

WHEN RECORDED MAIL TO:

City Clerk's Office  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92552

FREE RECORDING

This instrument is for the benefit of the City of Riverside and is entitled to be recorded without fee. (Government Code 6103)

157532

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

MAY 10 1991

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project: CFD 86-1  
Mission Grove Parkway South

COVENANT AND AGREEMENT

THIS COVENANT AND AGREEMENT is made this 16TH day of APRIL, 1991 by and between MISSION GROVE PLAZA, L.P., a California limited partnership ("Mission Grove Plaza") and the CITY OF RIVERSIDE, a municipal corporation ("City").

WHEREAS, Mission Grove Plaza is the owner of that certain real property located in the City of Riverside more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property");

WHEREAS, the City is the owner of a storm drain easement on the Property as set forth in that certain Easement Agreement by and between region Properties, In.c, as Grantor and the City as Grantee, dated January 11, 1990 and recorded as instrument no. 043668 in the official records of the County of Riverside on February 2, 1990 ("Easement").

WHEREAS, it is the desire and intention of Mission Grove Plaza to construct and operate a shopping center on the Property

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APR 19 1991

DEPT OF PUBLIC WORKS

CLA 280

and to construct a trellis structure at the main entry of the shopping center, a portion of which would be placed directly above a portion of the storm drain Easement as indicated on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the parties desire to provide an exception to the Easement to permit the trellis structure within the Easement, subject to the restrictions and obligations of the parties set forth herein.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, each of the others, as covenantor and covenantees, and expressly for the benefit of, and to bind, their successors in interest, said parties agree as follows:

1. Regional Properties shall be permitted to construct and maintain a trellis structure within the easement area as set forth on Exhibit "B."

2. No manholes shall be permitted under the trellis structure.

3. If, in the course of maintenance, construction, reconstruction, operation, inspection, repair, renewal, removal or replacement of the drainage facilities, it becomes necessary or convenient to remove all or a portion of the trellis within the easement area, the City shall have the right to require Mission Grove Plaza, its successors and assigns to do so without cost, expense or liability to the City for any damage or for replacement thereof. If Mission Grove Plaza, or its successors and assigns fails to alter or remove the trellis within the

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## EXHIBIT A

That portion of Parcels 14, 15 and 16 of Parcel Map 4806 as shown by Map on file in Book 7 of Parcel Maps, at Pages 8 through 12 thereof, Records of Riverside County, California, described as follows:

Commencing at the centerline intersection of Alessandro Boulevard and Mission Grove Parkway South as shown on Record of Survey on file in Book 83, at pages 59 and 60 thereof, Records of Riverside County, California;

Thence S.  $00^{\circ} 09' 43''$  E. along the centerline of said Mission Grove Parkway South, a distance of 136.00 feet;

Thence S.  $89^{\circ} 50' 17''$  W., a distance of 50.00 feet to a point on the Westerly line of Parcel 4 (Mission Grove Parkway South) of said Record of Survey, said point being the most Southerly corner of Parcel "A" of that certain parcel of land as conveyed to the City of Riverside by Deed recorded October 20, 1989 as Instrument No. 365394 of Official Records of Riverside County, California; also being the point of beginning of the parcel of land to be described;

Thence S.  $00^{\circ} 09' 43''$  E., a distance of 435.18 feet;

Thence Southerly on a curve concave Easterly having a radius of 1050.00 feet through an angle of  $19^{\circ} 19' 43''$  E., a distance of 351.16 feet.

The preceding three (3) courses being along the Westerly line of said Parcel 4 (Mission Grove Parkway);

Then S.  $70^{\circ} 40' 17''$  W., a distance of 42.05 feet;

Thence Westerly on a curve concave Northerly having a radius of 1000.00 feet, through an angle  $40^{\circ} 24' 07''$ , an arc length of 705.15 feet;

Thence N.  $68^{\circ} 55' 36''$  W., a distance of 438.29 feet;

Thence Westerly on a curve concave Southerly having a radius of 1000.00 feet, through an angle of  $37^{\circ} 24' 07''$ , an arc length of 652.79 feet;

Thence S.  $73^{\circ} 40' 17''$  W., a distance of 40.04 feet to the Easterly line of Parcel "B" of said parcel as conveyed to the City of Riverside;

Thence N.  $22^{\circ} 02' 52''$  W. along said Easterly line, a distance of 72.57 feet to the Easterly line of parcel 1 (Trautwein Road) of said Record of Survey;

Thence N.  $16^{\circ} 19' 43''$  W., a distance of 6.44 feet;

Thence N.  $11^{\circ} 56' 58''$  W., a distance of 584.85 feet;

Thence Northerly and Easterly on a non-tangent curve, concave Southeasterly having a radius of 323.00 feet, through an angle of  $99^{\circ} 23' 37''$ , an arc length of 560.32 feet (the initial radial line bears S.  $78^{\circ} 32' 25''$  W.) to the most Westerly corner of said Parcel "A."

The preceding three (3) courses being along the Easterly line of said Parcel 1 (Trautwein Road);

Thence S.  $81^{\circ} 58' 18''$  E., a distance of 395.91 feet;

Thence Easterly on a curve concave Northerly having a radius of 1543.92 feet, through an angle of  $08^{\circ} 11' 26''$ , an arc length of 220.70 feet;

Thence N.  $89^{\circ} 50' 17''$  E., a distance of 849.85 feet;

Thence S.  $47^{\circ} 32' 52''$  E., a distance of 33.97 feet to the point of beginning.

The preceding four (4) courses being along the Southerly line of said Parcel "A."

Per Certificate of Compliance as recorded July 20, 1990 as Instrument No 269242 of Official Records.

Said land is located in the City of Riverside.

DESCRIPTION APPROVAL 5/9/91  
George P. Hutchinson by LF  
SURVEYOR, CITY OF RIVERSIDE

PARCEL MAP 261

P.M.B.

157532

78'

PARCEL 15

23' X 13'  
ENTRY TRELLIS

85.00  
N 10° 37' 14" W

29.77  
N 10° 37' 14" W

48" R.C.P. 2

ENTRY MONUMENT

33'

N 10° 37' 14" W  
61.75

EASEMENT FOR  
DRAINAGE IN  
FAVOR OF THE  
CITY OF  
RIVERSIDE

15" R.C.P. 2

PARCEL 16

N 00° 09' 43" W

12.89  
N 89° 50' 17" E

25'

29'

25'

29'

N 00° 09' 43" W  
48.50

33'

23' X 13'  
ENTRY TRELLIS

PARCEL 17

ENTRY MONUMENT

ALESSANDRO BLVD.

N 89° 50' 17" E 649.66'

MISSIDAL GROVE PARKWAY

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"=20'

DRAWN BY: BRC DATE: 5/6/91

SUBJECT: EXHIBIT 'B'

(30) days after a written request from the City, the City shall have right to remove all or a portion of the trellis within the easement area and the City shall have no liability to Mission Grove Plaza, its successors or assigns for any damage or replacement thereof. Mission Grove Plaza, its successors or assigns shall reimburse the City for all direct costs of such removal.


This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the day and year first above written.

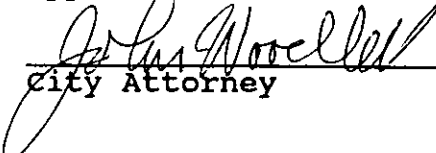
MISSION GROVE PLAZA, L.P.

By: REGIONAL PROPERTIES, INC.

By: 

By: 

Approved as to form:

  
City Attorney

CITY OF RIVERSIDE

By:   
Real Property Services Manager