

443980

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
3900 Main Street
Riverside, California 92522
Free recording (Govt. Code § 6107)
Project: Zoning Case RZ-013-823

RECEIVED FOR RECORD
AT 8:00 OCLOCK

NOV 23 1994

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$

AM
[Signature]

COVENANT AND AGREEMENT
FOR INSTALLATION OF STREET IMPROVEMENTS

THIS COVENANT AND AGREEMENT is made and entered into this
16 day of NOV, 1994, by
WILLIAM J. TEUNISSEN and GALE A. TEUNISSEN, husband and wife,
("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the real property
(the "Property") situated in the City of Riverside, County
of Riverside, State of California, described in Exhibit A,
attached hereto and incorporated herein by this reference.

B. The Property consists of approximately two acres of
vacant land situated on the westerly corner of Van Buren
Boulevard and Challen Avenue which was rezoned in City of
Riverside Zoning Case R-13-823 to the Restricted Commercial
("C-2") Zone on the rear 100 feet together with the Building
Setback Combining ("X") Zone on the rear 30 feet and the
General Commercial ("C-3") Zone on the remainder of the
Property, subject to certain conditions including the
installation of curb and gutter at 43 feet from construction
centerline, sidewalk and matching paving on Van Buren
Boulevard to Public Works Department specifications and
installation of curb and gutter at 22 feet from monument
centerline, sidewalk and matching pavement on Challen Avenue
to Public Works Department specifications, storm drain
construction contingent upon engineer's drainage study
together with the preparation of the off-site improvement
plans.

C. At the time of the adoption of the rezoning case
designated R-13-823, certain agreements were signed and
securities posted to guarantee the preparation of off-site
improvement plans and the construction and installation of
certain off-site improvements required by the rezoning case.

D. Since the approval of the rezoning case designated
R-13-823 and now known as Zoning Case RZ-013-823, Declarants

Have been unable to secure the necessary financing to proceed with the project. Declarants have filed a request with the City of Riverside to release the agreements and securities previously posted for Zoning Case R-13-823 and to defer the required street improvements until such time as the development of the Property.

D. As the Property is still undeveloped, the City of Riverside by action duly taken by its City Council on October 25, 1994, authorized the release of the agreements and securities for off-site improvements in City of Riverside Zoning Case RZ-013-823 provided an acceptable covenant running with the land is recorded declaring that all street improvements will be provided for the Property prior to issuance of any building permits.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside for approval of the release of certain agreements and securities previously posted with the City of Riverside for Zoning Case R-13-823, Declarants hereby covenant and agree with the City of Riverside and declare as follows:

1. There shall be no issuance of building permits for the development of the Property until such time as all off-site improvements previously required as conditions of approval in Zoning Case R-13-823 ("Off-site Improvements") have been completed on Van Buren Boulevard and Challen Avenue adjacent to the Property or, alternatively, acceptable agreements and security has been posted with the City of Riverside guaranteeing the installation of such Off-site Improvements including the preparation of any necessary plans.

2. Declarants, and their heirs, successors and assigns, shall be responsible for the preparation of plans for the Off-site Improvements; the completion of the Off-site Improvements; and payment of any required fees.

3. The terms of this Declaration of Restrictions may be enforced by the City of Riverside, or its successors or assigns. Should any action be brought to interpret or enforce the terms of this Declaration of Restrictions, the prevailing party in such litigation shall be entitled to recover reasonable costs of suit including reasonable attorneys' fees and expert witnesses' fees.


4. This Declaration of Restrictions shall run with the land and shall be binding upon Declarants, their heirs, successors and assigns, and shall not be amended or terminated without the express written consent of the City Council of the City of Riverside, duly recorded; provided, however, this Declaration of Restrictions shall automatically terminate and be of no further force and effect at such time as the required Off-site

Improvements are constructed and installed to the satisfaction of the Public Works Department of the City of Riverside and a statement to that effect signed by the Public Works Director of the City of Riverside is duly recorded.

