

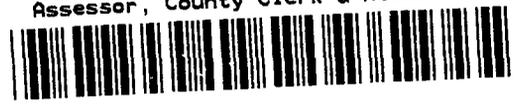
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DOC # 2009-0013594  
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Page 1 of 6  
Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder

WHEN RECORDED MAIL TO:

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

Project: P06-1547  
A.P.N.: 238-150-004  
Parcel Map 35104



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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 21st day of November, 2008, by Limo's By Tiffany, a California corporation, ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the real property situated in the City of Riverside, County of Riverside, State of California ("the Property"), commonly known as 2095 Gratton Street Assessor's Parcel Number 238-150-004, situated in the RA-5 - Residential Agricultural Zone. The Property is legally described as follows:

Lot 12 of the Re-subdivision of Block 32 of Arlington Heights as shown by map on file in Book 1, Page 37 of Maps, Records of Riverside County, California., said Property is now described as Parcels 1 and 2 of Parcel Map no. 35104, as per Maprecorded in Book 227 Pages 77, 78 and 79 of Parcel Maps, records of said County.

B. Declarant proposes to subdivide the Property into two (2) parcels to facilitate further development. Declarant has submitted its applications under P06-1547, Parcel Map 35104 ("Map"), for said subdivision.

C. Declarant has requested that the City of Riverside ("City") defer certain water service, fees and charges payable to the Public Utilities Department - Water Division., until such time as a building permit is issued or water service is requested for Property, or any parcel thereof.

D. The City is agreeable to such deferral request, on the condition that Declarant execute and record a covenant setting forth specific requirements in connection with such request. Declarant is willing to record a covenant and agreement setting forth the conditions imposed in connection with such deferral.

DESCRIPTION APPROVAL:  
  
MARK S. BROWN  
CITY SURVEYOR  
5/12/08  
DATE

70-1099782

CIA 1067

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City for the deferral of certain water service, fees and charges payable to the Public Utilities Department - Water Division, Declarant hereby covenants and agrees with the City 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 deferral of such fees, and shall be binding and inure to the benefit of each successor and assignee in interest of each such party. Any conveyance, transfer, sale, assignment, lease or sublease made by Declarant for the Property, and any parcel thereof, shall and hereby is deemed to incorporate by reference all the provisions of this Covenant and Agreement and Declaration of Restrictions including, but not limited to, all the covenants, conditions, restrictions, limitations and equitable servitude contained herein.

1. Declarant has requested and the City, through its Public Utilities Department, has agreed that the following water service, fees and charges will be deferred on the Property, and each parcel thereof, until such time as a building permit is issued or water service is requested:

Parcel 1:

- (a) Payment of Backup Facility Capacity Charge in an amount to be determined (based on the requested meter size);
- (b) Payment of Elevation Fee on 5.32 acres; and
- (c) Payment of Distribution System Fee for frontage along Gratton Street totaling 340.17 feet.

Parcel 2:

- (a) Payment of Backup Facility Capacity Charge in an amount to be determined (based on the requested meter size);
- (b) Payment of Elevation Fee on 5.32 acres; and
- (c) Payment of Distribution System Fee for frontage along Gratton Street totaling 340.18 feet.

All fees above, and the amounts thereof, will be determined based on the Public Utilities Department's Water Rules in effect at the time of issuance of a building permit or application for water service is requested.

2. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City, its successors or assigns. Should the City 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.

3. Any person who now or hereafter owns or acquires any right, title or interest in or to any parcel of the Property, or any parcel thereof, shall be deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to this Covenant and Agreement and Declaration of Restrictions is contained in the instrument by which such person acquired an interest in the Property.

4. This Covenant shall run with the land and each and all of its terms shall be binding upon Declarant, his heirs, successors and assigns, and shall continue in effect until such time as released by the Director of the Public Utilities Department of the City of Riverside, California, by a writing duly recorded.

