

388767

WHEN RECORDED MAIL TO:

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

Project: VC-002-967
California Avenue
Vacation

RECEIVED FOR RECORD
AT 8:00AM

SEP 14 1998

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$ 0

For Recorder's Office Use Only

**EXEMPT PURSUANT TO
GOV'T. CODE Sec. 6103**

COVENANT AND AGREEMENT AND DECLARATION
OF RESTRICTIONS FOR COMMON DRIVEWAY

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 27th day of July, 1998, by WILLIAM C. KURTZ AND JOYCE KURTZ, husband and wife as joint tenants, the owners in fee of the following described real property located in the City of Riverside, County of Riverside, State of California:

Parcel 1:

See Exhibit A attached.

and by THOMAS F. ROBINSON AND JODIE S. ROBINSON, husband and wife as joint tenants, the owners in fee of the following described real property located in the City of Riverside, County of Riverside, State of California:

Parcel 2:

See Exhibit B attached.

Said parcels are adjoining lots as shown on the attached plat (Exhibit C).

In consideration for the mutual covenants and agreements herein and for the purpose of complying with a condition imposed by the City of Riverside for the approval of Vacation Case VC-002-967, the undersigned hereby covenant and agree with the City of Riverside that the above described Parcel 1 and Parcel 2 shall be restricted by the establishment of a common private driveway on both parcels as follows:

1. There is hereby established over, along and across the following described portion of the property designated as Parcel 1 a nonexclusive easement for mutual ingress and egress for the use and

benefit of and as an easement appurtenant to the property designated as Parcel 2:

See Exhibit D attached hereto and incorporated herein.

2. There is hereby established over, along and across the following described portion of the property designated as Parcel 2 a nonexclusive easement for mutual ingress and egress for the use and benefit of and as an easement appurtenant to the property designated as Parcel 1:

See Exhibit E attached hereto and incorporated herein.

3. The easement areas described above are planned to be developed with a common driveway for mutual access, ingress and egress to the public streets, Tomlinson Avenue and California Avenue, and each easement area shall be developed with a common driveway and maintained by the respective owner of each parcel.

4. The cost of the construction, reasonable repair and maintenance of the common driveway shall be born equally by the owners of each parcel.

5. This Covenant and Agreement and Declaration of Restrictions is made and entered into for the purpose of complying with a condition of approval of Case VC-002-967 and shall not be extinguished or altered in any way by the parties hereto or their successors or assigns without the prior written and recorded consent of the Public Works Director of the City of Riverside, California, or the successors to the duties of such officials.

6. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns, or by any owner, lessee or tenant of any Parcel 1 or Parcel 2. Should the City of Riverside or any owner, lessee or tenant bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness' fees and reasonable costs of suit.

7. This Grant of Easement and Declaration of Restrictions shall run with the land and shall be binding upon the undersigned, their heirs, successors and assigns.

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IN WITNESS WHEREOF the parties hereto have caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first above written.

Thomas F. Robinson
THOMAS F. ROBINSON

William C. Kurtz
WILLIAM C. KURTZ

Jodie S. Robinson
JODIE S. ROBINSON

Joyce Ann Kurtz
JOYCE ANN KURTZ

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

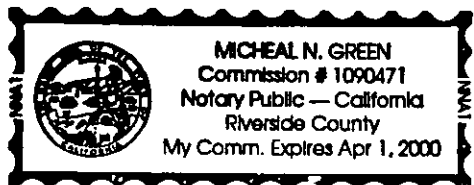
M. B. [Signature]
Public Works Department

Kathleen M. Boyer
Assistant City Attorney

State of California)
County of Riverside)se

On July 27, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas S. Robinson & Jodie S. Robinson 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.



Michael N. Green
Signature

CAPACITY CLAIMED BY SIGNER

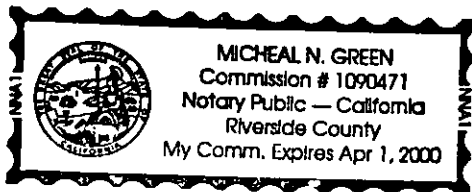
- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- (X) Individual(s)
- () Partner(s)
() General () Limited
- () Trustee(s)
- () Other _____

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

State of California)
County of Riverside)se

On July 27, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Kurtz & Joyce Ann Kurtz 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.



Michael N. Green
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- (X) Individual(s)
- () Partner(s)
() General () Limited
- () Trustee(s)
- () Other _____

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

EXHIBIT "A"
A.P.N. 145-131-020
KURTZ

PARCEL 1

That portion of Alcazar Avenue, formerly Paloma Avenue as shown on a map of La Granada on file in Map Book 12, pages 42 through 51 records of Riverside County California, together with that portion of Lot 11 of La Granada Tract No. 2 as shown by map on file in Book 14 of Maps, page 97 thereof, records of Riverside County, California, **BOUNDED AS FOLLOWS:**

ON THE WEST by a line parallel with and 44.00 feet south and southeasterly as measured at right angles from the following described line:

BEGINNING at the intersection of the centerline of Tyler Street with the northeasterly prolongation of the centerline of California Avenue all as shown by map on Tract No. 8006, on file in Book 94, Pages 59 through 63 of Maps, records of said Riverside County;

