

cc. Frank 1-11

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: P07-0083
A.P.N.: 242-110-012
Parcel Map 35404

DOC # 2009-0356331

07/10/2009 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W Ward

Assessor, County Clerk & Recorder



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Per Rebecca from City - City is a party to doc ~~1080~~ 508

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COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 9th day of July, 2009, by Timothy D. Edmond and Lisette S. Edmond, husband and wife as joint tenants, (the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of the real property situated in the City of Riverside, County of Riverside, State of California ("the Property"), commonly known as 1665 Bradley Street Assessor's Parcel Number 242-110-012, situated in the R1 - Single Family Residential Zone. The Property is legally described as follows:

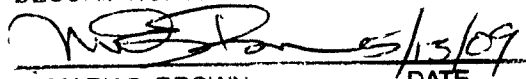
Parcel 1 of Parcel Map 8414, City of Riverside, County of Riverside, State of California, as per map recorded in Book 31, Pages 58-59, of Parcel Maps, in the office of the County Recorder of said County.

B. Declarants propose to subdivide the Property into two (2) parcels to facilitate further development. Declarants have submitted their applications under P07-0083, Parcel Map 35404 ("Map"), for said subdivision.

C. Parcel 1 of the Map has existing water service and all water fees and charges are considered paid. Parcel 2 of the Map is capable of further subdivision and Declarants propose for the parcel to remain undeveloped.

D. Pursuant to City Water Rule No. 10.B.1.i, all applicable parcel map recordation water fees and charges will be deferred when a parcel is to remain undeveloped and is capable of further subdivision. The Backup Facility Capacity Charges, Elevation Fees, Distribution System Fees, and Service Connection Charges for undeveloped parcels shall be charged when water service is requested.

DESCRIPTION APPROVAL


DATE

MARK S BROWN
CITY SURVEYOR

C/A 1080

E. Pursuant to City Water Rule 10.B.1.k, Declarants are required to enter into a Covenant and Agreement in order to put future owners and encumbrancers on notice of the Backup Facility Capacity Charge, Elevation Fee, Distribution System Fee, and Service Connection Charge obligations for Parcel 2 of the Map described herein.

D. Declarant is willing to record a covenant and agreement setting forth the conditions imposed in connection with such deferral.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City for the deferral of certain water service, fees and charges payable to the Public Utilities Department - Water Division, Declarant hereby covenants and agrees with the City that the Property is and hereafter shall be held, conveyed, transferred, mortgaged, encumbered, leased, rented, used, occupied, sold and improved subject to the following declarations, limitations, covenants, conditions and restrictions, all of which are imposed as equitable servitudes for the deferral of such fees, and shall be binding and inure to the benefit of each successor and assignee in interest of each such party. Any conveyance, transfer, sale, assignment, lease or sublease made by Declarant for the Property, and any parcel thereof, shall and hereby is deemed to incorporate by reference all the provisions of this Covenant and Agreement and Declaration of Restrictions including, but not limited to, all the covenants, conditions, restrictions, limitations and equitable servitude contained herein.

1. Declarant has requested and the City, through its Public Utilities Department, has agreed that the following water service, fees and charges will be deferred on Parcel 2 of the Property, until such time as a building permit is issued or water service is requested or parcel is further subdivided:

- (a) Payment of Backup Facility Capacity Charge in an amount to be determined (based on the requested meter size);
- (b) Payment of Elevation Fee on 1.11 acres; and
- (c) Payment of Distribution System Fee for frontage along Washington Street and Bradley Street totaling 473 feet.
- (d) Payment of Service Connection Charge in an amount to be determined (based on the requested meter size).

All fees above, and the amounts thereof, will be determined based on the Public Utilities Department's Water Rules in effect at the time of issuance of a building permit or application for water service is requested, or parcel is further subdivided.



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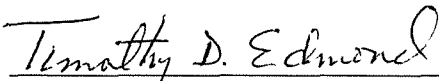
CIA 1080

2. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City, its successors or assigns. Should the City bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

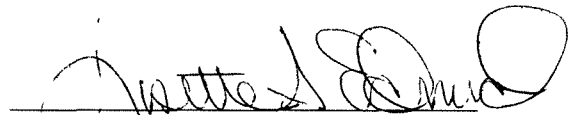
3. Any person who now or hereafter owns or acquires any right, title or interest in or to any parcel of the Property, or any parcel thereof, shall be deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to this Covenant and Agreement and Declaration of Restrictions is contained in the instrument by which such person acquired an interest in the Property.

4. This Covenant shall run with the land and each and all of its terms shall be binding upon Declarant, his heirs, successors and assigns, and shall continue in effect until such time as released by the Director of the Public Utilities Department of the City of Riverside, California, by a writing duly recorded.

IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement and Declaration of Restrictions to be executed as of the day and year first written above.

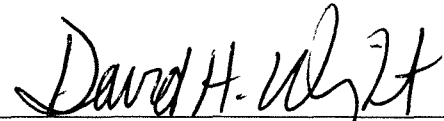


Timothy D. Edmond



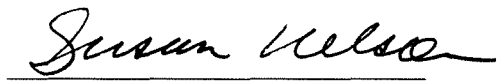
Lisette S. Edmond

APPROVED AS TO CONTENT:



Public Utilities Department MWM
HW

APPROVED AS TO FORM:



Deputy City Attorney



ACKNOWLEDGMENT

State of California,
County of Riverside

On July 9, 2009 before me, IRENE MARTINEZ, a Notary Public
(here insert name and title of the officer)

personally appeared TIMOTHY D. EDMOND and LISETTE S. EDMOND

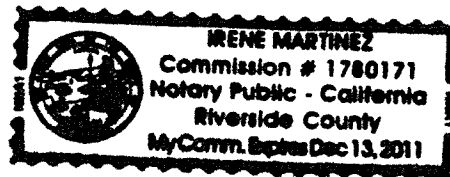
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

(Seal)





LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Irene Martinez

Commission #: 1780171

Place of Execution: Riverside

Date Commission Expires: Dec. 13, 2001

Date: 7/10/09

Signature: Rebecca L Tanner

Print Name: Rebecca L Tanner

