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WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92502

Project: PMW-45-867

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JAN 5 - 1989
RECORDED IN COUNTY RECORDS
OF RIVERSIDE COUNTY, CALIFORNIA
1/12/89
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COVENANT AND AGREEMENT
AND GRANT OF EASEMENT

THIS COVENANT AND AGREEMENT AND GRANT OF EASEMENT is made and entered into this 5 day of JANUARY, 1989 by OCTAVIO CHAVEZ, an unmarried man, hereinafter referred to as "FIRST PARTY", and MARIO AYALA and ESTHER AYALA, husband and wife as joint tenants, hereinafter referred to as "SECOND PARTY", with reference to the following facts:

A. FIRST PARTY is the fee owner of the following described real property, hereinafter referred to as "Parcel 2" and "Parcel 3", respectively, located in the City of Riverside, County of Riverside, State of California:

"Parcel 2" is described as follows:

All that portion of Lot 18 of Glen Arden Tract, as shown by map on file in Book 11, Pages 96 and 97 of Maps, Records of Riverside County, California, described as follows:

Beginning on the Easterly line of said Lot 18 at a point 200 feet Northerly from the Southeastly corner thereof:

Thence North 02° 49' 31" West, Along the Easterly line of said Lot, 180 feet:

Thence North 89° 32' 27" West and parallel with the southerly line of said Lot, to a point in a line drawn parallel with and 31.91 feet Northeasterly from the Southwestly line of said Lot, said 31.91 feet being measured along the Northerly line of said Lot;

Thence South 17° 56' 38" East and parallel with the westerly line of said lot to an intersection with a line drawn parallel with the Southerly line of said

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lot, 200 feet North of said Southerly line, said 200 feet being measured along the Easterly line of said lot;

Thence South 89° 32' 27" East and parallel with the southerly line of said lot to the point of beginning;

Except therefrom that portion thereof described as follows:

Beginning at a point on the Easterly line of said lot, which bears North 02° 49' 31" West, 200 feet from the Southeasterly corner thereof;

Thence continuing North 02° 49' 31" West, along said Easterly line, 95 feet;

Thence North 89° 32' 27" West and parallel with the Southerly line of said lot, 110 feet;

Thence South 02° 49' 31" East and parallel with the Easterly line of said lot, 95 feet to the intersection with a line drawn parallel with the Southerly line of said lot and 200 feet North of said Southerly line, said 200 feet being measured along the Easterly line of said lot;

Thence South 89° 32' 27" East and parallel with the Southerly line of said lot, 110 feet to the point of beginning;

Also except therefrom all that portion of Lot 18 of Glen Arden Tract, as shown by map on file in Book 11, pages 96 and 97 of Maps, Records of Riverside County, California, described as follows:

Beginning on the Easterly line of said lot 18 at a point 200 feet Northerly from the Southeasterly corner thereof;

Thence North 89° 32' 27" West and parallel with the Southerly line of said lot, 190 feet to the true point of beginning;

Thence North 02° 49' 31" West and parallel with the Easterly line of said lot, 180 feet;

Thence North 89° 32' 27" West and parallel with the Southerly line of said lot, to a point in a line drawn parallel with and 31.91 feet Northeasterly from the Southwesterly line of said lot 18; said 31.91 feet being measured along the Northerly line of said lot;

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Thence South $17^{\circ} 56' 38''$ East and parallel with the Westerly line of said Lot to an intersection with a line drawn parallel with the Southerly line of said Lot and 200 feet North of said Southerly line, said 200 feet being measured along the Easterly line of said Lot;

Thence South $03^{\circ} 03' 22''$ East and parallel with the Southerly line of said Lot to the point of beginning.

Also except therefrom that portion of said Lot 18 conveyed to the City of Riverside by deed recorded August 7, 1987, as Instrument No. 229575 of Official Records of said Riverside County.

