

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Zoning Case C-13-812

RECEIVED FOR RECORD
AT 2:00 O'CLOCK P.M.

MAR 13 1990
Recorded in Official Records
of Riverside County, California
William S. Bondy
Recorder
Fees:

4/13

C90814

TERMINATION AND CONSENT THERETO AND
RELEASE OF COVENANT AND AGREEMENT

THIS TERMINATION AND CONSENT THERETO AND RELEASE OF COVENANT AND AGREEMENT is made and entered into this 27th day of February, 1990, by SPECTRUM ASSOCIATES NO. 1, a general partnership, hereinafter referred to as "OWNER", and the CITY OF RIVERSIDE, a municipal corporation, hereinafter referred to as "CITY", with reference to the following facts:

A. On January 21, 1982, E. L. YEAGER CONSTRUCTION COMPANY, INC., hereinafter referred to as "YEAGER" executed a Covenant and Agreement affecting the following described real property, hereinafter referred to as "the Property" owned by YEAGER located in the City of Riverside, County of Riverside, State of California:

That portion of the southwest one-quarter of Section 4, Township 3 South, Range 4 West, described as follows:

Parcel No. 1: the northwest one-quarter of the southwest one-quarter;

Parcel No. 2: the southwest one-quarter of the northeast one-quarter of the southwest one quarter;

Parcel No. 3: the west one-half of the southeast one-quarter of the southwest one-quarter.

The Covenant and Agreement dated January 21, 1982 was recorded on January 29, 1982 in Book 1982 at page 18112, Official Records of Riverside County, California.

B. The Covenant and Agreement was made and recorded by YEAGER to meet a condition of approval by the CITY for the

SCRIPTION APPROVAL: 2, 26, 90
George P. Hildebrand
SURVEYOR, CITY OF RIVERSIDE

First American Title Company has recorded this instrument by request as an official public act and has not examined it for conformity with the provisions of the California Civil Code, Section 11610, which requires that the title to any real property be recorded in the name of the owner.

1-2-90
CIA 180 17.80

issuance to YEAGER of a Conditional Use Permit to conduct surface mining operations pursuant to Zoning Case C-13-812 on the Property. By the Covenant and Agreement dated January 21, 1982, YEAGER released and indemnified the CITY for any claims arising out of the use of an unimproved dirt road extending from Eastridge Avenue.

C. By Corporation Grant Deed dated October 21, 1987, and recorded December 18, 1987 as Instrument No. 357274, Official Records of Riverside County, California, YEAGER conveyed to OWNER certain real property including the Property above described.

D. As surface mining operations are no longer conducted on the Property, OWNER has requested the termination of the Conditional Use Permit granted in Zoning Case C-13-812 and of the Covenant and Agreement.

E. On August 17, 1989, the Planning Commission of the CITY approved the request to terminate the Conditional Use Permit in Zoning Case C-13-812; and on September 5, 1989, the City Council of CITY determined not to set the matter for public hearing, thereby affirming the termination of the Conditional Use Permit.

F. The Covenant and Agreement dated January 21, 1982 provides that it shall run with the land and shall continue in effect until such time as released by the CITY. By action duly taken on January 2, 1990, the City Council of CITY consented to the termination of the Covenant and Agreement dated January 21, 1982 and authorized the execution of the appropriate release.

NOW, THEREFORE, OWNER and CITY hereby mutually agree as follows:

1. Acknowledging that the Conditional Use Permit granted by CITY in Zoning Case C-13-812 has been terminated at OWNER's request, OWNER, subject to the consent of the CITY, hereby terminates that certain Covenant and Agreement dated January 21, 1982 and recorded January 29, 1982 in Book 1982, at Page 18112, Official Records of Riverside County, California.

2. CITY, by action duly taken by its City Council on January 2, 1990, hereby consents to the termination of the Covenant and Agreement dated January 21, 1982, and recorded January 29, 1982 in Book 1982, at Page 18112, Official Records of Riverside County, California, and hereby releases the Property as above described from said Covenant and Agreement dated January 21, 1982.

CLARKE	MINSFIELD	OSBORN	DICKET	PIPER
WARD 1	WARD 2	WARD 3	WARD 4	WARD 5

January 2, 1990

WARDS 1 2 3 4 5 6 7

(1) refer the applicant's request to delete the conditions of approval of Case COC-11-890 requiring a mutual access agreement for the adjacent property and reconsideration of City Council denial of Zoning Case V-38-890 for deletion of the ten-foot-wide street side setback as an alternate means of access to the adjacent property to the City Council Utility Services/Land Use/Energy Development Committee for further study; and (2) instruct the City Clerk to set Case COC-11-890 and Zoning Case V-38-890 for reconsideration at a public hearing on January 23, 1990, at 3 p.m. The recommendations were approved as submitted.

AMENDMENT OF REZONING ORDINANCE - ZONING CASE R-32-878 - EASTERLY CORNER TYLER AND WELLS - ORDINANCE INTRODUCED

A written report was submitted from the City Manager and the Planning Director, concurred in by the Assistant City Manager-Development, recommending that the City Council introduce an ordinance amending the adopted zoning ordinance for Zoning Case R-32-878 to delete the inappropriate Zone X (Setback Combining Zone) area and instruct the Legal Department to prepare the revised ordinance, relating to property situated on the easterly corner of Tyler Street and Wells Avenue. The recommendations were approved as submitted; and the appropriate ordinance was introduced.

