

WHEN RECORDED, MAIL  
CITY OF RIVERSIDE, 300 MAIN STREET  
RIVERSIDE, CALIFORNIA 92522  
ATTN: CITY ENGINEER

188982

RECEIVED FOR RECORD  
AT 9:00 O'CLOCK A.M.  
At Request of  
FIRST AMERICAN TITLE COMPANY  
OF RIVERSIDE

188982

Book 1982, Page

NOV 1 1982

Records in Official Records  
of Riverside County, California

*William F. Conroy*  
Recorder

Fees \$ 6.00

*Post*

COVENANT AND AGREEMENT RELATING TO ACREAGE

WATER FEES

(Tract No. 17852)

THIS COVENANT AND AGREEMENT is made and entered into  
this *7th* day of *OCT.*, 1982, by A. B. S. DEVELOPMENT,  
INC., a California corporation, the fee owner of the following  
described property situated in the City of Riverside, County of  
Riverside, State of California:

Lots 1 and 2 of Tract No. 17852, as shown by  
map on file in Book *127* of Maps, at pages  
*94* and *95* thereof, Records of Riverside  
County, California.

WITNESSETH:

WHEREAS the undersigned has filed a tract map to divide  
the certain real property above described into two lots consisting  
of 10 and 14.05 acres respectively; and

WHEREAS in accordance with Water Rule 10.D.3 of the Water  
Rules and Rate Schedule of the Utilities Department of the City  
of Riverside, certain water acreage fees are now due and payable  
to permit the recording of the tract map; and

WHEREAS the undersigned has on May 7, 1982 executed a  
Covenant and Agreement and Declaration of Restrictions wherein  
the undersigned agreed to maintain a certain portion of the above-  
described property in its natural state and guaranteeing that no  
building or structure will be constructed, erected, placed or  
maintained on such open space; and

WHEREAS the Water Division of the Public Utilities  
Department of the City of Riverside has deemed it appropriate  
to permit the undersigned to defer payment of the acreage fee

DESCRIPTION APPROVAL  
*William F. Conroy*  
Recorder

C/A-78

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for all but one acre for each lot to be created by Tract Map 17852 upon execution of a recordable document agreeing to pay the balance of such fee upon the happening of certain contingencies;

NOW, THEREFORE, in consideration of the deferment by the Water Division of the Public Utilities Department of the City of Riverside of certain water acreage fees required by Rule 10.D.3 of its Water Rules and Rate Schedule, the undersigned hereby covenants and agrees with the City of Riverside on behalf of itself and its successors and assigns that it shall pay such additional acreage fees as deemed appropriate by the Water Division of the City of Riverside Public Utilities Department in accordance with the then existing Water Rules and Regulations in the event approval is granted by the City of Riverside for a change of zone, an additional land division, or the issuance of a building permit affecting the lots created by said Tract Map No. 17852, it being acknowledged that the acreage fee for one acre of each lot has been paid upon the recording of Tract Map No. 17852.

The City of Riverside may enforce this Covenant and Agreement. Should said City bring suit in court to enforce the terms of this Covenant and Agreement, the undersigned, on behalf of itself and its successors and assigns, agree to pay to the City of Riverside, said City's court costs including reasonable attorneys' fees.

This Covenant and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns and shall continue in effect until such time as released by the Public Utilities Director of the City of Riverside or until such time as the additional acreage fees required by Water Rule 10.D.3 and not previously paid are paid, whichever shall first occur.

IN WITNESS WHEREOF the undersigned has caused this Covenant and Agreement to be duly executed the day and year first above written.

A. B. S. DEVELOPMENT, INC.,  
a California corporation

By *A. C. Nejedly*  
Title *Pres.*

By *Jo Hardy*  
Title *Secy-Treas.*

APPROVED AS TO FORM  
*[Signature]*  
ASSISTANT CITY ATTORNEY