

WHEN RECORDED MAIL TO:

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

Project: Tract No. 13550  
MP-1-878 (Revised)

RECEIVED FOR RECORD  
AT 8:30 O'CLOCK A.M.  
At Request of  
CONTINENTAL LAND TITLE CO.

MAR 29 1991

Recorded in Official Records  
of Riverside County, California  
Recorder  
Fees \$  
*W. J. [Signature]*

2

COVENANT AND AGREEMENT ESTABLISHING EASEMENTS FOR  
COMMON DRIVEWAY; AND TERMINATION OF PRIOR  
COVENANT AND AGREEMENT

15/3

THIS COVENANT AND AGREEMENT is made and entered into this 1st day of February, 1991, by JOHN L. GINGER and TONI S. GINGER, husband and wife, hereinafter referred to as "Declarants", with reference to the following facts:

A. On November 20, 1980, RIVERSIDE 78 NO. 2, a limited partnership, executed that certain Covenant and Agreement for Common Driveway establishing a 40-foot-wide common private driveway for the use and benefit of the adjoining parcels of real property located in the City of Riverside, County of Riverside, State of California, described as follows:

Lots 1 and 2 of Tract No. 13550 as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

Said Covenant and Agreement for Common Driveway was recorded on December 9, 1980 in Book 1980, Page 229697, Official Records of Riverside County, California.

B. By a waiver of a parcel map in Case No. MP-1-878, Lots 2 and 5 of Tract No. 13550 were combined into a single lot. A Certificate of Compliance evidencing the waiver of a parcel map for a lot line adjustment was duly recorded on January 29, 1988 as Instrument No. 26167, Official Records of Riverside County, California.

C. By Partnership Grant Deed dated September 29, 1986 and recorded October 16, 1986 as Instrument No. 257511, Official Records of Riverside County, California, Declarants acquired fee title to the following described real property located in the City of Riverside, County of Riverside, State of California.

Lots 1 and 6 of Tract No. 13550, as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

C/A 2-19-91  
V96P305

CONTINENTAL LAND TITLE COMPANY has recorded this document as a preliminary instrument. It has not been recorded as a final instrument and has no effect on the title.

C/A 246

102881

M/SIU

Said lots are hereinafter referred to as "Parcel A" and "Parcel B," respectively.

D. By Grant Deed dated March 28, 1989 and recorded June 2, 1989, as Instrument No. 182082, Official Records of Riverside County, California, Declarants acquired fee title to the following described real property located in the City of Riverside, County of Riverside, State of California.

Lots 2 and 5 of Tract No. 13550, as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

Said lots are hereinafter collectively referred to as "Parcel C".

E. Subject to the consent of the City Council of the City of Riverside, Declarants desire to terminate the Covenant and Agreement for Common Driveway dated November 20, 1980 and in its place execute and record a new Covenant and Agreement Establishing Easements for Common Driveway to reflect the fact that Lots 2 and 5 were consolidated into a single lot as shown on the Certificate of Compliance duly recorded on January 29, 1988 evidencing the parcel map waiver in Case No. MP-1-870, and to reduce the width of the common driveway to thirty feet and to extend the common driveway from its previous termination to Mar Vista Court.

NOW, THEREFORE, in consideration of the approval by the City of Riverside for Tract No. 13550 and its consent to the termination of the prior Covenant and Agreement for Common Driveway dated November 20, 1980, Declarants hereby covenant and agree with the City of Riverside as follows:

1. There is hereby established over, along and across the following described portion of Parcel A a nonexclusive easement for ingress and egress for the use and benefit of and as an easement appurtenant to Parcel B and to Parcel C:

The easterly 20 feet of Lot 1 of Tract No. 13550 as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

2. There is hereby established over, along and across the following described portion of Parcel B a nonexclusive easement for ingress and egress for the use and benefit of and as an easement appurtenant to Parcel A and to Parcel C:

The easterly 20 feet of Lot 6 of Tract No. 13550 as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

3. There is hereby established over, along and across the following described portion of Parcel C a nonexclusive easement for ingress and egress for the use and benefit of and as an easement appurtenant to Parcel A and to Parcel B:

The westerly 10 feet of Lot 2 together with Lot 5 of Tract No. 13550, as shown by map on file in Book 116, pages 71 and 72 of Maps, records of Riverside County, California.