DISPOSITION OF UNCLAIMED BICYCLES

A written report was submitted from the City Manager and the Chief of Police, concurred in by the Finance Director and the City Attorney, in response to the request of Mr. Larry Payne that unclaimed bicycles currently held by the City be donated to Project COURAGE; together with the recommendation that the City Council approve the continuance of the current policy and procedure for disposition of unclaimed bicycles, which offers both individuals and groups the availability of bicycles at public auction at a very low cost. The recommendation was approved as submitted.

FUNDING AND ACQUISITION AGREEMENT - PROPOSED COMMUNITY FACILITIES DISTRICT 90-1 (LUSK-HIGHLANDER) - RESOLUTION

A written report was submitted from the City Manager and the Public Works Director, concurred in by the City Attorney, the Finance Director and the Assistant City Manager-Development, recommending that the City Council adopt an appropriate resolution authorizing the approval and execution of the Funding and Acquisition Agreement, attached to the report, for the financing of public infrastructure within the proposed Community Facilities District 90-1 (Lusk-Highlander). The recommendation was approved as presented; and Resolution No. 17341 of the City Council of the City of Riverside Approving and Authorizing Execution and Delivery of Funding, Construction and Acquisition Agreement Relating to Public Facilities Within and for Proposed Community Facilities District No. 90-1, was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmembers present, was adopted.

LEGAL DEPARTMENT

SEWER ALLOCATION SYSTEM - INSTITUTIONS OF HIGHER EDUCATION - ORDINANCE INTRODUCED

A written report was submitted from Assistant City Attorney Purvis recommending that the City Council introduce the appropriate ordinance, attached to the report, amending the sewer allocation system to provide for an allocation of 200 sewer connections per year per institution for higher educational institutions desiring to construct residential units on property they owned as of November 1, 1989. The recommendation was approved as presented; and an ordinance entitled, "An Ordinance of the City of Riverside, California, Amending Section 14.08.200 of the Riverside Municipal Code Establishing an Annual Sewer Connection Permit Availability for Residential Development by Amending Subsection (c) to Provide for the Allocation of 200 Sewer Connection Permits Per Year for Each Institution of Higher Education," was presented and introduced.

ZONING CASE C-13-812 - RELEASE OF COVENANT AND AGREEMENT

A written report was submitted from Assistant City Attorney Purvis recommending that the City Council consent to the termination of the Covenant and Agreement dated January 21, 1982, executed by E. L. Yeager Construction Company, Inc., required as a condition of approval in Zoning Case C-13-812; and authorize the execution of the appropriate release, relating to a conditional use permit for a surface mining operation on an approximately 84-acre parcel located .65 mile westerly of the existing terminus of Eastridge Avenue. The recommendation was approved as submitted.

CITY OF *Riverside* OFFICE OF CITY ATTORNEY

3900 Main Street • Riverside, California 92522 • 714/782-5567



January 2, 1990

JOHN WOODHEAD
City Attorney

To the Mayor and City Council
of the City of Riverside, California

Re: Zoning Case C-13-812 - Release
of Covenant and Agreement

As a condition of approval in Zoning Case C-13-812 for a conditional use permit for a surface mining operation on an approximately 84-acre parcel located .65 miles westerly of the existing terminus of Eastridge Avenue, E. L. Yeager Construction Company, Inc. executed a Covenant and Agreement dated January 21, 1982 releasing and indemnifying the City of Riverside for any claims arising out of the use of an unimproved dirt road extending from Eastridge Avenue. The Covenant and Agreement was recorded January 29, 1982 in Book 1982, at page 18112, Official Records of Riverside County, California.

Subsequently E. L. Yeager Construction Company, Inc. conveyed certain property including that subject to the January 21, 1982 Covenant and Agreement to Spectrum Associates No. I, a California general partnership, by Grant Deed dated October 21, 1987 and recorded December 18, 1987. The new owner has sought the termination of the recorded Covenant and Agreement as the mining operation has now ceased. On August 17, 1989, the Planning Commission of the City of Riverside approved the request of T & S Development on behalf of Spectrum Associates No. I to terminate the approved conditional use permit for the surface mining operation. On September 5, 1989, the City Council approved the termination of the conditional use permit.

RECOMMENDATION:

The City Council consent to the termination of the Covenant and Agreement dated January 21, 1982 required as a condition of approval in Zoning Case C-13-812 and authorize the execution of the appropriate release.

Respectfully submitted,

BARBARA PURVIS
Assistant City Attorney

BP/0550C/jm

cc: City Manager
Planning Director
City Clerk

JAN 2 1990

V75P259

IN WITNESS WHEREOF OWNER and CITY have caused this Termination and Consent Thereto and Release of Covenant and Agreement to be duly executed th day and year first above written.

SPECTRUM ASSOCIATES NO. 1,
a California general partnership

CITY OF RIVERSIDE, a
municipal corporation

BY *Walter Cloninger*
General Partner

BY *Terry Frizzel*
Mayor

BY *[Signature]*
General Partner

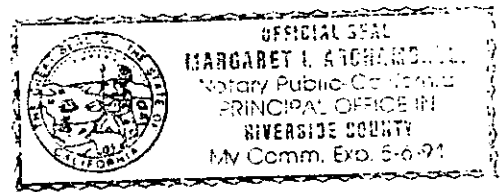
BY *Alice A. Hare*
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF RIVERSIDE)

On this 2nd day of March, 1990, before me, MARGARET I. ARCHAMBAULT, a Notary Public in and for said State, personally appeared TERRY FRIZZEL and ALICE A. HARE, personally known to me to be the persons who executed this instrument as Mayor and City Clerk of the City of Riverside, a municipal corporation, and acknowledged to me that the municipal corporation executed it.

WITNESS my hand and official seal.

Margaret I. Archambault
Notary Public in and for said State



[Signature]