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WHEN RECORDED MAIL TO:

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

Project: Riverside Unified School District
Alternative Education Facility
Location: 6401 Lincoln Avenue
Deferment of a portion of Water Main
Extension Fees and Charges
A.P.N. 235-014-011

Government Code 6103

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

APR 22 1993

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$

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COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 5th day of April 1993, by RIVERSIDE UNIFIED SCHOOL DISTRICT OF RIVERSIDE COUNTY (the "Declarant") with reference to the following facts:

A. Declarant is the fee owner of that certain real property (the "Property") situated on the northerly side of Lincoln Avenue between Horace Street and Maude Street within the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by this reference.

B. Declarant desires to construct structures for its Alternative Education Facility upon only the westerly 778.00 feet, more or less, of the Property.

C. As a condition for site development and in order to provide both domestic water service and fire protection water service for said development, the Public Utilities-Department of the City of Riverside (the "City") is requiring the following:

(1) That Declarant construct a 12-inch water main, with all necessary appurtenances, within Lincoln Avenue between Maude Street and Horace Street for a distance of approximately 1368.00 feet.

(2) That Declarant pay to City the Distribution System Fee for the existing 6-inch water main within Maude Street for a distance of 200.00 feet and also for the existing 8-inch water main within Horace Street for a distance of 200.00 feet. Said Distribution System Fee to be at the rate established in the Water Rules of the City at time of installation of the required 12-inch water main extension within Lincoln Avenue between Maude Street and Horace Street.

148447

[Handwritten signature]

Please record for the benefit of the City of Riverside

Administrative Services Director

(3) That Declarant pay to City the Elevation Fee for the entire 5.87 acres of the Property at the rate as established by the Water Rules of the City at time of installation of 12-inch water main within Lincoln Avenue between Maude Street and Horace Street.

D. At this time, Declarant is willing to pay the Distribution System Fee for the Maude Street frontage for a distance of 200.00 feet. However, Declarant desires to construct only approximately 778.00 feet of the 12-inch water main within Lincoln Avenue easterly of Maude Street and adjacent to the proposed Alternative Education Facility and to pay the Elevation Fee for the 3.00 acres upon which the Alternative Education Facility is to be constructed.

Declarant also desires to defer the following conditions until such time as development occurs on the easterly portion of the Property or until such time as the 12-inch water main is required to be extended in Lincoln Avenue easterly to Horace Street due to any future development within the general area, whichever occurs first.

(1) Defer the construction of approximately 590.00 feet of 12-inch water main within Lincoln Avenue westerly of Horace Street;

(2) Defer the payment of the Distribution System Fee for the Horace Street frontage in the distance of 200.00 feet; and

(3) Defer the payment of the Elevation Fee for the remaining 2.87 acres.

E. City is willing to grant the deferments requested by Declarant subject to Declarant executing and recording an agreement to complete the construction of the 12-inch water main in Lincoln Avenue westerly of Horace Street and to pay the remaining Distribution System Fee and Elevation Fee at the then existing rates at such time as Declarant develops the easterly portion of the Property or until such time as any future development within the general area necessitates the completion of the 12-inch water main in Lincoln Avenue.

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

1. At the time of the construction of the Alternative Education Facility on the westerly portion of the Property, Declarant shall install approximately 778.00 feet of 12-inch water main, with all necessary appurtenances, within Lincoln Avenue easterly of Maude Street.

2. Declarant shall pay to City the Distribution System Fee for the Maude Street frontage for a distance of 200.00 feet at the rate established in the Water Rules of the City in effect at time of installation of 12-inch water main within Lincoln Avenue easterly of Maude Street as described in paragraph 1 above.

3. Declarant shall pay to City the Elevation Fee for only 3.00 acres to be developed at this time at the rate established by the Water Rules of the City at time of installation of approximately 778.00 feet of 12-inch water main within Lincoln Avenue easterly of Maude Street as described in Paragraph 1 above.

4. Declarant shall construct approximately 590.00 feet of 12-inch water main within Lincoln Avenue westerly of Horace Street at such time as development occurs on the easterly portion of the Property or at such time as said 12-inch water main is required to be extended in Lincoln Avenue easterly to Horace Street due to any future development within the general area, whichever occurs first.

5. Declarant shall pay to City the Distribution System Fee for the Horace Street frontage in the distance of 200.00 feet at the then existing rate established in the Water Rules of the City at such time as the approximately 590.00 feet of 12-inch water main within Lincoln Avenue westerly of Horace Street is installed.

