

FA

WHEN RECORDED MAIL TO:

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

Project: Project: Tract Map 28829

DOC # 1999-383964

08/26/1999 08:00A Fee:18.00

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Recorded in Official Records
County of Riverside

Gary L. Orso
Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT AND
DECLARATION OF BUILDING
SETBACK RESTRICTIONS

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 30th day of July, 1999, by VICTORIA GROVE 51/AF XVIII, LTD., a California limited partnership, (hereinafter referred to as "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, described as follows:

Lots 8, 9 and 37 of Tract 28829 as shown by map on file in Book 283 of Maps. At pages 41 through 44 thereof, 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 fifty-three (53) lots by Tract Map 28829.

C. The Property consists of approximately 17 acres situated on the northerly side of Victoria Avenue between Mary and Washington Streets in the R-1-125 and R-1-80 Single Family Residential Zones.

D. To comply with one of the conditions of approval imposed by the City for the approval of a variance for Tract Map 28829, Declarant is required to provide a covenant and agreement for the approval of the Planning and Legal Departments of City which imposes a restriction on the side yard setback on the Property and which informs future owners of the following restriction.

a. The street side yard setback for the Property shall be measured from the interior boundary of the 3 foot wide public utility easement, as shown on Tract

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CITY OF RIVERSIDE

CLA 653

Map 28829, which is closest to the interior of each lot of the Property.

Declarant is required to record such covenant and agreement in the Office of the Riverside County Recorder concurrently with the recording of Tract Map 28829 to comply with the condition imposed as set forth herein by the City of Riverside.

E. Declarant desires to hereby restrict the Property with the covenant and agreement and declaration of restrictions and notification of side yard setbacks as set forth herein.

NOW THEREFORE, the Declarant hereby covenants and agrees that the Property is, and hereafter shall be held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, used or occupied subject to the following covenants, conditions and restrictions, all of which are conditions of approval for Tract Map 28829 by the City of Riverside and Declarant shall give in writing to any prospective purchaser of the Property prior to sale a written notice providing the following information:

Street Side yard Setback: The street side yard setback for the Property shall be measured from the interior boundary of the public utility easement, as shown on Tract Map 28829, which is closest to the interior of each lot of the Property.

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

Declarant further agrees that the terms of this covenant and agreement shall run with the land and each and all of its terms shall be binding upon Declarant, its successors, heirs 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.

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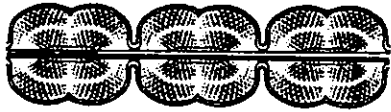
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CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF Riverside)

On July 30, 1999 before me, Kristi L. Blanchard
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, Patrick J. Van Daele

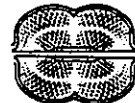
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kristi L. Blanchard (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT _____

DATE OF DOCUMENT _____ NUMBER OF PAGES _____

SIGNER(S) OTHER THAN NAMED ABOVE _____



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**MINUTES OF SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF
VAN DAELE DEVELOPMENT CORPORATION**

On August 25, 1998, at Riverside, California at 2:00 p.m., the Special Meeting was called to order by the Chairman, in accordance with the Bylaws. There were present at the meeting the following directors, constituting a full quorum:

Michael B. Van Daele
Patrick J. Van Daele
Jeffrey M. Hack
John Van Daele

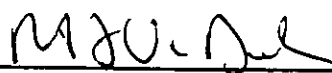
At this meeting the following business was conducted and, upon motion duly made, seconded and carried, the following resolution was adopted:

That any one of the following officers may sign any documents on behalf of Van Daele Development Corporation as General Partner of any partnership or as the Corporation itself as necessary to process documentation through any city or governmental agency, including but not limited to Bonds, VA, DRE processing.

Michael B. Van Daele, Chief Executive Officer
Patrick J. Van Daele, President and Chief Operating Officer
Jeffrey M. Hack, Chief Financial Officer and Executive Vice President.

There being no further business to come before the Board at this meeting, it was, upon motion duly made, seconded and carried, adjourned.


Respectfully submitted,



Patrick J. Van Daele, Secretary

I hereby approve the within minutes of the August 25, 1998 meeting of the Board of Directors.

DATED: August 25, 1998



Michael B. Van Daele
Chairman of the Board

