



WHEN RECORDED MAIL TO:

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

Project: Zoning Cases: RZ-013-012
 Alessandro Blvd. and Barton St.
 Riverside, California
 APN 263-060-034-8

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COVENANT AND AGREEMENT AND DECLARATION
 OF RESTRICTIONS ON FUTURE USES OF THE PROPERTY

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this _____ day of _____, by JOHN E. DE GENNARO AND GLORIA J. DE GENNARO, TRUSTEES OF THE J.E.D FAMILY TRUST, U/T/D/ NOVEMBER 9, 1987, as amended September 29, 1989 ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of certain real property (the "Property"), located at 1000 Alessandro Boulevard on the northeast corner of Alessandro Boulevard and Barton Street, in the City of Riverside, County of Riverside, State of California, described as follows:

See attached Exhibit "A"

B. Declarant has submitted an application to the City of Riverside ("City") in Zoning Case RZ-013-012 to rezone the rear eight (8) acres of the Property from the Restricted Commercial and Building Setback Combining ("C-2-X-20") Zone to the General Commercial and Building Setback ("C-3-X-20") Zone in connection with Case No. CU-074-012, an application for a conditional use permit to establish a mini-storage facility.

C. The Zoning Code of City permits a wide range of uses in the C-3 Zone, including certain uses which would not be compatible with the character and appearance of the surrounding adjacent residential neighborhoods.

D. As a condition of approval of Zoning Case RZ-013-012, rezoning the Property to the C-3 Zone, Declarant is required to execute and record a covenant and agreement and declaration of restrictions subject to review and approval of the Legal and Planning Departments, that restricts the use of the Property to only the following uses:

(1) Mini-warehouses for the storage of goods, materials, personal effects excluding the outdoor storage of recreational vehicles, subject to compliance with the standards and criteria set forth in Riverside Municipal Code Section 19.36.020(B)(11), as modified and amended from time to time, and the granting of a conditional use permit;

(2) Any special uses listed in Section 19.64.040 of the Riverside Municipal Code, as modified and amended from time to time, subject to the granting of a conditional use permit, except heliports, helistops and mineral extraction are hereby expressly prohibited, or

(3) Office uses listed in the RO Zone, at 19.20.020(B) of the Riverside Municipal Code.

E. Declarant desires to record a covenant and agreement and declaration of restrictions acceptable to the Legal and Planning Departments of City which meets the above-referenced condition and restricts the use of the Property to the uses listed above to ensure its compatibility with the surrounding neighborhood.

NOW, THEREFORE, Declarant hereby declares that the Property is and hereafter shall be held, conveyed, transferred, mortgaged, encumbered, leased, rented, used, occupied, sold and improved subject to the following declarations, limitations, covenants, conditions, and restrictions, all of which are imposed as equitable servitudes for the purpose of enhancing and protecting the value and attractiveness of the Property, and ensuring compatibility with the surrounding neighborhood, and for the purpose of complying with a condition imposed by the City for the rezoning of the rear eight (8) acres of the Property from C-2-X-20 to the C-3-X-20 Zone, and in consideration of such rezoning in Case RZ-013-012, Declarant hereby covenants and agrees with the City of Riverside that the Property is, and shall hereafter be held subject to the following covenants, conditions and, restrictions:

1. The Property shall only be used for the following land uses:

(a) Mini-warehouses for the storage of goods, materials, personal effects excluding the outdoor storage of recreational vehicles, subject to compliance with the standards and criteria set forth in Riverside Municipal Code Section 19.36.020(B)(11) as modified and amended from time to time, and the granting of a conditional use permit in accordance with the Zoning Code of the City of Riverside.

(b) Any special uses listed in Section 19.64.040 of the Riverside Municipal Code, as modified and amended from time to time, subject to the granting of a conditional use permit, except heliports, helistops and mineral extraction are hereby expressly prohibited.

(c) Office uses as listed in the RO Zone, at 19.20.020(B) of the Riverside Municipal Code, as modified and amended from time to time.

