



WHEN RECORDED MAIL TO:

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

Project: TM 29612
Riverside, California

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 26 day of April, 2001, by **SANTA ROSA DEVELOPERS, LTD., A CALIFORNIA LIMITED PARTNERSHIP** ("Declarant"), with reference to the following facts:

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

Lots 1 and 2 of Tract Map 29612 recorded in Book 304 of Maps Pages 58 through 59, Records of Riverside County, California.

B. Declarant has applied to the City of Riverside for approval of a Tract Map 29612, which includes the Property, for residential development. Portions of the Property will be located within the Water Course (WC) Zone.

C. As a condition of approval of Tract Map 29612, the City of Riverside is requiring Declarant to execute and record a covenant advising future owners of Lots 1 and 2 of the presence of the WC zone, as well as the development restrictions of the WC zone, as it affects the Property.

D. Declarant is willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners on notice of the presence of the WC zones on portions of the Property, as well as the development restrictions of the WC zone.

NOW, THEREFORE, incorporating the above recitals for the purposes of complying with the conditions imposed by the City of Riverside for the approval of Tract Map 29612, Declarant hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

DESCRIPTION APPROVAL 4/26/01
Walter R. Orso by
SURVEYOR, CITY OF RIVERSIDE

1. Declarant hereby acknowledges and advises all future owners of the Property that the portions of the Property described in Exhibit "A," attached hereto and incorporated by reference, are located within the Water Course (WC) Zone, as defined by Title 19 of the Riverside Municipal Code. Declarant further acknowledges and advises all future owners of the Property that any proposed development or use of those portions of the Property located within the WC Zone are subject to the restrictions and regulations of the WC Zone, as set forth in Title 19 of the Riverside Municipal Code.

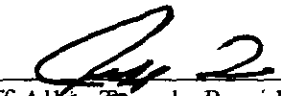
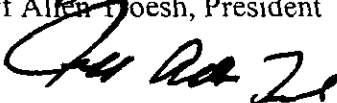
2. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

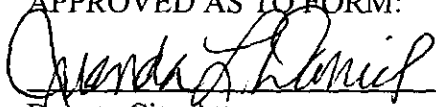
3. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarant, its heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.

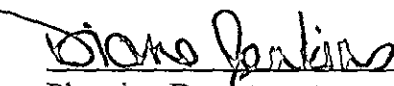
IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and year first written above.

SANTA ROSA DEVELOPERS, LTD., A
CALIFORNIA LIMITED PARTNERSHIP

By: SANTA ROSA DEVELOPERS, INC.,
a General Partner

By: 
Jeff Allen Toesh, President


APPROVED AS TO FORM:

Deputy City Attorney

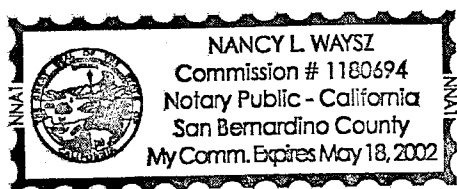
APPROVED AS TO CONTENT:

Planning Department



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On 4-26-, 2001, before me, Nancy L. Waysz, the undersigned, a notary public in and for said State, personally appeared JEFF ALLEN TROESH personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Nancy L. Waysz
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On _____, 2001, before me, _____, the undersigned, a notary public in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public



EXHIBIT "A"

Legal Description
Water Course Zone for tract 29612

Those portions of Lots 1 and 2 of Tract 29612 recorded in Book 304 of Maps, Pages 58 through 59 inclusive, Records of Riverside County, California, lying north of the following described line.

Commencing at the Northwest corner of Lot 1 of said Tract 29612, said point being on a line parallel with and distant easterly 33.00 feet from the centerline of Whitegate Avenue, 66.00 feet wide.

Thence South 00°02'46" East, along said parallel line, a distance of 138.00 feet to the TRUE POINT OF BEGINNING;

Thence South 90°00'00" East, a distance of 14.11 feet;

Thence North 51°38'17" East, a distance of 67.54 feet;

Thence North 43°12'30" East, a distance of 71.41 feet;

Thence South 55°33'36" East, a distance of 103.51 feet;

Thence South 49°34'17" East, a distance of 131.16 feet;

Thence South 79°47'13" East, a distance of 47.74 feet more or less to a point on the east line of said Tract which lies 91.95 feet southerly along said east line from the northeast corner of said Tract. Said point also being the end of this description.

