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WHEN RECORDED MAIL TO:

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

JUL - 9 1997

Recorded in Official Records  
of Riverside County, California  
Recorder

Fees \$ 15-

Project: Parcel Map 28047

FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT  
GUARANTEEING INSTALLATION OF A MULTI-PURPOSE RECREATIONAL TRAIL

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THIS COVENANT AND AGREEMENT is made and entered into this  
26<sup>th</sup> day of FEBRUARY, 1997 by LOUIS A. CARHART  
("Declarant") with reference to the following facts:

SR

A. Declarant is one of the fee owners of the real property (the "Property") located in the City of Riverside, County of Riverside, State of California, described as follows:

Parcel 3 of Parcel Map 28047 as shown by map on file in Book 189 of Parcel Maps, at pages 83 through 85 thereof, records of Riverside County, California.

B. The Property is part of approximately 55 vacant acres situated northerly of Overlook Parkway and easterly of Windham Hill Road within the City of Riverside. Application has been made to the City of Riverside ("City") to divide the 55 acres into four parcels by Parcel Map 28047 for financial and phasing purposes for future single family residential development.

C. Condition 9 of the conditions imposed by City for the approval of Parcel Map 28047 provides that a multi-purpose recreational trail designated for non-motorized use shall be constructed by the developer (or performance and payment bonds be executed for the construction of the trail) to the specifications of the Public Works, Planning and Park and Recreation Departments. Condition 9 further provides that this construction shall be limited to installation of signage and implementation of incidental measures to maintain the width of the existing trail. Condition 9 also provides that the trail improvements may be included in the covenant and

agreement which guarantees future construction of other streets and utilities in lieu of bonding.

D. Condition 7 provides that trail signage shall be placed on site prior to recordation, or shall be incorporated into the performance and labor/material bonds executed for the construction of the trail.

E. The multi-purpose recreational trail contemplated under the approved conditions noted above was to follow the routing of the existing trail, and the improvements for such trail were to be limited to installation of signage and implementation of incidental erosion control measures. Instead, Declarant has offered to dedicate an easement on Parcel Map 28047 which would be contained entirely on the Property, and provide for the construction of that portion not presently existing. The Park and Recreation Department of City has agreed that the proposed change in the routing of the trail would be appropriate and proper subject to Declarant agreeing to construct a new trail segment to connect the two existing sections of the trail.

F. Declarant has made a request to the Park and Recreation Department that he be allowed to sign and record a covenant and agreement guaranteeing the installation of the recreation trail rather than posting bonds to secure such improvements, and the Park and Recreation Department has determined that such request is consistent with the conditions of approval for Parcel Map 28047.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside for the approval of Parcel Map 28047, Declarant hereby covenants and agrees with the City of Riverside and declares as follows:

1. There shall be no building permit issued for the development of the Property until such time as a multi-purpose recreation trail designated for non-motorized use required as a condition of approval for Parcel Map 28047 as dedicated on Parcel Map 28047 is constructed to the specifications of the Public Works, Planning and Park and Recreation Departments; or, alternatively, acceptable agreements and security have been posted with the City of Riverside guaranteeing the construction of such trail.

2. The new segment of the multi-purpose recreation trail shall be constructed to the specifications of the Public Works, Planning and Park and Recreation Departments, and shall be designed to match the width of the existing trail which is two (2) to four (4) feet. The improvements on the existing segments

of the multi-purpose recreation trail shall be limited to installation of signage and implementation of incidental measures to maintain the width of existing trails and may include minimal erosion control measures. All trail signage shall be placed on site to the specifications of the Park and Recreation Department, and the trail shall be routed in accordance with the specifications of the Park and Recreation Department and consistent with the adopted Riverside Trails Master Plan.

3. The terms of this Covenant and Agreement 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 Covenant and Agreement, 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 Covenant and Agreement shall run with the land and shall be binding upon Declarant, his heirs, successors and assigns, and shall not be amended or terminated without the express written consent of the Park and Recreation Director of the City of Riverside, duly recorded; provided, however, this Covenant and Agreement shall automatically terminate and be of no further force and effect at such time as the required multi-purpose trail is installed to the satisfaction of the Park and Recreation Department of the City of Riverside and a statement to that effect signed by the Park and Recreation Director of the City of Riverside is duly recorded.

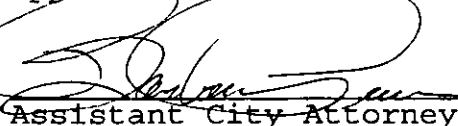
IN WITNESS WHEREOF Declarant has caused this Covenant and Agreement to be executed the day and year first above written.

  
Louis A. Carhart  
 Louis A. Carhart

Approved as to Content:

  
Michael J. Hutchinson  
 Park and Recreation Department

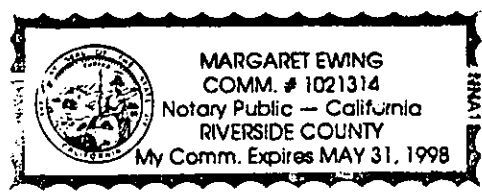
Approved as to Form:

  
Assistant City Attorney

State of CALIFORNIA )  
County of RIVERSIDE ) ss

On FEBRUARY 26, 1997, before me, a notary public in and for said State, personally appeared **LOUIS A. CARHART** 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.



*Margaret Ewing*  
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Signature