

315231

WHEN RECORDED RETURN TO:

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

Project: Parcel Map 21569  
Designated Remainder Parcel

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

AUG 12 1993

Recorded in Official Records  
of Riverside County, California  
*W. J. [Signature]* Recorder  
Fees \$ [Signature]

Gov't Code 6103

COVENANT AND AGREEMENT FOR INSTALLATION  
OF STREET IMPROVEMENTS AND TERMINATION OF  
DECLARATION OF RESTRICTIONS; AND CONSENT OF  
CITY OF RIVERSIDE TO TERMINATION AND  
RELEASE OF DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT FOR INSTALLATION OF STREET  
IMPROVEMENTS AND TERMINATION OF DECLARATION OF RESTRICTIONS is made  
and entered into this 6<sup>th</sup> day of August, 1993, by ALICE AUSTIN  
("Declarant") with respect to the following facts:

A. Declarant had caused to be filed with the City of  
Riverside ("City") an application to divide certain real  
property then owned by Declarant and located in the City of  
Riverside into two parcels by Parcel Map 21569. As allowed by  
Section 66424.6 of the Government Code of the State of  
California, Declarant designated as a "remainder" a portion of  
the property owned by her which was not divided for the  
purpose of sale, lease or financing. Section 66424.6 then  
provided that for the designated remainder parcel, the  
fulfillment of construction requirements for improvements  
would not be required until a permit or other grant of  
approval for development of the remainder parcel is issued by  
the local agency; and that a designated remainder may  
subsequently be sold without any further requirement of the  
filing of a parcel map or final map, but the local agency may  
require a Certificate of Compliance or a Conditional  
Certificate of Compliance.

B. As a condition of approval of Parcel Map 21569, City  
required that a Certificate of Compliance be recorded before  
the designated remained parcel may be sold, conveyed or  
developed and that any deferred street improvements would then  
be required at that time; however, the improvements to be  
installed may be modified to reflect the prevailing policies  
and requirements in effect at the time the Certificate of  
Compliance is recorded. City also required the recordation of  
a notice setting forth these conditions of approval for Parcel  
Map 21569.

558803.5

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C. To meet the conditions of approval of Parcel Map 21569 relating to the designated remainder parcel, Declarant executed a Declaration of Restrictions on May 21, 1987, wherein Declarant acknowledged that the designated remainder parcel was not recognized by City for the purposes of sale, lease, financing or development without the following: (1) the recordation in the Office of the County Recorder of Riverside County, California, of a Certificate of Compliance; and (2) the provision for the construction of all improvements as may be required at the time of approval by City of the Certificate of Compliance. The Declaration of Restrictions also provides that it shall run with the land and shall continue in effect until such time as released by the City Council of the City of Riverside. The Declaration of Restrictions was recorded on April 7, 1988 as Instrument No. 92443, Official Records of Riverside County, California.

D. Declarant desires to sell the designated remainder parcel, and would like to defer the construction of the required street improvements as the prospective buyer is willing to construct such improvements when the designated remainder parcel is sold, leased, financed or developed in the future. City is willing to approve Declarant's request to defer the construction of street improvements on Arlington Avenue for the designated remainder parcel provided that she (1) dedicates the required right of way on Arlington Avenue and Valley Drive, (2) records a covenant that runs with the land providing that the required off-site improvements on Arlington Avenue will be constructed when the remainder parcel is sold, leased, financed or developed by the buyer, and (3) records a Conditional Certificate of Compliance. City is also willing to release the Declaration of Restrictions recorded April 7, 1988 at such time as the Declarant executes and records the aforementioned covenant.

E. Declarant is willing to convey to City the strips of real property from the designated remainder parcel necessary for the future widening of Arlington Avenue and of Valley Drive and to apply for and record a Conditional Certificate of Compliance for the designated remainder parcel. Declarant by this document is willing to imposed upon the designated remainder parcel as hereinafter described the requirement that off-site improvements for Arlington Avenue shall be installed at such time as said parcel is again sold or leased, financed or developed in the future.

NOW, THEREFORE, incorporating the above recitals, Declarant, for herself and her heirs, successors and assigns, hereby covenants and agreement with City as follows:

1. Declarant is the owner of the real property ("Property") located on the northwest corner of Arlington Avenue and Valley

Drive in the City of Riverside, County of Riverside, State of California, described in Exhibit A, attached hereto and incorporated herein by this reference.

