

268374

When Recorded Return to:
City Clerk, City of Riverside
City Hall
3900 Main Street
Riverside, CA 92522

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JUL 21 1992

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$

Project: Parcel Map 21185

GRANT OF PARKING EASEMENT AND
RECIPROCAL ACCESS EASEMENTS

This Grant of Parking Easement and Reciprocal Access Easements is made and entered into this 17 day of July, 1992, by and between Park Atlanta West, a California limited partnership ("PAW"), Park Atlanta Associates, a California limited partnership ("PAA"), and Park Atlanta II, a California limited partnership ("PA-II").

WHEREAS, PAW is the owner of record of the real property situated in the City of Riverside, County of Riverside, State of California, more particularly described in Exhibit "A" attached hereto ("PAW Property"); and

WHEREAS PAA is the owner of record of the real property situated in the City of Riverside, County of Riverside, State of California, more particularly described as Parcel 1 of Parcel Map 21185, as shown by map on file in Book 138 of Parcel Maps at pages 16 through 18 thereof, Records of Riverside County, California ("Parcel 1"); and

WHEREAS PA-II is the owner of record of the real property situated in the City of Riverside, County of Riverside, State of California, more particularly described as Parcel 2 of Parcel Map 21185 as shown by map on file in Book 238 of Parcel Maps at pages 26 through 18 thereof, Records of Riverside County, California ("Parcel 2"); and

WHEREAS, in connection with the development of the PAW Property it is necessary that certain parking improvements and parking spaces to serve the PAW Property encroach over and upon Parcel 1 and Parcel 2; and

WHEREAS, it is necessary and convenient that the driveways and other access ways on the PAW Property be available to the users of Parcel 1 and Parcel 2 and that

such driveways and access ways located upon Parcel 1 and Parcel 2 be available to the users of the PAW Property;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, and the covenants and agreements contained herein, the undersigned hereby covenant and agree on behalf of themselves, and with each other as follows:

1. PA-II and PAA hereby grant to PAW, its successors and assigns, a non-exclusive easement appurtenant to the PAW Property for the location, construction, maintenance and use of one row of standard parking spaces and related parking improvements meeting the standards and requirements of the City of Riverside which parking facilities shall be available to the owners, lessees, and tenants of the PAW Property, or any part thereof, and their employees, invitees and guests. The row of parking improvements is to be located upon the common boundary of the PAW Property and Parcel 1 and Parcel 2 such that the row of parking spaces shall be located in part upon the PAW Property and in part upon Parcel 1 and Parcel 2. The parties shall be responsible for maintaining any parking facility located pursuant to this easement on their respective properties.

2. PA-II, PAA, and PAW hereby grant to each other reciprocal easements for ingress and egress over and upon any driveways and related access ways located upon their respective properties which easements shall be nonexclusive. The parties shall be responsible for maintaining the driveways and accessways located upon their respective properties. The parties may modify or alter the driveways and related access ways located upon their respective properties as long as such modifications are in compliance with the requirements of the City of Riverside and such modifications do not unreasonably interfere with access between the PAW Property and Parcel 1 and Parcel 2.

3. The terms of this Grant of Parking Easement and Reciprocal Access Easements may be enforced by the City of Riverside, its successors or assigns, or by any owner, lessee or tenant of any portion of the PAW Property or Parcel 1 or Parcel 2. Should the City or any owner, lessee, or tenant bring an action to enforce any of the terms of this Grant of Parking and Reciprocal Access Easements, the prevailing party in such litigation shall be entitled to reasonable attorneys' fees, expert witnesses' fees, and reasonable costs of suit.

EXHIBIT A

The real property located in the County of Riverside, State of California, described as follows:

LOTS 3 AND 4 OF TRACT 3238, IN THE CITY OF RIVERSIDE, AS PER MAP RECORDED IN BOOK 53, PAGES 80 AND 81 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF LOT C (ALLEY) OF SAID TRACT NO. 3238, LYING EASTERLY OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 3, A PORTION OF SAID LOT C (ALLEY) BEING VACATED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, RESOLUTION NO. 11498, RECORDED MAY 7, 1970 AS INSTRUMENT NO. 42935 OF OFFICIAL RECORDS OF THE COUNTY OF RIVERSIDE.

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

Park Atlanta West,
A California limited partnership

By: Ray Magnon
Ray Magnon,
general partner

By: James A. Harris
James A. Harris,
general partner

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of CALIFORNIA
County of RIVERSIDE

On JULY 17, 1992 before me, LISA C. YATES, NOTARY PUBLIC
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared RAY MAGNON AND JAMES A. HARRIS
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.



Lisa C. Yates
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL(S) 268373
- CORPORATE OFFICER(S) _____ TITLE(S) _____
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- SUBSCRIBING WITNESS
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
PARK ATLANTA WEST

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

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

Title or Type of Document COVENANT & AGRMT & DECLARATION OF RESTRICTIONS
Number of Pages 4 Date of Document _____
Signer(s) Other Than Named Above _____