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of Riverside County, California

*William E. Stanley*  
RECORDER  
Fee \$

COVENANT AND AGREEMENT AND RELEASE  
VAN BUREN BOULEVARD FUTURE MEDIAN  
PRD-23-834

This Covenant and Agreement and Release is made and entered into this 8th day of November, 1985, by FREDRICKS DEVELOPMENT CORPORATION, a California Corporation, the owner of record of the following described real property located in the City of Riverside, County of Riverside, State of California, hereinafter referred to as "the property":

PARCEL 1:

All that portion of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 1, Township 3 South, Range 6 West, San Bernardino Base and Meridian, as shown by United States Government Survey, described as follows:

Commencing at the Southeast corner of said North half of the Southeast quarter of the Southeast quarter of the Southeast quarter; thence North along the East line thereof 40 feet for THE POINT OF BEGINNING; thence West and parallel with the South line of said North half of the Southeast quarter of the Southeast quarter of the Southeast quarter, 150 feet; thence North and parallel with the East line of said Section, 34 feet; thence West and parallel with the South line of said North half of the Southeast quarter of the Southeast quarter of the Southeast quarter, 40 feet; thence North and parallel with the East line of said Section, 56 feet; thence East and parallel with the South line of said North half of the Southeast quarter of the Southeast quarter of the Southeast quarter, 150 feet to the East line thereof; thence South along said East line 90 feet to THE POINT OF BEGINNING;

Excepting therefrom that portion thereof included in Van Buren Boulevard along the East line thereof.

PARCEL 2:

The Southeast quarter of the Southeast quarter of the Southeast quarter of Section 1, Township 3 South, Range 6 West, San Bernardino Base and Meridian, as shown by United States Government Survey;

Excepting therefrom that portion thereof included in Van Buren Boulevard along the East line thereof;

Also excepting therefrom that portion described as follows:

Beginning at the Northeast corner of the South half of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section; thence Northerly on the East line of said Section, 130 feet; thence Westerly and parallel with the Southerly line of said Section, 190 feet; thence Southerly and parallel with the Easterly line of said Section, 56 feet; thence Easterly and parallel with the Southerly line of said Section, 40 feet; thence Southerly and parallel with the Easterly line of said Section, 109 feet; thence Easterly and parallel with the Southerly line of said Section, 150 feet to the Easterly line thereof; thence Northerly on the Easterly line of said Section, 35 feet to THE POINT OF BEGINNING.

Also excepting therefrom the Westerly 15 feet of the Easterly 55 feet of the South, 96 feet thereof, as granted to the City of Riverside by a Deed recorded July 27, 1962 as Instrument No. 70783.

Said land is located in the City of Riverside.

WHEREAS, the property hereinabove described abuts the westerly side of Van Buren Boulevard, a public street within the City of Riverside; and

WHEREAS, the City of Riverside plans to install a raised median within the center of said Van Buren Boulevard; and

WHEREAS, the construction of said raised median will eliminate access to said property from the northbound lanes of Van Buren Boulevard;

NOW, THEREFORE, in consideration of the approval by the City of Riverside of PRD 23-834, in the undersigned acknowledges, and covenants and agrees for itself, its successors and assigns that the property will not be served by an opening in the raised median and hereby releases the City of Riverside, its officers and employees from any and all claims, demands, suits or actions that the undersigned, its successors or assigns may have, now or in the future, arising out of the construction of the median or the loss of access from the northbound lanes of Van Buren Boulevard.

It is further covenanted and agreed that in the event the median is not constructed in Van Buren Boulevard adjacent to the property at such time as the property is leased, sold, transferred or conveyed to another, the undersigned shall give prior written notice to said party that the property will not be served by an opening in the median to be constructed in Van Buren Boulevard.

The terms of said Covenant and Agreement and Release may be enforced by the City of Riverside, its successors and assigns. Should the City bring an action to enforce any of the terms of this Covenant

DESCRIPTION APPROVED  
George P. Hoffmann 11/14/88  
BY

and Agreement and Release, the prevailing party shall be entitled to reasonable attorneys' and expert witness' fees and other reasonable costs of suit.

This Covenant and Agreement and Release shall run with the land and each and all of its terms shall be binding upon the undersigned, its successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

IN WITNESS WHEREOF, the undersigned have caused this Covenant and Agreement and Release to be executed the day and year first above written.

FREDRICKS DEVELOPMENT CORPORATION,  
a California Corporation

BY Everett Kjerulff

TITLE Vice President

BY Charlotte Yoder

TITLE Assistant Secretary

(Corporation)  
STATE OF CALIFORNIA

COUNTY OF Los Angeles } SS.

On November 11, 1985 before me, Brenda G. Tupack a Notary Public

in and for said State, personally appeared Everett Kjerulff,

(known to me) (or proved to me on the basis of satisfactory evidence) to be the Vice  
President, and Charlotte Yoder

(known to me) (or proved to me on the basis of satisfactory evidence) to be Assistant

Secretary of the corporation that executed the within Instrument (known to me) (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.  
Signature Brenda G. Tupack



APPROVED AS TO FORM  
[Signature]  
ASSISTANT CITY ATTORNEY