

040543

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

Recorded in Official Records
of Riverside County, California
Recorder
Fees \$

Project: Zoning Case RZ-006-956

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS FOR
DEFERRAL OF CONDITIONS OF APPROVAL

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 28th day of January, 1997, by HENRY J. BASTIAANS, a married man, as his separate property as to an undivided 1/3 interest; PATRICIA A. BASTIAANS, a married woman, as her separate property, as to an undivided 1/3 interest, and BART BASTIAANS, a single man, as to an undivided 1/3 interest (hereinafter called "Owners"), with reference to the following facts:

A. The undersigned are the fee owners of the real property (the "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.

B. The Owners are proposing to rezone the parcel from Single-Family Residential (R-1-65) to Light Industrial (M-1). The Property is primarily undeveloped.

C. As a condition of approval of Zoning Case RZ-006-956 by the City of Riverside (hereinafter called "City"), Owners are to construct certain off-site improvements. Owners have requested to defer the construction of off-site improvements until the issuance of building permits for the Property. The City Council has consented to such deferral if the Owners execute and record a Covenant and Agreement on the Property stating that compliance with Public Works Department conditions two through six of said zoning case will be required at such time that there is further development of the Property and prior to issuance of building permits on the Property.

NOW, THEREFORE, incorporating the above recitals and in consideration of the approval by the City of Zoning Case RZ-006-956, Owners hereby covenant and agree with the City to impose the following restrictions on the Property:

1. There shall be no issuance of building permits for the Property until such time as the Owners, or his/her successor in interest, of the Property has met the conditions imposed by the City in its approval of Zoning Case RZ-006-956 that the required off-site improvements for the Property be constructed or a surety be posted to guarantee the construction of the required off-site improvements as required by the City Public Works Department. The conditions which are being deferred are as follows:

- "2. Installation of curb and gutter at 22 feet from centerline and match up paving on Alamo Street to Public Works specification.
3. Provision of storm drains contingent upon an engineer's drainage study. It should be noted that the area is within Flood Zone B as included on the Flood Insurance Rate Maps. Zone B is designated as an area between limits of the 100-year flood and 500-year flood or certain areas subject to 100-year flooding with average depths less than one foot. Grading on-site shall be accomplished so that pad elevations are above the base flood level.
4. Installation of sewers and sewer laterals to serve this project. The subject property will be responsible for its fair share of the sewer extension from Main Street (normally the length of sewer in the street adjacent to the property in question). On-site disposal subject to County Health Department approval will be acceptable until the sewer extension is constructed.
5. An industrial waste discharge report shall be submitted to Public Works for approval prior to issuance of building permits.
6. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the off-site improvements prior to final adoption of the zoning case (RZ-006-956)."

2. The terms and conditions of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City or its successors or assigns or by any Owner of a parcel of the Property. Should any action be brought to interpret or enforce the terms of this Covenant and Agreement and Declaration of

Restrictions, the prevailing party in such litigation shall be entitled to recover costs of suit including reasonable attorneys' fees.

3. This Covenant and Agreement shall run with the land and shall be binding upon Owners and his/her successors and assigns, and shall continue in effect until such time as it has been released by the City Council of the City of Riverside.

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

Henry J. Bastiaans
HENRY J. BASTIAANS

Patricia A. Bastiaans
PATRICIA A. BASTIAANS

Bart Bastiaans
BART BASTIAANS

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kathleen M. Boyer
Assistant City Attorney

W.C. Kinnis
Public Works Department

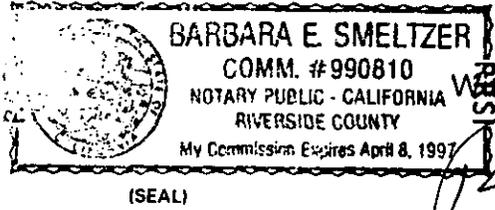
KMG/sa
01/16/97

State of California
County of Riverside

On 4/28/97 before me Barbara E. Smeltzer
(DATE) (NAME/TITLE OF OFFICER i.e. "JANE DOE, NOTARY PUBLIC")

personally appeared Henry J. Bastian,
Patricia A. Bastian & Bart
Bastian
(NAME(S) OF SIGNER(S))

personally known to me -OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.
Barbara E. Smeltzer
(SIGNATURE OF NOTARY)

RIGHT THUMBPRINT (Optional)
TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
 INDIVIDUAL(S)
 CORPORATE _____
OFFICER(S) _____ (TITLE)
 PARTNER(S) LIMITED
 GENERAL
 ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

