

RECORDING REQUESTED-BY

WHEN RECORDED MAIL TO:

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

Project: PMW-19-901

206325

RECEIVED FOR RECORD  
AT 8:30 O'CLOCK A.M.  
AT Request of  
FIRST AMERICAN TITLE COMPANY  
OF RIVERSIDE

JUN 19 1991

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$ 13

13/4

COVENANT AND AGREEMENT  
FOR IMPROVEMENT AND MAINTENANCE OF OPEN SPACE

THIS COVENANT AND AGREEMENT FOR IMPROVEMENT AND MAINTENANCE OF OPEN SPACE is made and entered into this ~~FOURTEENTH~~ day of June, 1991, by BEREN, a California limited partnership (hereinafter called the "Declarant"), with respect to the following facts:

A. Declarant is the owner of the real property (the "Property"), consisting of approximately 0.9 acres, in the City of Riverside, County of Riverside, State of California, described in Exhibit "A".

B. The City of Riverside (the "City") has approved a phasing map for Planned Residential Development Case PRD-2-890 allocating off-site improvements and open space for each development phase of the project. PRD-2-890 is composed of Tract 20329-1 which has been recorded, and Tentative Tract 25486 which has not yet been recorded. Said phasing map allocates approximately 5.8 acres of open space for development with Tract 20329-1.

C. City has conditionally approved Parcel Map Waiver Case PMW-19-901 to include approximately 3.9 acres of open space adjacent to Tract 20329-1 to be maintained by the Homeowners Association for Tract 20329-1. Said open space is described as Parcel A of PMW-19-901.

D. City has required that the Declarant execute and record a covenant ensuring improvement and maintenance of the Property as open space concurrently with the approximately 3.9 acres of open space adjacent to Tract 20329-1 known as Parcel A of PMW-19-901.

NOW, THEREFORE, for the purpose of complying with the requirements and conditions imposed by the City of the approval of PMW-19-901, the Declarant does, for itself and its successors and assigns, hereby agree that the Property shall be improved and maintained as open space concurrently with that open space area described as Parcel A of PMW 19-901 and that the Property shall be improved prior to occupancy of any unit constructed in Tract 20329-1.

The terms of the Covenant and Agreement for Improvement and Maintenance of Open Space may be enforced by the City or its successors and assigns. Should the City bring an action to enforce any of the terms of this Covenant and Agreement for Improvement and Maintenance of Open Space, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

This Covenant and Agreement for Improvement and Maintenance of Open Space shall run with the land and each and every term thereof shall be binding upon Declarant, and its successors and assigns, and shall continue in effect until such time as released by the City Council of the City or until the Property is conveyed to a responsible Homeowners Association.

IN WITNESS WHEREOF, the Declarant has caused this Covenant and Agreement for Improvement and Maintenance of Open Space to be executed the day and year first above written.

BEREN, A California  
Limited Partnership

By: Bergum Construction Company, A  
Corporation, its General Partner

By: RB  
President

APPROVED AS TO FORM  
[Signature]  
ASST. CITY ATTORNEY

## EXHIBIT "A"

COVENANT FOR OPEN SPACE  
BERGUM CONSTRUCTION

That portion of the Northeast one-quarter of Section 6, Township 3 South, Range 4 West, S.B.M., Riverside County, California described as follows:

Commencing at the Northeast corner of Lot 1 of Tract No. 20329-1, as shown by map on file in Book 173 of Maps at pages 54 through 58 thereof, Records of Riverside County, California, being on the Northerly line of said section;

Thence N.89°52'52"E. along said Northerly line, a distance of 272.50 feet to the point of beginning of the herein described parcel;

Thence continuing N.89°52'52"E. along said Northerly line, a distance of 257.43 feet;

Thence S.04°44'45"E., a distance of 9.03 feet;

Thence Southeasterly along a curve concave Northeasterly having a radius of 1,457.00 feet, through an angle of 03°34'38", an arc length of 90.97 feet;

Thence S.89°52'52"W., a distance of 198.00 feet;

Thence S.49°27'59"W., a distance of 120.00 feet;

Thence Northwesterly along a non-tangent curve concave Southwesterly, having a radius of 233.00 feet through an angle of 30°28'11", an arc length of 123.91 feet to the Northerly line of Via Susana as shown on said Tract (the initial radial line bears N.30°21'06"E.);

Thence N.43°42'35"E., a distance of 201.00 feet to the point of beginning.

The above described parcel of land contains 0.92 acres, more or less.

