

028212

WHEN RECORDED RETURN TO:

City Clerk  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

FREE RECORDING

This instrument is for the benefit of the City of Riverside and is entitled to be recorded without fee. (Government Code Section 6103)

Project: Zoning Case RZ-001-934

RECEIVED FOR RECORD  
AT 12:00 O'CLOCK

JAN 21 1994

Recorded in Official Records  
of Riverside County, California

*Wick*  
Recorder  
Fees \$

COVENANT AND AGREEMENT FOR PREPARATION OF PLANS  
AND INSTALLATION OF STREET IMPROVEMENTS

THIS COVENANT AND AGREEMENT FOR PREPARATION OF PLANS AND INSTALLATION OF STREET IMPROVEMENTS is made and entered into this 11th day of January, 1994, by the CITY OF RIVERSIDE, a municipal corporation of the State of California ("Declarant") with respect to the following facts:

A. In 1965, Declarant acquired eight lots totaling approximately 1.45 acres located on the west side of Chicago Avenue between Twelfth Street and Enterprise Avenue within the City of Riverside, California, for a future library site. The real property so acquired and owned by Declarant is described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"). The Property is developed with an existing residence on one lot with the remaining lots vacant.

B. As the Property is no longer under consideration for use as a library site, Declarant filed an application with the Planning Department of the City of Riverside to rezone the Property from the Single Family Residential ("R-1- 65") Zone to the Restricted Commercial ("C-2") Zone. The application for the rezoning was designated as Zoning Case RZ-001-934. On August 5, 1993, the Planning Commission of the City of Riverside approved the rezoning of the Property to Restricted Commercial Zone with the Height of Building Combining Zone (one story) and the Building Setback Combining Zone ((25 foot setback from the westerly property line, 10 feet from Twelfth Street and 20 feet from Chicago Avenue), the "C-2-S-1-X" Zone, subject to certain conditions.

C. The conditions of approval for rezoning the Property in Zoning Case RZ-001-023 include the preparation of off-site

improvement plans and the construction, or participation in the construction, of off-site improvements on Chicago Avenue and Twelfth Street. As Declarant's Library Department is desirous of rezoning the Property at this time for its sale as surplus property and as Declarant's Library Department does not have funds available for the preparation of the required off-site improvement plans, construction of the off-site improvements and providing a cash payment for one-third of the cost of the future median and landscape installation in Chicago Avenue, Declarant's Library Department has requested the deferment of certain conditions to the buyer of the Property.

D. On November 2, 1993, the City Council of the City of Riverside considered the recommendation of its Public Works Director that the City Council approve the request of Declarant's Library Department to defer the construction of street improvements on Chicago Avenue and Twelfth Street for Zoning Case RZ-001-934 to the time of application for building permits on the Property provided that all other conditions of approval including dedication of the necessary right of way on Chicago Avenue are satisfied prior to the adoption of the zoning case and that a covenant is recorded prior to adoption of the zoning case which would inform buyers of the Property that Conditions of Approval Nos. 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19 for said zoning case must be satisfied prior to issuance of building permits for the Property.

NOW, THEREFORE, incorporating the above recitals, Declarant, for itself and its successors and assigns, hereby covenants and agreement as follows:

1. Declarant is the owner of the real property ("Property") located on the southwest corner of Twelfth Street and Chicago Avenue in the City of Riverside, County of Riverside, State of California, described in Exhibit A, attached hereto and incorporated herein by this reference.

2. Declarant shall give written notice to any prospective buyer of the Property, or any portion thereof, that Conditions of Approval Nos. 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19 in Zoning Case RZ-001-934 must be satisfied prior to the issuance of building permits for the Property, which conditions provide for the following:

**Condition 9**

Installation of curb and gutter at 18 feet from monument centerline, sidewalk and matching paving on Twelfth Street to Public Works Department specifications.

**Condition 11**

Installation of curb and gutter at 43 feet from monument

centerline, sidewalk and matching paving on Chicago Avenue to Public Works Department specifications.

**Condition 12**

Installation of curb and gutter at 18 feet from monument centerline, sidewalk and matching paving on Enterprise Avenue to Public Works Department specifications.

**Condition 13**

Storm drain construction will be contingent on engineer's drainage study.

**Condition 14**

Off-site improvement plans to be approved by Public Works Department and an acceptable guarantee shall be made for the required off-site improvements prior to the issuance of building permits for the Property.

