

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: VC-008-923
15980 Summit Crest Drive

133347

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

APR 12 1993

Recorded in Official Records
of Riverside County, California

Recorder *W. J. [Signature]* Fees \$ 23

COVENANT AND AGREEMENT
AND GRANT OF EASEMENT

23 ME
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THIS COVENANT AND AGREEMENT AND GRANT OF EASEMENT is made and entered into this 1st day of April, 1993, by ELWOOD L. SEBELIUS, who acquired title as an unmarried man, and ELWOOD L. SEBELIUS and PATRICIA S. SEBELIUS, husband and wife, hereinafter referred to as "FIRST PARTY", and CHARLES L. SMITH and JO ANN SMITH, TRUSTEES OF THE SMITH FAMILY TRUST DATED MARCH 6, 1989, 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 A and Parcel B, located within the City of Riverside, County of Riverside, State of California:

Parcel A is described as follows:

The southerly 389 feet of the East one half of the East one half of the Southeast one quarter of the Southeast one quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian.

Parcel B is described as follows:

The West one half of the East one half of the Southeast one quarter of the Southeast one quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian.

EXCEPTING THEREFROM that portion deeded to the Metropolitan Water District in document recorded October 24, 1975, as Instrument No. 131389, Official Records of Riverside County, California.

B. SECOND PARTY is the fee owner of the following described real property which is adjacent to Parcel B, said property is hereinafter referred to as Parcel C, Parcel D, and Parcel E, located within the City of Riverside, County of Riverside, State of California:

Parcel C is described as follows:

Parcel 2 of Parcel Map 248 as per map recorded in Book 34, Page 5 of Parcel Maps in the Office of the County Recorder of Riverside County, California.

EXCEPTING THEREFROM that portion conveyed to the Metropolitan Water District of Southern California by deed recorded August 28, 1975, as Instrument No. 105316, Official Records of Riverside County, California.

Parcel D is described as follows:

The West half of the West half of the Southeast quarter of the Southeast quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian;

EXCEPTING THEREFROM the following described property:

All that part of a strip of land 60 feet wide, included within the West half of the Southeast quarter of the Southeast quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian, in the City of Riverside, County of Riverside, State of California, said strip of land 60 feet wide lying 30 feet, measured at right angles or radially, on each side of the following described center line:

In the following center line description all curves are tangent to the straight line which they join:

Beginning at a point on the East line of said Section 22, distant thereon, North 00° 41' 50" East, 419 feet from the Southeast corner of said Section 22; Thence North 89° 40' 10" West, 875.99 feet to the beginning of a curve concave southeasterly and having a radius of 1000 feet; Thence westerly and southwesterly, along said curve, through a central angle of 22° 46' 59", an arc distance of 397.64 feet; Thence South 67° 32' 51" West, 2573.01 feet to the beginning of a curve, concave northwesterly and having a radius of 1000 feet; Thence southwesterly along said curve, through a central angle of 20° 03' 38", an arc distance of 350.12 feet; Thence South 87° 36' 29" West, 1391.87 feet to the beginning of a curve concave southeasterly and having a radius of 1000 feet; Thence southwesterly along said curve, through a central angle of 44° 37' 57", an arc distance of 778.98 feet; Thence South 42° 58' 32" West, 52.58 feet to the beginning of a curve concave northwesterly and having a radius of 1000 feet; Thence southwesterly along said curve, through a central angle of 11° 01' 24", an arc distance of 192.39 feet; Thence South 53° 59' 56" West, 175.61 feet to the beginning of a curve concave northwesterly and having a radius of 1000 feet; Thence southwesterly and westerly along said curve, through a central angle of 36° 18' 29", an arc distance of 633.70 feet; Thence North 89° 41' 35" West, 416.47 feet to the beginning of a curve concave southerly and having a radius of 1000 feet:

Thence westerly along said curve, through a central angle of 06° 54' 17", an arc distance of 120.51 feet; Thence South 83° 24' 08" West, 343.20 feet to the beginning of a curve concave northerly and having a radius of 1000 feet;

Thence westerly along said curve, through a central angle of 03° 26' 22", an arc distance of 60.03 feet to a point on the North-South center line of Section 28 of said Township and Range, a radial line of said curve to said point having a bearing of South 03° 09' 30" East, said point being distant North 00° 42' 02" East, along said North-South center line, 991.82 feet from the center of said Section 28.

