

FIRST AMERICAN TITLE

WHEN RECORDED MAIL TO:

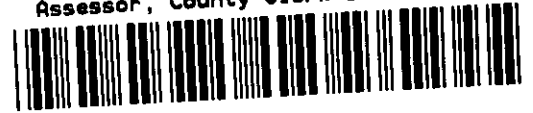
City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: PM 29358
Riverside, California

DOC # 2002-162444

03/29/2002 08:00A Fee:19.00

Page 1 of 5
Recorded in Official Records
County of Riverside
Gary L. Orso
Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 18th day of JANUARY, 2002, by **NICHOLAS E. TAVAGLIONE and SALLIE B. TAVAGLIONE**, Trustees of the **FAMILY TRUST OF NICHOLAS E. TAVAGLIONE AND SALLIE B. TAVAGLIONE** dated March 15, 1999 ("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the real property ("the Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

Parcel 1:

Parcel 1 of Parcel Map No. 29358 as shown by Map on file in Book 201 of Parcel Maps, at Pages 24 through 25 thereof, Records of Riverside County, California.

Parcel 2:

Parcel 2 of Parcel Map No. 29358 as shown by Map on file in Book 201 of Parcel Maps, at Pages 24 through 25 thereof, Records of Riverside County, California.

B. Declarants have applied to the City of Riverside for approval of Parcel Map 29358, which includes the Property, to subdivide the approximately 2.8 acres developed with a single family residence at 2465 Mary Street into 2 parcels for residential purposes in the R-1-125 - Single Family Residential Zone.

C. As a condition of approval of Parcel Map 29358, the City of Riverside is requiring Declarants to execute and record a covenant restricting the location of a driveway opening on Parcel 2 as shown on Parcel Map 29358 attached hereto as Exhibit A and incorporated herein by this reference, restricting the height of fencing on the common property line between Parcels 1 and 2 and requiring that the Declarants put any future owners of the Property on notice of such restrictions.

DISCUSSION APPROVAL
2/13/02
NICHOLAS E. TAVAGLIONE
SALLIE B. TAVAGLIONE

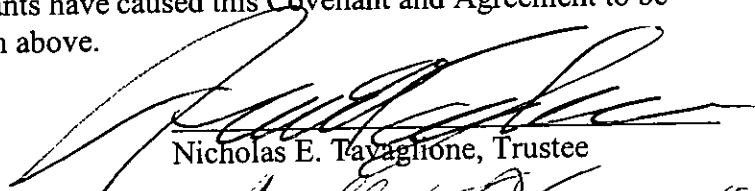
CIA 769


D. Declarants are willing to record a covenant and declaration of restrictions ("Covenant") restricting the location of any driveway openings on Parcel 2 and putting future owners on notice of the such restrictions.

NOW, THEREFORE, incorporating the above recitals for the purposes of complying with the conditions imposed by the City of Riverside for the approval of Parcel Map 29358, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

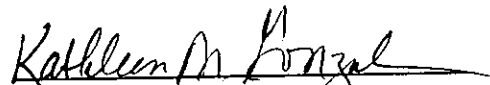
1. Any driveway openings on Parcel 2 as shown on Parcel Map 29358 shall be setback a minimum of twenty-feet from the southwesterly side property line of Parcel 2. Side property lines are defined by Title 19 of the Riverside Municipal Code.
2. Any fencing on the common property line between Parcels 1 and 2 shall be limited to a maximum height of 3-feet for the first 20-feet measured from the property line adjacent to Frances Street.
3. 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.
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.



 Nicholas E. Tavaglione, Trustee


 Sallie B. Tavaglione, Trustee

APPROVED AS TO FORM:


 Assistant City Attorney

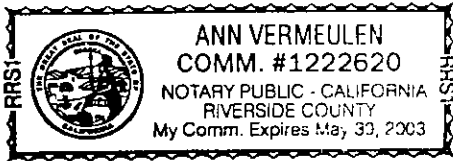
APPROVED AS TO CONTENT:


 Planning Department

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On January 18, 2002, before me, Ann Ver Meulen, the undersigned, a notary public in and for said State, personally appeared Nicholas E. + Sattie Tavaglione 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~~ ^{he} executed the same in ~~her~~ ^{his} authorized capacity, and that by ~~her~~ ^{his} 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.

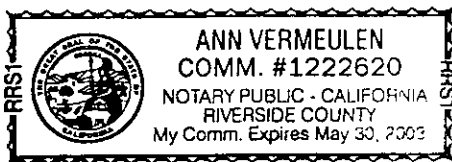


Ann Ver Meulen
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On January 18, 2002, before me, Ann Ver Meulen, the undersigned, a notary public in and for said State, personally appeared Sattie B. Tavaglione 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.



Ann Ver Meulen
Notary Public



SURVEY NOTES:

1. BASIS OF BEARINGS IS THE CENTERLINE OF MARY STREET TAKEN AS NORTH 37°57'46" WEST AS SHOWN BY MAP ON FILE IN BOOK 155 OF MAPS, PAGES 23 THROUGH 24 THEREOF; RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
2. FOUND MONUMENTS AS NOTED
3. SET 1" I.P. LS 3847 FLUSH UNLESS OTHERWISE NOTED.
4. SET MAIL & LS 3847 TAG UNLESS OTHERWISE NOTED.
5. PER M.B. 155/23-24, RIVERSIDE COUNTY.
6. PER R.S. 31/9, RIVERSIDE COUNTY.

