

FA

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WHEN RECORDED MAIL TO:

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

Conformed Copy

Has not been compared with original

Gary L Orso  
County of Riverside  
Assessor, County Clerk & Recorder

Project: Tract Map 29362-1

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A	R	L			COPY	LONG	REFUND	NCHG	EXAM

COVENANT AND AGREEMENT AND  
DECLARATION OF BUILDING  
SETBACK RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 15<sup>th</sup> day of APRIL, 2000, by RIVERSIDE 143/AF XX, 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 1-134 of Tract 29362-1 as shown by map on file in Book 294 of Maps. At pages 53 through 62 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 one hundred thirty four (134) lots by Tract Map 29362-1.

C. The Property consists of approximately 35 acres situated on the northeast intersection of Barton Street and Van Buren Boulevard in the R-1-65 Single Family Residential Zones.

D. To comply with one of the conditions of approval imposed by the City for approval of Tract Map 29362-1, 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 rear yard setback on the Property and which informs future owners of the following restriction:

- a. The 25' rear yard setback for all lots backing onto Van Buren Boulevard shall be measured from the top of any downslopes facing Van Buren, as shown on the grading plan for Tract Map 29362-1.

DESCRIPTION APPROVAL 6/18/00 by Walter R. Dyer SURVEYOR, CITY OF RIVERSIDE

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Declarant is required to record such covenant and agreement in the Office of the Riverside County Recorder concurrently with the recording of Tract Map 29362-1 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 25' rear 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 29362-1 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:

The 25' rear yard setback for Lots 16, 17, 32, 33, 47, 48, 62-69 of Tract Map 29362-1 backing onto Van Buren Boulevard shall be measured from the top of any downslopes facing Van Buren.

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.

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

RIVERSIDE 143/AF XX, LTD.  
A California Limited Partnership  
BY: Van Daele Development Corp.,  
A California Corporation, general partner

BY:           *PAJUM*            
Patrick J. Van Daele, President

APPROVED AS TO CONTENT:

          *John A Sweili*            
Planning Department

APPROVED AS TO FORM:

          *Quanda L Daniel*            
~~Assistant~~ City Attorney  
*Deputy*