see it on the agenda so action can be taken. Mr. Lloyd stated staff feels these conditions have been met and requested an email from Member Toulouse outlining his concerns with the conditions. Member Toulouse stated he will clarify his concerns and forward but the condition that required the applicant to come back was not met. Member Hill requested to go by the site and review it. She said from the pictures, not much has changed, but understands it takes a while for things to grow. Chair Thomas concurred and asked the rest of the Board to review and get concerns to staff. Member Stanley asked for a follow-up review from staff and jurisdictions with state and federal. DDA Large advised not to email the entire Board in order to prevent a serial meeting. Mr. Lloyd suggested submitted questions and concerns to staff to gather and they will disseminate to the entire Board.

Chair Thomas spoke about the CAB action on topics. DDA Large stated that will be addressed with staff and the CAB. They are empowered to provide recommendations of approval or denial. Chair Thomas noted he pays attention to the CAB's direction.

B. *Requests for Information from Staff

Chair Thomas said as the county grows, the need for communication grows. We have had several wireless services requesting monopoles. He said we are faced with the term 'significant' gap. He requested a presentation regarding that topic. DDA Large said it's a presentation for legal counsel. He said our code was written 20 years ago. Regulations are not reflected in it. It may be a few months before it can come back because it needs analysis. Chair Thomas said they will rely on his expertise until an update can be provided.

11. Director's and Legal Counsel's Items

*A. Report on Previous Board of Adjustment Items

None

*B. Legal Information and Updates

None

12. *General Public Comment and Discussion Thereof

Will Adler thanked Member Toulouse for his comment regarding staff. He said he noted he used to be a developer and has worked with county staff. He said he was trying to say a smaller house could be built. Member Toulouse thanked him for clarifying and will always stick up for staff in those situations.

Attachment E

Initial Environmental Checklist



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PO Box 5310
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www.trpa.org
trpa@trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday
New Applications Until 3:00 pm

Print Form

**INITIAL ENVIRONMENTAL CHECKLIST
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

I. Assessor's Parcel Number (APN)/Project Location

Project Name County/City

Brief Description of Project:

The Applicant is proposing a Lot Line Adjustment between three (3) abutting parcels. All parcels are under common ownership. For additional information please see the attached submittal letter and corresponding attachments.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

No change to previously verified/established existing and allowable coverage.

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
 No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes No
 No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes No
 No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

- Yes No
 No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

- Yes No
 No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes No
 No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
 No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes No
 No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes No
 No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No
 No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes No
 No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes No
 No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes No
 No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes No
 No, With Mitigation Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes No
 No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes No
 No, With Mitigation Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes No
 No, With Mitigation Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes No
 No, With Mitigation Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes No
 No, With Mitigation Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes No
- No, With Mitigation Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes No
- No, With Mitigation Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes No
- No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes No
- No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes No
- No, With Mitigation Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

[Empty response box for question c]

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

[Empty response box for question d]

- Yes
- No
- No, With Mitigation
- Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

[Empty response box for question a]

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Exposure of people to severe noise levels?

[Empty response box for question b]

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

[Empty response box for question c]

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes No
 No, With Mitigation Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes No
 No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes No
 No, With Mitigation Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes No
 No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
 No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
 No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The Subject Parcels are visible from the waters of Lake Tahoe. The proposed LLA will have no impact on existing views and will not add scenic massing.

- Yes No
 No, With Mitigation Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

- Yes No
 No, With Mitigation Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes No
 No, With Mitigation Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes No
 No, With Mitigation Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes No
 No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
 No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
 No, With Mitigation Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes No
 No, With Mitigation Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes No
 No, With Mitigation Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes No
 No, With Mitigation Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes
- No
- No, With Mitigation
- Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)



Person Preparing Application

At

Douglas
County

Date:

9/20/19

Applicant Written Comments: (Attach additional sheets if necessary)

For additional information, please see submittal letter.

Print Form

FOR OFFICE USE ONLY

Date Received: 9/25/19 By: [Signature]

Determination:

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes No

[Signature]
Signature of Evaluator

Date: 1/31/2020

Senior Planner
Title of Evaluator

Attachment B

Neighbors' Supplemental Statement of Appeal, dated June 11, 2020



GREG GATTO
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greg@sierralanduselaw.com
www.sierralanduselaw.com

June 11, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Response re Legal Effect of Judgment and Decree - Appeal File Number
ADMIN2020-0002**

Dear Honorable Members of the Board and Mr. Marshall:

Pursuant to the direction of the TRPA Governing Board at the May 27, 2020 hearing, Appellants Robert Goldberg and Reuben Richards respectfully submit the following response regarding the legal effect of the Judgment and Decree affecting the Gonowabie properties. In sum, as explained below, TRPA's approval of a lot line adjustment would be an improper collateral attack on a judgment that was rendered to protect against the very type of indiscriminate and unrestricted development being proposed by the Applicant.

As referenced in prior briefing on this matter, the properties located at 460, 470, and 480 Gonowabie (collectively the "Properties"), are subject to a Judgment and Decree recorded with the Washoe County Recorder in Book 15 of Decree Records at Page 411 (the "Judgment"). A true and correct copy of the Judgment is attached hereto as **Exhibit 1**. The Judgment was the result of an action brought to enforce certain building restrictions affecting the Properties. Notably, the Judgment prohibits any dwelling or other buildings within fifteen feet from the side lines of each lot and parcel contained within the properties described in the Judgment.

In Nevada, a judgment is presumed valid if it is regular on its face, meaning it is issued by a court with jurisdiction and is legal in form. *Moore v. Cherry*, 90 Nev. 390, 396 (Nev. 1974). The Judgment at issue is entitled to this presumption, and unless or until it is set aside by a court of competent jurisdiction, its terms cannot be abrogated by TRPA.

There is a firm and longstanding principle that final judgments are meant to be just that -- final. *Clark v. Lender Processing Servs., Inc.*, 949 F. Supp. 2d 763, 772 (N.D. Ohio 2013). Subject to only rare exceptions, direct attacks, i.e., appeals, are the primary way that a civil judgment is challenged. *Ibid.* A contrary rule "would foster endless litigation, and any judgment would be forever and interminably subject to attack." *Markoff v. New York Life Ins. Co.*, 92 Nev. 268, 271 (Nev. 1976). Thus, collateral attacks on a judgment are improper. *Ibid.*; see also *State v. Sustacha*, 108 Nev. 223, 226 n.3 (1992); *People v. \$6,500 U.S. Currency*, 215 Cal.App.3d 1542,



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1548 (1989) (“[i]f a judgment, no matter how erroneous, is within the jurisdiction of the court, it can only be reviewed and corrected by one of the established methods of direct attack.”).

A collateral attack on a judgment has been defined as an attempt to avoid the effect of a judgment in some incidental proceeding not provided by law for the express purpose of attacking it. 49 C.J.S., Judgments § 408 (1947). A party need not expressly seek to overturn a final judgment in order to constitute a collateral attack. *Clark*, 949 F. Supp.2d at 772. A collateral attack includes any proceeding brought in an attempt to defeat the operation of a judgment, where some new right derived from or through the judgment is involved. *Ibid.*; *Popp Telcom v. Am. Sharecom, Inc.*, 210 F.3d 928, 941 (8th Cir. 2000) (“[a]n action with an independent purpose and contemplative of another form of relief that depends on the overruling of a prior judgment is a collateral attack.”).

Here, the Judgment affecting the Properties was entered in order to maintain “a common building plan and scheme for the development and improvement of Crystal Bay Park.” Part of the general plan and scheme of development protected by the Judgment prohibits any dwelling or other building within fifteen feet of the side line of “each parcel and lot” within the properties described in the Judgment. An attempt to relocate the side lines of the lots, as they existed at the time Judgment was entered, with a concomitant relocation of the fifteen-foot side setbacks, would thwart the common building plan and scheme the Judgment was rendered to enforce. Accordingly, a lot line adjustment would result in a collateral attack on the Judgment, allowing the Applicants to relocate building restricted areas without filing a direct attack on the Judgment.

TRPA lacks the authority to issue an approval contrary to the Judgment, or one which interferes with the common building plan and scheme set forth therein. Yet, that is precisely what the lot line adjustment attempts to do, by indirectly altering the restrictions contained in the Judgment without following the necessary procedures to do so. Because the lot line adjustment would purport to allow for the relocation of the fifteen-foot side setbacks, and allow the Applicant to avoid the effect of the Judgment, an approval of the lot line adjustment would be an improper collateral attack on the Judgment.

Instructive is the case of *Feduniak v. California Coastal Com.*, 148 Cal.App.4th 1346 (2007). In *Feduniak*, the plaintiff purchased property that had been landscaped to include a three-hole golf course in violation of an open space easement and development restrictions that had been imposed by the Coastal Commission years before. *Id.* at 1352-1354. The plaintiff’s predecessor in interest had applied to the County for a permit to build a caretaker’s house on the property, and in the application, represented that there were no easements on the property, despite the recorded open space easement. The County planning department approved the application, finding that no violations existed on the property, unaware of the fact that the golf course had



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been constructed in violation of the open space easement. The Coastal Commission subsequently learned of the open space easement violation and issued cease and desist and restoration orders. The plaintiffs, in turn, sought a writ of mandate claiming that the Commission's orders were invalid, based on, among other things, the County's erroneous findings that no violations existed on the property. While the writ of mandate filed by the plaintiffs did not directly challenge the recorded open space restrictions, the challenge to the cease and desist orders would have allowed the plaintiffs to avoid the effect of the restrictions.

The Court of Appeal recognized the finality of the permit conditions requiring the development restrictions (akin to a judgment), which had not been timely challenged by the plaintiff's predecessor. The Court held that "once the period to challenge the restrictions had expired and they were recorded, they became immune from collateral attack by the original property owner and successor owners." *Id.* at p. 1379.

Similarly, here, the Applicant's predecessors failed to timely challenge the restrictions the Judgment imposed on the Properties. Applicant cannot now, in a separate forum, and after the Judgment has been in place and relied upon for over seventy-three years, seek to alter or set aside the side set back restrictions by relocating them to a place more convenient to the Applicant. The no build zones were described with reference to the parcels and lots as they existed at the time Judgment was entered. Purporting to relocate the established no build zones via a lot line adjustment relocating side lines results in an improper collateral attack on the Judgment, and should not be permitted.

If the Applicant believes the Judgment was entered in error, or its enforcement would no longer be equitable, the Applicant is not without relief. Nevada has statutory procedures providing Applicant with an avenue to directly challenge the Judgment. Applicant's attempted end run around the proper procedures to challenge the Judgment in a court of competent jurisdiction should not and cannot be condoned by TRPA.