6. Declarant shall pay to City the Elevation Fee for 2.87 acres of the Property at the then existing rate established in the Water Rules of the City at such time as the approximately 590.00 feet of 12-inch water main is installed within Lincoln Avenue westerly of Horace Street.

7. In the event the water main in Lincoln Avenue westerly of Horace Street had not been previously installed, Declarant or the successors or assigns of Declarant shall install the heretofore described deferred water main within Lincoln Avenue westerly of Horace Street within ninety (90) days of written notification from City that such installation in the opinion of City is now necessary. In the event the water main extension is not installed within said ninety (90) days, the water service to 6401 Lincoln Avenue may be terminated in accordance with the then existing rules for nonpayment of water charges until such time as the water main is installed.


8. 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.

9. 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 heirs, successors and

assigns of Declarant as to the Property and shall continue in effect until such time as released by the Public Utilities Director 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.

RIVERSIDE UNIFIED SCHOOL DISTRICT
OF RIVERSIDE COUNTY

By 
Title David S. Bail
Associate Superintendent
Business & Governmental Relations

By _____
Title _____

APPROVED AS TO CONTENT:


Public Utilities Department

APPROVED AS TO FORM:

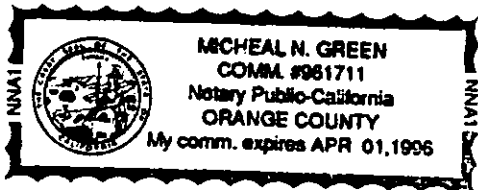

Assistant City Attorney

State of California)
County of Riverside)ss

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On April 5, 1993, before me Michael N. Green - Notary Public
(date) (name and title of the officer)
personally appeared David S. Bail

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.

Michael N. Green
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- () Individual(s)
- () Partner(s)
() General () Limited
- () Trustee(s)
- (X) Other Associate Superintendent - R.U.S.D.

The party(ies) executing this document is/are representing:
Riverside Unified School District

EXHIBIT "A"

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That portion of Lots 3 and 4 in Block 76, together with that portion of Maude Street (vacated) and that portion of Horace Street (vacated) all of Arlington Heights, as shown by map on file in Book 11, Pages 20 and 21 of Maps, records of San Bernardino County, California, more particularly described as follows:

COMMENCING at the most southerly corner of said Lot 3;

THENCE North 33°59'57" West, along the southwesterly line of said Lot 3, a distance of 200.00 to the most westerly corner of that certain parcel of land described in deed to Riverside Unified School District by document recorded September 23, 1988, as Instrument No. 275268 of Official Records of Riverside County, California, and the **POINT OF BEGINNING** of the parcel of land being described;

THENCE South 56°00'00" West, along the southwesterly prolongation of the northwesterly line of said parcel as described in said deed, a distance of 7.00 feet to a line parallel with and distant 7.00 feet southwesterly, as measured at right angles, from said southwesterly line;

THENCE South 33°59'57" East, along said parallel line, a distance of 176.61 feet to the beginning of a non-tangent curve concaving northerly having a radius of 47.50 feet and to which the radial line bears South 26°53'26" West;

THENCE southeasterly to the left along said curve through a central angle of 34°21'54" an arc length of 28.49 feet to a line parallel with and distant 4.00 feet northwesterly, as measured at right angles, from the southeasterly line of said Lots 3 and 4;

THENCE North 56°00'00" East, along said last mentioned parallel line, a distance of 1254.37 feet to the beginning of a non-tangent curve concaving northwesterly having a radius of 47.50 feet and to which the radial line bears South 60°31'31" East;

THENCE northeasterly to the left along said last mentioned curve through a central angle of 31°58'41" an arc length of 26.51 feet to a line parallel with and distant 7.00 feet northeasterly, as measured at right angles, from the northeasterly line of said Lot 4;

THENCE North 34°00'16" West, along said last mentioned parallel line, a distance of 178.32 feet to the northeasterly prolongation of said northwesterly line;

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THENCE South 56°00'00" West, along said northeasterly prolongation of said northwesterly line and along said northwesterly line, a distance of 1286.93 feet to the POINT OF BEGINNING.

DESCRIPTION APPROVAL 1/21/93
George P. Hutchinson, Esq.
SURVEYOR, CITY OF RIVERSIDE