THENCE North $57^{\circ}55'23''$ East, along said northeasterly prolongation of the centerline of California Avenue, a distance of 281.62 feet to the beginning of a tangent curve concave southeasterly and having a radius of 680.00 feet;

THENCE northeasterly to the right along said curve through a central angle of $37^{\circ}21'40''$ an arc length of 443.41 feet to a line parallel with and distant 19.00 feet southerly, as measured at right angles, from the centerline of Tomlinson Avenue as shown by map of La Granada, on file in Book 12, Pages 42 through 51 of Maps, records said Riverside County;

THENCE South $84^{\circ}42'57''$ East, along said parallel line, a distance of 440.99 feet to the beginning of a tangent curve concave northerly and having a radius of 680.00 feet;

THENCE easterly to the left along said last mentioned curve through a central angle of $45^{\circ}04'24''$ an arc length of 534.94 feet;

THENCE North $50^{\circ}12'39''$ East, a distance of 698.12 feet to the beginning of a tangent curve concave northwesterly and having a radius of 680.00 feet;

THENCE northeasterly to the left along said last mentioned curve through a central angle of $16^{\circ}21'13''$ an arc length of 194.09 feet;

THENCE North $33^{\circ}51'26''$ East, a distance of 304.75 feet to the beginning of a tangent curve concave southeasterly and having a radius of 680.00 feet; said curve

also being the southwesterly prolongation of the centerline California Avenue as shown by map of Tract No. 8492, on file in Book 92, Pages 49 through 51 of Maps, records of said Riverside County;

THENCE northeasterly to the right along said last mentioned curve and along said southwesterly prolongation of the centerline of California Avenue through a central angle of $11^{\circ}40'51''$ an arc length of 138.63 feet to the intersection of said centerline of California Avenue with the centerline of Bolton Avenue as shown by said last mentioned map and the END of this line description;

ON THE NORTH by a line drawn perpendicular to the centerline of Alcazar Avenue and passing through the northwest corner of that certain parcel of land conveyed to William C. Kurtz, et ux, by deed recorded June 6, 1994, as Instrument No. 227502 of Official Records of Riverside County, California; said perpendicular line shall begin at said northwest corner and extend northwesterly to hereinbefore said line **"BOUNDED ON THE WEST"**;

ON THE EAST by the westerly line of said parcel conveyed to said William C. Kurtz, et ux;

ON THE SOUTH by a line drawn perpendicular to the centerline of Alcazar Avenue and passing through the southwest corner of said parcel of land conveyed to William C. Kurtz, et ux; said perpendicular line shall begin at said southwest corner and extend northwesterly to hereinbefore said line **"BOUNDED ON THE WEST"**;

TOGETHER WITH:

That certain parcel of land conveyed to said William C. Kurtz, et ux, by deed recorded June 6, 1994, as Instrument No. 227502 of Official Records of said Riverside County, described as follows:

That portion of Lots 10 and 11 in Block 56 of La Granada, as shown by map on file in Book 12, pages 42 through 51 of Maps, records of Riverside County, California, described as follows:

COMMENCING at a point in the south line of Lot 10, distant thereon 198.57 feet easterly of the southwest corner of said Lot 11;

THENCE northerly, parallel with the west line of Lot 10, a distance of 109 feet to the **TRUE POINT OF BEGINNING**;

THENCE northerly, parallel with the west line of said Lot 10, a distance of 60 feet;


THENCE westerly, parallel with the south lines of Lots 10 and 11, to a point in the

northwest line of said Lot 11;

THENCE southwesterly, along the northwest line of Lot 11, a distance of 63.63 feet;

THENCE easterly, parallel with the south lines of said Lots 10 and 11, to the **TRUE POINT OF BEGINNING.**

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/8/98 Prep. MF
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/99

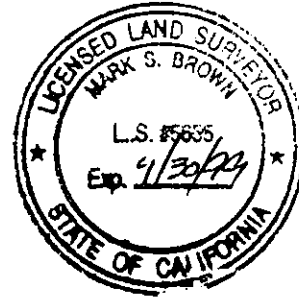


EXHIBIT "A"

