



WHEN RECORDED MAIL TO:

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

Project: CR-007-990
3400 University Avenue &
3452 University Avenue
Riverside, California

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FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS
FOR COMMON ACCESS AND TRASH ENCLOSURE

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 2nd day of OCTOBER, 2001, by **HAVADJIA HOLDINGS, INC.** a California Corporation, ("Declarant"), with reference to the following facts:

A. Declarant is the fee owner of the real property, consisting of two parcels located in the City of Riverside, County of Riverside, State of California, commonly referred to as 3400 University Avenue and 3452 University Avenue, described in Exhibits "A," and "B" respectively, attached hereto and incorporated by reference ("the Property").

The two parcels of the Property are hereinafter referred to as Parcel 1 and Parcel 2, respectively.

B. Declarant has applied to the City of Riverside for a Certificate of Appropriateness to rehabilitate the structure located on Parcel 2 for use as a commercial building. Parcel 1 is currently being utilized as a fast food restaurant.

C. As a condition of approval of the plan check process and prior to the issuance of building permits, the City of Riverside is requiring Declarant to execute and record a covenant providing for common access so that the trash enclosure located on Parcel 1 shall also serve the uses on Parcel 2.

D. Declarant is willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and lessees on notice of such common access and use of the trash enclosure.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the approval of case CR-007-990 providing for common access and use of the trash enclosure, Declarant hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. There is hereby granted, reserved and established a non-exclusive easement for the use and benefit of Parcel 2 and as an easement appurtenant thereto for ingress to and egress from and the right of use of the trash enclosure located on Parcel 1. By the easement herein granted the owner, tenants and occupants of Parcel 2 may place the trash generated on said parcel into the trash enclosure located at the southwest corner of Parcel 1, which is located to the east of Parcel 2, as depicted in the map attached hereto as Exhibit "C" and incorporated herein by this reference as though set forth in full.

2. No fences, wall, barricades or barriers of any kind shall be placed on the common property line of Parcels 1 and 2 located within the easement areas which will prohibit or interfere with or restrict the exercise of the easements granted herein.

3. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the easements above granted to the general public or for the general public or for any public purposes whatsoever, it being the intention of Declarant that this document shall be strictly limited to and for the purposes herein expressed.

4. 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.

5. Any person who now or hereafter owns or acquires any right, title or interest in the Property shall be deemed to have considered and agreed to every covenant, condition and restriction contained herein and to have been granted and be subject to the terms established in Paragraph 1 above, whether or not any reference to the Covenant and Agreement is contained in the instrument by which such person acquired an interest in said Property.

6. 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.

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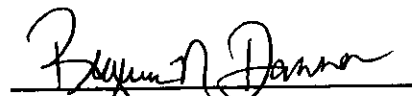
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IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and year first written above.

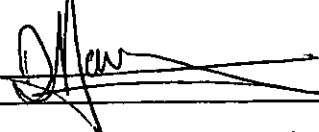
APPROVED AS TO CONTENT.


Planning Department

APPROVED AS TO FORM.

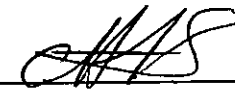

Deputy City Attorney

HAVADJIA HOLDINGS, INC.,
A California Corporation

By: 

Name: DEMETRIS HAVADJIAS

Title: CFO.

By: 

Name: GEORGE HAVADJIAS

Title: OFFICER

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EXHIBIT "A"
3400 University Avenue

ALL THAT PORTION OF BLOCK 8, RANGE 4, OF THE TOWN OF RIVERSIDE, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE(S) 17 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID BLOCK 8, RANGE 4; THENCE NORTH 60 DEG. 14' 21" WEST, ALONG THE SOUTHWESTERLY LINE OF UNIVERSITY AVENUE (EIGHTH STREET), 132.00 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO SHELDON R. WESTFALL, ET UX, RECORDED MAY 6, 1949 IN BOOK 1074 PAGE 359 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE SOUTH 29 DEG. 43' 39" WEST, AND PARALLEL WITH THE NORTHWESTERLY LINE OF LIME STREET, 160.00 FEET; THENCE SOUTH 60 DEG. 14' 21" EAST, AND PARALLEL WITH THE SOUTHWESTERLY LINE OF UNIVERSITY AVENUE (EIGHTH STREET), 132.00 FEET TO THE NORTHWESTERLY LINE OF LIME STREET; THENCE NORTH 29 DEG. 43' 39" EAST, ALONG SAID LAST MENTIONED NORTHWESTERLY LINE, 160.00 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS OF LAND CONVEYED TO THE CITY OF RIVERSIDE, BY CERTAIN DEEDS RECORDED FEBRUARY 20, 1967 AS INSTRUMENT NO. 13985 AND AS INSTRUMENT NO. 13984 BOTH OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA FURTHER DESCRIBED AS FOLLOWS:

PARCEL 1:

THE SOUTHEASTERLY 7.00 FEET OF THE NORTHEASTERLY 160.00 FEET OF BLOCK 8, RANGE 4, OF THE TOWN OF RIVERSIDE, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE(S) 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL 2:

ALL THAT PORTION OF BLOCK 8, RANGE 4, OF THE TOWN OF RIVERSIDE, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE(S) 17 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF SAID BLOCK 8, RANGE 4, A DISTANCE OF 7.00 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF SAID BLOCK AND RANGE; THENCE SOUTHWESTERLY, PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID BLOCK AND RANGE 16.07 FEET TO A POINT OF CUSP ON A NON-TANGENT CURVE. CONCAVE WESTERLY, HAVING A RADIUS OF 28.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41 DEG 40' 20", AN ARC LENGTH OF 20.37 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID BLOCK AND RANGE; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE, 11.76 FEET TO THE POINT OF BEGINNING, ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE BY GRANT DEED RECORDED APRIL 10, 1998 AS INSTRUMENT NO. 138003 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

DESCRIPTION APPROVAL 9/22/01
Walter R. Inge
SURVEYOR, CITY OF RIVERSIDE by _____

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EXHIBIT "B"
3452 UNIVERSITY AVENUE

THAT PORTION OF BLOCK 8, RANGE 4, OF THE TOWN OF RIVERSIDE, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF EIGHTH STREET, 132 FEET WESTERLY FROM THE NORTHEASTERLY CORNER OF SAID BLOCK 8, RANGE 4; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF EIGHTH STREET, 54 FEET AND 8 INCHES, THENCE AT A RIGHT ANGLE SOUTHERLY 160 FEET; THENCE AT A RIGHT ANGLE EASTERLY 54 FEET AND 8 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 160 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 9/24/01
Walter R. Ince by ---
SURVEYOR, CITY OF RIVERSIDE
for

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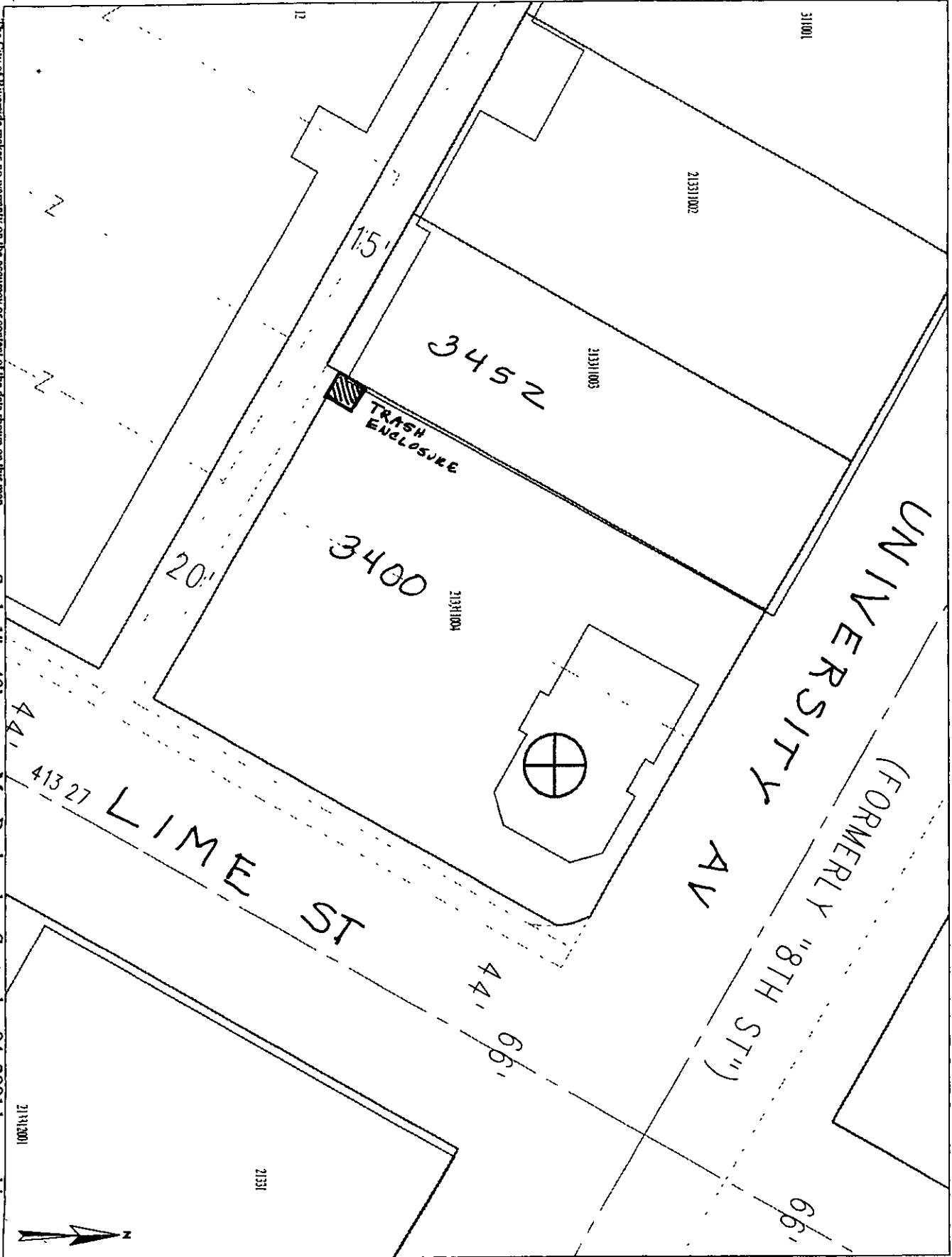
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EXHIBIT "C"

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Scale 1" = 40'

Map Produced on September 04, 2001 by Graphics



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