

RECORDING REQUESTED BY:

44752

WHEN RECORDED MAIL TO:

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

Project: Tract No. 23678

RECEIVED FOR RECORD
Min: Past 2 o'clock P.M.

FEB - 7 1991

Recorded in Official Records
of Riverside County, California

W. J. [Signature] Recorder
Fees \$ 9-

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 20th day of September, 1990, by OVERLOOK PARKWAY PARTNERS I, a California General Partnership ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the following described real property (the "Property") located in the City of Riverside, County of Riverside, State of California:

Lots 1 through 9 inclusive, of Tract No. 23678 as shown by map on file in Book 229 of Maps, at pages 39 through 40 thereof, records of Riverside County, California.

The Property is located in the Residential Conservation ("RC") Zone.

B. Declarant desires to divide the Property into not more than nine lots for residential purposes pursuant to Tentative Tract Map No. 23678 as approved by the Planning Commission of the City of Riverside on June 9, 1988. As a condition of approval of Tract Map No. 23678 by the City of Riverside, Declarant is required to record a covenant and agreement precluding the further subdivision of the Property.

NOW, THEREFORE, Declarant hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. The Property may be subdivided into not more than nine single-family residential lots pursuant to Tract Map No. 23678 as conditionally approved by the Planning Commission of the City of Riverside on June 9, 1988, but may not be further divided into additional lots.

2. A minor lot line adjustment may be made between adjacent lots so long as the minor lot line adjustment is approved by the City

X

of Riverside, the lots remain substantially the same size and no new lots are created.

3. In the event the Property or any lot thereof is sold or leased or the ownership is otherwise changed, the grantor shall give prior written notice to the grantee that the Property is not to be developed at a density greater than nine lots as approved for Tentative Tract Map No. 23678 by the Planning Commission of the City of Riverside on June 9, 1988 and that no lot of the Property as created by Tract Map 23678 may be further divided.

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

5. This Covenant and Agreement and Declaration of Restrictions shall run with the land and shall be binding upon the Declarant and the successors, assigns and grantees of Declarant and shall continue in effect until such time as it is released by the City Council of the City of Riverside.

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

DESCRIPTION APPROVAL 10/16/90
George P. Hutchinson, Esq.
CITY OF RIVERSIDE

OVERLOOK PARKWAY PARTNERS I, a California General Partnership

By: HAWARDEN DEVELOPMENT CORPORATION, a California corporation, as general partner

By Andrew M. Bodewin
President

By Cathryn E. Bodewin
Secretary

BP/2715A/jm
8/28/90

APPROVED AS TO FORM

[Signature]
ANST. CITY ATTORNEY