

283399

WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Tract No. 25486-2
Lots 21, 22 and 23

RECEIVED FOR RECORD
AT 2:00 O'CLOCK

JUL 22 1993

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$ 23

Walter R. Spivey

23/6

COVENANT AND AGREEMENT
ESTABLISHING EASEMENT FOR PRIVATE SEWER

THIS COVENANT AND AGREEMENT is made and entered into this 1st day of July, 1993, by BEREN, a limited partnership, (the "Declarant") with reference to the following facts:

A. Declarant is the owner of the real property (the "Property") consisting of three lots ("Lot 21", "Lot 22" and "Lot 23", respectively) located in the City of Riverside, County of Riverside, State of California, and described as follows:

Lot 21

Lot 21 of Tract 25486-2 as shown by map on file in Book 245 of Maps, at pages 59 through 63, thereof, records of Riverside County, California.

Lot 22

Lot 22 of Tract 25486-2 as shown by map on file in Book 245 of Maps, at pages 59 through 63, thereof, records of Riverside County, California.

Lot 23

Lot 23 of Tract 25486-2 as shown by map on file in Book 245 of Maps, at pages 59 through 63, thereof, records of Riverside County, California.

B. Declarant desires to develop the Property as part of a residential subdivision. Declarant has submitted a sewer plan to the City of Riverside (the "City") for Tract No. 25486-2 proposing that Lot 21 be provided sewer service by an easement across Lots 22 and 23 to the public sewer main located in Via Susana, a public street.

DESCRIPTION APPROVAL 7/16/93
Walter R. Spivey by _____
SURVEYOR, CITY OF RIVERSIDE
(see)

C. The City, as a condition of approval of the sewer plans for Tract No. 25486-2, is requiring the Declarant to establish a private sewer easement across Lots 22 and 23 for the use and benefit of Lot 21 in order to allow Lot 21 to connect to the public sewer main located in Via Susana.

NOW, THEREFORE, for the purpose of complying with one of the conditions imposed by the City for the approval of the sewer plan for Tract No. 25486-2, and in consideration of such approval, the Declarant hereby covenants and agrees with the City as follows:

1. Declarant hereby establishes, grants and reserves a nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of a private sanitary sewer line and for ingress and egress in connection therewith for the use and benefit of and as an easement appurtenant to Lot 21 over, along and across that portion of Lot 22 described in Exhibit A, attached hereto and incorporated herein by this reference. Further, Declarant hereby establishes, grants and reserves a nonexclusive easement for the construction, installation, maintenance, repair, replacement and use of a private sanitary sewer line and for ingress and egress in connection therewith for the use and benefit of an as an easement appurtenant to Lot 21 over, along and across that portion of Lot 23 described in Exhibit A, attached hereto and incorporated herein by this reference.

2. The sewer line in the above-described easements shall be installed by Declarant to the standards of the City prior to the sale or conveyance by Declarant of any lot of the Property.

3. In the event Declarant shall sell or convey any lot of the Property, or the ownership is otherwise changed, Declarant shall also grant or reserve, as is appropriate, the private sewer easement above described located on Lots 22 and 23.

4. The easements herein established shall not be subject to the doctrine of merger, even though the underlying fee ownership of the three lots described herein is vested in one party or entity.

5. Any person who now or hereafter owns or acquires any right, title or interest in or to any lot of the Property shall be deemed (a) to have considered and agreed to every covenant, condition, restriction and easement contained herein; and (b) to have been granted or be subject to the easements hereinabove established in paragraph 1, whether or not any reference to the

Covenant and Agreement is contained in the instrument by which such person acquired an interest in such lot.

6. This Covenant and Agreement shall run with the land and shall be binding upon Declarant, its successors and assigns, and shall not be amended, modified or terminated without the written consent of the owners of Lot 21 of the Property and of the Public Works Director of the City duly recorded.



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

BEREN, a limited partnership

By: BEREN CONSTRUCTION CO., a California corporation, as the general partner

By *Mountain Berger*
Title VICE PRES.

By _____
Title _____

APPROVED AS TO CONTENT:

W.C. Kinschey
Public Works Department

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

June 16, 1993

W.O. # 9112517

EXHIBIT "A"**Private Sewer Easement
Lots 22 and 23 -- Tract 25486-2**

That portion of Lots 22 and 23 of Tract 25486-2, as shown by map on file in Book 245 of Maps, at Pages 59 through 63 thereof, Records of Riverside County, California, lying within a strip of land 10.00 feet and 15.00 feet wide, the Southerly line being described as follows:

Commencing at the Southeasterly corner of said Lot 23, also being the Northeast corner of said Lot 22;

Thence Southerly along the Easterly line of said Lot 22, on a curve concave Easterly, having a radius of 51.00 feet, through an angle of $08^{\circ}31'47''$, an arc length of 7.59 feet to the point of said line description, being the point of beginning of said 15.00 foot wide strip of land;

Thence $N.60^{\circ}07'27''W.$, a distance of 2.84 feet;

Thence Westerly and Southwesterly on a non-tangent curve concave Southerly, having a radius of 55.00 feet, through an angle of $97^{\circ}44'38''$, an arc length of 93.83 feet (the initial radial line bears $N.28^{\circ}00'46''E.$);

Thence $S.20^{\circ}16'08''W.$, a distance of 69.95 feet;

Thence Southwesterly on a curve concave Northwesterly, having a radius of 125.00 feet, through an angle of $40^{\circ}57'55''$, an arc length of 89.37 feet;

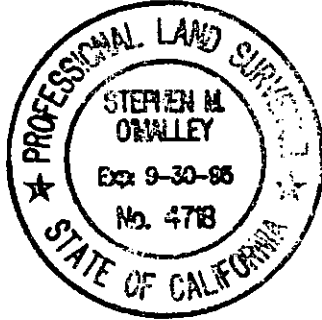
Thence $S.61^{\circ}14'03''W.$, a distance of 75.32 feet to the termination of said 15.00 foot wide strip of land, also being the point of beginning of said 10.00 foot wide strip of land;

Thence $S.56^{\circ}32'39''W.$, a distance of 88.35 feet to the most Southerly corner of said Lot 22, said corner being the termination of said 10.00 foot wide strip of land, also being the termination of said line description.

LEGAL DESCRIPTION
Exhibit "A"
Private Sewer Easement
June 16, 1993

283399

The sidelines of said 10.00 foot and 15.00 foot wide strip of land shall be prolonged or shortened as to terminate in the Easterly line of said Lots 22 and 23, and the Westerly line of said Lot 22.



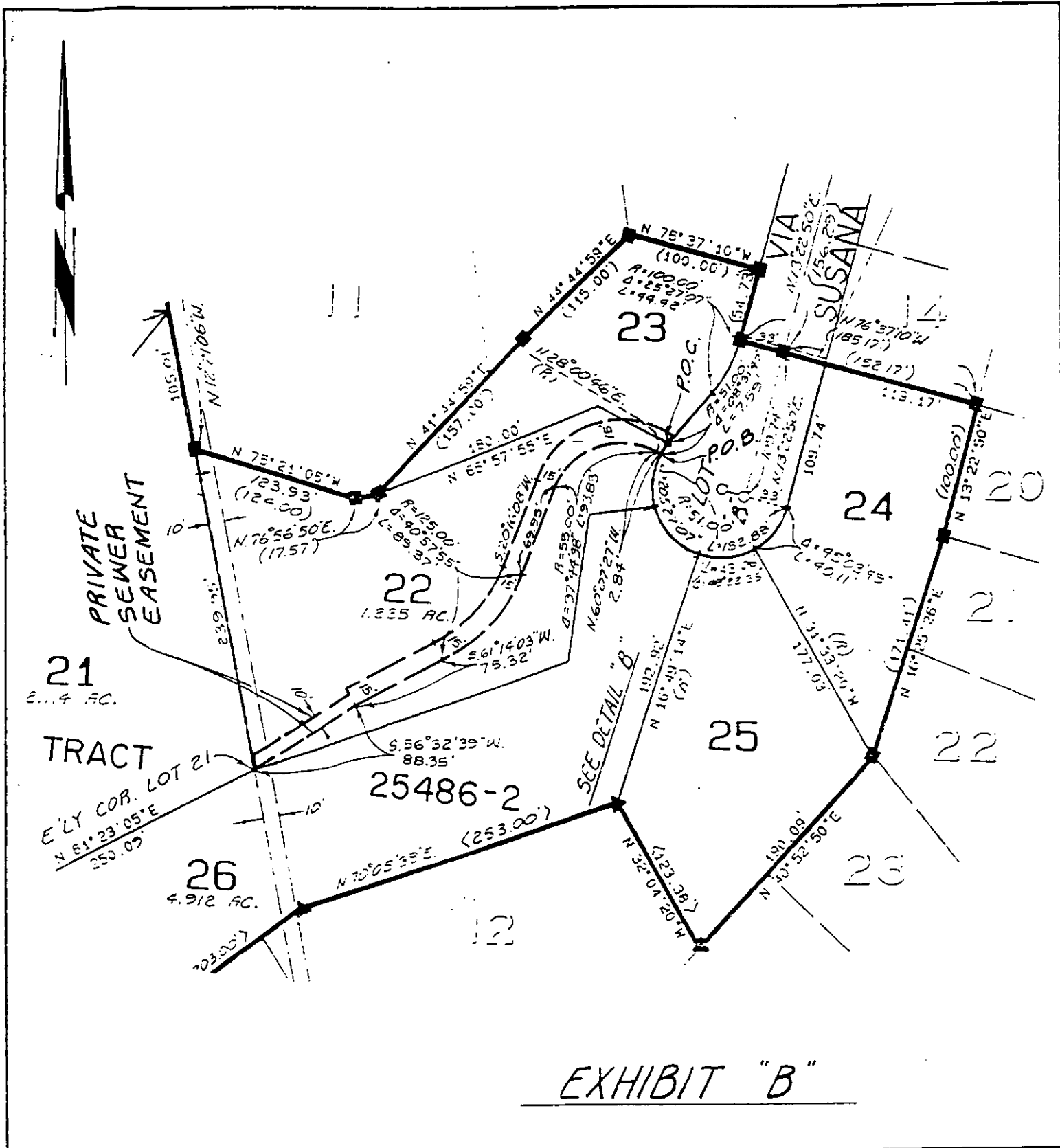
J. F. DAVIDSON ASSOCIATES, INC.
Prepared under the supervision of:

Stephen M. O'Malley
Stephen M. O'Malley PLS NO. 4718

Date: 6/21/93

MWC/yb
leg:leg/gz2

DESCRIPTION APPROVAL 7/6/93
Walter R. Inye by —
for SURVEYOR, CITY OF RIVERSIDE



• 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

91-12517(P)

SCALE: 1" = 100'

DRAWN BY MDM DATE 6/16/93

SUBJECT: TRACT 25486-2; PRIVATE SEWER ESMT.