



WHEN RECORDED MAIL TO:

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

Project: LL-004-012
434 Orange Street
Riverside, California

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS
DEFINING EASTERLY PROPERTY LINE AS A
REAR LOT LINE FOR DETERMINING SETBACK REQUIREMENTS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 14th day of NOVEMBER, 2001, by **KENNETH L. YTURRELDE** and **CATHY LYNN YTURRELDE**, Husband and Wife as Joint Tenants ("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the real property, located in the City of Riverside, County of Riverside, State of California, commonly referred to as 434 Orange Street, described in Exhibit "A," attached hereto and incorporated by reference ("Parcel A").

B. Declarants seek to purchase the rear (easternmost) 0.3 acres of 448 Orange Street which is contiguous to Parcel A and which is more particularly described in Exhibit "B" attached hereto and incorporated by reference. ("Parcel B")

C. Declarants have applied to the City of Riverside for a Lot Line Adjustment. While both Properties contain single family residences and related accessory structures, no specific plans to improve the 0.3 acres have been provided to the City.

D. As a condition of approval of the Lot Line Adjustment and prior to the issuance of a Certificate of Compliance, the City of Riverside is requiring Declarants to execute and record a covenant for Parcel A defining the easterly common property line between Parcels A and B as a rear lot line for purposes of determining setback requirements on Parcel A, as long as Parcel B is residentially zoned.

E. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and lessees on notice of such rear lot line definition as a rear lot line for purposes of determining setback requirements on Parcel A, as long as Parcel B is

residentially zoned.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the approval of case LL-004-012 providing for the definition of the real lot line on Parcel A for purposes of determining setback requirements on said Parcel A, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The common easterly property line between Parcels A and B is considered a rear yard for purposes of determining setbacks on Parcel A. This covenant shall remain in effect as long as Parcel B is residentially zoned.

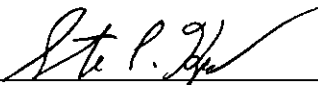
2. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall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

3. 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.

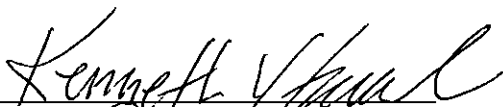
4. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California,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

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

APPROVED AS TO CONTENT.

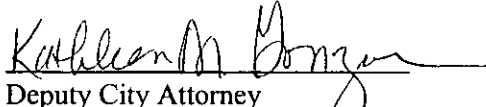


Planning Department



KENNETH L. YTURRALDE

APPROVED AS TO FORM.



Deputy City Attorney



CATHY LYNN YTURRALDE

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12/05/2001 08:00A
2 of 6

C/A 745

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On November 14, 2001, before me, Teddy A Bryson, the undersigned, a notary public in and for said State, personally appeared Cathy Lynn Yturralde 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 he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~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.

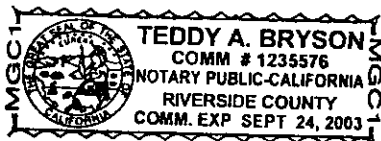


Teddy A Bryson
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On November 14, 2001, before me, Teddy A. Bryson, the undersigned, a notary public in and for said State, personally appeared Kenneth Lee Yturralde 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 he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~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.



Teddy A Bryson
Notary Public

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2001-601534
12/05/2001 08 00A
3 of 6

C/A 745

EXHIBIT 'A'

YTURRALDE

The land referred to is situated in the City of Riverside, County of Riverside, State of California, and is described as follows

That portion of Lot 7 of ADDITION OF BANDINI DONATION as shown by Record of Survey on file in Book 1 page 3 of Records of Survey, Records of Riverside County, California, as conveyed to Kenneth L. Yturralde and Cathy Lynn Yturralde by deed recorded November 15, 1999 as Instrument No. 504766 of Official Records, said records of Riverside County, California, TOGETHER WITH that certain parcel of land as conveyed to George Roy Spooner and Betty Jean Spooner by deed recorded September 10, 1971 as Instrument No. 102219 of Official Records, said records of Riverside County, California, EXCEPTING therefrom the following described parcel of land:

Commencing at the Southwest corner of said Lot 7, THENCE N 15°15'E along the Westerly line of said Lot 7, a distance of 148 feet to the TRUE POINT OF BEGINNING, THENCE continuing N 15°15'E. along said westerly line of said lot 7, a distance of 125 feet, more or less, to a point in said Westerly line that is distant Southerly thereon, 130 feet from the Northwest corner thereof; THENCE S 68°E., parallel with the Northerly line of said Lot 7, a distance of 192.89 feet; THENCE S. 15°15'W. parallel with said Westerly line of said Lot 7, a distance of 116.06 feet to a point of intersection in the Southwesterly line of said parcel of land as conveyed to George Roy Spooner and Betty Jean Spooner; THENCE N. 70°39'04"W along said Southwesterly line a distance of 192.04 feet to the point of beginning.

