

DOC # 2004-0439787

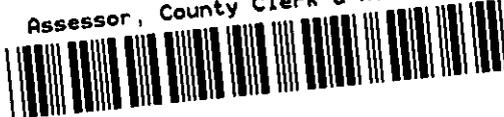
06/09/2004 08:00A Fee:16.00

Page 1 of 4

Recorded in Official Records
County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



17-

WHEN RECORDED MAIL TO:

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

Project: P03-1065
3707 Arlington Ave.
Riverside, California
APN: 225-29-050

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 12th day of MAY, 2004, TAVAGLIONE PROPERTIES, LLC, a California limited liability company, ("Declarant"), with reference to the following facts:

A. Declarant is the fee owner of the real property situated in the City of Riverside, County of Riverside, State of California, described as follows and hereinafter known as "the Property"

Lots 43, 46, 47, and 50 in Block 1, as shown by map entitled "Map of Tippet's Tract" as shown on file in Book 2, page 35 of Maps, Records of Riverside County, California.

Excepting therefrom, the South 15 feet thereof;

Also excepting therefrom, that portion conveyed to the City of Riverside by Deeds recorded September 14, 1979 as instrument no. 194967, July 11, 1984 as instrument no. 150060 and July 19, 1984 as instrument no. 156701 all of Official Records of Riverside County, California

B. Declarant desires to improve and operate the Property as a drive-thru facility with a coffee-shop, retail space, and office space. The City of Riverside ("City") as a condition of approval for said use, requires that certain covenants and restrictions relating to use and management of the Property be recorded against the property.

C. These covenants and restrictions are imposed by the Declarant as a condition to the City's approval of Declarant's requested permits to benefit the City in connection with its efforts to provide for safe and orderly regulation of traffic and parking on and near the property.

DESCRIPTION APPROVAL 5/10/2004
K. Street
for SURVEYOR, CITY OF RIVERSIDE by _____

53-6

C/A 888

D. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and lessees on notice of such limitations on the Property.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the approval of P03-1065, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The use of the Property will be limited to a coffee-shop, retail and office building. The use is limited to those which will not cause an intensification of parking necessary for the Property. Additionally, the coffee-shop shall be operated only as such, and a full service fast-food restaurant is strictly prohibited.

2. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

3. Any person who now or hereafter owns or acquires any right, title or interest in the Property shall be deemed to have considered and agreed to every covenant, condition and restriction contained herein and to have been granted and be subject to the terms established in Paragraph 1 above, whether or not any reference to the Covenant and Agreement is contained in the instrument by which such person acquired an interest in said Property.

4. This Covenant and Agreement and Declaration of Restrictions 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.

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

TAVAGLIONE PROPERTIES, LLC
a California limited company

By: _____

Typed/Printed Name

Its: _____

Title

By: _____

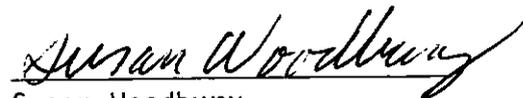
Typed/Printed Name

Its: _____

Title

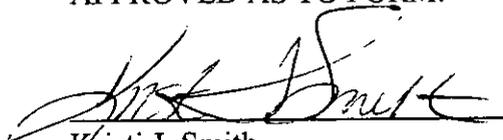


APPROVED AS TO CONTENT



Susan Woodbury
Planning Department

APPROVED AS TO FORM.



Kristi J. Smith
Deputy City Attorney

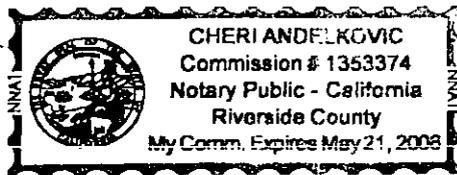
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CA: 04-0969
04/30/04



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On May 12, 2004, before me, Cheri Andelkovic, the undersigned, a notary public in and for said State, personally appeared John F. Taraglione personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cheri Andelkovic
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On _____, 2004, before me, _____, the undersigned, a notary public in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public



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4 of 4

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