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

MAR 21 1996

Recorded in Official Records  
of Riverside County, California

Recorder *[Signature]*  
Fees \$ 21

Project: Tract 27618

AMENDMENT TO COVENANT AND AGREEMENT  
ESTABLISHING DRAINAGE EASEMENTS AND  
PROVIDING FOR ACCEPTANCE OF DRAINAGE WATERS;  
AND CONSENT OF THE PUBLIC WORKS DIRECTOR  
TO SUCH AMENDMENT TO COVENANT AND AGREEMENT

*21/5/96*

THIS AMENDMENT TO COVENANT AND AGREEMENT is made and entered into this 20<sup>th</sup> day of March, 1996, by KIMMEL-PATTERSON DEVELOPMENT CO., INC., a California corporation ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the real property (collectively, "the Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

Lots 12 through 22, inclusive, of Tract 27618 as shown by map on file in Book 256 of Maps, at Pages 15 through 17 thereof, records of Riverside County, California.

B. The Property is part of a single-family residential subdivision consisting of 22 lots located in the Casa Blanca community of the City of Riverside at the easterly terminus of Evans Street. Declarant had submitted to the City of Riverside ("City") a certain grading plan for the Property, which plan showed the acceptance of offsite drainage onto certain of the lots of the Property from properties located easterly thereof known as 3144, 3162, 3198 and 3276 Washington Avenue and 7115 and 7125 Marguerita Avenue and other lots of the Property into private drainage facilities and into the adjacent public streets known as Mendoza Way and Evans Street.

C. As a condition to the approval of the final map for Tract 27618, City required that a means be provided for disposing of surface runoff water and storm water onto and from the Property and that a document to so provide be executed and recorded.

*E/53.8*

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DESCRIPTION APPROVAL 3/18/96

*H. G. Straub*  
for SURVEYOR, CITY OF RIVERSIDE by \_\_\_\_\_

*C/A-506*

D. In order to impose upon the Property a plan for its development in conformance with the grading plans submitted to the Public Works Department of City, to provide for the acceptance of surface water runoff and storm water upon the various Lots of the Property and to ensure the construction and maintenance of the private drainage facilities to protect the improvements to be constructed thereon, and to comply with a condition of approval of the final map for Tract 27618, Declarant executed that certain Covenant and Agreement for Establishment of Drainage Easements and Acceptance of Drainage Waters ("Covenant and Agreement") on the 14th day of June, 1995, and thereafter recorded the Covenant and Agreement on November 8, 1995, as Instrument No. 374478, Official Records of Riverside County, California.

E. Declarant is in the process of having the required drainage facilities and other improvements installed for the Property. In order to reflect the actual location of certain of the required improvements, it is necessary to amend the Covenant and Agreement to provide that a portion of a 26" wide by 6" deep concrete gutter extending along the westerly property line of Lot 15 to the abutting public street will also extend to a portion of Lot 14.

F. The Covenant and Agreement provides that it cannot be terminated, modified or amended without the prior written consent of the Public Works Director of the City of Riverside duly recorded.

NOW, THEREFORE, incorporating the above facts, Declarant hereby covenants and agreements with City, and declares as follows:

1. Subject to the consent of the Public Works Director of the City of Riverside, Paragraph 2 of the Covenant and Agreement dated June 14, 1995, and recorded on November 8, 1995, as Instrument No. 374478, Official Records of Riverside County, California, is hereby amended in its entirety to read as follows:

"2. Construction of Established Drainage Facilities. Declarant shall construct or cause to be constructed Established Drainage Facilities consisting of a 26" wide by 6" deep concrete gutter extending along a portion of the northerly and along the westerly property lines of Lot 13 to the abutting street, and a 26" wide by 6" deep concrete gutter extending along the westerly property line of Lot 15 towards the abutting public street, provided, however, a portion of said concrete gutter shall extend into the southeasterly corner of Lot 14 no more than five-feet from its common property line with Lot 15 and ten-feet from the public street right-of-way; all in accordance with the grading plan for Tract 27618 on file with the Public Works Department of the City of Riverside, California. The Established Drainage

Facilities shall be constructed prior to the sale or development of any Lot of the Property."

2. Subject to the consent of the Public Works Director of the City of Riverside, Paragraph 3 of the Covenant and Agreement dated June 14, 1995, and recorded on November 8, 1995, as Instrument No. 374478, Official Records of Riverside County, California, is hereby amended in its entirety to read as follows:

"3. Acceptance of Drainage Waters. As the drainage flow of surface water runoff and storm water is generally in a westerly direction from the properties located easterly of the Property and from certain of the easterly lots of the Property located on Washington Street, Declarant for itself and its successors and assigns, hereby agrees to accept and does accept the drainage waters onto the following lots: Onto Lot 19 from the properties known as 7115 Marguerita Avenue and 7125 Marguerita Avenue and 3144 Washington Street; onto Lot 18 from the properties known as 3144 Washington Street and 3162 Washington Street; onto Lot 17 from the property known as 3162 Washington Avenue; onto Lot 16 from the properties known as 3162 Washington Street and 3198 Washington Street; onto Lot 15 from the properties known as Lots 14 and 20 and 3198 Washington Street; onto Lot 14 from the properties known as Lots 15 and 20 and 3198 Washington Street; onto Lot 13 from Lots 12, 21 and 22; and onto Lot 12 from Lot 22 and 3276 Washington Street."

