

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Project: Fire Hydrant Service Connection  
Building Permit for 7304 Indiana  
Avenue, Riverside, California

419307

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

NOV 3 1992

Recorded in Official Records  
of Riverside County, California

Wm. E. [Signature] Recorder  
Fees \$

COVENANT AND AGREEMENT  
AND GRANT OF EASEMENT  
FOR FIRE HYDRANT SERVICE CONNECTION

THIS COVENANT AND AGREEMENT AND GRANT OF EASEMENT is made and entered into this 23rd day of OCTOBER, 1992, by A. C. NEJEDLY, SAM HARMATZ AND CHRISTINA HODOWSKI as the duly appointed and acting Executor of the Estate of B. R. HODOWSKI, deceased, hereinafter collectively referred to as "FIRST PARTY" and INDIANA AVENUE PROPERTIES, a California General Partnership, hereinafter referred to as "SECOND PARTY", with reference to the following facts:

A. FIRST PARTY is the fee owner of the real property, hereinafter referred to as "Parcel A", known as 7280 Indiana Avenue, Riverside, California, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

B. SECOND PARTY is the fee owner of the real property, hereinafter referred to as "Parcel B", located in the City of Riverside, County of Riverside, State of California, known as 7304 Indiana Avenue, Riverside, California, and more particularly described in Exhibit B, attached hereto and incorporated herein by this reference.

C. SECOND PARTY has been issued a building permit for construction of an auto service center on Parcel B. As a condition to the issuance of the building permit, SECOND PARTY must furnish adequate on-site fire protection service, including a fire hydrant served by an eight-inch fire service water line.

D. FIRST PARTY has an existing eight-inch water service connection on Parcel A and is willing to allow SECOND PARTY to connect to said eight-inch line to provide water for the on-site fire hydrant on Parcel B and to grant an easement for such purpose.

NOW, THEREFORE, FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, and the promises herein made, FIRST PARTY and SECOND PARTY mutually agree as follows:

1. FIRST PARTY hereby grants to SECOND PARTY, its successors and assigns, an easement for utility purposes over, along, across and under that portion of Parcel A described in Exhibit C, attached hereto and incorporated herein by this reference, for the use benefit of and as an easement appurtenant to Parcel B.

2. FIRST PARTY shall be responsible for payment to the City of Riverside of all charges for the eight-inch service connection on Parcel A including that serving Parcel B; provided, however, FIRST PARTY may bill to SECOND PARTY and SECOND PARTY shall pay to FIRST PARTY the proportionate share of such charges as may be attributable to the service connection for Parcel B.

3. FIRST PARTY and SECOND PARTY acknowledge and agree that the provision of water to Parcel A and Parcel B is and shall be governed by the rules and regulations promulgated from time to time by the Public Utilities Board of the City of Riverside and approved by the City Council of said City, and both parties agree to be bound by and to comply with such rules and regulations as they may be promulgated and amended from time to time.

4. This Covenant and Agreement and Grant of Easement shall run with the land and shall be binding upon the parties hereto and their heirs, successors and assigns.

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

SECOND PARTY

A.C. Nejedly  
A.C. NEJEDLY

INDIANA AVENUE PROPERTIES, a  
California General Partnership

Sam Harnatz  
SAM HARNATZ

By A.C. Nejedly  
a general partner

Christina Hodowski  
CHRISTINA HODOWSKI

BP/3872A/sb  
10/23/92

APPROVED AS TO FORM  
[Signature]  
CHIEF ASSISTANT CITY ATTORNEY

## EXHIBIT A

That portion of Lot 8 in Block 66 of Lands of W. T. Sayward and S. C. Evans, as shown by map on file in Book 3, page 2 of Maps, records of San Bernardino County, California, described as follows:

Beginning at the most westerly corner of said Lot 8, said corner being in the southeasterly line of Indiana Avenue as shown by said map;

