

Recording Requested by:
Continental Lawyers Title Company
WHEN RECORDED MAIL ☺:

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

Project: ~~Emerald Ridge~~
Tract No. 21767-3

373726

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

OCT - 2 1992

Recorded in Official Records
of Riverside County, California

William J. [Signature]
Recorder
Fees \$ 12.00

a

116902-10

DECLARATION OF NOTICE
CONCERNING FIRE EXTINGUISHING SYSTEMS
AND RELEASE

19-2
3

This Declaration of Notice Concerning Fire Extinguishing Systems and Release ("Declaration") is made and entered into this day of September, 1992, by EMERALD RIDGE ASSOCIATES, a California limited partnership ("Declarant"), with reference to the following facts and circumstances:

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

Lots 1 through 6, inclusive, Lots 32 through 44, inclusive, and Lots 71 through 75, inclusive, of Tract No. 21767-3 as shown by map on file in Book 181 of Maps, at pages 59 through 63 thereof, Records of Riverside County, California.

B. The Property is located in the extended response area of the City of Riverside ("City") as established by resolution of the City Council of City wherein the average fire department response time is in excess of five minutes. In the extended response area, Section 16.08.135 of the Riverside Municipal Code amending Section 3802 of the Uniform Building Code requires the installation of a fire-extinguishing system in all Group-R occupancies.

C. Declarant submitted building plans to the City for the construction of single-family homes on the Property. Declarant was unaware that the Property was located in the extended response area which required the installation of fire-extinguishing systems in each of the residences to be built, and the plans as submitted by Declarant to City did not reflect the installation of such systems.

CA 332

D. The building plans as submitted by Declarant were reviewed by various City departments including its Fire Department. During such plan checking, Declarant was not advised of the need to install fire extinguishing systems in the houses. Building permits were issued by the City based on the plans submitted by Declarant to City without mention of the need to install fire extinguishing systems.

E. After Declarant commenced construction of the houses on the Property pursuant to the building permits issued by City and in accordance with the approved plans, Declarant was advised of the requirements of Section 16.08.135 of the Riverside Municipal Code and the need to install fire extinguishing systems.

F. As the construction of the houses on the Property had commenced prior to notification of the requirements of Section 16.08.135 of the Riverside Municipal Code, and as other dwelling units around the Property had been constructed without fire extinguishing systems, it was determined by the City to allow Declarant to finish construction of the houses on the Property in accordance with the approved plans subject to Declarant executing and recording a document wherein Declarant agrees to notify all prospective purchasers in writing that the Property is located in the extended response area, that the average fire department response time is in excess of five minutes and that fire extinguishing systems were not installed; and wherein Declarant agrees that the City be released from any and all liability arising from the failure to install fire extinguishing systems in the houses built on the Property.

G. It is the desire of the Declarant to give notice to prospective buyers as requested by the City and to comply with the conditions imposed by City for the completion of construction in accordance with the plans approved at the time of issuance of the building permits therefor.

NOW, THEREFORE, for the purpose of complying with a condition imposed by City for the completion of construction of the houses on the Property in accordance with the plans approved by City at the time of the issuance of building permits therefor, Declarant, for itself and its successors and assigns, hereby covenants and agrees with the City that the Property as hereinabove described shall be held, sold, mortgaged, encumbered, leased, rented, used and occupied subject to the following restrictions, limitations and covenants:

1. That Declarant hereby gives notice to any prospective purchaser of any lot of the Property of the following, which notice shall be deemed given by the recordation of this Declaration in the Official Records of the Riverside County Recorder:

a. The lot sought to be purchased is in the extended response area of the City of Riverside wherein the average fire department response time is in excess of five minutes.

b. Section 16.08.135 of the Riverside Municipal Code amending Section 3802 of the Uniform Building Code requires the installation of a fire extinguishing system in all single-family residential houses in the extended response area.

c. The house sought to be purchased was constructed without the fire extinguishing system pursuant to plans approved by the City.

d. That the Fire Department of the City recommends the installation of a fire extinguishing system in the house sought to be purchased as it has been determined that the average fire department response time is in excess of five minutes and that the response time is critical to the saving of life and property.

2. That Declarant hereby releases and holds the City, its officers and employees harmless from any and all claims, demands, suits and other actions that it may now or in the future have arising out of or incurred as a result of the failure of City to require the installation of a fire extinguishing system in each of the houses built on the Property or the failure of Declarant to so install such fire extinguishing systems. Declarant waives any and all rights and benefits it now has, or in the future may have, conferred upon it by virtue of the provisions of Section 1542 of the Civil Code of the State of California, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

In this connection, Declarant agrees, represents and warrants that it is familiar with, has read and understands Civil Code Section 1542, and it realizes and acknowledges that factual matters now unknown to it may have given, or may hereafter give rise to claims, which are presently unknown, unanticipated and unsuspected and said Declarant further agrees, represents and warrants that this release has been negotiated and agreed upon in light of that realization and that the Declarant nevertheless intends to release, discharge and acquit the City and its officers and employees from any such unknown claims which in any way relate to the failure to install a fire extinguishing system in each house on the Property.

3. The provisions of this Declaration shall be enforceable at law or in equity by the City. In the event of any legal or equitable proceedings for the enforcement of or to restrain a

373726

violation of this Declaration, or any provision hereof, the prevailing party therein shall be entitled to reasonable attorneys' fees in addition to any other costs to which said party is entitled.

4. This Declaration, and each and every term herein, shall run with the land and shall be binding upon Declarant, its successors and assigns, and shall continue in effect until such time as released by the City acting through its duly authorized City Manager by a document duly recorded.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed the day and year first above written.

EMERALD RIDGE ASSOCIATES, a California limited partnership

By: MEEKER CONSTRUCTION COMPANY, INC., a California corporation, as general partner

By [Signature] President

By [Signature] Secretary

STATE OF CALIFORNIA }
COUNTY OF Orange } s.s.

373726

On September 30, 1992 before me,
the undersigned

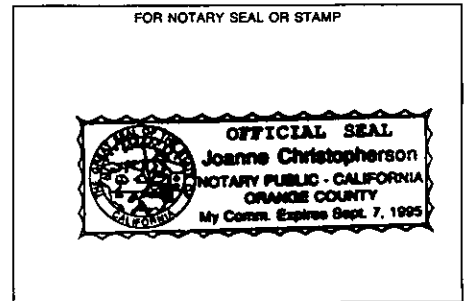
a Notary Public in and for said County and State, personally appeared
G.R. MEEKER, JR. AND
STEVE ENOCHS

personally known to me (or 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.

WITNESS my hand and official seal

Signature [Signature]
Joanne Christopherson

F 2482 (5-91)



Shaple
CERTIFICATE OF ACKNOWLEDGEMENT
Shaple