

Recording Request

264666

WHEN RECORDED MAIL TO:

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

Project: Building Permit for  
3367 Arlington Avenue  
Riverside, California

RECEIVED FOR RECORD

AT 8:30 O'CLOCK A.M.

JUL 18 1990

Recorded in Official Records  
of Riverside County, California

*William F. Barry*  
Recorder

Fees \$

COVENANT AND AGREEMENT AND  
GRANT OF EASEMENT FOR ACCESS

THIS COVENANT AND AGREEMENT AND GRANT OF EASEMENT is made and entered into this 9<sup>TH</sup> day of July, 1990, by and between JEROME H. THOMPSON and BONNY L. THOMPSON, husband and wife, hereinafter "Owners", the fee owners of the following described two parcels of real property, located in the City of Riverside, County of Riverside, State of California, described as follows:

PARCEL 1:

A portion of Lot X, particularly described as follows:

Beginning at an iron pin set at the Southwest corner of Lot X;

Thence East along the Northerly line of East Arlington Avenue, a distance of 100 feet to a point;

Thence North and at right angles to said East Arlington Avenue, a distance of 150 feet;

Thence West and parallel to east Arlington Avenue, a distance of approximately 19 feet to the East line of the Santa Fe Railroad land;

Thence Southerly along the said East line of the Santa Fe land to point of beginning, of Riverside Industrial Development Project, McNew Tract, as shown by map of file in Book 12, Page 18 of Maps, Records of Riverside County, California. This parcel also to be known as 3667 Arlington Avenue, Riverside, California.

PARCEL 2:

A parcel of land in the City of Riverside, County of Riverside, State of California, being all of that certain parcel of land described in deed dated December 12, 1890 to Southern California Railway Company (predecessor in interest to the Atchison, Topeka and Santa Fee Railway Company) recorded February 5, 1891, in Book 125 of Deeds at Page 223, Records of San Bernardino County, California, lying in the Southeast quarter of Section 34, Township 2 South, Range 5 West, San Bernardino Meridian.

CL 209

Excepting therefrom all that certain parcel of land described in quitclaim deed dated February 4, 1965, from the Atchison, Topeka and Santa Fe Railway Company to Clarence J. Ivert and Elenore M. Ivert, lying within the above described parcel of land said exception described in said quitclaim deed as follows:

"An irregular shaped parcel of land in the City of Riverside, County of Riverside, State of California, being that portion of the Southeast quarter of the Southeast quarter of Section 34, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described as follows:

Beginning at the intersection of the South line of said Section 34 with an arc of a curve that is concentric with and distant Southeasterly 50.00 feet, measured radially from the center line of the Atchison, Topeka and Santa Fe Railway Company's 100 foot wide main track right of way as described in deed dated May 20, 1886 from P. M. Johnson to Riverside, Santa Ana and Los Angeles Railway Company and recorded June 8, 1888, in Book 74 of Deeds, Page 313, Records of San Bernardino County, California; thence Easterly along the South line of said Section 34 to a point in a line that is concentric with and distant Southeasterly 125.00 feet, measured radially from the center line of said 100 foot wide right of way;

Thence Northeasterly along the arc of last said concentric curve having a radius of 1,557.7 feet, through a central angle of 4° 33' 52", a distance of 123.78 feet;

Thence Northwesterly along a radial line of said concentric curve 75.00 feet to an intersection with the Southeasterly line of said railway company's 100 foot wide main track right of way, being the arc of a curve concave Northwesterly and having a radius of 1,482.7 feet;

Thence Southwesterly along the arc of last said concentric curve to the point of beginning."

Said parcels are hereinafter referred to as Parcel 1 and Parcel 2 respectively.

WHEREAS said parcels are located on Arlington Avenue and are adjoining lots; and

WHEREAS Parcel 1 is presently developed with a warehouse and Parcel 2 is vacant land adjacent to the railroad track; and

WHEREAS the Owners have applied to the City of Riverside, hereinafter referred to as "City", for a building permit to construct alterations to the existing building on Parcel 1; and

WHEREAS as a condition to the issuance of a building permit for such alterations, Owners must execute and record a covenant ensuring that access for parking for the benefit of Parcel 1 is provided on Parcel 2; and

WHEREAS Owners intend by this document to comply with the condition imposed by the City for the issuance of a building permit for the alterations to the building on Parcel 1 and to impose upon Parcel 2 mutually beneficial restrictions under a plan of improvement for the benefit of both parcels and the owners thereof;

NOW, THEREFORE, Owners, for themselves, their heirs, successors and assigns, hereby covenant and agree with the City as follows:

1. There shall be and is hereby established for the use and benefit of Parcel 1, a nonexclusive easement for vehicular ingress and egress over, along and across Parcel 2 for the use and benefit of and as an easement appurtenant to Parcel 1 described as follows:

A strip of land of the uniform width of twenty-three feet lying westerly of and adjoining the Easterly line of that certain parcel of land described in deed dated December 12, 1890, to Southern California Railway Company (predecessor in interest to the Atchison, Topeka and Santa Fe Railway Company), recorded February 5, 1891 in Book 125, page 223 of Deeds, Records of San Bernardino County, California, lying in the Southeast quarter of Section 34, Township 2 South, Range 5 West, San Bernardino Base and Meridian;

The Northerly line of said strip being parallel with and 220 feet Northerly of (as measured along said Easterly line) the North line of East Arlington Avenue as shown on McNew Tract on file in Book 12, page 18 of Maps, Records of Riverside County, California.

2. In the event either Parcel 1 or 2 is conveyed, sold or leased, or their ownership is otherwise changed, Owners shall grant or reserve, as appropriate, the easement established in paragraph 1 above.

3. This Covenant and Agreement is made and entered into for the purpose of complying with the standards and requirements of the City of Riverside and it shall not be extinguished or altered in any way except with the prior written and recorded consent of the City Council of the City of Riverside.

4. The terms of this Covenant and Agreement may be enforced by the City or by any owner or tenant of Parcel 1. Should the City or any owner or tenant bring an action to enforce any of the terms of this Covenant and Agreement, the prevailing party shall be entitled to court costs including reasonable attorneys' fees.

5. This Covenant and Agreement shall run with the land and shall be binding upon the Declarants, their heirs, successors and assigns and shall continue in effect until such time as it is released by the City Council of the City.

IN WITNESS WHEREOF the Declarants have caused this Covenant and Agreement to be duly executed the day and year first above written.

*[Signature]*  
JEROME H. THOMPSON  
*[Signature]*  
BONNY L. THOMPSON

APPROVED AS TO FORM:

*[Signature]*  
Kathleen M. Bonzel  
Assistant City Attorney

DESCRIPTION APPROVAL: 7, 12, 90  
*[Signature]*  
George P. Hutchinson  
SURVEYOR, CITY OF RIVERSIDE

3001 (6/82) (Individual) First American Title Company

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE ss. 264666  
On JULY 9, 1990 before me, the undersigned, a Notary Public in and for  
said State, personally appeared JEROME H. THOMPSON & BONNY L. THOMPSON

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.

WITNESS my hand and official seal.



Signature Cynthia D. Garzon

(This area for official notarial seal)