

# Chicago Title RELEASE OF CONSTRUCTION COVENANTS

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Redevelopment Agency of the  
City of Riverside  
3900 Main Street, Fifth Floor  
Riverside, California 92522  
Attention: Executive Director

DOC # 2009-0577173

11/06/2009 08:00A Fee:NC

Page 1 of 10

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103

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## RELEASE OF CONSTRUCTION COVENANTS

**THIS RELEASE OF CONSTRUCTION COVENANTS** ("Release") is hereby made as of this 14<sup>th</sup> day of October, 2009, by the **REDEVELOPMENT AGENCY OF THE CITY OF RIVERSIDE**, a public body corporate and politic (the "Agency") in favor of **MS-REGENCY TOWER, LLC**, a California limited liability company ("Developer").

### RECITALS

A. The Agency and the Developer have entered into that certain Disposition and Development Agreement by and between the Grantor and the Grantee dated for identification purposes as of January 31, 2007 (the "Agreement").

B. The Agreement provides for the construction of an office complex (the "Project") on certain real property (the "Site") situated in the City of Riverside California, and more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference. Capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Agreement.

C. As required in the Agreement, the Agency shall furnish the Developer with a Release of Construction Covenants upon completion of the Project which Release shall be in such form as to permit it to be recorded in the Riverside County Recorder's Office.

D. The Agency has conclusively determined that the construction of the Project required by the Agreement on the Site has been satisfactorily completed.

**NOW, THEREFORE**, Agency hereto certifies as follows:

1. All of the construction of the Project on the Site has been fully and satisfactorily performed and completed in accordance with the Agreement.

2. After the recordation of this Release any person or entity then owning or thereafter purchasing, or otherwise acquiring any interest in the Site will not (because of such ownership, purchase, or acquisition) incur any obligation or liability under the Agreement to construct the Project, however, such party shall be bound by any and all of the covenants, conditions, and restrictions concerning the use, maintenance and operation of the Site which survive such recordation.

3. This Release is not a notice of completion as referred to in Section 3093 of the California Civil Code.

IN WITNESS WHEREOF, the Agency has executed this Release as of the date set forth above.

REDEVELOPMENT AGENCY OF THE CITY OF  
RIVERSIDE, a public body corporate and politic

By: Robert J. Graham  
Executive Director

ATTEST:

C. J. [Signature]  
Agency Secretary

APPROVED AS TO FORM:

[Signature]  
AGENCY GENERAL COUNSEL

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

[Attached]

EXHIBIT "A"



That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

PARCELA

That portion of Lots 5 through 10 in Block 9, Range 5 of the Town of Riverside, as shown by map on file in Book 7, Page 17 of Maps, records of San Bernardino County, California, described as follows:

Parcel 1 together with Parcel 2 of Record of Survey on file in Book 121, Pages 8 and 9 of Record of Surveys, records of Riverside County, California.

