

RECORDING REQUESTED BY:

CHICAGO TITLE COMPANY  
3880 Lemon St.  
Riverside, CA 92501

WHEN RECORDED MAIL TO:

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

Project: PMW-11-912

074919

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

MAR - 4 1992

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$ 17

COVENANT AND AGREEMENT

(Public Utility Easements, Facilities and Fees)

THIS COVENANT AND AGREEMENT is made and entered into this 28th day of February, 1992, by MORENO INDUSTRIAL DEVELOPMENT, a California limited partnership, the owner of record of the following described real property situated in the City of Riverside, County of Riverside, State of California, hereinafter referred to as the "Property":

PARCEL A:

That portion of Parcels 4, 5 and 13 of Parcel Map 19617, in the City of Riverside, County of Riverside, State of California, as shown on the map filed in Book 128 of Parcel Maps, at Pages 91 through 103, in the office of the County Recorder of said County, being described as follows:

Beginning at the southeast corner of said Parcel 4; thence along the South line of said parcel, North 89° 59' 21" West, 489.50 feet to the southwest corner of said parcel, being a point on a non-tangent curve, concave to the northeast, having a radius of 2980.00 feet, and to which a radial line bears South 68° 08' 30" West; thence northerly, 103.48 feet along said curve and West line of said parcel, through a central angle of 01° 59' 23"; thence leaving said West line on a non-tangent line North 64° 07' 03" East, 193.31 feet; thence North 25° 52' 57" West, 10.00 feet; thence North 64° 07' 03" East 396.65 feet to a point on the prolongation of the East line of said parcels 4 and 5; thence along said prolongation and said East line, South 00° 00' 39" West, 363.31 feet to said point of beginning.

PARCEL B:

That portion of Parcels 12 and 13 of Parcel Map 19617, in the City of Riverside, County of Riverside, State of California,

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as shown on the map filed in Book 128 of Parcel Maps, at Pages 91 through 103, in the office of the County Recorder of said County, described as follows:

Beginning at the southeast corner of said Parcel 13; thence along the South line of said parcel North  $89^{\circ} 51' 06''$  West, 377.69 feet to the northwest corner of Parcel 14 of said parcel map; thence along the prolongation of the West line of said Parcel 14, North  $00^{\circ} 00' 39''$  East, 64.49 feet; thence North  $64^{\circ} 07' 03''$  East, 333.74 feet to a point on the West line of Valley Springs Parkway, said point being on a non-tangent curve concave to the southwest, having a radius of 2945.00 feet, and to which a radial line bears North  $67^{\circ} 40' 35''$  East; thence southeasterly, 224.95 feet along said curve, through a central angle of  $04^{\circ} 22' 35''$  to said point of beginning.

PARCEL C;

That portion of Parcels 12 and 13, of Parcel Map 19617, in the City of Riverside, County of Riverside, State of California, as shown on the map filed in Book 128 of Parcel Maps, at Pages 91 through 103, in the office of the County Recorder of said County, described as follows:

Beginning at the beginning of a curve in the east line of said Parcel 12, said curve being concave to the southwest, having a radius of 2945.00 feet; thence southeasterly, 182.93 feet along said curve, through a central angle of  $03^{\circ} 33' 32''$ ; thence leaving said East line on a non-tangent line South  $64^{\circ} 07' 03''$  West, 330.63 feet; thence North  $25^{\circ} 52' 57''$  West, 189.60 feet; thence North  $64^{\circ} 07' 03''$  East, 59.69 feet; thence North  $25^{\circ} 52' 57''$  West 34.53 feet; thence North  $64^{\circ} 07' 03''$  East, 276.62 feet to a point on the East line of said Parcel 12; thence along said east line South  $25^{\circ} 52' 57''$  East, 41.34 feet to said point of beginning.

PARCEL D:

All of Parcels 6 through 9 and portions of Parcels 4, 5, 10, 11, 12 and 13 of Parcel Map 19617, in the City of Riverside, County of Riverside, State of California, as shown on the map filed in Book 128 of Parcel Maps, at Pages 91 through 103, in the office of the County Recorder of said County, described as follows:

Beginning at the northwest corner of said Parcel 9, said corner being the intersection of the East line of Interstate 215 with the southeast line of the MWD fee parcel as shown on said Parcel Map 19617; thence along said southeast line North  $51^{\circ} 35' 29''$  East, 328.09 feet to the North line of said parcel 9; thence along the North lines of said parcels 9 and 10, South  $89^{\circ} 25' 26''$  East, 257.03 feet; thence leaving said North

line, South 25° 52' 57" East, 350.00 feet; thence North 64° 07' 03" East, 150.00 feet to a point on the West right of way line of Valley Springs Parkway; thence along said West right-of-way, South 25° 52' 57" East, 339.76 feet; thence leaving said West right-of-way line, South 64° 07' 03" West, 276.62 feet; thence South 25° 52' 57" East, 34.53 feet; thence South 64° 07' 03" West, 59.69 feet; thence South 25° 52' 57" East, 189.60 feet; thence South 64° 07' 03" West, 399.76 feet; thence South 25° 52' 57" East 10.00 feet; thence South 64° 07' 03" West, 193.31 feet to a point on the West line of said Parcel 4, said point also being on a curve concave to the northeast, having a radius of 2980.00 feet, and to which a radial line bears South 70° 07' 53" West; thence northerly 291.78 feet along said curve, through a central angle of 05° 36' 36" to a point on said East line of said Interstate 215; thence along said East line, North 10° 41' 59" West, 703.60 feet to said point of beginning.

