

RECORDING REQUESTED BY
City Clerk, Redlands
AND WHEN RECORDED MAIL DOCUMENT AND
TAX STATEMENT TO:

NAME City Clerk
STREET City of Redlands
ADDRESS PO BOX 3005
CITY, STATE & ZIP CODE Redlands CA 92373

Recorded In Official Records, County of San Bernardino



DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK

R Regular Mail

4/08/2013
10:00 AM
ALS

Doc#: 2013-0142681



Titles: 1 Pages: 6

Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

FEES NOT REQUIRED PER GOVERNMENT CODE SECTION 6103
TLRED, LLC Parkway retaining wall maintenance
APNs 0292-192-05

SPACE ABOVE FOR RECORDER'S USE ONLY

COVENANT

**THIS AREA FOR
RECORDER'S
USE ONLY**

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

RECORDING REQUESTED BY
AND MAIL TO:

City Clerk
City of Redlands
Post Office Box 3005
Redlands, California 92373

This document is exempt from the payment of a recording
fee pursuant to Government Code Section 27383

**DECLARATION OF COVENANT
FOR
RETAINING WALL MAINTENANCE**

This DECLARATION OF COVENANTS ("Declaration") FOR PARKWAY RETAINING WALL MAINTENANCE is made this 2nd day of April, 2013, by TLRED, LLC, a California Limited Liability Company (Declarant) with reference of the following facts:

- A. Declarant is the owner of certain real property located in the City of Redlands, County of San Bernardino, State of California, known as Assessor's Parcel No. 0292-192-05 (the "Property"), as per recorded Grant Deed, document no. 2012-0519743, in the Office of Records of the County of San Bernardino County, California.
- B. Declarant constructed a parkway retaining wall (the "Retaining Wall") within the public right of way along Kansas Street as shown on Exhibit "A" (the "Parkway"), attached hereto and incorporated herein by reference
- C. The Retaining Wall is a privately owned facility and has been constructed pursuant to a City issued permit in accordance with plans and specifications approved by the City, which are incorporated herein by this reference.

Now, therefore, in consideration of the forgoing benefits obtained by Declarant and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, Declarant hereby agrees as follows:

- 1. Covenant Running with Land. Declarant hereby covenants that the burdens and benefits herein made and undertaken shall constitute covenants running with the Property and constitutes an encumbrance on the Property which shall bind successor owners.
- 2. Maintenance Obligation. The purpose of this Declaration is to acknowledge that the maintenance of the Retaining Wall is the responsibility of Declarant, and that this responsibility shall pass to successive owners of the Property and shall run with the Property in perpetuity. In the event Declarant or any successor owner fails

to maintain the Retaining Wall to the satisfaction of the City Declarant, or such successor owner, shall commence proceedings and agree to inclusion of the Property within a City Community Facilities District, and pay all expenses associated therewith.

3. Enforcement. It is the express intent of Declarant that the terms and provisions of this Declaration shall be enforceable as an equitable servitude. To the extent necessary to do so, Declarant and its successors hereby confer and assign rights to enforce the terms and conditions of this Declaration to the City.
4. Attorneys' Fees. In the event any action is commenced by the City to enforce or interpret the provisions of this Declaration the City shall, in addition to any costs and other relief, be entitled to recover its reasonable attorneys' fees, including fee's for use of in-house counsel.
5. Amendment. This Declaration may be amended by Declarant, but only if in writing and after written agreement by the City.
6. Recordation. This Declaration shall be recorded in the Official Records of the County of San Bernardino and shall constitute notice to all successor owners of Declarant of title to the Property of the rights and obligations set forth herein.

IN WITNESS WHEREOF, the Declarant has executed this instrument as of the date first above written.

TLRED, LLC.

By:

Name/title

MICHAEL GIULIANO

MANAGING MEMBER

Date: 3-12-2013

Date: _____

Name/title

Acknowledged and Accepted by City:



Pete Aguilar, Mayor

ATTEST:


Sam Irwin, City Clerk

(Notarize & Record)

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS
CITY OF REDLANDS)

By the authority granted under Chapter 4, Article 3, Section 1181, of the California Civil Code, and Chapter 2, Division 3, Section 40814, of the California Government Code, on April 2, 2013, before me, Teresa Ballinger, Deputy City Clerk, on behalf of Arthur S. Irwin, City Clerk of the City of Redlands, California, personally appeared Pete Aguilar, Mayor, and Arthur S. Irwin, City Clerk, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ARTHUR S. IRWIN, CITY CLERK



By: Teresa Ballinger
Teresa Ballinger, Deputy City Clerk
(909)798-7531

CAPACITY CLAIMED BY SIGNER(S)

☐ **Individual(s) signing for oneself/themselves**

☐ **Corporate Officer(s)**

Title(s) _____

Company _____

☐ **Partner(s)**

Partnership _____

☐ **Attorney-In-Fact**

Principal(s) _____

☐ **Trustee(s)**

Trust _____

☒ **Other**

Title(s): Mayor and City Clerk

Entity Represented: City of Redlands

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

Title or Type of Document: Declaration of Covenant for Retaining Wall Maintenance