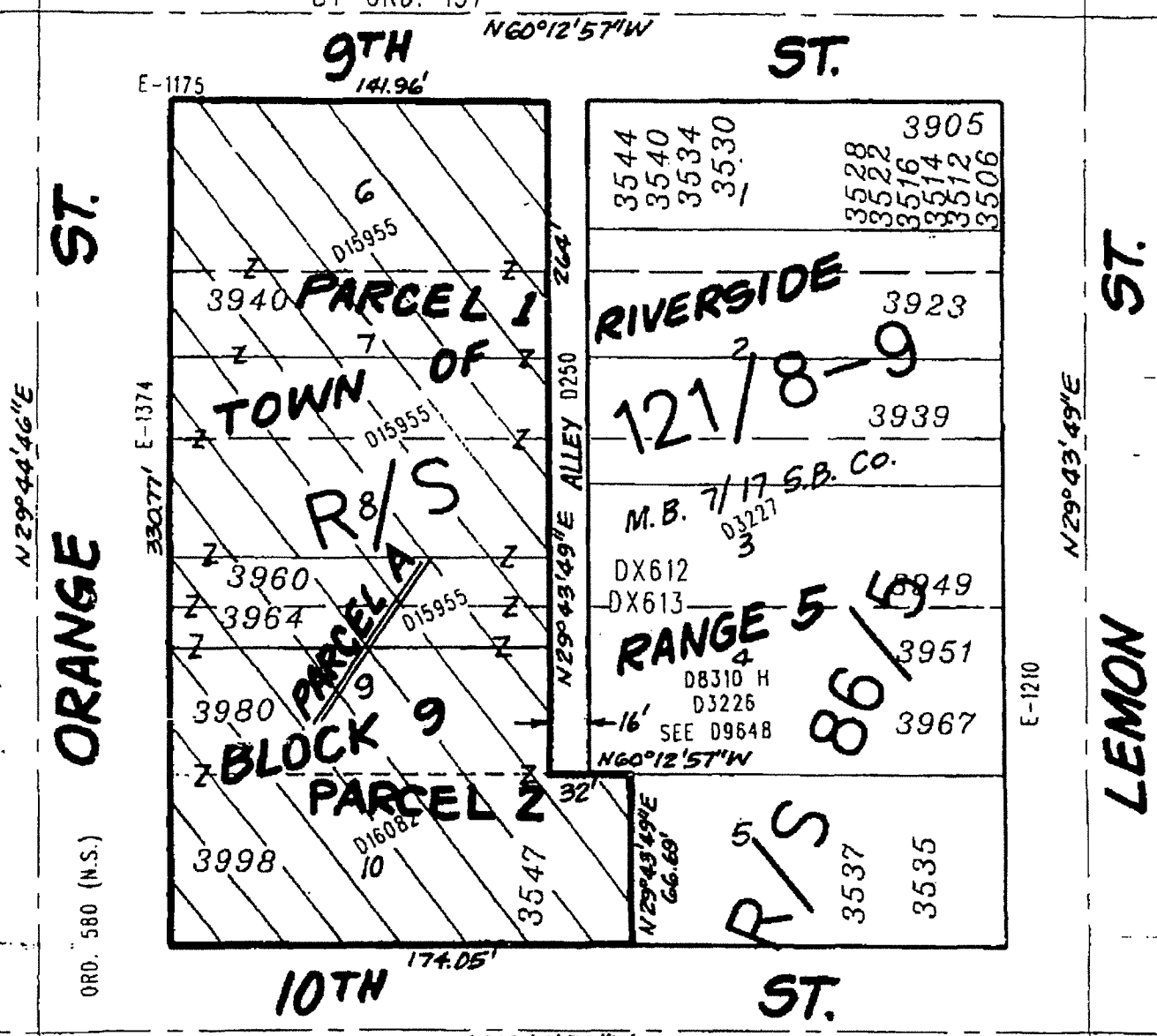
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 7/14/08 Date Prep.   
Mark S. Brown, L.S. 5655  
License Expires 9/30/09



E-1282 ALL STREETS ACCEPTED  
BY ORD. 157

D11412



N 29° 44' 16" E

ST. ORANGE ST.

E-1175

E-1374

ORD. 580 (N.S.)

N 29° 43' 49" E ALLEY D250

N 29° 43' 49" E

ST. LEMON ST.

E-1210

10TH ST.

N 60° 14' 29" W

ST.

D11810

E06-0087

◆ CITY OF RIVERSIDE, CALIFORNIA ◆

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

Sheet 1 of 1



Scale: 1" = 60'

Drawn by: skn

Date: 07/16/08

Subject: DOWNTOWN EXCHANGE

CIA 1097

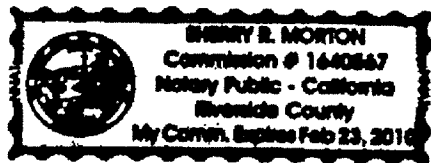
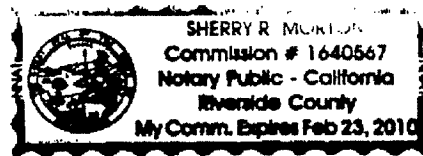
STATE OF CALIFORNIA )  
 )ss  
COUNTY OF RIVERSIDE )

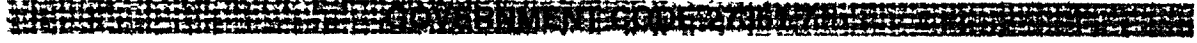
On October 14, 2009, before me, Sherry R. Morton, Notary Public, personally appeared Berinda J. Graham and Colleen J. Nicol who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed 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.

