

Lawyers Title Co.

4054267-11

WHEN RECORDED MAIL TO:

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

Project: Planning Case P03-0200
Parcel Map 31277

DOC # 2004-0176355

03/12/2004 08:00A Fee:22.00

Page 1 of 6

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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**COVENANT AND AGREEMENT AND DECLARATION
OF RESTRICTIONS AND AGREEMENT
ESTABLISHING SETBACK REQUIREMENTS**

22

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS AND AGREEMENT ESTABLISHING SETBACK REQUIREMENTS is made and entered into this ^{PM} 5th day of November, 2003, by **PATRICK K. WILLIAMS and BARBARA ANN WILLIAMS**, husband as wife as joint tenants (the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of that certain real property located on the south corner of Victoria Avenue and Stewart Street in the City of Riverside, County of Riverside, State of California, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Property").

B. Declarants have submitted an application to the City of Riverside ("City") in Case P03-0200, seeking to subdivide their vacant 11.1 acre parcel into two (2) parcels, 5.23 and 5.88 acres, for residential purposes.

C. As a condition of approval of Case P03-0200, in order for two-story residences to maintain a fifty-foot (50') setback from Victoria Avenue, the City is requiring Declarants to execute and record a covenant and agreement and declaration of restrictions establishing a fifty foot setback from the Victoria Avenue frontage for all two story portions of all residences.

D. Declarants are willing to record this Covenant and Agreement and Declaration of Restrictions and Agreement Establishing Setback Requirements ("Covenant") to permit the setback requirements and to put future owners on notice of the covenants, conditions, and restrictions, affecting the Property.

NOW, THEREFORE, Declarants hereby declare that the Property is and hereafter shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved subject

to the following declarations, limitations, covenants, conditions, restrictions and easements, all of which are imposed as equitable servitudes for the purpose of enhancing and protecting the attractiveness of the Property, and for the purpose of complying with conditions imposed by the City in Case P03-0200, and Declarants hereby covenant and agree with the City that the Property is, and shall hereafter be held subject to the following covenants, conditions and restrictions:

1. Any and all two-story portions of all residences located on the Property shall be setback from Victoria Avenue a minimum of fifty-feet (50').

2. This Covenant shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, 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.

3. No modification, waiver, amendment, discharge, termination, or change of this Covenant, nor any of the provisions contained herein, shall be valid unless same is in writing, signed by the Declarants, their successors or assigns, and the Planning Director of the City, and recorded in Riverside County, California.

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

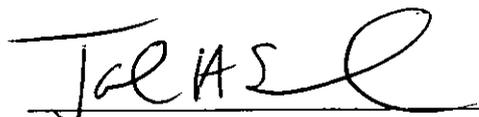
5. Any person, whether an individual, corporation, association, partnership or otherwise, who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property, or to the property described in Exhibit "A", shall be deemed to have consented and agreed to the restrictions on the use of the Property.

IN WITNESS WHEREOF, the undersigned has executed this Covenant on the date first set forth above.


Patrick K. Williams


Barbara Ann Williams

APPROVED AS TO CONTENT:


Planning Department

APPROVED AS TO FORM:


Deputy City Attorney

EXHIBIT A

Parcels 1 and 2 of Parcel Map No. 31277 as shown by map on file in Book 208 of Parcel Maps,
Pages 23 through 25 thereof, Records of Riverside County, State of California

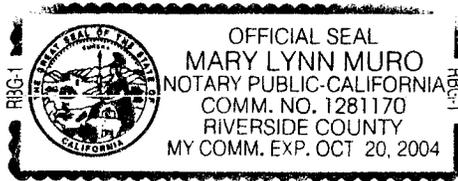
DESCRIPTION APPROVED 11/10/03
Walter R. Ariza by —
SURVEYOR, CITY OF RIVERSIDE
for

STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On November 5, 2003, before me, Mary Lynn Muro, Notary Public, the undersigned, a notary public in and for said State, personally appeared Barbara Ann Williams ~~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.

Mary Lynn Muro
Notary Signature

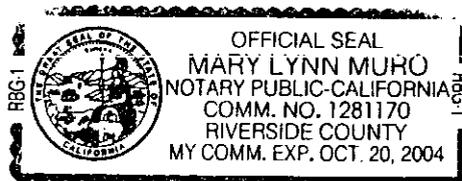


STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On November 5, 2003, before me, MaryLynn Muro, Notary Public, the undersigned, a notary public in and for said State, personally appeared Patrick K. Williams ~~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.

MaryLynn Muro
Notary Signature



PENALTY OF PERJURY FOR NOTARY SEAL

(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: MARY LYNN MURO

DATE COMMISSION EXPIRES: OCTOBER 20, 2004

COUNTY WHERE BOND IS FILED (if applicable): *RIVERSIDE*

STATE WHERE BOND IS FILED: *CALIFORNIA*

COMMISSION NUMBER (if applicable): 1281170

PLACE OF EXECUTION: SAN BERNARDINO, CALIFORNIA

DATE: March 11, 2004

SIGNATURE: _____



PRINT NAME: Scott A. Hoogerwerf