



WHEN RECORDED MAIL TO:

STEWART TITLE

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: P08-0248
4000 Madison Street
Riverside, CA

395659

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY	
1			8						1	
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM	
							T	CTY	UNI	006

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

31



(VARIANCE RESTRICTIONS - SIGNAGE)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 14th day of September, 2009, by ARLINGTON SQUARE LP, a limited partnership, ("Declarant"), with reference to the following facts:

A Declarant is the fee owner of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

See Exhibit "A"

B The Property, known as 4000 Madison Street, Riverside, California, is in the Commercial Retail ("CR") Zone and is developed with a commercial complex known as the Arlington Square Shopping Center

C Declarant requested a variance related to the installation of a pole sign and two freestanding monument signs in conjunction with renovation of the existing Arlington Square Shopping Center, located at 4000 Madison Street, situated at the southwesterly corner of Arlington Avenue and Madison Street, Riverside, California

E As a condition of approval for the variance the City of Riverside ("City") is requiring Declarant to execute and record this Covenant and Agreement and Declaration of Restrictions ("Covenant") which places certain restrictions on the Arlington Square Shopping Center monument signage Declarant desires to restrict the use of the Property and to put future owners on notice that the shopping center identification name Arlington Square Shopping Center, or as amended, be included on both proposed monument signs in perpetuity and in no instance are more than two tenant identification panels allowed on either of the two monument signs

THIS DOCUMENT IS FILED TO THE PUBLIC RECORDS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, ON 10/09/2009 AT 08:00 AM. BY LARRY W. WARD, ASSESSOR, COUNTY CLERK & RECORDER.

C/A 1091

NOW THEREFORE, for the purposes of complying with the conditions imposed by the City for Planning Case No P08-0248, Declarant hereby covenants and agrees with the City that the following restrictions shall apply to the Property:

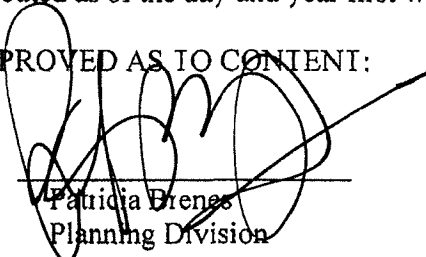
1 That the shopping center identification name Arlington Square Shopping Center, or as amended, be included on both proposed monument signs in perpetuity, and in no instance are more than two tenant identification panels allowed on either of the two monument signs

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

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

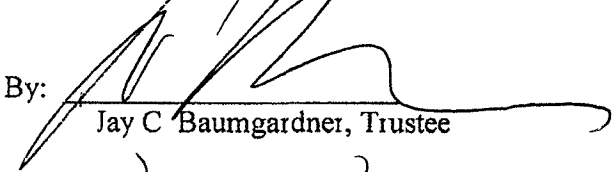
IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and year first written above

APPROVED AS TO CONTENT:

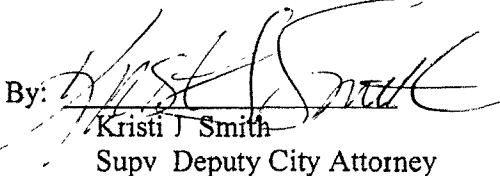
By: 
Patricia Brenes
Planning Division

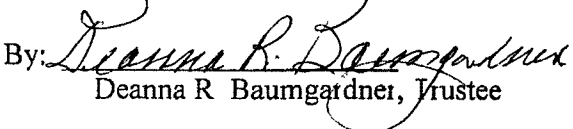
ARLINGTON SQUARE L P., a
California limited liability partnership

BY: THE BAUMGARDNER
SURVIVOR'S TRUST
ESTABLISHED (J/D/T) DATED
3/22/71 (AMENDED) 9/28/83
ITS: GENERAL PARTNER

By: 
Jay C Baumgardner, Trustee

APPROVED AS TO FORM:

By: 
Kristi J Smith
Supv Deputy City Attorney

By: 
Deanna R Baumgardner, Trustee

ACKNOWLEDGMENT

State of California

County of Los ANGELES

On SEPT 14, 2009, before me, Richard Scott, a

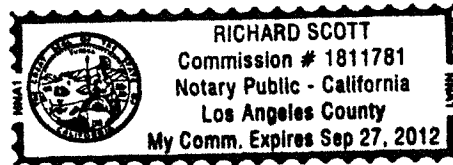
notary public, personally appeared Jay C. Baumgardner, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and 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

[Handwritten Signature]
Signature

(SEAL)



ACKNOWLEDGMENT

State of California
County of LOS ANGELES

On SEPT. 14, 2009, before me, RICHARD SCOTT, a

notary public, personally appeared Deanna R. Baumgardner, 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

[Handwritten Signature]
Signature

(SEAL)

