

DOC # 2011-0057040

02/04/2011 10:09A Fee:27.00

Page 1 of 5

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

Project: P10-0366
3501 Adams Street
Riverside, CA

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FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

35



(FUTURE USE RESTRICTIONS)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this _____ day of _____, 20____, by FMPKE LLC, a California limited liability company ("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 3501 Adams Street, Riverside, California, is in the Office ("O") Zone and is being rezoned to the Commercial Retail, Building Stories and Building Setback Overlay ("CR-S-1-X-20") Zone.

C. Declarant requested rezoning of the Property to facilitate the relocation of an existing check cashing operation.

D. As a condition for the approval of the rezoning, 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 use of the Property. Declarant desires to restrict the use of the Property to only those uses permitted in the Neighborhood Commercial Overlay ("NC") Zone permitted by Riverside Municipal Code, Table 19.215.030A-Use Regulations for Neighborhood Commercial Overlay Zone Permitted Uses.

NOW THEREFORE, for the purposes of complying with the conditions imposed by the City for Planning Case No. P10-0366, Declarant hereby covenants and agrees with the City that the following restrictions shall apply to the Property:

C/A-1135

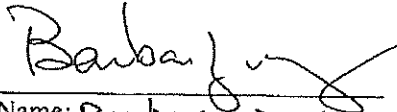
1. The Property, and all future businesses and uses of the Property are limited to only those uses permitted in the Neighborhood Commercial Overlay ("NC") Zone permitted by Riverside Municipal Code, Table 19.215.030A-Use Regulations for Neighborhood Commercial Overlay Zone Permitted Uses; however, check cashing business shall be subject to a minor conductional use permit.

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.

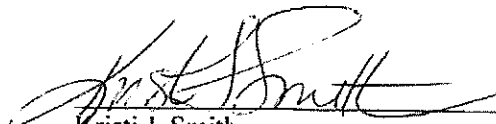
IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and year first written above.

FMPKE, LLC, a California limited liability company

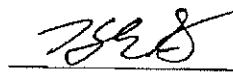
By: 
Print Name: BARBARA Z. Wong
Its:

By: _____
Print Name:
Its:

APPROVED AS TO FORM:


Kristi J. Smith
Supv. Deputy City Attorney

APPROVED AS TO CONTENT:



Kyle Smith
Planning Division

O:\Cycm\WPDocs D001\P009 00041602.doc
CA: 10-1510

ACKNOWLEDGMENT

State of California
County of Orange

On July 13, 2010, before me, Hitesh Patel, a

notary public, personally appeared Barbara T. Z. Wong, 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)



Exhibit "A"
LEGAL DESCRIPTION


Real property in the City of Riverside, County of Riverside, State of California, described as follows:

ALL OF LOTS 9, 10, AND 11 OF BRIARWOOD TRACT, AS SHOWN ON MAP ON FILE IN BOOK 30, PAGES 7 AND 8 OF MAPS, RECORDS OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 10, SAID CORNER BEING THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ADAMS STREET, 84.00 FEET WIDE, WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF DIANA AVENUE, 60.00 FEET WIDE, (SHOWN ON SAID MAP OF BRIARWOOD TRACT AS ACCESS ROAD);
THENCE NORTH 33° 34' 45" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 10 AND 11, BEING COINCIDENT WITH SAID NORTHEASTERLY RIGHT OF WAY LINE OF ADAMS STREET, A DISTANCE OF 164.76 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 11;
THENCE NORTH 56° 22' 06" EAST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE MOST NORTHERLY CORNER THEREOF;
THENCE SOUTH 33° 37' 54" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 11, A DISTANCE OF 84.98 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID LOT 9;
THENCE NORTH 67° 48' 36" EAST, ALONG SAID NORTHWESTERLY LINE OF LOT 11, A DISTANCE OF 44.24 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 9;
THENCE SOUTH 28° 55' 23" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 9, A DISTANCE OF 105.18 FEET TO THE MOST EASTERLY CORNER THEREOF;
THENCE SOUTH 61° 04' 37" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 9, BEING COINCIDENT WITH SAID NORTHWESTERLY RIGHT OF WAY LINE OF DIANA AVENUE, 60.00 FEET WIDE, A DISTANCE OF 47.28 FEET TO AN ANGLE POINT THEREIN;
THENCE SOUTH 75° 15' 14" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 9 AND 10, BEING CO-INCIDENT WITH SAID NORTHWESTERLY RIGHT OF WAY LINE OF DIANA AVENUE, A DISTANCE OF 92.60 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS AS CONVEYED TO THE CITY OF RIVERSIDE BY DEEDS RECORDED MAY 15, 1970 AS INSTRUMENT NO 46032 AND 46033 BOTH OF OFFICIAL RECORD OF RIVERSIDE COUNTY, CALIFORNIA.

APN: 231-133-031-7

DESCRIPTION APPROVAL

MARK S. BROWN
CITY SURVEYOR
7/2/2010
DATE

First American Title

C/A-1135

**State of California
Kevin Shelley
Secretary of State**

LIMITED LIABILITY COMPANY — STATEMENT OF INFORMATION

Filing Fee \$20.00 - If Amendment, See Instructions

IMPORTANT - Read Instructions Before Completing This Form

1. LIMITED LIABILITY COMPANY NAME: (Do not alter if name is preprinted.)
FMPKE, LLC

This Space For Filing Use Only

IF THERE HAS BEEN NO CHANGE IN ANY OF THE INFORMATION CONTAINED IN THE LAST STATEMENT OF INFORMATION ON FILE WITH THE CALIFORNIA SECRETARY OF STATE, CHECK THE BOX AND PROCEED TO ITEM 12.

2. SECRETARY OF STATE FILE NUMBER
200335310029

3. STATE OR PLACE OF ORGANIZATION
California

4. PRINCIPAL EXECUTIVE OFFICE
STREET ADDRESS [REDACTED]
CITY [REDACTED] STATE CA ZIP CODE [REDACTED]

5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (FOR DOMESTIC ONLY)
STREET ADDRESS same as above
CITY [REDACTED] STATE CA ZIP CODE [REDACTED]

6. CHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS
 AN INDIVIDUAL RESIDING IN CALIFORNIA.
 A CORPORATION WHICH HAS FILED A CERTIFICATE PURSUANT TO CALIFORNIA CORPORATIONS CODE SECTION 1505.
AGENT'S NAME: Barbara Z. Wong

7. ADDRESS OF THE AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL
ADDRESS [REDACTED]
CITY [REDACTED] STATE CA ZIP CODE [REDACTED]

8. DESCRIBE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY.
Real Property Ownership

9. LIST THE NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER. ATTACH ADDITIONAL PAGES, IF NECESSARY.

a. NAME Barbara Z. Wong, Manager
ADDRESS [REDACTED]
CITY [REDACTED] STATE CA ZIP CODE [REDACTED]

b. NAME
ADDRESS
CITY STATE ZIP CODE

c. NAME
ADDRESS
CITY STATE ZIP CODE

10. CHIEF EXECUTIVE OFFICER (CEO), IF ANY:
NAME
ADDRESS
CITY STATE ZIP CODE

11. NUMBER OF PAGES ATTACHED, IF ANY:

12. THIS STATEMENT IS TRUE, CORRECT, AND COMPLETE.
Barbara Z. Wong Barbara Z. Wong Manager
TYPE OR PRINT NAME OF PERSON COMPLETING FORM SIGNATURE TITLE DATE

DUE DATE: 3-17-04

SEC/STATE FORM LLC-12R (REV. 01/03) STF - APPROVED BY SECRETARY OF STATE