4. The purpose of the easements hereinabove granted is to establish a common private driveway thirty feet in width extending from Lincoln Avenue to Mar Vista Court consisting of the easterly 20.00 feet of Parcels A and B, and the westerly 10.00 feet of Parcel C. Said easements shall contain all rights deemed reasonable and necessary for the construction, repair, maintenance and use of a private driveway.

5. The cost of the construction, reasonable repair and maintenance of the common driveway shall be borne equally with the owners of each parcel paying one-third of such costs; provided, however, nothing herein shall preclude or prohibit the owners of the parcels from agreeing to a different distribution of such costs.

6. As each parcel as hereinabove described is sold, conveyed, transferred or otherwise changes ownership, Declarants shall grant and reserve as is appropriate the easements above described in order to provide for the right of joint use of the thirty-foot common driveway extending from Lincoln Avenue to Mar Vista Court.

7. Any person who now or hereafter owns or acquires any right, title or interest in or to Parcel A, Parcel B or Parcel C shall be deemed (a) to have consented and agreed to every covenant, condition, restriction and easement contained herein; and (b) to have been granted and be subject to the easements described hereinabove, whether or not any reference to this Covenant and Agreement is contained in the instrument by which such person acquired an interest in said parcel.

8. This Covenant and Agreement shall not be subject to the doctrine of merger, even though the underlying fee ownership of all or any two of the parcels described herein is vested in one party or entity.

9. This Covenant and Agreement shall run with the land and shall be binding upon Declarants, their heirs, successors and assigns, and shall not be amended, modified or terminated without the written consent of the City of Riverside duly recorded.

10. The Covenant and Agreement for Common Driveway executed by Riverside 78 No. 2, a limited partnership on November 20, 1980 and

recorded December 9, 1980 in Book 1980, Page 229697, Official Records of Riverside, California, is hereby terminated upon the recordation of this Covenant and Agreement Establishing Easements for Common Driveway, and the easements established by said Covenant and Agreement for Common Driveway dated November 20, 1980 are hereby extinguished.

IN WITNESS WHEREOF Declarants have caused this Covenant and Agreement to be duly executed the day and year first above written.

John L. Ginger  
JOHN L. GINGER

Toni S. Ginger  
TONI S. GINGER

CONSENT TO TERMINATION OF PRIOR  
COVENANT AND AGREEMENT FOR COMMON DRIVEWAY

By action duly taken by the City Council of the City of Riverside on February 19, 1991, the City of Riverside hereby consents to the termination of the Covenant and Agreement for Common Driveway dated November 20, 1980 and recorded December 9, 1980 in Book 1980, Page 299697, Official Records of Riverside County, California, upon the recordation of, and its replacement by, the above Covenant and Agreement Establishing Easements for Common Driveway.

