

DOC # 2014-0321608

08/25/2014 12:34P Fee:45.00

Page 1 of 6

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, CA 92522



Project: P13-0822
APN(s): 280-260-043

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
2			6						25
(M)	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
						T:	CTY	UNI	513



**COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS
ON FUTURE USES OF THE PROPERTY**

57.50

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS ("Covenant") is made and entered into this 24th day of July, 2014, **Fountainhead Twenty, LP**, a California limited partnership ("Declarant") with reference to the following facts.

A. Declarant is the fee owner of the real property in the City of Riverside, County of Riverside, State of California, known as Assessor Parcel No. 280-260-043, legally described in Exhibit "A" attached hereto and incorporated herein by reference, ("Property").

B. Declarant has submitted an application to the City of Riverside ("City") for a conditional use permit ("CUP") under Planning Case P13-0822 for the development and operation of the Property as a vehicle repair facility within an existing shopping center.

C. As a condition for approval, the City of Riverside is requiring Declarant to execute and record a covenant and agreement implementing certain conditions in connection with the use of the Property as a vehicle repair facility, or other similar use.

D. Declarant offers and agrees to record such a covenant and agreement to put future owners, lessees, successors and assigns on notice of the conditions and restrictions.

NOW, THEREFORE, for the purpose of putting future owners, lessees, successors and assigns on notice, Declarant hereby covenants and agrees to the following covenants, conditions, and restrictions:

1. Hours of Operation. The hours of operation shall be limited from 7:00 a.m. to 8:00 p.m., Monday through Saturday, and from 7:00 a.m. to 7:00 p.m., Sundays.

2. Noise Control. The operation of this facility shall comply with the Riverside Municipal Code, ("RMC"), Noise Control, Title 7, at all times and shall not exceed maximum allowable noise levels in accordance with RMC Sections 7.25 and 7.30. The use of exterior

C/A-1268

public address systems and buzzers shall be prohibited. Truck deliveries of supplies and dumping of trash into outdoor trash bins shall be limited to between 7:00 a.m. and 7:00 p.m.

3. Installation Work. All installation work shall be conducted within the enclosed work bays within the building.

4. Display of Merchandise. The outdoor display of merchandise is prohibited.

5. Inoperable Vehicles. Inoperable vehicles shall not be stored on the Property longer than thirty (30) days.

6. Outdoor Storage. Outdoor storage is prohibited.

7. Parking. The City has granted a parking variance based upon the use of the Property as a vehicle repair facility. In the event the use of the Property is changed from a vehicle repair facility or other similar use, then such use shall be subject to all parking requirements then in effect without the benefit of such variance (unless a new variance is granted by the City at that time).

8. Enforcement of Conditions. All approved conditions of approval shall be enforced at all times and for any future tenants at this location for the same or similar use. The terms of this Covenant may be enforced by City of Riverside, and its successors and assigns

9. Binding Effect. This Covenant shall run with the land and each and all of its terms shall be binding upon the Declarant, its heirs, successors and assigns, and shall continue in effect until such time as released by the Community Development Director of the City of Riverside 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.

FOUNTAINHEAD TWENTY, LP
a California limited partnership

By: Hunter Fidelis, LLC
a California limited liability company,
its general partner

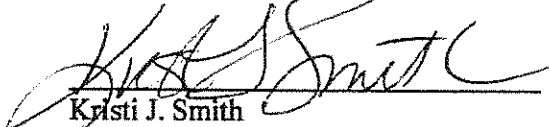
By: Fountain head Development 2.0 LLC
a California limited liability company
its manager

By: 
Craig Smith, Manager

C/A-1268




APPROVED AS TO FORM



Kristi J. Smith
Supervising Deputy City Attorney

APPROVED AS TO CONTENT



Kyle Smith
Planning Division

CA: 14-1257
07/22/14

C/A-1268



2014-0321608
08/25/2014 12:34P
3 of 5

ACKNOWLEDGMENT

State of California
County of Orange

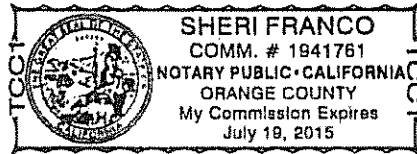
On July 24, 2014, before me, Sheri Franco, a

notary public, personally appeared Craig Smith, 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.

Sheri Franco (SEAL)
Signature



C/A-1268



ACKNOWLEDGMENT

State of California
County of _____)

On _____, before me, _____, a

notary public, 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)

C/A-1268



14-308
MCS 4 1 938

EXHIBIT "A" LEGAL

DESCRIPTION

CITY OF RIVERSIDE
PARCEL 4 OF PARCEL MAP NO. 35379, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN ON MAP FILED IN BOOK 225, PAGES 77 AND 78 OF PARCEL MAPS, RECORDS OF SAID COUNTY.

DESCRIPTION APPROVAL:

BY: *C. Stewart* 8/13/2014

DATE

FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

C/A-1268

