

421202

WHEN RECORDED. MAIL TO
CITY CLERK, City of Riverside
City Hall 3900 Main Street
Riverside California 92522

PROJECT: PW-006-934 for
4444 Magnolia Avenue

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

NOV - 3 1994

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$

FOR RECORDER'S OFFICE USE ONLY

**COVENANT AND AGREEMENT and DECLARATION OF
RESTRICTION FOR PARKING**

This COVENANT AND AGREEMENT and DECLARATION OF RESTRICTION FOR PARKING (the "Covenant and Agreement") is made this 5th day of Nov, 1994 by **H & W PARTNERSHIP, a California general partnership, (H & W)** with reference to the following:

A. **H & W** are the owners of that parcel of real property, hereinafter referred to as "**H & W Parcel 1**" situated in the City of Riverside County of Riverside, State California, described in **Exhibit "A"** attached hereto and incorporated herein by this reference.

B. **H & W** are also the owners of that parcel of real property, hereinafter referred to as "**H & W Parcel 2**" situated in the City of Riverside, County of Riverside, State California, described in **Exhibit "B"** attached hereto and incorporated herein by this reference.

C. **H & W Parcel 1** is located contiguous to, and on the northerly side of 15th Street at Magnolia Avenue and **H & W Parcel 2** is located contiguous to, and on the southerly side of 15th Street at Magnolia Avenue.

D. **H & W Parcel 1** is developed with a medical facility building and related parking facilities.

E. **H & W Parcel 2** is proposed to be developed as a parking lot to provide supplemental parking which is in excess of the off-street parking requirements of the Riverside Municipal Code which are applicable to the medical facility building on **H & W Parcel 1**.

NOW, THEREFORE, the undersigned hereby covenant and agree with the City of Riverside as follows:

1 **H & W Parcel 2** shall be used for the exclusive purpose of providing parking related to the use approved for **H & W Parcel 1** and shall be improved to the standards of the City of Riverside for the sole and exclusive use and benefit of the **H & W Parcel 1** and each and every person or entity who now or in the future holds an interest in such real property.

2. This Covenant and Agreement is made and entered into for the purpose of compiling with a Condition of Approval for Parcel Map Waiver, PW-006-934, which requires a restriction on the use of **H & W Parcel 2**, and shall not be extinguished or altered in any way by the parties hereto or their heirs, successors or assigns without the prior written and recorded consent of the City Council of the City of Riverside.

3. 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 **H & W Parcel 1**. Should the City or any owner, lessee or tenant bring an action to enforce 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.

4. This Covenant and Agreement shall run with the land and shall be binding upon the undersigned, their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Covenant and Agreement the day and year first written above.

H & W PARTNERSHIP,
a California general partnership

by

title

James Hall
President

by

title

John W. Smith CTT
Chief Financial Director

Approved as to form:

Kathleen M. Gange
Asst City Attorney

Approved as to form:

Jeff A. Bul
Planning Department

H & W PARCEL 1

PORTIONS OF LOTS 1 THROUGH 10, AND 12 THROUGH 19 INCLUSIVE, OF SYFORD'S BUSINESS BLOCK ADDITION AS SHOWN BY MAP ON FILE IN BOOK 14 OF MAPS, AT PAGE 55 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF STADIUM AVENUE (FORMERLY KNOWN AS CYPRESS AVENUE), AS VACATED BY THE CITY OF RIVERSIDE BY RESOLUTION NO. 14188, RECORDED APRIL 19, 1993 AS INSTRUMENT NO. 143032, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID STADIUM AVENUE (VACATED), SAID CORNER BEING ON A LINE PARALLEL WITH AND DISTANT 50.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF MAGNOLIA AVENUE, AS SHOWN ON SAID MAP OF SYFORD'S BUSINESS BLOCK ADDITION;

THENCE SOUTH 29° 30' 05" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID STADIUM AVENUE (VACATED) HAVING A HALFWIDTH OF 20.00 FEET, A DISTANCE OF 284.92 FEET;

THENCE SOUTH 13° 33' 48" WEST, A DISTANCE OF 120.11 FEET;

THENCE SOUTH 21° 34' 04" WEST, A DISTANCE OF 123.73 FEET TO THE MOST SOUTHERLY CORNER OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE;

THE PRECEDING THREE (3) COURSES BEING ALONG THE SOUTHEASTERLY LINE OF SAID STADIUM AVENUE (VACATED);

THENCE NORTH 60° 14' 15" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE, A DISTANCE OF 90.06 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID CORNER BEING ON THE SOUTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND SHOWN AS PARCEL 1 OF CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 29, 1984 AS INSTRUMENT NO. 42163, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 29° 30' 05" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 0.06 FEET TO THE MOST SOUTHERLY CORNER THEREOF, SAID CORNER BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF FIFTEENTH STREET;

THENCE NORTH 60° 12' 50" WEST, A DISTANCE OF 136.16 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 467.00 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE HAVING A RADIUS OF 467.00 FEET, THROUGH A CENTRAL ANGLE OF 07° 08' 20", AN ARC DISTANCE OF 58.19 FEET TO A POINT, A RADIAL LINE TO SAID POINT BEARS SOUTH 36° 55' 30" WEST;

EXHIBIT A

THENCE NORTH 02° 09' 40" WEST, A DISTANCE OF 39.37 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAGNOLIA AVENUE;

THE PRECEDING THREE (3) COURSES BEING ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1 AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FIFTEENTH STREET;

