

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Project: Building Permit for  
3106 Belvedere Drive  
Riverside, California

RECEIVED FOR RECORD  
AT 8:30 O'CLOCK A.M.

SEP 10 1990

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$ 7

335372

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this thirtieth (30th) day of August, 1990 by DONALD E. WALLIS and GILDA L. GANT, husband and wife as joint tenants, with reference to the following facts:

A. The undersigned are the fee owners of the following described real property, herein referred to as "the Property" situated in the City of Riverside, County of Riverside, State of California, and commonly known as 3106 Belvedere Drive:

Lot 30 of Belvedere Heights, as shown by Map on file in Book 22, page 31 of Maps, Records of Riverside, California.

B. The Property, known as 3106 Belvedere Drive, Riverside, California is developed with a single-family house and detached garage.

C. The undersigned desires to construct an accessory building to provide accessory living quarters consisting of an office/den, studio/game/recreation room, bathroom, and utility room.

NOW, THEREFORE, for the purposes of complying with a condition of approval for issuance of a building permit and restricting the use of the Property to single-family residential, the undersigned hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

The single-family house and the accessory building containing the accessory living quarters shall be used as one dwelling unit. Neither building shall be used as a separate dwelling unit or separate living quarters from the other. Neither building shall be sold, rented, or leased separately from the other building. No commercial or business activity shall be conducted on the Property unless approved by the Riverside Municipal Code.

DESCRIPTION APPROVAL: 8/29/90

*George P. White*  
SURVEYOR, CITY OF RIVERSIDE

The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside 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 court costs, including reasonable attorneys' fees.

This Covenant and Agreement and Declaration of restrictions shall run with the land and each and all of its terms shall be binding upon the undersigned, and their heirs, successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

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

Donald E. Wallis  
DONALD E. WALLIS

Gilda L. Gant  
GILDA L. GANT

APPROVED AS TO FORM:

Norman Y. Herring  
Assistant City Attorney

State of California )

County of Riverside )

Donald E. Wallis and Gilda L. Gant  
SUBSCRIBED AND SWORN to before me and known personally to me to be the persons who signed the foregoing, this 30th day of August, 1990, at Riverside, California.



Dorthy J. Lagman  
NOTARY PUBLIC

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

RELEASE OF COVENANT AND AGREEMENT

THIS RELEASE OF COVENANT AND AGREEMENT is made and executed this 10th day of September , 1990, by and on behalf of the CITY OF RIVERSIDE, a municipal corporation, with reference to the following facts:

A. On May 24, 1979, ST. JAMES CHURCH OF GOD IN CHRIST, a California nonprofit corporation, executed that certain Covenant and Agreement relating to its real property located in the City of Riverside, County of Riverside, State of California, described in Exhibit A, attached hereto and incorporated herein by this reference, hereinafter referred to as the "Property". The Covenant and Agreement was recorded May 24, 1979 as Instrument No. 107472, Official Records of Riverside County, California. The Property is presently proposed to be developed with a senior housing project.

B. In said Covenant and Agreement, dated May 24, 1979, ST. JAMES CHURCH OF GOD IN CHRIST, for the purpose of complying with the requirements imposed by Section 5 of Ordinance No. 4636, as amended by Ordinance No. 4671 for the issuance of sewer connection permits relating to the construction of a housing project for the elderly on the above-described property and in consideration for the issuance of sewer connection permits under the allocation for housing projects for the elderly or handicapped utilizing federal funding pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701q), as amended, or Section 236 of Public Law 90-448 (12 U.S.C. 1715z), agreed that the project to be built on the above-described property will be financed by federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701q), as amended; that said project will be used for housing for the elderly; and that the dwelling units will be rented in accordance with the criteria established by the federal government for such federally funded projects.

C. The Covenant and Agreement dated May 24, 1979, provides that it shall run with the land and shall be binding upon ST. JAMES CHURCH OF GOD IN CHRIST, its successors and assigns until such time as it is released by the City Council of the City of Riverside, California.

D. The Property is now owned by J. E. WALL VICTORIA MANOR CORPORATION, a California nonprofit corporation, as successor in interest to ST. JAMES CHURCH OF GOD IN CHRIST. On September 4, 1990, the City Council of the City of Riverside determined that

*W. J. Wall* copy only  
9-4-90  
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the Covenant and Agreement may be released since the senior housing project now proposed will not be funded through the HUD Section 202 program referenced above.

NOW, THEREFORE, incorporating the above recitals, the City Council of the City of Riverside, California, by action duly taken at its regular meeting on September 4, 1990, hereby releases the Covenant and Agreement executed by ST. JAMES CHURCH OF GOD IN CHRIST on May 24, 1979, and recorded May 24, 1979 as Instrument No. 107472, Official Records of Riverside, California, and hereby discharges J. E. WALL VICTORIA MANOR CORPORATION, and its successors and assigns as to the Property from any obligation or duty set forth in said Covenant and Agreement.

THIS RELEASE has been duly executed the day and year first written above.

