

FA

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DEC 16 1998

15/3

WHEN RECORDED, MAIL TO:

CITY CLERK'S OFFICE  
CITY OF RIVERSIDE  
CITY HALL, 3000 MAIN ST.  
RIVERSIDE, CA. 92522

Recorded in Official Records  
of Riverside County, California

Recorder:

Fees \$ 15

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(Space Above for Recorder's Use)

**COVENANT AND AGREEMENT  
(School Site Reservation)**

This Covenant and Agreement ("**Agreement**") is executed this 7<sup>th</sup> day of December, 1998, by ORANGECREST HILLS, L.P., a Washington limited partnership ("**Developer**"), in favor of the CITY OF RIVERSIDE, a municipal corporation ("**City**").

A. Developer is the developer of that certain real property located in the city, more fully described on *Exhibit "A"* hereto ("**Property**").

B. The Conditions of Approval of the development of the Property issued by the City on September 3, 1998 ("**Conditions**") require as a condition to recording of a Final Subdivision Tract Map for the Property that Lot 3 of Tract 28863 be set aside as a school site ("**School Site**").

C. Developer wishes to execute this Agreement to ensure satisfaction of the Conditions and recordation of the Final Subdivision Tract Map for the Property.

NOW, THEREFORE, for the benefit of the City and the Property, Developer shall hereby covenants and agrees as follows:

1. **Reservation of School Site.** The School Site shall be reserved as a public school site for a period of no more that two (2) years from the date of recordation of the fifth phase map of Tract 28866. The 'fifth phase map of Tract 28866 means and refers to the fifth map which is recorded in a series of maps which are recorded with respect to Tract 28866.

2. **Right to Acquire School Site.** Pursuant to the School Site reservation described in Section 1 above, at any time during the two (2) year period, the Riverside Unified School District ("**RUSD**") will have the right to acquire the School Site from Developer upon such terms and conditions as the Developer and RUSD may agree upon.

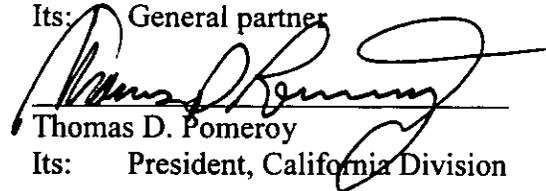
3. **Amendment or Termination.** This Covenant and Agreement cannot be amended or terminated without the prior written approval of the City and shall be for the benefit and enforceable by the City.

ORANGECREST HILLS, L.P., a Washington  
Limited partnership

BY; COMMUNITIES SOUTHWEST  
DEVELOPMENT & CONSTRUCTION  
COMPANY, a Washington corporation

Its: General partner

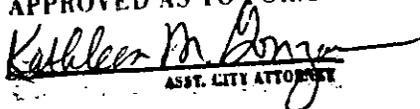
By:

  
Thomas D. Pomeroy

Its: President, California Division

“Developer”

APPROVED AS TO FORM

  
ASST. CITY ATTORNEY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

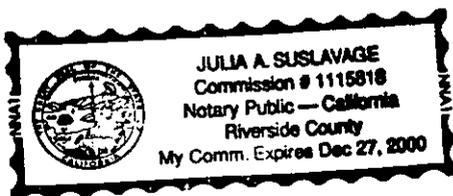
State of CALIFORNIA

County of ORANGE

On DEC. 7, 1998 before me, JULIA A. SUSLAVAGE -

personally appeared THOMAS D. POMEROY

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.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COVENANT & AGREEMENT

Document Date: DEC. 7, 1998 Number of Pages: 3

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: THOMAS D. POMEROY

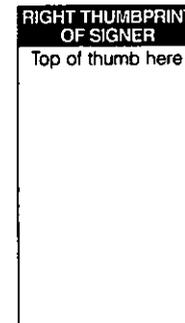
- Individual
Corporate Officer
Title(s): PRESIDENT
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing: COMMUNITIES SOUTHWEST

Signer's Name:

- Individual
Corporate Officer
Title(s):
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

EXHIBIT "A"  
Legal Description of Property

Lot 3 of Tract No. 28863, as shown by map on file in Book 276,  
pages 6-10 of Maps, records of Riverside County, California.

SUBDIVISION OF TRACT 12/8/98  
Walter R. Inye by ---  
SURVEYOR, CIVIL ENGINEER

605