RIGHT THUMBPRINT (Optional)
TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
 INDIVIDUAL(S)
 CORPORATE _____
OFFICER(S) _____ (TITLE)
 PARTNER(S) LIMITED
 GENERAL
 ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

ATTENTION NOTARY

The information requested below and in the column to the right is OPTIONAL. Recording of this document is not required by law and is also optional. It could, however, prevent fraudulent attachment of this certificate to any unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:
Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____





July 17, 1996
Revised August 7, 1996

W.O. 95-13246

EXHIBIT "A"

**GP-004-956 and Zoning Case RZ-006-956
Parcel Map Waiver, Parcel 1**

That portion of Lots 43 and 46 of Alamo Tract, as shown by Map on file in Book 9, Page 5 of Maps, Riverside County Records, particularly described as follows:

COMMENCING at the most Northerly corner of said Lot 46;

Thence S.60°57'00"E. along the Northeasterly line of Lot 46, a distance of 268.17 feet to the POINT OF BEGINNING;

Thence continuing S.60°57'00"E. along the Northeasterly line of Lot 46, a distance of 336.00 feet;

Thence S.29°02'00"W., a distance of 635.54 feet to the Southwesterly line of said Lot 43;

Thence N.60°57'00"W. along the Southwesterly line of said Lot 43, a distance of 307.94 feet (formerly 308.00 feet) to a point 171.92 feet S.60°57'00"E. from the most Westerly corner of Lot 43;

Thence Northeasterly to the Point of Beginning.

EXCEPTING THEREFROM that portion of said Lots 43 and 46 as shown on map of Alamo Tract, described as follows:

COMMENCING at the most Northerly corner of said Lot 46;

Thence S.60°57'00"E., on the Northeasterly line of said Lot 46, a distance of 268.17 feet to the POINT OF BEGINNING;

Thence continuing S.60°57'00"E. on the Northeasterly line of said Lot 46, a distance of 186.00 feet;

Thence S.29°02'00"W., a distance of 455.00 feet;

Thence N.60°57'00"W., and parallel with the Southwesterly line of said Lot, to a point in a line drawn from a point on the Southwesterly line of said Lot 43, a distance of 171.92 feet Southeasterly

LEGAL DESCRIPTION
Parcel Map Waiver
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from the most Westerly corner of said Lot, to a point on the Northeasterly line of said Lot 46, a distance of 268.17 feet Southeasterly from the most Northerly corner of said Lot 46;

Thence Northeasterly on said last described line to the Point of Beginning.

ALSO EXCEPTING THEREFROM that portion of Lot 46, as shown on Map of Alamo Tract, on file in Book 9, Page 5 of Maps, Riverside County Records, described as follows:

COMMENING at the most Northerly corner of said Lot 46, said corner being on the Southwesterly line of Alamo Street as shown by said Map of Alamo Tract;

Thence S.60°57'00"E. along the Northeasterly line of said Lot 46, also being along said Southwesterly line of Alamo Street, a distance of 454.17 feet, to the POINT OF BEGINNING;

Thence S.60°57'00"E. continuing along said Northeasterly and Southwesterly lines, a distance of 150.00 feet;

Thence S.29°02'00"W., a distance of 8.00 feet to a line parallel with and 8.00 feet Southwesterly, measured at right angles from said Northeasterly and Southwesterly lines;

Thence N.60°57'00"W. along said parallel line, a distance of 150.00 feet;

Thence N.29°02'00"E., a distance of 8.00 feet to the Point of Beginning;

The above described parcel of land contains 2.832 acres, more or less.