Respectfully,

Greg Gatto

Cc: Lewis S. Feldman, Feldman Thiel LLP

Exhibit

EXHIBIT 1

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

Book: 15
Decree Records
Page: 411

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS
Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LEONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

Plaintiffs :

vs. :

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :

Defendants. :

F I L E D

May 14 11 24 AM '47

E. H. BEEMER, CLERK

BY B Buchanan
DEPUTY

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LESLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL I.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South 23° 11' W. 351.98 feet and South 13° 56' East 561 feet and South 19° 06' W. 2112.00 feet and South 5° 06' W. 435.57 feet and South 89° 05' 50" W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South 23° 00' W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. 14° 19' W. 271.55 feet and S. 75° 41' E. 40 feet and S. 14° 19' W. 1235.11 feet and S. 89° 05' 50" W. 246.05 feet; thence west 147.34 feet; thence N. 13° 49' E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. 14° 19' W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16N., R. 18 E., Washoe County, Nevada, bears S. 19° 06' W. 1997.87 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' W. 601.37 feet; thence West 29.13 feet; thence N. 29° 51' W. 31.62 feet; thence N. 17° 00' W. 28.38 feet; thence East to the said Meander Line; thence S. 19° 06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.27 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19° 06' West, 1932 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47° 59' East, 59.05 feet; thence North 29° 51' West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.27 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Washoe County, Nevada, bears S. $19^{\circ} 06'$ 2057.87 feet and S. $5^{\circ} 06'$ 435.57 feet and S. $89^{\circ} 05' 50''$ W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North 17° W. 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly $19^{\circ} 06'$ W. 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 86.67 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and south $1^{\circ} 54'$ West 288.60 feet and South $10^{\circ} 17'$ East 88.32 feet and South $19^{\circ} 33'$ East 231.62 feet and South $0^{\circ} 07'$ East 75.67 feet and South $13^{\circ} 47'$ West 625.25 feet and South $26^{\circ} 01'$ West 101.31 feet and South $20^{\circ} 29'$ West 335.60 feet and South $0^{\circ} 34' 05''$ East 68.53 feet and South $18^{\circ} 35'$ West 629.67 feet and North $89^{\circ} 18' 50''$ East 176.13 feet; thence North $5^{\circ} 47'$ East 40.00 feet; thence East 159.41 feet; thence South $20^{\circ} 39'$ West 61.06 feet; thence North $79^{\circ} 18'$ West 80.24 feet; thence North $87^{\circ} 47'$ West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and South $1^{\circ} 54'$ West 288.60 feet

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 238.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.52 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 23° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 85.78 feet through a central

angle of $9^{\circ} 05'$ same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South $23^{\circ} 00'$ West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South $23^{\circ} 00'$ West 551.98 feet and South $13^{\circ} 66'$ East, 561.00 feet and South $19^{\circ} 06'$ West, 2112.00 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North $23^{\circ} 00'$ East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $19^{\circ} 06'$ West 1444.97 feet, and South $5^{\circ} 06'$ West 435.57 feet, and South $89^{\circ} 05' 50''$ West 601.37 feet; thence West 25.85 feet; thence North $16^{\circ} 00'$ West 147.41 feet; thence North $9^{\circ} 00'$ East 151.05 feet; thence North $42^{\circ} 00'$ East 147.46 feet; thence North $47^{\circ} 59'$ East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South $19^{\circ} 06'$ West 437.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the adoption of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Washoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Washoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERMAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

A. J. Maestretti

JUDGMENT RECORD

DISTRICT JUDGE

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray Wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 163196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70



HR: CG
ED: EB
ES: _____

COUNTY RECORDER

IN RE ESTATE OF MARVIN P. HARGES Also Known as MARVIN PORTER HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oOo-

IN THE MATTER OF THE ESTATE) NO. 109887. DEPT. NO. 1.
OF) FILED
MARVIN P. HARGES, also known as) Jun 23 10 19 AM '47
MARVIN PORTER HARGES,) E. H. BEEMER, CLERK
Deceased.) BY M. Dowd
) DEPUTY

-oOo-

ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of Four Hundred (400) Dollars.

Attachment C

Permittee's Supplemental Response, dated June 11, 2020

FELDMAN THIEL LLP

California and Nevada Lawyers

PO Box 1309
178 U.S. Hwy 50, Suite B
Zephyr Cove, NV 89448

Tel: 775.580.7431
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Lewis S. Feldman
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Of Counsel
Catherine L. DiCamillo

June 11, 2020

John Marshall, General Counsel
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Via Electronic Mail – jmarshall@trpa.org

Re: Appeal File No. ADMIN2020-002
Boundary Line Adjustment File No. LLAD2019-0821
460, 470 and 480 Gonowabie Road, APNs 123-131-04, 05 and 06

Dear John:

On behalf of Gonowabie Properties, LLC (“GP”), owner of the above-referenced properties (“Properties”), and appellee/permittee in the above-listed files, we offer the following analysis of the 1947 Judgment’s purported imposition of 15-foot side yard setbacks on properties located in the Crystal Bay Park Subdivision.

The Judgment entered May 14, 1947 in the Matter of *J.H. Frantz & WF., et al. v. Ray Wherrit & WF., et al.* (“1947 Judgment”) (copy enclosed) concerning the parties’ properties in the Crystal Bay Park Subdivision (“Crystal Bay”) was clearly issued in error as to the 15-foot side yard setback and is otherwise void.

- 1. A substantial number of properties in the Crystal Bay Park Subdivision (“Crystal Bay”) would be undevelopable if the 1947 Judgment’s purported 15-foot side yard setback was enforced.**

Approximately 50 percent of the parcels in Crystal Bay (per the original Crystal Bay Subdivision Map, copy enclosed) range from 40 to 60 feet in width (“narrow parcels”), many of which contain just 7,000+/- square feet of land. Of these narrow parcels, the most common width is 52 feet. With 15-foot side yard setbacks, the developable width of the narrow parcels would range from 10 to 30 feet with the most common development width of 22 feet. This would allow for houses no bigger than a single-wide (15-feet to 18-feet wide) or a double-wide (26-feet wide) mobile home. Imposing side yard setbacks that would render 100 or so Crystal Bay properties unbuildable, including those of some of the prevailing plaintiffs in the suit, was unquestionably a mistake.

Appellants’ claim that the 15-foot side yard setback imposed in the 1947 Judgment was intended to create no-build zones for the protection of views is illogical. The developer of the subdivision imposed only a modest side yard setback of three (3) feet for the entirety of Crystal Bay as evidence by the various deeds. By the date of the 1947 Judgment, the subdivision was nearly two (2) decades old and many properties had been developed. Thus, to suggest the overall scheme for the

subdivision was to create 15-foot view corridors nearly 20 years after the developer itself imposed only 3-foot side setbacks is absurd.

2. The 1947 Judgment’s imposition of a 15-foot side yard setback was the result of a clerical error.

The obvious purpose of the 1947 Judgment was to reaffirm and restate covenants and restrictions that already burdened and benefitted Crystal Bay properties – specifically, a pre-existing restriction that the properties are to be used for private residential purposes only. The intent was *not* to impose sua sponte new restrictions. To be sure, the 1947 Judgment recited nine (9) restrictions contained in various deeds to Crystal Bay properties that were granted both prior to the lawsuit and after the 1947 Judgment. The restrictions are reprinted in the Judgment in their entirety and verbatim from the grant deeds but for a few grammatical differences (e.g., “cess pool” is two words in the deeds but one word in the Judgment), except that an entire phrase was omitted in the restriction pertaining to setbacks. This was clearly in error.

Restriction No. 7 in the various deeds granted prior to the 1947 Judgment prescribes a 15-foot front yard setback and 3-foot side yard setback: “Any dwelling or other building upon said property shall be at least fifteen (15) feet from *the front property line and at least three (3) feet from each side line.*” (Emphasis added.) Whereas, Restriction No. 7 in the 1947 Judgment reads: “Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.”

Restriction No. 7 in the 1947 Judgment reflects a clerical error. If the bold italicized language in Restriction No. 7 reprinted above from the deeds (*the front property line and at least three (3) feet*) is inserted into the Judgment’s Restriction No. 7 immediately before “each side line”, the restrictions are identical. The error is confirmed by the fact that deeds conveying Crystal Bay properties *after* the 1947 Judgment was entered maintained the *15-foot front* yard setback and the *3-foot side* yard setback prescribed in pre-1947 Judgment deeds.¹ The post-1947 Judgment deeds did not adopt the 15-foot side yard setback mistakenly set forth in the Judgment.

The crux of the suit in which the 1947 Judgment was entered further confirms the setback error. At issue in the case was the restriction that properties could be used only for private residential purposes. Restriction No. 3 in deeds to Crystal Bay properties provided that “[a]ll said property is restricted to be used for private residential purposes only.” Defendants contested this restriction, and the Court ordered that defendants “are permanently enjoined and restrained from the erection of any structure or the use of any said parcels of land for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above....” Restriction No. 3 set forth in the 1947 Judgment is identical to Restriction No. 3 contained in the grant deeds. Since the setbacks prescribed in the deeds were not at issue in the suit, there was no reason for the Court to alter the setbacks. Again, the imposition of a 15-foot side yard setback was the result of a clerical error.

¹ See deed to GP’s properties made September 15, 1954 (copy enclosed.)

3. Pursuant to its police powers, Washoe County adopted setbacks for Crystal Bay Properties that supersede the setback restrictions contained in the various grant deeds and 1947 Judgment, to the extent the latter is even valid.

In the landmark 1926 case *Village of Euclid v. Ambler Realty Company* (272 U.S. 365), the Supreme Court recognized that regulation of land use was with the states pursuant to their police powers. Specifically, the Court held that the states have wide powers to regulate land use where the objective is the protection of the general welfare. (*Id.* at 387.) States have historically delegated this power to local governments as land use has long been considered to be a local activity, and the local community was believed to be better able to understand and evaluate whether a particular use would be harmful to the general welfare. (*Id.* at 388.)

This concept is best referenced in California where nearly every reference guide on Municipal Law begins with the premise that a city has the police power to protect the public health, safety and welfare of its residents. (*See Berman v. Parker*, 348 U.S. 26, 32-33.) In California, this right is set forth in the State Constitution which states that “[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. at XI, section 7. The authority to protect the health, safety and welfare is important as it relates to land use because it confers broad rights to adopt regulations that implement local land use vision and values, so long as laws enacted by a city are not in conflict with general state laws. Land use and zoning regulations are also derivative of the general police powers granted to cities. (*See DeVita v. County of Napa*, 9 Cal. 4th 763, 782 (2006).) This power permits cities to establish land use and zoning laws which govern the development and use of the community and, as the United States Supreme Court announced in *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974), “the police power is not confined to elimination of filth, stench and unhealthy places. It is ample to lay out zones where family values, youth values and the blessings of quiet seclusion and clean air make the area a sanctuary for people.” (*Id.* at 9.)

