

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Project: Tract No. 23587
Grading Permit 2101

144066

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

APR 22 1992

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$ [unclear]

AMENDMENT TO COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

(Private Drainage Facilities and Easements)

THIS AMENDMENT TO COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS ("Amendment") is made and entered into this 30th day of *MARCH*, 1992, by LA SIERRA HILL, a California limited partnership ("Declarant"), with reference to the following facts:

A. DECLARANT is the fee owner of the real property (the "Property") in the City of Riverside, County of Riverside, State of California, described as follows:

Lots 1 through 9 and 20 through 23 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California.

B. Declarant desires to improve and develop the Property as a part of a residential subdivision, including the construction of private cross-lot drainage facilities in accordance with plans on file with the Public Works Department of the City of Riverside, California, to accept surface water runoff and storm water and to carry such waters to a public street.

C. The City of Riverside (the "City") as a condition to the issuance of a grading permit for the Property pursuant to the grading plan for Tract No. 23587 on file with the Public Works Department of the City requires that a means be provided for disposition of surface water runoff and storm water on and from the Property.

D. By that certain Covenant and Agreement and Declaration of Restrictions ("Original Declaration") dated May 30, 1990, Declarant sought to meet the requirements of City and to impose upon the Property a plan for the development and maintenance of such drainage facilities and

to adopt and establish covenants, conditions, restrictions and easements upon and with respect to the Property for such purpose, all of which is in the furtherance of a general plan for the subdivision and improvement of the Property, and for the purpose of enhancing, maintaining and protecting the value, desirability and attractiveness of the Property, and upon and subject to which all of the Property is held, improved and conveyed. Said Original Declaration was recorded on July 6, 1990 as Instrument No. 250676, Official Records of Riverside County, California.

E. Declarant now desires to revise the Grading Plan as previously filed with the Public Works Department and amend the Original Declaration to reflect the revised grading plan.

F. Paragraph 14 of the Original Declaration provides that the Original Declaration cannot be amended except with the prior written approval of the City Council of City.

NOW, THEREFORE, subject to and with the prior consent of the City Council of City, Declarant hereby amends the Original Declaration as follows:

1. Paragraph 2 of the Original Declaration is hereby amended to read as follows:

"2. Construction of Established Drainage Facilities. Prior to the sale or development of any Lot of the Property, the Declarant shall construct or cause to be constructed the following Established Drainage Facilities as shown on and in accordance with the Grading Plan for Tract No. 23587 on file with the Public Works Department of the City:

- a. a concrete drawing swale, downdrain and drainage pit on Lots 1 through 5, inclusive,
- b. a concrete drainage swale on Lots 20 and 21, and
- c. a concrete drainage swale and pit on Lot 23."

2. Paragraph 3 of the Original Declaration is hereby amended to read as follows:

"3. Acceptance of Surface Water Runoff. The Declarant acknowledges that the natural drainage flow of surface water runoff and storm water is not directly to a public street from each Lot of the Property. Therefore, Lot 5 accepts a portion of the natural drainage flow from Lots 6, 7 and 8; Lot 6 accepts a portion of the natural drainage flow from Lots 7 through 8; Lot 7 accepts a portion of the natural drainage flow from Lot 8; Lot 9 accepts a portion of the natural drainage flow from Lot 8; Lot 22 accepts a

portion of the natural drainage flow from Lots 18 through 20; and Lot 23 accepts a portion of the natural drainage flow from Lots 18 through 20 and Lot 22."

3. Paragraph 6 of the Original Declaration is hereby amended to read as follows:

"6. Establishment of Drainage Facility Easements. Declarant hereby establishes, grants and reserves nonexclusive easements at the locations and for the purposes set forth as follows:

a. A nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of drainage facilities for surface water runoff and storm water and for ingress and egress in connection with said facilities for the use and benefit of and as an easement appurtenant to Lot 2 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, over, along and across the following portion of Lot 1 of Tract 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, being a strip of land 10.00 feet wide lying 5 feet on each side of the following described centerline, the side lines of which are extended or shortened accordingly so as to terminate in the lot lines or in the bisections of any and all angle points in said centerline, more particularly described as follows:

Commencing at the southwesterly corner of said Lot 1;

THENCE along the southerly line of Lot 1 South $89^{\circ} 56' 09''$ East 15.34 feet to the TRUE POINT OF BEGINNING:

THENCE leaving said lot line North $11^{\circ} 55' 57''$ East 19.84 feet to an angle point in the described centerline;

THENCE North $34^{\circ} 50' 12''$ East 90.66 feet to an angle point in the described centerline;

THENCE North $41^{\circ} 22' 12''$ East 36.80 feet to an angle point in the described centerline;

THENCE North $5^{\circ} 56' 35''$ East 8.11 feet to a point in the northerly line of said Lot 1, said point being the POINT OF TERMINUS.

b. A nonexclusive easement for the construction, installation, maintenance, repair, replacement and use

of drainage facilities for surface water runoff and storm water and for ingress and egress in connection with said facilities for the use and benefit of and as an easement appurtenant to Lot 2 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, over, along and across the following portion of Lot 3 of Tract 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, being a strip of land 10.00 feet wide lying 5 feet on each side of the following described centerline, the side lines of which are extended or shortened accordingly so as to terminate in the lot lines or in the bisections of any and all angle points in said centerline, more particularly described as follows:

Commencing at the southwesterly corner of said Lot 3;

THENCE along the southerly line of Lot 3 North $86^{\circ} 12' 47''$ East 71.77 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said lot line North $49^{\circ} 51' 30''$ West 3.54 feet to an angle point in the described centerline;

THENCE North $19^{\circ} 51' 55''$ West 54.09 feet to an angle point in the described centerline;

THENCE North $37^{\circ} 43' 35''$ West 32.72 feet to an angle point in the described centerline;

THENCE North $29^{\circ} 34' 15''$ West 34.52 feet to a point in the northerly line of said Lot 3, said point being South $89^{\circ} 56' 9''$ East 13.34 feet from the Northwesterly corner of said Lot 3 as measured along the northerly line thereof and being the TRUE POINT OF TERMINUS.

c. A nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of drainage facilities for surface water runoff and storm water and for ingress and egress in connection with said facilities for the use and benefit of and as an easement appurtenant to Lots 2, 3 and 5 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, over, along and across the following portion of Lot 4 of Tract 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, being a strip

of land 10.00 feet wide lying 5 feet on each side of the following described centerline, the side lines of which are extended or shortened accordingly so as to terminate in the lot lines or in the bisections of any and all angle points in said centerline, more particularly described as follows:

Commencing at the southwesterly corner of said Lot 4;

THENCE along the southerly line of said Lot 4 North $80^{\circ} 47' 32''$ East 58.66 feet to the TRUE POINT OF BEGINNING:

THENCE leaving said lot line North $0^{\circ} 32' 05''$ West 30.50 feet to an angle point in the described centerline;

THENCE North $19^{\circ} 30' 14''$ East 79.05 feet to Point 'A';

THENCE North $49^{\circ} 51' 30''$ West 16.04 feet to a point in the northerly line of said Lot 4, said point being North $86^{\circ} 12' 47''$ East 71.77 feet from the northwesterly corner of said Lot 4 as measured along the northerly line thereof and being the TRUE POINT OF TERMINUS.

Together with that portion of said lot and described as follows:

Beginning at said Point "A"; THENCE North $86^{\circ} 12' 47''$ East 44.43 feet to the point of ENDING.

d. A nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of drainage facilities for surface water runoff and storm water and for ingress and egress in connection with said facilities for the use and benefit of and as an easement appurtenant to Lots 7 and 8 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, over, along and across the following portion of Lot 6 of Tract 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, being a strip of land 10.00 feet wide lying 5 feet on each side of the following described centerline, the side lines of which are extended or shortened accordingly so as to terminate in the lots lines or in the bisections of any and all angle points in said centerline, more particularly described as follows:

Commencing at the northeasterly corner of said Lot 6;

THENCE along the easterly line of said Lot 6 South 35° 05' 15" East 97.27 feet to the TRUE POINT OF BEGINNING.

THENCE North 69° 29' 45" West 49.03 feet to the TRUE POINT OF TERMINUS.

e. A nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of drainage facilities for surface water runoff and storm water and for ingress and egress in connection with said facilities for the use and benefit of and as easement appurtenant to Lot 20 of Tract No. 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California, over, along and across the easterly 10.00 feet of Lot 21 of Tract 23587 as shown by map on file in Book 219 of Maps, at Pages 87 through 91 thereof, records of Riverside County, California."

4. Except as expressly amended herein, all terms and conditions of the Original Covenant shall remain in full force and effect.

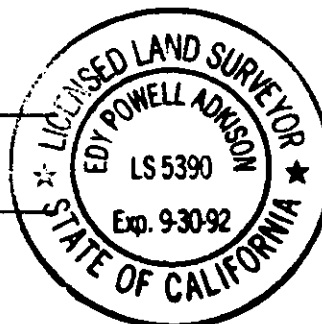
IN WITNESS WHEREOF, Declarant has executed this Amendment on the day and year first above written.

LA SIERRA HILL, a California limited partnership

By [Signature]
Min C. Cho, General Partner

The legal descriptions as shown hereon and within this instrument were prepared under my direction.

[Signature]
Edy Powell Adkison, L.S. 5390
3-24-1992
Date



Amendment Approved as to Content

[Signature] 4/2/92
Public Works Department

DESCRIPTION APPROVAL 4/2/92
[Signature]
SURVEYOR, CITY OF RIVERSIDE

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CONSENT TO AMENDMENT

By action duly taken on January 28, 1992, the City Council of the City of Riverside consented to the above Amendment to Covenant and Agreement and Declaration of Restrictions amending Paragraphs 2, 3 and 6 of that certain Covenant and Agreement and Declaration of Restrictions executed by LA SIERRA HILL, a California limited partnership, on May 30, 1990 and recorded July 6, 1990 as Instrument No. 250676, Official Records of Riverside County, California, and authorized the Mayor and City Clerk to executed the appropriate consent on behalf of the City of Riverside.

Dated: April 10, 1992

CITY OF RIVERSIDE, a
municipal corporation

By Terry Fuzziel
Mayor

Attest Karen E. Lindquist
City Clerk

APPROVED AS TO FORM
Barbara Sun
CHIEF ASSISTANT CITY ATTORNEY