



WHEN RECORDED MAIL TO:

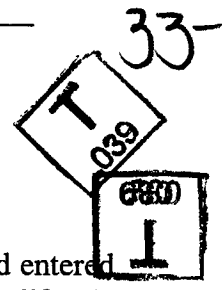
City Clerk
 City of Riverside
 City Hall, 3900 Main Street
 Riverside, CA 92522

Project: Citrus Business Park
 P06-1508
 APNS; 247-150-008, 009
 and 247-150-011

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For Recorder's Office Use Only

COVENANT AND AGREEMENT AND
 GRANT OF EASEMENT



This Covenant and Agreement and Grant of Easement ("Covenant") is made and entered into this 19th day of JUNE 2008, by CITRUS BUSINESS PARK, LLC, a California limited liability company ("Declarant"), with reference to the following facts:

- A. Declarant is the fee owner of that certain real property (the "Property") located in the City of Riverside, County of Riverside, State of California, described in the attached Exhibit "A" which is incorporated herein and made a part hereof.
- B. An application has been filed by the Declarant with the City of Riverside ("City") under Case No. P06-1508 for a Parcel Map on the Property.
- C. As a condition to the approval by the City in Case No. P06-1508 Declarant is required to prepare and record a covenant and agreement which places a portion of the property in a natural open space easement and prohibits any buildings, fencing, structures or non-native vegetation in the easement.

NOW, THEREFORE, for the purpose of complying with the conditions imposed by the City for the approval of the Case No. P06-1508, Declarant hereby covenants and agrees that the Property is, and shall hereafter be held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, improved, used and occupied subject to the following declarations, limitations, covenants, conditions and restrictions:

- 1. Declarant hereby establishes, grants, conveys and reserves an open space easement over all that portion of the Property described in Exhibit "B" attached hereto and incorporated herein by reference. No buildings, fencing, structures or non-native vegetation shall be permitted within said easement area.

2. This Covenant shall not be subject to the doctrine of merger, even though the underlying fee ownership of the Property described herein, or any parts thereof, is vested in one party or entity.

3. Subject to the prior written approval of the City, by its Planning Director, any provision contained herein, may be terminated, modified or amended as to all of the Property or any portion thereof. No such termination, modification or amendment shall be effective until there shall have been executed, acknowledged and recorded in the Office of the Recorder of Riverside County, California, an appropriate instrument evidencing the same including the consent thereto by the City.

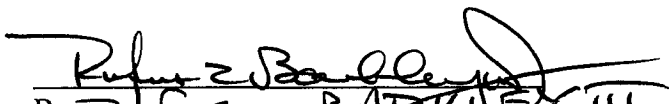
4. Any person, whether an individual, corporation, association, partnership, or otherwise, who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the restrictions on the use of the Property as set forth herein above.


5. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City, and 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 Declarant, its heirs, successors, and assigns, and shall continue in effect until such time as released by the Planning Director of the City, or its designee, by a writing duly recorded.

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

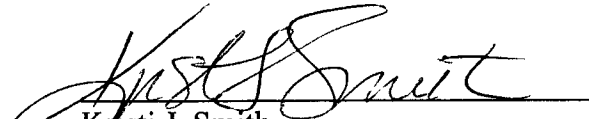
CITRUS BUSINESS PARK
A California limited liability company


By: Rufus C. BARKLEY, III
Its: CO-GENERAL MANAGER

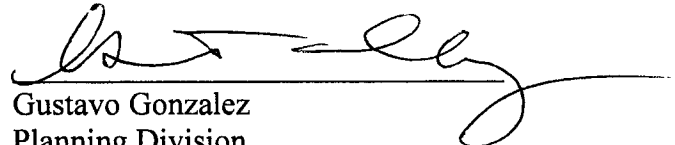

By: DARRELL A. BUTLER
Its: CO-GENERAL MANAGER

APPROVED AS TO FORM

APPROVED AS TO CONTENT



Kristi J. Smith
Supervising Deputy City Attorney



Gustavo Gonzalez
Planning Division

O:\Cycom\WPDocs\D013\P006\00011662.doc
CA: 08-1427
06/13/08

ACKNOWLEDGMENT

State of California
County of Riverside)

On June 19, 2008, before me, Melissa Shaw, a

notary public, personally appeared Rufus C. Barkley III & Darrell A. Butler, 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.

