

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Project: Grading Plan for  
Zoning Case C-1-901

396052

RECEIVED FOR RECORD  
AT 2:00 O'CLOCK

OCT 20 1992

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$

COVENANT AND AGREEMENT  
FOR ACCEPTANCE OF SURFACE WATER RUNOFF  
AND MAINTENANCE OF GRADED DRAINAGE SWALE

<sup>1574</sup> THIS COVENANT AND AGREEMENT is made and entered into this day of October, 1992, by DJA PARTNERSHIP, a California partnership, the fee owner of the real property (hereinafter referred to as "the Property") located in the City of Riverside, County of Riverside, State of California, described in Exhibit A, attached hereto and incorporated herein by this reference.

In consideration of certain approvals by the City of Riverside, California, relating to the development of certain real property owned by the undersigned and designated as Parcel A and Parcel B on Exhibit B, attached hereto and incorporated herein by this reference, the undersigned hereby agrees to accept upon the Property the surface storm flow and nuisance drainage waters (hereinafter referred to as "drainage waters") flowing from the adjoining property (hereinafter the "Adjacent Property") lying southerly thereof owned by the undersigned and described in said Exhibit B. The undersigned hereby acknowledge and agree that a 12-foot-wide drainage swale will be graded from the northerly portion of the Adjacent Property extending approximately 85 feet into the Property to allow the drainage waters from the Adjacent Property to flow through the graded drainage swale into the existing natural drainage channel on the Property. Following the grading of the 12-foot-wide drainage swale on the Adjacent Property, the undersigned agrees to maintain said graded swale and not to impede or disrupt the flow of drainage waters from the Adjacent Property to the natural drainage channels.

The undersigned hereby agrees to release the City of Riverside, its officers and employees from any and all claims, demands, suits or other actions that the undersigned may now or in the future have arising out of or incurred as a result of the drainage waters flowing over, or remaining on the Property from the Adjacent Property or the graded drainage swale extending for approximately 85 feet onto the Property from the northerly property

THIS COMPANY has recorded  
this instrument as an accommodation only.  
it has not been examined as to its effect  
upon the title, no examination of the title  
having been made.

line of the Adjacent Property. The undersigned, for itself and its successors and assigns, waive any and all rights and benefits which it now has, or in the future may have, conferred upon it by virtue of the provisions of Section 1542 of the Civil Code of the State of California, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

In this connection, the undersigned agrees, represents and warrants that it is familiar with, has read, and understands Civil Code Section 1542, and it realizes and acknowledges that factual matters now unknown to it may have given, or may hereafter give rise to claims, which are presently unknown, unanticipated and unsuspected, and the undersigned further agrees, represents and warrants that this release has been negotiated and agreed upon in light of that realization and that the undersigned nevertheless intends to release, discharge, and acquit the City from any such unknown claims, which are in any way related to the discharge of drainage waters onto the Property from the Adjacent Property.

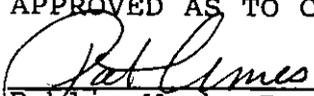
The provisions of this Covenant and Agreement shall be enforceable at law or in equity by the City of Riverside. In the event of any legal or equitable proceeding for the enforcement of or to restrain a violation of this Covenant and Agreement, or any provision hereof, the prevailing party therein shall be entitled to reasonable attorneys' fees in addition to any other costs to which such party is entitled.

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

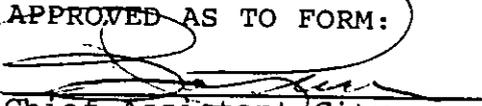
IN WITNESS WHEREOF, the undersigned has caused this Covenant and Agreement to be executed the day and year first above written.

DJA PARTNERSHIP, a California  
general partnership

APPROVED AS TO CONTENT:

  
Public Works Department

APPROVED AS TO FORM:

  
Chief Assistant City  
Attorney

By: Allie T. Mallad - G.P.

ALLIE T. MALLAD, a general partner

By: ALLIE T. MALLAD 1990 LIVING TRUST  
Dated July 26, 1990, a general partner

By: Allie T. Mallad  
Allie T. Mallad, Trustee

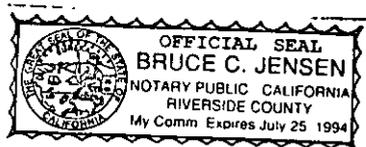
STATE OF CALIFORNIA)  
COUNTY OF Riverside ) ss.

On this 15 day of October, 1992, before me,  
\_\_\_\_\_, the undersigned Notary  
Public, personally appeared ALLIE T. MALLAD,

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person who executed this instrument on behalf of the partnership, and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.



Bruce C. Jensen  
Notary's Signature

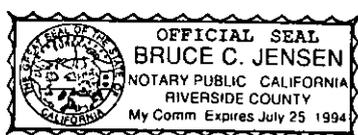
STATE OF CALIFORNIA)  
COUNTY OF Riverside ) ss.