IN WITNESS WHEREOF, Declarants have caused this Declaration of Restrictions to be executed as of the day and year first written above.



William J. Teunissen



Gale A. Teunissen

APPROVED AS TO CONTENT:



Public Works Department

APPROVED AS TO FORM:



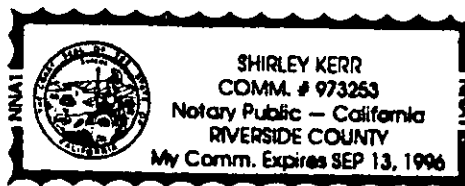
Assistant City Attorney

State of California)
County of RIVERSIDE) ss

On NOVEMBER 16, 1994, before me, the undersigned,
a notary public in and for said State, personally appeared _____
WILLIAM J. TEUNISSEN AND GALE A. TEUNISSEN

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.



Shirley Kerr
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:

All that portion of the north half of the Northeast Quarter of Section 12, Township 3 South, Range 6 West of Sectionalized Survey of Rancho La Sierra, on file in Book 6 of Maps, at Page 70 thereof, records of Riverside County, California, together with that portion of Lot 9 in Block 10 of the Lands of the Riverside Land & Irrigating Company, as shown by map on file in Book 1 of Maps, at Page 70 thereof, records of San Bernardino County, California, more particularly described as follows:

COMMENCING at the southwest corner of Parcel 3 of Parcel Map No. 11602, as shown by map on file in Book 58 of Parcel Maps, at Pages 95 and 96 thereof, records of said Riverside County; said corner also being in the east line of Tract No. 9235, as shown by map on file in Book 93 of Maps, at Pages 82 and 83 thereof, records of said Riverside County;

THENCE South $0^{\circ}13'10''$ West, along the east line of said Tract No. 9235, a distance of 110.01 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South $0^{\circ}13'10''$ West, along said east line and along the east line of Tract No. 9235-1, as shown by map on file in Book 93 of Maps, at Pages 80 and 81 thereof, records of said Riverside County, a distance of 380.07 feet to the southeast corner of said last mentioned Tract; said southeast corner being in the northerly right-of-way line of Challen Avenue; said southeast corner also being in a non-tangent curve concave to the northwest, having a radius of 260.34 feet and from which the radius bears North $33^{\circ}45'40''$ West;

THENCE northeasterly along said curve to the left through a central angle of $0^{\circ}57'40''$, an arc length of 4.37 feet to the end thereof;

THENCE North $55^{\circ}16'40''$ East, continuing along said northerly right-of-way line, a distance of 492.58 feet to the southwest corner of that certain parcel of land conveyed to the City of Riverside by deed recorded September 13, 1963, as Instrument No. 96852 of Official Records of said Riverside County;


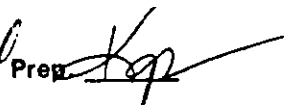
THENCE North $34^{\circ}22'02''$ West, along said parcel so conveyed, a distance of 60.02 feet to the beginning of a tangent curve concave to the northeast and having a radius of 555.00 feet;