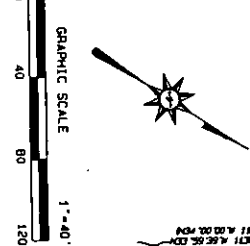
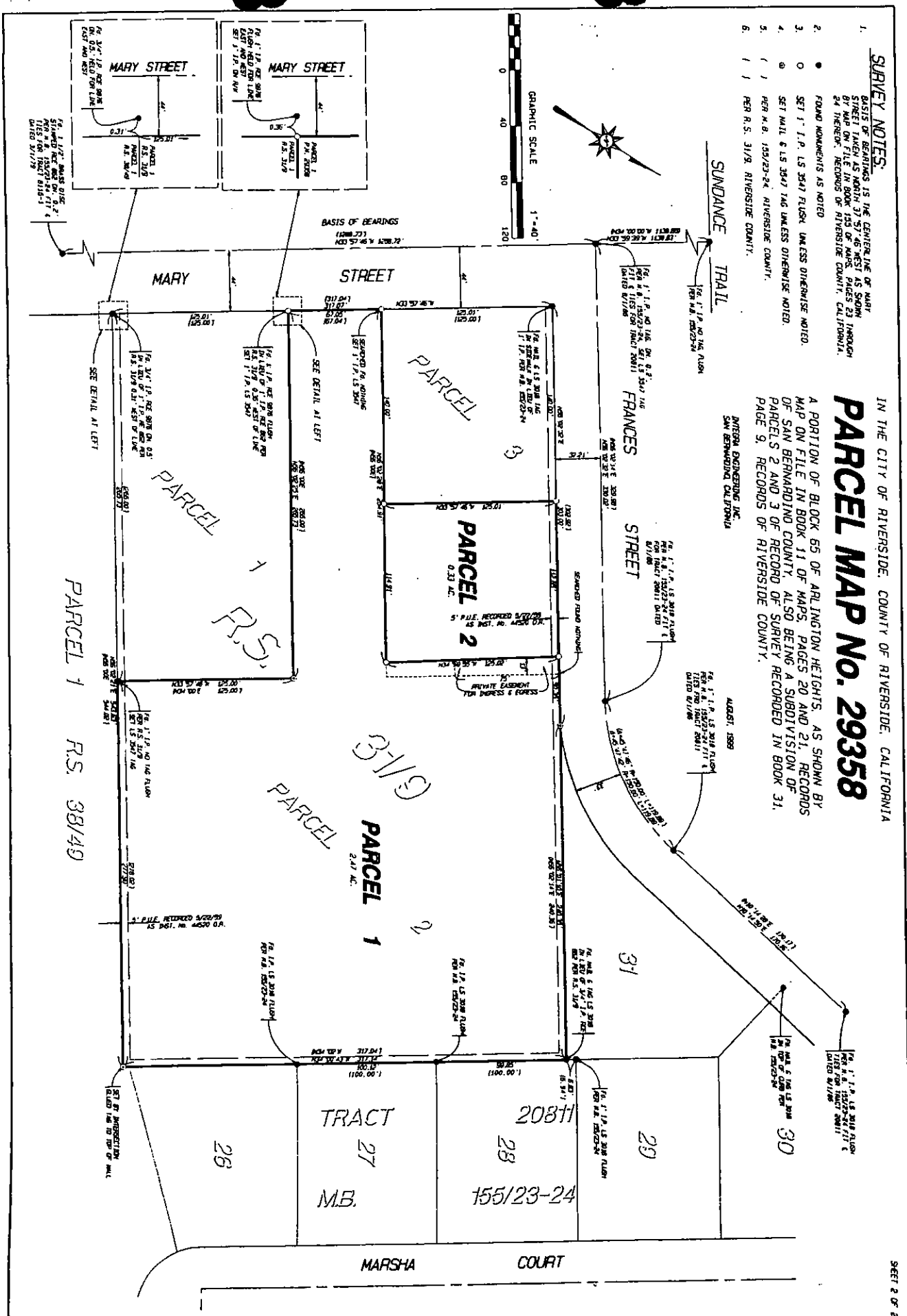
PARCEL MAP No. 29358

IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA

A PORTION OF BLOCK 65 OF ARLINGTON HEIGHTS, AS SHOWN BY MAP ON FILE IN BOOK 11 OF MAPS, PAGES 20 AND 21, RECORDS OF SAN BERNARDINO COUNTY, ALSO BEING A SUBDIVISION OF PARCELS 2 AND 3 OF RECORD OF SURVEY RECORDED IN BOOK 31, PAGE 9, RECORDS OF RIVERSIDE COUNTY.

INTERA ENGINEERING, INC.
SAN BERNARDINO, CALIFORNIA

AUGUST 1989



DISCONTINUATION APPLICATION
2/13/02



2082-162444
83/29/2082 69-00A
4 of 5

CIA 769

ILLEGIBLE NOTARY SEAL DECLARATION

Government Code Section 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement attached reads as follows:

Name of Notary: Ann Vermeulen

Date Commission Expires: May 30, 2003

Notary Identification No:
(for Notaries commissioned at 1/1/92) 1222620

Manufacturer/Vendor Identification No:
(for Notaries commissioned at 1/1/92) _____

Place of Execution of this Declaration: Riverside, California

Date: March 28, 2002

FIRST AMERICAN TITLE INSURANCE COMPANY

Gary Francis
Authorized Signatory



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03/29/2002 08:00A
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