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DOC 1999-344800

08/02/1999 08:00A Fee:15.00

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

Project: Tract 28491-2

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### DECLARATION OF NOTICE OF BUILDING SETBACK RESTRICTIONS

THIS DECLARATION OF NOTICE is made and entered into this 20<sup>TH</sup> day of May, 1999, by SHEA HOMES LIMITED PARTNERSHIP, a California Limited Partnership, ("Declarant") with reference to the following facts:

DECLARATION APPROVED 2/14/99  
[Signature]

A. Declarant is the fee owner of the following described real property ("the Property") situated in the City of Riverside, County of Riverside, State of California:

Lots 1 through 60 of Tract 28491-2 as shown by map on file in Book 282 of Maps, at pages 99 through 100 thereof, Records of Riverside County, California.

B. Declarant desires to develop the Property as a residential subdivision. Therefore, Declarant has filed with the City of Riverside ("City") an application to divide the Property into approximately sixty (60) lots by Tract Map 28491-2.

C. The Property consists of approximately 16.346 vacant acres situated on the east side of Trautwein Road, south of Northrop Drive, within the City of Riverside. The Property is in the Manufacturing Park ("MP") Zone (tentatively approved for the Single Family Residential (R-1-65) Zone under Zoning Case RZ-005-934).

D. To comply with one of the conditions of approval imposed by City for the approval of Tract Map 28491-2, Declarant is required to provide a covenant and agreement or a statement in a Declaration of Covenants, Conditions and Restrictions (CC&R's) to the specifications of the Planning and Legal Departments which informs future buyers of the following:

a. A 40 foot rear or side yard building setback on lots adjacent to March Air Force Base.

CIA 7-2  
CIA 681

Declarant is required to record such covenant and agreement or CC&R's in the office of the County Recorder of Riverside County, California prior to the recording of the final map for Tract 28491-2.

E. It is the desire of Declarant to comply with the above noted condition by this document.

NOW, THEREFORE, for the purposes of complying with a condition imposed by the City of Riverside for the approval of Tract Map 28491-2, Declarant, for itself and its successors and assigns, hereby covenants and agrees with the City of Riverside that Declarant shall give in writing to any prospective purchaser of the Property prior to sale a written notice providing the following information:

**Building Setback Requirements (March Air Force Base).** A 40 foot rear and/or side yard building setback from the common property line shall be provided as necessary for future dwellings on residential lots adjacent to March Air Fore Base.

Declarant future covenants and agrees that the terms of this Declaration of Notice may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Declaration of Notice, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

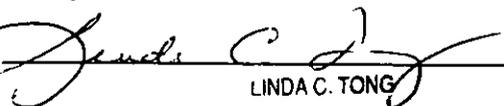
Declarant further agrees that the Property and each lot thereof shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to this Declaration of Notice. The terms of this Declaration of Notice shall run with the land and each and all of its terms shall be binding upon Declarant, its successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.



IN WITNESS WHEREOF Declarant has caused this Declaration of Notice to be executed the day and year first written above.

SHEA HOMES LIMITED PARTNERSHIP, a California Limited Partnership  
By: J. F. SHEA CO., INC., a Nevada corporation, General Partner

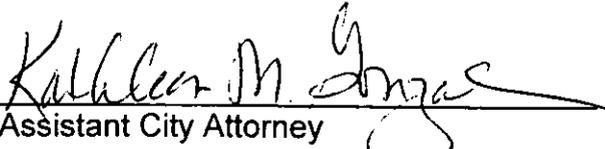
By:   
JIM MASSEY  
Title: ASSISTANT SECRETARY

By:   
LINDA C. TONG  
Title: ASSISTANT SECRETARY

APPROVED AS TO CONTENT:

  
Planning Department

APPROVED AS TO FORM:

  
Assistant City Attorney

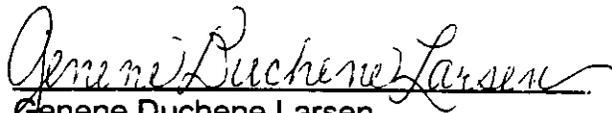


STATE OF CALIFORNIA

COUNTY OF ORANGE

On May 20, 1999 before me, Geneve Duchene Larsen, Notary Public, personally appeared Linda C Tong and Jim Massey, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

  
Geneve Duchene Larsen  
Commission Number: 1182858  
Expiration Date: June 5, 2002



California General Purpose Acknowledgment  
For all documents executed in the State of California

