

DR-055-990
DR-058-990

DOC # 2001-512817

10/22/2001 08:00A Fee:21.00

Page 1 of 6

Recorded in Official Records
County of Riverside

Gary L. Orso
Assessor, County Clerk & Recorder

WHEN RECORDED MAIL TO:

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



Project: Tract No 25486-4
Lots 4 and 17

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COVENANT AND AGREEMENT
FOR COMMON DRIVEWAY

THIS COVENANT AND AGREEMENT is made and entered into this 19th day of October, 2001, 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 two lots ("Lot 4" and "Lot 17", respectively) located in the City of Riverside, County of Riverside, State of California, and described as follows:

Lot 4

Lot 4 of Tract 25486-4 as shown by map on file in Book 272 of Maps, at pages 60 through 63, thereof, records of Riverside County, California.

Lot 17

Lot 17 of Tract 25486-4 as shown by map on file in Book 272 of Maps, at pages 60 through 63, thereof, records of Riverside County, California.

The two lots above described share a common side property line.

B. Declarant desires to improve the Property as part of a residential subdivision. Declarant has submitted grading plans to the city of Riverside (the "City") for Tract No. 25486-4 proposing a twenty two foot-wide common driveway for Lots 4 and 17 extending approximately sixty feet from Via Susana, a public street, with eleven feet of the common driveway on Lot 4 and eleven feet of the common driveway on Lot 17.

DESCRIPTION APPROVAL
10/17/01
[Signature]
CITY OF RIVERSIDE

C/A-737

C. The City, as a condition of approval of the grading plans for Tract No. 25486-4, is requiring the Declarant to establish an easement for ingress and egress to allow the owners, lessees, tenants, occupants and invitees of both lots of the Property to use the common driveway.

NOW, THEREFORE, for the purpose of complying with one of the conditions imposed by the City for the approval of the grading plan for Tract No. 25486-4, and in consideration of such approval, the Declarant hereby covenants and agrees with the City as follows:

1. In order to establish a private driveway twenty two feet in width on the common property line of Lots 4 and 17 of Tract No. 25486-4 for the use and benefit of each lot, there is hereby granted and established an easement for ingress and egress and the installation, construction, maintenance, repair, replacement and use of a driveway over, along and across the following portions of said lots described in Exhibit A, attached hereto and incorporated herein by this reference. Said easement for common driveway as herein established shall be for the use and benefit of and as an easement appurtenant to Lot 4 for that portion on Lot 17, and for the use and benefit of and as an easement appurtenant to Lot 17 for that portion on Lot 4.

2. The twenty-two foot wide common driveway, as above described, established on portions of Lots 4 and 17, shall be constructed by Declarant to the standards of the City prior to the sale or conveyance by Declarant of either lot. Thereafter, the cost of reasonable repair, maintenance or reconstruction of the driveway shall be borne equally by the owners of such lot of the Property.

3. In the event Declarant shall sell or convey either Lot 4 or Lot 17, or the ownership is otherwise changed, Declarant shall also grant to the grantee of the lot conveyed an easement for and the right of joint use of that portion of the common private driveway easement above described located on the lot which is retained in ownership, and Declarant shall reserve for itself and its successors and assigns as to the lot retained in ownership, an easement for and the right of joint use of that portion of the common private driveway easement above described which is located upon the lot so conveyed.

4. The easement herein established shall not be subject to the doctrine of merger, even though the underlying fee ownership of the two lots described herein and upon which the common driveway easement is established is vested in one party or entity.



2001-512817
10/22/2001 08:00A
2 of 6

C/A 737
C/A 101

5. Any person who now or hereafter owns or acquires any right, title or interest in or to either lot shall be deemed (a) to have considered and agreed to every covenant, condition, restriction and easement contained herein; and (b) to have been granted and be subject to the easement established in paragraph 1 above, 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 all of the owners of both lots and of the Public Works director of the City duly recorded.

7. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the 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.

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

Approved As to Form & Content

By: *Regina A. Decker*
City Attorney

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

By: *Alvin Paul Bergin*

Approved for use
City Planning Department

By: *Diane Jenkins*



2001-512817
10/22/2001 08:08A
3 of 6

CIA 737-3

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino } ss.

On 10/19/01, before me, Misty Gilbertson, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christian Bergom,
Name(s) of Signer(s)

- personally known to me
- 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.



Place Notary Seal Above

WITNESS my hand and official seal.
Misty Gilbertson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

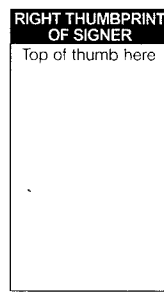
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CIA 7374

EXHIBIT "A"

Common Driveway
Lots 4 and 17 – Tract 25486-4

That portion of Lots 4 and 17 of Tract 25486-4 as shown by map on file in Book 272 of Maps, at Pages 60 through 63 thereof, records of Riverside County, California, lying within a strip of land 22.00 feet wide, the centerline being described as follows:

Beginning at the Northeast corner of said Lot 17, also being the Northeast corner of said Lot 4;

Thence N 02°50'55"E along the Westerly line of said Lot 4, also being the Easterly line of said Lot 17, a distance of 60.00 feet to the termination of said centerline description.