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

CITY OF RIVERSIDE, a California  
charter city and municipal corporation

LIMO'S BY TIFFANY,  
a California corporation

By: Belinda J. Graham  
City Manager  
Belinda J. Graham

By: [Signature]

Attest: Sherry Morton-Ellis  
City Clerk  
Sherry Morton-Ellis

Bill Alden CEO  
[Printed Name and Title]

By: [Signature]

CARTER READ PRES.  
[Printed Name and Title]

APPROVED AS TO CONTENT:  
David H. White  
Public Utilities Department MM

APPROVED AS TO FORM:  
Susan Wilson  
Deputy City Attorney

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

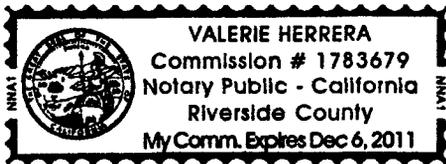
State of California

County of Riverside

On November 21, 2008 before me, Valerie Herrera, Notary Public

personally appeared Belinda J. Graham and Sherry Morton-Ellis

who 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.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Valerie Herrera  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

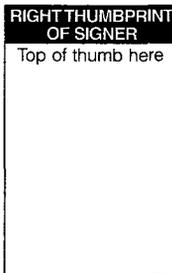
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

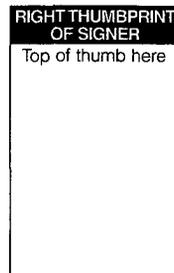
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



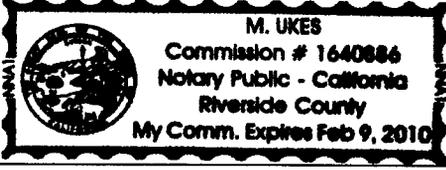
Signer Is Representing: \_\_\_\_\_

STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On April 25, 2008, before me, Melody UKes, the undersigned, a notary public in and for said State, personally appeared Bill Alden <sup>mu</sup> who ~~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 he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct. Initials mu

WITNESS my hand and official seal.



*M. UKES*

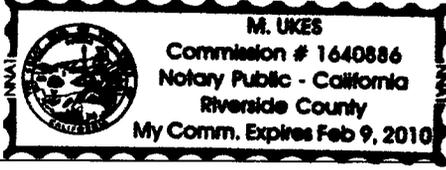
Notary Public

STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On May 1, 2008, before me, Melody UKes, the undersigned, a notary public in and for said State, personally appeared Carter Read <sup>mu</sup> who ~~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 he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct. Initials mu

WITNESS my hand and official seal.



*M. UKES*

Notary Public

**CALIFORNIA NOTARY/ILLEGIBLE NOTARY SEAL/ILLEGIBLE DOCUMENT  
3-IN-ONE FORM**

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STATE OF CALIFORNIA }SS  
COUNTY OF \_\_\_\_\_ }SS

On \_\_\_\_\_ before me, \_\_\_\_\_ A NOTARY PUBLIC, personally appeared \_\_\_\_\_, who 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 entity upon behalf of which the person(s) acted, executed the instrument. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF \_\_\_\_\_ THAT THE FOREGOING IS TRUE AND CORRECT.

WITNESS my hand and official seal

Signature \_\_\_\_\_ (This area for official notary seal)

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**GOVERNMENT CODE 27361.7**

**I certify under penalty of perjury that the Notary Seal on the document to which this statement is attached reads as follows:**

NAME OF NOTARY: M. UKES  
DATE COMMISSION EXPIRES: 2-9-10  
COUNTY WHERE BOND IS FILED: Riverside  
COMMISSION NUMBER: 1640884  
PLACE OF EXECUTION: RIVERSIDE DATE: 1 / 9 / 2009  
SIGNATURE: [Signature]

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I certify under penalty of perjury under the laws of the State of California that the illegible portion of this document to which this statement is attached reads as follows: **ATTACHED FOR CLARITY**

CARTER Read Pres Description Approval  
(City seal) Incorporated 1883 MARK S Brown  
City of Riverside California City Surveyor

PLACE OF EXECUTION: RIVERSIDE DATE: 1 / 9 / 2009  
SIGNATURE OF DECLARANT [Signature]