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TUTTLE ENGINEERING

OCT 24 1996

WHEN RECORDED MAIL TO:

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

Recorded in Official Records  
of Riverside County, California  
Recorder

*[Signature]*  
Fees \$ 12

Project: Parcel Map 28370

12  
2  
SR

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT is made and entered into this day of 16<sup>th</sup> September, 1996, by STEVEN D. THOMAS and SUSAN E. THOMAS, husband and wife, (hereinafter referred to as "Declarant") with reference to the following facts:

A. Declarant is the fee owner of record of the following described real property located in the City of Riverside, County of Riverside, State of California, and hereinafter referred to as the "Property":

Parcels 1 through 2 of Parcel Map 28370 as shown by map on file in Book 188, of Parcel Maps at pages 58 through 59 thereof, Records of Riverside County, CA.

B. The Property presently consists of approximately 10.32 acres developed with a single family residence and Declarant desires to divide the Property into two parcels pursuant to tentative Parcel Map 28370.

C. The City of Riverside has required that as a condition of approval of tentative Parcel Map 28370, that the Declarant provide guarantees to assure that reasonable irrigation facilities be provided to permit agriculture on each of the two parcels.

D. The Declarant desires to provide guarantees that reasonable irrigation facilities can be provided to permit agriculture on each parcel.

NOW, THEREFORE, for the purpose of obtaining approval of tentative Parcel Map 28370, the Declarant hereby covenants and agrees with the City of Riverside that the Property is hereby restricted by Declarant with a nonexclusive easement for the provision, installation and maintenance of irrigation facilities to permit the growth and maintenance of agricultural crops on the Property; and that irrigation facilities or any part thereof may be altered or replaced to allow for the development of the Property, so long as the alteration or replacement results in

DESCRIPTION APPROVAL 9/16/96  
Victoria R. Joyce by  
SURVEYOR, CITY OF RIVERSIDE

83-7

C/A 521

irrigation water being delivered to each parcel of the Property in a manner to permit the growth and maintenance of agricultural crops.

The Declarant further agrees to convey water shares, as directed by Offices of the Gage Canal, at the time of sale of Parcel 1 and/or Parcel 2 of Parcel Map 28370 to the future owners of said parcels to continue to provide irrigation water on the Property.

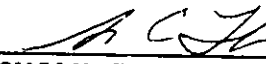
The Declarant acknowledges that the Property is located within the Arlington 'Greenbelt' area and further covenants and agrees that should the property be further subdivided, that the developer/owner will be given credit for paying partial fees and charges to the City of Riverside Public Utility if and when the parcel is subdivided in the future and if additional fees and charges are required at the time of such subdivision.

This Covenant and Agreement and Declaration of Restrictions map be enforced by the City of Riverside. Should the City of Riverside bring civil action to enforce the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to its court costs, including reasonable attorneys' fees.


This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon the undersigned, their heirs, successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside.

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

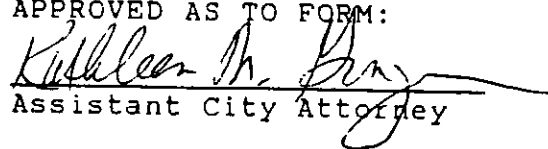
  
 STEVEN D. THOMAS

  
 SUSAN E. THOMAS

APPROVED AS TO CONTENT:

  
 Planning Department

APPROVED AS TO FORM:

  
 Assistant City Attorney

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

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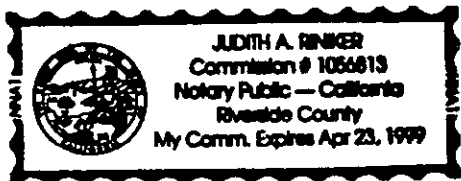
State of California

County of Riverside

On 9/16/96 before me, Judith A. Riniker  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Susan E. & Steven O. Thomas  
Name(s) of Signer(s)

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.

Judith A. Riniker  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

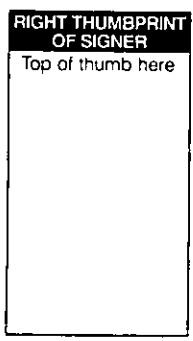
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

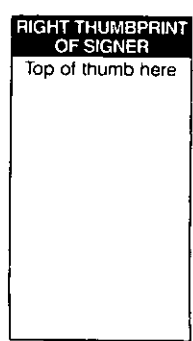
- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_