

RECORDING REQUESTED BY:

485416

WHEN RECORDED MAIL TO:

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

Project: Tract No. 27289

RECEIVED FOR RECORD
AT 2:00 O'CLOCK

DEC 21 1992

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$ 1.00

COVENANT AND AGREEMENT
CONSENTING TO ANNEXATION TO OR FORMATION
OF LANDSCAPE MAINTENANCE DISTRICT AND
PROVIDING FOR INTERIM LANDSCAPE MAINTENANCE

THIS COVENANT AND AGREEMENT is made and entered into this 10th day of December, 1992, by VAN DAELE DEVELOPMENT CORPORATION, a California corporation ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the following described real property (the "Property") consisting of approximately 24.8 acres situated in the City of Riverside, County of Riverside, State of California:

Lots 1 through 136 of Tract No. 27289 as shown by map on file in Book 242 of Maps, Pages 80 through 85 thereof, records of Riverside County, California.

The Property is situated on the east side of Trautwein Road and the west side of Mission Grove Parkway South, southerly of Mission Village Drive.

B. By Tract Map 27289, Declarant proposes to divide the Property into 136 lots for residential and open space purposes. By Zoning Case PRD-3-912, Declarant desires to establish on the Property a planned residential development consisting of 127 detached single-family residences on individual lots with private and common open space.

C. As a condition to the approval of Tract Map 27289 by the City of Riverside (the "City"), Declarant is to record a Covenant and Agreement subject to the City Attorney's approval prior to or concurrently with the recordation of Tract Map 27289 to insure that present and future owners of the area bounded by the map will prior to issuance of any building permits (except for models) annex to the City's Landscape Maintenance District No. 91-1 or a Landscape Maintenance District to be formed for the entire

DESCRIPTION APPROVAL 12/14/92
Surveyed by L.E.
SURVEYOR, CITY OF RIVERSIDE

Alessandro Heights Specific Plan area including the subject map.

D. As a further condition to the approval of Tract No. 27289, until such time as the Property is included within a Landscape Maintenance District, Declarant or the Homeowner's Association established for the Property shall agree to maintain the required landscaping in the public right of way and perimeter and arroyo open space areas established by Tract Map 27289.

E. Declarant by this document intends to comply with the above-noted condition imposed by City for the approval of Tract Map 27289 and to provide for the value, desirability and attractiveness of the Property.

NOW, THEREFORE, in consideration of the approval of the map for Tract No. 27289, Declarant hereby covenants and agrees with the City of Riverside for itself and its successors and assigns as follows:

1. Declarant for itself and its successors and assigns as to each Lot of the Property hereby consents to the annexation of the Property to City of Riverside Landscape Maintenance District No. 91-1 or to the formation of a Landscape Maintenance District for the entire Alessandro Heights Specific Plan area including the Property and further agrees to execute any necessary documents to provide for the annexation of the Property to City of Riverside Landscape Maintenance District No. 91-1 or the formation of a Landscape Maintenance District for the Alessandro Heights Specific Plan area.

2. Declarant by the recordation of this Covenant and Agreement hereby gives notice to all prospective buyers of any Lot of the Property of the annexation to or the formation of a landscape maintenance district and that each Lot of the Property will be required to pay certain assessments for the maintenance of landscaping.

3. Declarant for itself and its successors and assigns as to the Property hereby agree that the Declarant or the Homeowner's Association established for said Property shall maintain the required landscaping in the public right of way and the perimeter and arroyo open space areas established by Tract Map 27289 until such time as the Property is annexed to City's Landscape Maintenance District No. 91-1 or a new Landscape Maintenance District is formed which includes the Property.

4. The terms of this Covenant and Agreement may be enforced by the City and its successors and assigns. Should the City bring an action to enforce any of the terms of this Covenant and Agreement, the prevailing party shall be entitled to costs of suit including reasonable attorneys' fees.

