

015348

FATCO

WHEN RECORDED RETURN TO:

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

Project: Parcel Map 27395

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

JAN 12 1994

Recorded in Official Records
of Riverside County, California

Recorder:
Fees \$ 11-

COVENANT AND AGREEMENT
FOR CONSTRUCTION OF REQUIRED
ON-SITE COVERED PARKING

THIS COVENANT AND AGREEMENT is made and entered into this 11th day of August, 1993, by CARL M. DAVIS, Trustee of the Carl and Virginia Davis Trust under Trust Agreement dated September 23, 1988 ("Declarant"), with reference to the following facts:

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

Parcel 1 of Parcel Map 27395 as shown by map on file in Book 182 of Parcel Maps, at Pages 31 and 32 thereof, records of Riverside County, California.

B. Declarant has submitted an application to the City of Riverside ("City") to divide an approximately two (2) acre parcel situated at the south terminus of Skye Drive, southeasterly of Hawarden Drive within the City of Riverside, California, into two parcels for residential purposes by Parcel Map 27395. The two acre parcel is currently developed with a single family residence, an auxiliary living unit (commonly known as a "granny flat"), and a detached carport. The existing single family residence and a detached garage or carport and related driveway yet to be constructed will be on Parcel 1, and the existing auxiliary dwelling unit and carport will be on Parcel 2 of said Parcel Map 27395.

C. As a condition of the approval of Parcel Map 27395, City is requiring Declarant to complete certain items prior to or concurrently with the adoption of Parcel Map 27395, including the construction of a new garage or carport and driveway on the Property.

D. As the Property is characterized by hilly topography that presents several possibilities for the location of the

DESCRIPTION APPROVAL: 8/24/93
George P. Hitchcock
SURVEYOR, CITY OF RIVERSIDE

required covered parking, and as Declarant proposes to sell the Property, Declarant has requested that City allow Declarant to delay the construction of the garage or carport and the related driveway until it is determined where the new owner desires to locate the required covered parking on the Property and the design of such garage or carport.

E. City is willing to allow Declarant to postpone the actual construction of the garage or carport and the related driveway until such time as the Property is to be sold, leased, conveyed or further developed, but in no event later than two (2) years following the recordation of the final map of Parcel Map 27395.

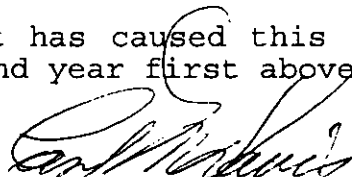
NOW, THEREFORE, incorporating the above recitals and for the purpose of complying with a condition imposed by City for the recordation of the final map for Parcel Map 27395 and in consideration for the deferment of the construction of the required on-site covered parking, Declarant hereby covenants and agrees with City as follows:

1. Declarant shall construct or cause to be constructed prior to the sale or lease of the Property or other conveyance of the Property with or without consideration, or any further development of the Property, the required on-site covered parking and related driveway; provided, however, the required covered parking and related driveway shall be constructed within two (2) years of the recordation of Parcel Map 27395 in the records of Riverside County, California.

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

3. This Covenant and Agreement shall run with the land and each and all of its terms shall be binding upon Declarant, his heirs, successors and assigns, and shall continue in effect until such time as the required covered parking and related driveway meeting the requirements of Titles 16 and 19 of the Riverside Municipal Code have been constructed and written notice thereof has been filed by the Planning Department of City in the Office of the County Recorder for Riverside County, California.

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



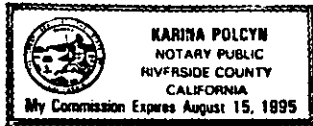
Carl M. Davis, as Trustee

State of California)
County of Riverside) ss

15348

On August 11, 1993, before me Karina Polcyn, Notary Public
(date) (name and title of the officer)
personally appeared **CARL M. DAVIS**

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.

Karina Polcyn
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:

APPROVED AS TO FORM:

[Signature]
Planning Department

APPROVED AS TO CONTENT:

[Signature]
Assistant City Attorney