



WHEN RECORDED MAIL TO:

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

Project: LL-023-012

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**RELEASE AND TERMINATION
OF A PORTION OF THE PROPERTY CONTAINED
IN THAT CERTAIN COVENANT AND AGREEMENT**

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THIS RELEASE AND TERMINATION OF A PORTION OF THE PROPERTY CONTAINED IN THAT CERTAIN COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made on this 19th day of February , 2002, by and on behalf of the CITY OF RIVERSIDE, a municipal corporation, with reference to the following facts:

RECITALS

A. **BGI HOLDINGS II, LLC**, a Delaware limited liability company ("BGI") is the successor to the fee interest owner of that certain real property (the "BGI Property") situated in the City of Riverside, County of Riverside, State of California, legally described on the attached Exhibit "A" and incorporated herein by reference. Said legal description is a portion of that property described on Exhibit "B", which is attached hereto and incorporated herein by reference (the "Covenant Property").

B. On or about October 1988, the then owner of the Covenant Property, **SPECTRUM ASSOCIATES NO. I**, a California general partnership (the "Declarant") as well as the owner of adjacent property, sought to amend the General Plan and Sycamore Canyon Business Park Specific Plan, and to amend the Municipal Code as to the land use designation and zoning under case numbers SPA-3-878 and R-48-878 as to the Covenant Property. As a condition for the approval of SPA 3-878 and R-48-878, amending the General Plan, Sycamore Canyon Business Park Specific Plan, and the Municipal Code, the **CITY OF RIVERSIDE** ("CITY") required Declarant, its successors and assigns, to, among other things, dedicate certain portions of the Covenant Property for street right of ways, public utilities and other public purpose, and for the provisions of certain improvements, more fully set forth in conditions 7 through 25, 27, 28 and 30 of cases SPA-3-878 and R-48-878. Declarant sought to defer compliance with the conditions until after an assessment district was formed and funded.

C. City agreed to grant the Declarant's request for the deferral of compliance with the above conditions subject to Declarant executing and recording an agreement that the conditions had to be completed prior to the issuance of any building permits, as required by City and as stated in Paragraph B above.

D. Declarant executed that certain Covenant and Agreement ("Covenant") dated October 20, 1988, affecting the Covenant Property, wherein Declarant agreed to the above and other such related conditions as more specifically set forth in said Covenant.

E. The Covenant executed by Declarant on October 20, 1988, was recorded on October 28, 1988, as Instrument No. 315467, Official Records of Riverside County, California.

F. The BGI Property was originally contemplated to be developed as an auto mall. However, the use and development of an auto mall is no longer economically feasible. BGI has submitted a request to the City for a lot line adjustment under case number LL-023-012, in connection with the future development of the BGI Property. In connection with that future development, it has been determined that the conditions imposed under the Covenant are no longer necessary or appropriate as to the BGI Property. Thus, it is appropriate to release Declarant, its successors and assigns, as to the BGI Property, from the conditions associated with the Covenant and to terminate the Covenant as to the BGI Property.

G. Paragraph 3 of the Covenant provides that it shall run with the land and each and all of its terms shall be binding upon Declarant and its successors and assigns, and shall continue in effect until such time as terminated upon the written consent of the City Council of the City of Riverside, California, by a document duly recorded.

NOW, THEREFORE, incorporating the above recitals, the City Council of the City of Riverside, California, by action duly taken at its regular meeting on February 19, 2002, has made the following findings:

1. Due to the changes in the development of the BGI Property, there is no longer a need or requirement to fulfill the conditions imposed under cases SPA-3-878 and R-48-878; and
2. The Declarant, its successors and assigns, as to the BGI Property should no longer be burdened by the Covenant.

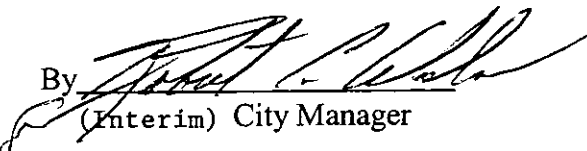
THEREFORE, the City Council on behalf of the City of Riverside, hereby releases the Covenant and Agreement and Declaration of Restrictions dated October 20, 1988, executed by **SPECTRUM ASSOCIATES NO. I**, a California general partnership, recorded on October 28, 1988, as Instrument



No. 315466, Official Records of Riverside County, California, as to the BGI Property, and hereby discharges Declarant, and any successive owners, as to said BGI Property from any further obligation or duty set forth therein and hereby terminates said Covenant as to the BGI Property.

THIS RELEASE AND TERMINATION AS TO A PORTION OF THE PROPERTY CONTAINED IN THE COVENANT AND DECLARATION OF RESTRICTIONS has been duly executed the day and year first above written.

CITY OF RIVERSIDE,
a municipal corporation

By 
(Interim) City Manager

Attest 
City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

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CA: 02-0100



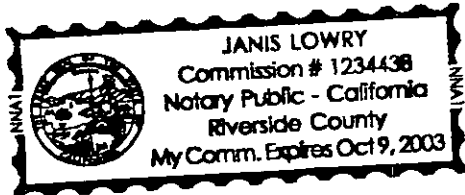
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Riverside } ss.