PARCEL E:

That portion of Parcels 10 and 11 of Parcel Map 19617, in the City of Riverside, County of Riverside, State of California, as shown on the map filed in Book 128 of Parcel Maps, at Pages 91 through 103, in the office of the County Recorder of said County, described as follows:

Beginning at the northeast corner of said Parcel 10, being on a curve in the West line of Valley Springs Parkway, concave to the East, having a radius of 1055.00 feet, and to which a radial line bears South 75° 27' 56" West; thence southerly, 208.95 feet along said curve, through a central angle of 11° 20' 53"; thence continuing along said West line, South 25° 52' 57" East, 57.49 feet; thence leaving said West line, South 64° 07' 03" West, 150.00 feet; thence North 25° 52' 57" West, 350.00 feet to a point on the North line of said Parcel 10; thence along said North line, South 89° 25' 26" East, 190.59 feet to said point of beginning.

WHEREAS the undersigned desires to record a Certificate of Compliance for Parcel Map Waiver Case PMW-11-912 which will reconfigure and consolidate ten parcels into five parcels for future commercial development and

WHEREAS a condition of approval of Case PMW-11-912 requires the owner to provide utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the Public Utilities Department; and

WHEREAS, because of uncertainty in the location of future buildings, the undersigned desires to provide utility easements, electrical underground distribution facilities and electric service and facilities fees in accordance with the rules and regulations of

the Public Utilities Department in the future when development plans are more certain but not later than concurrently with the issuance of building permits; and

WHEREAS the undersigned desires to enter into this Covenant and Agreement to meet the condition of Case PMW-11-912 described above;

NOW, THEREFORE, the undersigned hereby covenants and agrees with the City of Riverside as follows:

1. The undersigned, for itself and its successors and assigns, agrees to provide public utility easements over, under and across the Property satisfactory to the Public Utilities Director of the City of Riverside to serve any parcel of the Property when requested by the Public Utilities Director for the proposed development of any parcel of the Property. The location of the easements shall be determined by the City of Riverside taking into account the reasonable development of the parcels to be burdened with the easements.

2. The undersigned, for itself and its successors and assigns, agrees to provide electrical underground distribution facilities satisfactory to the Public Utilities Director and electric service and facilities fees in accordance with the rules and regulations of the Public Utilities Department prior to or concurrently with the issuance of any building permit for any parcel of the Property. The electrical underground distribution facilities may be provided and the fees may be paid for each parcel of the Property as development occurs.

3. The undersigned, for itself and its successors and assigns, further agrees that no building permit shall be issued for any parcel of the Property until the public utility easements required to serve such parcel have been provided, the electrical underground distribution facilities to serve such parcel have been provided and the required fees have been paid for such parcel.

4. The terms of this Covenant and Agreement may be enforced by the City of Riverside, its successors or assigns, or by any owner, lessee, or tenant of any of the Property. Should the City or any owner, lessee or tenant bring an action to enforce any of the terms of this Covenant and Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, expert witnesses' fees and reasonable costs of suit.

5. This Covenant and Agreement shall run with the land and each and all of its terms shall be binding upon the undersigned, its successors and assigns, and shall continue in effect until such time as it is released by the City Council of the City of Riverside.

IN WITNESS WHEREOF the undersigned has caused this Covenant and Agreement to be executed the day and year first written above.

MORENO INDUSTRIAL DEVELOPMENT,  
a California limited partnership

By: CALIFORNIA EMPIRE CAPITAL, INC.,  
a California corporation, managing  
general partner

Mark A. Thompson  
Signature

Mark A. Thompson, President  
Name

President  
Title

Jay C. Self  
Signature

Jay C. Self  
Name

Chairman and Secretary  
Title

APPROVED AS TO FORM

Clarence J. Jurney  
ASST. CITY ATTORNEY

DESCRIPTION APPROVAL:  
3/3/92  
George P. Hutchinson  
SURVEYOR, CITY OF RIVERSIDE

74919

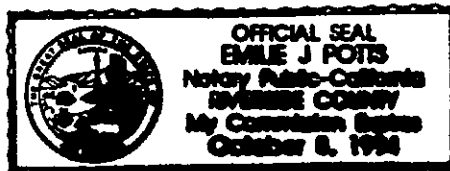
STATE OF CALIFORNIA RIVERSIDE ss.  
COUNTY OF

On FEBRUARY 28<sup>TH</sup>, 1992, before me, the undersigned, a Notary Public in and for  
said State, personally appeared MARK A. THOMPSON and  
JAY C. SELF, personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the persons who executed the within instrument as

President and CHAIRMAN & Secretary, on behalf of CALIFORNIA  
EMPIRE CAPITAL, INC.

the corporation therein named, and acknowledged to me that said  
corporation executed the within instrument pursuant to its by-  
laws or a resolution of its board of directors, said corporation being  
known to me to be the general partner of MORENO  
INDUSTRIAL DEVELOPMENT  
the limited partnership that executed the within instrument, and  
acknowledged to me that such corporation executed the same as  
such partner and that such partnership executed the same.

WITNESS my hand and official seal.  
Signature Emile J. Potts



(This area for official notarial seal)