The Nevada Supreme Court has stated that, “[a] presumption of validity attaches to local zoning enactments and amendments.” (*Cty. of Clark V. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998); *see, also, McKenzie v. Shelly*, 77 Nev. 237, 240, 362 P.2d 268, 269 (1961).)² The Washoe County Board of Supervisors adopted the current valid Washoe County Development Code (“Code”) subsequent to the historic deeds and 1947 Judgment. The Code prescribes a 20-foot front yard setback and an 8-foot side yard setback for GP’s properties located at 460, 470 and 480 Gonowabie Road. (Section 110.406.05, Table 110.406.05.1.) Without question, the deeds’ and the 1947 Judgment’s race restriction³ has been superseded by legislation and is unenforceable. The fate of the setback restrictions in the deeds and 1947 Judgment is no different. The

² The Court’s ruling is codified in NRS 278.020(1): For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

³ The various Crystal Bay deeds and unpublished 1947 Judgment imposes a restriction that “no part of said premise ever at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian race.” (See Restriction No. 2.)

subsequently enacted County setbacks supersede those contained in the property deeds and 1947 Judgment.

4. Decades of systematic unenforcement of the various restrictions contained in both the property deeds and 1947 Judgment render the restrictions moot.

Times were different when Crystal Bay Corporation, the developer of Crystal Bay, established restrictions for the subdivision in grant deeds to the properties in the 1930s through the 1950s, evidenced most powerfully by the race restriction. In addition, no residence could exceed \$1,500 in construction costs (Restriction No. 4), and properties were required to be connected to septic tanks or cesspools (Restriction No. 6). None of these restrictions have been enforced for decades, if ever at all. Million-dollar homes have been approved by Washoe County and TRPA throughout the Crystal Bay subdivision that adhere neither to the deeds' 3-foot side and 15-foot front yard setbacks nor to the 1947 Judgment's purported 15-foot side yard setback.⁴ Specifically, Washoe County has granted such variances for Appellants' properties located at 458 and 459 Gonowabie Road.⁵ Legislation passed in or around 1969 prohibits septic systems in, and requires all wastewater to be exported out of, the Tahoe Basin, thereby rendering Restriction No. 6 moot.

The numerous restrictions in the deeds and the 1947 Judgment have been wholly ignored by the responsible agencies, Washoe County and TRPA, and property owners in Crystal Bay for decades. Importantly, the 15-foot and 3-foot setbacks have not appeared in deeds to GP's properties for approximately 65 years, including the deed whereby GP acquired title to the Properties in 2018.

To enforce the setback restrictions contained in the deeds or the 1947 Judgment against GP when they have not been enforced against any other property in the subdivision for 60-plus years would unequivocally constitute an abuse of discretion and discriminate against an applicant entitled to its constitutional right to equal protection in the exercise of its private property rights.

FELDMAN THIEL LLP

By:

Lewis S. Feldman

LSF/js

Enclosures

cc: Gonowabie Properties, LLC
Greg Gatto, Esq.

⁴ See TRPA-approved site plans for two (2) properties located on Gonowabie Road.

⁵ The Goldberg property located at 459 Gonowabie Road enjoys a zero-foot (0') front yard setback and a one-foot (1') side setback. (Variance Case No. V4-15-95.) The Richards property located 458 Gonowabie Road enjoys a seven-foot (7') front yard setback, a two-foot (2') southern side setback and a three-foot (3') northern side setback (Variance Case No. VA0010-029.)

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS
Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LEONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

F I L E D

May 14 11 24 AM '47

E. H. BEEMER, CLERK

Plaintiffs

vs.

BY B Buchanan
DEPUTY

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :

Defendants.

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LESLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL I.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South 23° 11' W. 351.98 feet and South 13° 56' East 561 feet and South 19° 06' W. 2112.00 feet and South 5° 06' W. 435.57 feet and South 89° 05' 50" W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South 23° 00' W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. 14° 19' W. 271.55 feet and S. 75° 41' E. 40 feet and S. 14° 19' W. 1235.11 feet and S. 89° 05' 50" W. 246.05 feet; thence west 147.34 feet; thence N. 13° 49' E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. 14° 19' W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16N., R. 18 E., Washoe County, Nevada, bears S. 19° 06' W. 1997.87 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' W. 601.37 feet; thence West 29.13 feet; thence N. 29° 51' W. 31.62 feet; thence N. 17° 00' W. 28.38 feet; thence East to the said Meander Line; thence S. 19° 06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19° 06' West, 1932 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47° 59' East, 59.05 feet; thence North 29° 51' West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Washoe County, Nevada, bears S. 19° 06' 2057.87 feet and S. 5° 06' 435.57 feet and S. 89° 05' 50" W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North 17° W. 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly 19° 06' W. 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 86.67 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and south 1° 54' West 288.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40.00 feet; thence East 159.41 feet; thence South 20° 39' West 61.06 feet; thence North 79° 18' West 80.24 feet; thence North 87° 47' West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1°

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 288.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 625.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.32 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 23° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 85.78 feet through a central

angle of 9° 05' same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South 23° 00' West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 23° 00' West 551.98 feet and South 13° 66' East, 561.00 feet and South 19° 06' West, 2112.00 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North 23° 00' East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 19° 06' West 1444.97 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence West 25.85 feet; thence North 16° 00' West 147.41 feet; thence North 9° 00' East 151.05 feet; thence North 42° 00' East 147.46 feet; thence North 47° 59' East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South 19° 06' West 487.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the adoption of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Washoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Washoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.

8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERNAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

JUDGMENT RECORD

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

A. J. Maestretti

DISTRICT JUDGE

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray Wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 153196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70

HR: GG
HD: EB
ES: [unclear]

COUNTY RECORDER

IN RE ESTATE

OF

MARVIN P. HARGES Also
Known as MARVIN PORTER
HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oOo-

IN THE MATTER OF THE ESTATE)	NO. 109887.	DEPT. NO. 1.
OF)		
MARVIN P. HARGES, also known as)	FILED	
MARVIN PORTER HARGES,)	Jun 23 10 19 AM '47	
Deceased.)	E. H. BEEMER, CLERK	
)	BY M. Dowd	
)	DEPUTY	

-oOo-

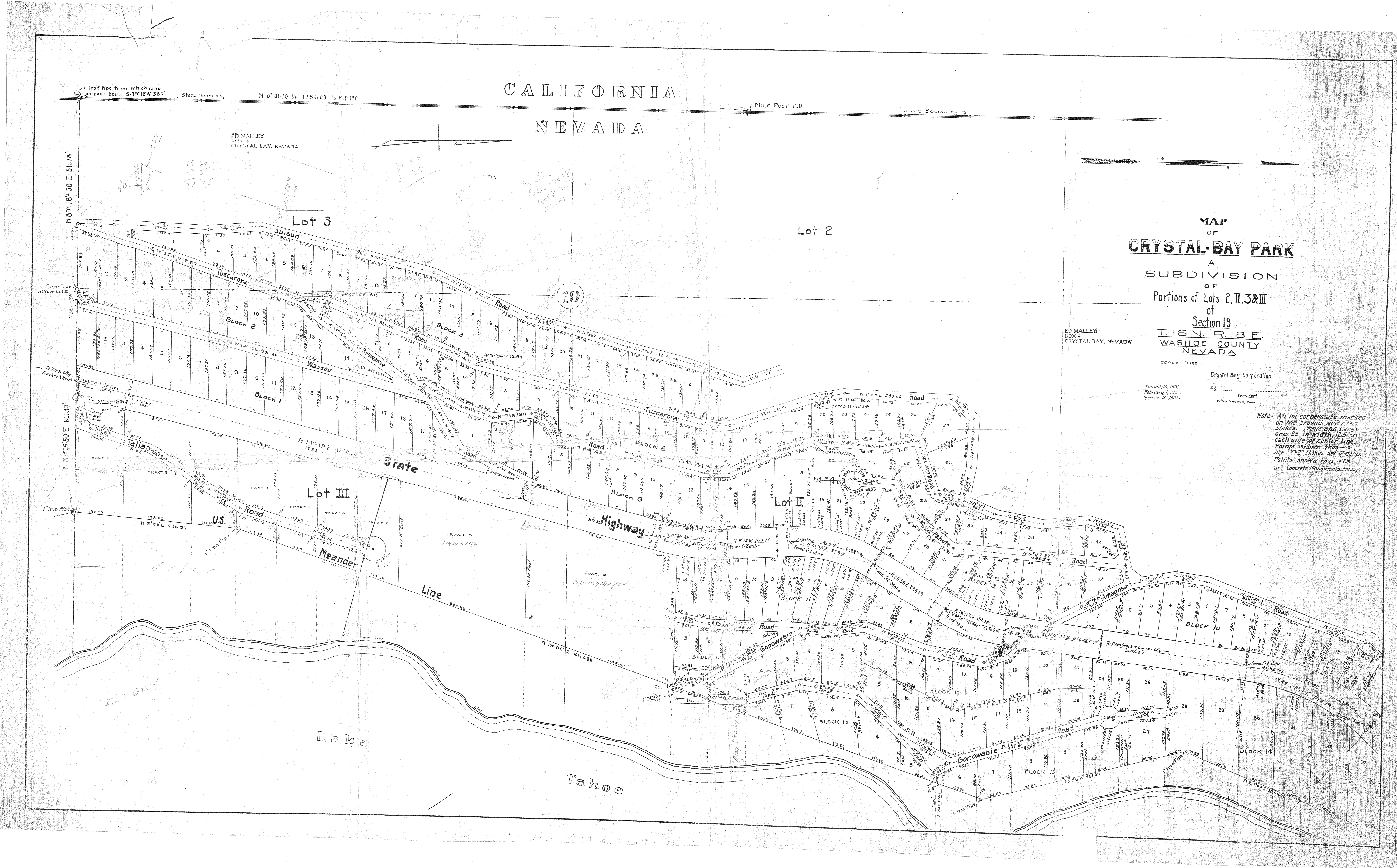
ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of Four Hundred (400) Dollars.

That there are no debts of any kind against this amount.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the said Summary Settlement and Final Account of the Executrix be, and the same hereby is finally settled, allowed and approved.



CALIFORNIA
NEVADA

MAP
OF
CRYSTAL BAY PARK
A
SUBDIVISION
OF
Portions of Lots 2, II, 3 & III
of
Section 19
T16N, R18E
WASHOE COUNTY
NEVADA

ED MALLEY
BOX 4
CRYSTAL BAY, NEVADA

Crystal Bay Corporation
President
WILL HARTMAN, Esq.

August 15, 1931
February 1, 1932
March 15, 1933

Note - All lot corners are marked on the ground with 5/8" steel stakes. Trails and lanes are 25' in width, 12.5' on each side of center line. Points shown thus - o - are 2" x 2" stakes set 4" deep. Points shown thus - x - are concrete monuments found.