388767

KURTZ

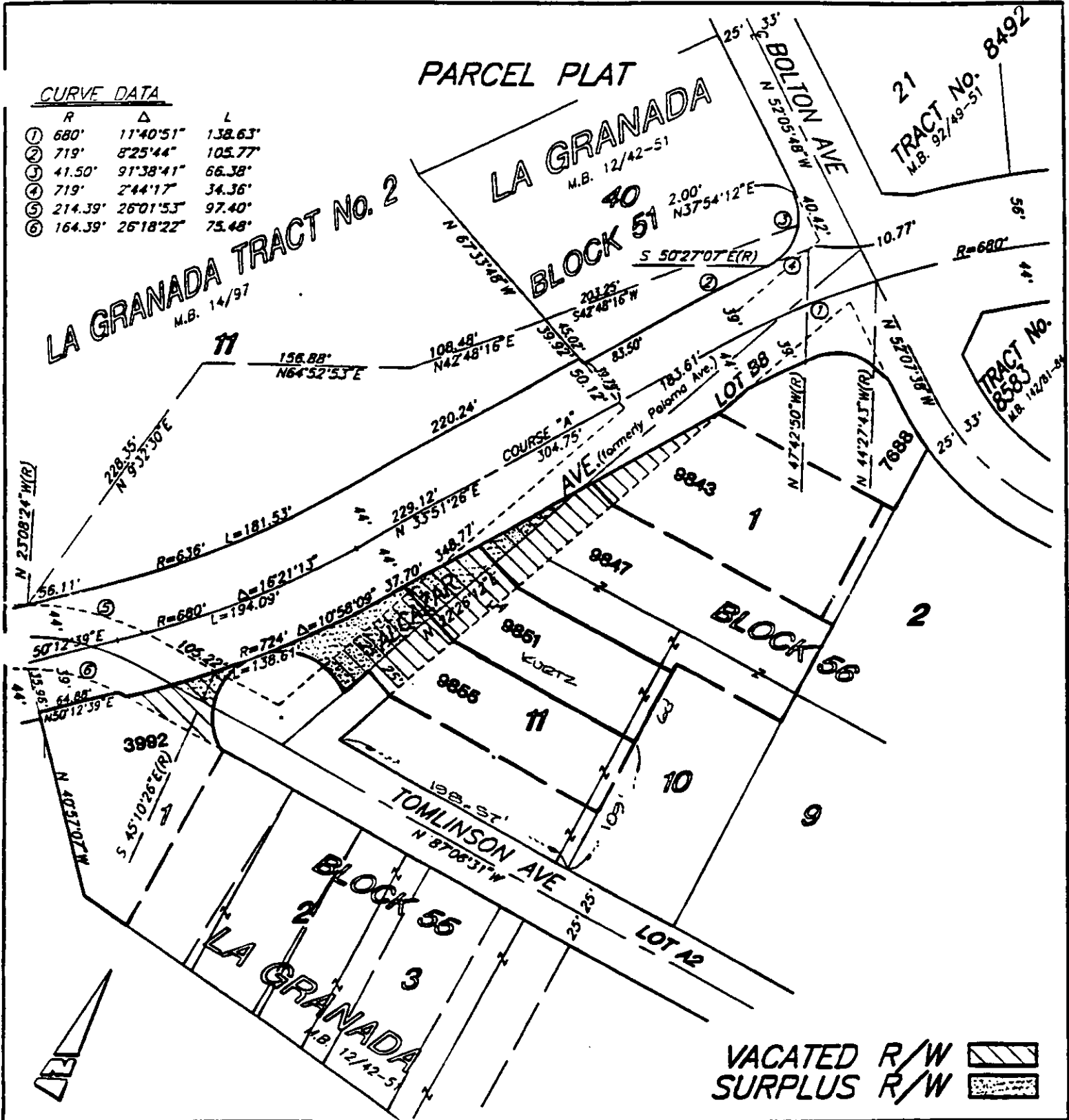


EXHIBIT "B"
A.P.N. 145-131-019
ROBINSON

PARCEL 2

That portion of Lot 11 of La Granada Tract No. 2, as shown by map on file in Book 14 of Maps, page 97 thereof, records of Riverside county, California, together with that portion of Alcazar Avenue (formerly Paloma Avenue), Lot "BB" of La Granada, as shown by map on file in Book 12 of Maps, pages 42 through 51 thereof, records of said Riverside County, described as follows:

COMMENCING at the intersection of the centerline of Alcazar Avenue with the centerline of Tomlinson Avenue as shown by said map of La Granada;

THENCE North $87^{\circ}06'31''$ West, along said centerline of Tomlinson Avenue, 11.21 feet;

THENCE North $02^{\circ}53'29''$ East, 18.00 feet to the radius point of a curve having a radius of 51.00 feet;

THENCE North $12^{\circ}56'26''$ East, along a radial line from said radius point, 51.00 feet to a point on said curve; said point being the TRUE POINT OF BEGINNING; said point also being the intersection of said curve, concave southerly, with the northwesterly line of said Alcazar Avenue;

THENCE westerly, along said curve, through a central angle of $40^{\circ}50'12''$, an arc length of 36.44 feet, more or less, to the intersection of a point in a curve concave northwesterly and having a radius of 724.00 feet; the radial line to said point bears South $48^{\circ}58'29''$ East; said curve having a radius of 724.00 feet being 88.00 feet southeasterly, measure radially, from the northwesterly line of that certain parcel of land conveyed to the City of Riverside by Deed recorded November 8, 1995, as Instrument No. 373973 of Official Records of said Riverside county; said northwesterly line being in a curve concave northwesterly and having a radius of 636.00 feet;

THENCE northeasterly, along said curve having a radius of 724.00 feet, through a central angle of $07^{\circ}10'05''$, an arc length of 90.58 feet;

THENCE North $33^{\circ}51'26''$ East, parallel with said northwesterly line, 17.21 feet to the intersection with the northwesterly prolongation of a line drawn perpendicular to the centerline of said Alcazar Avenue and passing through the northwesterly corner of that certain parcel of land conveyed to Thomas F. Robinson, et ux, by deed recorded April 5, 1991, as Instrument No. 111832 of Official Records of said Riverside County;

THENCE South $67^{\circ}33'48''$ East, along last said line, 54.06 feet, more or less, to said northwesterly corner of said parcel conveyed to Thomas F. Robinson, et ux; said northwesterly corner being a point in the southeasterly line of said Alcazar Avenue;