On February 21, 2002 before me, Janis Lowry, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Robert C. Wales and Colleen J. Nicol
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) was
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 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: _____

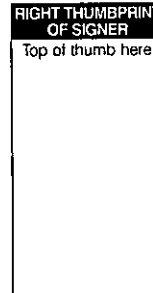


EXHIBIT "A"

PARCEL A:

PARCELS 5, 6, 7, 12, 13, 23, 24 AND 27, AS SHOWN BY PARCEL MAP 24536, ON FILE IN BOOK 162 PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL B:

THOSE PORTIONS OF PARCELS 14 AND 29 OF PARCEL MAP NO. 24536, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 14; THENCE NORTH $89^{\circ}19'37''$ EAST ALONG THE SOUTH LINE OF SAID PARCEL 14 AND ALONG THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 500.88 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL 29, SAID POINT BEING IN A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 1,860.13 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH $83^{\circ}31'36''$ EAST; THENCE NORTHERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $05^{\circ}33'37''$, AN ARC DISTANCE OF 180.52 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 280.00 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH $89^{\circ}05'13''$ EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $69^{\circ}52'06''$, AN ARC DISTANCE OF 341.44 FEET TO THE END THEREOF; THENCE NORTH $68^{\circ}57'19''$ WEST, A DISTANCE OF 96.10 FEET TO A POINT OF CUSP WITH A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 60.00 FEET;

THE LAST THREE (3) COURSES AND DISTANCES FOLLOW THE BOUNDARY LINE OF SAID PARCEL 29; THENCE SOUTHEASTERLY, SOUTHERLY AND NORTHWESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $219^{\circ}50'21''$, AN ARC DISTANCE OF 230.22 FEET TO THE END THEREOF; THENCE NORTH $29^{\circ}06'58''$ WEST, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 19.08 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $39^{\circ}50'21''$, AN ARC DISTANCE OF 13.27 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID PARCEL 29, SAID POINT BEING A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 530.00 FEET, THE RADIAL LINE AT SAID POINT BEARS NORTH $21^{\circ}02'41''$ EAST, SAID POINT ALSO BEING IN THE NORTHEASTERLY LINE OF SAID PARCEL 14; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE AND ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $04^{\circ}22'49''$, AN ARC DISTANCE OF 40.52 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 14; THENCE SOUTH $25^{\circ}25'30''$ WEST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 14, A DISTANCE OF 219.10 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH $00^{\circ}40'23''$ EAST ALONG THE WEST LINE OF SAID PARCEL 14, A DISTANCE OF 284.50 FEET TO THE POINT OF BEGINNING.

PARCEL C:

PARCEL 10 OF PARCEL MAP NO. 24536, AS SHOWN ON PARCEL MAPS ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL 10 DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 10; THENCE NORTH 88°46'29" EAST ALONG THE NORTH LINE OF SAID PARCEL 10, A DISTANCE OF 9.72 FEET TO A POINT IN A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 315.00 FEET, THE RADIAL LINE AT SAID POINT BEARS NORTH 86°43'43" WEST; THENCE SOUTHERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24°49'28", AN ARC DISTANCE OF 136.48 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID PARCEL 10, SAID POINT BEING A POINT OF TANGENCY WITH A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 470.00 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH 68°26'50" WEST; THENCE NORTHERLY ALONG SAID SOUTHWESTERLY LINE AND ALONG SAID LAST MENTIONED CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16°46'19", AN ARC DISTANCE OF 137.58 FEET TO THE POINT OF BEGINNING, THE RADIAL LINE AT SAID POINT BEARS SOUTH 85°13'09" WEST.

PARCEL D:

PARCEL 11 OF PARCEL MAP NO. 24536, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL 11 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 24 OF SAID PARCEL MAP NO. 24536; THENCE SOUTH 84°43'18" EAST ALONG THE NORTH LINE OF SAID PARCEL 11, A DISTANCE OF 54.42 FEET TO A POINT THEREIN; THENCE SOUTH 46°46'12" WEST, A DISTANCE OF 28.83 FEET; THENCE SOUTH 00°25'57" EAST, A DISTANCE OF 66.28 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 280.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 23°33'27", AN ARC DISTANCE OF 115.12 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 315.00 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH 66°52'30" EAST; THENCE SOUTHERLY ALONG SAID LAST MENTIONED CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°51'13", AN ARC DISTANCE OF 109.15 FEET TO A POINT IN THE SOUTH LINE OF SAID PARCEL 11, THE RADIAL LINE AT SAID POINT BEARS NORTH 86°43'43" WEST; THENCE SOUTH 88°46'29" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 9.72 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 11; THENCE NORTH 00°42'20" WEST ALONG THE WEST LINE OF SAID PARCEL 11, A DISTANCE OF 283.87 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 46°46'12" EAST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 11, A DISTANCE OF 36.80 FEET TO THE POINT OF BEGINNING.

