

178390

When Recorded Mail To:

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

Project: Parcel Map 24733

RECEIVED FOR RECORDING  
Min. Past 10 o'clock P.M.

MAY 29 1991

Recorded in Official Records  
of Riverside County, California

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

COVENANT, AGREEMENT AND  
DECLARATION OF RESTRICTIONS

This Covenant, Agreement and Declaration of Restrictions is made this 30<sup>th</sup> day of April, 1991, by the Lance Family Revocable Trust, dated August 14, 1981, ("Lance") with reference to the following facts:

A. Lance is the fee owner of approximately 130.236 acres of unimproved real property situated in the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by reference. The real property described in Exhibit "A" is hereinafter referred to as the "Subject Property".

B. The City of Riverside has approved the subdivision of the Subject Property into approximately 51 buildable parcels. As a condition of approving the subdivision of the Subject Property, the City of Riverside has imposed certain requirements related to the use and development of the Subject Property, including requirements regarding certain off-site improvements and street rights-of-way as specifically set forth in the Approved Conditions for Parcel Map 24733.

C. Lance has proposed that an assessment district and/or community facilities district be formed and funded to finance a portion of the construction of the off-site improvements and the acquisition of street rights-of-way for the purpose of complying with the above-referenced conditions of Parcel Map 24733.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside for approval of Parcel Map 24733, the undersigned hereby covenants and agrees with the City of Riverside, and declares as follows:

1. There shall be no public access to the Subject Property until such time as (i) all offsite improvements, including the construction and installation of required public utility improvements, ("Offsite Improvements") have been completed, (ii) all required development related public utility fees and charges ("Utilities Fees") have been paid, and (iii) all rights-of-way dedications have been satisfied, as required by the City of Riverside in the conditions of approval of Parcel Map 24733, whether by the proposed assessment district and/or community facilities district or otherwise.

2. Lance, and its successors and assigns, shall be responsible for the completion of the Offsite Improvements, payment of the Utilities Fees and satisfaction of the street rights-of-way dedications in the event the assessment district and/or community facilities district is not formed and funded to finance a portion of the Offsite Improvements, the Utilities Fees and the acquisition of the street rights-of-way. Lance further agrees that

all Offsite Improvement plans shall be approved by the City of Riverside before building permits will be issued.

3. Lance, and its successors and assigns, shall not improve any portion of the Subject Property for private use prior to (i) the acquisition of street rights-of-way by the proposed assessment district and/or community facilities district, or, alternatively, should an assessment district and/or community facilities district not be formed, the dedication of street rights-of-way, and (ii) improvement of the streets in accordance with the then existing standards and specifications of the City of Riverside, or the execution by Lance of an improvement agreement and the provision of appropriate improvement security to secure the performance of the street improvement work, and (iii) the construction and installation of the required public utilities and the payment of the Utilities Fees, or the execution by Lance of an improvement agreement and provision of appropriate improvement security to secure the performance of the required public utility installation work and payment of the Utilities Fees. Notwithstanding the above provisions of this Section 3, Lance, and its successors and assigns, is not required to improve minor streets with required sidewalks and landscaping prior to commencing grading or other offsite improvement work. However, said sidewalks and landscaping shall be completed prior to issuance of any building permits for the Subject Property.

4. Parcels 54 through 62 are intended to be acquired or dedicated for public streets right-of-way as provided for herein and are not developable parcels.

5. Parcels 59 and 60, and that portion of Parcel 54 adjacent to Parcels 10, 11, 21, 22 and a portion of Parcel 23, within Parcel Map 24733 are intended to be acquired by the proposed assessment district and/or community facilities district (or dedicated should an assessment district and/or community facilities district not be formed) as half-street rights-of-way. In the event that adjacent property half-street rights-of-way are not acquired by the proposed assessment district and/or community facilities district (or dedicated by their owners) prior to actual construction of street improvements, Lance, and its successors and assigns, shall, for the purpose of allowing standard half-street construction, allow the assessment district and/or community facilities district to acquire (or dedicate should an assessment district and/or community facilities district not be formed) ten (10) feet of additional right-of-way adjacent to Parcels 59 and 60, and that portion of Parcel 54 adjacent to Parcels 10, 11, 21, 22 and a portion of Parcel 23, of Parcel Map No. 24733.

