

WHEN RECORDED MAIL TO:

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

Project: Tyler Mall  
Parcel Map 23114

318962

FREE RECORDING.  
Exempt Pursuant to  
Government Code S6103

DECLARATION OF RESTRICTIONS

RECEIVED FOR RECORD  
AT 3:00 O'CLOCK P.M.

AUG 27 1990

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$

THIS DECLARATION OF RESTRICTIONS is made and entered into this 14<sup>th</sup> day of June, 1990, by MAY CENTERS, INC., a Missouri corporation, who acquired title as MAY STORES SHOPPING CENTERS, INC., a Missouri corporation, hereinafter referred to as "OWNER", and THE MAY DEPARTMENT STORES COMPANY, a New York corporation, hereinafter referred to as "LESSEE", with reference to the following facts:

A. OWNER is the owner of the fee title to that certain strip of real property located in the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by this reference, and hereinafter referred to as the "Property". LESSEE is the current lessee of the Property.

B. The Property is part of a larger parcel owned by OWNER and leased by LESSEE. The larger parcel is included within a shopping center consisting of approximately 64.25 acres known as "Tyler Mall" situated on the northeasterly side of Tyler Street, the southeasterly side of Magnolia Avenue, the southwesterly side of Hughes Alley and adjacent to the Riverside 91 Freeway.

C. An application for a vesting parcel map numbered 23114 has been filed with the City of Riverside, hereinafter referred to as "CITY", to divide the Tyler Mall into approximately 16 parcels for the proposed further development of the shopping center. As a condition of approval for Parcel Map 23114, CITY is requiring an irrevocable offer of dedication of a 30-foot-wide strip of the Tyler Mall property adjacent to the Riverside Freeway upon which no buildings will be permitted.

D. By a separate instrument OWNER and LESSEE have irrevocably offered for dedication to CITY for public street and highway purposes the Property as described in Exhibit A. To further meet the condition as above noted, OWNER and LESSEE by this Declaration wish to provide that no buildings will be permitted in that 30-foot-wide strip of land offered for dedication.

NOW, THEREFORE, to meet a condition of approval by CITY of Parcel Map 23114 and in consideration for such approval, OWNER and LESSEE hereby declare as follows:

C/A 204

1. That no building will now or in the future be placed, erected, constructed, allowed, or permitted upon the Property.

2. Any person, whether an individual, corporation, partnership, association or otherwise 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 provisions of this Declaration of Restrictions and to be subject to the restriction contained hereinabove.

3. The Property shall be held, conveyed, encumbered, leased, subleased, used and occupied subject to the restriction established hereinabove.

4. The terms of this Declaration of Restrictions may be enforced by CITY, OWNER and/or LESSEE. Should CITY, OWNER and/or LESSEE bring any action to enforce any provision of this Declaration of Restrictions, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

5. This Declaration of Restrictions shall run with the land and each and every term or condition hereof shall be binding upon OWNER and LESSEE and their successors and assigns, and shall continue in effect until released, by the City Council of CITY; provided, however, this Declaration of Restrictions shall automatically expire on the earlier of (i) the termination of the offer of dedication of the Property to the CITY, or (ii) the vacation of the Property by CITY or the State of California subsequent to its acceptance.

IN WITNESS WHEREOF, OWNER and LESSEE have caused this Declaration of Restrictions to be executed the day and year first above written.

MAY CENTERS, INC., a Missouri corporation, who acquired title as MAY STORES SHOPPING CENTERS, INC., a Missouri corporation

By [Signature]  
Title President and Chief Executive Officer

Attest [Signature]  
Title Assistant Secretary

THE MAY DEPARTMENT STORES COMPANY, a New York corporation

By [Signature]  
Title Executive Vice President and General Counsel

Attest [Signature]  
Title Asst. Secretary

APPROVED AS TO FORM  
[Signature]  
ASST. CITY ATTORNEY

## EXHIBIT "A"

Legal description for 30 foot wide Offer of Dedication for Public Street and Highway Purposes (MAY CENTERS, INC. property)

That portion of Parcel 2 of Parcel Map No. 17412 in the City of Riverside, County of Riverside, State of California, as shown by map on file in Book 120, Pages 85 and 86 of Parcel Maps, records of Riverside County, California, described as follows:

BEGINNING at the most easterly corner of said Parcel 2 of Parcel Map No. 17412;

THENCE North 34°00'00" West, along the northeasterly line of said Parcel 2, a distance of 30.09 feet to a point in a line parallel with and distant 30.00 feet northerly, as measured at right angles, from the southeasterly line of said Parcel 2;;

THENCE South 60°24'17" West, along said parallel line, a distance of 811.59 feet to the southwesterly line of said Parcel 2;

THENCE South 34°00'00" East, along said southwesterly line, a distance of 30.09 feet to a point in the southeasterly line of said Parcel 2;

THENCE North 60°24'17" East, along said southeasterly line, a distance of 811.59 feet to the POINT OF BEGINNING.

Area: 0.5589 acres of land, more or less.

DESCRIPTION APPROVAL 5/22/90  
George P. Hutchinson by ALL  
 SURVEYOR, CITY OF RIVERSIDE