CALIFORNIA
NEVADA

MILE Post 130

SCALE: 1" = 100'

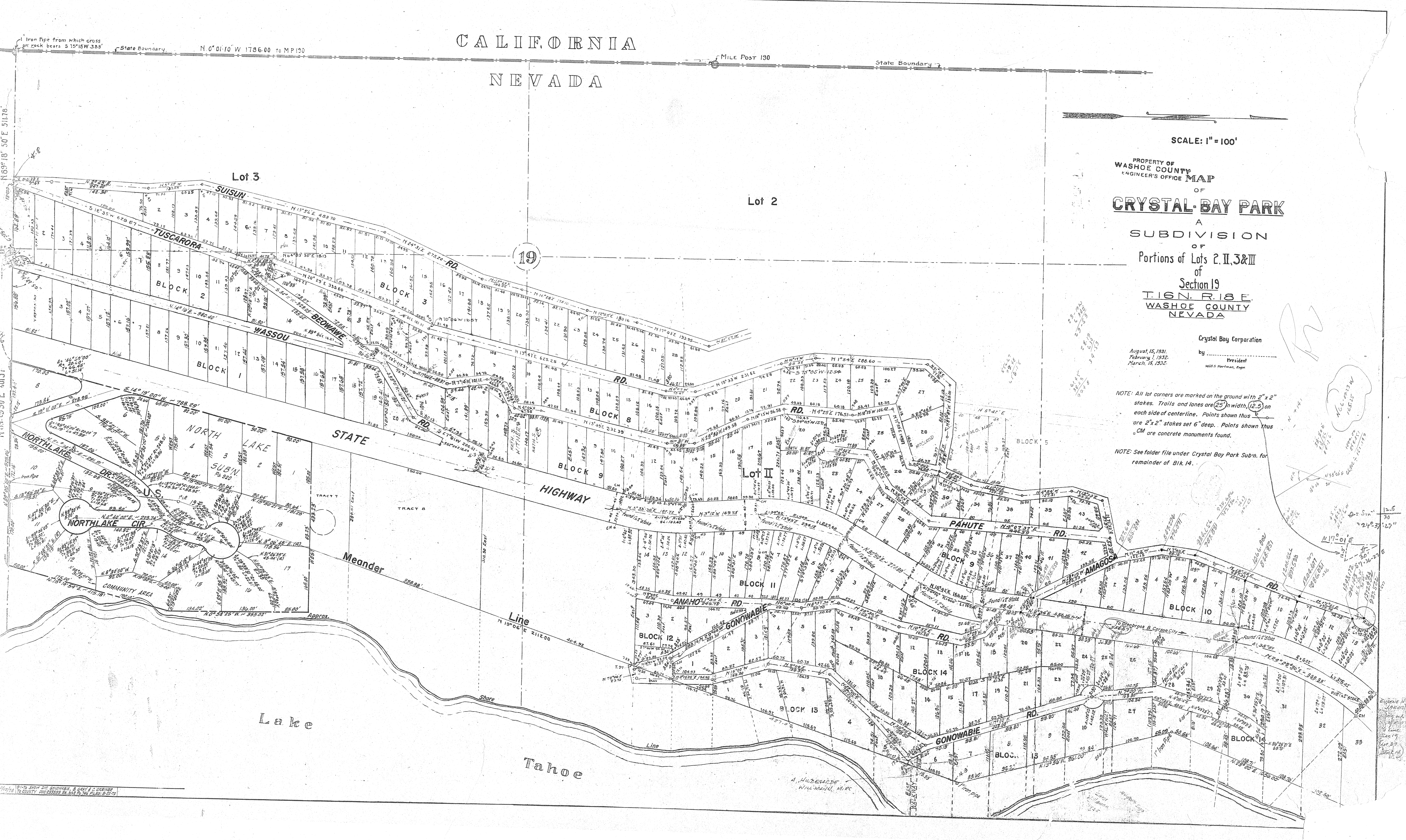
PROPERTY OF
WASHOE COUNTY
ENGINEER'S OFFICE
MAP
OF
CRYSTAL BAY PARK
A
SUBDIVISION
OF
Portions of Lots 2, II, 3 & III
of
Section 19
T16N, R18E
WASHOE COUNTY
NEVADA

Crystal Bay Corporation

August 16, 1931
February 1, 1932
March 15, 1933

NOTE: All lot corners are marked on the ground with 2" x 2" stakes. Trails and lanes are (25') in width, (2.5') on each side of centerline. Points shown thus are 2" x 2" stakes set 6" deep. Points shown thus are concrete monuments found.

NOTE: See folder file under Crystal Bay Park Subn. for remainder of Blk. 14.



388

D E E D

241612

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THIS INDENTURE, made the 15th day of September, 1954,
between CRYSTAL BAY CORPORATION, a Nevada corporation, the party
of the first part, and ED MALLEY, a single man, the party of
the second part,

W I T N E S S E T H :



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That the said party of the first part, in consideration
of the sum of Ten Dollars (\$10.00) lawful money of the United
States of America to it in hand paid by the said party of the
second part, the receipt whereof is hereby acknowledged, does by
these presents grant, bargain and sell unto the said party of the
second part, and to his heirs and assigns forever, all those
certain lots, pieces or parcels of land situate in the County of
Washoe, State of Nevada, and bounded and described as follows,
to-wit:

All of Lots 1, I, 2, II, 3 and III in
Section 19, Township 16 North, Range 18
East, M.D.B. & M., EXCEPT such portions
as have been heretofore conveyed.

Said lands are generally referred to as
"Crystal Bay Park Subdivision," according
to an unofficial map, and "Crystal Bay Park
Unit No. 2 comprising Lots 1 to 10 inclusive,
of Block 6, and being a portion of Lot I of
Section 19, T. 16 N., R. 18 E., M.D.B. & M.,
Washoe County, Nevada", according to the
map thereof, filed in the office of the
County Recorder of Washoe County, State of
Nevada, on August 20, 1948, together with
unlotted portions. Also including here-
with all roads, trails, walkways now standing
of record in the name of the grantor herein.

SUBJECT TO existing highways, telephone,
telegraph and transmission lines and ease-
ments granted to the Crown-Willamette Paper
Company, or rights of way of record.

SUBJECT, however, to the following reservations and restrictions:

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1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature, or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and together with all water rights, facilities and systems owned by first party.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

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

CRYSTAL BAY CORPORATION,



By [Signature] President
By [Signature] Secretary

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STATE OF NEVADA }
COUNTY OF WASHOE } ss.

On this 12th day of September, 1954, personally appeared before me, Jeanette J. Green, a Notary Public in and for said County of Washoe, JOHN V. MUELLER, known to me to be the President of Crystal Bay Corporation, the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by said officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

Jeanette J. Green
Notary Public in and for the
County of Washoe, State of Nevada.

My Commission Expires: 4/28/58

DOCUMENT No. 241612
Filed for record at the request of Ed Malley
APR 5 - 1955 at 30 Minutes past 1 o'clock P.M.
Recorded in Book 376 of DEEDS
Page 388. Records of Washoe County, Nevada.
Fee: \$ 3.05
By M. E. McLeod Deputy
DELLE B. BOYD, County Recorder

I.V.G.I.D. FIXTURE COUNT:

FIXTURE	WATER VALUE	SEWER VALUE	FIXTURE COUNT	FINAL WATER	FINAL SEWER
KITCHEN SINK	1.5	2	1	1.5	2
BAR SINK	1	1	4	4	4
DISHWASHER	1.5	2	3	4.5	6
TUB/SHWR/WHRPL	4	3	2	8	6
WATER CLOSET	2.5	3	4	10	12
BIDET	1	1	1	1	1
LAV. SINK	1	1	6	6	6
SHOWER HEAD	2	2	4	4	4
WASHER	4	3	2	8	6
HOSE BIB	2.5	1	1	2.5	1
FA. ADTL. H.B.	1	1	3	3	3
				52.5	47

I.V.G.I.D. NOTES:
 LOT = 10,127 S.F.
 COVERED AREA = 2,401 S.F.
 UNCOVERED AREA = 7,726 S.F.
 TURF AREA FACTOR = .3333
 ALLOWED TURF AREA = 2,550 S.F. MAX.

ALL PLANTS AND TREES TO BE INSTALLED ARE TO BE NATIVE AND/OR RECOMMENDATIONS FROM THE HOME LANDSCAPING GUIDE FOR LAKE TAHOE AND VICINITY.
 IRRIGATION BACKFLOW TO HAVE UNIONS INSTALLED AND MEET IVGD DRAIN DOWN STANDARDS

TRPA NOTES

EXCAVATION EQUIPMENT SHALL BE LIMITED TO APPROVED CONSTRUCTION AREAS TO MINIMIZE SITE DISTURBANCE. NO GRADING OR EXCAVATION SHALL BE PERMITTED OUTSIDE OF THE APPROVED AREAS OF DISTURBANCE.

ALL WASTE RESULTING FROM THE SAW-CUTTING OF PAVEMENT SHALL BE REMOVED USING A VACUUM (OR OTHER TRPA APPROVED METHOD) DURING THE CUTTING PROCESS OR IMMEDIATELY THEREAFTER. DISCHARGE OF WASTE MATERIAL TO SURFACE DRAINAGE FEATURES IS PROHIBITED AND CONSTITUTES A VIOLATION OF THIS PERMIT.

EARTHWORK

CUT = 526.1 CU.YDS.
 FILL = 61.3 CU.YDS.
 EXPORT = 464.8 CU.YDS.

EXPORT MATERIAL TO BE IMMEDIATELY TRANSPORTED OUT OF THE BASIN OR TO AN APPROVED SITE. IN THE EVENT ANY EXPORT MATERIAL IS TO REMAIN ON SITE, IT IS TO BE STORED ON THE EXISTING DIRT PARKING OR NEW CUT PAD AREA AND TREATED WITH APPROPRIATE BMP'S.

NLTFPD NOTE:

- THIS PROPERTY HAS BEEN PRELIMINARY APPROVED FOR IR1 CONSTRUCTION
 - ADDRESS IDENTIFICATION NUMBERS MUST BE 6" IN HEIGHT MIN.
 - A SPRINKLER SYSTEM IS REQUIRED.

SQUARE FOOTAGE

(N) RESIDENCE = 5,073 SQ. FT.
 (N) GARAGE, WORK/ART SHOP = 758 SQ. FT.
 (N) DECK = 357 SQ. FT.

DEFERRED SUBMITTALS

THE NEW TRUSS CALCULATIONS AND DESIGN SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL PRIOR TO INSTALLATION.

THE NEW FIRE SPRINKLER CALCULATIONS AND DESIGN SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL PRIOR TO INSTALLATION.

OWNER

BRETT ROBINSON & MARY AYUSON
 PO BOX 5126
 INCLINE VILLAGE, NV 89450

CONTACT PERSON

ELISE FETT & ASSOCIATES
 P.O. BOX 5989
 INCLINE VILLAGE, NV 89450
 (775) 833-3388

PROPERTY

424 GONOWABIE RD.
 CRYSTAL BAY
 WASHOE COUNTY, NEVADA
 CRYSTAL BAY PARK UNOFF.
 LOT 2, BLOCK 13
 APN: 123-145-07

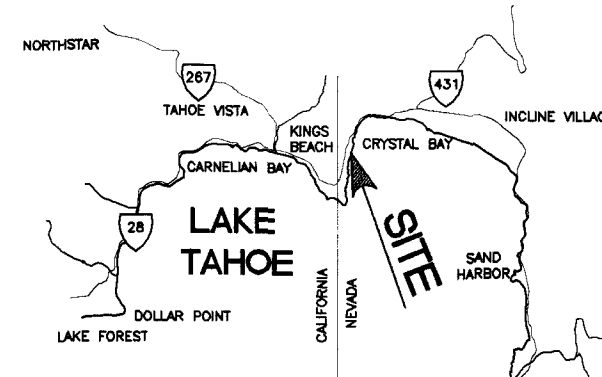
LAND AREA

10,127 SQ. FT.
 0.2325 acres

CODE ANALYSIS

CODE EDITION - I.R.C. 2012
 OCCUPANCY GROUP - R-3
 TYPE OF CONSTRUCTION - V

REVISIONS	BY

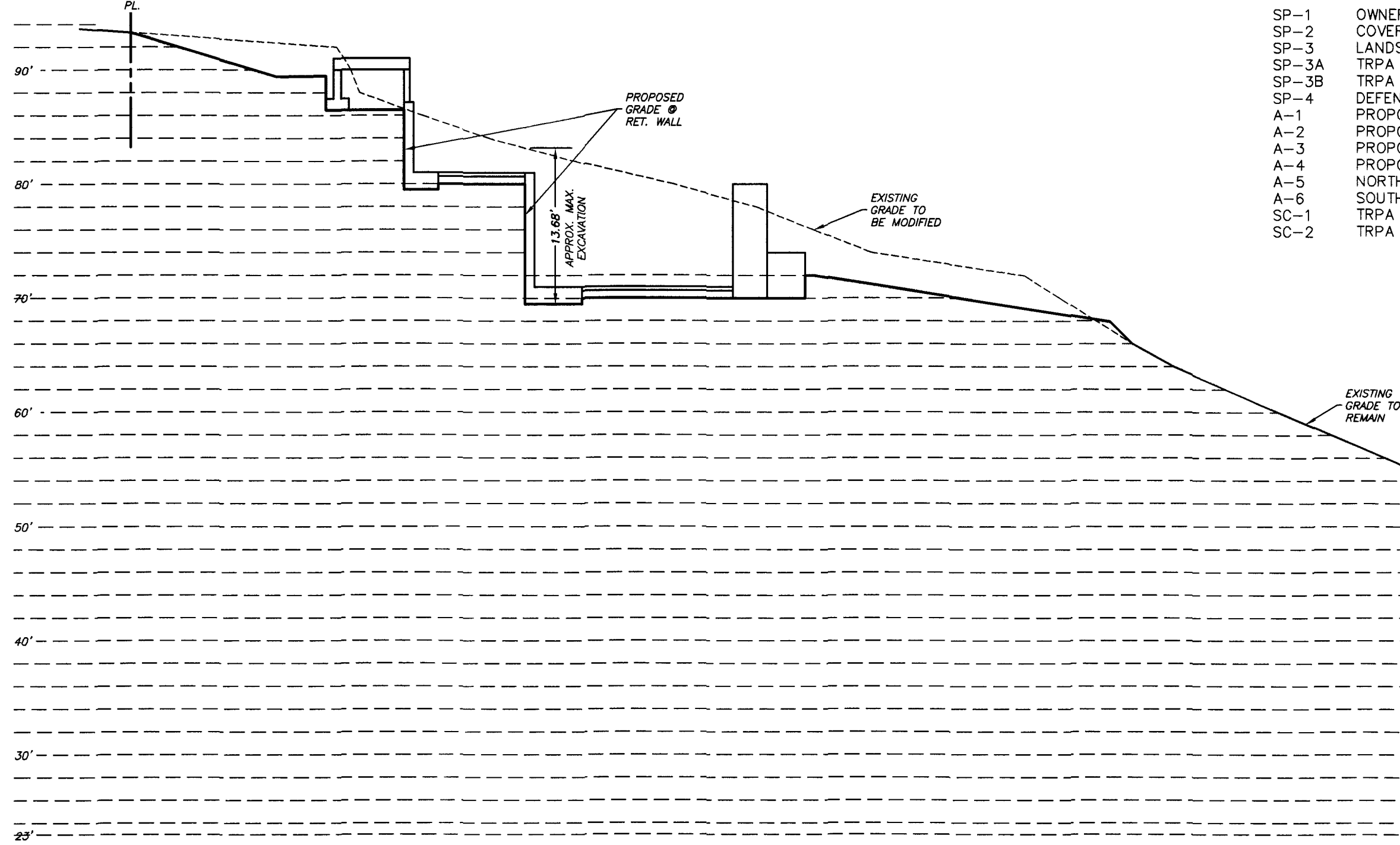


VICINITY MAP
 NOT TO SCALE DTA605

BASIS OF BEARING:
 THE SOUTHERLY BOUNDARY LINE OF THE SUBJECT PARCEL AS SHOWN ON RECORD OF SURVEY MAP 5120, FILE NO. 3703256, FILED FOR RECORD NOVEMBER 6, 2008, OFFICIAL RECORDS WASHOE COUNTY, NEVADA. (N. 89°03'33" W.)

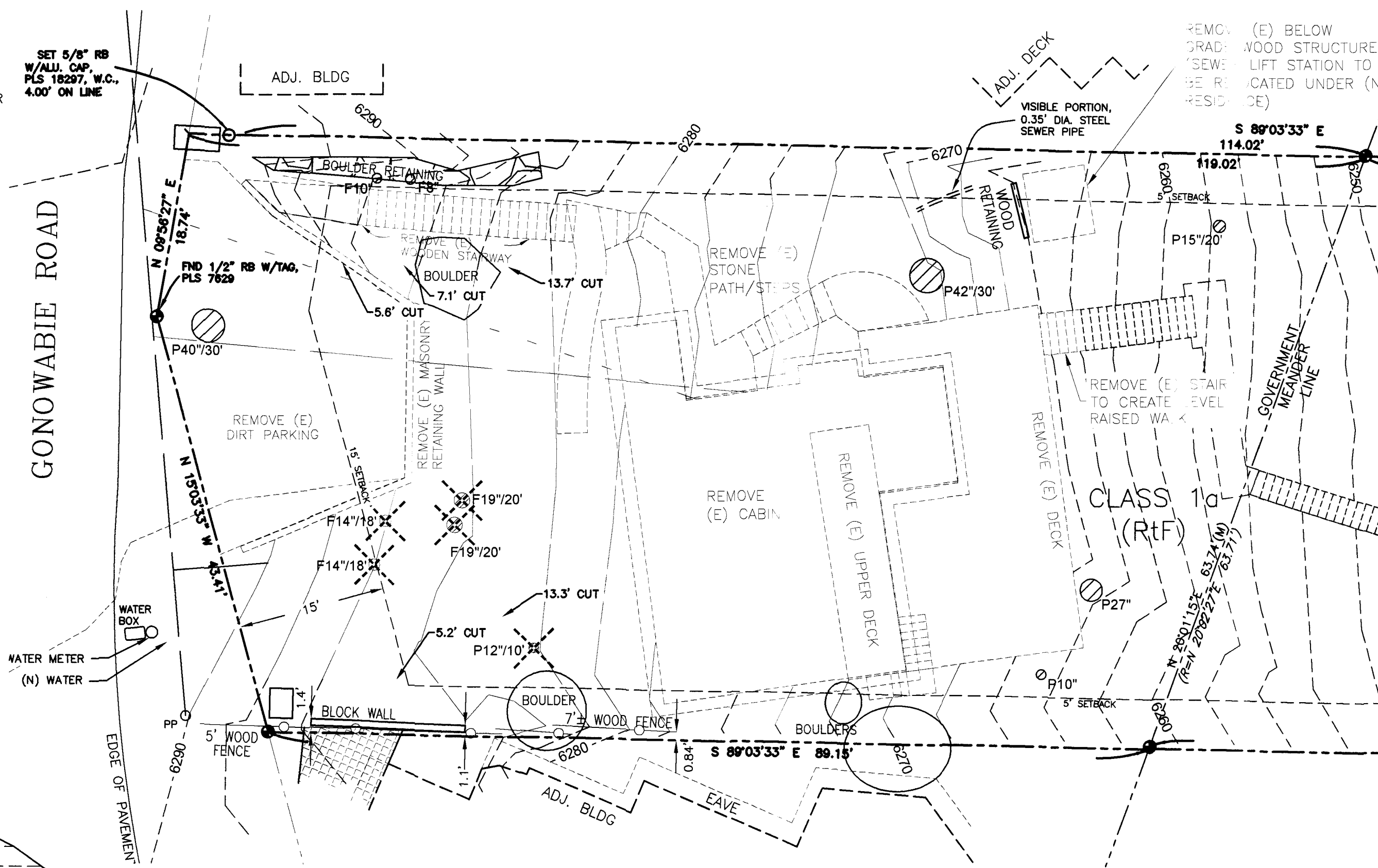
SHEET INDEX:

- SP-1 OWNER INFORMATION, PROPOSED SITE PLAN
- SP-2 COVERAGE PLAN & CALCULATIONS, ABBREVIATIONS
- SP-3 LANDSCAPE / TRPA BMP PLAN & DETAILS
- SP-3A TRPA BMP DETAILS
- SP-3B TRPA BMP DETAILS AND DEFENSIBLE SPACE DETAILS
- SP-4 DEFENSIBLE SPACE / FIRE ACCESS PLAN
- A-1 PROPOSED FIRST FLOOR PLAN
- A-2 PROPOSED SECOND FLOOR PLAN
- A-3 PROPOSED THIRD FLOOR PLAN
- A-4 PROPOSED FOURTH FLOOR PLAN, ROOF SLOPE PLAN, BUILDING SECTION
- A-5 NORTH & WEST ELEVATIONS
- A-6 SOUTH & EAST ELEVATIONS
- SC-1 TRPA SCENIC
- SC-2 TRPA SCENIC



APPROXIMATE PAD ELEVATIONS
 (SEE STRUCTURAL FOR SPECIFIC REQUIREMENTS):
 1st=270.0'
 2nd=280.0'
 3rd=286.5'

