

165803

RECORDING REQUESTED BY:

Smart SMR of California, Inc.  
1335 S. Acacia Avenue  
Fullerton, CA. 92631

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-021-923

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

MAY - 4 1993

Recorded in Original Records  
of Riverside County, California

*Handwritten signature*  
Recorder  
Fees \$ 14

COVENANT AND AGREEMENT

29th THIS COVENANT AND AGREEMENT is made and entered into this day of APRIL, 1993, 1993, by SMART SMR OF CALIFORNIA, INC., a California corporation ("Declarant") with reference to the following facts:

A. Declarant is the lessee of the real property described in Exhibit A, attached hereto and incorporated herein by this reference, pursuant to that certain Lease Agreement dated July 24, 1992, with Edward D. Streeter as trustee of The Edward D. Streeter Trust under declaration of trust dated September 13, 1989. The real property subject to the Lease Agreement, commonly referred to as 4356 Howard Avenue, Riverside, California, is situated on the southeast side of Howard Avenue, northeasterly of Fourteenth Street within the City of Riverside and is in the Restricted Commercial ("C-2") Zone.

B. Declarant filed an application with the City of Riverside ("City") for a conditional use permit in Zoning Case CU-021-923 to establish a communication facility consisting of an approximately 200 square foot unmanned equipment building and a 60 foot high monopole on the leased premises.

C. Following a public hearing on January 12, 1993, the City Council of City upheld the action of the Planning Commission of the City in granting the conditional use permit in Zoning Case CU-021-923 subject to certain conditions.

D. Condition 3 of the conditions of approval for Zoning Case CU-021-923 provides that the approval shall be for five years from the date of City Council approval; although additional time extensions may be requested for Planning Commission consideration subsequent to the initial five year period which time extensions may be processed up to 6 months

prior to the expiration date. The condition further states that any expense incurred in the relocation and new site acquisition shall be borne entirely by the applicant. The condition further states that a covenant acknowledging this condition and agreeing to remove the antenna immediately upon expiration of the Conditional Use Permit, as modified by any future time extensions, shall be recorded to the specifications of the Planning and Legal Departments of City.

NOW, THEREFORE, in consideration of the granting of the Conditional Use Permit in Zoning Case CU-021-923 and to meet a condition of approval in said case, Declarant hereby acknowledges and agrees as follows:

1. The initial term of the Conditional Use Permit granted to Declarant by City in Zoning Case CU-021-923 shall be for five (5) years commencing January 12, 1993 and terminating at midnight on January 11, 1998.

2. Declarant may request additional time extensions for Planning Commission consideration subsequent to the initial five year period, which time extension requests may be processed up to six (6) months prior to the then existing expiration date.

3. Any expense incurred in the relocation and new site acquisition in the event the Conditional Use Permit is not extended either after the initial five-year period or any time extension thereto shall be borne entirely by Declarant.

4. That the antenna monopole shall be removed by Declarant at its sole cost immediately upon the expiration of the Conditional Use Permit granted in Zoning Case CU-021-923, whether at the end of the initial five year period or upon the expiration of any future extensions granted by City.

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

SMART SMR OF CALIFORNIA, INC., a California corporation

APPROVED AS TO CONTENT:

By: Mark B. Nelson

Richard E. Hartman  
Planning Department

Title \_\_\_\_\_

**Officer and Senior Vice President of  
Engineering Operations and  
Product Development**

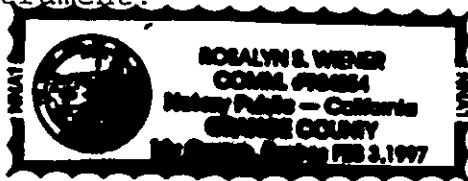
APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

State of California )  
County of Orange ) ss

On Apr. 29, 1993, before me Rosalyn S. Wiener, Notary Public  
(date) (name and title of the officer)  
personally appeared Mark B. Nelson

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.

Rosalyn S. Wiener  
Signature

CAPACITY CLAIMED BY SIGNER

- ( ) Attorney-in-fact
- ( ) Corporate Officer(s)  
Title \_\_\_\_\_ Title \_\_\_\_\_
- ( ) Guardian /Conservator
- ( ) Individual(s)
- ( ) Partner(s)  
( ) General ( ) Limited
- ( ) Trustee(s)
- ( ) Other \_\_\_\_\_

The party(ies) executing this document is/are representing:

\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT "A"

LEASE AREA LEGAL  
HOWARD AVENUE  
CITY OF RIVERSIDE

ALL THAT CERTAIN LAND SITUATED IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 9, IN BLOCK 13 OF SANTA FE TRACT, AS SHOWN BY MAP ON FILE IN BOOK 6 PAGE 14 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 9, SAID CORNER BEING ON THE EASTERLY RIGHT OF WAY OF HOWARD AVENUE (25 FEET EASTERLY OF THE CENTERLINE OF SAID HOWARD AVENUE); THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT OF WAY OF HOWARD AVENUE, 37.50 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 9, 32.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY, PARALLEL WITH SAID EASTERLY RIGHT OF WAY OF HOWARD AVENUE, 27.50 FEET; THENCE EASTERLY, PARALLEL WITH SAID NORTHERLY LINE OF LOT 9, 28.00 FEET; THENCE SOUTHERLY, PARALLEL WITH SAID EASTERLY RIGHT OF WAY OF HOWARD AVENUE, 27.50 FEET; THENCE WESTERLY, PARALLEL WITH SAID NORTHERLY LINE OF LOT 9, 28.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID DESCRIBED PARCEL OF LAND CONTAINS 0.018 ACRES.

PREPARED BY: WILLIAM L. HARRIS  
L.S. 4556

DESCRIPTION APPROVAL:

4, 30, 93  
George P. Hutchinson  
SURVEYOR, CITY OF RIVERSIDE