ALSO EXCEPTING therefrom that certain parcel of land described in Grant of Easement to the City of Riverside by document recorded May 1, 2001, as Instrument No. 186713, said records of the Recorder of Riverside County, California



Douglas W. Beecroft

DESCRIPTION APPROVAL 10/11/01
Walter R. Ince by _____
SURVEYOR, CITY OF RIVERSIDE



LL-004-012

C/A 745

EXHIBIT 'B'

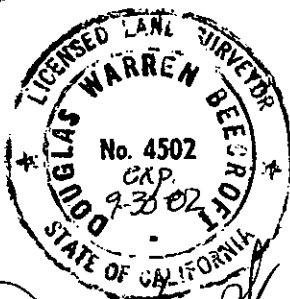
SPOONER

The land referred to is situated in the City of Riverside, County of Riverside, State of California, and is described as follows:

That portion of Lot 7 of ADDITION TO BANDINI DONATION, as shown by Record of Survey on file in Book 1 page 3 of Records of Survey, Records of Riverside County, California, described as follows:

Commencing at the Southwest corner of said Lot 7; THENCE N.15°15'E. along the Westerly line of said Lot 7, a distance of 148 feet to the TRUE POINT OF BEGINNING; THENCE continuing N.15°15'E. along said Westerly line of said Lot 7, a distance of 125 feet, more or less, to a point in said Westerly line that is distant Southerly thereon, 130 feet from the Northwest corner thereof; THENCE S.68°E., parallel with the Northerly line of said Lot 7, a distance of 192.89 feet; THENCE S.15°15'W. parallel with said westerly line of said Lot 7, a distance of 116.06 feet to a point of intersection in the southwesterly line of that certain parcel of land as conveyed to George Roy Spooner and Betty Jean Spooner by deed recorded September 10, 1971 as Instrument No. 102219 of Official Records, records of the Recorder of Riverside County, California; THENCE N.70°39'04"W. along said southwesterly line a distance of 192.04 feet to the point of beginning.

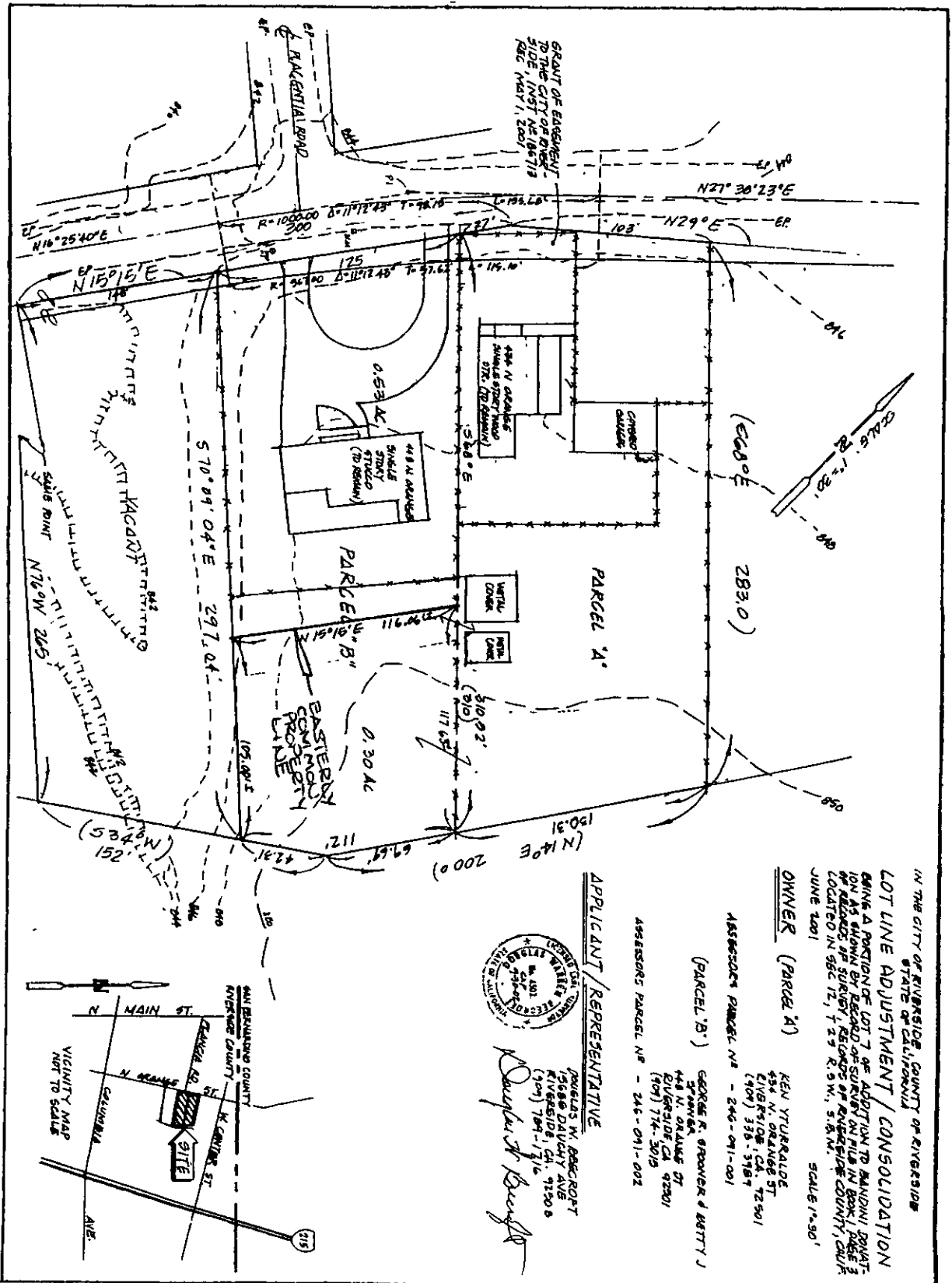
EXCEPTING therefrom that certain parcel of land described in Grant of Easement to the City of Riverside by document recorded May 1, 2001, as Instrument No. 186713, Records of the Recorder of Riverside County, California.



Douglas W. Beecroft

DESCRIPTION APPROVAL 10/1/01
Walter R. Inye by _____
for SURVEYOR, CITY OF RIVERSIDE





9 of 6
 12/05/2001 08:00
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