**Condition 15**

Removal and/or relocation of irrigation facilities as required.

**Condition 16**

Cash payment or acceptable guarantee shall be provided for 1/3 the cost of future median and landscaping construction in Chicago Avenue to Public Works Department specifications.

**Condition 17**

Installation of sewer lateral to serve the Property to Public Works Department specifications.

**Condition 18**

Size, number and location of driveways to Public Works Department specifications.

**Condition 19**

The Circulation Element of the General Plan of the City of Riverside includes a Class II bikeway on Chicago Avenue. This bikeway has not been implemented at this time. Because of the bikeway, no parking will be allowed on Chicago Avenue after the bikeway is implemented.

3. Declarant acknowledges and agrees on behalf of itself and its successors and assigns as to the Property that prior to the issuance by the City of Riverside of a building permit for the development of the Property, or any portion thereof, the then owner of the Property shall at said owner's sole cost and expense have prepared by a registered civil engineer the necessary street improvement plans for the approval of the Public Works Department of the City of Riverside to construct and install the off-site improvement plans required by the conditions set forth in Paragraph 2 above, and that following the approval of such plans by the

Public Works Department of the City of Riverside, said owner shall cause such improvements to be installed or constructed in accordance with such approved plans at said owner's sole cost and expense.

4. The terms of this Covenant and Agreement may be enforced by the City of Riverside, its successors and assigns. Should any action be brought to interpret or 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 shall be binding upon Declarant, and its successors and assigns, and shall continue in effect until such time as the required street improvements are installed adjacent to the Property to the satisfaction of the Public Works Director of the City of Riverside or the designee of such Public Works Director and notice thereof is recorded by said Public Works Director in the Office of the Riverside County Recorder or until otherwise released by the City Council of the City of Riverside.

IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement for Preparation of Plans and Installation of Street Improvements to be executed the day and year first above written.

CITY OF RIVERSIDE, a  
municipal corporation

By Terry Frazzelle  
Mayor

Attest Karen E. Lindquist  
City Clerk

Approved as to Content:

H.L. Weirichy  
Public Works Department

Approved as to Form:

[Signature]  
Assistant City Attorney



That portion of Lots 1 and 40 together with Lots 2 through 4 and Lots 37 through 39 all in Block A of Grand View Place, as shown by map on file in Book 5, Page 50 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the northeasterly corner of said Lot 1;

THENCE North  $89^{\circ}41'$  West, along the northerly line of said Lot 1, a distance of 44.92 feet to the POINT OF BEGINNING of the parcel of land being described;

THENCE North  $89^{\circ}41'$  West, continuing along said northerly line and along the northerly line of said Lots 2 through 4, a distance of 205.08 feet the northwesterly corner of said Lot 4;

THENCE South  $0^{\circ}05'30''$  West, along the westerly line of said Lot 4 and along the westerly line of said Lot 37, a distance of 265 feet to the southwesterly corner of said Lot 37;

THENCE South  $89^{\circ}41'$  East, along the southerly line of said Lots 37 through 40, a distance of 217.21 feet to the most westerly corner of that certain parcel of land described in Resolution No. 16287 of the City Council of the City of Riverside, recorded November 4, 1986, as Instrument No. 278646 of Official Records of Riverside County, California; said westerly corner also being the beginning of a non-tangent curve concaving northwesterly having a radius of 39.50 feet and to which the radial line bears South  $36^{\circ}47'40''$  East;

THENCE northeasterly to the left along said curve and along the westerly line of said parcel as described in said Resolution, through a central angle of  $23^{\circ}58'20''$  an arc length of 16.53 feet to a line parallel with and distant 55.00 feet westerly, as measured at right angles, from the centerline of Chicago Avenue as shown by Record of Survey on file in Book 21, Page 42 of Record of Surveys, records of said Riverside County;

THENCE North  $0^{\circ}05'30''$  East, continuing along said westerly line and along said parallel line, a distance of 232.69 feet;

THENCE North  $48^{\circ}48'09''$  West, a distance of 30.42 feet to the POINT OF BEGINNING.

DESCRIPTION APPROVAL 12/17/93  
Walter R. Inc. by KGS  
 SURVEYOR, CITY OF RIVERSIDE

EXHIBIT A