CITY OF RIVERSIDE,  
a municipal corporation

By *Terry Frenzel*  
Mayor

Attest *Rice A. Hale*  
City Clerk

APPROVED AS TO FORM:

*N. Y. Herrera*  
Assistant City Attorney

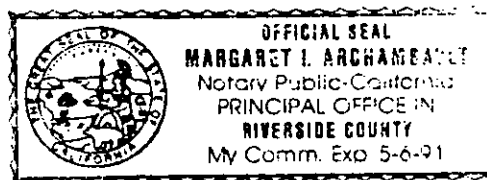
KG/2696A/lm  
8/23/90

STATE OF CALIFORNIA )  
  ) ss  
COUNTY OF RIVERSIDE )

On this 10th day of September, 1990, before me, MARGARET I. ARCHAMBAULT, a Notary Public in and for said State, personally appeared TERRY FRIZZEL and ALICE A. HARE, personally known to me to be the persons who executed this instrument as Mayor and City Clerk of the City of Riverside, a municipal corporation, and acknowledged to me that the municipal corporation executed it.

WITNESS my hand and official seal.

*Margaret I. Archambault*  
\_\_\_\_\_  
Notary Public in and for said State



# CITY OF RIVERSIDE

## CITY COUNCIL MEMORANDUM

HONORABLE MAYOR AND CITY COUNCIL

September 4, 1990

Agenda Item: 26

SUBJECT: J. E. WALL VICTORIA MANOR - RELEASE OF COVENANT  
AND AGREEMENT

In May 1979, as a condition for application for HUD Section 202 funds, a Covenant and Agreement was executed on property at Victoria Avenue and Cridge Street owned by St. James Church of God in Christ, which stipulates that the dwelling units to be constructed on that site would be rented in accordance with the criteria established by the federal government for such federally funded projects. The Covenant and Agreement runs with the land and is binding upon all successors to the Church until released by the City Council.


Since that property is now owned by J. E. Wall Victoria Manor Corporation and the senior housing project to be constructed on this site will not be financed through the Section 202 Program, it would be appropriate for the City to release the property from these conditions.

### RECOMMENDATION

That the City Council approve the execution of the Release of Covenant and Agreement on property at Victoria Avenue and Cridge Street previously owned by St. James Church of God in Christ.

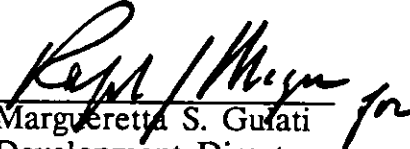
Prepared by:

Approved by:

  
Rosalie Silverglate  
Assistant Director for  
Business/Community Development

  
Robert C. Wales  
Acting City Manager

Concurs with:

  
Margueretta S. Gufati  
Development Director

cc: City Attorney  
City Clerk

SEP 4 1990

V76P77

CLAYTON	1
CLAYTON	2
CLAYTON	3
CLAYTON	4
CLAYTON	5
CLAYTON	6
CLAYTON	7

September 4, 1990

WARDS

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PERSONNEL ADJUSTMENTS - DEVELOPMENT DEPARTMENT

A written report was submitted from the Acting City Manager and the Development Director, concurred in by the Assistant to Cit...

DOCUMENT NOT YET RECEIVED IN CITY CLERKS OFFICE

RECOVERY OF COSTS FOR REMOVAL OF DANGEROUS

A written report was submitted from the tor, concurred in by the City Attorney, covery of costs for removal of a dangero...

(mm) 9/4/90

REQUEST FOR PROPOSAL FOR RESTORATION AND

A written report was submitted from the tor, concurred in by the Park and Recreat tor, recommending that the City Council use of the historic John Brodhurst House...

J. E. WALL VICTORIA MANOR - RELEASE OF COVENANT AND AGREEMENT

A written report was submitted from the Acting City Manager and the Assistant Director for Business/Community Development, concurred in by the Development Director, recommend...

VOLUNTEERS OF AMERICA HOUSING PROJECT - CDBG LOAN - SETTING PUBLIC HEARING

A written report was submitted from the Acting City Manager and the Assistant Director for Business/Community Development, concurred in by the Development Director and the Finance Director, recommending that the City Council set September 18, 1990, at 2 p.m., for a public hearing on the proposed reprogramming of \$450,000 from Central Industrial Marketplace/Section 108 Program Account 15-55000-44500 and approximately \$200,000 from Economic Development Assistance Program Account 15-55000-44400 as a loan to the Volunteers of America for the purchase of property upon which to construct a 75-unit HUD Section 202 Project senior housing project. The recommendation was approved as presented.

CDBG 1989-90 GRANTEE PERFORMANCE REPORT - SETTING PUBLIC HEARING

A written report was submitted from the Acting City Manager and the Assistant Director for Business/Community Development, concurred in by the Development Director, recommend...

GENERAL FUND CONTINGENCY RESERVE

A written report was submitted from the Acting City Manager and the Finance Director, concurred in by the Assistant City Manager, presenting the status of the 1990-91 General Fund Contingency Reserve as of August 21, 1990. The report was received and ordered filed.

FURNITURE AND EQUIPMENT PURCHASES FOR NEW TEMECULA BRANCH LIBRARY

A written report was submitted from the Acting City Manager and the Library Director, concurred in by the Finance Director, recommending that the City Council (1) accept and appropriate \$369,084 from the Riverside County Administrative Office; and (2) authorize the Purchasing Division to purchase the required items listed in the report for the Temecula Branch Library. The recommendations were approved as presented.