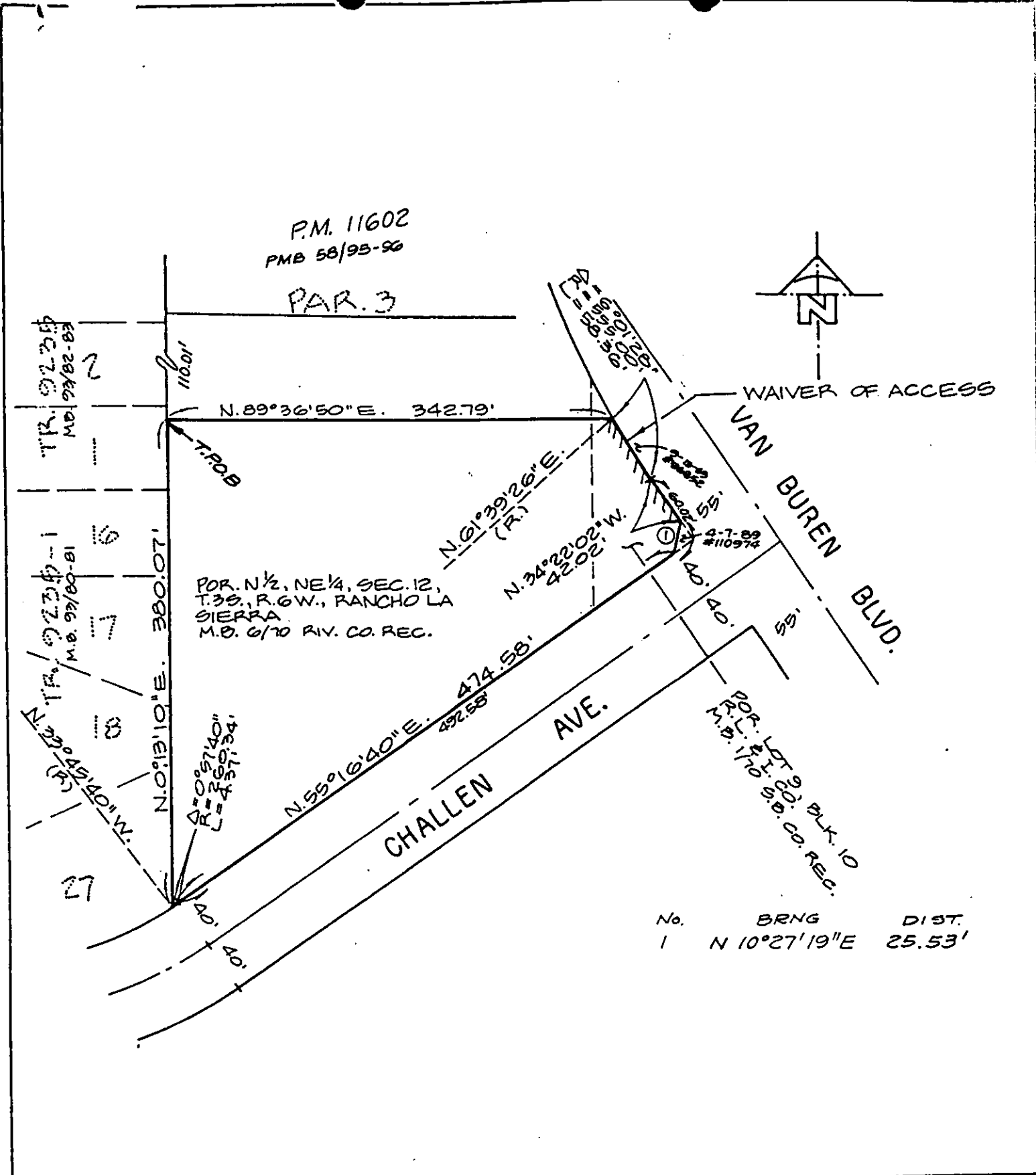
THENCE northwesterly along said parcel so conveyed and along said curve to the right through a central angle of $6^{\circ}01'28''$ an arc length of 58.36 feet to a point therein; the radial line at said point bears South $61^{\circ}39'26''$ West; said point being in a line parallel with and distant southerly 110.00 feet, measured at right angles, to the south line of said Parcel 3;

THENCE South $89^{\circ}36'50''$ West, along said parallel line, a distance of 342.79 feet to the TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM that portion described in deed to the City of Riverside by document recorded April 7, 1989, as Instrument No. 110974 of Official Records of said Riverside County.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 10/27/94 Date  Prep
Mark S. Brown, L.S. 5655
License Expires 9/30/95



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

6/17-1
82-101

SCALE 1" = 100'

DRAWN BY AG DATE 12/30/88

SUBJECT Z.C. R-13-823