3. Subject to the consent of the Public Works Director of the City of Riverside, Paragraph 4 of the Covenant and Agreement dated June 14, 1995, and recorded on November 8, 1995, as Instrument No. 374478, Official Records of Riverside County, California, is hereby amended in its entirety to read as follows:

"4. Establishment of Private Cross-Lot Drainage Easements. Declarant hereby establishes, grants and reserves nonexclusive easements for the construction, installation, maintenance, repair, replacement and use of the Established Drainage Facilities and for ingress and egress in connection with said facilities over, along and across the following lots of the Property:

(a) The northerly most two-foot portion of Lot 13 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California extending from the most westerly point of said Lot 13 to its intersection with the common property line of Lots 21 and 22 of said Tract No. 27618 and the westerly two-foot portion of Lot 13 extending from its intersection with the southerly property line of Lot 22 to the adjacent public street for

the use and benefit of and as an easement appurtenant to Lots 12 and 22 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California.

(b) The westerly most two-foot portion of Lot 15 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California extending from its intersection with the southerly and easterly property lines of Lot 20 to the adjacent public street for the use and benefit of and as an easement appurtenant to Lots 14 and 20 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California, and the property known as 3198 Washington Street, Riverside, California.

(c) The easterly most five-foot portion of Lot 14 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California, extending ten-feet from its most southeasterly intersection with Lot 15 and the public street right-of-way for the use and benefit of and as an easement appurtenant to Lots 15 and 20 of Tract No. 27618 as shown by map on file in Book 256 of Maps, at pages 15 through 17 thereof, records of Riverside County, California, and the property known as 3198 Washington Street, Riverside, California."

4. All other terms and conditions of the Covenant and Agreement dated June 14, 1995, and recorded November 8, 1995, as Instrument No. 374478, Official Records of Riverside County, California, not amended hereby shall remain in full force and effect and are hereby incorporated herein as if set forth in full.

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

KIMMEL-PATTERSON DEVELOPMENT CO., INC.,  
a California corporation

By *Danny D. Patterson*  
President

DANNY D. PATTERSON

By *James M. Kimmel*  
Secretary

JAMES M. KIMMEL

CONSENT TO AMENDMENT TO  
COVENANT AND AGREEMENT

THIS CONSENT TO AMENDMENT TO COVENANT AND AGREEMENT is made by the Public Works Director of the City of Riverside with reference to the following facts:

A. The Covenant and Agreement for Establishment of Drainage Easements and Acceptance of Drainage Waters executed by KIMMEL-PATTERSON DEVELOPMENT CO., INC. on June 14, 1995 and recorded November 8, 1995 as Instrument No. 374478 of Official Records of Riverside County ("Covenant and Agreement") may not be terminated, modified or amended without the express written consent of the Public Works Director of the City of Riverside ("Public Works Director"), duly recorded.

B. The Public Works Director has read the Amendment to Covenant and Agreement hereinabove provided and approves of such Amendment.

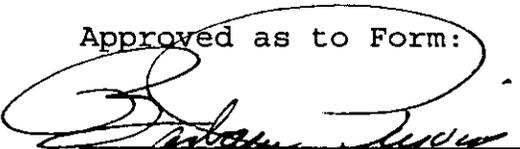
NOW, THEREFORE, the Public Works Director of the City of Riverside hereby consents to the Amendment to Covenant and Agreement and Declaration of Restrictions set forth above and authorizes the recordation of this Amendment and his consent thereto.

Dated:

3/20/96

  
\_\_\_\_\_  
Barry Beck, Public Works Director  
of the City of Riverside, California

Approved as to Form:

  
\_\_\_\_\_  
Assistant City Attorney

State of California )  
 ) ss  
 County of Riverside )

On March 19 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared

Danny D. Patterson and  
James M. Kimmel

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.

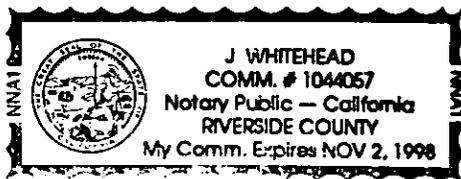


Regina L. Lewis  
 Signature

State of California )  
 ) ss  
 County of Riverside )

On March 20, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared BARRY BECK, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



J. Whitehead  
 Signature