



WHEN RECORDED MAIL TO:

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FREE RECORDING
(Government Code §6103)

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Project: Deferment of Partial Distribution System Fee
A.P.N. 238-240-010



COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions ("Agreement") is made and entered into this 20th day of February, 2003, by **EDWARD BARTH and RITA BARTH, Husband and Wife, as joint tenant**, (the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of the following described real property (the "Property") consisting of approximately 4.61 acres of undeveloped land situated in the City of Riverside, County of Riverside, State of California:

Parcel 3 as shown by Parcel Map 26793, on file in Book 187, Page 83-84 of Parcel Maps, Records of Riverside County, California.

B. The Property is located at **1508 Gratton Street** located in the Arlington Greenbelt ("Greenbelt") area, within the City of Riverside and is within the Water Service Area of the City of Riverside (the "City").

C. Declarants propose to construct a residential unit on one (1.00) acre portion of the Property and to obtain domestic water service from City for the residential unit.

D. Declarants desire to pay the City's Distribution System Fee for only 150.00' of frontage and to defer payment of the Distribution System Fee for the remaining 602.62' until such time as the Property is subdivided of further developed.

E. Pursuant to City Water Rule No. 10.B. 1. k., Declarants are required to enter into a Covenant and Agreement in order to defer payment of partial Distribution System Fee and to put future owners and encumbrancers on notice of the Distribution System Fee obligations described herein.

F. As a condition to granting any building permit relative to the Property, the City of Riverside is also requiring the Declarants to enter into this Agreement.

NOW, THEREFORE, for purposes of complying with the City's Water Rule No. 10.B.1.k., for deferment of any Water Fees and Charges and the City's requirement prior to issuance of a building permit relative to the Property, Declarants hereby covenant and agree with the City that the following requirement shall apply to the Property:

Declarants shall pay the City Public Utilities Department the Distribution System Fee for the entire Property at such time as the Property is legally subdivided, developed, or prior to the issuance for any additional building permit relative to the Property. The amount of the Distribution System Fee for the Property shall be calculated on the date of payment at the City's

then existing charges for Distribution System Fee and Declarants shall be given credit of any previous partial payment of the Distribution System Fee.

The terms of this Agreement may be enforced by the City, it's successors and assigns. Should the City bring an action to enforce any of the terms of this Agreement, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

This Agreement shall run with the land and each and all of its terms shall be binding upon Declarants, any future owners or encumbrancers of the Property, and their heirs, successors and assigns. This Agreement shall continue in effect until such time as it is released by the Public Utilities Director of the City of Riverside, California, or the successor to the duties of such official.

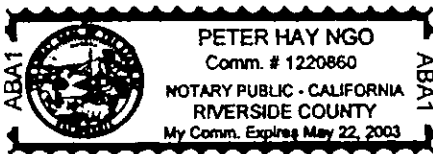
IN WITNESS WHEREOF the Declarants have caused this Agreement to be executed the day and year first written above.

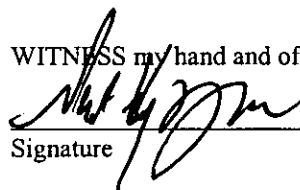

EDWARD BARTH


RITA BARTH

State of California)
County of Riverside)ss
)

On 2-26-03, before me, a notary public in and for said State, personally appeared EDWARD BARTH and RITA BARTH ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the with instrument and acknowledged to me that they executed the same.

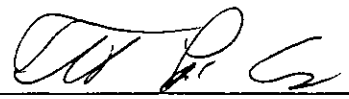


WITNESS my hand and official seal.

Signature

APPROVED AS TO FORM:


DEPUTY CITY ATTORNEY

APPROVED AS TO CONTENT:


PUBLIC UTILITIES DEPARTMENT
Thomas P. Evans, Director