2. Except for the sale of the Property by Declarant, the construction of all off-site improvements on Arlington Avenue adjacent to the Property shall be completed by, or otherwise provided for, prior to the time of the sale, lease, financing or development of the Property at the sole cost and expense of the owner of the Property. Such improvements may include, but shall not be limited to, construction of curb and gutter, sidewalk and match-up paving, and such other improvements as may be required under the policies of the Public Works Department of City as may then exist. All such construction shall be completed in accordance with plans and specifications approved by the Public Works Department of City and subject to the issuance of any necessary permits for such work in the public right-of-way.

3. The terms of this Covenant and Agreement may be enforced by City, its successors and assigns. Should any action be brought to interpret or enforce any of the terms of this Covenant and Agreement, the prevailing party shall be entitled to costs of suit, including reasonable attorneys' fees.

4. This Covenant and Agreement shall run with the land and shall be binding upon Declarant, and her heirs, successors and assigns, and shall continue in effect until such time as the required street improvements are installed on Arlington Avenue adjacent to the Property to the satisfaction of the Public Works Director of City or the designee of such Public Works Director and notice thereof is recorded by City in the Office of the Riverside County Recorder or until otherwise released by the City Council of City.

5. Subject to the consent of the City Council of the City, the Declaration of Restrictions dated May 21, 1987 and recorded April 7, 1988 as Instrument No. 92443, Official Records of Riverside County, California, is hereby terminated.

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

  
ALICE AUSTIN

CONSENT OF CITY OF RIVERSIDE  
TO TERMINATION AND RELEASE OF  
DECLARATION OF RESTRICTIONS

As authorized by action duly taken by the City Council of the City of Riverside at its regular meeting on August 3, 1993, consent is hereby given to the termination of that certain Declaration of Restrictions executed by Alice Austin on May 21, 1987 and recorded on April 7, 1988 as Instrument No. 92443, Official Records of Riverside County, California, and said Declaration of Restrictions is hereby released upon the recordation in the Office of the County Recorder of Riverside County of the above Covenant and Agreement for Installation of Street Improvements and Termination of Declaration of Restrictions.

CITY OF RIVERSIDE, a  
municipal corporation

By Terry Fung  
Mayor

Attest Karen E. Lindquist  
City Clerk

Approved as to Content:

W.H. Kramlich  
Public Works Department

Approved as to Form:

[Signature]  
Assistant City Attorney

## Legal Description of Designated Remainder Parcel

That portion of Lot 19 of Alhambra Addition, as shown by Map on file in Book 11 pages 78 and 79 of Maps, Records of Riverside County, California, described as follows:

Beginning at the center line intersection of Valley Drive and Arlington Avenue as shown on said Map, thence North  $0^{\circ}02'25''$  West along the center line of said Valley Drive 148.81 Feet to a point in the Easterly prolongation of the Southerly line of that certain parcel of land conveyed to Robert Lefley and Edith Lefley by deed Recorded 12/6/60 as Instrument No. 103290 of Official Records of Riverside County California, thence South  $89^{\circ}57'35''$  West along said Southerly line, 30.00 Feet to a point in a line which is parallel with and distant 30 Feet Westerly as measured at right angle from the center line of Valley Drive, for THE TRUE POINT OF BEGINNING; thence South  $0^{\circ}02'25''$  East along said parallel line 83.12 Feet to the beginning of a tangent curve concave Northwesterly having a radius of 25.00 Feet; thence Southwesterly along said curve through a central angle of  $86^{\circ}25'09''$ , an arc length of 37.71 Feet; thence South  $86^{\circ}22'44''$  West 243.17 Feet to a point on the Westerly line of said Lot 19, the preceding three courses run along the Westerly, Northwesterly and Northerly line of the land conveyed to the County of Riverside by deed Recorded 10/23/62 as Instrument No. 98133 Official Records of Riverside County, California; thence North  $0^{\circ}04'32''$  West along the Westerly line of said Lot 19 a distance of 165.99 Feet; thence South  $88^{\circ}56'01''$  East 141.27 Feet to a point on the Westerly line of that certain parcel conveyed to Robert Lefley and Edith Lefley by deed Recorded 12/6/60 as Instrument No. 103290 of Official Records of Riverside County, California; thence South  $0^{\circ}02'25''$  East along the Westerly line of said Parcel, 40.00 Feet to the Southwest corner of said parcel; thence North  $89^{\circ}57'35''$  East along the Southerly line of said parcel a distance of 125.00 Feet to THE TRUE POINT OF BEGINNING.

DESCRIPTION APPROVAL 5/14/87  
George P. Hutchinson By D.A.  
 SURVEYOR, CITY OF RIVERSIDE



EXPIRATION DATE: 6/30/88

*Ernest Pintor* 5/11/87

EXHIBIT A