THENCE South $22^{\circ}26'12''$ West, along said southeasterly line of Alcazar Avenue, to the southwesterly corner of said parcel conveyed to Thomas F. Robinson;

THENCE North $67^{\circ}33'48''$ West, 50.00 feet to a point in said northwesterly line of Alcazar Avenue;

THENCE South $22^{\circ}26'12''$ West, along said northwesterly line, 23.89 feet, more or less, to said TRUE POINT OF BEGINNING;

TOGETHER WITH:

That certain parcel of land conveyed to said Thomas F. Robinson, et ux, by deed recorded April 5, 1991, as Instrument No. 111832 of Official Records of said Riverside County, California, described as follows:

That portion of Lots 10 and 11 in Block 56 of said La Granada described as follows:

BEGINNING at a point in the South line of said Lot 10, a distance of 198.57 feet easterly of the southwest corner of Lot 11;

THENCE northerly and parallel with the west line of Lot 10, a distance of 49 feet to the **TRUE POINT OF BEGINNING**;

THENCE continuing northerly and parallel with the west line of Lot 10, a distance of 60 feet;

THENCE westerly and parallel with the south line of Lots 10 and 11 to a point on the northwest line of Lot 11;

THENCE southwesterly, along the northwest line of Lot 11, to a point 49 feet, measured at right angles, from the south line of said Lot 11;

THENCE easterly and parallel with the south line of Lots 10 and 11 said **TRUE POINT OF BEGINNING**.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

Mark S. Brown 4/2/98 Prep. WF
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/99

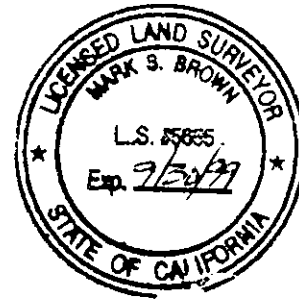
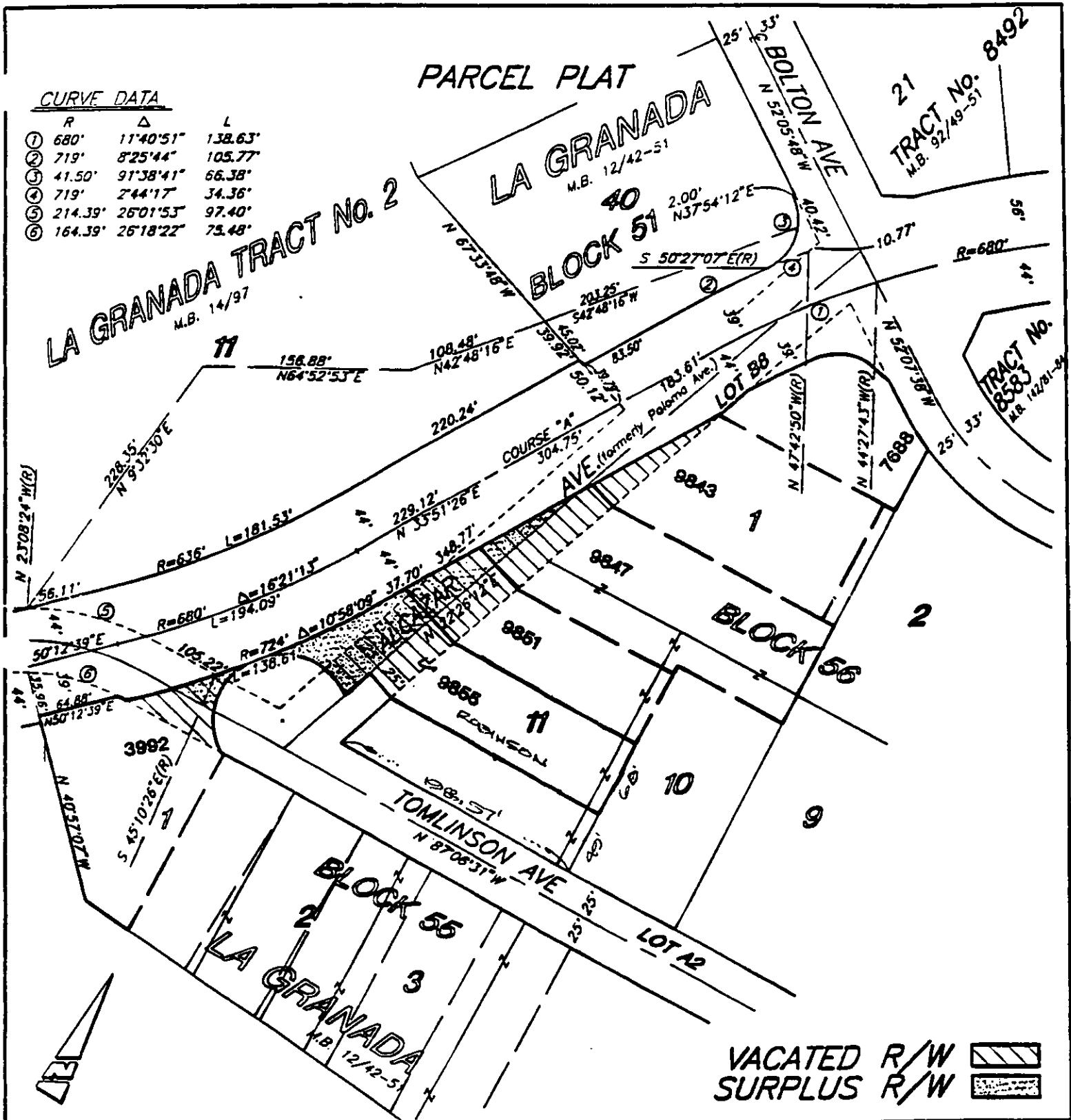


EXHIBIT "B"

ROBINSON



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.