CITY OF RIVERSIDE,  
a municipal corporation

By Terry Frezzell  
Mayor

Attest Alice A. Hare  
City Clerk

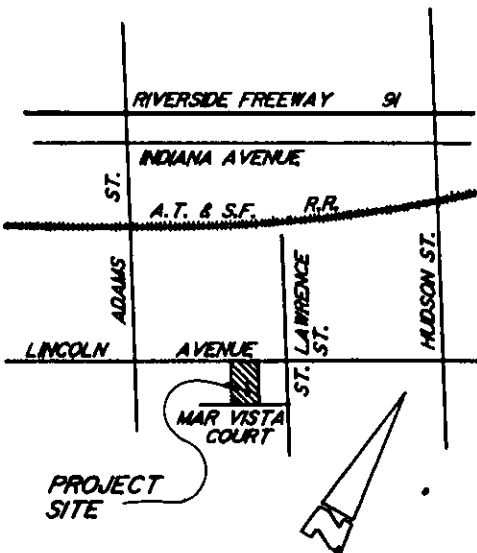
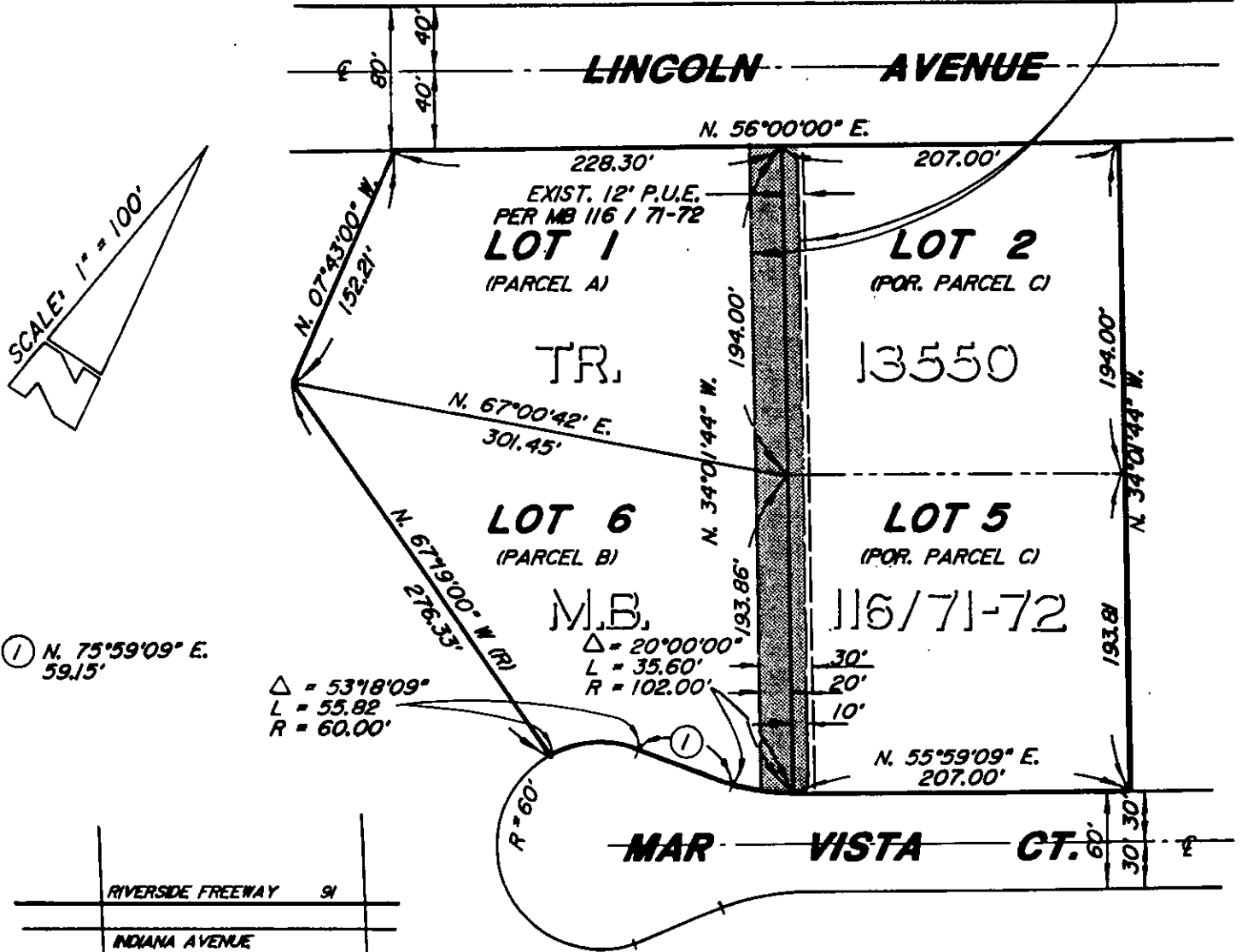
DESCRIPTION APPROVAL 1, 23, 91

George P. Hutchinson  
SURVEYOR, CITY OF RIVERSIDE

BP/2935A/jm  
1/23/91

APPROVED AS TO FORM  
Paul J. [Signature]  
ASSY. CITY ATTORNEY

PROPOSED COMMON  
DRIVEWAY EASEMENT



LEGEND:

- PROPERTY LINE ABANDONED PER CERTIFICATE OF COMPLIANCE NO. 26167, DATED JAN. 29, 1988.
- ▨ EASEMENT AREA



CIVIL ENGINEERS, PLANNERS AND CONSTRUCTION CONSULTANTS  
1269 W. POMONA ROAD, SUITE 104 • CORONA CA. 91720 • 714 / 734-2130


**COMMON DRIVEWAY EASEMENT  
LOTS 1-2 & 5-6  
TRACT NO. 13550  
M.B. 116 / 71-72**

DATE 1-28-91	DRAWN BY J. WUN	CHECKED BY D. ARMSTRONG	J.N. 90-857-2-02
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INTEROFFICE MEMO

TO: Alice A. Hare  
City Clerk

DATE: February 15, 1991

FROM: Barbara Purvis   
Assistant City Attorney

SUBJECT: COVENANT AND AGREEMENT FOR COMMON DRIVEWAY -  
M-1-878 (REVISED) - TRACT NO. 13550 -  
OUR FILE NO. CA91-131

Enclosed herewith is a Covenant and Agreement Establishing Easements for Common Driveway and Termination of Prior Covenant and Agreement which has been approved as to form by this office. This matter is on the City Council's agenda of February 19, 1991 requesting authorization for the execution of the Consent to Termination of Prior Covenant and Agreement for Common Driveway appearing on page 4. Following authorization by the City Council, please have the signatures acknowledged by a notary public as it will be recorded. Following execution, please return to this office.