2. Any person, whether an individual, corporation, association, partnership or other entity, who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the restrictions on the use of the Property as set forth hereinabove.



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

4. The terms of this Covenant and Agreement and Declaration of Restrictions shall run with the land for the benefit of the Property and each and all of its terms shall be binding upon Declarant, its heirs, successors and assigns.

5. As this Covenant and Agreement and Declaration of Restrictions is made and entered for the purpose of complying with conditions of approval imposed by the City for the approval of the rezoning of the Property in Zoning Case RZ-013-012 and for approval of a conditional use permit in Zoning Case CU-074-012, it shall not be extinguished, terminated, modified, amended or altered in any way and shall continue in effect until such time as it is released with the prior written consent of the Planning Director of the City of Riverside, by a writing duly recorded in Riverside County, California. Nothing in this Covenant and Agreement and Declaration of Restrictions shall prohibit the Declarant from rezoning the Property, or any part of the Property.

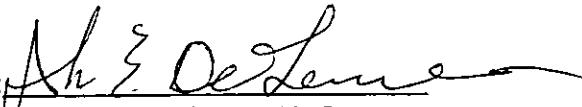
IN WITNESS WHEREOF Declarant have caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first above written.

APPROVED AS TO CONTENT:




Planning Department


DECLARANT:

By: 
JOHN E. DE GENNARO, as
Trustee of the J.E.D. Family Trust,
U/T/D November 9, 1987, as
amended September 29, 1989

APPROVED AS TO FORM:



Deputy City Attorney

By: 
GLORIA J. DE GENNARO, as
Trustee of the J.E.D. Family Trust,
U/T/D November 9, 1987, as
amended September 29, 1989

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EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of the west 60 acres of the south half of Section 9, Township 3 south, range 4 west, San Bernardino Base and Meridian, according to an Official Plat of said land approved by Surveyor General February 28, 1955, described as follows:

Beginning at the southwest corner of said Section;
Thence north 660 feet on the west line thereof;
Thence east, 990 feet, parallel with the south line of said Section;
thence 660 feet, parallel with said west line to a point on the west line of said Section;
Thence west, 990 feet on said south line to the Point of Beginning;

Excepting therefrom the portion conveyed to the County of Riverside by deed recorded April 17, 1956 in book 1898 page 284 of Official Records of Riverside County, California, over the southerly rectangular 40 feet of the southwest quarter;

Also excepting therefrom all rights to oil, gas, or other hydrocarbon substances below a depth of 500 feet with no surface right of entry for drilling, as reserved by Ralph V. Arnold, a married man et al, in Deed recorded August 10, 1965 as instrument no. 92028 of Official Records of Riverside County, California.

Also excepting therefrom any portion thereof lying within Barton Street and Alessandro Boulevard.