SCALE: 1"=N.T.S.

DRAWN BY: Kps

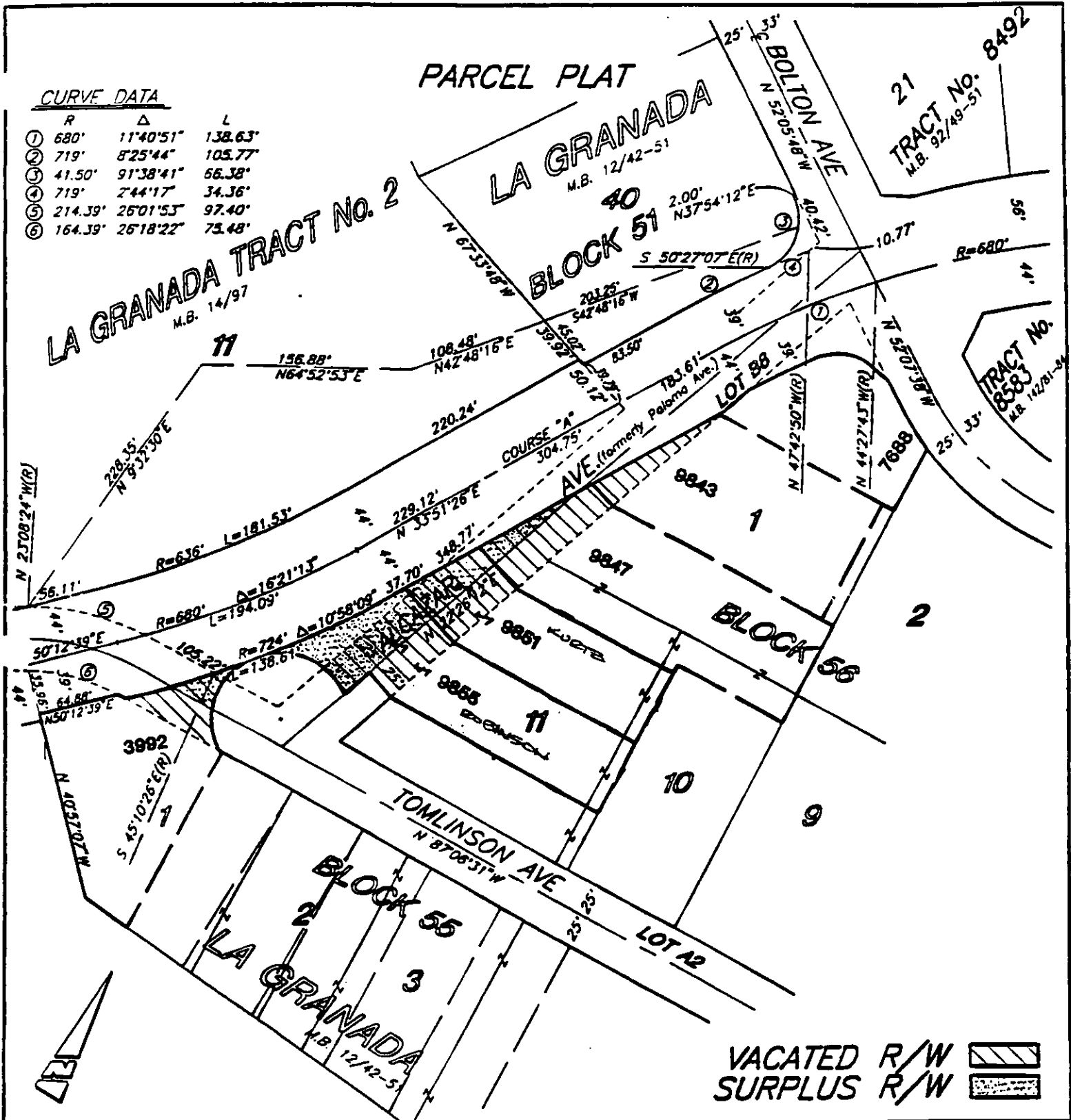
DATE: 1/7/97

SUBJECT: CALIFORNIA AVENUE EXTENSION - VACATIONS

EXHIBIT "C"

388767

KURTZ - ROBINSON



CURVE DATA

	R	Δ	L
①	680'	11°40'51"	138.63'
②	719'	8°25'44"	105.77'
③	41.50'	91°38'41"	66.38'
④	719'	7°44'17"	34.36'
⑤	214.39'	25°01'53"	97.40'
⑥	164.39'	25°18'22"	75.48'

VACATED R/W 
 SURPLUS R/W 

CITY OF RIVERSIDE, CALIFORNIA

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SCALE: 1"=N.T.S. DRAWN BY: Kqr DATE: 1/7/97 SUBJECT: CALIFORNIA AVENUE EXTENSION - VACATIONS

CIA 621

EXHIBIT "D"

That portion of Alcazar Avenue, formerly Paloma Avenue as shown on a map of La Granada on file in Map Book 12, pages 42 through 51 records of Riverside County California, together with that portion of Lot 11 of La Granada Tract No. 2 as shown by map on file in Book 14 of Maps, page 97 thereof, records of Riverside County, California, **BOUNDED AS FOLLOWS:**

ON THE WEST by a line parallel with and 44.00 feet south and southeasterly as measured at right angles from the following described line:

BEGINNING at the intersection of the centerline of Tyler Street with the northeasterly prolongation of the centerline of California Avenue all as shown by map on Tract No. 8006, on file in Book 94, Pages 59 through 63 of Maps, records of said Riverside County;

THENCE North $57^{\circ}55'23''$ East, along said northeasterly prolongation of the centerline of California Avenue, a distance of 281.62 feet to the beginning of a tangent curve concave southeasterly and having a radius of 680.00 feet;

THENCE northeasterly to the right along said curve through a central angle of $37^{\circ}21'40''$ an arc length of 443.41 feet to a line parallel with and distant 19.00 feet southerly, as measured at right angles, from the centerline of Tomlinson Avenue as shown by map of La Granada, on file in Book 12, Pages 42 through 51 of Maps, records said Riverside County;

THENCE South $84^{\circ}42'57''$ East, along said parallel line, a distance of 440.99 feet to the beginning of a tangent curve concave northerly and having a radius of 680.00 feet;

THENCE easterly to the left along said last mentioned curve through a central angle of $45^{\circ}04'24''$ an arc length of 534.94 feet;

THENCE North $50^{\circ}12'39''$ East, a distance of 698.12 feet to the beginning of a tangent curve concave northwesterly and having a radius of 680.00 feet;

THENCE northeasterly to the left along said last mentioned curve through a central angle of $16^{\circ}21'13''$ an arc length of 194.09 feet;

THENCE North $33^{\circ}51'26''$ East, a distance of 304.75 feet to the beginning of a tangent curve concave southeasterly and having a radius of 680.00 feet; said curve also being the southwesterly prolongation of the centerline California Avenue as shown by map of Tract No. 8492, on file in Book 92, Pages 49 through 51 of Maps, records of said Riverside County;

THENCE northeasterly to the right along said last mentioned curve and along said southwesterly prolongation of the centerline of California Avenue through a central angle of $11^{\circ}40'51''$ an arc length of 138.63 feet to the intersection of said centerline of California Avenue with the centerline of Bolton Avenue as shown by said last mentioned map and the END of this line description;

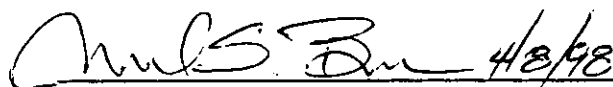
ON THE NORTH by a line drawn perpendicular to the centerline of Alcazar Avenue and passing through the northwest corner of that certain parcel of land conveyed to William C. Kurtz, et ux, by deed recorded June 6, 1994, as Instrument No. 227502 of Official Records of said Riverside County; said perpendicular line shall begin at said northwest corner and extend northwesterly to hereinbefore said line **"BOUNDED ON THE WEST"**;

ON THE EAST by the westerly line of said parcel conveyed to said William C. Kurtz, et ux;

ON THE SOUTH by a line drawn perpendicular to the centerline of Alcazar Avenue and passing through the southwest corner of said parcel of land conveyed to William C. Kurtz, et ux; said perpendicular line shall begin at said southwest corner and extend northwesterly to hereinbefore said line **"BOUNDED ON THE WEST"**;

RESERVING THEREFROM permanent easements and rights of way for electrical, gasoline, telephone, telegraph and communication, cable television and any in place public utility facilities.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/8/98 Prep. WF