Parcel E is described as follows:

The South half of the East half of the Southwest quarter of the Southeast quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian, in the County of Riverside, State of California;

EXCEPTING THEREFROM that portion granted to the Metropolitan Water District of Southern California, a public corporation, by deed recorded February 13, 1975 as Instrument No. 17297, together with a non-exclusive easement over the easterly 20 feet of the North one half of the East one half to the Southwest one quarter of the Southeast one quarter of Section 22.

- C. Parcels A, B, C, D, and E are adjoining lots. Parcel A has a street address of 15990 Van Buren Boulevard, Riverside, California; Parcel C has a street address of 15980 Summit Crest Drive, Riverside, California; Parcels B, D, and E are undeveloped and have no street address at this time.
- D. A condition of Vacation Case VC-008-923 is the requirement of the City of Riverside that an access easement for ingress, egress, public utilities and communication facilities across Parcels A, B, C, and D be executed and recorded by the parties hereto to assure access to Parcels B, C, D, and E which are landlocked parcels.

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 and establishes for the benefit of itself, SECOND PARTY, its successors and assigns, and any and all future owners, the following non-exclusive permanent easement for access, ingress, egress, public utilities and communication facilities over, along and across the following described portion of Parcel A and Parcel B for the use and benefit of and as an easement appurtenant to Parcel B and Parcel C, Parcel D, and Parcel E:

The southerly 33.00 feet of the Southeast one quarter of the Southeast one quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian;

The sidelines of said 33.00 foot wide strip of land to be lengthened or shortened so as to terminate on the easterly line of said Section 22 and the easterly line of Parcel 2 of said Parcel Map 248, as per map recorded in Book 34, Page 5 of Parcel Maps in the Office of the County Recorder of Riverside County, California.

2. SECOND PARTY hereby covenants and agrees and establishes for the benefit of itself, its successors and assigns, and any and all future owners, the following non-exclusive permanent easement for access, ingress, egress, public utilities and communication facilities over, along and across the following described portion of Parcel C and Parcel D for the use and benefit of and as an easement appurtenant to Parcel D and Parcel E:

The southerly 33.00 feet of the Southeast one quarter of the Southeast one quarter of Section 22, Township 3 south, Range 5 West, San Bernardino Meridian;

The sidelines of said 33.00 foot wide strip of land to be lengthened or shortened so as to terminate on the easterly line of Parcel 2 of said Parcel Map 248, as per map recorded in Book 34, Page 5 of Parcel Maps in the Office of the County Recorder of Riverside County, California and the easterly line of the South half of the East half of the Southwest quarter of the Southeast quarter of Section 22, Township 3 South, Range 5 West, San Bernardino Meridian.

3. The respective covenants and agreements and grant of easement 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 for motor vehicles and an easement for public utilities and communication facilities for the use and benefit of Parcels B, C, D, and E above described, to permit unrestricted access from those parcels to the end of the existing asphalt paving at the westerly terminus of Summit Crest Drive as reviewed and approved by the City of Riverside.

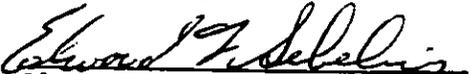
4. FIRST PARTY and SECOND PARTY and their successors in interest, hereby jointly and severally agree to defend, indemnify and hold harmless the City of Riverside from and against any and all liabilities, expenses, claims, or causes of actions arising out of or alleged to be caused by or resulting from 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 in Vacation Case VC-008-923 to allow for the vacation of an existing Offer of Dedication across Parcels C and D and for any future access requirements for building permit applications for Parcels B, D, and E hereinabove described, and the easements and duties and obligations hereinabove created shall not be altered or extinguished without the prior written consent of the City Council 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 A, B, C, D, and E respectively.