AB:HAF:bn  
leg/dz2

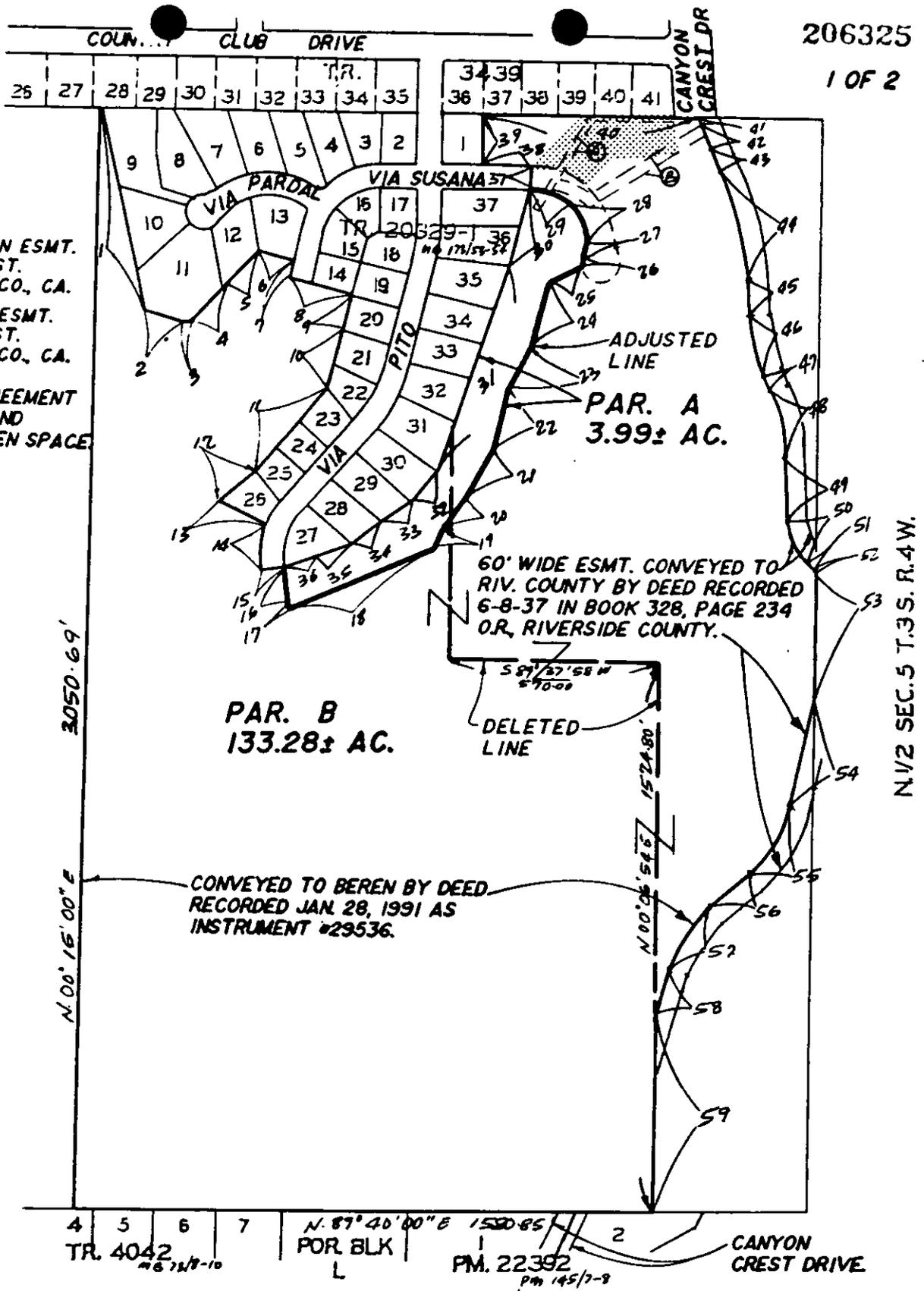


DESCRIPTION PREPARED UNDER THE SUPERVISION OF:

*Homer A. Fountaine* 6/14/91  
Homer A. Fountaine Date  
J. F. DAVIDSON ASSOCIATES, INC.

DESCRIPTION APPROVAL: 6/17/91

*George P. Hutchinson*  
SURVEYOR, CITY OF RIVERSIDE



- Ⓐ EXIST. STORM DRAIN ESMT. REC. 9-3-87, AS INST. #257457, O.R. RIV. CO., CA.
- Ⓑ EXIST. WATERLINE ESMT. REC. 9-3-87, AS INST. #257460, O.R. RIV. CO., CA.
- CONVENANT AND AGREEMENT FOR IMPROVEMENT AND MAINTENANCE OF OPEN SPACE

N.E. 1/4 SEC. 6 T.3S. R.4W. S.B.M.  
SCALE: 1"=400'

**OWNER/APPLICANT**

BEREN, A LIMITED PARTNERSHIP  
BY BERGUM CONSTR. CO.  
1023 EAST CHAPMAN AVE.  
P.O. BOX 4078  
FULLER, CA. 92634  
(714) 879-5920

**PARCEL MAP WAIVER**

**JFD** J.F. Davidson Associates, Inc.  
ENGINEERING PLANNING SURVEYING  
ARCHITECTURE LANDSCAPE ARCHITECTURE  
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