

WHEN RECORDED MAIL TO:

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

Project: Water Main Extension  
Location: 5021 Myrtle Avenue  
Riverside, California  
A.P.N. 219-292-011

RECEIVED FOR RECORD  
Mon. Post. 9 o'clock AM

AUG - 5 1991

Recorded in Official Records  
of Riverside County, California

Recorded  
Fees \$

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions is made and entered into this 22nd day of July, 1991, by RICHARD G. ENGELAUF and DONNA ENGELAUF, husband and wife 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") situated in the City of Riverside, County of Riverside, State of California:

That portion of Lot 92 in Division "C" of Halls Addition to Riverside as shown by map on file in Book 9 of Maps, at page 3 thereof, and that portion of Lot 83 in Division "D" of Halls Addition to Riverside, as shown by map on file in Book 9 of Maps, at page 4 thereof, both Records of San Bernardino County, California, described as follows:

BEGINNING at the Southeast corner of said Lot 83, also being the Southeast corner of Parcel 4 of that certain parcel of land as conveyed to Derrill E. Yaeger and Frances E. Yaeger by Deed recorded April 2, 1975, as Instrument No. 37524, Official Records of Riverside County, California;

THENCE S. 89° 50' 22" W., a distance of 139.73 feet;

THENCE Southwesterly along a curve concave Southeasterly, having a radius of 233.00 feet, through an angle of 21° 23' 37", an arc length of 87.00 feet;

The preceding two (2) courses are along the Southerly line of said Lot 83 and said Parcel 4;

THENCE N. 21° 33' 15" W., a distance of 187.29 feet to the Northerly line of Parcel 3 of said parcel of land as conveyed to Derrill E. Yaeger et ux;

Please record for the benefit of the City of Riverside

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Property Services Manager

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THENCE N. 87° 41' 47" E., along said Northerly line, a distance of 293.24 feet to the most Easterly corner thereof, also being the Northeast corner of said Lot 83 and said Parcel 4;

THENCE S. 00° 09' 38" E., along the Easterly line of said Lot 83 and said Parcel 4, a distance of 169.30 feet to the point of beginning.

B. Declarants desire to construct a single family residence on the Property and will require from the City of Riverside (the "City") a domestic water service to the Property. Currently no public water facilities abut Property. In accordance with the Water Rules of the City, Declarants at their expense are required to extend approximately 300 feet of 8-inch water main from the existing 4-inch water main within Victoria Avenue adjacent to Fire Hydrant #2297 to reach the most southeasterly corner of Declarant's Property.

C. Declarants are also required to pay to the City all normal water fees and charges in accordance with Water Rules of the City in order to provide water service to the Property, including the Distribution System Fee for the parcel frontage of the Property.

D. City is willing to allow Declarants to install a 2-inch service pipeline from the existing 4-inch water main within Victoria Avenue to the Property for a distance of approximately 300 feet and to defer payment of the Distribution System Fee subject to Declarants executing and recording a Covenant and Agreement to provide for the later payment of Declarant's proportionate share of the larger 8-inch water main and the Distribution System Fee.

NOW, THEREFORE, Declarants hereby covenant and agree with the City that the following restrictions shall apply to the Property:

1. Declarants shall install at Declarants' expense a 2-inch service pipeline from the existing 4-inch water main within Victoria Avenue for a distance of approximately 300 feet to reach to the most southeasterly corner of the Property. Such pipeline shall be designed and constructed in accordance with City Public Utilities Department requirements.

2. Declarants or the successors or assigns of Declarants shall pay a proportionate share of the 300 feet of 8-inch water main extension within Victoria Avenue from the existing 4-inch water main at such time as the 8-inch water main is required by the City. Proportionate share shall be as determined by the City in accordance with Water Rules in effect at the time of water main extension.

DESCRIPTION APPROVAL: 5, 6, 91  
*George P. Hitchman*  
SURVEYOR, CITY OF RIVERSIDE

3. Declarants shall also pay to the City at the time of the 8-inch water main extension the Distribution System Fee for parcel frontage of the Property at the rate established in the Water Rules of the City in effect at the time of said 8-inch water main extension.

4. The proportionate share charge for the 8-inch water main and the Distribution System Fee shall be due and payable within sixty (60) days of written notice of such amounts from the City. If either the proportionate share charge for the 8-inch water main extension or the Distribution System Fee is not paid to the City as required herein within ninety (90) days of written notice of such amounts, the water service to the Property may be terminated and the City may commence such other action as may be appropriate to collect a debt owed the City.

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

6. 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 and the successors and assigns of Declarants and shall continue in effect from the day and year first above written until released by the City Council of the City of Riverside, California.

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

  
RICHARD G. ENGELAUF

  
DONNA ENGELAUF

APPROVED AS TO FORM:

  
Assistant City Attorney

300 (Individual) First American Title Company

267762

STATE OF CALIFORNIA RIVERSIDE  
COUNTY OF

ss.

On JULY 22, 1991

, before me, the undersigned, a Notary Public in and for  
said State, personally appeared RICHARD G. ENGELAUF AND DONNA ENGELAUF

personally known to me (or proved to me on the basis of satis-  
factory evidence) to be the person(s) whose name(s) were sub-  
scribed to the within instrument and acknowledged to me that  
~~they~~ they executed the same.

WITNESS my hand and official seal:

Signature

Barbara Ann Miller



(This area for official notarial seal)