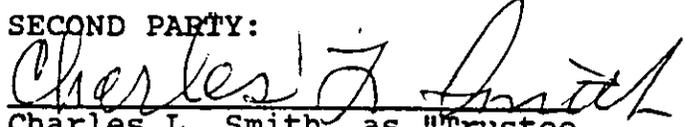
IN WITNESS WHEREOF the parties hereto have caused this Covenant and Agreement and Grant of Easement to be duly executed the day and year first above written.

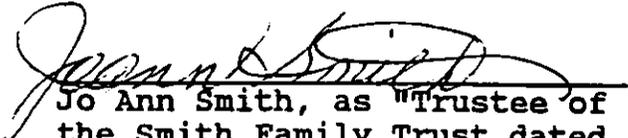
FIRST PARTY:


Elwood L. Sebelius


Patricia S. Sebelius

SECOND PARTY:


Charles L. Smith, as "Trustee of the Smith Family Trust dated March 6, 1989"


Jo Ann Smith, as "Trustee of the Smith Family Trust dated March 6, 1989"

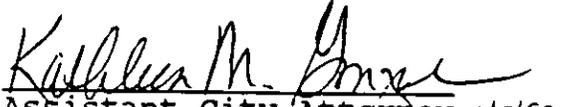
APPROVED AS TO FORM:


City of Riverside
Planning Department

DESCRIPTION APPROVAL: 4, 2, 93

SURVEYOR, CITY OF RIVERSIDE

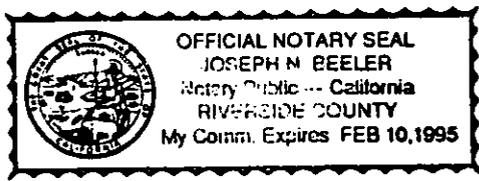
APPROVED AS TO FORM:


Assistant City Attorney 4/5/93

State of California
County of Riverside
On April 1 before me, Joseph N. Beeler, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Charles L. Smith and JoAnn Smith
NAME(S) OF SIGNER(S)

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.

Joseph N. Beeler
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
- TITLE(S)
 - PARTNER(S) LIMITED
 - GENERAL
 - ATTORNEY-IN-FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
The Smith Family Trust
dated March 6, 1989

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

OPTIONAL SECTION

TITLE OR TYPE OF DOCUMENT Covenant and Agreement and Grant of Esmt.

NUMBER OF PAGES 6 DATE OF DOCUMENT April 1, 1993

SIGNER(S) OTHER THAN NAMED ABOVE Elwood L. & Patricia S. Sebelius

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

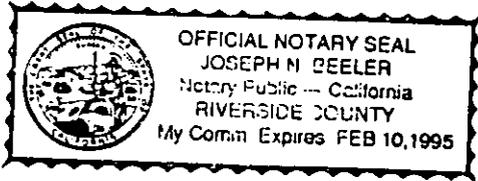
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California
County of Riverside
On April 2, 1993 before me, Joseph N. Beeler, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Elwood L. Sebelius and Patricia S. Sebelius
NAME(S) OF SIGNER(S)

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.

Joseph N. Beeler
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

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- CORPORATE OFFICER(S)
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 - GENERAL
 - ATTORNEY-IN-FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

