

WHEN RECORDED MAIL

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

Project: Tyler Mall
Parcel Map 23114

FILE RECORDING-
Exempt from 1% to
Government Code 93103

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

AUG 27 1990

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$

318961

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made and entered into this *8th* day of *June*, 1990, by AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, a Tennessee corporation, who acquired title as THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY, a Tennessee corporation, hereinafter referred to as "OWNER", and TYLER MALL ASSOCIATES, a California general partnership, 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:

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. Should CITY bring an 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.

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APPROVED AS TO FORM

ASST. CITY ATTORNEY

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

AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, a Tennessee corporation

By *Risher Randall*
RISHER RANDALL
Title REAL ESTATE INVESTMENT OFFICER

By *Nemert R. Owen, Jr.*
Nemert R. Owen, Jr.
Title Real Estate Investment Officer

RC

TYLER MALL ASSOCIATES, a California general partnership

By: CIGNA PROPERTY AND CASUALTY INSURANCE COMPANY, a Connecticut corporation

By: CIGNA INVESTMENTS, INC., a Delaware corporation
Its Authorized Representative

By _____
Title _____

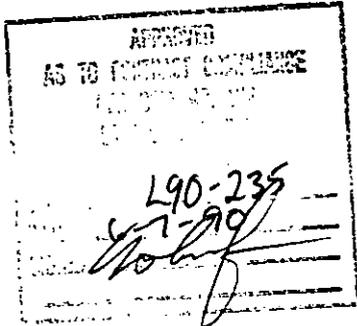
By _____
Title _____

By: TYLER MALL PARTNERS, L.P., a California limited partnership

By: DONAHUE SCHRIBER a California corporation, Its General Partner

By _____
Thomas L. Schriber,
President

By _____
Daniel W. Donahue,
Secretary



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

AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, a Tennessee corporation

By _____

Title _____

By _____

Title _____

TYLER MALL ASSOCIATES, a California general partnership

By: CIGNA PROPERTY AND CASUALTY INSURANCE COMPANY, a Connecticut corporation

By: CIGNA INVESTMENTS, INC., a Delaware corporation Its Authorized Representative

By John R. Schuman
Title Vice President

By _____

Title _____

By: TYLER MALL PARTNERS, L.P., a California limited partnership

By: DONAHUE SCHRIBER a California corporation, Its General Partner

By Thomas L. Schriber
Thomas L. Schriber,
President

By Daniel W. Donahue
Daniel W. Donahue,
Secretary

EXHIBIT "A"

Legal Description for 30 foot wide Offer of Dedication for Public Street and Highway Purposes (AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE CO. property)

That portion of Block 27 of the Lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, Page 70 of Maps, records of San Bernardino County, California, described as follows:

Parcel 1

BEGINNING at the most easterly corner of Partnership Tract Parcel "A" of the land described in the deed executed by and between Riverside Associates, a limited partnership, as Grantor, and The National Life and Accident Insurance Company, as Grantee, recorded February 4, 1971, as Instrument No. 11507 of Official Records of Riverside County, California;

THENCE South 55°59'29" West, along the southeasterly line of said Partnership Tract Parcel "A", a distance of 169.33 feet to an angle point therein;

THENCE South 60°24'17" West, continuing along the southeasterly line of said Partnership Tract Parcel "A", a distance of 112.96 feet to the southwesterly line thereof;

THENCE North 34°00'00" West, along said southwesterly line, 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 said southeasterly line;

THENCE North 60°24'17" East, along said parallel line, a distance of 114.12;

THENCE North 55°59'29" East, continuing along a line parallel with and distant 30.00 feet northerly, as measured at right angles, from said southeasterly line, a distance of 168.17 to the southwesterly line of Hughes Alley being parallel with and distant 66.00 feet southwesterly, as measured at right angles, from the southwesterly line of DIANA SUBDIVISION UNIT NO. 2, as shown by map on file in Book 41 of Maps, at Pages 26 and 27 thereof, records of said Riverside County;

THENCE South 33°59'52" East, along the southwesterly line of said Hughes Alley, a distance of 30.00 feet to the POINT OF BEGINNING.

Area: 0.1944 acres of land, more or less

Parcel 2

BEGINNING at the most easterly corner of the Partnership Tract Parcel "C" of the land described in the deed executed by and between Riverside Associates, a limited partnership, as Grantor, and the National Life and Accident Insurance Company, as Grantee, recorded February 4, 1971, as Instrument No. 11507 of Official Records of Riverside County, California;

THENCE North 34°00'00" West, along the northeasterly line of said Partnership Tract Parcel "C", 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;

THENCE South 60°24'17" West, along said parallel line, a distance of 148.89 feet to the northeasterly line of that certain parcel of land conveyed to The City of Riverside by Grant Deed recorded June 12, 1985, as Instrument No. 126828 of Official Records of said Riverside County;

THENCE South 34°52'12" East, along said northeasterly line, a distance of 30.13 feet to a point in said southeasterly line;

THENCE North 60°24'17" East, along said southeasterly line, a distance of 148.43 feet to the POINT OF BEGINNING.

Area: 0.1024 acres of land, more or less.

DESCRIPTION APPROVAL 8/27/90
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE