

WHEN RECORDED MAIL TO:

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

Project: Tract No. 25486-4, Lots 3 and 4
Case No. LL-0390989

DOC # 2000-302908
08/04/2000 08:00A Fee:NC
Page 1 of 7
Recorded in Official Records
County of Riverside
Gary L. Orso
Assessor, County Clerk & Recorder



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**COVENANT AND AGREEMENT
DECLARATION OF NOTICE OF
POTENTIAL COLLAPSIBLE SOILS**

(1)
**C
LC**

(Grading Restriction on Property)

THIS DECLARATION OF NOTICE in made and entered in to this 27th day of JULY 2000, by BEREN, a Limited Partnership ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the following described real property ("the Property") located in the City of Riverside, County of Riverside, State of California:

Lots 3 and 4 of Tract No. 25486-4, as shown by map on file in Book 272 of Maps, pages 60 through 63 inclusive, Records of Riverside County, California.

B. Declarant desires to improve and develop the Property as part of a residential subdivision. Declarant desires the City of Riverside ("City") to issue approval of a lot line adjustment of the Property for Lots 3 and 4 of Tract No. 25486-4 under Case No. LL-039-989. The City Planning Commission determined that the project would not have a significant effect on the environment and that a Negative Declaration could be adopted subject to the imposition of certain mitigation measures as set forth in that case.

C. A mitigating measure imposed as a condition of approval of Case No. LL-039-989 as approved by the City Planning Commission requires that a covenant shall be recorded on the Property to advise and give notice to future buyers of the potential collapsible soils condition on the Property and prohibiting grading and/or future building in the area of these soils.

D. It is the desire of Declarant to give notice to any potential and future purchaser of the Property of the requirements and restrictions on the use of the Property.

NOW THEREFORE, for the purpose of complying with a mitigation measure imposed by the City of Riverside for the Property in Case No. LL-039-989, Declarant, for itself and its

DESCRIPTION APPROVAL 7/21/00
Walter R. Jure by
SURVEYOR, CITY OF RIVERSIDE
GOS

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:

Grading and Building Development Standards. The standards for grading upon the Property, Lots 3 and 4 of Tract No. 25486-4 are set forth in the Soils Report prepared by Earth Technics, Temecula, California, dated December 17, 1998, as prepared for the Declarant and submitted to the City of Riverside Public Works Department, for Tract No. 25486-4.

Grading and Building Restrictions. Grading and/or building is prohibited on those portions of the Property containing alluvial areas, or collapsible soils, which areas are described in Exhibit A which is attached hereto and incorporated by this reference as if fully set forth herein.

Declarant further covenants and agrees that the terms of this Declaration of Notice 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 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 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 Agreement to be duly executed the day and year first above written.

APPROVED AS TO CONTENT:

BEREN, a limited partnership

Diana Jenkins
Planning Department

By: BERGUM CONSTRUCTION COMPANY,
a California corporation, as general partner

APPROVED AS TO FORM:

Kathleen M. Gonzalez
Assistant City Attorney

By: Christina Bergum

Title: VICE PRESIDENT

By: Ry

Title: PRESIDENT

COV00023401.kg



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of San Bernardino } ss.

On July 25, 2000, before me, Teri Benson, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christian O. Bergum
Name(s) of Signer(s)

- personally known to me
- ~~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.

Teri Benson
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

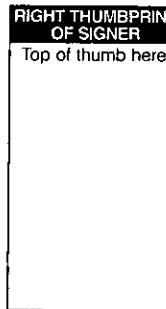
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



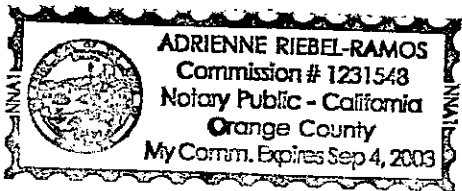
CIA 685

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of ORANGE } ss.

On 7/27/00, before me, ADRIENNE RIEBEL-RAMOS,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared RANDALL A. BERGUM,
Name(s) of Signer(s)

- personally known to me
- 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(s), 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.