J. F. DAVIDSON ASSOCIATES, INC.
Prepared Under the Supervision of:

Marissa Crowther

Marissa Crowther, PLS No. 6152

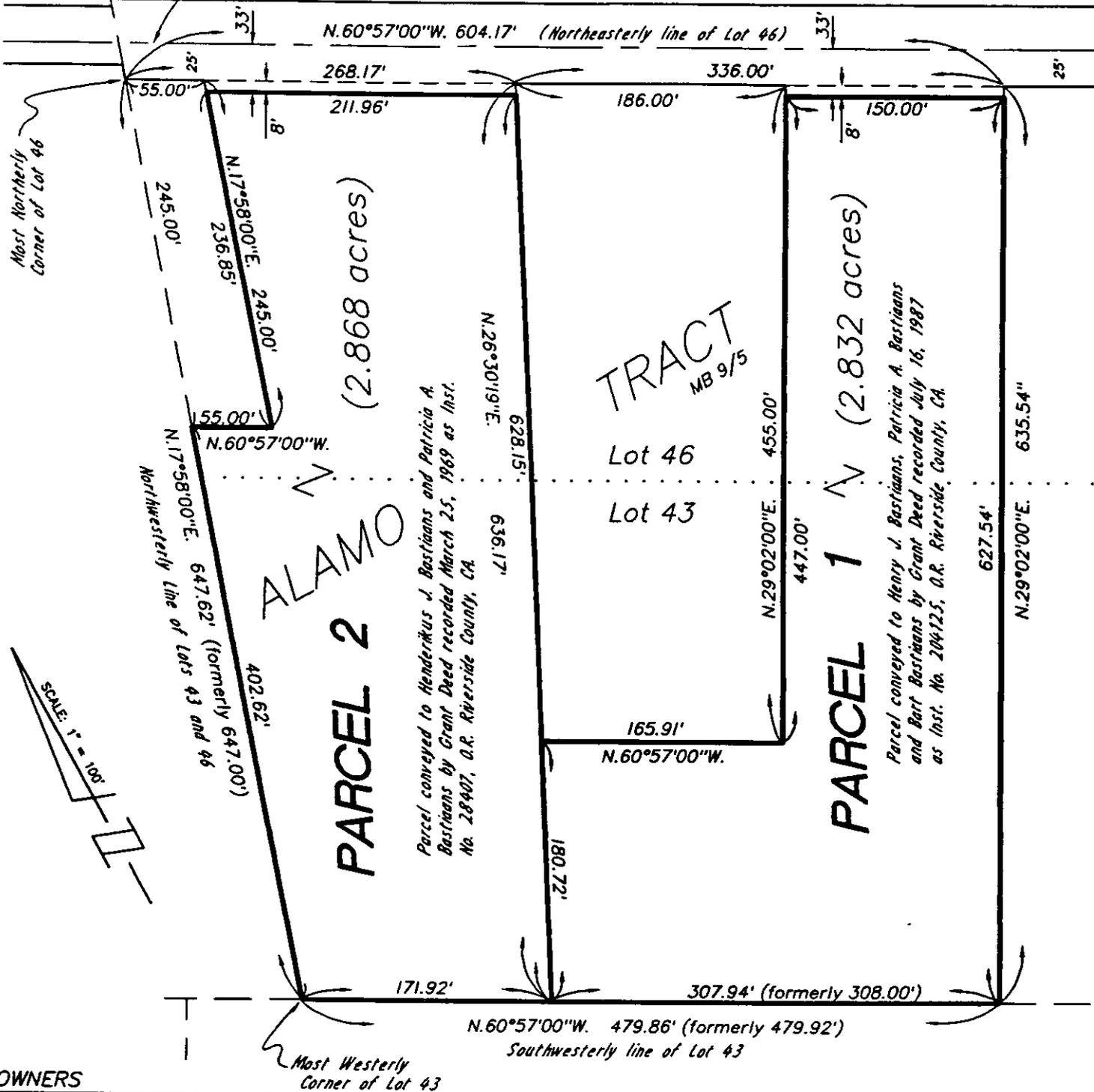
Date: Dec. 10th 1996

LMM/MC/yb

DESCRIPTION APPROVAL 12/11/96
Walter R. Joyce by
SURVEYOR, CITY OF RIVERSIDE

for

ALAMO STREET



OWNERS

Parcel 1: APN 246-030-026
 APN 206-030-005

Henry J. Bastianns, Patricia A. Bastianns, and Bart Bastianns
 4220 Alamo Street
 Riverside, CA. 92501

Parcel 2: APN 246-030-024
 APN 206-030-003

Henry J. Bastianns and Patricia A. Bastianns
 4220 Alamo Street
 Riverside, CA. 92501

Rev. 8/7/96

GP-004-956 and ZONING CASE RZ-006-956

Parcel Map Waiver (Parcel Merger)



J.F. DAVIDSON ASSOCIATES, INC.
 - CIVIL ENGINEERS - SURVEYORS - PLANNERS -

1777 ATLANTA AVENUE RIVERSIDE, CA. 92507 (951) 988-0844 FAX (951) 988-8854
 77-864 COUNTRY CLUB DR. #4008 PALM DESERT, CA. 92280 (917) 380-3780 FAX (917) 380-3780
 27346 JEFFERSON AVE. #10 TEMECULA, CA. 92290 (951) 676-7790 FAX (951) 688-1988

JULY 23, 1996

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