Mark S. Brown, L.S. 5655

Date

License Expires 9/30/99



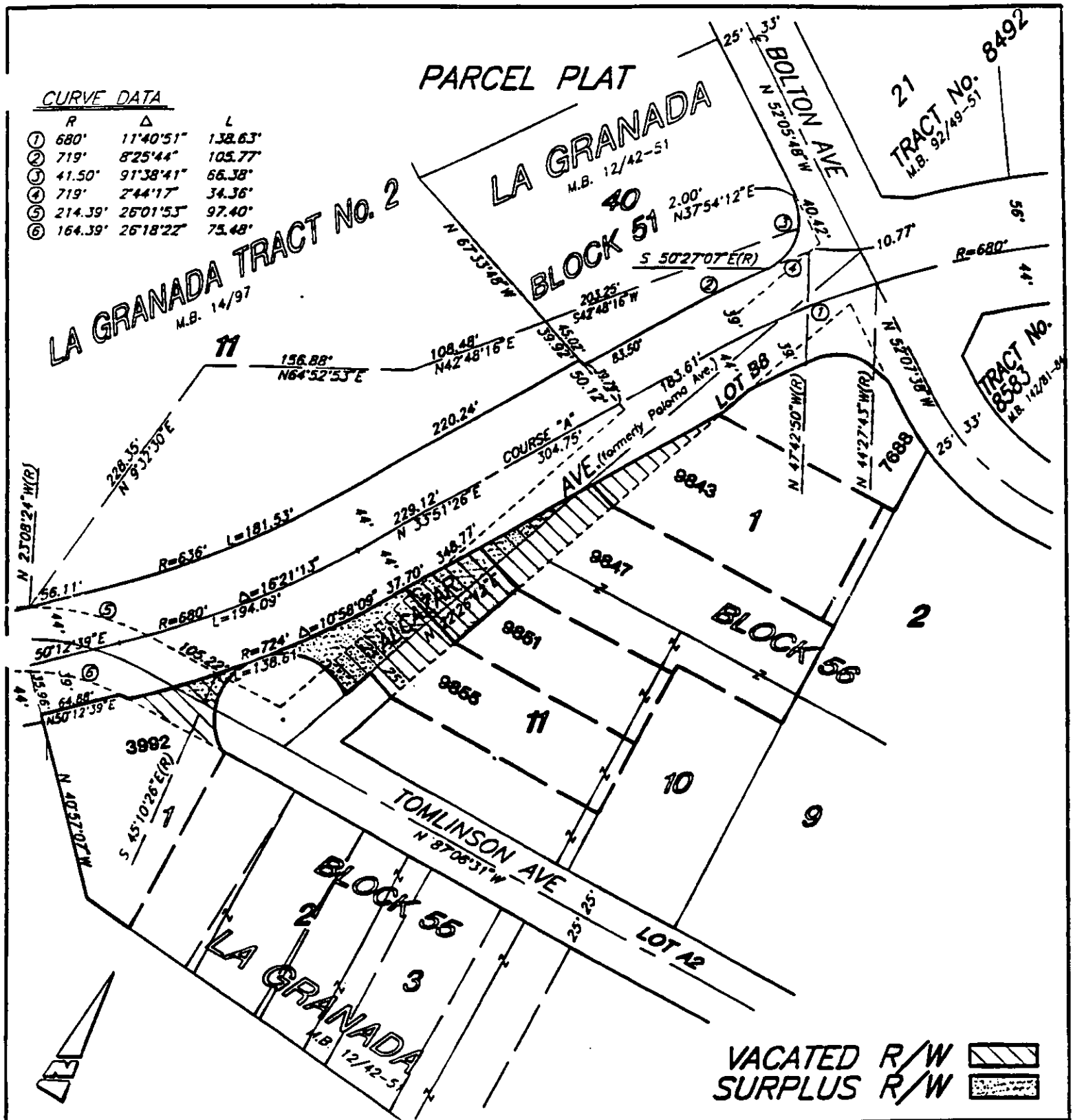
EXHIBIT "D"

INGRESS/EGRESS

PARCEL PLAT

CURVE DATA

	R	Δ	L
①	680'	11°40'51"	138.63'
②	719'	8°25'44"	105.77'
③	41.50'	91°38'41"	66.38'
④	719'	2°44'17"	34.36'
⑤	214.39'	26°01'53"	97.40'
⑥	164.39'	26°18'22"	75.48'



• CITY OF RIVERSIDE, CALIFORNIA •

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SCALE: 1"=N.T.S. DRAWN BY: Kgp DATE: 1/7/97 SUBJECT: CALIFORNIA AVENUE EXTENSION - VACATIONS

CIA 621

EXHIBIT "E"

COMMENCING at the intersection of the centerline of Alcazar Avenue with the centerline of Tomlinson Avenue as shown by said map of La Granada;

THENCE North $87^{\circ}06'31''$ West, along said centerline of Tomlinson Avenue, 11.21 feet;

THENCE North $02^{\circ}53'29''$ East, 18.00 feet to the radius point of a curve having a radius of 51.00 feet;

THENCE North $12^{\circ}56'26''$ East, along a radial line from said radius point, 51.00 feet to a point on said curve; said point being the TRUE POINT OF BEGINNING; said point also being the intersection of said curve, concave southerly, with the northwesterly line of said Alcazar Avenue;

THENCE westerly, along said curve, through a central angle of $40^{\circ}50'12''$, an arc length of 36.44 feet, more or less, to the intersection of a point in a curve concave northwesterly and having a radius of 724.00 feet; the radial line to said point bears South $48^{\circ}58'29''$ East; said curve having a radius of 724.00 feet being 88.00 feet southeasterly, measure radially, from the northwesterly line of that certain parcel of land conveyed to the City of Riverside by Deed recorded November 8, 1995, as Instrument No. 373973 of Official Records of said Riverside county; said northwesterly line being in a curve concave northwesterly and having a radius of 636.00 feet;

THENCE northeasterly, along said curve having a radius of 724.00 feet, through a central angle of $07^{\circ}10'05''$, an arc length of 90.58 feet;

THENCE North $33^{\circ}51'26''$ East, parallel with said northwesterly line, 17.21 feet to the intersection with the northwesterly prolongation of a line drawn perpendicular to the centerline of said Alcazar Avenue and passing through the northwesterly corner of that certain parcel of land conveyed to Thomas F. Robinson, et ux, by deed recorded April 5, 1991, as Instrument No. 111832 of Official Records of said Riverside County;

THENCE South $67^{\circ}33'48''$ East, along last said line, 54.06 feet, more or less, to said northwesterly corner of said parcel conveyed to Thomas F. Robinson, et ux; said northwesterly corner being a point in the southeasterly line of said Alcazar Avenue;

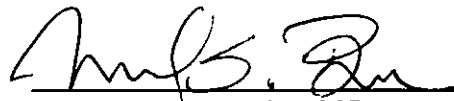
THENCE South $22^{\circ}26'12''$ West, along said southeasterly line of Alcazar Avenue, to the southwesterly corner of said parcel conveyed to Thomas F. Robinson;

THENCE North $67^{\circ}33'48''$ West, 50.00 feet to a point in said northwesterly line of Alcazar Avenue;

THENCE South $22^{\circ}26'12''$ West, along said northwesterly line, 23.89 feet, more or less, to said TRUE POINT OF BEGINNING.