 (SEAL)
Signature



EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Riverside, County of Riverside, State of California, described as follows:

TENTATIVE PARCEL MAP NO. (TO FOLLOW), BEING A DIVISION OF THE FOLLOWING:

PARCEL ONE:

LOTS 68 AND 69 OF EAST RIVERSIDE IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7 PAGE 33 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH THE SOUTH HALF OF VALLEY STREET (66.00 FEET WIDE) ABUTTING SAID LOTS, SAID VALLEY STREET BEING VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF SAID RESOLUTION, BEING RECORDED JULY 17, 1945 IN BOOK 685 PAGE 513 OF OFFICIAL RECORDS, SAID LOTS AND SOUTH HALF OF VALLEY STREET BEING DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF IOWA AVENUE (100.00 FEET WIDE) WITH THE CENTERLINE AND CITRUS AVENUE (66.00 FEET WIDE) THENCE SOUTH 89°55'30" EAST, 98.50 FEET ON SAID CENTERLINE OF CITRUS AVENUE TO THE CENTERLINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD RIGHT OF WAY (100.00 FEET WIDE) AS SHOWN ON SAID MAP; THENCE NORTH 34°58'30" EAST, 729.00 FEET ON SAID CENTERLINE; TO THE WESTERLY PROLONGATION OF SAID VALLEY STREET; THENCE NORTH 89°56'45" EAST, 61.06 FEET ON SAID PROLONGATION TO THE EASTERLY LINE OF SAID RIGHT OF WAY AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'45" EAST ON LAST SAID CENTERLINE TO THE WEST LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, HEMET BRANCH (100.00 FEET WIDE); THENCE SOUTH 01°46'30" WEST, 567.89 FEET ON SAID WEST LINE TO THE NORTH LINE OF SAID CITRUS AVENUE; THENCE NORTH 89°55'30" WEST, 1,537.18 FEET ON SAID NORTH LINE TO SAID EAST LINE ON THE RAILROAD RIGHT OF WAY; THENCE NORTH 34°58'30" EAST, 688.93 FEET ON SAID EAST LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED JUNE 23, 1967 AS INSTRUMENT NO. 54534 OF OFFICIAL RECORDS.

PARCEL TWO:

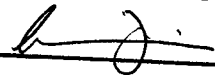
BLOCKS 28, 33, 34, 35 AND 36 AND THAT PORTION OF BLOCK 27 LYING SOUTHEASTERLY OF THE RIGHT OF WAY OF THE RIVERSIDE, SANTA ANA AND LOS ANGELES RAILROAD AS SHOWN BY MAP OF EAST RIVERSIDE, RECORDED IN BOOK 7, PAGE 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, AND THAT PORTION OF STREETS ADJOINING SAID BLOCKS INCLUDED IN THE FOLLOWING DESCRIPTION:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID RAILROAD RIGHT OF WAY WITH THE CENTER LINE OF VALLEY STREET AS SHOWN BY SAID MAP: THENCE EASTERLY ON THE CENTER LINE OF VALLEY STREET 1151 FEET MORE OR LESS, TO THE WESTERLY LINE OF THE SOUTHERN CALIFORNIA RAILROAD RIGHT OF WAY; THENCE NORTHERLY ON SAID WESTERLY LINE OF SAID RIGHT OF WAY 1104 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF VILLA STREET; THENCE WESTERLY ON THE SOUTHERLY LINE OF VILLA STREET, 405 FEET, MORE OR LESS, TO THE SOUTHEASTERLY LINE OF THE RIGHT OF

WAY OF THE RIVERSIDE, SANTA ANA AND LOS ANGELES RAILROAD AS SHOWN BY SAID MAP;
THENCE SOUTHWESTERLY ON SAID SOUTHEASTERLY LINE OF SAID RIGHT OF WAY TO THE
POINT OF BEGINNING.

