

RECORDING REQUEST BY:

WHEN RECORDED MAIL TO:

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

Project: Tract No. 25297
Condominium Map
1080 Spruce Street
Riverside, California

109970

RECEIVED FOR RECORD
11:10 AM
1/10/91

APR 4 - 1991

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$ 9

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 23rd day of January, 1991, by MICHAEL B. VAN DAELE and LINDA JO VAN DAELE, as Trustees of the VAN DAELE FAMILY TRUST, under Declaration of Trust dated November 20, 1983 ("the Declarants") with reference to the following facts:

A. Declarants are the fee owners of the following described real property (the "Property") situated in the City of Riverside, County of Riverside, State of California:

Lot 1 of Tract No. 25297 as shown by map on file in Book 223 of Maps, at pages 53 and 54 thereof, records of Riverside County, California.

B. By Tract Map 25297, Declarants sought to create the Property as one lot of 4.5 acres for possible residential condominium purposes. At this time, Declarants wish to utilize the Property for apartment uses rather than condominium purposes. Accordingly, Declarants have designed the project for apartment use. The apartments will be rented and not sold as units. Declarants have committed to rent the units as apartments for a minimum of 15 years.

C. The Water Rules of the City of Riverside (the "City") require Declarants to pay a water fee entitled "Backup Facility Capacity Charge" (the "Charge") based on the type of development for the Property. The Charge for condominium units is greater than for apartment units.

D. Declarants wish to pay the Charge based on apartment units not condominium units and are willing to enter into an agreement with the City to pay the difference at such time as the apartment units are converted to condominium units.

E. City is willing to refund to Declarants the sum of \$25,500 representing the difference between the Charge paid

DESCRIPTION APPROVAL:

10/28/90

George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE

upon the recordation of the final map for Tract No. 25297 based upon condominium use and the Charge for apartments subject to the execution and recordation of a written agreement from Declarants to pay the difference in the charges, if any, at the time the apartment units are converted to condominium units.

NOW, THEREFORE, Declarants hereby covenant and agree with the City that the following restrictions shall apply to the Property:

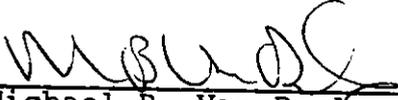
1. With the refund by City to Declarants of the sum of \$25,500, Declarants have paid to City the Charge for the Property based on apartment use rather than condominium use.

2. Declarants shall pay the difference between the condominium and apartment Charge, if any, at such time as the use of the Property changes from apartment to condominium. The charge shall be based on the Charges in effect in the Water Rules of the City at the time of the change in use of the Property. The difference, if greater, shall be paid to the City within 90 days of written notification from City that said Charge is now due and payable. In the event the Charge is not paid to City within said 90 days, the water service to the Property may be terminated in accordance with the then existing rules for non-payment of water charges until such time as the Charge has been paid.

3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City, its successors and assigns. Should the 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 attorneys' fees.

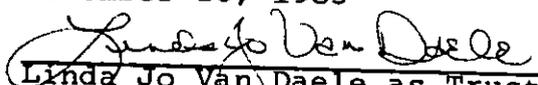
4. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants and the successors and assigns of Declarants and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

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


 Michael B. Van Daele as Trustee of
 the Van Daele Family Trust under
 Declaration of Trust dated
 November 20, 1983

APPROVED AS TO FORM:


 Assistant City Attorney


 Linda Jo Van Daele as Trustee of
 the Van Daele Family Trust under
 Declaration of Trust dated
 November 20, 1983