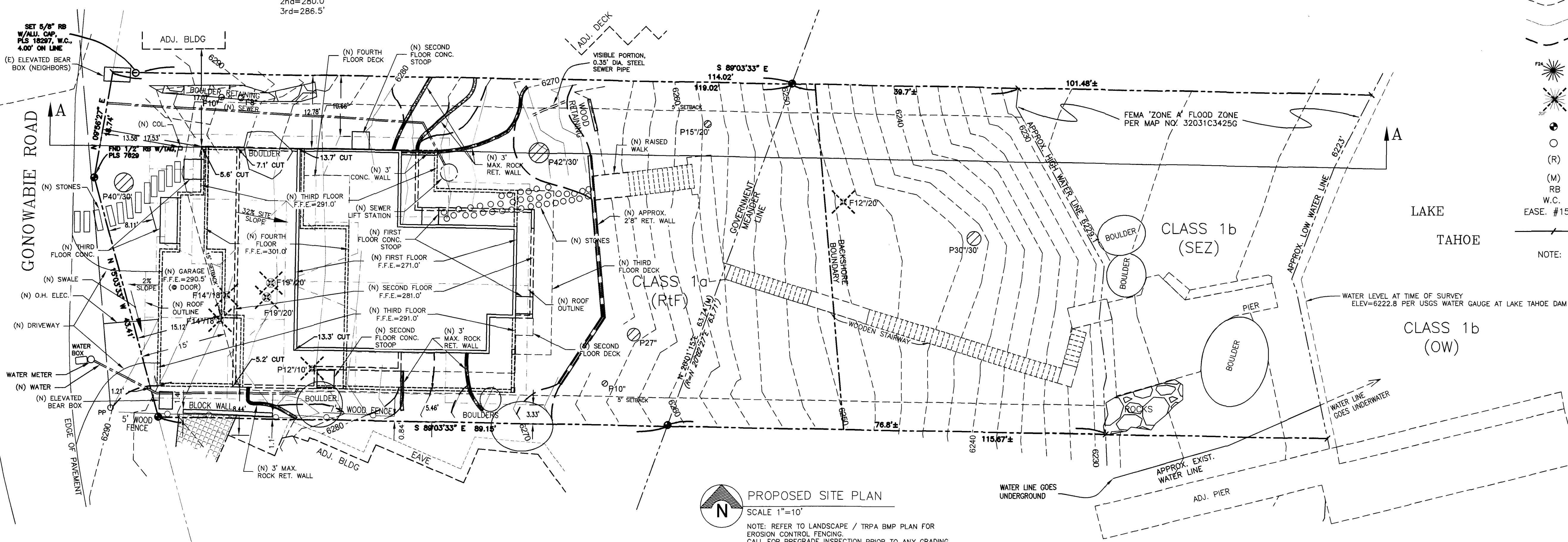
SITE SECTION A-A
 SCALE 1"=10'



EXISTING / DEMOLITION SITE PLAN
 SCALE 1"=10'

LEGEND

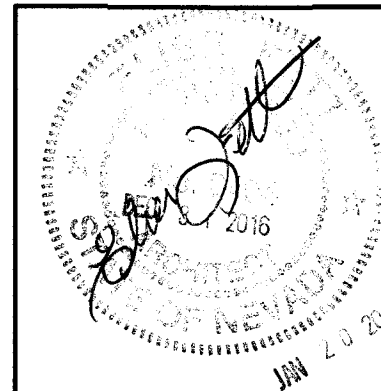
- - - EXISTING CONTOURS
- - - CONTOUR TO BE REMOVED
- - - PROPOSED CONTOURS
- ☀ TREE, SIZE, TYPE
- ☀ TREE TO BE REMOVED
- FOUND 5/8" REBAR W/PLASTIC CAP, PLS 7629, OR AS OTHERWISE NOTED
- SET POINT AS NOTED
- (R) RECORD OF SURVEY MAP NO. 5120, RECORDED NOVEMBER 6, 2008
- (M) MEASURED
- RB W.C.
- EASE #15
- NOTE: GRAPHIC REPRESENTATIONS OF BOULDERS AND ROCKS ARE APPROXIMATE DIMENSION/LOCATION ONLY



PROPOSED SITE PLAN
 SCALE 1"=10'

NOTE: REFER TO LANDSCAPE / TRPA BMP PLAN FOR EROSION CONTROL FENCING. CALL FOR PREGRADE INSPECTION PRIOR TO ANY GRADING.

P.O. BOX 5989
 INCLINE VILLAGE
 NEVADA 89450
 ELISE FETT & ASSOCIATES, LTD.
 AIA • RCE
 ARCHITECTURE
 ENGINEERING
 PHONE: (775)833-3388
 FAX: (775)833-2388
 elise@elisetfett.com



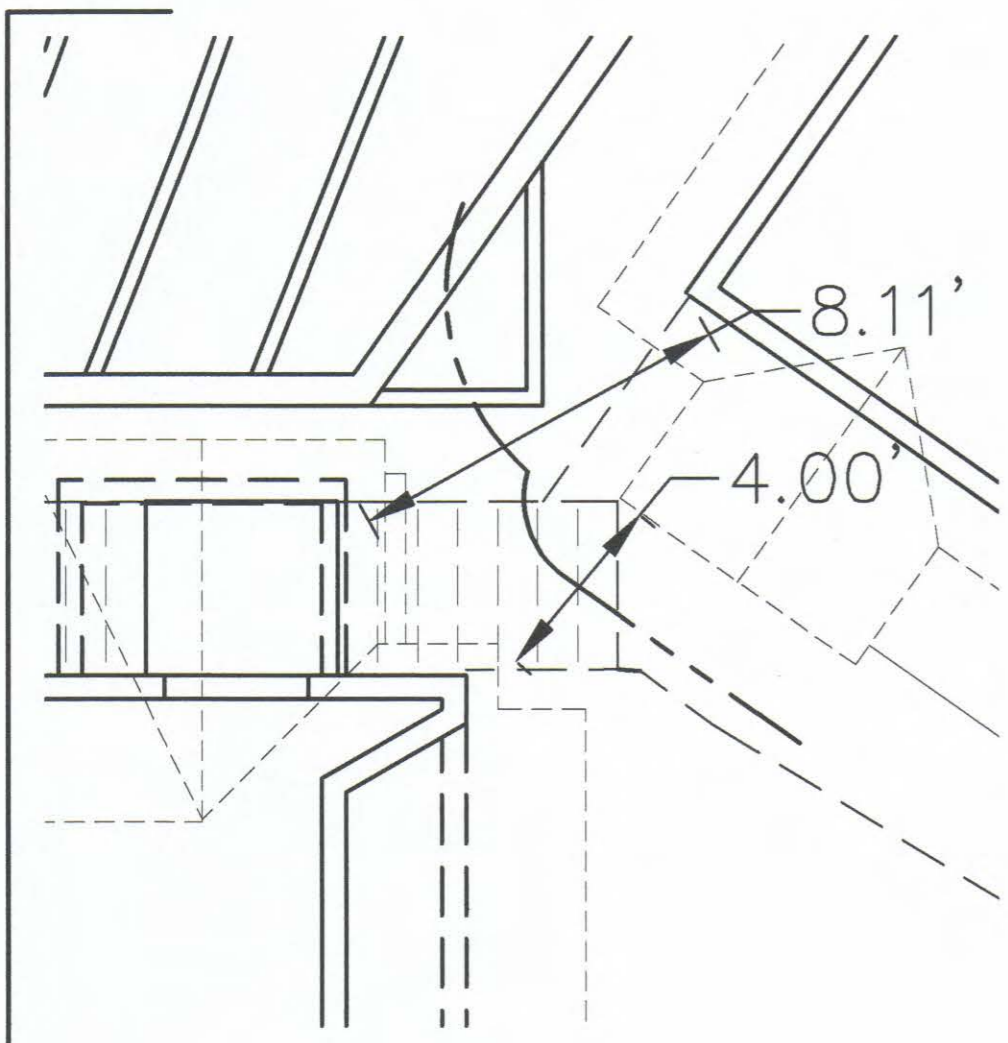
ROBINSON AYUSON RESIDENCE
 CRYSTAL BAY PARK 1 UNOFF., LOT 2, BLOCK 13
 424 GONOWABIE RD., CRYSTAL BAY, NV.
 APN: 123-145-07

APPROVED
 JAN 20 2016

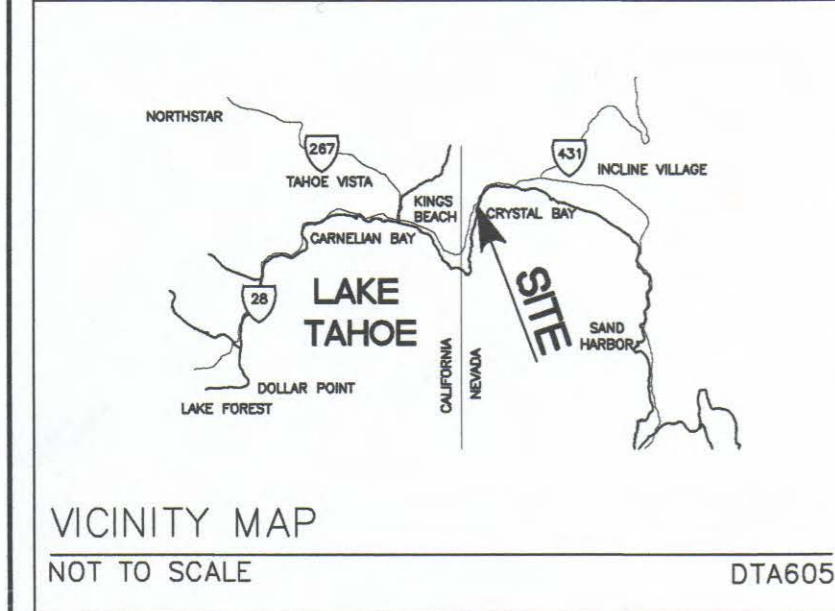
North Lake Tahoe Fire Protection District

DRAWN : KM	CHECKED : EF
DATE : 12-21-15	
SCALE : AS NOTED	
JOB NO : BRMA	
DWG NO : Site.dwg	
SHEET	

SP-1
 AGENDA ITEM NO. V.C.
 OF 4 "SP" SHEETS



FIRE SEPARATION LINE
SCALE 1/4" = 1'-0"



OWNER
PATRICK AND FILOMENA SNYDER
6285 CROOKED STICK CIR.
STOCKTON, CA 95219

CONTACT PERSON
ELISE FETT & ASSOCIATES
P.O. BOX 5989
INCLINE VILLAGE, NV 89450
(775) 833-3388

LAND AREA
26,267 SQ. FT.
0.6030 acres

PROPERTY
540 GONOWABIE RD.
CRYSTAL BAY
WASHOE COUNTY, NEVADA
CRYSTAL BAY PARK 1 UNOFFICIAL
FR LOTS 33 & 34, BLOCK 14
APN: 123-101-04

NOTE:
1) EXISTING SURVEY & SITE PLAN PROVIDED BY OWNER, ELISE FETT & ASSOCIATES, LTD. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE EXISTING CONDITIONS ON THIS SITE PLAN.

CODE ANALYSIS
CODE EDITION - I.B.C. 2012
OCCUPANCY GROUP - R-3
TYPE OF CONSTRUCTION - V

NLTFPD NOTES:
-THIS PROPERTY HAS BEEN APPROVED FOR IRI CONSTRUCTION -ADDRESS IDENTIFICATION NUMBERS MUST BE 6" IN HEIGHT MIN.

EARTHWORK
CUT = 113 CU.YDS. TO BE EXPORTED OUT OF THE BASIN OR TO A TRPA APPROVED SITE.