The sidelines of said 22.00 feet wide strip of land shall be prolonged or shortened as to terminate in the Southerly line of Via Susana (Lot "C") as shown on said Tract 25486-4.



2001-512817
10/22/2001 08:00A
5 of 6

C/A 737⁵

IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE CALIFORNIA

TRACT 25486-4

BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST ONE QUARTER OF SECTION 6, T.3 S., R.4 W., S.B.M.

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10/22/2001 08 08A
6 of 6



TRACT

VIA LOMA

VIA

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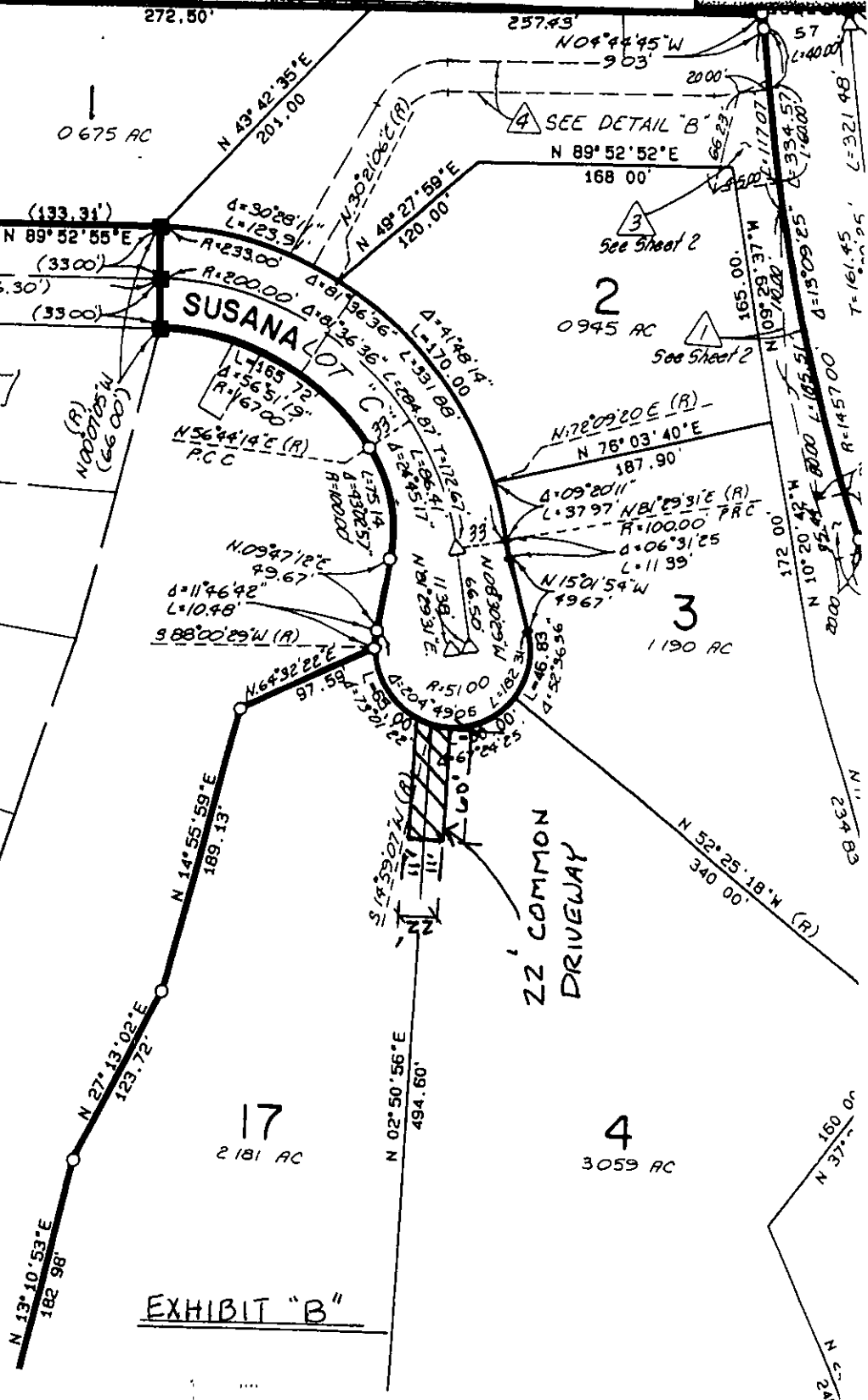
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N. A. R.

EXHIBIT "B"

SUSANA LOT

22 COMMON DRIVEWAY



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