

WHEN RECORDED MAIL TO:

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

FREE RECORDING

This instrument is for the benefit of the City of Riverside and is entitled to be recorded without fee. (Government Code 6103)

RECEIVED FOR RECORD  
Mir. Past

JAN 4 1991

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$

FOR RECORDER'S OFFICE USE ONLY

Project: BUILDING PERMIT APPLICATION  
5870 ARLINGTON AVENUE  
A.P.N. 227-022-011 & 040

COVENANT AND AGREEMENT  
AND DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions is made and entered into this 07 day of December, 1990, by ROBERT J. NORTON, (the "Declarant") with reference to the following facts:

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

PARCEL 1

THAT PORTION OF LOTS 3 AND 4 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 4, 15.98 FEET SOUTHWESTERLY FROM THE MOST EASTERLY CORNER OF SAID LOT 4; THENCE NORTH 0 DEGREES 5' WEST, 350.31 FEET TO THE SOUTHERLY LINE OF ARLINGTON AVENUE AS NOW WIDENED; THENCE WESTERLY ON THE SAID SOUTHERLY LINE OF ARLINGTON AVENUE, 60 FEET; THENCE SOUTH 0 DEGREES 5' EAST TO THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE NORTHEASTERLY ON SAID SOUTHEASTERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION OF SAID LAND GRANTED TO THE CITY OF RIVERSIDE BY A DEED RECORDED SEPTEMBER 13, 1963 AS INSTRUMENT NO. 96854 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

Please record for the benefit of the City of Riverside  
Real Property Services Manager

4833

CLA 232

TOGETHER WITH:

THE WEST 72.5 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF LOTS 3 AND 4 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, SAN BERNARDINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL CONVEYED TO J.W. BAILEY BY DEED RECORDED APRIL 9, 1913 IN BOOK 373, PAGE 334 OF DEEDS, RIVERSIDE COUNTY RECORDS; THENCE SOUTHERLY 13 FEET TO THE PRESENT SOUTHERLY LINE OF ARLINGTON AVENUE FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG THE EASTERLY LINE OF THE ABOVE MENTIONED PARCEL, 253.38 FEET TO THE SOUTHERLY LINE OF LOT 3 IN BLOCK 6 ABOVE DESCRIBED; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3, 158.58 FEET TO THE SOUTHWESTERLY CORNER THEREOF THENCE CONTINUING WESTERLY 15.78 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 4 IN SAID BLOCK 6; THENCE NORTHERLY AND PARALLEL TO THE EASTERLY LINE OF THE HEREIN DESCRIBED PARCEL TO THE SOUTHERLY LINE OF ARLINGTON AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF ARLINGTON AVENUE, 145 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY IS ALSO SHOWN ON RECORD OF SURVEY ON FILE IN BOOK 13, PAGE 3 OF RECORDS OF SURVEY, RIVERSIDE COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED AUGUST 30, 1985, AS INSTRUMENT NO. 196275 OF OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY.

PARCEL 2

THAT PORTION OF LOT 3 IN BLOCK 6 OF LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT, 50 FEET SOUTHWESTERLY FROM THE MOST EASTERLY CORNER THEREOF; THENCE AT RIGHT ANGLE NORTHERLY TO THE NORTH LINE OF SAID LOT; THENCE WEST ALONG SAID NORTH LINE, 135 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING WEST ALONG SAID NORTH LINE, 100 FEET; THENCE AT RIGHT ANGLE SOUTH TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND GRANTED TO HARRY H. GIDDINGS, ET UX, BY DEED RECORDED JULY 8, 1935 IN BOOK 242 PAGE 333 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL OF LAND TO POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION THEREOF INCLUDED IN ARLINGTON AVENUE NOW WIDENED.

TOGETHER WITH:

ALL THAT PORTION OF LOT 3 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 50 FEET SOUTHWESTERLY FROM THE EASTERLY CORNER OF SAID LOT; THENCE AT A RIGHT ANGLE NORTHERLY TO THE NORTH LINE OF SAID LOT 3; THENCE WEST ON SAID NORTH LINE OF SAID LOT, 235 FEET FOR THE POINT OF BEGINNING;  
 THENCE CONTINUING WEST ON SAID NORTH LINE 95 FEET;  
 THENCE AT RIGHT ANGLE SOUTHERLY 252 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT;  
 THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT TO A POINT SOUTH OF THE POINT OF BEGINNING, SAID POINT BEING MEASURED ON A LINE DRAWN AT RIGHT ANGLE TO THE NORTH LINE OF SAID LOT;  
 THENCE NORTH ON SAID LINE TO THE POINT OF BEGINNING: BEING THE WESTERLY 95 FEET OF THE LAND CONVEYED TO MAUD R. GIDDINGS, BY DEED RECORDED SEPTEMBER 10, 1927 IN BOOK 728 PAGE 577 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION THEREOF AS CONVEYED TO THE CITY OF RIVERSIDE BY DEED DATED NOVEMBER 23, 1943, AND RECORDED NOVEMBER 30, 1943 IN BOOK 603 PAGE 346 AND BY DEED RECORDED SEPTEMBER 13, 1963 AS INSTRUMENT NO. 96855 ALL OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

DESCRIPTION APPROVAL:

11, 16, 90

George P. Hutchinson  
 SUPERVISOR, CITY OF RIVERSIDE

B. As Declarant desires to construct structure(s) upon the Property, a review by the Public Utilities Department of the City of Riverside (the "City") of the development and/or building plans is necessary for the determination of water fees, charges and requirements prior to the issuance of a Building Permit.

C. The Water Rules of the City require that the existing 6-inch water main within Arlington Avenue fronting the Property be replaced with 12-inch water main(s) for a distance of 132.5 feet. The City has determined that such water main replacement is not required at this time subject to the Declarant executing and recording an agreement to pay an in lieu fee at such time as such replacement is necessary.

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

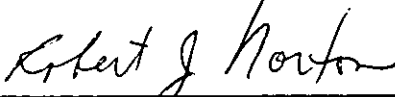
1. Declarant shall pay to City, upon demand, the Distribution System Fee or its equivalent at the rate established in the Water Rules of City then in effect at the time of payment, for the replacement of 132.5 feet of existing 6-inch water main with 12-inch water main within Arlington Avenue fronting the Property at such time as it is reasonably determined by City that the water main replacement is required to meet fire flow demands for development or nearby developments.

2. Declarant or the successors or assigns of Declarant shall pay the heretofore described Distribution System Fee or its equivalent within 90 days of written notification from City that the water main replacement is required for water system betterment and fees are due and payable. In the event the Distribution System Fee is not paid to City within said 90 days, the water service to the structure(s) may be terminated in accordance with the then existing rules for non payment of water charges until such time as the Distribution System Fee has been paid.


3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City, its successors and assigns. Should the City 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.

4. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarant and the successors and assigns of Declarant and shall continue in effect for a period of twenty (20) years from the day and year first above written at which time all provisions herein shall terminate if otherwise not previously released by the City Council of the City of Riverside, California.

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

  
 \_\_\_\_\_  
 ROBERT J. NORTON

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Assistant City Attorney