Date of Document: April 2, 2013

Signer(s) Other Than Named Above: TLRED, LLC by; Michael Giuliano, Managing Member

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

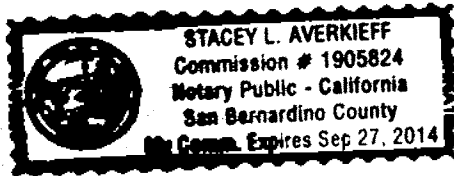
CIVIL CODE § 1189

State of California

County of San Bernardino }

On 3/10/13 before me, Stacey L. Averkieff, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Michael Giuliano
Name(s) of Signer(s)



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Declaration of Consent

Document Date: 4/2/13 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer — Title(s): _____ ☐ Corporate Officer — Title(s): _____

☐ Individual ☐ Individual

☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact ☐ Attorney in Fact

☐ Trustee ☐ Trustee

☐ Guardian or Conservator ☐ Guardian or Conservator

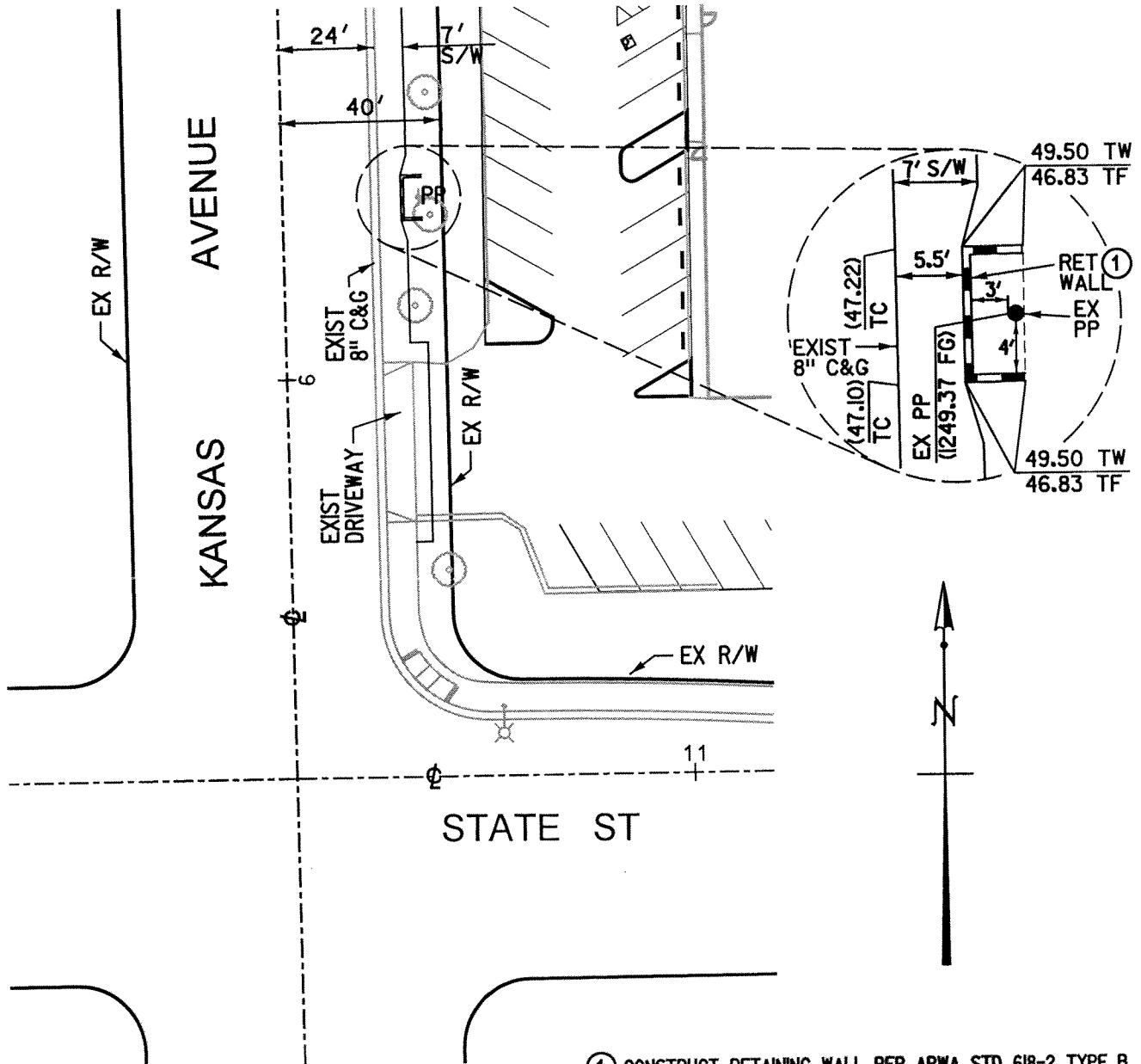
☐ Other: _____ ☐ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT 'A'



① CONSTRUCT RETAINING WALL PER APWA STD 618-2, TYPE B

APN 0292-192-05
RETAINING WALL EXHIBIT
300 KANSAS STREET
REDLANDS, CALIFORNIA

JANUARY, 2013

SCALE: 1" = 40'