APN: 247-150-008-5 (Affects: A portion of Parcel One), 247-150-009-6 (Affects: A portion of
Parcel One), 247-112-002-1 (Affects: A portion of Parcel Two), 247-150-011-7 (Affects: A portion
of Parcel Two), 247-106-006-6 (Affects: A portion of Parcel Two)

DESCRIPTION APPROVAL:

BY:  6/19/08
DATE

FOR: MARK S. BROWN
CITY SURVEYOR

EXHIBIT "B"

Those portions of Blocks 35 and 36, **TOGETHER WITH** portions of Lots 68 and 69, **ALSO TOGETHER WITH** portions of Highland Avenue (vacated), and Valley Street (vacated), all of Map of East Riverside as shown by map on file in Book 7 of Maps, at page 33 thereof, Records of San Bernardino County, California, located in the City of Riverside, County of Riverside, California, Section 7, Township 2 South, Range 4 West, San Bernardino Meridian, said portions being described as follows:

COMMENCING at the southeast corner of said Lot 69,

Thence North 01°47'20" East along the easterly line of said Lot 69, a distance of 415.39 feet to the **TRUE POINT OF BEGINNING**.

Thence West, a distance of 840.72 feet;

Thence South, a distance of 32.42 feet;

Thence West, a distance of 324.00 feet;

Thence North 34°58'50" East, a distance of 460.66 feet;

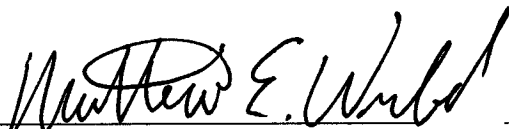
Thence East, a distance of 911.40 feet to a point on the easterly line of said Block 36;

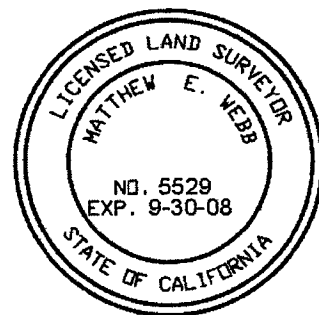
Thence South 01°47'20" West along said easterly line, and along the easterly line of said Lot 69, a distance of 345.19 feet to the **TRUE POINT OF BEGINNING**.

Containing 8.36 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.