PARCEL E:

PARCEL 9 OF PARCEL MAP NO. 24536, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

TOGETHER WITH THAT PORTION OF PARCEL 29 OF SAID PARCEL MAP NO. 24536, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 9; THENCE SOUTH 82°57'57" EAST ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID PARCEL 9, A DISTANCE OF 3.50 FEET TO A POINT IN A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 375.00 FEET, THE RADIAL LINE OF SOUTH 82°33'52" WEST; THENCE NORTHERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 30°33'38", AN ARC DISTANCE OF 200.02 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 220.00 FEET, THE RADIAL LINE AT SAID POINT BEARS NORTH 66°52'30"

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WEST; THENCE NORTHERLY ALONG SAID LAST MENTIONED CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 23°33'27", AN ARC DISTANCE OF 90.45 FEET TO A POINT OF TANGENCY WITH THE EAST LINE OF SAID PARCEL 29; THENCE NORTH 00°25'57" WEST ALONG SAID EAST LINE, A DISTANCE OF 66.28 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 47°38'06" WEST, A DISTANCE OF 36.80 FEET TO A POINT IN THE NORTH LINE OF SAID PARCEL 29; THENCE SOUTH 89°34'03" WEST ALONG SAID NORTH LINE, A DISTANCE OF 60.00 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 29; THENCE SOUTH 47°38'06" EAST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 29, A DISTANCE OF 36.80 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 00°25'57" EAST ALONG THE WEST LINE OF SAID PARCEL 29, A DISTANCE OF 248.24 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 530.00 FEET; THENCE SOUTHERLY ALONG SAID WEST LINE AND ALONG SAID CURVE, TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°59'55", AN ARC DISTANCE OF 101.74 FEET TO THE POINT OF BEGINNING, THE RADIAL LINE AT SAID POINT BEARS SOUTH 78°34'08" WEST.

PARCEL F:

PARCEL 8 OF PARCEL MAP NO. 24536, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

TOGETHER WITH THAT PORTION OF PARCEL 29 OF SAID PARCEL MAP NO. 24536, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF SAID PARCEL 10; THENCE SOUTH 82°57'57" EAST ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL 10, A DISTANCE OF 3.50 FEET TO A POINT IN A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVE A RADIUS OF 375.00 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH 82°33'52" WEST; THENCE SOUTHERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°07'02", AN ARC DISTANCE OF 92.40 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID PARCEL 10, SAID POINT BEING A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 530.00 FEET, THE RADIAL LINE AT SAID POINT BEARS SOUTH 68°26'50" WEST; THENCE NORTHERLY ALONG SAID NORTHWESTERLY LINE AND ALONG SAID LAST MENTIONED CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°07'18", AN ARC DISTANCE OF 93.63 FEET TO THE POINT OF BEGINNING, THE RADIAL LINE AT SAID POINT BEARS SOUTH 78°34'08" WEST.

PARCEL G:

THOSE PORTIONS OF PARCELS 10, 11, 14 AND 29 OF PARCEL MAP NO. 24536, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 162, PAGE(S) 91 THROUGH 98, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS PARCEL 5 OF CERTIFICATE OF COMPLIANCE RECORDED AUGUST 10, 1993 AS INSTRUMENT NO. 311232 OF OFFICIAL RECORDS.

ASSESSOR PARCEL NUMBERS: 263-240-002, 003, 004, 005, 009, 013, 016, 018, 022, 023, 024, 025, 026, AND 027.

DESCRIPTION APPROVAL:

Chris Brown 2/7/02
CITY OF RIVERSIDE



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CIA 763

EXHIBIT "B"

The Southeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; EXCEPTING therefrom the South 40 feet; and

The West one-half of the West one-half of the Southeast quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; EXCEPTING therefrom the South 40 feet; and

The East one-half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; and

The West one-half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; and

That portion of Parcel 2 of Parcel Map 23026 recorded in Parcel Map Book 147 at pages 69 and 70, records of Riverside County, California, described as follows:

All of said Parcel 2 excepting that portion lying southwesterly of the following described line; beginning at the Northwest corner of said Parcel 2, said corner also being the West Quarter corner of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian.

Thence North $89^{\circ}23'56''$ East along the North line of said Parcel 2, also being the North line of the Southwest quarter of said Section 10, a distance of 21.67 feet to the beginning of a non-tangent curve concave Northeasterly and the true point of beginning,

Thence Southeasterly along said non-tangent curve having a radius of 844.00 feet, through a central angle of $42^{\circ}03'08''$ an arc distance of 619.45 feet; the initial radial line of said non-tangent curve bears South $76^{\circ}12'19''$ West;

Thence South $55^{\circ}50'49''$ East a distance of 665.71 feet;

Thence Southeasterly on a curve concave Southwesterly, having a radius of 761.00 feet, through a central angle of $41^{\circ}35'08''$ an arc distance of 552.34 feet to the Southerly line of said Parcel 2.

DECEPTION APPROVAL

[Handwritten Signature] 2.7.02
DEPUTY CLERK OF DISTRICT