On this 15 day of October, 1992, before me,  
\_\_\_\_\_, the undersigned Notary  
Public, personally appeared Allie T. Mallad, Trustee of the ALLIE T.  
MALLAD 1990 Living Trust Dated July 26, 1990,

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person who executed this instrument on behalf of the partnership, and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.



Bruce C. Jensen  
Notary's Signature

BP/3850A/jm  
10/13/92

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 10;  
THENCE NORTH 0° 10' WEST ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 967.99 FEET, TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL CONVEYED TO ISABEL BUSH BY DEED RECORDED MARCH 9, 1948 AS INSTRUMENT NO. 1443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
THENCE NORTH 89° 23' EAST, ON THE SOUTHERLY LINE OF THAT PARCEL CONVEYED TO ISABEL BUSH, A DISTANCE OF 680.85 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD;  
THENCE SOUTH 20° 07' EAST ON THE SOUTHWESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, A DISTANCE OF 645.33 FEET, TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL CONVEYED TO SAMUEL A. JOEL AND RUBY F. JOEL, HIS WIFE, BY DEED RECORDED AUGUST 4, 1947 AS INSTRUMENT NO. 325 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
THENCE SOUTH 89° 23' WEST ON THE NORTH LINE OF THE PARCEL CONVEYED TO SAMUEL W. JOEL AND WIFE, A DISTANCE OF 300.66 FEET, TO THE NORTHWEST CORNER THEREOF;  
THENCE SOUTH 0° 10' EAST, ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 360.00 FEET, TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10;  
THENCE SOUTH 89° 23' WEST ON SAID SOUTH LINE, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHERLY 330.00 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL CONVEYED TO ISABEL BUSH BY DEED RECORDED MARCH 9, 1948 AS INSTRUMENT NO. 1443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
THENCE SOUTH 20° 07' EAST, ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, A DISTANCE OF 523.19 FEET;  
THENCE SOUTH 89° 23' WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 292.94 FEET;  
THENCE NORTH 0° 10' WEST, PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 118.00 FEET;  
THENCE NORTH 89° 23' EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 10.00 FEET;

THENCE NORTH 0° 10' WEST, PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 375.25 FEET, TO THE SOUTH LINE OF SAID PARCEL CONVEYED TO ISABEL BUSH;  
THENCE NORTH 89° 23' EAST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10;  
THENCE NORTH 0° 10' WEST, ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 330 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 0° 10' WEST, ON SAID WEST LINE 637.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL CONVEYED TO ISABEL BUSH BY DEED RECORDED MARCH 9, 1948 AS INSTRUMENT NO. 1443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
THENCE NORTH 89° 23' EAST, ON THE SOUTHERLY LINE OF SAID BUSH PROPERTY, 575.85 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL CONVEYED AS PARCEL 2 TO ELMER O. OLUFSON, ET UX, BY DEED RECORDED FEBRUARY 7, 1966 AS INSTRUMENT NO. 13905 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
THENCE SOUTH 0° 10' EAST, 375.25 FEET TO THE SOUTHWEST CORNER OF THE LAND CONVEYED TO OLUFSON AS PARCEL 3 IN DEED ABOVE MENTIONED;  
THENCE SOUTH 89° 23' EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER 10 FEET TO THE NORTHWEST CORNER OF THE LAND CONVEYED TO OLUFSON AS PARCEL 4 IN DEED ABOVE MENTIONED;  
THENCE SOUTH 0° 10' EAST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER ALONG THE WESTERLY LINE OF SAID PARCEL 4 AND ITS SOUTHERLY EXTENSION OF THE NORTH LINE OF THE SOUTHERLY 330 FEET OF SAID SOUTHEAST QUARTER;  
THENCE SOUTH 89° 23' WEST, ALONG SAID NORTH LINE OF SAID SOUTHERLY 330 FEET, 565 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL:

George P. Hutchinson  
10, 19, 92  
SURVEYOR, CITY OF RIVERSIDE

EXHIBIT A

PARCEL B (Revised)

That portion of the southeast quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

Commencing at the southwest corner of said southeast quarter;

Thence North  $89^{\circ} 34' 08''$  East along the south line of the said southeast quarter, a distance of 450.03 feet to an intersection with the southerly prolongation of the west line of that certain parcel of land conveyed to Edmund G. Acrey and Lillian E. Acrey by deed recorded May 19, 1987 as Instrument No. 140306 of Official Records of Riverside County, California;

Thence North  $00^{\circ} 00' 43''$  West along said southerly prolongation and along said west line, a distance of 330.45 feet to the northwest corner thereof;