6. Parcels 52, 53 and 61 within Parcel Map 24733, are intended to be acquired by the proposed assessment district and/or community facilities district (or dedicated should an assessment district and/or community facilities district not be formed) for incorporation into Sycamore Canyon Park. Lance, and its successors and assigns, shall not improve any portion of said Parcels 52, 53 and 61 for private use prior to acquisition of the parcels for park purposes.

7. The terms of this Covenant, Agreement and Declaration of Restrictions may be enforced by the City of Riverside, or its successors or assigns. Should any action be brought to interpret or enforce the terms of this Covenant, Agreement and Declaration of Restrictions, the prevailing party in such litigation shall be entitled to recover reasonable attorneys' fees, expert witnesses' fees and reasonable costs of suit.

8. This Covenant, Agreement and Declaration of Restrictions shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall not be amended or terminated without the express written consent of the City Council of the City of Riverside, duly recorded.

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

Lance Family Revocable Trust,  
dated August 14, 1981

By: Cecelia Lance  
Cecelia Lance, Trustee

APPROVED AS TO FORM:

Kathleen M. Gonzalez  
Assistant City Attorney

State of California )  
County of ~~Riverside~~ ) ss Los Angeles

On this 3<sup>RD</sup> day of May, 1991, 1990, before me the undersigned Notary Public in and for said State, personally appeared Cecelia Lance as Trustee of the Lance Family Trust, dated August 14, 1981, personally known to me and/or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

My Commission Expires

3-20-95

WITNESS my hand and official seal.

Duane E. Espinosa  
Notary Public in and for said State

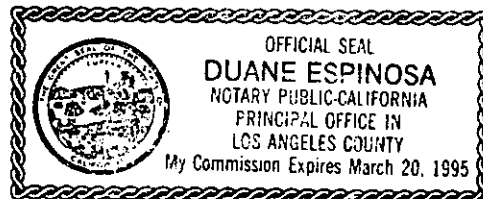


EXHIBIT "A"  
Legal Description

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

PARCEL 1:

The east half of the northeast quarter of the southeast quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 2:

The southeast quarter of the southeast quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the official plat thereof;

Except that portion southeast of the northwest line of the land conveyed to the Metropolitan Water District of Southern California, by deed recorded February 2, 1976 as Instrument No. 13456 of Official Records of Riverside County, California.

PARCEL 3:

The southeast quarter of the southeast quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the official plat thereof;

Except that portion northwest of the southeast line of the land conveyed to the Metropolitan Water District of Southern California, by deed recorded February 2, 1976 as Instrument No. 13456 of Official Records of Riverside County, California.

Also except that portion lying within an offer of dedication for street purposes accepted by the City Council of the City of Riverside, California as Resolution No. 17217, recorded August 24, 1989 as Instrument No. 288817, Official Records of Riverside County, California.

PARCEL 4:

The east half of the southwest quarter of the southeast quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 5:

The west half of the west half of the southeast quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 6:

The northwest quarter of the northeast quarter of the southwest quarter of Section 4, Township 3 South, Range 4 West, San Bernardino Base and Meridian, as shown by United States Government Survey.

PREPARED UNDER MY SUPERVISION:

Matthew E. Webb  
Matthew E. Webb, L.S. 5529

4/16/91  
Date

Prepared by: SDW

Checked by: MEW

DESCRIPTION APPROVAL 5/10/90  
George P. Hutchinson by WF  
SURVEYOR, CITY OF RIVERSIDE



LOVELAKE	CLARK	DEFRANCE	BUSTIE	CL. FORD	PERKINS	PARSON
1	2	3	4	5	6	7

April 21, 1992

WARDS

LEAVE OF ABSENCE - DEBORA A. FOY

A written report was submitted from the City Manager and the Chief of Police, concurred in by the Personnel Director, recommending that the City Council grant Police Officer Debora A. Foy additional leave of absence without pay until June 1, 1992. The recommendation was approved as presented.

CONSTRUCTION OF CENTER STREET WELL - CHANGE ORDER NO. 1

A written report was submitted from the City Manager and the Public Utilities Director, concurred in by the Acting City Attorney, recommending that the City Council (1) approve Change Order No. 1 decreasing the contract with Beylik Drilling, Inc., by \$182,686, for the Center Street Well project; and (2) authorize preparation and execution of a supplemental agreement. The recommendations were approved as presented.

