

WHEN RECORDED MAIL T

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

SECTION 6103

Project: Parcel Map Waiver  
Case PMW-63-845  
Private Water Line Easement

292795

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

RECEIVED FOR RECORD  
Min. Past 10:00 AM

DEC 27 1985  
Recorded in Official Records  
of Riverside County, California  
William E. Smith  
RECORDER  
Fee \$

This Covenant and Agreement and Declaration of Restrictions is made and entered into this 27 day of December, 1985, by BUTCHER BOY FOOD PRODUCTS INCORPORATED, a California corporation, the owner of record of the real property situated in the City of Riverside, County of Riverside, State of California, described on Exhibit A, attached hereto and incorporated herein, which property is referred to herein as Parcel 1 or Parcel 2 or collectively as the property.

WHEREAS application has been made to relocate a common lot line which will result in two parcels as described above; and

WHEREAS Parcel 2 is developed with commercial structures which are served by a private water line which crosses Parcel 1; and

WHEREAS the undersigned desires to restrict Parcel 1 with a private water line easement for the use and benefit of Parcel 2;

NOW, THEREFORE, the undersigned hereby covenants and agrees with the City of Riverside as follows:

1. The southeasterly 10.00 feet of Parcel 1 is hereby restricted with an easement over, under and across, for the construction, maintenance and use of a private water line for the use and benefit of Parcel 2.

2. In the event any of the property is sold or leased or the ownership is otherwise changed, as the parcels are conveyed, the grantor shall grant and/or reserve, as appropriate, the above-described private water line easement. The easement shall include all rights deemed reasonable and necessary for the construction, maintenance and use of private water line facilities.

3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns, or by any owner or tenant of any of the property. Should the City or any owner or tenant bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witnesses' fees and reasonable costs of suit.

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4. This Covenant and Agreement and Declaration of Restrictions shall run with the land and shall be binding upon the undersigned, its successors and assigns and shall continue in effect until such time as it is released by the City Council of the City of Riverside.

IN WITNESS WHEREOF the undersigned has caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first written above.

BUTCHER BOY FOOD PRODUCTS  
INCORPORATED, a California  
corporation

By Timothy W. Madson

Name TIMOTHY W. MADSON

Title VICE PRESIDENT

By Gary Burton

Name Gary Burton

Title Vice President

APPROVED AS TO FORM:

Clarice Turney  
Assistant City Attorney

William A. Peterson  
Witness WILLIAM A. PETERSON

Date: 12/27/85

EXHIBIT A

Parcel 1

Lots 1 through 9, inclusive, of Foster Tract as shown by map on file in Book 8 of Maps, at Page 13 thereof, records of Riverside County, California;

TOGETHER with that portion of Commerce Street (formerly Pachappa Avenue), as vacated by the City Council of the City of Riverside, by Resolution No. 15574, recorded December 4, 1984, as Instrument No. 259330, Official Records of said Riverside County, lying southwesterly of the northwesterly prolongation of the northeasterly line of Lots 1 through 9 of said map of Foster Tract;

EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded March 6, 1981, as Instrument No. 40425, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside as Parcel 2, by deed recorded March 6, 1981, as Instrument No. 40426, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside, by deed recorded March 6, 1981, as Instrument No. 40428, Official Records of said Riverside County.

Parcel 2

Lots 41 through 49, inclusive, together with Lots 57 through 65, inclusive, together with Lots 75 through 83, inclusive, all as shown by map of Division "A" Halls Addition to Riverside as shown by map recorded in Book 9 of Maps, at Page 1 thereof, records of San Bernardino County, California;

TOGETHER with Lots 10 through 18, inclusive, of Foster Tract as shown by map on file in Book 8 of Maps, at Page 13 thereof, records of said Riverside County;

TOGETHER with that portion of Prospect Avenue (formerly Center Street), as vacated by the City Council of the City of Riverside by Ordinance No. 4880, recorded February 5, 1981, as Instrument No. 21818, Official Records of said Riverside County;

TOGETHER with that portion of Commerce Street (formerly Pachappa Avenue), as vacated by the City Council of the City of Riverside by Resolution No. 15574, recorded December 4, 1984, as Instrument No. 259330, Official Records of said Riverside County, lying northeasterly of the northwesterly prolongation of the northeasterly line of Lots 1 through 9 of said map of Foster Tract;

EXCEPTING therefrom, that portion thereof conveyed to the City of Riverside by deed recorded April 25, 1975, as Instrument No. 47699, Official Records of said Riverside County, lying southeasterly of a line which is parallel with and distant 30.00 feet northwesterly, as measured at right angle from the centerline of Howard Avenue, as shown by said map of Halls Addition;

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ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded March 6, 1981, as Instrument No. 40425, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside as Parcel 1, by deed recorded March 6, 1981, as Instrument No. 40426, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded March 6, 1981, as Instrument No. 40428, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by Final Order of Condemnation recorded February 15, 1974, as Instrument No. 18861, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside, as Parcels II and IV, by deed recorded April 5, 1974, as Instrument No. 40027, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded April 5, 1974, as Instrument No. 40029, Official Records of said Riverside County;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded November 5, 1971, as Instrument No. 127380, Official Records of said Riverside County, lying southeasterly of a line which is parallel with and distant 30.00 feet northwesterly, as measured at right angle from the centerline of Howard Avenue, as shown by said map of Halls Addition.

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded November 6, 1911, in Book 339, Page 397, et seq., of Deeds, records of said Riverside County, lying northwesterly of a line which is parallel with and distant 30 feet southeasterly as measured at right angle from the centerline of Commerce Street (formerly Pachappa Avenue), as shown by said map of Halls Addition;

ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Riverside by deed recorded November 9, 1973, as Instrument No. 147357, Official Records of said Riverside County.

DESCRIPTION APPROVAL  
by [Signature] 4-27-85

C/A 134-4

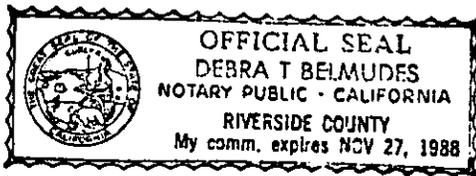
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STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF RIVERSIDE )

On this 27<sup>th</sup> day of December, 1985, before me, the undersigned Notary Public, personally appeared William A Peterson, personally known to me to be the person whose name is subscribed to the within instrument as witness thereto, and who swore or affirmed before me that he (he/she) personally knows

Timothy W Madron & Gary Burton  
(name of signer(s) not appearing before Notary) to be the individual(s) whose name(s) are (is/are) subscribed to the within instrument as principal(s) and witnessed the individual(s) sign the same and acknowledge signing it freely for the purposes therein contained.

WITNESS my hand and official seal.



Debra T Belmudes  
Notary Public In and For  
Said State