

366587

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

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

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

SEP 24 1996

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

Recorded in Official Records  
of Riverside County California

Recorder  
Fees \$



For Recorder's Office Use Only

Project: Parcel 1 of  
Parcel Map 28267

PARTIAL RELEASE OF  
COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

THIS PARTIAL RELEASE OF COVENANT AND AGREEMENT AND DECLARATION  
OF RESTRICTIONS is made and entered into this 24<sup>th</sup> day of September,  
1996, by the CITY OF RIVERSIDE, a municipal corporation ("City"),  
with reference to the following facts:

A. To provide for the deferral of certain conditions  
imposed by City for the approval of Cases SPA-3-912, RZ-011-912  
and PW-013-912, **REGIONAL PROPERTIES, INC**, a California  
**corporation**, ("Declarant") as the fee owner of the properties  
(the "Property") described in the Certificate of Compliance for  
Parcel Map Waiver Case PW-013-912 dated March 29, 1994, and  
recorded on May 4, 1994, as Instrument No. 185008, Official  
Records of Riverside County, California, was required to execute  
and record a covenant and agreement in which Declarant agreed to  
construct certain improvement including curb and gutter and full  
parkway and median landscaping and hardscape, to install new  
street trees, and provide for utility easements and the  
installation of street lights and electrical underground and/or  
overhead facilities and the payment of fees in accordance with  
the rules and regulations of the Public Utilities Department of  
City, as well as to give notice to all future owners of any  
portion of the Property within the Landscape Maintenance  
District of the existence of said District and to advise that  
the City will levy assessments for the maintenance of  
landscaping within the District.

72-7

CIA 517

B. Declarant executed a Covenant and Agreement and Declaration of Restrictions ("Declaration") on April 18, 1994, to meet the condition imposed by City for the deferral of certain of the conditions imposed in Cases SPA-3-912, RZ-011-912 and PW-013-912. The Declaration was approved as to content on behalf of the Planning, Public Works, and Park and Recreation Departments of City, and as to form by the Legal Department of City, and thereafter recorded on May 4, 1994, as Instrument No. 185012, Official Records of Riverside County, California.

C. Declarant subsequently conveyed a portion of the Property to **MISSION VILLAGE, a California corporation** ("Mission Village"). By Parcel Map 28267, said portion of the Property conveyed to Mission Village consisting of approximately 27.8 vacant acres situated at the southeast corner of Alessandro Boulevard and Mission Grove Parkway South was divided into two parcels for commercial purposes. Mission Village intends to sell Parcel 1 of Parcel Map 28267, and the prospective buyer for said Parcel 1 has requested that the Declaration be removed as an encumbrance to said parcel.

D. As a condition of the approval of Parcel Map 28267, Mission Village was required to install and provide for the appropriate security to guarantee the installation of the improvements previously required as a condition of approval of Cases SPA-3-912, RZ-011-912 and PW-013-912 adjacent to Parcel 1 of said Parcel Map 28267.

E. As the need for the Declaration on Parcel 1 of Parcel Map 28267 has been superseded by the installation of the most of the required improvements and the posting of an appropriate agreement and security guaranteeing the installation of any remaining improvements and as it is unlikely that a landscape maintenance district will be formed which will include said Parcel 1, it is appropriate to release said Parcel 1 for the Declaration. The Declaration provided that it would run with the land and continue in effect until such time as released by the City Council of the City of Riverside.

F. By action duly taken on September 10, 1996, the City Council of the City of Riverside authorized the release of Parcel 1 of Parcel Map 28267 from the Declaration and directed the City Manager to execute such release on its behalf.

NOW, THEREFORE, incorporating the above recitals, the City of Riverside, acting by and through its City Manager as authorized and directed by its City Council, hereby releases the Covenant and Agreement and Declaration of Restrictions executed by **REGIONAL PROPERTIES, INC.**, a California corporation, on April 18, 1994, and recorded on May 4, 1994, as Instrument No. 185012, Official Records of Riverside County, California, from and only from the following described property owned by **MISSION VILLAGE, a California corporation**:

Parcel 1 of Parcel Map 28267 as shown by map on file in Book 187 of Parcel Maps, at pages 38 and 39 thereof, records of Riverside County, California,

and said Covenant and Agreement and Declaration of Restrictions shall be of no force and effect as to said Parcel 1 as of the date this Partial Release is recorded in the Office of the County Recorder of Riverside County, California.

The Covenant and Agreement and Declaration of Restrictions executed by REGIONAL PROPERTIES, INC. on April 18, 1994, and recorded on May 4, 1994, as Instrument No. 185012, Official Records of Riverside County, California shall remain in full force and effect as to the Property described therein and is not released hereby excepting only for said Parcel 1 of Parcel Map 28267.

IN WITNESS WHEREOF this Partial Release of Covenant and Agreement and Declaration of Restrictions has been duly executed by its authorized officers the day and year first written above.

CITY OF RIVERSIDE, a  
municipal corporation

By John E. Holmes  
City Manager

Attest Colleen Nicol  
City Clerk

DESCRIPTION APPROVAL 9/19/96  
Walter R. Ince by —  
SURVEYOR, CITY OF RIVERSIDE

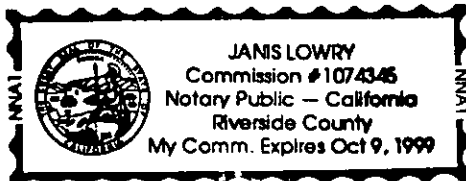
Approved as to Form:

[Signature]  
Assistant City Attorney

State of California )  
County of Riverside ) ss  
)

On September 24, 1996, before me, the undersigned, a notary public in and for said State personally appeared JOHN E. HOLMES  
AND COLLEEN J. NIAIL

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janis Lowry  
Signature

CAPACITY CLAIMED BY SIGNER

- ( ) Attorney-in-fact
- ( ) Corporate Officer(s)  
Title \_\_\_\_\_ Title \_\_\_\_\_
- ( ) Guardian /Conservator
- ( ) Individual(s)
- ( ) Partner(s)  
( ) General ( ) Limited
- ( ) Trustee(s)
- (x) Other City Manager and City Clerk

The party(ies) executing this document is/are representing:  
City of Riverside