



095802

Recording Requested By:

The Magnon Companies
1650 Spruce Street
Suite 400
Riverside, CA 92507

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

MAR 24 1997

When Recorded Mail To:
City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, CA 92522

Recorded in Official Records
of Riverside County, California
Recorder
Fees \$ 30

Project: Building Permit
for 799 Palmyrita Avenue
Zoning Case RZ-004-967

Space above this line for recorder's use

30/8
48

**Declaration of Covenants and Agreement Regarding
Maintenance of Yards For an Oversized Building
and Open Space Easement**

This Declaration of Covenants and Agreement Regarding Maintenance of Yards and Open Space Easement ("Declaration") is made on this 11th day of February, 1997 by The Magnon Companies, a California Corporation ("Magnon") with reference to the following.

Recitals

A. Magnon is the owner of a parcel of real property on which Magnon desires and intends to construct a 160,000 square foot industrial building (the "Building") in the City of Riverside, County of Riverside, California, more particularly described on Exhibit "A" attached hereto and incorporated by this reference ("Magnon's City property").

B. Magnon is also the owner of a parcel of unimproved real property adjoining the western boundary of Magnon's City property, which property is in an unincorporated area of the County of Riverside, California, more particularly described on Exhibit "B" attached hereto and incorporated by this reference ("Magnon's County property") (Magnon's City property and Magnon's County property are collectively the "Properties").

C. Magnon has submitted plans for the Building to the City of Riverside ("Riverside") which plans locate the Building less than sixty (60) feet, as measured at right angles, from certain northwesterly property lines of the Magnon City property.

D. Riverside requires that Magnon make this Declaration to bring the Building plans into conformity with the Uniform Building Code (1994 Ed.) Section 505, and related sections, which requires that a minimum of sixty (60) feet be maintained unobstructed between the exterior wall of the northwesterly corner of the Building and any structures to be placed on the Magnon County property.

E. Riverside further requires that Magnon make this Declaration to create an open space easement over that area of the Magnon City property located in Riverside's watercourse zone.

Agreement

Now, therefore, Magnon hereby declares that the Properties are and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following limitations, restrictions and covenants, all of which are declared and agreed to be in furtherance of a plan for improvement of the Properties. All of the limitations, restrictions and covenants herein shall run with the Properties and shall be binding on all parties having or acquiring any right, title or interest in the Properties and shall be for the benefit of each owner of any portion of the Properties or any interest therein, and shall inure to the benefit of and be binding upon, as the case may be, each successor in interest of the owners thereof.

1. In order to comply with section 505 of the Uniform Building Code (1994 Ed.), Magnon hereby reserves to itself, its successors and assigns, a non-exclusive non-buildable easement ("Easement") on an area of the Magnon's County property as shown on the map attached hereto as Exhibit "C" and incorporated by this reference. Said Easement shall extend a minimum of sixty (60) feet as measured at right angles from exterior of the northwest walls of the Building and shall be maintained unobstructed from the ground to the sky, except that paving materials suitable for vehicular traffic shall be permitted.

2. Magnon also reserves and grants to each owner of the Magnon's City property and Magnon's County property and their respective successors and assigns, said Easement for reasonable use by vehicular and pedestrian traffic from, onto and through Magnon's City property and Magnon's County property.

3. Magnon further reserves to itself, its successors and assigns, and grants to each owner of the Magnon's City property an open space easement restricting uses to natural open space ("Open Space Easement") on an area of Magnon's City property in Riverside's watercourse zone more particularly described in Exhibit "D" and as shown on the map in Exhibit "E", both of which exhibits are attached hereto and incorporated herein by reference. Magnon hereby covenants with Riverside that the Open Space Easement will be kept in an open

natural state, and that no building or other structure will be located therein.

4. This Declaration shall run with the Magnon's City property, and Magnon's County property, and each of them, and shall be binding upon Magnon and any future owners or encumbrances of the Properties, and each of them, and their successors, heirs and assigns.

5. This Declaration shall continue in effect until released by authority of the Building Official or Successor Officer for the City of Riverside, California, or the successors to the duties of such official.

IN WITNESS WHEREOF, this Declaration has been executed by the parties hereto as of the date first written above.

