

PLEASE COMPLETE INFORMATION

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

County of San Bernardino
Department of Public Works
Land Development Section
825 East Third Street, 2ND Floor
San Bernardino, CA 92415-0835

Unincorporated Area

Township 1 North Range 4 West Sec. 16 SBM
Road Name: North E Street

Function: Dept. Review/E229-47

Area: San Bernardino

APN: 0265-251-05

Recording requested by the Board of Supervisors	STREET AND/OR DRAINAGE IMPROVEMENT CONSTRUCTION AGREEMENT NO TAX DUE	When recorded return to: Land Development DPW (0835)
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THE UNDERSIGNED:

The parties to this agreement, dated this ____ day of _____, 20__, are the County of San Bernardino hereinafter called "County" and Ralph Rubio, a married man as his sole and separate property, including all assignees, heirs, mortgages, and successors in interest, hereinafter called "Applicant".

RECITAL

WHEREAS, the San Bernardino County Code requires certain street and drainage improvements in connection with the development of real property, and

WHEREAS, the County Code required that property owners, subdividers, and developers shall provide concrete curbs, gutters, sidewalks, paving, engineering, and other requirements in accordance with County specification, and dedicate to the County such land as is necessary for the location or relocation of public utilities and streets, and

WHEREAS, San Bernardino County Code Section 83.05.070 authorizes the Director of Public Works to suspend, in whole or in part, the requirements for sidewalks, curbs, gutters, pavement widening, and necessary drainage facilities required by County Specifications, provided that said Director has made a finding that such an action will not adversely affect the health, safety, and welfare of the public, and further provided that applicant has agreed in writing to participate in any street and drainage improvement program for the area in which the

property is located, whether privately or publicly initiated; and that such agreement shall be recorded with the County Recorder, and

WHEREAS, the improvements and conditions applicable to development of the applicant's property are identified as: Construction of road improvements, including curb, gutter, sidewalk and match-up paving on North E Street as required by the Conditions of approval dated May 7, 2007, for Dept. Review E229-47.

APN: 0265-251-05

COVENANTS

Applicant hereby agrees as follows:

1. To participate in any street and drainage improvement program for the block or area in which applicant's property is located, or which affects applicant's property whether privately or publicly initiated.
2. To pay the sum determined by the Director of Transportation to be applicant's pro rata share of cost of the street and drainage improvement program, and be subject to the same provisions for payment that apply to all other persons who participate in said improvement program.
3. This agreement shall be binding upon and enforceable against applicant and all assignees, heirs, mortgages, and successors in interest; and shall be recorded in the Office of the County Recorder.
4. If applicant(s) or any successor in interest fails to comply with any terms of this agreement or acts contrary to the County Code, the County may bring an action to enforce this agreement and said code. Applicant and all successors in interest shall pay all costs of suit and reasonable attorney's fees for such action.
5. That the applicant's real property to which this agreement applies, and which will be included in any street improvement program for the block, street, or area, is described as follows:

The South 64 feet of the North 256 of Lot 26, Arrowhead Suburban Farms, Tract "A", County of San Bernardino, State of California, as per map recorded in Book 21, Page(s) 6 of Maps, in the Office of the County Recorder of San Bernardino County

County hereby covenants as follows:

1. That the Director of Public Works has determined in accordance with San Bernardino County Code Section 83.05.070 that the provisions of this agreement do not adversely affect the health, safety, and welfare of the public and the County hereby approves and adopts such determination.
2. In consideration of applicant's agreement herein to participate in any street improvement program, the requirements as described above are hereby suspended.

DATED: _____

Applicant

By _____
Applicant

By _____
Mortgagee

COUNTY OF SAN BERNARDINO

Paul Biane, Chairman, Board of Supervisors

Director, Department of Public Works

ALL -PURPOSE ACKNOWLEDGMENT

State of _____

County of _____

On _____ before me, _____, Notary Public, personally

appeared _____, 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 OF NOTARY

(Notary Seal)