Thence North 56° 00' 00" East along said southeasterly line of Indiana Avenue, a distance of 237.00 feet to a point therein;

Thence at a right angle South 34° 00' 00" East, a distance of 423.61 feet, more or less, to the northwesterly right-of-way line of The Atchison, Topeka and Santa Fe Railway;

Thence South 49° 25' 30" West along said northwesterly right-of-way line, a distance of 238.57 feet to a point of intersection with the southwesterly line of said Lot 8;

Thence North 34° 00' 00" West along the said southwesterly line of Lot 8, a distance of 450.93 feet to the point of beginning;

EXCEPTING THEREFROM the northwesterly 4.00 feet conveyed to the City of Riverside for street purposes by Deeds recorded November 15, 1963 as Instrument No. 121383 and February 24, 1984 as Instrument No. 38252, both of Official Records of Riverside County, California.

DESCRIPTION APPROVAL:

George P. Hutchinson 11/2/92  
SURVEYOR, CITY OF RIVERSIDE

BP/2827Z/jm  
11/2/92

## EXHIBIT B

That portion of Lot 53 of Madison Park, as shown by Map on file in Book 14, Pages 82 and 83 thereof, of Maps, records of Riverside County, California;

Beginning at the most southerly corner of said Lot 53;

Thence North 34° 00' 00" West along the southwesterly line of said Lot 53, a distance of 401.45 feet to a point therein, said point being the southwest corner of that certain parcel of land conveyed to the City of Riverside by Deed recorded May 1, 1981 as Instrument No. 79745 of Official Records of Riverside County, California;

Thence North 56° 00' 00" East along the southeasterly line of the parcel so conveyed as aforesaid a distance of 129.40 feet to the most easterly corner of the parcel so conveyed as aforesaid;

Thence South 34° 00' 00" East, along the northeasterly line of said Lot 53, a distance of 386.54 feet, more or less, to an angle point in the northwesterly line of the right-of-way of The Atchison, Topeka, and Santa Fe Railway;

Thence South 49° 25' 30" West, along the northwesterly line of said railway right-of-way, a distance of 130.26 feet to the point of beginning.

DESCRIPTION APPROVAL:

11/2/92

*George P. Hutchinson*  
SURVEYOR, CITY OF RIVERSIDE

BP/2810Z/jm  
11/2/92

EXHIBIT "C"

The southwesterly 15.00 feet of the following described parcel of land:

That portion of Lot 8 in Block 66 of Lands of W.T. Sayward and S.C. Evans, as shown by map on file in Book 3, page 2 of Maps, Records of San Bernardino County, California, described as follows:

Beginning at the most westerly corner of said Lot 8, said corner being in the southeasterly line of Indiana Avenue as shown by said map;

Thence North 56° 00' 00" East along said southeasterly line of Indiana Avenue, a distance of 237.00 feet to a point therein;

Thence at a right angle South 34° 00' 00" East, a distance of 423.61 feet, more or less, to the northwesterly right-of-way line of the Atchison, Topeka and Santa Fe Railway;

Thence South 49° 25' 30" West along said northwesterly right-of-way line, a distance of 238.57 feet to a point of intersection with the southwesterly line of said Lot 8;

Thence North 34° 00' 00" West along the said southwesterly line of Lot 8, a distance of 450.93 feet to the point of beginning.

EXCEPTING THEREFROM the northwesterly 4.00 feet conveyed to the City of Riverside for street purposes by Deeds recorded November 15, 1963 as Instrument No. 121383 and February 24, 1984 as Instrument No. 38252, both Official Records of Riverside County, California.

PREPARED UNDER MY SUPERVISION:

*Matthew E. Webb*

Matthew E. Webb, L.S. 5529

*11/2/92*

Date

Prepared by: *[Signature]*

Checked by: *[Signature]*

DESCRIPTION APPROVAL:

*11/2/92*  
*George P. Hutchinson*  
SURVEYOR, CITY OF RIVERSIDE