Place Notary Seal Above

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: LETTER COVENANT & AGREEMENT
DECLARATION OF NOTICE OF POTENTIAL COLLASIBLE
Document Date: 7/27/00 Number of Pages: 2 SOILS

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____





June 23, 2000

W.O. 1033-001

EXHIBIT "A"
ALLUVIAL AREAS
LOT LINE ADJUSTMENT No. LL-039-989
Tract 25486-4 -- Bergum Construction

ALLUVIAL AREA 1

That portion of Lots 3 and 4 of Tract 25486-4 as shown by map on file in Book 272 of Maps at Pages 60 through 63 thereof, Records of Riverside County, California, described as follows:

Beginning at the most Southerly corner of said Lot 3, also being the Northeast corner of said Lot 4;

Thence S.37°27'03"W. along the Easterly line of said Lot 4, a distance of 25.00 feet to a line parallel with and 25.00 feet Southwesterly, measured at right angles from the Northeasterly line of said Lot 4, also being the Southwesterly line of said Lot 3;

Thence N.52°25'18"W. along said parallel line, a distance of 148.00 feet;

Thence N.25°17'13"E., a distance of 153.98 feet to the Easterly line of said Lot 3;

Thence S.17°39'16"E. along said Easterly line, a distance of 220.00 feet to the point of beginning.

The above described parcel of land contains 0.307 acres, more or less.

ALLUVIAL AREA 2

That portion of Lot 4 of Tract 25486-4 as shown by map on file in Book 272 of Maps at Pages 60 through 63 thereof, Records of Riverside County, California, described as follows:

Commencing at the Northeast corner of said Lot 4, also being the most Southerly corner of Lot 3 of said Tract 25486-4;

Thence S.37°27'03"W. along the Easterly line of said Lot 4, a distance of 25.00 feet to a point on a line parallel with and 25.00 feet Southwesterly, measured at right angles from the Northeasterly line of said Lot 4, also being the Southwesterly line of said Lot 3, said point being the Point of Beginning of the parcel of land to be described;

Thence continuing S.37°27'03"W. along the Easterly line of said Lot 4, a distance of 135.00 feet;

Thence N.88°31'09"W., a distance of 63.00 feet;

Thence N.26°00'03"W., a distance of 75.00 feet;

Thence N.25°17'13"E., a distance of 52.00 feet;

Thence N.35°37'38"W., a distance of 244.24 feet to the Northerly line of said Lot 4;



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Thence Easterly along said Northerly line on a non-tangent curve concave Northerly, having a radius of 51.00 feet, through an angle of $56^{\circ}10'21''$, an arc length of 50.00 feet (the initial radial line bears $S.03^{\circ}45'03''W.$) to the most Northerly corner of said Lot 4;

Thence $S.08^{\circ}30'29''E.$, a distance of 36.05 feet to a line parallel with and 25.00 feet Southwesterly, measured at right angles from the Northeasterly line of said Lot 4;

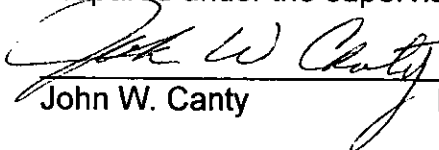
Thence $S.52^{\circ}25'18''E.$ along said parallel line, a distance of 314.09 feet to the point of beginning.

The above described parcel of land contains 0.735 acres, more or less.



CANTY ENGINEERING GROUP, INC.

Prepared under the supervision of:


John W. Canty R.C.E. 17550

June 29, 2000
Date

DESCRIPTION APPROVAL 6/29/00
Walter R. Ince by _____
SURVEYOR, CITY OF RIVERSIDE



IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA
ALLUVIAL AREAS
LOT LINE ADJUSTMENT NO. LL-039-989

LOTS 3 AND 4 OF TRACT 25486-4 M.B.272/60-63

JUNE 2000

SCALE: 1"=100'

