

15072A
AFTER RECORDATION
PLEASE MAIL TO:
J.E. LIESER COMPANY
1670 HAMNER AVE. # 4
NORCO, CALIF. 91760

RECEIVED FOR RECORD
3:00 Min. Past 4 o'clock P.M.
At Request of
D. E. GUNDEL

Book 1979, Page 19972-1

SEP 1 0 1979

Recorded in Official Records
of Riverside County, California

D. E. GUNDEL Recorder

FEES \$

COVENANT AND AGREEMENT
FOR PRIVATE STORM DRAIN EASEMENT

THIS COVENANT AND AGREEMENT IS MADE AND ENTERED INTO THIS 5TH DAY OF September, 19 79 BY CONTINENTAL HOMES, A CORPORATION, THE OWNER OF RECORD OF THE FOLLOWING DESCRIBED REAL PROPERTY LOCATED IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PARCEL 1:

THAT PORTION OF LOTS 3,4,5, AND 6 IN BLOCK 39 OF LA GRANADA, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGES 42 TO 51, INCLUSIVE, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SHOWN AS PARCEL 3 ON RECORD OF SURVEY, ON FILE IN BOOK 52 PAGE 35 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA:

EXCEPTING THEREFROM THE NORTHWESTERLY 8 FEET, MORE OR LESS, FROM PARCEL 3 ABOVE DESCRIBED AS CONVEYED TO THE CITY OF RIVERSIDE, BY DEED RECORDED NOVEMBER 10, 1967 AS INSTRUMENT NO. 99325 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

AN EASEMENT FOR DRAINAGE AND SEWAGE, OVER THE NORTHERLY 10 FEET OF PARCEL 3 ON RECORD OF SURVEY ON FILE IN BOOK 52 PAGE 40 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

IN CONSIDERATION FOR THE APPROVAL BY THE CITY OF RIVERSIDE OF TRACT NO. 8678, THE TENTATIVE MAP OF WHICH WAS APPROVED BY THE PLANNING COMMISSION OF THE CITY OF RIVERSIDE AT ITS MEETING HELD NOVEMBER 4, 1976, THE UNDERSIGNED OWNERS, THEIR SUCCESSORS AND ASSIGNS IN INTEREST HEREBY COVENANT AND AGREE THAT IN ORDER TO PROVIDE FOR PRIVATE STORM DRAIN FACILITIES IN SAID TRACT, THE FOLLOWING DESCRIBED STRIP OF LAND SHALL BE SET ASIDE AS A PRIVATE STORM DRAIN EASEMENT, HEREINAFTER CALLED "EASEMENT".

A STRIP OF LAND 10 FEET IN WIDTH LYING NORTHERLY OF THE SOUTHERLY, WESTERLY OF THE EASTERLY, AND SOUTHERLY OF THE NORTHERLY DESCRIBED LINES:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 5 BLOCK 39 OF LA GRANADA, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGES 42 TO 51, INCLUSIVE, OF MAPS, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 5, SAID SOUTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF PARCEL 3 ON RECORD OF SURVEY ON FILE IN BOOK 52 PAGE 35 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SOUTH 74° 27' 41" EAST 200.76 FEET TO THE TRUE POINT OF BEGINNING: THENCE CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 74° 27' 41" EAST 185.41 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL 3: THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 3 THE FOLLOWING COURSE AND DISTANCE, NORTH 13° 44' 50" EAST 173.27 FEET; THENCE NORTH 17° 43' 00" EAST 144.30 FEET; THENCE NORTH 27° 12' 20" EAST 221.72 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 3: THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 3 NORTH 61° 34' 19" WEST 206.35 FEET TO THE TERMINUS OF SAID STRIP OF LAND.

DESCRIPTION APPROVAL

by George P. Hutchinson 8/31/79 by J.E.L.
Surveyor

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IT IS FURTHER COVENANTED AND AGREED THAT AS THE LOTS IN SAID TRACT ARE CONVEYED, THE PARTIES HERETO SHALL GRANT OR RESERVE ALL OR ANY PART OF SAID EASEMENT NECESSARY FOR THE CREATION OF SAID EASEMENT WITHIN THE AFFECTED LOTS OF SAID TRACT.

THE UNDERSIGNED, FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS HEREBY FURTHER COVENANTS AND AGREES AS FOLLOWS:

1.) THAT THE UNDERSIGNED, AT ITS SOLE COST AND EXPENSE, SHALL MAINTAIN THE PRIVATE STORM DRAIN FACILITIES LOCATED ON THE ABOVE DESCRIBED PROPERTY IN A GOOD, USABLE AND SAFE CONDITION AT ALL TIMES, CLEAR OF ALL DEBRIS, RESTRICTIONS, OBSTRUCTIONS. THE UNDERSIGNED FURTHER AGREES TO PROMPTLY MAKE ALL NECESSARY REPAIRS OR MAINTENANCE AS MAY BE NECESSARY TO INSURE PROPER DRAINAGE AND FURTHER TO MAKE ALL NECESSARY REPAIRS AS REQUESTED IN WRITING BY THE PUBLIC WORKS DIRECTOR OF THE CITY OF RIVERSIDE.

2.) THE UNDERSIGNED HEREBY AGREES TO RELEASE THE CITY OF RIVERSIDE, ITS OFFICERS AND EMPLOYEES FROM ANY AND ALL CLAIMS, DEMANDS, SUITS OR ACTIONS THAT THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS MAY NOW OR IN THE FUTURE HAVE ARISING OUT OF OR INCURRED AS A RESULT OF WATER FLOODING, FLOWING OVER, OR REMAINING ON THE ABOVE DESCRIBED PROPERTY DUE TO THE PRIVATE STORM DRAIN SYSTEM LOCATED ON SAID PROPERTY AND APPROVED BY THE CITY OF RIVERSIDE.

THIS COVENANT AND AGREEMENT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS.

THE CITY OF RIVERSIDE MAY ENFORCE THIS COVENANT AND AGREEMENT IN THE EVENT THE UNDERSIGNED DEFAULTS IN ITS OBLIGATIONS AS CONTAINED HEREIN. SHOULD SAID CITY BRING SUIT IN COURT TO ENFORCE THE TERMS OF THIS COVENANT AND AGREEMENT, THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS AGREE TO PAY TO THE CITY OF RIVERSIDE SAID CITY'S COURT COSTS AND REASONABLE ATTORNEY'S FEES.

IN WITNESS WHEREOF THE UNDERSIGNED HAS CAUSED THIS COVENANT AND AGREEMENT TO BE EXECUTED THE DAY AND YEAR FIRST ABOVE WRITTEN.

CONTINENTAL HOMES, A CORPORATION

BY Daniel Wuerstlin
TITLE Pres Continental Homes Inc

BY Gilda Wuerstlin
TITLE Secretary, Continental Homes Inc

APPROVED AS TO FORM

Clarence Sumner
SENIOR DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

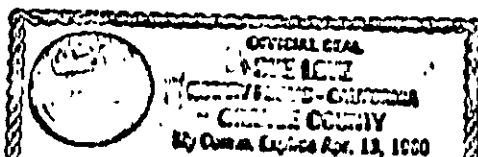
ON Sept 5, 1979, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DANIEL WUERSTLIN, KNOWN TO ME TO BE THE _____ PRESIDENT, AND GILDA WUERSTLIN, KNOWN TO ME TO BE THE _____ SECRETARY OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE Clarence Sumner

CLARENCE SUMNER
(NAME TYPED OR PRINTED)

MY COMMISSION EXPIRES Apr, 13, 1980



C/A-13