RESERVING THEREFROM permanent easements and rights of way for electrical, gasoline, telephone, telegraph and communication, cable television and any in place public utility facilities.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/8/93 Prep. UF
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/99

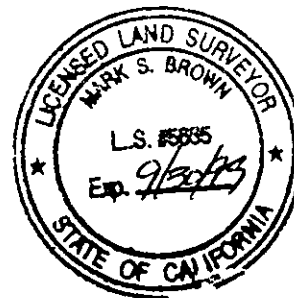
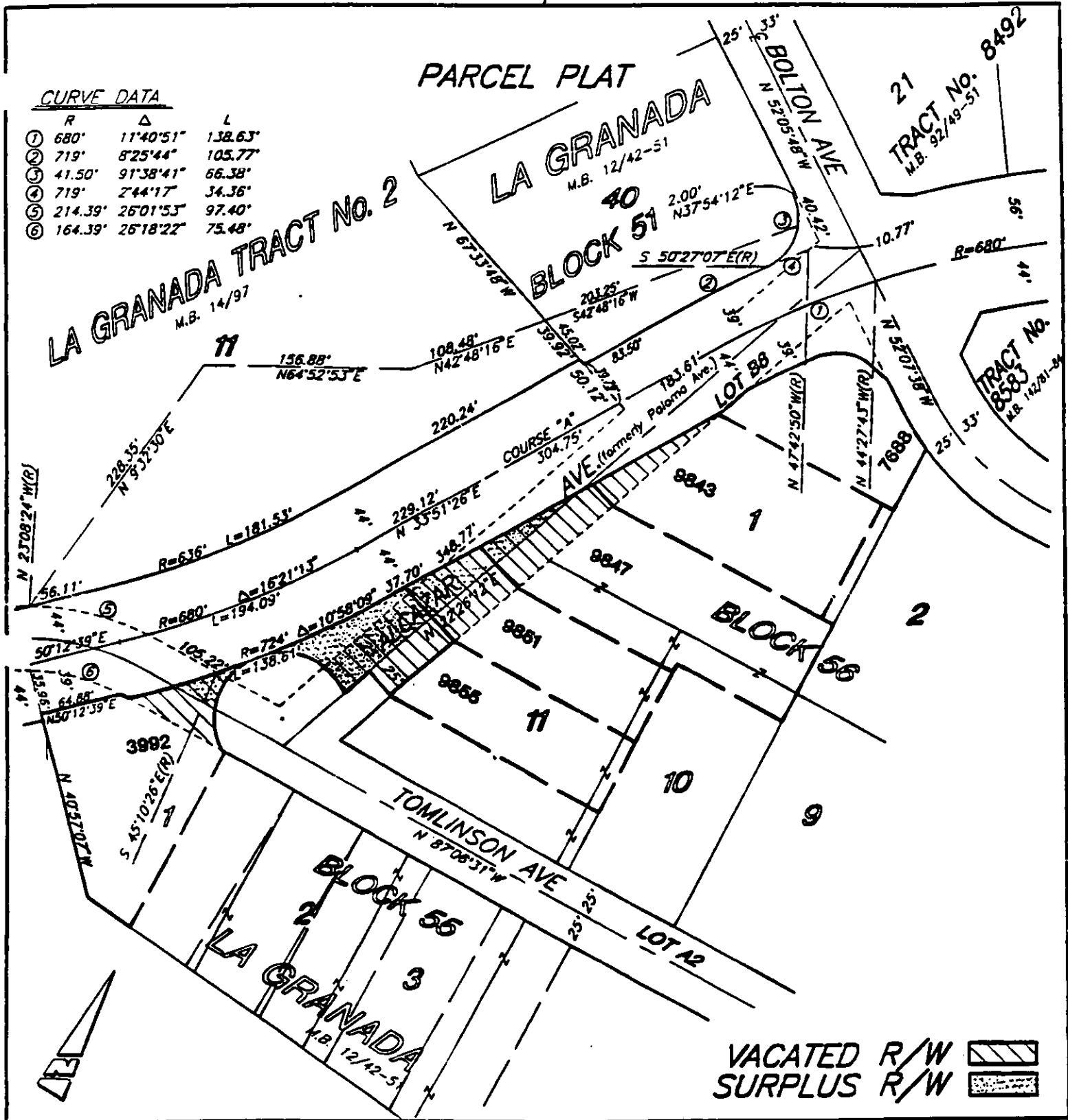


EXHIBIT "E"

388767

INGRESS / EGRESS



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605-5

CIA 621