PREPARED UNDER MY SUPERVISION


Matthew E. Webb, L.S. 5529 6/11/08
Date



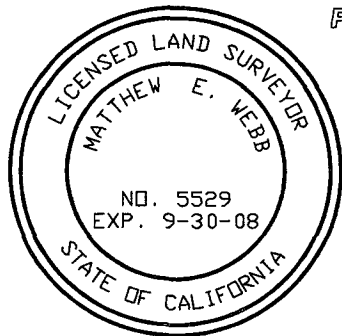
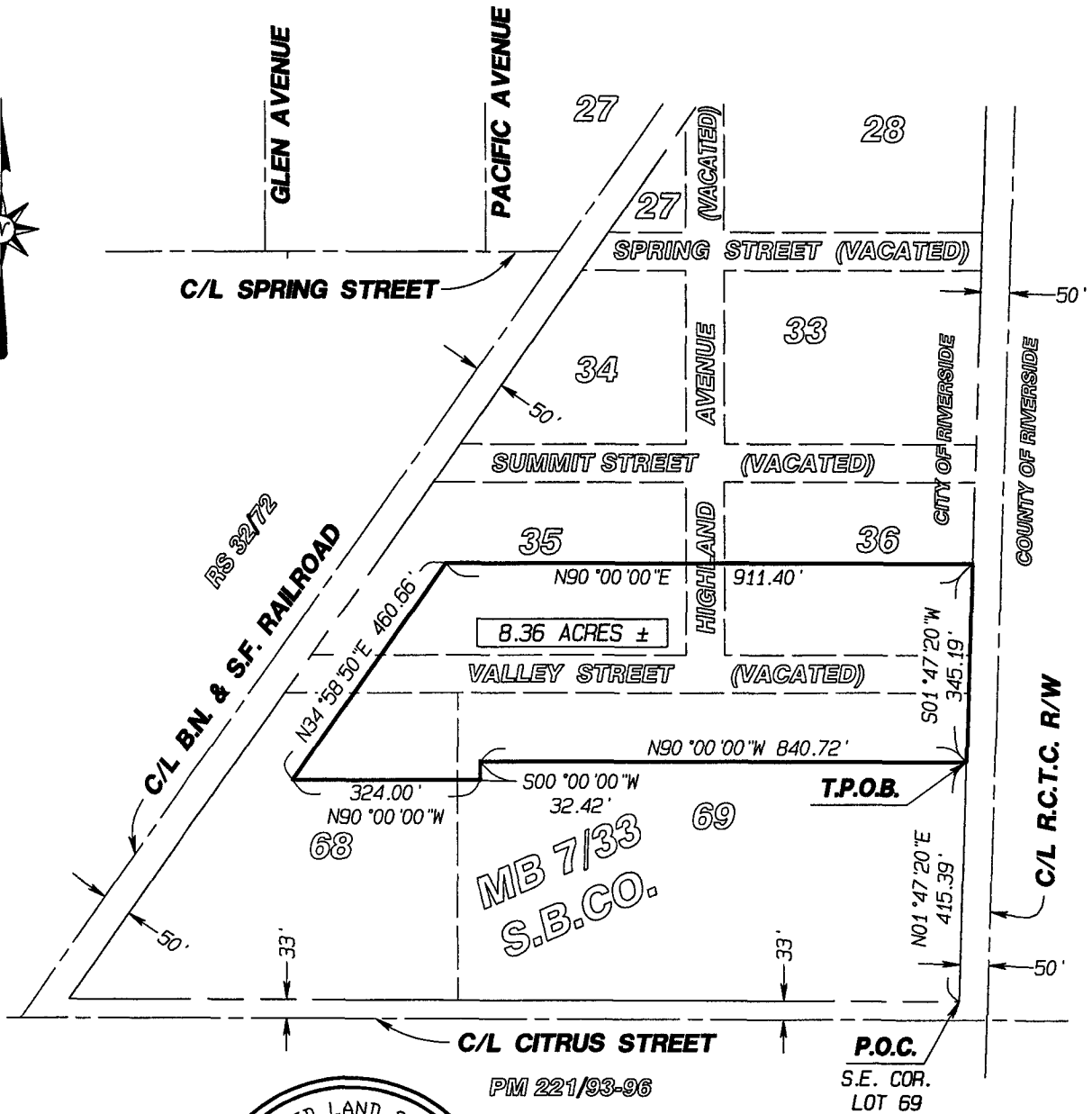
Prepared By: 
Checked By: 

DESCRIPTION APPROVAL:

BY:  6/19/08
DATE

FOR: MARK S. BROWN
CITY SURVEYOR

EXHIBIT "B"



SEC. 7, T. 2 S., R. 4 W.,
S. B. M.

ALBERT A.
WEBB
ASSOCIATES

CITY OF RIVERSIDE, CALIFORNIA

11-6

File 'G:\2007\07-0424\DWG6PRO\S\PM35299\070424PB_PM35299 pro

DATE PREPARED: 6/10/2008

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 1 OF 1

W.D.
07-0424

SCALE: 1" = 300'

DRWN BY *[Signature]* DATE 6/10/08
CHKD BY *[Signature]* DATE 6/10/08

SUBJECT: PLAT

C/A 1051