

WHEN RECORDED MAIL TO:

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City of Riverside
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Project: Deferment of Partial Distribution System Fee and Elevation Fee
A.P.N. 238-080-011

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COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions ("Agreement") is made and entered into this 25th day of March, 2003, by **ROBERT J. ANDERSON and TAMMY M. ANDERSON, Husband and Wife, as Joint Tenants**, (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 4.96 acres of undeveloped land situated in the City of Riverside, County of Riverside, State of California:

Lot 1 Block 38 of Arlington Heights as shown by map on file in Book 11 pages 20 and 21 of Maps, records of San Bernardino County, California.

Excepting therefrom the Westerly rectangular 5 acres thereof.

B. The Property is located at **8606 Victoria Avenue** 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 the City's Elevation Fee for only one (1) acre development and to defer payment of the Distribution System Fee for the remaining 157.24' and of the Elevation Fee for the remaining 3.96 acres until such time as the Property is subdivided or 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 the partial Elevation Fee and to put future owners and encumbrancers on notice of the Distribution System Fee and the Elevation 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 to the City Public Utilities Department the Distribution System Fee and Elevation 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 and Elevation Fee for the Property shall

be calculated on the date of payment at the City's then existing charges for Distribution System Fee and Elevation Fee and Declarants shall be given credit of any previous partial payment of the Distribution System Fee and Elevation Fee.

The terms of this Agreement may be enforced by the City, its 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.

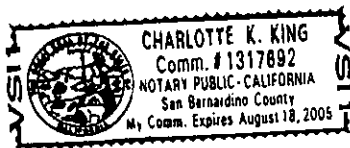
IN WITNESS WHEREOF the Declarants have caused this Agreement to be executed the day and year first written above.

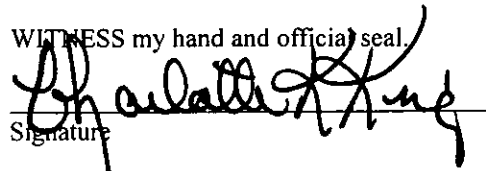

ROBERT J. ANDERSON


TAMMY M. ANDERSON


State of California)
County of Riverside)ss

On March 25 2003, before me, a notary public in and for said State, personally appeared ROBERT J. ANDERSON and TAMMY M. ANDERSON (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:


Thomas P. Evans, Director
Public Utilities Department

