

WHEN RECORDED MAIL TO:

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

Project: 1707-1793 W. La Cadena Drive
Zoning Case C-21-612

Recorded Date: 11-20-2003
Instrument #: R 2003-916369
Initials: JV

FOR RECORDER'S OFFICE USE ONLY

**RELEASE AND TERMINATION
OF COVENANT AND AGREEMENT**

THIS RELEASE AND TERMINATION OF COVENANT AND AGREEMENT is made on this 17th day of November, 2003, by and on behalf of the **CITY OF RIVERSIDE**, a municipal corporation, ("City") with reference to the following facts:

A. **CALVARY DEAF CHURCH**, a California corporation, ("Calvary") is the current fee owner of that certain real property located at 1707 West La Cadena Drive, in the City of Riverside, County of Riverside, State of California, known as Assessor's Parcel Number 209-020-024, and more legally described in Exhibit "A" attached hereto and incorporated herein by reference ("Parcel 1").

B. **JOHN E.C. BERRY, BEATRICE C. BERRY, and DONNA J. KUHNS** (collectively "Berry") are the current fee owners of that certain real property located at 1769 West La Cadena Drive in the City of Riverside, County of Riverside, State of California, known as Assessor's Parcel Number 209-020-025, and more legally described in Exhibit "B" attached hereto and incorporated herein by reference ("Parcel 2").

C. As a condition for the approval of Zoning Case No. C-21-612, the then owner of Parcels 1 and 2, Calvary Silent Temple ("Declarant"), was required to record a Covenant and Agreement for Access and Parking ("Covenant") to provide a private right-of-way for ingress, egress and parking on Parcel 1 for the use and benefit of Parcel 2. That Covenant was dated February 11, 1981, and recorded on March 25, 1981, as Instrument Number 52493.

D. The State of California, Department of Transportation ("CalTrans"), in connection with its 215/60/91 interchange freeway widening project, is acquiring the entire fee interest in Parcels 1 and 2. Once acquired by CalTrans, Parcels 1 and 2, will no longer be utilized as intended under Zoning Case No. C-21-612. Due to this change in the use of the land, the conditions and restrictions are no longer applicable. As such, CalTrans, Calvary and Berry have requested that the City of Riverside release and terminate the Covenant.


E. The Covenant provides that it shall run with the land and each and all of its terms shall be binding upon Declarant, its successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California. Calvary and Berry are the successors to Declarant's interest in Parcels 1 and 2.

NOW, THEREFORE, incorporating the above recitals, the City Council of the City of Riverside, by and through its City Manager, upon the conveyance of fee title of Parcels 1 and 2 to CalTrans, releases the Covenant and Agreement for Access and Parking dated February 11, 1981, executed by Calvary Silent Temple, recorded on March 25, 1981, as Instrument No. 52493, Official Records of Riverside County, California, and hereby discharges Declarant and its successors and assigns, including Calvary, Berry and CalTrans, and Parcels 1 and 2, from any further obligation or duty set forth therein and hereby terminates said Covenant.


THIS RELEASE AND TERMINATION OF COVENANT AND AGREEMENT has been duly executed the day and year first above written.

CITY OF RIVERSIDE,
a municipal corporation

By 
City Manager

Attest 
City Clerk

Approved as to Form:


Deputy City Attorney

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CA 03-2282
10/08/03

State of California)
)ss
County of Riverside)

On _____, before me, the undersigned, a notary public in and for said State personally appeared _____ 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.

Signature

State of California)
)ss
County of Riverside)

On _____, before me, the undersigned, a notary public in and for said State personally appeared _____ 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.

Signature

EXHIBIT "A"
(Parcel 1 - APN 209-020-024)

That portion of lot 63 of the Lands of Southern California Colony Association, as shown by Map on file in Book 7, Page 3 of Maps of San Bernardino County records described as follows:

BEGINNING at the Easterly corner of said Lot 63; thence Southwesterly along the Southeasterly line of said Lot, 165 feet; thence Northwesterly parallel with the Northeasterly line of said Lot, 222.10 feet; thence Northeasterly parallel with the Southeasterly line of said Lot, 165 feet to the Northeasterly line of said Lot; thence Southeasterly along said Northeasterly line 222.10 feet to the point of beginning.

EXCEPTING THEREFROM the Northeasterly 25 feet and the Southeasterly 25 feet thereof within Strong Street and La Cadena Drive.

DESCRIPTION APPROVAL
[Signature] 11/25/03
APPROVED FOR THE COUNTY OF SAN BERNARDINO
COUNTY CLERK


EXHIBIT "B"
(Parcel 2 - APN 209-020-025)

That portion of lot 63 of Lands of Southern California Colony Association, as shown by Map on file in Book 7, Page 3 of Maps of San Bernardino County records described as follows:

BEGINNING at a point on the Southeasterly line of said Lot 63, 165 feet Southwesterly from the most Easterly Corner; thence Southwesterly on the Southeasterly line, 125 feet; thence Northwesterly and parallel with the Northeasterly line 222.10 feet to a point 440 feet Southeasterly from the Northwesterly line of said Lot; thence Northeasterly and parallel with the Southeasterly line of said Lot, 125 feet; thence Southeasterly and parallel with the Northeasterly line of said Lot, 222.10 feet to the point of beginning.

EXCEPTING THEREFROM that portion included in La Cadena Drive.

ALSO EXCEPTING THEREFROM that portion conveyed to the State of California for freeway purposes by Deed filed for record April 2, 1957, as Instrument No. 23898 of Official Records of Riverside County, California.

DESCRIPTION APPROVAL 11.03.03

DESCRIPTION APPROVAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Riverside } ss.

On November 17, 2003 before me, Darlene Elliot
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared George A. Caravallas & 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) 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.

Darlene Elliot
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: _____

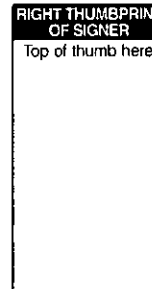
Signer(s) Other Than Named Above: _____

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: _____



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 25-4
 CIA 865