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MAY 13 1985  
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W. E. G. Gentry  
RECORDER  
Fee \$

COVENANT AND AGREEMENT  
FOR  
DRAINAGE RELEASE  
(R 25-834)

THIS COVENANT AND AGREEMENT is made and entered into this <sup>8<sup>th</sup></sup> day of MAY, 1985, by CHARLES W. WARE, a ~~un~~ married man, hereinafter referred to as "Owner", the fee owner of the real property located on Arlington Avenue in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Lot 2, in Block 3 as shown by map of the Riverside Land and Irrigating Company lands on file in Map Book 1 at Page 70 thereof, records of the Recorders Office, San Bernardino County, California, described as follows:

Parcel A

Commencing at a point on the Southerly line of Arlington Avenue and the Northerly line of said Lot 2, said point being the Northeasterly corner of the Southwesterly 470.00 feet of said Lot 2, said point also being 33.00 feet from the center line of Arlington Avenue;

THENCE East along the Southerly line of Arlington Avenue, a distance of 108.00 feet;

THENCE Southerly at a right angle, a distance of 22.00 feet to a point 55.00 feet from the center line of Arlington Avenue. Said point being the Point of Beginning;

THENCE continuing Southerly a distance of 139.33 feet to a point on the Northeasterly line of the Southwesterly 470.00 feet of said Lot 2;

THENCE Northwesterly along the said Northeasterly line of the Southwesterly 470.00 feet a distance of 167.67 feet to a point 55.00 feet, as measured at a right angle, from the center line of Arlington Avenue;

THENCE East along a line parallel with and 55.00 feet South of the center line of Arlington Avenue, a distance of 93.27 feet to the Point of Beginning.

Parcel B

The Southwesterly 470.00 feet of said Lot 2;  
Excepting the North 22.00 feet thereof.

WITNESSETH:

WHEREAS the Owner is developing the adjoining property owned by Owner located Easterly of the above-described properties; and

WHEREAS the Owner will be installing certain street improvements on said adjoining property which may cause the storm water to flow onto the above-described properties from Arlington Avenue; and

WHEREAS the Owner is willing to accept such storm water on the above-described properties;

NOW, THEREFORE, in consideration of the City of Riverside approving street improvement plans for the adjoining property, the Owner hereby agrees to accept on the above-described properties

DESCRIPTION APPROVAL  
Suzanne H. [Signature]  
City of Riverside

the storm flow and nuisance drainage waters, hereafter referred to as "drainage waters", being discharged from the publicly-dedicated street known as Arlington Avenue.

The Owner acknowledges that construction of private drainage swales and/or other private drainage facilities may be required across portions of the above-described properties to convey said drainage waters from the aforementioned public street. The undersigned agrees to maintain said private drainage swales and/or other private drainage facilities in a manner as to not block or impede in any manner the flow of said drainage waters from said Arlington Avenue.

The Owner hereby agrees to release the City of Riverside, its officers and employees from any and all claims, demands, suits or other actions that the Owner may now or in the future have arising out of or incurred as a result of water discharged from said Arlington Avenue flooding, flowing over or remaining on the above-described properties.

This Covenant and Agreement shall run with the land and shall be binding upon the Owner, his heirs, successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

*Charles W. Ware*  
CHARLES W. WARE

APPROVED AS TO FORM  
*[Signature]*  
ASSI. CITY ATTORNEY

GENERAL ACKNOWLEDGMENT

NO. 201

State of California }  
County of Riverside } SS.

On this the 8th day of May, 1985, before me,

Margaret I. Allen

the undersigned Notary Public, personally appeared

Charles W. Ware



personally known to me  
 proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)            is            subscribed to the within instrument, and acknowledged that            he executed it. WITNESS my hand and official seal.

Margaret I. Allen  
Notary's Signature

CIA-126