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Government Code §6103

**DOC # 2002-139338**

03/19/2002 08:00A Fee:NC

Page 1 of 8

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

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FOR RECORDER'S OFFICE USE ONLY

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**LC**

**RELEASE AND TERMINATION  
OF THAT CERTAIN COVENANT AND AGREEMENT**

THIS RELEASE AND TERMINATION OF THAT CERTAIN COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made on this 18th day of March, 2002, by and on behalf of the **CITY OF RIVERSIDE**, a municipal corporation, with reference to the following facts:

**RECITALS**

A. **SPECTRUM ASSOCIATES NO. I**, a California general partnership ("Spectrum") was the fee interest owner of that certain real property situated in the City of Riverside, County of Riverside, State of California, legally described on the attached Exhibit "A" and incorporated herein by reference, which property was subsequently subdivided by Spectrum as set forth and legally described on the attached Exhibit "B" and incorporated herein by reference.

B. **CHARLES W. WARE, JOSEPHINE P. WARE, WILLIAM AUSTIN, and BART SINGLETARY** (collectively "Ware") were the fee interest owners of that certain real property situated in the City of Riverside, County of Riverside, State of California, legally described on the attached Exhibit "C" and incorporated herein by reference. Spectrum and Ware are hereinafter collectively referred to as "Declarants". Further, the property legally described in Exhibits "A", "B", and "C", attached hereto and incorporated herein, are hereinafter collectively referred to as the "Property".

C. On or about October 1988, Declarants sought to amend the General Plan and Sycamore Canyon Business Park Specific Plan, and to amend the Municipal Code as to the land use designation and zoning under case numbers SPA-3-878 and R-48-878 as to the Property. As a condition for the approval of SPA 3-878 and R-48-878, amending the General Plan, Sycamore Canyon Business Park Specific Plan, and the Municipal Code, the **CITY OF RIVERSIDE** ("City") required Declarants, their successors and assigns, to, among other things, dedicate certain portions of the Property for street right of ways, public utilities and other public purpose, and for the provisions of certain improvements, more fully set forth in conditions 7 through 25, 27, 28 and 30

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of cases SPA-3-878 and R-48-878. Declarants sought to defer compliance with the conditions until after an assessment district was formed and funded.

D. City agreed to grant the Declarants request for the deferral of compliance with the above conditions subject to Declarants executing and recording an agreement that the conditions had to be completed prior to the issuance of any building permits, as required by City and as stated in Paragraph C above.

E. Declarants executed that certain Covenant and Agreement ("Covenant") dated October 20, 1988, affecting the Property, wherein Declarants agreed to the above and other such related conditions as more specifically set forth in said Covenant.

F. The Covenant executed by Declarants on October 20, 1988, was recorded on October 28, 1988, as Instrument No. 315467, Official Records of Riverside County, California.

G. The Property was originally contemplated to be developed as an auto mall. However, the use and development of an auto mall is no longer economically feasible. In connection with the future development of the Property, it has been determined that the conditions imposed under the Covenant are no longer necessary or appropriate. Thus, it is appropriate to release Declarants, their successors and assigns, and the Property, from the conditions associated with the Covenant and to terminate the Covenant.

H. Paragraph 3 of the Covenant provides that it shall run with the land and each and all of its terms shall be binding upon Declarants and their successors and assigns, and shall continue in effect until such time as terminated upon the written consent of the City Council of the City of Riverside, California, by a document duly recorded.

NOW, THEREFORE, incorporating the above recitals, the City Council of the City of Riverside, California, by action duly taken at its regular meeting on March 12, 2002, has made the following findings:

1. Due to the changes in the development of the Property, there is no longer a need or requirement to fulfill the conditions imposed under cases SPA-3-878 and R-48-878; and
2. The Declarants, their successors and assigns, and the Property should no longer be burdened by the Covenant.

THEREFORE, the City Council on behalf of the City of Riverside, hereby releases the Covenant and Agreement and Declaration of Restrictions dated October 20, 1988, executed by **SPECTRUM ASSOCIATES NO. I**, a California general partnership, and **CHARLES W. WARE, JOSEPHINE P. WARE, WILLIAM AUSTIN, and BART SINGLETARY** recorded on October 28, 1988, as Instrument No. 315467, Official Records of Riverside County, California, and hereby discharges

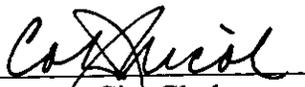


Declarants and any successive owners of the Property from any further obligation or duty set forth therein and hereby terminates said Covenant.