SEPARATE COLLECTION OF RESIDENTIAL YARDWASTE - BID WAIVER - RESOLUTION

A written report was submitted from the City Manager and the Public Works Director, concurred in by the Assistant City Manager-Development and the Finance Director, recommending that the City Council (1) adopt a resolution waiving formal bidding procedures and authorize staff to negotiate a contract with Recyc, Inc., for the acceptance and composting of yardwaste; (2) approve the mailing of the proposed utility bill stuffer attached to the report announcing the separate yardwaste program; and (3) authorize staff to develop agreements with private haulers so that any savings in dump fees will be reflected in future refuse rates for residences served by private haulers. The recommendations were approved as presented; and Resolution No. 17965 of the City Council of the City of Riverside, California, Authorizing Waiver of Formal Bidding as Required by Resolution No. 17788 and Authorizing Negotiation of a Contract With Recyc, Inc. for Acceptance and Composting of Yardwaste, was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmembers present, was adopted.

CITY COUNCIL

REVIEW OF COMMERCIAL TRUCK PARKING

A written report was submitted from Chairman Clifford of the City Council Transportation Committee presenting the Committee's recommendations that the City Council (1) approve the Commercial Truck Parking Program at the Airport; and (2) authorize the Airport Director to sign storage agreements in a form approved by the City Attorney. The recommendations were approved as presented.

LEGAL DEPARTMENT

PARCEL MAP 24733 - EASTRIDGE AND SYCAMORE CANYON - AMENDMENT OR TERMINATION OF COVENANT, AGREEMENT AND DECLARATION OF RESTRICTIONS

A written report was submitted from Assistant City Attorney Turney recommending that the City Council consent to the amendment of or termination and replacement of a Covenant, Agreement and Declaration of Restrictions entered into on April 30, 1991, by the Lance Family Revocable Trust and recorded May 29, 1991, as Instrument No. 178390, relating to Parcel Map 24733, located on the north side of Eastridge Avenue and the west side of Sycamore Canyon Boulevard; and authorize the Mayor and City Clerk to execute the appropriate written consent. The recommendations were approved as presented.

RESOLUTIONS - ADOPTION

PARCEL MAP 24733 - NORTH SIDE OF EASTRIDGE, WEST SIDE OF SYCAMORE CANYON  
Resolution No. 17966 of the City Council of the City of Riverside, California, Accepting the Easement Dedication Shown on the Final Map of Parcel Map 24733, consisting of seven sheets, in the City of Riverside, Riverside County, California, being a division of a portion of the southeast quarter together with the northwest quarter of the northeast quarter of the southwest quarter, both of Section 4, Township 3 South, Range 4 West, San Bernardino Meridian; located on the north side of Eastridge Avenue and the west side of Sycamore Canyon Boulevard, was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmembers present, was adopted.

PARCEL MAP 25460 - SOUTHEASTERLY CORNER OF WASHINGTON AND NIXON  
Resolution No. 17967 of the City Council of the City of Riverside, California, Accepting the Easement Dedication Shown on the Final Map of Parcel Map 25460, consisting of two sheets, in the City of Riverside, County of Riverside, State of California, being a division of a portion of Lots 19 and 20 in Block 1 of Orange Acres as shown on map on file in Book 13, at Page 7, of Maps, Records of Riverside County, California, located in

CITY OF *Riverside* OFFICE OF CITY ATTORNEY3900 Main Street • Riverside, California 92522 • 714 782-5567  
Telecopier 714 782-5540

April 21, 1992

JOHN WOODHEAD  
City AttorneyTo the Mayor and City Council  
of the City of RiversideRe: Parcel Map 24733

In April 1991, the Lance Family Revocable Trust executed a Covenant, Agreement and Declaration of Restrictions to meet certain conditions of approval for Parcel Map 24733. It was recorded in May 1991. In order to finalize the map it is necessary to amend or to terminate and replace the recorded document. No condition of approval is being changed. The document contains a requirement that it "shall not be amended or terminated without the express written consent of the City Council of the City of Riverside, duly recorded."

Recommendation: That the City Council consent to the amendment of or termination and replacement of a Covenant, Agreement and Declaration of Restrictions entered into on April 30, 1991 by the Lance Family Revocable Trust and recorded May 29, 1991 as Instrument No. 178390; and authorize the Mayor and City Clerk to execute the appropriate written consent.

Respectfully submitted,

CLARICE TURNEY  
Assistant City Attorney

CT/0934C/sb

cc: Planning Department  
Public Works DepartmentAPR 21 1992  
V 179/351