

NS

RECORDING REQUESTED 1:

484421

WHEN RECORDED MAIL TO:

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

Project: Tract No. 27288

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

DEC 21 1992

Recorded in Official Records
of Riverside County, California

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

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

[Handwritten mark]

10th THIS COVENANT AND AGREEMENT is made and entered into this 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 11.8 acres situated in the City of Riverside, County of Riverside, State of California:

Lots 1 through 91 inclusive, together with Lots "A" through "H" inclusive of Tract No. 27288 as shown by map on file in Book 242 of Maps, Pages 75 through 79 thereof, records of Riverside County, California.

The Property is situated on the southeast corner of Trautwein Road and Mission Village Drive.

B. By Tract Map 27288, Declarant proposes to divide the Property into 91 lots for residential and open space purposes. By Zoning Case PRD-2-912, Declarant desires to establish on the Property a planned residential development consisting of approximately 86 attached single-family residences (townhouses) on the individual lots to be created by Tract Map 27288 together with parking and private and common open space.

C. As a condition to the approval of Tract Map 27288 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

DESCRIPTION APPROVAL 2/14/92
[Signature]
SURVEYOR, CITY OF RIVERSIDE

recordation of Tract Map 27288 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 Alessandro Heights Specific Plan area including the subject map.

D. As a further condition to the approval of Tract No. 27288, 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 open space areas established by Tract Map 27288.

E. Declarant by this document intends to comply with the above-noted condition imposed by City for the approval of Tract Map 27288 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. 27288, 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 open space areas established by Tract Map 27288 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.

5. This Covenant and Agreement shall run with the land and each and all of its terms shall be binding upon Declarant, its successors and assigns and shall continue in effect until such time as is released or terminated by the City Council of the City.

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

VAN DAELE DEVELOPMENT CORPORATION,
a California corporation

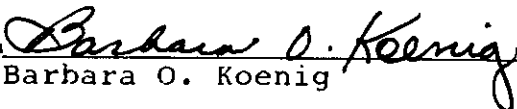
By 
Patrick J. Van Daele
Title Executive Vice President

By _____
Title _____

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

On December 10, 1992, before me, Barbara O. Koenig, personally appeared Patrick J. Van Daele, Executive Vice President, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS by hand and official seal.


Barbara O. Koenig