The Magnon Companies, a California corporation

By: Raymond Magnon
Raymond Magnon
Its: President

Approved as to Content: PR

By: Daniel B. Chud
Building Official

Dated: 3/13/97

Approved as to Form:

By: Barbara Purvis
Barbara Purvis, Assistant City Attorney
City of Riverside

Dated: 3/12/1997

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF Riverside

On 3-10-97 before me, Rashell Calhoun,
personally appeared Raymond Magnon
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person whose name is/are subscribed to the within instrument and acknowledged to me that
he/~~she~~/they executed the same in his/~~her~~/their authorized capacity , and that by his/~~her~~/their
signature on the instrument the person , or the entity upon behalf of which the person
acted, executed the instrument.

WITNESS my hand and official seal.

Signature Rashell Calhoun



(Seal)

PARCEL "A"

That portion of Lot 4 of Herrick's Subdivision, as shown by map on file in Book 3 of Maps, at Page 11 thereof, Records of Riverside County, California, and a portion of the Southwest one-quarter of Section 8, township 2 South, Range 4 West, San Bernardino Meridian, as shown by map on file In Book 67 of Records of Survey, at Page 48 thereof, Records of Riverside County, California, described as follows:

BEGINNING at the Northeast corner of Parcel 3 of Parcel Map 24869, as shown by map on file In Book 171 of Parcel Maps, at Pages 94 and 95 thereof, Records of Riverside County, California;

Thence N.65°24'32"E., a distance of 60.00 feet;

Thence S.89°58'00"E., a distance of 653.46 feet

Thence N.00°02'00"E., a distance of 460.81 feet to the Southerly line of said Lot 4, also being the Northerly line of Parcel No. 2, as shown by map on file In Book 40 of Records of Survey, at Page 68 thereof, Records of Riverside County, California;

Thence S.89°55'00"E. along said line, a distance of 37.36 feet to the Southeast corner of said Lot 4;

Thence N.00°02'31"W. along the Easterly line of said Lot 4, a distance of 627.69 feet to the Northeast corner thereof;

Thence S.63°33'42"W. along the Northwesterly line of that certain parcel containing 22.60 acres gross, as shown on said Record of Survey Book 67, Page 48, a distance of 702.32 feet to the Westerly line of said Lot 4;

Thence South along said Westerly line, a distance of 314.07 feet to the Southwest corner of said Lot 4, said corner also being on the Northerly line of the Southwest one-quarter of the Southwest one-quarter of said Section 8;

Thence N.89°55'00"W., along said Northerly line, also being the Southerly line of Lot 3 of said Herrick's Subdivision, a distance of 116.03 feet to the Northerly prolongation of the Easterly line of said Parcel 3;

Thence S.00°02'00"W. along said Northerly prolongation, a distance of 486.43 feet to the Point of Beginning.

The above described parcel of land contains 14.312 acres, more or less.

DESCRIPTION APPROVAL:

Amel S. B. 3.13.97
MUNICIPALITY OF RIVERSIDE

The following described real property in the
County of Riverside, State of California:

Those portions of Lots 3 and 4 of Herrick's Subdivision of the Northwest quarter of the Southwest quarter of Section 8, Township 2 South, Range 4 West, San Bernardino Meridian, in the County of Riverside, State of California, as per map recorded in Book 3, Page 21 of Maps, in the Office of the County Recorder of said County described as follows:

Beginning at the Southwest corner of Lot 3;
thence North, on the West line of Lot 3, 100.00 feet;
thence East 200.00 feet;
thence Northeasterly to the Northeast corner of Lot 4;
thence South on the East line of Lot 4, to the Southeast corner thereof;
thence West, on the South lines of Lots 4 and 3, to the point of beginning.
EXCEPT that portion thereof located in said Lot 4.

3.13.97
Amel S. P.

EXHIBIT "C"

95802

HERRICK'S SUBDIVISION

M.B. 3/11 707.32'

NLY LINE OF ASSESSOR PARCEL -
255-110-014 TO THE MAGNON
COMPANIES/HUNTER, LTD-1 BY DEED
REC. 3/28/86 AS INST. NO. 70892
O.R. RIV CO. CA.

5.67°33'42"W. 707.32'
NW'ly line 22.60 Acre Gross
Parcel shown on R.S. 67/48.

CALIFORNIA AVENUE

NORTHGATE STREET

Easement Area
SOUTH 314.07'

N. 89°55'00"W.
116.03'

NLY LINE SW 1/4 OF
SW 1/4 OF SEC. 8
T.2S., R.4W., S.B.M.

DELETED LINE

PARCEL "A"

14.312 ACRES

R.S.

N. 65°24'32"E. (R)
60.00'

ADJUSTED LINE

464.46'
S. 89°58'00"E. 653.46'

DELETED LINE

ADJUSTED LINE

868.43'
486.43'

5.00°02'00"W.
287.00'

PARCEL "B"

4.829 ACRES

PAR. 3

PARCEL MAP 24869

P.M. 171/94-95

S. 89°57'00"W. 519.00'

406.75'
691.25'

N. 00°02'00"E. 691.25'

S. 89°57'00"W.
60.00'

PAR. NO. 1
N. 00°02'00"E.
140.00'

PRIVATE STREET

PAR. 1

PAR. 2

PAR. 1

PAR. 2

PARCEL MAP

NO. 28040

P.M. 185/31-32

313.97
Handwritten signature

N. 00°02'00"W. 677.69'

6

PAR. 1368

PAR. NO.

R.S. 40,

EXHIBIT "D"

**OPEN SPACE EASEMENT
RZ-004-967 MAGNON**

That portion of Lot 4 of Herrick's subdivision as shown by map on file in Book 3 of Maps, at Page 11 thereof, Records of Riverside County, California, described as follows:

COMMENCING at the Southwest corner of said Lot 4;

Thence North along the Westerly line of said Lot 4, a distance of 85.32 feet to the Point of Beginning of the parcel of land to be described;

Thence N.38°49'57"E., a distance of 59.48 feet;

Thence N.74°57'30"E., a distance of 119.68 feet;

Thence S.88°21'08"E., a distance of 74.96 feet;

Thence N.72°04'24"E., a distance of 109.91 feet;

Thence N.60°36'06"E., a distance of 83.78 feet;

Thence N.39°58'30"E., a distance of 80.10 feet;

Thence N.66°51'52"E., a distance of 102.35 feet;

Thence S.57°53'09"E., a distance of 72.42 feet;

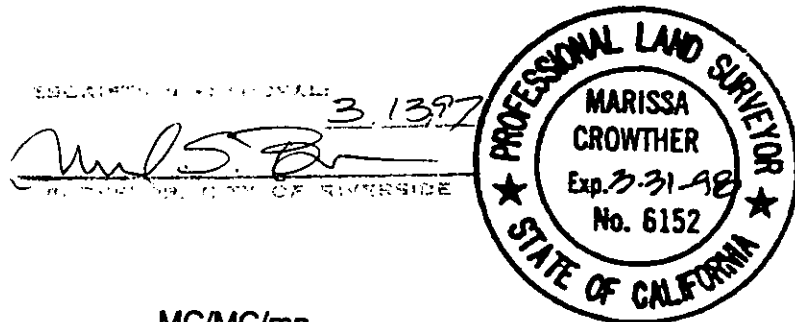
Thence N.63°33'42"E., a distance of 18.75 feet to the Easterly line of said Lot 4;

Thence N.00°02'31"W. along said Easterly line, a distance of 319.83 feet to the Northeast corner thereof;

Thence S.63°33'42"W. along the Northwesterly line of that certain parcel containing 22.60 acres gross as shown on Record of Survey, Book 67, Page 48 thereof, Records of Riverside County, California, a distance of 702.32 feet to the Westerly line of said Lot 4;

Thence South along said Westerly line, a distance of 228.75 feet to the Point of Beginning.

The above described parcel of land contains 3.682 acres, more or less.