"Parcel 3" is described as follows:

All that portion of Lots 18 and 19 of Glen Arden Tract, as per map recorded in Book 11, pages 96 and 97 of Maps, in the Office of the County Recorder of Riverside County, described as follows:

Commencing at the Southwest corner of said Lot 19:

Thence Easterly along the southerly line of said Lot, 100 feet:

Thence North $17^{\circ} 56' 38''$ West, parallel with the Southwest line of said Lot 19, a distance of 150 feet for the true point of beginning:

Thence continuing North $17^{\circ} 56' 38''$ West, parallel with the Southwest line of said Lot 19, to a point on the Northwest line thereof:

Thence North $72^{\circ} 03' 22''$ East, along the Northwest line of said Lot 19, to the most Northerly corner thereof;

Thence North $68^{\circ} 40' 01''$ East, along the Northwest line of said Lot 18, a distance of 31.91 feet;

Thence South $17^{\circ} 56' 38''$ East, parallel with the Southwest line of said Lot, to a point which bears North $72^{\circ} 03' 22''$ East, from the point of beginning, said point also being the most Northerly corner of the parcel conveyed to Esther G. Crawford, by deed recorded March 12, 1957 in Book 2054, page 294, Official Records of Riverside County:

Thence South $72^{\circ} 03' 22''$ West, along the Northwesterly line of said parcel and said Northwesterly line extended Southwesterly, to the point of beginning.

B. SECOND PARTY is the fee owner of the following described real property, hereinafter referred to as

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"Parcel 1" located in the City of Riverside, County of Riverside, State of California:

All that portion of Lot 18 of Glen Aaden Tract, as shown by map 22 (file in Book 2) Pages 96 and 97 of Maps, Records of Riverside County, California, described as follows:

Beginning on the Easterly line of said Lot 18 at a point 200 feet Northerly from the Southeastly corner thereof:

Thence North $89^{\circ} 32' 27''$ West and parallel with the Southerly line of said Lot, 190 feet to the true point of beginning;

Thence North $02^{\circ} 49' 31''$ West and parallel with the Easterly line of said Lot, 180 feet;

Thence North $89^{\circ} 32' 27''$ West and parallel with the Southerly line of said Lot, to a point in a line drawn parallel with and 31.91 feet Northeasterly from the Southwesterly line of said Lot 18, said 31.91 feet being measured along the Northorly line of said Lot;

Thence South $17^{\circ} 56' 38''$ East and parallel with the Westerly line of said Lot to an intersection with a line drawn parallel with the Southerly line of said Lot and 200 feet North of said Southerly line and said 200 feet being measured along the Easterly line of said Lot;

Thence South $89^{\circ} 32' 27''$ East and parallel with the Southerly line of said Lot to the point of beginning.

C. Parcels 1, 2 and 3 are adjoining lots. Parcel 2 has the street address of 5340 Bushnell Avenue, Riverside, California; Parcel 1 has the street address of 5346 Bushnell Avenue, Riverside, California; and Parcel 3, which is undeveloped, has no street address at this time.

D. As a condition to the approval of Parcel Map Waiver Case No. PMW-45-867, the City of Riverside is requiring that a mutual access agreement for ingress and egress and utilities be executed and recorded by the parties hereto to assure public street access to Parcels 1 and 3 over the northerly 20 feet of Parcels 1 and 2.

NOW, THEREFORE, incorporating the above recitals and for valuable consideration, the receipt of which is hereby acknowledged, the parties hereto mutually agree as follows:

1. FIRST PARTY hereby grants to SECOND PARTY, its successors and assigns, and establishes the following nonexclusive

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permanent easement for ingress and egress over, along and across the following described portion of Parcel 2 for the use and benefit of and as an easement appurtenant to Parcels 1 and 3:

The Northerly 20.00 feet of the following described property:

All that portion of Lot 18 of Glen Arden Tract, as shown by map on file in BOOK 11, Pages 96 and 97 of Maps, Records of Riverside County, California described as follows:

Beginning on the Easterly line of said Lot 18 at a point 200 feet Northerly from the Southeastery corner thereof:

Thence North 02° 49' 31" West, along the Easterly line of said Lot, 180 feet:

Thence North 89° 32' 27" West and parallel with the Southerly line of said Lot, to a point in a line drawn parallel with and 31.91 feet Northeasterly from the Southwesterly line of said Lot, said 31.91 feet being measured along the Northerly line of said Lot:

Thence South 17° 56' 38" East and parallel with the Westerly line of said Lot to an intersection with a line drawn parallel with the Southerly line of said Lot, 200 feet North of said Southerly line, said 200 feet being measured along the Easterly line of said Lot:

Thence South 89° 32' 27" East and parallel with the Southerly line of said Lot to the point of beginning:

Except therefrom that portion thereof described as follows:

Beginning at a point on the Easterly line of said Lot, which bears North 02° 49' 31" West, 200 feet from the Southeastery corner thereof:

Thence continuing North 02° 49' 31" West, along said Easterly line, 95 feet:

Thence North: 89° 32' 27" West and parallel with the Southerly line of said Lot, 110 feet:

Thence South 02° 49' 31" East and parallel with the Easterly line of said Lot, 95 feet to the intersection with a line drawn parallel with the Southerly line of said Lot and 200 feet North of said Southerly line, said 200 feet being measured along the Easterly line of said Lot:

Thence South 89° 32' 27" East and parallel with the Southerly line of said Lot, 110 feet to the point of beginning.