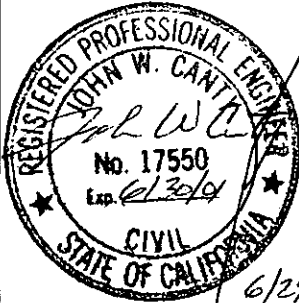
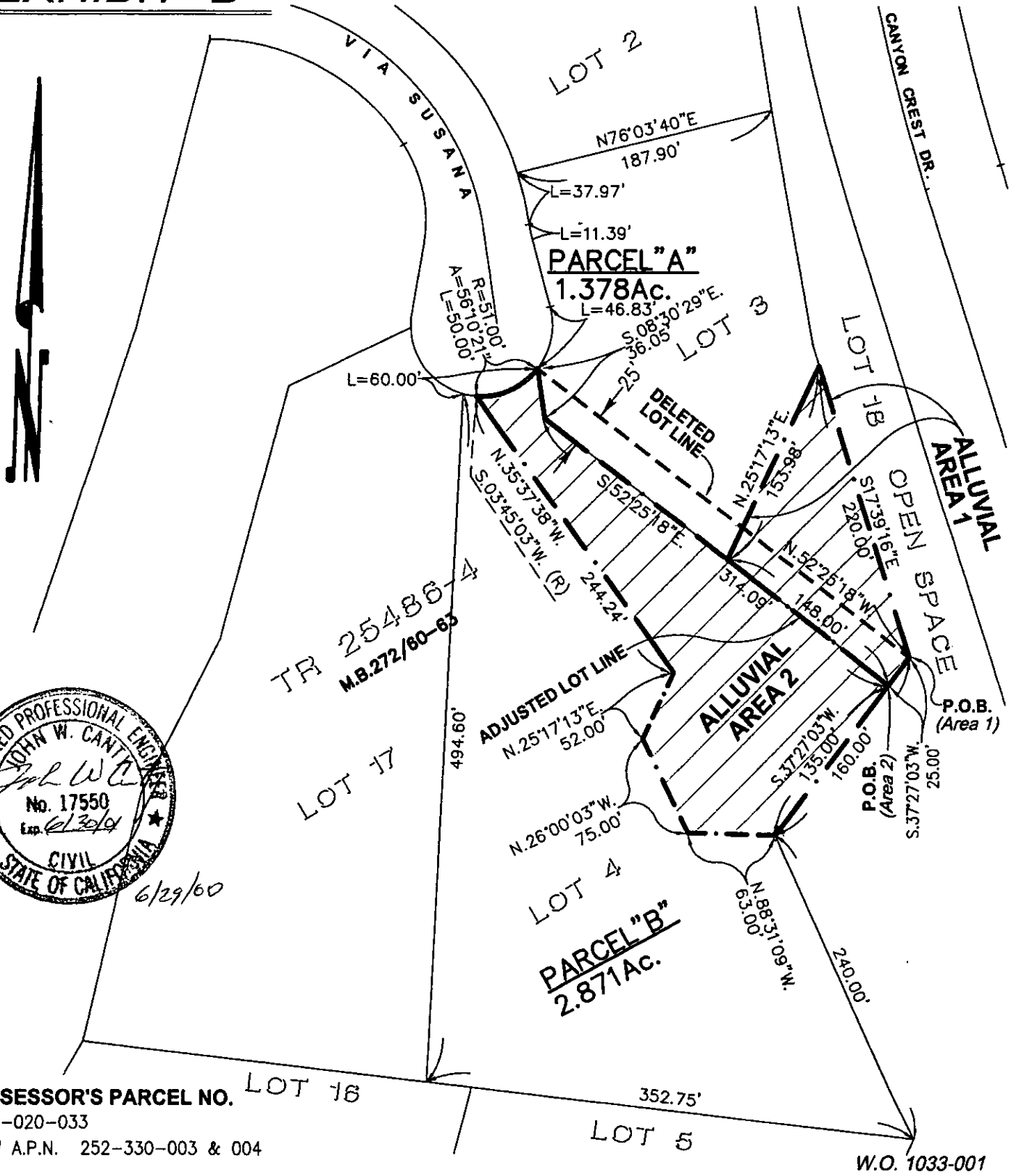
CANTY ENGINEERING GROUP, INC.

2020 IOWA AVENUE, SUITE 102
 RIVERSIDE, CA 92507

OWNER:

BEREN
 14455 PARK AVENUE, SUITE B
 VICTORVILLE, CA 92392

EXHIBIT "B"



6/29/00

ASSESSOR'S PARCEL NO. LOT 16
 252-020-033
 NEW A.P.N. 252-330-003 & 004

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 C/A 685