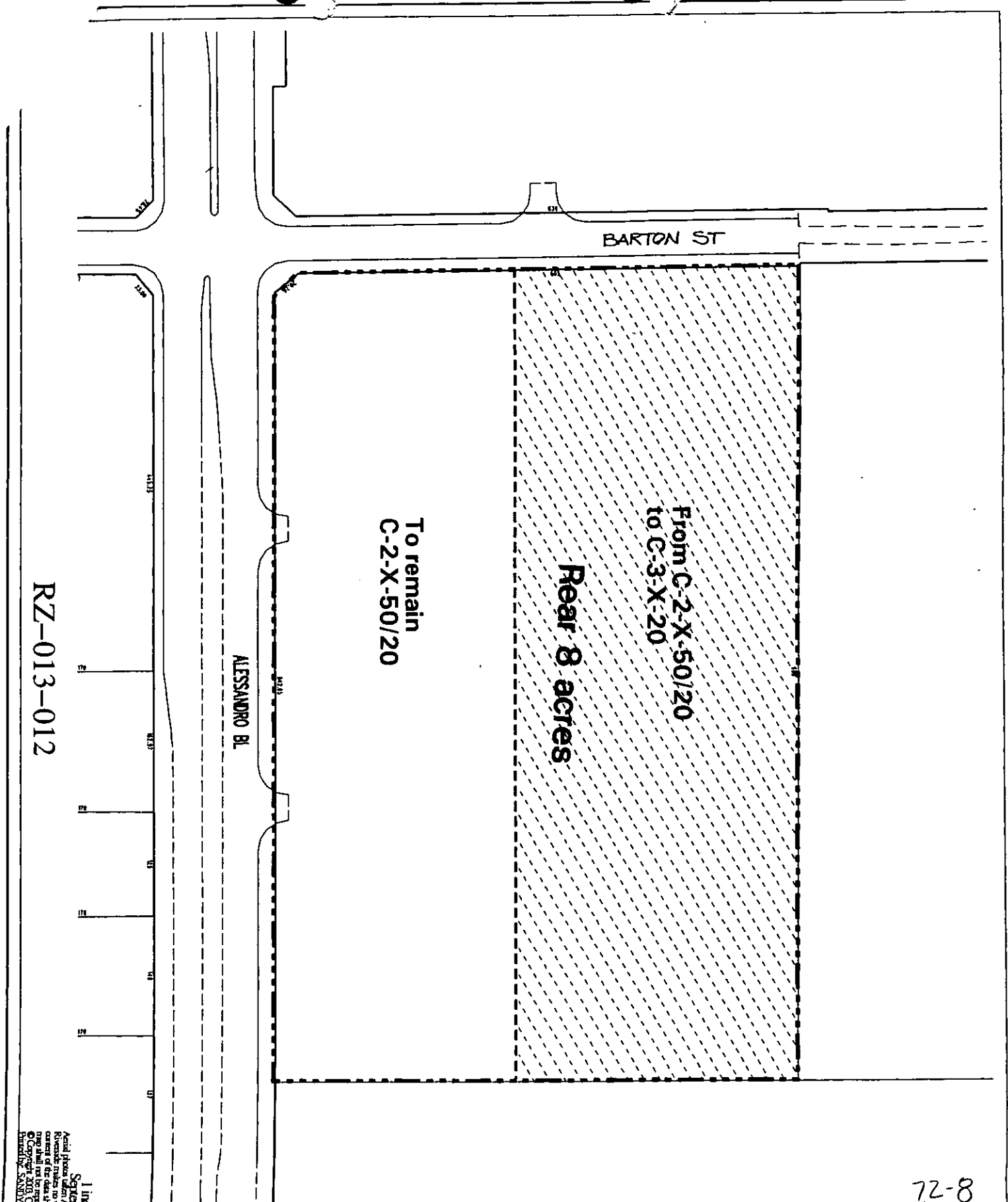
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RECORDING AGENCY 11,1203



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CIA 858



BARTON ST

ALESSANDRO BL

From C-2-X-50/20
to C-3-X-20

Rear 8 acres

To remain
C-2-X-50/20

RZ-013-012



1 inch = 150 feet
September 03, 2003
Aerial photos taken April 1998. The City of Riverside makes no warranty on the accuracy or completeness of the data shown on this map. This map shall not be reproduced or distributed without the written consent of the City of Riverside, California.
Printed by SANDAG



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STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On 11/12/03, before me, Joanne E. Anderson, the undersigned, a notary public in and for said State, personally appeared John De Siro personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Joanne E. Anderson
Notary Signature

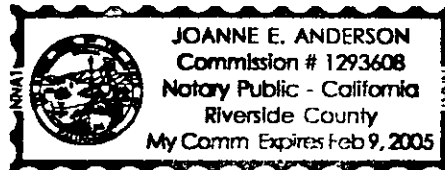


STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On 11/2/03, before me, Joanne E. Anderson ^{900.} the undersigned, a notary public in and for said State, personally appeared Donna M. Jensen personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Joanne E. Anderson
Notary Signature



11/2/03



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11/12/2003 08 00A
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