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Also except therefrom all that portion of Lot 18 of Glen Arden Tract, as shown by map on file in Book 11, pages 96 and 97 of Maps, Records of Riverside County, California, described as follows:

Beginning on the Easterly line of said Lot 18 at a point 200 feet Northerly from the Southeasterly corner thereof:

Thence North 89° 32' 27" West and parallel with the Southerly line of said Lot, 190 feet to the true point of beginning;

Thence North 02° 49' 31" West and parallel with the Easterly line of said Lot, 180 feet:

Thence North 89° 32' 27" West and parallel with the Southerly line of said Lot, to a point in a line drawn parallel with and 31.91 feet Northeasterly from the Southwesterly line of said Lot 18; said 31.91 feet being measured along the Northerly line of said Lot;

Thence South 17° 56' 38" East and parallel with the Westerly line of said Lot to an intersection with a line drawn parallel with the Southerly line of said Lot and 200 feet North of said Southerly line, said 20 feet being measured along the Easterly line of said Lot;

Thence South 89° 32' 27" East and parallel with the Southerly line of said Lot to the point of beginning.

Also except therefrom that portion of said Lot 18 conveyed to the City of Riverside by Deed recorded August 7, 1987, as Instrument No. 229575 of Official Records of said Riverside County.

2. SECOND PARTY hereby grants to FIRST PARTY, its successors and assigns, a nonexclusive permanent easement for ingress and egress over, along and across the following described portion of Parcel 1 for the use and benefit of and as an easement appurtenant to Parcel 3,

The northerly 20.00 feet of the following described property:

All that portion of Lot 18 of Glen Arden Tract, as shown by map on file in Book 11, Pages 96 and 97 of Maps, Records of Riverside County, California, described as follows:

Beginning on the Easterly line of said Lot 18 at a point 200 feet Northerly from the Southeasterly corner thereof:

Thence North 89° 32' 27" West and parallel with the Southerly line of said Lot, 190 feet to the true point of beginning;

Thence North 02° 49' 31" West and parallel with the Easterly line of said Lot, 180 feet:

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Thence North 89° 32' 27" West and parallel with the southerly line of said Lot, to a point in a line drawn parallel with and 31.91 feet Northeastly from the Southwesterly line of said Lot 18, said 31.91 feet being measured along the southerly line of said Lot;

Thence South 17° 56' 38" East and parallel with the Westerly line of said Lot to an intersection with a line drawn parallel with the southerly line of said Lot and 200 feet North of said Southerly line and said 200 feet being measured along the Easterly line of said Lot;

Thence South 89° 32' 27" East and parallel with the Southerly line of said Lot to the point of beginning.

3. The respective grants of easements above described are made for the purpose of creating an access easement with a width sufficient to meet the requirements of the City of Riverside for a driveway for ingress and egress of motor vehicles for the benefit of Parcels 1 and 3 above described to permit unrestricted access to a public street, Dushnell Avenue.

4. FIRST PARTY and SECOND PARTY and their successors in interest hereby jointly and severally agree to defend, indemnify and hold harmless the City of Riverside from and against any and all liabilities, expenses, claims, or causes of actions arising out of or alleged to be caused by or resulting from the establishment, use or maintenance of the common access easement.

5. This Covenant and Agreement and Grant of Easement is made and entered into for the purpose of complying with a condition imposed by the City of Riverside for the approval of PMW-45-867 affecting Parcels 1, 2 and 3 and the easements and duties and obligations hereinabove created shall not be altered or extinguished without the prior written consent of the City of Riverside duly recorded.

6. The rights and obligations set forth herein shall run with the land and shall inure to the benefit of and bind the successive owners of Parcels 1 and 2 respectively.

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

FIRST PARTY:

[Handwritten signature]

RANIC AYALA

SECOND PARTY:

[Handwritten signature]

RANIC AYALA

[Handwritten signature]

ESTHER AYALA

KMG/168CA/im
12/16/88

DESCRIPTION APPROVAL 11/3/89
[Handwritten signature]
George P. Hutchinson

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APPROVED AS TO FORM
[Handwritten signature]
Kathleen M. Bunch
ASST. CITY ATTORNEY

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