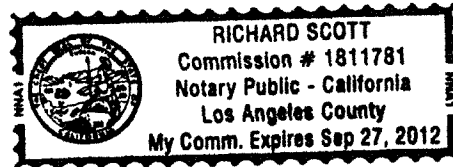


EXHIBIT A
LEGAL DESCRIPTION

SHEET 1 OF 3

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

THOSE PORTIONS OF LOTS 1 AND 8 IN BLOCK 16 OF LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGE 72 OF MAPS, KNOWN ON THE CITY OF RIVERSIDE AS MAP FILED IN BOOK 1, PAGE 70 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID LOT 8, WITH A LINE THAT IS PARALLEL WITH, AND DISTANT SOUTHEASTERLY 44.00 FEET FROM THE CENTER LINE OF MADISON STREET; THENCE ALONG SAID PARALLEL LINE NORTH 34°00'00" WEST 120.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO HARRY D. KRITZ, ET UX, RECORDED AUGUST 20, 1952, IN BOOK 1394, PAGE 314 OF OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 55°58'30" WEST 520.26 FEET TO AN ANGLE POINT IN THE NORTHEASTERLY LINE OF PARCEL 3 OF PARCEL MAP NO. 9587, AS PER MAP RECORDED IN BOOK 51, PAGES 38 THROUGH 39 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID RIVERSIDE COUNTY; THENCE ALONG THE NORTHEASTERLY LINE OF PARCELS 1, 2 AND 3 OF SAID PARCEL MAP NORTH 34°00'00" WEST 688.05 FEET TO THE SOUTHWESTERLY CORNER OF PARCEL 1 OF PARCEL MAP NO. 15881, AS PER MAP RECORDED IN BOOK 82, PAGES 99 THROUGH 100 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID RIVERSIDE COUNTY; THENCE ALONG THE SOUTHERLY LINE OF LAST SAID PARCEL 1 NORTH 89°40'00" EAST 134.69 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF LAST SAID PARCEL 1 NORTH 33°57'10" WEST 23.94 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE ALONG THAT CERTAIN COURSE OF SAID PARCEL 1 SHOWN AS HAVING A BEARING OF "EAST" AND A DISTANCE OF 12.11 FEET ON LAST SAID PARCEL MAP AND ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN GRANT DEED RECORDED APRIL 22, 2005 AS DOCUMENT NO. 2005-0319034 IN SAID OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY NORTH 89°40'00" EAST 144.33 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID GRANT DEED; THENCE ALONG THE EASTERLY LINE OF SAID GRANT DEED NORTH 00°20'00" WEST 123.00 FEET TO A LINE THAT IS PARALLEL WITH AND DISTANT SOUTHERLY 50.00 FEET FROM THE CENTER LINE OF ARLINGTON AVENUE; THENCE ALONG LAST SAID PARALLEL LINE NORTH 89°40'00" EAST 243.79 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 38.00 FEET; THENCE SOUTHEASTERLY 37.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°20'00" TO A LINE THAT IS PARALLEL WITH THE CENTER LINE OF MADISON STREET AND PASSES THROUGH THE POINT OF BEGINNING; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 34°00'00" EAST 492.68 FEET TO THE TRUE POINT OF BEGINNING.

C/A 1091

EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 50 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE, WITH A LINE PARALLEL WITH AND 44 FEET SOUTHWESTERLY OF THE CENTERLINE OF MADISON STREET; THENCE ALONG SAID PARALLEL LINE OF MADISON STREET SOUTH 34°00'00" EAST 126.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE PERPENDICULAR TO LAST SAID PARALLEL LINE SOUTH 56°00'00" WEST 208.63 FEET TO A LINE PARALLEL WITH AND 252.63 FEET SOUTHWESTERLY OF THE CENTERLINE OF MADISON STREET; THENCE ALONG LAST SAID PARALLEL LINE NORTH 34°00'00" WEST 74.55 FEET; THENCE ALONG A LINE PERPENDICULAR TO SAID CENTERLINE OF ARLINGTON AVENUE NORTH 00°20'00" WEST 41.61 FEET TO A LINE PARALLEL WITH AND 167.00 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 89°40'00" WEST 53.00 FEET TO A LINE PARALLEL WITH AND 66.11 FEET EASTERLY OF THE EASTERLY LINE OF THE LAND DESCRIBED IN GRANT DEED RECORDED APRIL 22, 2005 AS DOCUMENT NO. 2005-0319034 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY; THENCE ALONG LAST SAID PARALLEL LINE NORTH 00°20'00" WEST 117.00 FEET TO SAID LINE PARALLEL WITH AND 50 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE; THENCE ALONG LAST SAID PARALLEL LINE NORTH 89°40'00" EAST 177.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 38.00 FEET; THENCE SOUTHEASTERLY 37.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°20'00" TO SAID LINE PARALLEL WITH THE CENTERLINE OF MADISON STREET; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 34°00'00" EAST 105.80 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF RIVERSIDE PER DOCUMENT RECORDED SEPTEMBER 9, 2008 AS INSTRUMENT NO. 2008-0494388 IN SAID OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

