

WHEN RECORDED MAIL TO:

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



FREE RECORDING (Government Code §6103)

Project: Deferment of Partial Elevation Fee
A.P.N. 239 040 022

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**COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS**



This Covenant and Agreement and Declaration of Restrictions ("Agreement") is made and entered into this 30th day of July, 2003, by TRUNG V. VU and NGAN THI VU, as joint tenants, (the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of the following described real property (the "Property") consisting of approximately ten (10) acres of undeveloped land situated in the City of Riverside, County of Riverside, State of California:

Lot 3, Block 6, of Arlington Heights, as per map recorded in Book 11 Page(s) 20 of Maps, in the Office of the County Recorder of San Bernardino, County.

B. The Property is located at 2515 McAllister Street located in the Arlington Greenbelt ("Greenbelt") area, within the City of Riverside and is within the Water Service Area of the City of Riverside (the "City").

C. Declarants propose to construct a residential unit on a one-half (1/2) acre portion of the Property and to obtain domestic water service from City for the residential unit.

D. Declarants desire to pay the City's Elevation Fee for only the one-half (1/2) acre development and to defer payment of the Elevation Fee for the remaining nine and one-half (9 1/2) acres until such time as the Property is subdivided or further developed.

E. Pursuant to City Water Rule No. 10.B.1.k., Declarants are required to enter into a Covenant and Agreement in order to defer payment of partial Elevation Fees and to put future owners and encumbrancers on notice of the Elevation Fee obligations described herein.

F. As a condition to granting any building permit relative to the Property, the City of Riverside is also requiring the Declarants to enter into this Agreement.

NOW, THEREFORE, for purposes of complying with the City's Water Rule No. 10.B.1.k., for deferment of any Water Fees and Charges and the City's requirement prior to issuance of a building permit relative to the Property, Declarants hereby covenant and agree with the City that the following requirement shall apply to the Property:

Declarants shall pay the City Public Utilities Department the Elevation Fee for the entire Property at such time as the Property is legally subdivided, developed, or prior to the issuance for any additional building permit relative to the Property. The amount of the Elevation Fee for the Property shall be calculated on the

**ILLEGIBLE NOTARY SEAL DECLARATION
(GOVERNMENT CODE 27361.7)**

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Dinh Viet Nguyen

Commission No. 1229079

Date Commission Expires Aug. 13, 2003

Date and Place of Notary Execution State of CA., County of
Riverside July 30, 2002

Date and Place of This Declaration Riverside, 3/14/03

Jenny Janick
Signature

City of Riverside
Firm Name (if any)



date of payment at the City's then existing charges for Elevation Fees and Declarants shall be given credit of any previous partial payment of the Elevation Fee.

The terms of this Agreement may be enforced by the City, its successors and assigns. Should the City bring an action to enforce any of the terms of this Agreement, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

This Agreement shall run with the land and each and all of its terms shall be binding upon Declarants, any future owners or encumbrancers of the Property, and their heirs, successors and assigns. This Agreement shall continue in effect until such time as it is released by the Public Utilities Director of the City of Riverside, California, or the successor to the duties of such official.

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

[Signature]
TRUNG V. VU

[Signature]
NGAN THI VU

State of California)
County of Riverside)ss

On July 30th, 2012, before me, a notary public in and for said State, personally appeared TRUNG V. VU and NGAN THI VU 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.

WITNESS my hand and official seal.
[Signature]
Signature

APPROVED AS TO FORM:

[Signature]
EILEEN M. TEICHERT
Deputy City Attorney



APPROVED AS TO CONTENT:

[Signature]
PUBLIC UTILITIES DEPARTMENT