OPTIONAL SECTION

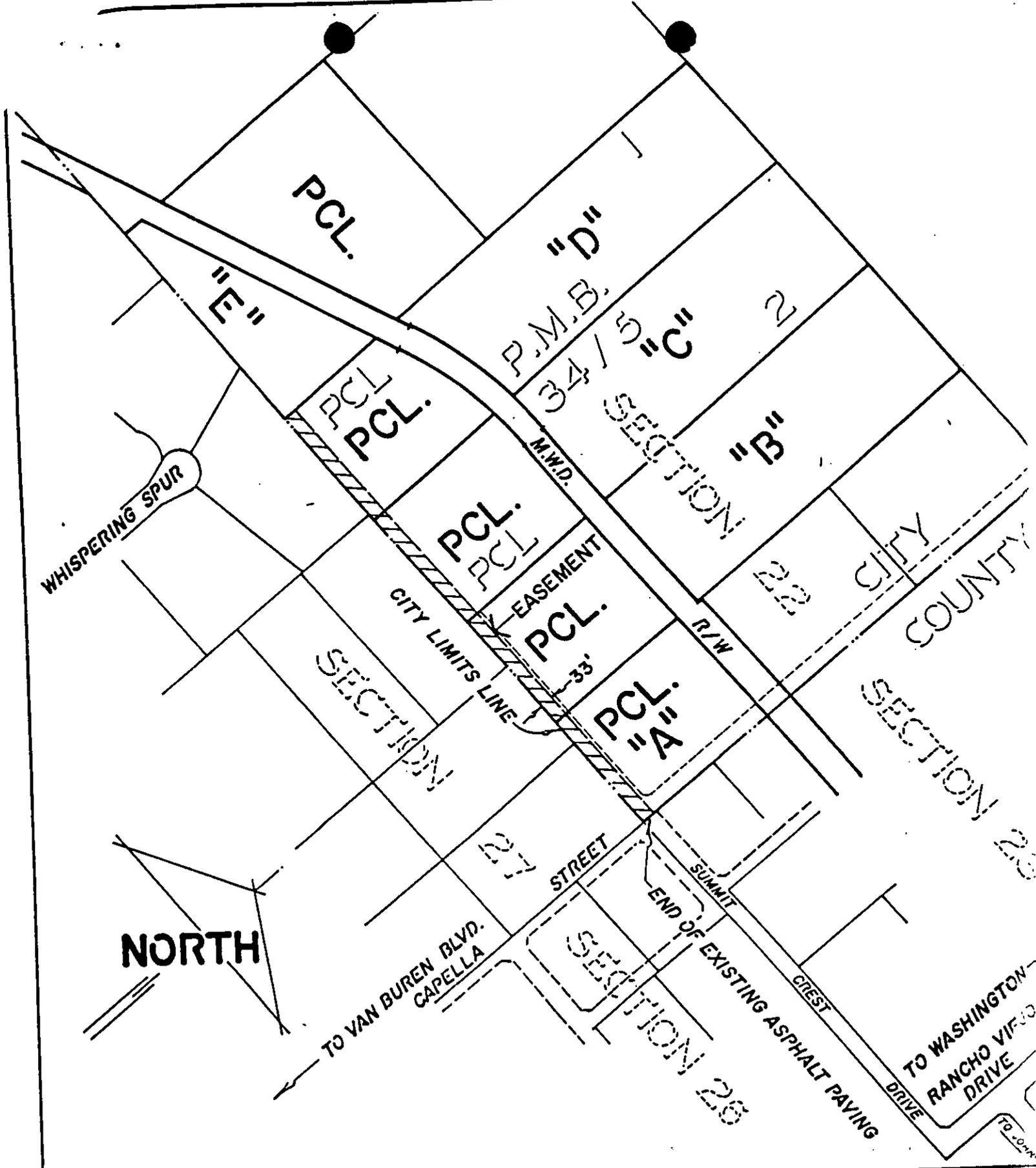
TITLE OR TYPE OF DOCUMENT Covenant and Agreement and Grant of Esmt.

NUMBER OF PAGES 6 DATE OF DOCUMENT April 1, 1993

SIGNER(S) OTHER THAN NAMED ABOVE Charles L. Smith and JoAnn Smith

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

CA 160



CITY OF RIVERSIDE, CALIFORNIA

84-001-12

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCELS(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1 5/6A-2

SCALE: NONE * DRAWN BY _____ DATE 1 / 20 / 93

SUBJECT 15980 SUMMIT CREST DRIVE // VC-008-02

C/A 160