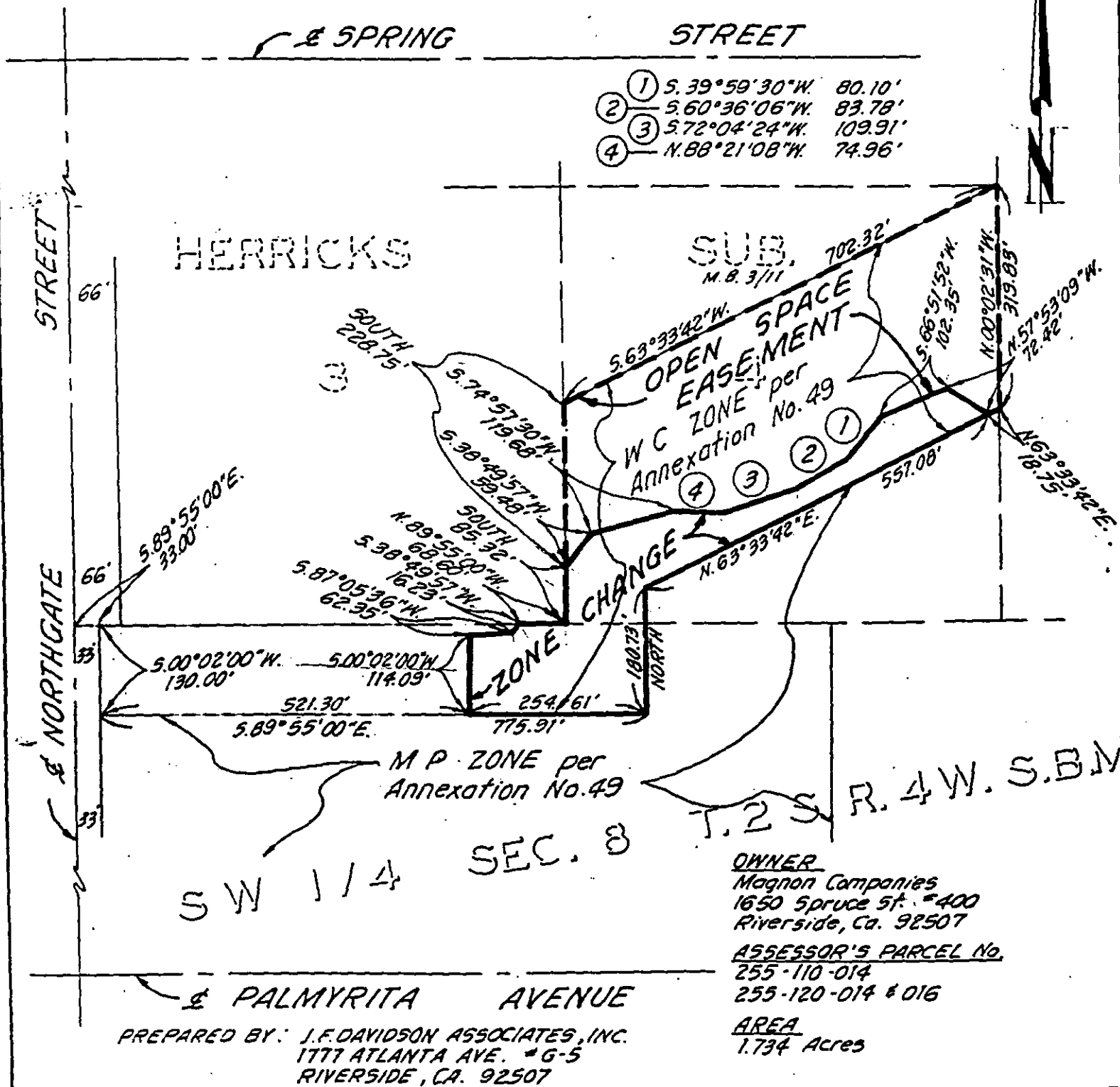
J. F. DAVIDSON ASSOCIATES, INC.
Prepared under the supervision of:

Marissa Crowther
Marissa Crowther, PLS No. 6152

Date: FEB. 21st 1997

MC/MC/mn

EXHIBIT "E"



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

96-13430(P)

SCALE: 1" = 200'

DRAWN BY M.C. DATE 11/22/96

SUBJECT: ZONE CHANGE. RZ-004-967

MAGNON