

FA

240987

70-4

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

WHEN RECORDED MAIL TO:

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

JUL - 9 1997

Recorded in Official Records
of Riverside County, California
Recorder

Fees 15

Project: Parcel Map 28047

DECLARATION REGARDING PHASING AND DEVELOPMENT

15/3

T

THIS DECLARATION is made and entered into this 29th day of APRIL, 1997, by PETER V. MISUNAS, as Successor Trustee of the JOHN H. FREESON TRUST dated July 25, 1984, as amended March 1, 1985 and LOUIS A. CARHART (collectively, "Declarants") with reference to the following facts:

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

Parcels 1 through 4, inclusive of Parcel Map 28047 as shown by map on file in Book 189 of Parcel Maps, at pages 83 through 85 thereof, records of Riverside County, California.

B. The Property consists of approximately 55 vacant acres situated northerly of Overlook Parkway and easterly of Windham Hill Road within the City of Riverside.

C. Application has been made to the City of Riverside ("City") to divide the Property into four parcels by Parcel Map 28047 for financial and phasing purposes for future single family residential development.

D. City had previously approved in 1992 a tentative tract map for the Property, which map is known as Tentative Tract Map 23663. By Tentative Tract Map 23663, Declarants are proposing to divide the Property into approximately 22 lots for residential purposes. Internal circulation is proposed to be provided by a 36-foot-wide private street system through the Property extending from two local streets situated within said Tentative Tract Map 23663 located to the south as well as by the extension of Old Bridge Road. In 1992, the Planning Department of City also approved a phasing plan for Tentative Tract Map 23663 to allow the tract to be developed in four phases.

E. As the Declarants are now proposing to divide the 55 acre vacant parcel into four parcels ranging in size from 4.1 acres to 29.8 acres corresponding to the approved phasing plan for

DESCRIPTION APPROVAL 4/15/97
SIRIVAYOR, CITY OF RIVERSIDE

Tentative Tract Map 23663, the City, as a condition of approval of Parcel Map 28047, is requiring Declarants to record a document providing that the parcel map shall be developed in the sequence of the approved phasing plan for Tentative Tract Map 23663.

NOW, THEREFORE, incorporating the above recitals and for the purpose of complying with a condition imposed by City for the approval of Parcel Map 28047 and in consideration of such approval, Declarants hereby covenant and agree with City as follows:

1. Sequence of Development. Each parcel of Parcel Map 28047 shall be developed in accordance with the approved map and phasing plan for Tentative Tract Map 23663, subject to the review and approval of the Planning Department, and in the following sequence: First, Parcels 1 and 2 of Parcel Map 28047; second, Parcel 4 of Parcel Map 28047; and last, Parcel 3 of Parcel Map 28047; provided, however, nothing herein shall prevent the concurrent development of more than one parcel provided that the sequence remains the same.

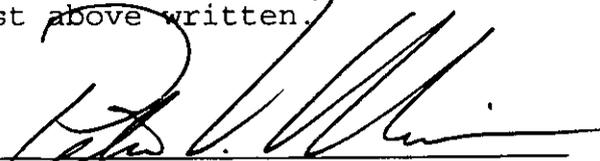
2. Enforcement. The provisions of this Declaration shall be enforceable by City. In the event of any legal or equitable proceeding for the enforcement of, or to restrain any violation of, this Declaration, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees. The failure of City to enforce any provision of this Declaration shall in no event be deemed to be a waiver of the right to do so thereafter.

3. Termination and Modification. This Declaration shall run with the land and shall be binding upon Declarants and the heirs, successors and assigns of Declarants, and shall not be amended, modified or terminated without the prior consent of the Planning Director of City by a writing duly recorded; provided, however, this Declaration shall be automatically terminated upon the recording of all of the phases of Tentative Tract Map 23663.

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

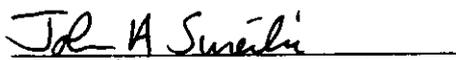


 Louis A. Carhart



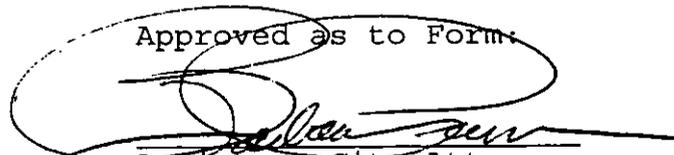
 Peter V. Misunas, as Successor
 Trustee of the John H. Freeson
 Trust dated July 25, 1984, as
 amended March 1, 1985

Approved as to Content:



 Planning Department

Approved as to Form:



 Assistant City Attorney

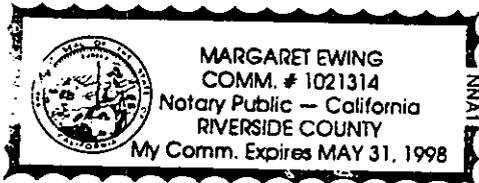
State of CALIFORNIA)
County of RIVERSIDE) ss

On APRIL 29, 1997, before

me, a notary public in and for said State, personally appeared

LOUIS A. CARHART

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.
Margaret Ewing
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- (x) Individual(s)
- () Partner(s)
() General () Limited
- () Trustee(s)
- () Other _____

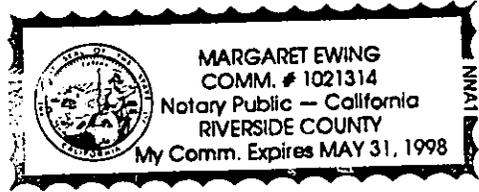
The party(ies) executing this document is/are representing:

Self

State of CALIFORNIA)
County of RIVERSIDE) ss

On APRIL 30, 1997, before me, a notary public in and for said State, personally appeared PETER V. MISUNAS

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.
Margaret Ewing
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- () Individual(s)
- () Partner(s)
() General () Limited
- (x) Trustee(s)
- () Other _____

The party(ies) executing this document is/are representing:
