

WHEN RECORDED MAIL TO:

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

Project: APN 135 204 007
17072 Whispering Brook Way
Riverside, CA 92503

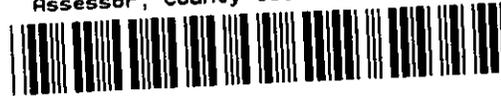
DOC # 2004-0977167

12/09/2004 08:00A Fee:16.00

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Recorded in Official Records
County of Riverside

Gary L. Orso
Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT
ESTABLISHING DEDICATION AND CONSTRUCTION OF PUBLIC TRAILS



THIS COVENANT AND AGREEMENT is made and entered into this 24th day of November, 2004, by MONA KOMAYH SAGHBINI, a married woman, as her sole and separate property ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the real property (the "Property") located in County of Riverside, State of California, described in Exhibit "A" which is attached hereto and incorporated herein.

B. The Property is approximately .71 vacant acres located adjacent to Indiana Avenue situated within the county of Riverside.

C. Declarant has purchased the property from the City of Riverside ("City") and as a condition imposed by City for said purchase Declarant is required to and shall design, construct, maintain and pay for a multi-purpose recreational trail along Indiana Ave. to the specifications of the City.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside, Declarant hereby covenants and agrees with the City of Riverside and declares as follows:

1. Declarant will design, construct, maintain and pay for a multi-purpose recreation trail to be located on the Property, in accordance with City standards and subject to City approval.

2. The terms of this Covenant and Agreement may be enforced by the City of Riverside, or its successors or assigns. Should any action be brought to interpret or enforce the terms of this Covenant and Agreement, the prevailing party in such litigation shall be entitled to recover reasonable costs of suit including reasonable attorneys' fees and expert witnesses' fees.

CIA 915

3. This Covenant and Agreement shall run with the land and shall be binding upon Declarant, her heirs, successors and assigns, and shall not be amended or terminated without the express written consent of the Park & Recreation Director of the City of Riverside, duly recorded; provided, however, this Covenant and Agreement shall automatically terminate and be of no further force and effect at such time as the required multi-purpose trail is installed to the satisfaction of the City of Riverside and a statement to that effect signed by the City of Riverside is duly recorded.

IN WITNESS WHEREOF Declarant has caused this Covenant and Agreement to be executed the day and year first above written.

MONA KOMAYH SAGHBINI by
Mona Komayh Saghbini
By Rose Saghbini Naameh, her 
Attorney-in-fact
her attorney
in fact

Approved as to Form:


Deputy City Attorney



STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)
)ss
)

On 11/24/2004, before me, IRENE MARTINEZ, the undersigned, a notary public in and for said State, personally appeared Rose Sahbiny Naameh 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.


Notary Signature

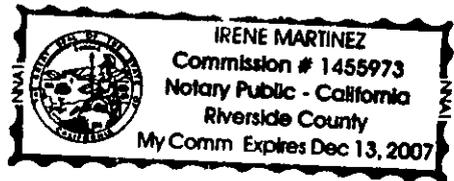


EXHIBIT A

Project. Riverside Water Company Canal
APN 135-204-007

THAT PORTION OF THE RIVERSIDE WATER COMPANY CANAL, IN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF TRACT NO. 22649, AS SHOWN BY MAP ON FILE IN MAP BOOK 186, PAGES 43 THROUGH 47, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND LYING SOUTHWESTERLY OF THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF TRACT NO. 3405, AS SHOWN BY MAP ON FILE IN MAP BOOK 55, PAGES 22 AND 23, IN SAID OFFICE OF THE COUNTY RECORDER;

EXCEPTING THAT PORTION LYING WITHIN INDIANA AVENUE.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act

 05/6/04 Date Prep. 10

Mark S Brown, L.S 5655
License Expires 9/30/05



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