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RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

WHEN RECORDED MAIL TO:

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

MAY 15 1998

Recorded in Official Records  
of Riverside County, California

Recorder

Fees \$ 18-

Project: Tract No. 28170

18/4

For Recorder's Office Use Only

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DECLARATION OF NOTICE OF  
BUILDING DEVELOPMENT STANDARDS

THIS DECLARATION OF NOTICE is made and entered into this 18th day of November, 1997, by THOMAS C. PARKER, Executor of the Estate of BETTY HUTTON WILLIAMS, deceased ("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 1 through 13 of Tract No. 28170 as shown by map on file in Book 270 of Maps, at pages 11 through 13 inclusive, records of Riverside County, California.

B. Declarant desires to develop the Property as a residential subdivision. Therefore, Declarant has filed with the City of Riverside ("City") an application to divide the Property into approximately thirteen lots by Tract Map 28170.

C. The Property consists of approximately 34.5 vacant acres situated on the southeasterly side of Central Avenue within the City of Riverside, approximately one-half mile westerly of the 60/215 Freeway. The Property is in the Residential Conservation ("RC") Zone.

D. To comply with one of the conditions of approval imposed by City for the approval of Tract Map 28170, Declarant is required to provide a covenant and agreement or a statement in a Declaration of Covenants, Conditions and Restrictions (CC&R's) to the specifications of the Planning and Legal Departments which informs future buyers of the following:

- a. Height and stories of buildings will be limited to those allowed under the RC zoning. Variances will be discouraged. The pad elevations shall be as within 2 feet, more or less, of those shown on the approved plans on file with the City of Riverside relating to

12/4/97  
 DAVIS SURVEYING CITY OF RIVERSIDE

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Tract Map 28170 and/or Environmental Protection Case EP-039-890, unless otherwise approved by the Planning Commission of City. The pad elevations as shown on the approved Tentative Tract Map 28170 are set forth in Exhibit A, attached hereto and incorporated herein by this reference.

- b. Building setbacks shall comply with the requirements of the RC Zone. Variances will be discouraged.
- c. Building elevations submitted for Design Review staff consideration should include varied roof lines and building planes, architectural quality on all sides and consistency with the surrounding neighborhood and topography.

Declarant is required to record such covenant and agreement or CC&R's in the office of the County Recorder of Riverside County, California prior to the recording of the final map for Tract No. 28170.

E. It is the desire of Declarant to comply with the above noted condition by this document.

NOW, THEREFORE, for the purposes of complying with a condition imposed by the City of Riverside for the approval of Tract Map 28170, 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 the Property prior to sale a written notice providing the following information:

**Maximum Height and Stories.** The height and stories of buildings will be limited to those allowed under the Residential Conservation ("RC") Zone as set forth in Title 19 of the Riverside Municipal Code, unless a variance thereto has been granted by the City of Riverside in accordance with the provisions of said Title 19, which variances will be discouraged by the Planning Department of the City of Riverside.

**Approved Pad Elevations.** The maximum pad elevations shall be within 2 feet, more or less, shown on the approved plans on file with the City of Riverside relating to Tract Map 28170 and/or Environmental Protection Case EP-039-890 and as listed on Exhibit A.

**Building Setback Requirements.** The 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, unless a variance thereto has been granted by the City of Riverside in accordance with the provisions of said Title 19, which variances will be discouraged

by the Planning Department of the City of Riverside.

**Building Elevation Standards.** Building elevations submitted for the consideration of the Design Review staff of the Planning Department of the City of Riverside should include varied roof lines and building planes, architectural quality on all sides and consistency with the surrounding neighborhood and topography.

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, by a writing duly recorded.

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

By: \_\_\_\_\_

*Kenneth C. Parker*

Title: \_\_\_\_\_

*C.E.O. / Executor of the  
Estate of Betty Hutton  
Williams, Deceased.*

APPROVED AS TO CONTENT:

*John A. Swartz*  
\_\_\_\_\_  
Planning Department

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
Assistant City Attorney

State of California )

County of Santa Barbara )<sup>SS</sup>

On 11/18/97 Thomas C. Parker, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas C. Parker

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.

Mary Ann Zegers  
signature

CAPACITY CLAIMED BY SIGNER

- ( ) Attorney-in-fact
- () Corporate Officer(s)  
Title C.E.O.
- ( ) Guardian /Conservator
- ( ) Individual(s)
- ( ) Partner(s)  
( ) General ( ) Limited
- ( ) Trustee(s)
- () Other Executin of the Estate of Betty Nutton Williams, Deceased.

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

\_\_\_\_\_

Pad Elevations. The pad elevations shall be within 2 feet as shown on the approved Tentative Tract Map 28170 as follows:

<u>LOT NO.</u>	<u>PAD ELEVATION</u> <u>+/- 2 FEET</u>
1	1399
2	1388
3	1380
4	1352
5	1358
6	1374
7	1360
8	1340, 1344, 1348 (Stepped Pad)
9	1336
10	1330
11	1334
12	1340
13	1356, 1360, 1364 (Stepped Pad)
13 (ALTERNATE)	1404

In order to revise the pad elevation outside the range indicated above, the property owner will be required to receive approval from the City of Riverside Planning Commission.

**EXHIBIT A**