I.V.G.I.D. FIXTURE COUNT:

FIXTURE	WATER VALUE	SEWER VALUE	FINAL FIXTURE COUNT	FINAL WATER	FINAL SEWER
KITCHEN SINK	1.5	2	1	1.5	2
BAR SINK	1	1	1	1	1
DISHWASHER	1.5	2	1	1.5	2
TUB/SHWR/WIRPL	4	2	1	8	4
WATER CLOSET	2.5	3	5	12.5	15
LAV. SINK	1	1	6	6	6
SHOWER HEAD	2	2	1	4	4
WASHER	4	3	1	4	3
HOSE BIB	2.5	1	1	2.5	1
F.A. ADDIT. H.B.	1	-	2	2	-
				43	37

I.V.G.I.D. NOTES:
LOT = 26,267 S.F.
COVERED AREA = 4,627 S.F.
UNCOVERED AREA = 21,640 S.F.
TURF AREA FACTOR = 333%
ALLOWED TURF AREA = 7,141 S.F. MAX.

ALL PLANTS AND TREES TO BE INSTALLED ARE TO BE NATIVE AND/OR RECOMMENDATIONS FROM THE HOME LANDSCAPING GUIDE FOR LAKE TAHOE AND VICINITY.

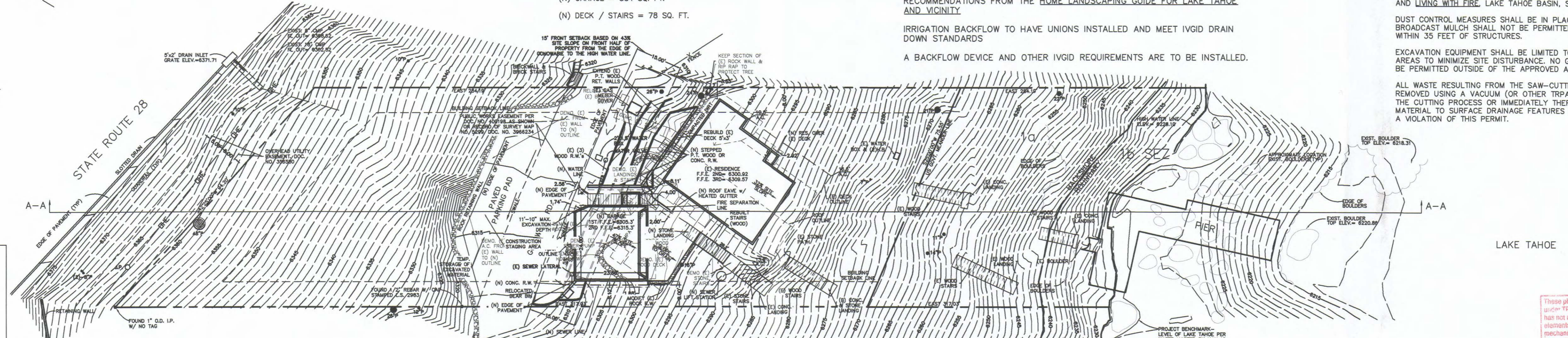
IRRIGATION BACKFLOW TO HAVE UNIONS INSTALLED AND MEET IVIGD DRAIN DOWN STANDARDS.

A BACKFLOW DEVICE AND OTHER IVIGD REQUIREMENTS ARE TO BE INSTALLED.

SHEET INDEX:

- SP-1 OWNER & PROJECT INFORMATION, EXISTING, DEMO., GRADING & PROPOSED SITE PLAN
- SP-1A PROPOSED SITE PLAN, EXCAVATION CROSS SECTION
- SP-2 TRPA COVERAGE PLAN
- SP-3 LANDSCAPE / TRPA BMP PLAN & DETAILS
- SP-3A TRPA BMP DETAILS
- SP-3B TRPA BMP DETAILS
- SP-3C TRPA BMP DETAILS
- SP-4 DEFENSIBLE SPACE / FIRE ACCESS PLAN & DETAILS
- SC-1 TRPA VISUAL ASSESSMENT
- SC-2 TRPA VISUAL ASSESSMENT
- A-1 RESIDENCE EXISTING & DEMO. FLOOR PLANS
- A-2 RESIDENCE 1ST & 2ND FLOOR PROPOSED PLANS
- A-3 RESIDENCE 3RD FLOOR PROPOSED PLANS, ROOF SLOPE PLAN, ARCHITECTURAL DETAILS
- A-4 GARAGE FLOOR PLANS, ROOF SLOPE PLAN
- A-5 RESIDENCE NORTHWEST & SOUTHWEST ELEVATIONS
- A-6 RESIDENCE NORTHEAST & SOUTHEAST ELEVATIONS
- A-7 GARAGE ELEVATIONS
- A-8 RESIDENCE KEYNOTE PLANS
- A-9 GARAGE KEYNOTE PLANS
- E-1 RESIDENCE ELECTRICAL PLANS
- E-2 GARAGE ELECTRICAL PLANS

REVISIONS	BY

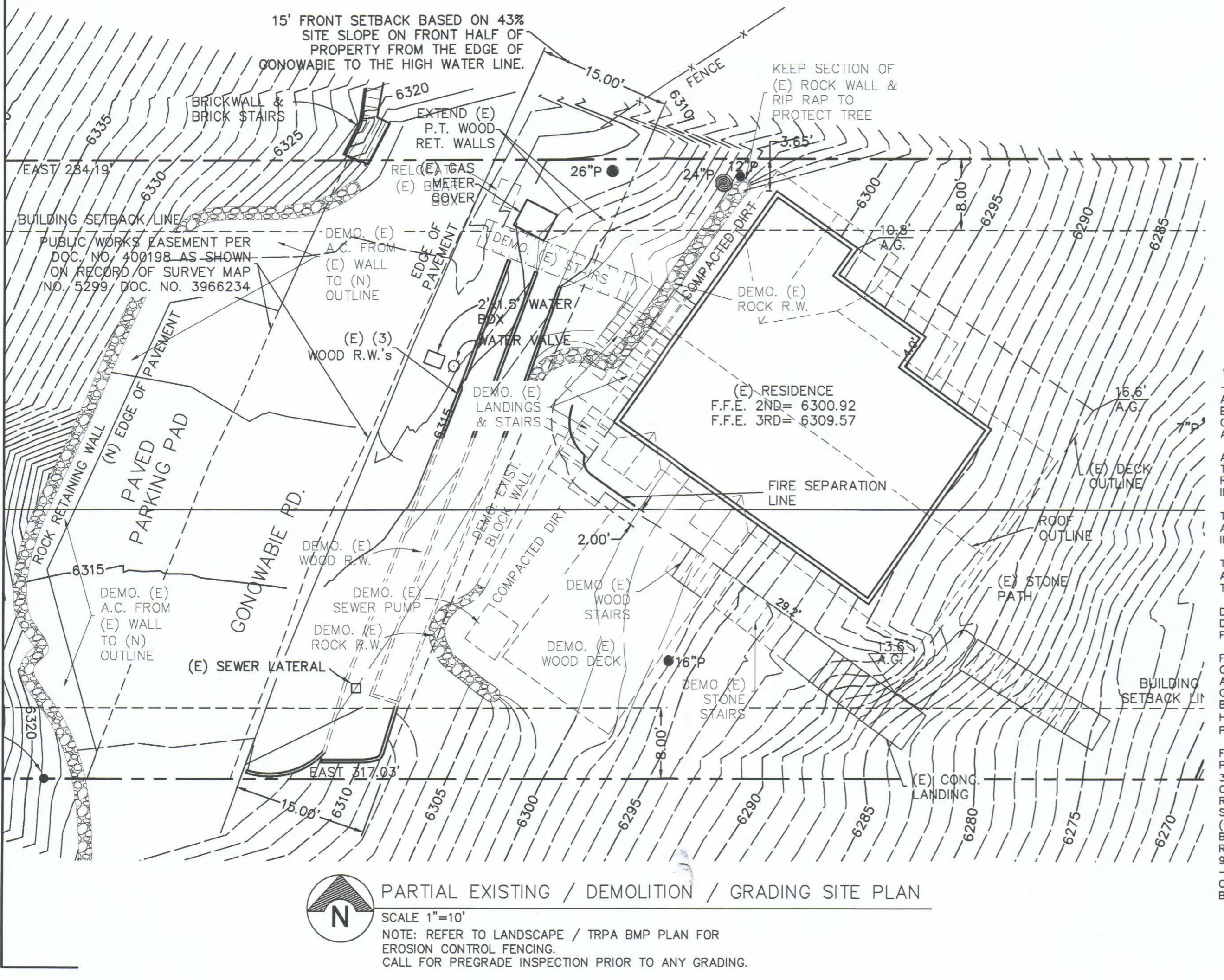


These plans have been reviewed and approved as required under TRPA Rules, Regulations and Ordinances only. TRPA has not reviewed and shall not be responsible for any statements contained in these plans, i.e. structural, electrical, mechanical, etc. which are not required for review under said Rules, Regulations and Ordinances.

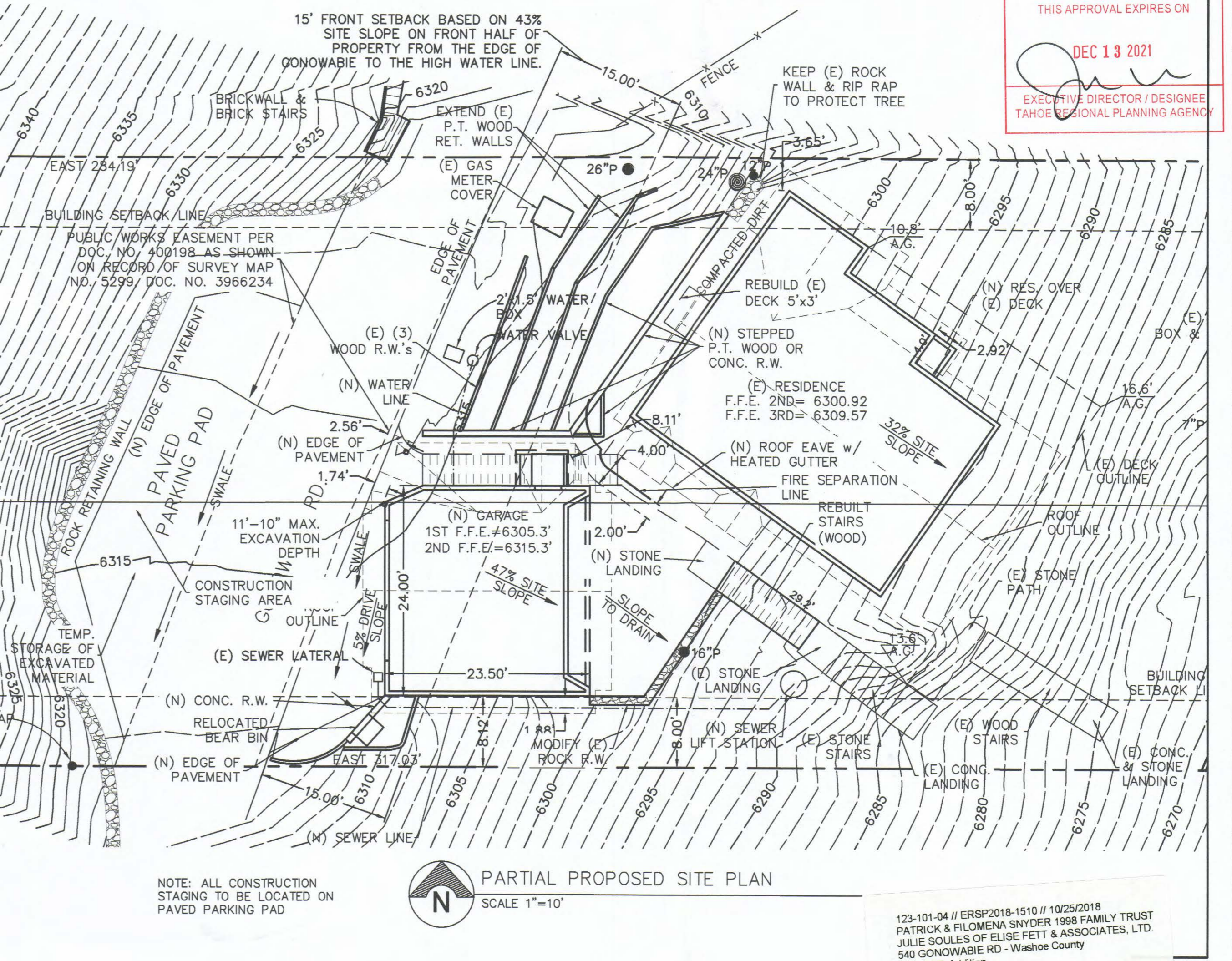
NOTE: Required BMPs (slope stabilization, infiltration facilities, revegetation, etc.) shown on the approved plans have been determined and representations submitted by the applicant and not confirmed by field inspection. Modification of the approved plans necessary to correct mistakes may be added at the time of the pre-grade inspection and shall be incorporated into the TRPA permit and site plan as additional conditions of approval.