Sherry R Morton  
Notary Signature





I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary : Sherry R. Martin

Notary Identification Number : 1640567

Vender Identification Number : NNAI

County Where Bond Is Filed : Riverside

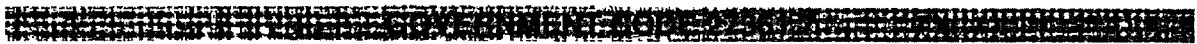
Date Commission Exp : 4/23/2010

Place of Execution : LA

DATE: 11/1/09

SPL, Inc. as agent

[Signature] Signature



I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary : \_\_\_\_\_

Notary Identification Number : \_\_\_\_\_

Vender Identification Number : \_\_\_\_\_

County Where Bond Is Filed : \_\_\_\_\_

Date Commission Exp : \_\_\_\_\_

Place of Execution : \_\_\_\_\_

SPL, Inc. as agent

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Signature

CIA 1097

**PARCEL A:**

ALL THAT PORTION OF BLOCK 9, RANGE 5, AS SHOWN BY MAP OF THE TOWN OF RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 7 PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 9, RANGE 5, AS SHOWN BY MAP OF TOWN OF RIVERSIDE, ON FILE IN BOOK 7 PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, RUNNING THENCE EASTERLY ALONG THE SOUTHERLY LINE OF NINTH STREET, 157 FEET TO THE WESTERLY LINE OF AN ALLEY;

THENCE AT RIGHT ANGLES SOUTHERLY AND ALONG THE WESTERLY LINE OF ALLEY OF 100 FEET;

THENCE AT RIGHT ANGLES WESTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF NINTH STREET, 157 FEET TO THE EASTERLY LINE OF ORANGE STREET; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF ORANGE STREET, 100 FEET TO THE POINT OF BEGINNING;

EXCEPT THE NORTHWEST 16 FEET THEREOF, AS CONDEMNED BY THE CITY OF RIVERSIDE, A CERTIFIED COPY OF THE DECREE OF CONDEMNATION BEING RECORDED SEPTEMBER 21, 1931 IN BOOK 46 PAGE 68 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF THE SIDE LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID SITE OR OTHER LANDS, BUT WITHOUT, HOWEVER, ANY RIGHT TO USE EITHER THE SURFACE OF THE SITE OR ANY PORTION THEREOF WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, OR TO USE THE SITE IN SUCH A MANNER AS TO CREATE A DISTURBANCE TO THE USE OR ENJOYMENT OF THE SITE, AS RESERVED IN DEED RECORDED JANUARY 17, 2008 AS INSTRUMENT NO. 2008-0027557, OF OFFICIAL RECORDS AND AUGUST 19, 2008 AS INSTRUMENT NO. 2008-0458354, OF OFFICIAL RECORDS.

**PARCEL B:**

ALL THAT PORTION OF BLOCK 9, RANGE 5, AS SHOWN BY MAP OF THE TOWN OF RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 7 PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF ORANGE STREET, 100 FEET SOUTHERLY FROM THE NORTHWESTERLY CORNER OF SAID BLOCK; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF ORANGE STREET, 79 FEET TO A POINT 151 FEET NORTHERLY FROM THE SOUTHWESTERLY CORNER OF SAID BLOCK; THENCE EASTERLY ON LINE PARALLEL WITH THE SOUTHERLY LINE OF NINTH STREET, 157 FEET, MORE OR LESS, TO THE WESTERLY LINE OF 16 FOOT ALLEY; THENCE NORTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF ORANGE STREET AND ALONG THE WESTERLY LINE OF SAID ALLEY, 79 FEET; THENCE WESTERLY ON A LINE PARALLEL WITH THE SOUTHERLY LINE OF NINTH STREET AND 100 FEET SOUTHERLY THEREFROM, 157 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

C/A 1097



EXCEPT THE NORTHWEST 16 FEET THEREOF, AS CONDEMNED BY THE CITY OF RIVERSIDE, A CERTIFIED COPY OF THE DECREE OF CONDEMNATION BEING RECORDED SEPTEMBER 21, 1931 IN BOOK 46 PAGE 68 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF THE SIDE LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID SITE OR OTHER LANDS, BUT WITHOUT, HOWEVER, ANY RIGHT TO USE EITHER THE SURFACE OF THE SITE OR ANY PORTION THEREOF WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, OR TO USE THE SITE IN SUCH A MANNER AS TO CREATE A DISTURBANCE TO THE USE OR ENJOYMENT OF THE SITE, AS RESERVED IN DEED RECORDED JANUARY 17, 2008 AS INSTRUMENT NO. 2008-0027557, OF OFFICIAL RECORDS AND AUGUST 19, 2008 AS INSTRUMENT NO. 2008-0458354, OF OFFICIAL RECORDS.