Thence North  $89^{\circ} 43' 08''$  East along the north line of said parcel, a distance of 149.97 feet to the northeast corner thereof, said corner being in the west line of that certain parcel of land conveyed to Edmund G. Acrey and Lillian E. Acrey by deed recorded May 19, 1987 as Instrument No. 140303 of Official Records of Riverside County, California;

Thence North  $00^{\circ} 00' 43''$  West along said west line of said parcel conveyed as Instrument No. 140303, a distance of 29.55 feet to the northwest corner thereof;

Thence North  $89^{\circ} 34' 08''$  East along the north line of said parcel conveyed as Instrument No. 140303, a distance of 126.89 feet to a point therein for the TRUE POINT OF BEGINNING;

Thence South  $00^{\circ} 35' 31''$  East, a distance of 309.39 feet;

Thence North  $89^{\circ} 24' 29''$  East, a distance of 282.10 feet to a point in the easterly line of said parcel conveyed as Instrument No. 140303;

Thence North  $19^{\circ} 56' 07''$  West along said easterly line, a distance of 327.39 feet to the northeast corner thereof;

Thence South  $89^{\circ} 34' 08''$  West along the north line of said parcel, a distance of 173.66 feet to the true point of beginning.

DESCRIPTION APPROVAL: 10, 19, 92  
*George P. Hutchinson*  
 SURVEYOR, CITY OF RIVERSIDE

EXHIBIT B

PARCELA (Revised)

That portion of the southeast quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

Commencing at the southwest corner of said southeast quarter;

Thence North  $89^{\circ} 34' 08''$  East along the south line of said southeast quarter, a distance of 450.03 feet to an intersection with the southerly prolongation of the west line of that certain parcel of land conveyed to Edmund G. Acrey and Lillian E. Acrey by deed recorded May 19, 1987 as Instrument No. 140306 of Official Records of Riverside County, California;

Thence North  $00^{\circ} 00' 43''$  West along said southerly prolongation, a distance of 50.00 feet to the southwest corner of said parcel so conveyed for the TRUE POINT OF BEGINNING;

Thence North  $00^{\circ} 00' 43''$  West along the west line of said parcel, a distance of 280.45 feet to the northwest corner thereof;

Thence North  $89^{\circ} 43' 08''$  East along the north line of said parcel, a distance of 149.97 feet to the northeast corner thereof, said corner being in the west line of that certain parcel of land conveyed to Edmund G. Acrey and Lillian E. Acrey by deed recorded May 19, 1987 as Instrument No. 140303 of Official Records of Riverside County, California;

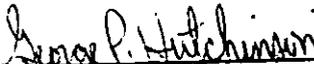
Thence North  $00^{\circ} 00' 43''$  West along said west line of said parcel conveyed as Instrument No. 140303, a distance of 29.55 feet to the northwest corner thereof;

Thence North  $89^{\circ} 34' 08''$  East along the north line of said parcel conveyed as Instrument No. 140303, a distance of 126.89 feet to a point therein;

Thence South  $00^{\circ} 35' 31''$  East, a distance of 309.39 feet;

Thence South  $89^{\circ} 24' 29''$  West, a distance of 213.49 feet to a point in the south line of said parcel conveyed as Instrument No. 140306;

Thence South  $89^{\circ} 34' 08''$  West along said south line, a distance of 66.51 feet to the true point of beginning.

DESCRIPTION APPROVAL: 10, 19, 92  
  
 SURVEYOR, CITY OF RIVERSIDE

**EXHIBIT B**

210203

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

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THENCE NORTH 89° 23' EAST, ON THE SOUTHERLY LINE OF THAT PARCEL CONVEYED TO ISABEL BUSH, A DISTANCE OF 680.85 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD;  
THENCE SOUTH 20° 07' EAST ON THE SOUTHWESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, A DISTANCE OF 645.33 FEET, TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL CONVEYED TO SAMUEL A. JOEL AND RUBY F. JOEL, HIS WIFE, BY DEED RECORDED AUGUST 4, 1947 AS INSTRUMENT NO. 325 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
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THENCE SOUTH 0° 10' EAST, ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 360.00 FEET, TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10;  
THENCE SOUTH 89° 23' WEST ON SAID SOUTH LINE, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHERLY 330.00 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL CONVEYED TO ISABEL BUSH BY DEED RECORDED MARCH 9, 1948 AS INSTRUMENT NO. 1443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;  
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THENCE SOUTH 0° 10' EAST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER ALONG THE WESTERLY LINE OF SAID PARCEL 4 AND ITS SOUTHERLY EXTENSION OF THE NORTH LINE OF THE SOUTHERLY 330 FEET OF SAID SOUTHEAST QUARTER;  
THENCE SOUTH 89° 23' WEST, ALONG SAID NORTH LINE OF SAID SOUTHERLY 330 FEET, 565 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL:

George P. Hutchinson 10/19/92  
SURVEYOR, CITY OF RIVERSIDE

EXHIBIT A