All existing disturbed areas and areas disturbed by construction activity shall be revegetated with the TRPA handbook of best management practices and Living With Fire, Lake Tahoe Basin, Second Edition.

APPROVED
THIS APPROVAL EXPIRES ON
DEC 13 2021
EXECUTIVE DIRECTOR / DESIGNER
TAHOE REGIONAL PLANNING AGENCY

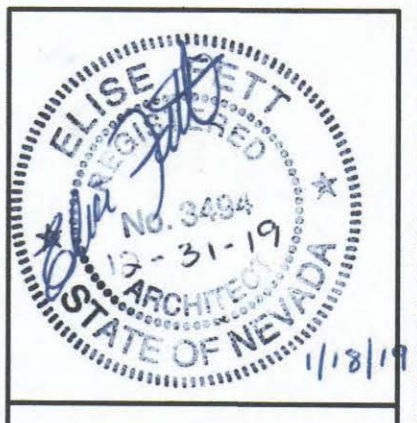


WASHOE ENGINEERING NOTES:
ALL IMPROVEMENTS WITHIN THE COUNTY RIGHT-OF-WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST COUNTY CODES AND THE LATEST COUNTY STANDARD SPECIFICATIONS AND DETAILS.
A STREET EXCAVATION PERMIT IS REQUIRED FOR ANY WORK TO BE PERFORMED WITHIN THE WASHOE COUNTY RIGHT-OF-WAY. CALL BEAU DUC AT 240-2854 FOR MORE INFORMATION.
THE WASHOE COUNTY ROAD DEPARTMENT (318-2180) MUST APPROVE THE NEW DRIVEWAY APPROACH LOCATION PRIOR TO INSTALLATION.
THE WASHOE COUNTY ROAD DEPARTMENT (318-2180) MUST APPROVE THE NEW DRIVEWAY APPROACH INSTALLATION PRIOR TO PERMIT FINAL CERTIFICATE OF OCCUPANCY.
DRIVEWAY AND PEDESTRIAN ACCESS PAVING SHALL SLOPE DOWN FROM EXISTING EDGE OF PAVING A MINIMUM 4% GRADE FOR 4 FEET, THEN 1% MINIMUM THEREAFTER.
FOR PORTLAND CEMENT CONCRETE ADD FOLLOWING NOTE: CONSTRUCTION OF CONCRETE APRONS SHALL BE IN ACCORDANCE WITH SPECIFICATIONS NOTED ON WASHOE COUNTY STANDARD DETAIL W-5.11 PAGE 4. THE DETAILS CAN BE FOUND AT THE FOLLOWING LINK: [HTTPS://WWW.WASHOECOUNTY.US/CSD/ENGINEERING_CAPITAL_PROJECTS/STANDARD_DETAILS.PHP](https://www.washoecounty.us/csd/engineering_capital_projects/standard_details.php)
FOR TYPE 3 ASPHALT PAVING ADD FOLLOWING NOTE: ALL PAVING WITHIN COUNTY RIGHT-OF-WAY SHALL BE A MINIMUM 3" OF TYPE 3 ASPHALT PAVING OVER A MINIMUM OF 6" OF COMPACTED TYPE 2 CLASS B AGGREGATE BASE MEETING THE REQUIREMENTS OF THE LATEST EDITION OF ORANGE BOOK SPECIFICATIONS. HOT MIX ASPHALT SHALL BE TYPE 3, PG4-28 (OR COUNTY APPROVED EQUIVALENT), 3% AIR VOIDS, 50 BLOWS PER SIDE MIX WITH LINE AND NO MORE THAN 15% RECYCLED ASPHALT PAVEMENT, COMPACTED TO A MINIMUM OF 93% RICE RELATIVE COMPACTION.
SLOTTED DRAINS WITHIN DRIVEWAYS SHALL BE LOCATED OUTSIDE OF WASHOE COUNTY RIGHT-OF-WAY AND MAINTAINED BY PROPERTY OWNER.



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SNYDER PROJECT
540 GONOWABIE ROAD, CRYSTAL BAY, NV
CRYSTAL BAY PARK 1, FR. LT. 33 & 34, BLK. 14
APN: 123-101-04

DRAWN: KM
CHECKED: RF
DATE: 9-26-18
SCALE: AS NOTED
JOB NO: FPSN
DWG NO: Site.dwg
SHEET
SP-1
OF 4 "SP" SHEETS

123-101-04 // ERS2018-1510 // 10/25/2018
PATRICK & FILOMENA SNYDER 1998 FAMILY TRUST
JULIE SOULES OF ELISE FETT & ASSOCIATES, LTD.
540 GONOWABIE RD - Washoe County
003 - SPD Addition

Attachment D

Neighbors' Response re: 6-12-10 Correspondence from L. Feldman



GREG GATTO
PO Box 85
Calpine, CA 96124
D. 530.205.6503
greg@sierralanduselaw.com
www.sierralanduselaw.com

June 15, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Response re 6-12-20 Correspondence from L. Feldman - Appeal File Number
ADMIN2020-0002**

Dear Honorable Members of the Board and Mr. Marshall:

Appellants submit the following response to the June 12, 2020 correspondence from Mr. Lew Feldman requesting that TRPA overturn a Judgment and Decree that has been in effect for nearly seventy-three years. Mr. Feldman's correspondence underscores precisely why TRPA should refrain from approving Applicant's lot line adjustment.

The Applicant is asking that TRPA sit as a court of appeal, and reverse an express and recorded Judgment and Decree issued by the Second Judicial District Court of the State of Nevada. The Compact does not vest TRPA with this authority.

The records produced by the Applicant further support that approval of the lot line adjustment would result in a collateral attack on the court's Judgment and its express Conclusions of Law. Applicant assumes that the fifteen-foot setback requirement is a result of a clerical error, yet, the court made a specific legal conclusion that the fifteen-foot setback would be imposed on the subject properties. (*See* attached "Conclusions of Law".) It is common for a court to render a legal conclusion and grant relief different than what is requested in an action. Applicant has posited no evidence that the Court's express "Conclusion of Law," was made in error.

Indeed, the fact that the Court's legal conclusion was incorporated into its Judgment and Decree, recorded, and went unchallenged for nearly three quarters of a century evidences that there was no clerical error. If the fifteen-foot setback was not intended, any of the numerous parties to the original action could have filed a timely appeal or sought other appropriate relief. The fact is no party has sought to overturn the Judgment until now, in Applicant's improper request in an inappropriate forum.

The law is well settled, "a judgment is valid if it is regular on its face," and the validity of the Judgment as entered and recorded must be accepted by TRPA. *LaForge v. State, University System*, 116 Nev. 415, 421, 997 P.2d 130, 134, n.4 (Nev. 2000).



Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
June 15, 2020
Page 2

Appellants respectfully request that TRPA refrain from issuing an approval contrary to the Judgment, or which interferes with the common building plan and scheme set forth therein. Accordingly, approval of Applicant's lot line adjustment must be set aside.

Respectfully,

A handwritten signature in blue ink, appearing to read 'GG', with a long horizontal stroke extending to the right.

Greg Gatto

Cc: Lewis S. Feldman, Feldman Thiel LLP

Exhibit

1 plan and scheme for the improvement of the subdivision, CRYSTAL
2 BAY PARK, Washoe County, Nevada, and subject to the common
3 restrictions and conditions adopted for the improvement and
4 development of the same.

5 XX.

6 That defendant, CRYSTAL BAY CORPORATION, was on the
7 date of the filing of this action and still is the owner of
8 remaining lots in said CRYSTAL BAY PARK, a subdivision, Washoe
9 County, Nevada; that all of said real property and lots are
10 subject to a general building plan and scheme for the improvement
11 of the said subdivision, CRYSTAL BAY PARK, Washoe County, Nevada,
12 and subject to the common restrictions and conditions adopted
13 for the improvement and development of the same, save and except
14 those lots and parcels which had constructed thereon improvements
15 of a commercial nature, prior to the adoption of the general
16 plan and scheme and the restrictions and conditions for the
17 improvement and development of said subdivision.

18 CONCLUSIONS OF LAW

19 I.

20 That the following conditions and restrictions, to
21 wit:

- 22 1. No part of said premises ever, at any
23 time, shall be used for the purpose of buy-
24 ing or selling intoxicating liquors, or for
25 maintaining any nuisance.
- 26 2. No part of said premises ever, at any
27 time, shall be sold, conveyed, leased or
28 rented to any person other than of the
29 Caucasian Race.
- 30 3. All said property is restricted to be
used for private residential purposes only.
4. All said property is subject to a build-
ing restriction of Fifteen Hundred Dollars
(\$1,500.00) for any dwelling house built
thereon.

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5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

should be imposed by decree upon all of the real property owned by plaintiffs and defendants at the time of the commencement of this action and still owned by them, as described in the Findings of Fact herein.

That said restrictions and conditions in accordance with said general plan and scheme for the improvement and development of CRYSTAL BAY PARK, a subdivision, Washoe County, Nevada, should be imposed upon all the remaining lots owned by defendant, CRYSTAL BAY CORPORATION, a Nevada corporation, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision.

That the defendants, JOHN J. HEFFERNAN, and RAY WHERRIT and EVA WHERRIT, his wife, be permanently enjoined from