**PARCEL C:**

ALL THAT PORTION OF BLOCK 9, RANGE 5, AS SHOWN BY MAP OF TOWN OF RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 7, PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF ORANGE STREET, 179 FEET SOUTHERLY FROM THE NORTHWESTERLY CORNER OF SAID BLOCK; THENCE SOUTHERLY ON THE EASTERLY LINE OF ORANGE STREET, 35 FEET TO A POINT 116 FEET NORTHERLY FROM THE SOUTHWEST CORNER OF SAID BLOCK; THENCE EASTERLY ON A LINE PARALLEL WITH THE NORTHERLY LINE OF 10TH STREET, 157 FEET, MORE OR LESS TO A 16 FOOT ALLEY; THENCE NORTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF ORANGE STREET, 35 FEET; THENCE WESTERLY ON A LINE PARALLEL WITH THE NORTHERLY LINE OF 10TH STREET, 157 FEET, MORE OR LESS TO A POINT OF BEGINNING.

EXCEPT THEREFROM WESTERLY 16 FEET, AS CONVEYED TO THE CITY OF RIVERSIDE.

ALSO EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF THE SIDE LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID SITE OR OTHER LANDS, BUT WITHOUT, HOWEVER, ANY RIGHT TO USE EITHER THE SURFACE OF THE SITE OR ANY PORTION THEREOF WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, OR TO USE THE SITE IN SUCH A MANNER AS TO CREATE A DISTURBANCE TO THE USE OR ENJOYMENT OF THE SITE, AS RESERVED IN DEED RECORDED JANUARY 17, 2008 AS INSTRUMENT NO. 2008-0027557, OF OFFICIAL RECORDS AND AUGUST 19, 2008 AS INSTRUMENT NO. 2008-0458354, OF OFFICIAL RECORDS.

PARCELS "A" "B" AND "C" ARE ALSO KNOWN AS PARCEL 1, AS SHOWN ON RECORD OF SURVEY BOOK 121, PAGES 8 AND 9, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**PARCEL D:**

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THENCE NORTHEASTERLY, PARALLEL WITH SAID NORTHWEST LINE OF LEMON STREET, 66 FEET TO THE NORTHEAST LINE OF LOT 5;

THENCE NORTHWESTERLY ON THE NORTH LINE OF LOT 5 AND LOT 10, A DISTANCE OF 173 FEET;

THENCE SOUTHWESTERLY PARALLEL TO LEMON STREET, A DISTANCE OF 66 FEET TO THE NORTHEAST LINE OF TENTH STREET;

THENCE SOUTHEASTERLY ALONG THE NORTHEAST LINE OF TENTH STREET 173 FEET TO THE POINT OF BEGINNING.

EXCEPT FROM SAID LOT 10 THE NORTHWEST 16 FEET THEREOF, AS CONDEMNED BY THE CITY OF RIVERSIDE, A CERTIFIED COPY OF THE DECREE OF CONDEMNATION BEING RECORDED SEPTEMBER 21, 1931 IN BOOK 46 PAGE 68 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF THE SIDE LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID SITE OR OTHER LANDS, BUT WITHOUT, HOWEVER, ANY RIGHT TO USE EITHER THE SURFACE OF THE SITE OR ANY PORTION THEREOF WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER, OR TO USE THE SITE IN SUCH A MANNER AS TO CREATE A DISTURBANCE TO THE USE OR ENJOYMENT OF THE SITE, AS RESERVED IN DEED RECORDED JANUARY 17, 2008 AS INSTRUMENT NO. 2008-0027557, OF OFFICIAL RECORDS AND AUGUST 19, 2008 AS INSTRUMENT NO. 2008-0458354, OF OFFICIAL RECORDS.

PARCEL "E" IS ALSO KNOWN AS A PORTION PARCEL 2 AS SHOWN ON RECORD OF SURVEY BOOK 121, PAGES 8 AND 9, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**PARCEL F:**

ALL THAT PORTION OF BLOCK 9, RANGE 5, AS SHOWN BY MAP OF THE TOWN OF RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 7 PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 92.00 FEET OF THE 16 FOOT WIDE ALLEY WHICH LIES WITHIN LOTS 1 THROUGH 4 AND 6 THROUGH 9 OF BLOCK 9 AS SHOWN ON SAID TOWN OF RIVERSIDE MAP, SAID ALLEY BEING DESCRIBED IN DEED RECORDED OCTOBER 16, 1902, IN BOOK 153, PAGE 81 OF DEEDS, RECORDS OF RIVERSIDE COUNTY.

C/A 1097