PARCEL 2:

THAT PORTION OF LOTS 1 AND 8 IN BLOCK 16 OF LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, KNOWN ON THE CITY OF RIVERSIDE AS MAP FILED IN BOOK 1, PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 50 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE, WITH A LINE PARALLEL WITH AND 44 FEET SOUTHWESTERLY OF THE CENTERLINE OF MADISON STREET; THENCE ALONG SAID PARALLEL LINE OF MADISON STREET SOUTH 34°00'00" EAST 126.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE PERPENDICULAR TO LAST SAID PARALLEL LINE SOUTH 56°00'00" WEST 208.63

FEET TO A LINE PARALLEL WITH AND 252.63 FEET SOUTHWESTERLY OF THE CENTERLINE OF MADISON STREET; THENCE ALONG LAST SAID PARALLEL LINE NORTH 34°00'00" WEST 74.55 FEET; THENCE ALONG A LINE PERPENDICULAR TO SAID CENTERLINE OF ARLINGTON AVENUE NORTH 00°20'00" WEST 41.61 FEET TO A LINE PARALLEL WITH AND 167.00 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 89°40'00" WEST 53.00 FEET TO A LINE PARALLEL WITH AND 66.11 FEET EASTERLY OF THE EASTERLY LINE OF THE LAND DESCRIBED IN GRANT DEED RECORDED APRIL 22, 2005 AS DOCUMENT NO. 2005-0319034 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY; THENCE ALONG LAST SAID PARALLEL LINE NORTH 00°20'00" WEST 117.00 FEET TO SAID LINE PARALLEL WITH AND 50 FEET SOUTHERLY OF THE CENTERLINE OF ARLINGTON AVENUE; THENCE ALONG LAST SAID PARALLEL LINE NORTH 89°40'00" EAST 177.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 38.00 FEET; THENCE SOUTHEASTERLY 37.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°20'00" TO SAID LINE PARALLEL WITH THE CENTERLINE OF MADISON STREET; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 34°00'00" EAST 105.80 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION GRANTED TO THE CITY OF RIVERSIDE PER DOCUMENT RECORDED SEPTEMBER 9, 2008 AS INSTRUMENT NO. 2008-0494388 IN SAID OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT.

Brian K. Mickelson 7/07/08
BRIAN K. MICKELSON, L.S. 7320, EXP. 06/30/09



DESCRIPTION APPROVAL:
BY: *[Signature]* 11-18-08
DATE
FOR: MARK S. BROWN
CITY SURVEYOR

100' 0' 50' 100' 200'



GRAPHIC SCALE: 1" = 100'

LEGEND

- EXISTING LOT LINES TO REMAIN
- - - EXISTING LOT LINE TO BE ADJUSTED
- REVISED LOT LINE

PORTION GRANTED TO THE CITY OF RIVERSIDE
PER DOC. RECORDED **SECT. 29-2008**
AS INST. NO. **2008-0413-88**



ARLINGTON AVENUE

MADISON STREET

PARCEL 1

PARCEL 2

PARCEL 3

PARCEL 1
P.M. NO. 15881
P.M.B.
82/99-100

DOC. #
2005-
0319034

P.M.B. 51/38-39

PARCEL MAP NO. 0587

154.93'
842.98'
688.05'
N 34°00'00" W
N 89°40'00" E
134.69'
N 89°40'00" E
144.33'
N 89°40'00" E
23.94'
N 33°57'10" W
123.00'
N 00°20'00" W
66.11'
N 89°40'00" E
243.79'
177.68'
N 89°40'00" E
10'
53.00'
N 00°20'00" W
41.61'
N 34°00'00" W
74.55'
N 56°00'00" E
208.63'

EXISTING LOT LINE TO BE ADJUSTED

R.O.S. 8/54

PARCEL 2

PARCEL 1

RIVERSIDE LAND &
IRRIGATING COMPANY
M.B. 1 / 70

SOUTHEASTERLY LINE
LOT 8, BLOCK 16,
RIVERSIDE LAND &
IRRIGATING COMPANY
M.B. 170

TRUE POINT
OF BEGINNING
PARCEL 1

TRUE POINT
OF BEGINNING
PARCEL 2

POINT OF
COMMENCEMENT
PARCEL 2

POINT OF
COMMENCEMENT
PARCEL 1

N 55°58'30" E 520.26'
1394-314 O.R. 120.00'

386.87'
44'
N 34°00'00" W

5246



FUSCOE

ENGINEERING
16795 Von Karman, Suite 100, Irvine, California 92606
tel 949 474 1960 fax 949 474 5315 www.fuscoe.com

LOT LINE ADJUSTMENT NO. P08-0196
CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

DATE: 02-21-08
SCALE: 1" = 100'
JN: 8520101
SHEET 1 OF 1

C/A 1091