

WHEN RECORDED MAIL TO:

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

Project: Tract Map 21709-1 & 2/VR-002-99

DOC # 2000-068982

02/25/2000 08:00A Fee:15.00

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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
 SEPARATION RESTRICTIONS

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 9th day of February, 2000, by Lennar Homes of California, Inc., a California corporation, (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:

Property description set forth on Exhibit A, attached hereto and by this reference incorporated herein.

B. Declarant desires to develop the Property and has applied for a variance to permit a wrought iron reverse footage rear yard wall/fence where the City of Riverside subdivision ordinance requires a masonry reverse frontage rear yard wall.

C. The Property consists of Lots 1 - 8 of Tract Map 21709-2 situated on the east side of Trautwein Road in the Single Family Residential (R-1-65) Zone.

D. To comply with the conditions of approval of Variance Case VR-002-990, Declarant is required to provide a covenant and agreement to the approval of the Planning and Legal Departments of the City of Riverside which imposes a minimum 20 foot separation to be maintained between the enclosed portions of the residence and the rear yard wall/fence on all lots identified in Exhibit A for which the rear yard wrought iron wall/fence is approved and permitted. Such a restriction shall apply to any and all future applications for enclosed room additions to any residence on an affected parcel of the Property.

E. Declarant desires to hereby restrict the Property with the notification of the setback restrictions for enclosed portions of the residences developed on the Property.

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 Variance Case VR-002-990 by the City of Riverside and Declarant shall give in writing to any prospective purchaser of any affected parcel of the Property prior to sale a written notice providing the following information:

Minimum Separation Restriction: It is required that a minimum 20 foot separation be maintained between any enclosed portion of a residence and the rear yard wall/fence on all lots identified in Exhibit A for which the rear yard wrought iron wall/fence is permitted. This separation requirement shall apply to any proposed or future application for enclosed room additions to the residence.

Declarant further covenants and agrees that the terms of this covenant and agreement 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 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.

IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement and Declaration of Building Separation Restrictions to be executed the day and year first above written.

DECLARANT

APPROVED AS TO CONTENT:

John A. Swartz, Senior Planner
Planning Department
John A. Swartz, Senior Planner

BY: [Signature]

R. LAWRENCE OLIN
(Printed Name)

VICE PRESIDENT
(Title)

APPROVED AS TO FORM:

Kathleen M. Bonza
Assistant City Attorney

BY: [Signature]

JEFF JAMESON
(Printed Name)

VICE PRESIDENT
(Title)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

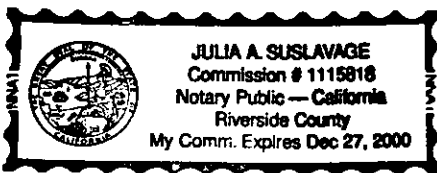
State of California

County of Orange

On 2-9-00 before me, Julia A. Suslavage, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared R. LAWRENCE OLIN AND JEFF JAMESON
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.

Julia A. Suslavage
SIGNATURE OF NOTARY

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
 CORPORATE OFFICER
VICE PRESIDENT
TITLE(S)

PARTNER(S) LIMITED
 GENERAL

ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

COVENANT AND AGREEMENT AND DECLARATION OF BUILDING SEPARATION RESTRICTIONS
TITLE OR TYPE OF DOCUMENT

THREE (3) PAGES
NUMBER OF PAGES

2-9-00
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

LENNAR HOMES OF CALIFORNIA

NONE
SIGNER(S) OTHER THAN NAMED ABOVE



Exhibit A

Lots 1 through 8, inclusive of Tract 21709-2, in the City of Riverside, State of California, as per map recorded in Book 279, page 28 through 31, inclusive, of maps in the office of the County Recorder of said County.

DESCRIPTION APPROVAL 2/21/99
Walter R. France by ---
SURVEYOR, CITY OF RIVERSIDE

WCR



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