

RECORDED AT THE REQUEST OF
AND PLEASE RETURN TO:
Tahoe City Public Utility District
P.O. Box 5249
Tahoe City, CA 96145

No Recording Fee (Gov. Code 6103, 27383)
No Documentary Transfer Tax (Rev. & Tax Code 11922)

Placer County Assessor Parcel Numbers

(Above is for County Recorder use only)

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions (hereafter “Deed Restriction”) is made this ____ day of _____, 2016, by the Tahoe City Public Utility District (“TCPUD”) for the benefit of the Tahoe Regional Planning Agency (“TRPA”).

RECITALS

Whereas, the TCPUD is the owner of certain real property, located in the County of Placer, State of California, described as follows:

Assessor’s Parcel Numbers [insert numbers] as reflected in that certain Document Recorded in Book and at Page [insert page number and date] County Official Records (“Sending Parcels”).

Whereas, the TCPUD operates a golf course and other recreation facilities on Sending Parcels;

Whereas, the TCPUD desires to have the portion of the Sending Parcels outside of the Tahoe City Town Center boundary lines (as adopted in the approved Area Plan [insert date] by TRPA) to be designated and zoned in perpetuity for recreation, public service, and conservation use(s) only, in order to prevent future expansion of the Town Center urban boundary and to continue a golf course and other recreational uses; and

DECLARATIONS

Now therefore, for the purpose of restricting certain uses on the Sending Parcels, the TCPUD declares:

1. Nothing set forth herein is meant to hinder public services, recreation, or conservation uses on the Sending Parcels nor the development of facilities ancillary thereto.
2. There shall be no future commercial development, residential development, mixed-use development, tourist accommodation development, changes in zoning or any other zoning other than recreation and conservation for the area of the Sending Parcels outside of the of the Tahoe City Town Center boundary lines (as adopted in the approved Area Plan [insert date] by TRPA), except that the TCPUD, its successors and assigns and all persons acquiring or owning any interest in the Sending Parcels, reserve the right to use any or all such area for future public services including, but not limited to: public water supply, distribution, transmission, and treatment facilities; wastewater collection and transmission facilities; an emergency services helipad; future mobility projects; wetlands mitigation or restoration projects; and ancillary vehicular and emergency service access.
3. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Sending Parcels and shall be binding on the TCPUD, its successors and assigns and all persons acquiring or owning any interest in the Sending Parcels.
4. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency. TRPA is deemed and agreed to be a third party beneficiary of the Deed Restriction and as such can enforce the provisions of this Deed Restriction.

IN WITNESS WHEREOF, the undersigned have executed this Deed Restriction on the day and year written.

TCPUD:

_____ Date: _____
 Cindy Gustafson, General Manager
 Tahoe City Public Utility District

TRPA:

_____ Date: _____
 Joanne Marchetta, Executive Director
 Tahoe Regional Planning Agency

Approved as to Form:

_____ Date: _____
 John Marshall, General Counsel

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

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF
ACKNOWLEDGMENT
(FOR TRPA)**

STATE OF _____)
COUNTY OF _____)

On _____, before me, _____,
(here insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Tahoe City Public Utility District

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

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF
ACKNOWLEDGMENT
(FOR TCPUD)**

STATE OF CALIFORNIA
COUNTY OF _____)

On _____, before me, _____,
(here insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(Seal)