BP/8028M/jm

Enclosure

FEB 19 1991

CLARKE	1
ADAMS	2
WELLS	3
WILSON	4
THOMSON	5
ROBERTS	6
JOHNSON	7

February 19, 1991

WARDS

(2) request the Purchasing Division to purchase the items for the Library; and (3) request the return of any unused funds from this donation after the furniture has been purchased to Special Departmental Supplies Account 210-451200-426800, for the purchase of additional library materials for the Library's collection. The recommendations were approved as presented.

LEAVE OF ABSENCE - TOM RIDGE, MAINTENANCE WORKER II

A written report was submitted from the City Manager and the Park and Recreation Director recommending that the City Council approve a leave of absence until June 10, 1991, for Tom Ridge, Park Maintenance Worker II, of the Park and Recreation Department. The recommendation was approved as presented.

CITY OF RIVERSIDE AFFIRMATIVE ACTION PLAN - ANNUAL REVIEW - SET FOR PUBLIC HEARING

A written report was submitted from the City Manager and the Human Relations Administrator, concurred in by the Personnel Director and the Assistant City Manager, recommending that the City Council schedule a public hearing to review the City's Affirmative Action Plan for Tuesday, March 26, 1991, at 7 p.m. The recommendation was approved as presented.

WATER QUALITY ANNUAL REPORT BILL STUFFER

A written report was submitted from the City Manager and the Public Utilities Director, concurred in by the Finance Director, recommending that the City Council authorize staff to distribute the Water Quality Annual Report for 1991 in the March utility billing cycle. The recommendation was approved as presented.

PROPOSED REFUSE TRANSFER STATION/MATERIAL RECOVERY FACILITY - RESOLUTION

A written report was submitted from the City Manager and the Public Works Director, concurred in by the Assistant City Manager-Development, recommending that the City Council adopt a resolution supporting the County proceeding with the development of a refuse transfer station/material recovery facility. The recommendation was approved as presented; and Resolution No. 17688 of the City Council of the City of Riverside, California, Supporting a Proposed Refuse Transfer Station (Materials Recovery/Recycling Center), was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmembers present, was adopted.

LEGAL DEPARTMENT

CONSENT TO TERMINATION OF COVENANT AND AGREEMENT - TRACT 13550 - CASE MP-1-878 (REVISED)

A written report was submitted from Assistant City Attorney Purvis recommending that the City Council authorize the execution of the Consent to Termination of the prior Covenant and Agreement for Common Driveway dated November 20, 1980, relating to property covered by Tract 13550 located on Lincoln Avenue westerly of St. Lawrence Street, and its replacement by a new Covenant and Agreement creating a 30-foot-wide common driveway extending from Lincoln Avenue to Mar Vista Court. The recommendation was approved as presented; and execution of the Covenant and Agreement Establishing Easements for Common Driveway; and Termination of Prior Covenant and Agreement was authorized and directed.

MAYOR AND CITY COUNCIL

APPOINTMENT OF ALTERNATE TO PARKING, TRAFFIC AND STREETS COMMISSION

A written report was submitted from Chairman Frizzel of the Mayor's Nominating and Screening Committee recommending that the City Council appoint Diane Giampapa to fill the present vacancy on the Parking, Traffic and Streets Commission for the remainder of a term expiring October 1, 1992. The recommendation was approved as presented.

AUTO CENTER FREEWAY SIGN - CONTINUED

In consideration of the recommendation from the City Council Utility Services/Land Use/Energy Development Committee, presentation of its report relative to the freeway sign for the Auto Center was continued to March 5, 1991.

RESIGNATION

COMMUNITY RELATIONS COMMISSION

A communication was presented from Virginia (Ettinger) Phillips submitting her resignation as a member of the Community Relations Commission. The resignation was accepted, and the Mayor was requested to send a letter on behalf of the City Council thanking Ms. Phillips for the time she served on the Commission.