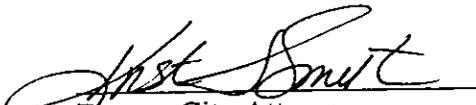
THIS RELEASE AND TERMINATION OF THAT CERTAIN COVENANT AND DECLARATION OF RESTRICTIONS has been duly executed the day and year first above written.

CITY OF RIVERSIDE,  
a municipal corporation

By   
Interim City Manager

Attest   
City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney

CA: 02-0480  
O:\Cycrom\WPDocs\D027\P001\00004383.WPD



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Riverside } ss.

On March 18, 2002 before me, Janis Lowry, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared L. E. Paulsen and Colleen J. Nicol  
Name(s) of Signer(s)

- personally known to me
- 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.  
Janis Lowry  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

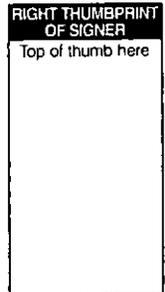
**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney-in-Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



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**ILLEGIBLE NOTARY SEAL DECLARATION  
(GOVERNMENT CODE 27361.7)**

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Janis Lowry

Commission No. 1234438

Date Commission Expires 10-9-03

Date and Place of Notary Execution Riverside, CA 3-18-02

Date and Place of This Declaration Riverside, CA 3-19-02

Angela Henson  
Signature

City of Riverside  
Firm Name (if any)



The Southeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; EXCEPTING therefrom the South 40 feet; and

The West one-half of the West one-half of the Southeast quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; EXCEPTING therefrom the South 40 feet; and

The East one-half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; and

The West one-half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian; and

That portion of Parcel 2 of Parcel Map 23026 recorded in Parcel Map Book 147 at pages 69 and 70, records of Riverside County, California, described as follows:

All of said Parcel 2 excepting that portion lying southwesterly of the following described line; beginning at the Northwest corner of said Parcel 2, said corner also being the West Quarter corner of Section 10, Township 3 South, Range 4 West, San Bernardino Base and Meridian.

Thence North  $89^{\circ}23'56''$  East along the North line of said Parcel 2, also being the North line of the Southwest quarter of said Section 10, a distance of 21.67 feet to the beginning of a non-tangent curve concave Northeasterly and the true point of beginning,

Thence Southeasterly along said non-tangent curve having a radius of 844.00 feet, through a central angle of  $42^{\circ}03'08''$  an arc distance of 619.45 feet; the initial radial line of said non-tangent curve bears South  $76^{\circ}12'19''$  West;

Thence South  $55^{\circ}50'49''$  East a distance of 665.71 feet;

Thence Southeasterly on a curve concave Southwesterly, having a radius of 761.00 feet, through a central angle of  $41^{\circ}35'08''$  an arc distance of 552.34 feet to the Southerly line of said Parcel 2.

**EXHIBIT A**

DESCRIPTION APPROVAL

*[Signature]*  
SURVEYOR CITY OF RIVERSIDE



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EXHIBIT "B"

Parcels 1 through 29 of Parcel Map 24536, as shown by Map on file in Book 162 of Parcel Maps at Pages 91 through 98, inclusive thereof, records of Riverside County, California..

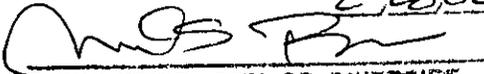
DESCRIPTION APPROVAL 2/28/02  
  
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MAYOR CITY OF RIVERSIDE

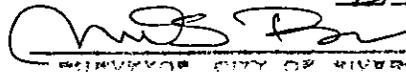


EXHIBIT "C"

Parcel 1 of Parcel Map 23026 recorded in Parcel map Book 147 at pages 69 and 70, Records of Riverside County, California.

DESCRIPTION APPROVAL

7/28/02

  
CHRIS BROWN  
CITY OF RIVERSIDE