THENCE NORTH 42° 56' 44" EAST, A DISTANCE OF 270.51 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 310.00 FEET;

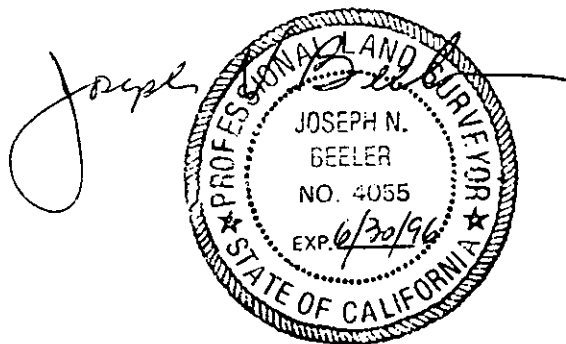
THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 310.00 FEET, THROUGH A CENTRAL ANGLE OF 47° 42' 41", AN ARC DISTANCE OF 258.15 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 1, SAID CORNER ALSO BEING THE NORTHWESTERLY CORNER OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE;

THE PRECEDING TWO (2) COURSES BEING ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1. THENCE CONTINUING ALONG SAID CURVE HAVING A RADIUS OF 310.00 FEET, THROUGH A CENTRAL ANGLE OF 0° 04' 59", AN ARC DISTANCE OF 0.45 FEET;

THENCE SOUTH 89° 15' 36" EAST, A DISTANCE OF 45.18 FEET TO THE POINT OF BEGINNING.

THE PRECEDING TWO (2) COURSES BEING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAGNOLIA AVENUE AND THE NORTHWESTERLY LINE OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.36 ACRES.



DESCRIPTION APPROVAL 5/14/94
 _____ by _____
 SURVEYOR, CITY OF RIVERSIDE

EXHIBIT A

H & W PARCEL 2

THAT PORTION OF LOT 11 OF SYFORD BUSINESS BLOCK ADDITION AS SHOWN BY MAP ON FILE IN BOOK 14 OF MAPS, AT PAGE 55 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF LOT 154 OF THE LANDS OF THE SOUTHERN CALIFORNIA COLONY ASSOCIATION, AS SHOWN BY MAP RECORDED IN BOOK 7 OF MAPS, AT PAGE 3 THEREOF, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH PORTIONS OF FIFTEENTH STREET AND STADIUM AVENUE (FORMERLY CYPRESS AVENUE), AS VACATED BY CITY COUNCIL RESOLUTION NO. 18398 RECORDED JANUARY 21, 1994 AS INSTRUMENT NO. 27258, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND SHOWN AS PARCEL 3 OF CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 29, 1984, AS INSTRUMENT NO. 42163, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID CORNER ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY OF MAGNOLIA AVENUE;

THENCE NORTH 42° 56' 44" EAST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 3 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAGNOLIA AVENUE, A DISTANCE OF 50.34 FEET TO AN ANGLE POINT;

THENCE NORTH 81° 58' 49" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 3 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 52.76 FEET TO THE MOST NORTHERLY CORNER OF SAID PORTION OF FIFTEENTH STREET AS VACATED BY THE CITY OF RIVERSIDE, SAID CORNER BEING ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 521.00 FEET, A RADIAL LINE TO SAID CORNER BEARS SOUTH 36° 57' 41" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 521.00 FEET, THROUGH A CENTRAL ANGLE OF 07° 10' 31", AN ARC DISTANCE OF 65.25 FEET;

THENCE SOUTH 60° 12' 50" EAST, A DISTANCE OF 109.50 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 193.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 193.00 FEE, THROUGH A CENTRAL ANGLE OF 15° 34' 41", AN ARC DISTANCE OF 52.48 FEET TO AN ANGLE POINT, A RADIAL LINE TO SAID ANGLE POINT BEARS NORTH 45° 21' 51" EAST;

THE PRECEDING THREE (3) COURSES BEING ALONG THE NORTHEASTERLY LINE OF SAID PORTION OF FIFTEENTH STREET AS VACATED BY THE CITY OF RIVERSIDE;

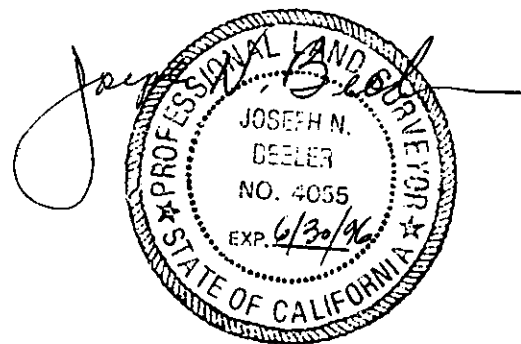
THENCE SOUTH 11° 52' 24" EAST, A DISTANCE OF 22.90 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE;

EXHIBIT B

THENCE SOUTH 29° 30' 05" WEST ALONG LAST MENTIONED SOUTHEASTERLY LINE, A DISTANCE OF 55.71 FEET TO THE MOST SOUTHERLY CORNER OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE;

THENCE NORTH 59° 42' 12" WEST ALONG THE SOUTHWESTERLY LINE OF SAID PORTION OF STADIUM AVENUE AS VACATED BY THE CITY OF RIVERSIDE AND SOUTHWESTERLY LINE OF SAID PARCEL 3, A DISTANCE OF 295.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.50 ACRES.



DESCRIPTION APPROVAL 5/16/94
Mark S. B... by ME
SURVEYOR, CITY OF RIVERSIDE