CITY OF *Riverside* OFFICE OF CITY ATTORNEY

3900 Main Street • Riverside, California 92522 • 714/782-5567  
Telecopier 714/782-5540

February 19, 1991

JOHN WOODHEAD  
City Attorney

To the Mayor and City Council  
of the City of Riverside

Re: Consent to Termination of Covenant and Agreement  
Tract No. 13550 and Case MP-1-878 (Revised)

The property which was divided by Tract No. 13550 is located on Lincoln Avenue westerly of St. Lawrence Street. On November 20, 1980, Riverside 78 No. 2, as owner, executed a Covenant and Agreement for Common Driveway establishing a 40-foot-wide common private driveway for Lots 1 and 2 of Tract No. 13550. The Covenant and Agreement was recorded on December 9, 1980 in Book 1980, Page 229697, Official Records of Riverside County, California. In 1988, Lots 2 and 5 were combined by a waiver of parcel map in Case No. MP-1-878.

Lots 1 and 6 of Tract No. 13550, as well as the combined Lots 2 and 5, are now under the same ownership. With the consent of the City Council, the present owners desire to terminate the prior Covenant and Agreement establishing the 40-foot-wide common driveway and in its place record a new Covenant and Agreement to reflect the fact that Lots 2 and 5 were consolidated into a single lot and to reduce the width of the common driveway to 30 feet and extend the common driveway from its previous termination to Mar Vista Court. Attached is a plat showing the proposed driveway easement.

The Planning Department and the Public Works Department have reviewed this matter and have no objections to the changes requested.

As the recorded November 20, 1980 Covenant and Agreement cannot be released without the consent of the City Council, the consent of the City Council is now being sought.

#### RECOMMENDATION

That the City Council authorize the execution of the Consent to the termination of the Covenant and Agreement for Common Driveway dated November 20, 1980 and recorded December 9, 1980 in Book 1980, Page 299697, Official Records of Riverside County, California, and its replacement by a new Covenant and

FEB 19 1991

V76P305



PROPOSED COMMON DRIVEWAY EASEMENT

**LINGOLN AVENUE**

N. 56°00'00" E.

**LOT 1**  
(PARCEL A)

**LOT 2**  
(POR. PARCEL C)

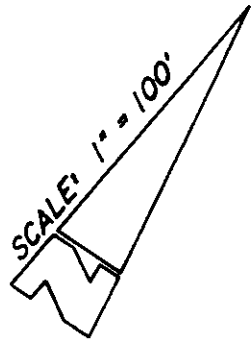
**LOT 6**  
(PARCEL B)

**LOT 5**  
(POR. PARCEL C)

M.B.

116/71-72

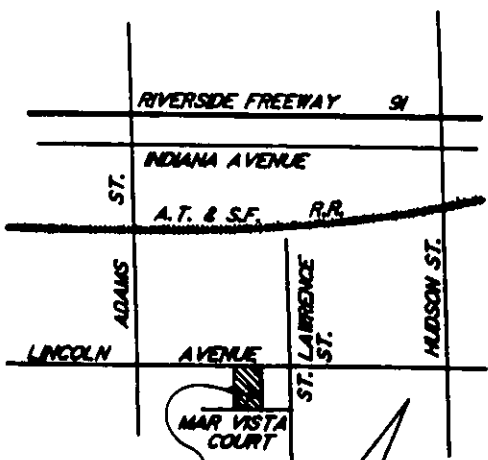
**MAR VISTA CT.**



① N. 75°59'09" E.  
59.15'

Δ = 53°18'09"  
L = 55.82  
R = 60.00'

Δ = 20°00'00"  
L = 35.60'  
R = 102.00'



PROJECT SITE

**VICINITY MAP**

**LEGEND**

- PROPERTY LINE ABANDONED PER CERTIFICATE OF COMPLIANCE NO. 26167, DATED JAN. 29, 1988.
- █ EASEMENT AREA



CIVIL ENGINEERS, PLANNERS AND CONSTRUCTION CONSULTANTS  
1200 W. POMONA ROAD, SUITE 104 • CORONA CA. 91720 • 714 / 734-2130

**COMMON DRIVEWAY EASEMENT**  
**LOTS 1-2 & 5-6**  
**TRACT NO. 13550**  
**M.B. 116 / 71-72**

DATE 1-28-91	DRAWN BY J. WUN	CHECKED BY D. ARMSTRONG	J.N. 90-857-2-02
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