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06/07/2001 08:08A
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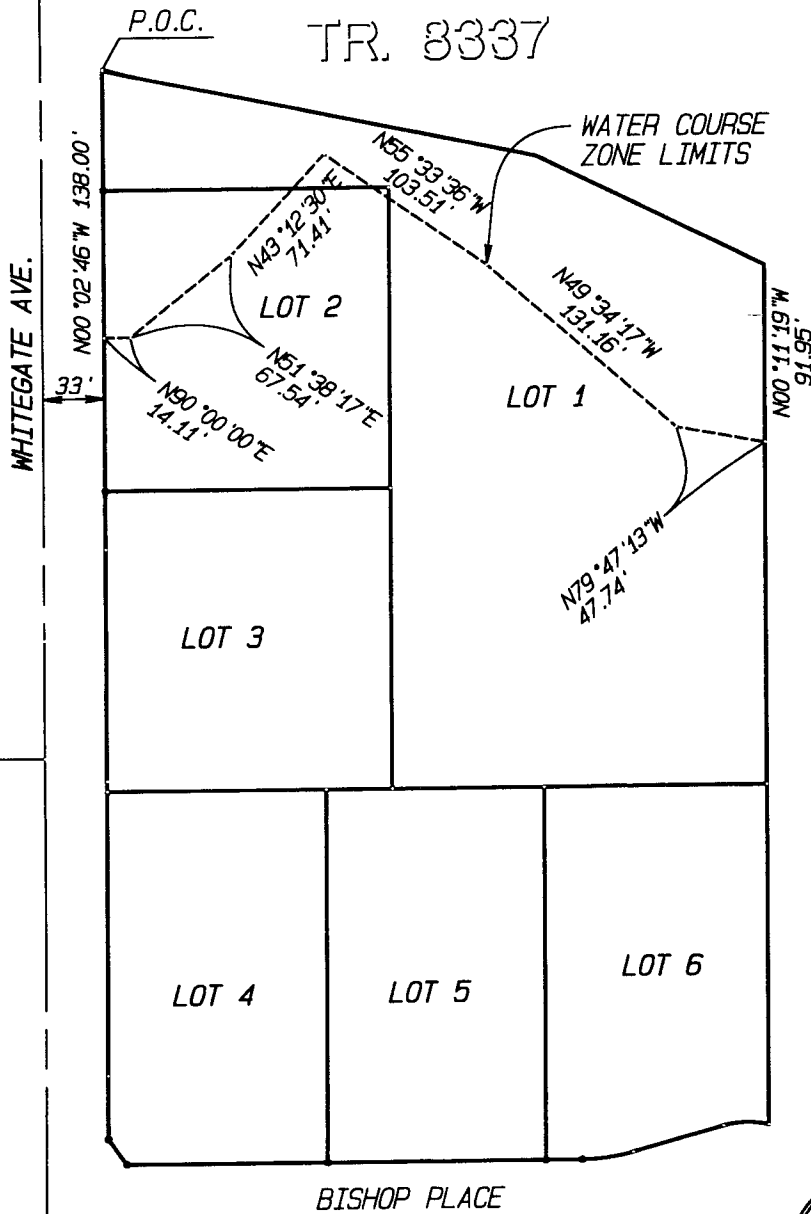
DESCRIPTION APPROVAL 312401
Walter R. Fryc by _____
SURVEYOR, CITY OF RIVERSIDE

Wo240.01/wc-esmt.doc

621 E. CARNEGIE DRIVE, SUITE 120 * SAN BERNARDINO, CA 92408-3515
(909) 383-0200 * FAX: (909) 383-0203
E-MAIL: integra@urs2.net

CIA 7174

EXHIBIT "A"



2001-255059
 06/07/2001 08:08A
 5 of 5



FILENAME: F:\0Data\CM-CONST\W0037.09\037.09.plt
 PLOTTED: 3/14/2001

PREPARED BY: INTEGRA ENGINEERING, INC. LAND SURVEYORS * CIVIL ENGINEERS 621 E. CARNEGIE DRIVE, #120, SAN BERNARDINO, CA 92408 TELEPHONE: 909-383-0200 FAX: 909-383-0203 E-MAIL: INTEGRA.URS2.NET	EASEMENT PLAT	W. O. 240.01 BY: JMB
	WATER COURSE ZONE TRACT 29612	DATE: 03/08/01 SCALE: 1" = 100' PAGE: 1 OF 1

CIA 717-5