

040587

WHEN RECORDED MAIL TO:

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

Project: Tract No. 25486-2
EPC-1-923

RECEIVED FOR RECORD
Min. Post. 10.00 cl. 1/27

JAN 31 1994

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$

EM
A

DECLARATION OF NOTICE OF
GRADING AND BUILDING DEVELOPMENT STANDARDS

THIS DECLARATION OF NOTICE is made and entered into this 27th day
of January, 1994, by BEREN, a limited
partnership ("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:

Lots 9 through 12 of Tract No. 25486-2, as shown by
map on file in Book 245 of Maps, at pages 59 through
63 inclusive, records of Riverside County, California.

B. Declarant desires to improve and develop the Property
as part of a residential subdivision. Declarant desires the
City of Riverside ("City") to issue a grading permit for the
grading of the Property. As required by its rules and
regulations and the California Environmental Quality Act and the
regulations promulgated pursuant thereto, City conducted an
initial study involving the proposed grading plan for Tract No.
25486-2 under Case EPC-1-923. The Environmental Protection
Commission determined that the project would not have a
significant effect on the environment and that a Negative
Declaration could be adopted subject to the imposition of
certain mitigation measures.

C. One of the mitigating conditions imposed in Case EPC-1-
923 requires Declarant to notify future buyers of the Alessandro
Heights Arroyo and Grading Preservation Study standards and the
Residential Conservation ("RC") Zone building setback standards.

D. It is the desire of Declarant to give notice to any
potential purchaser of any lot of the Property of the
requirements of the Alessandro Heights Arroyo and Grading

DESCRIPTION APPROVAL 1/26/94
Walter R. Dyke
SURVEYOR, CITY OF RIVERSIDE

Preservation Study standards for grading and the RC Zone building setback standards and to comply with a mitigation measure adopted in Case No. EPC-1-923.

NOW, THEREFORE, for the purposes of complying with a mitigation measure imposed by the City of Riverside for the Property in Case No. EPC-1-923, Declarant, for itself and its successors and assigns, hereby covenants and agrees with the City of Riverside that Declarant shall give in writing to any prospective purchaser of any lot of the Property prior to sale a written notice providing the following information:

Grading and Building Development Standards. The standards for grading upon the lots within Tract No. 25486-2 are set forth in the Standards for Grading and Arroyo Preservation, ALESSANDRO HEIGHTS prepared by Smith, Peroni & Fox dated July 1989 as approved by the City Council of the City of Riverside on January 2, 1990, which provides in pertinent part as follows for grading on lots with natural slopes between 10% and 30%: (a) Total level padded area shall not exceed 18,000 square feet except up to 21,000 square feet may be permitted for split level pads separated by a minimum 4-foot elevation difference; and (b) slopes having a ratio of 3.9:1 or steeper shall not exceed 20 feet in vertical height. A copy of the Standards for Grading and Arroyo Preservation, ALESSANDRO HEIGHTS may be obtained from the Planning Department of the City of Riverside. In addition, the development standards for buildings upon the lots within Tract No. 25486-2, including a one-story, 20-foot building height limit and building setback requirements, shall be in accordance with the requirements of the Residential Conservation ("RC") Zone as set forth in Title 19 of the Riverside Municipal Code."

Declarant further covenants and agrees that the terms of this Declaration of Notice may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Declaration of Notice, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

Declarant further agrees that the Property and each lot thereof shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to this Declaration of Notice. The terms of this Declaration of Notice 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 released by the Planning Director of the City of Riverside, California.

IN WITNESS WHEREOF Declarant has caused this Declaration of Notice to be executed the day and year first written above.

BEREN, a limited partnership

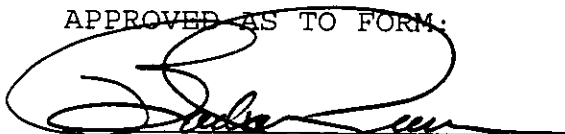
By: BERGUM CONSTRUCTION COMPANY,
a California corporation, as
general partner

By: 
Vice President

APPROVED AS TO CONTENT:


Planning Department

APPROVED AS TO FORM:

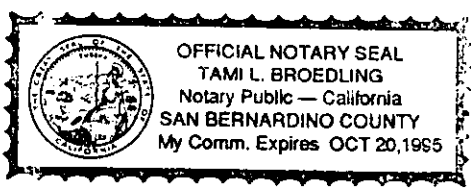

Assistant City Attorney

State of California)
) ss
County of San Bernardino)

On January 27, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared _____

Christian Bergum

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.

Tami L. Broedling
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- (X) Corporate Officer(s)
Title Vice President
- () Guardian /Conservator
- () Individual(s)
- (X) Partner(s)
(X) General () Limited
- () Trustee(s)
- () Other _____

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