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When recorded, mail to:  
City of Riverside  
Public Works Department  
3900 Main Street  
Riverside, California 92522

RECEIVED FOR RECORD  
At Request of  
TITIF INSURANCE & TRUST CO.  
Book 1982, Page 41146  
MAR 16 1982

Recorded in Official Records  
of Riverside County, California  
Acting Recorder  
YES 3-12-

COVENANT AND AGREEMENT AND GRANT OF EASEMENT

This Covenant and Agreement and Grant of Easement is made and entered into this 9th day of March, 1982, by DAIWA HOUSE CORPORATION OF CALIFORNIA, a California corporation, the owner of record of the following described real property located in the City of Riverside, County of Riverside, State of California:

PARCEL A:

Lot 11 of Tract 9790 as shown by Map on file in Book 124 of Maps at Pages 25+26 thereof, records of Riverside County, California.

PARCEL B:

Lot 12 of Tract 9790 as shown by Map on file in Book 124 of Maps at pages 25+26 thereof, records of Riverside County, California.

PARCEL C:

Lot 13 of Tract 9790 as shown by Map on file in Book 124 of Maps at pages 25+26 thereof, records of Riverside County, California.

DESCRIPTION APPROVAL  
George P. H. [Signature] 5/3/82

WHEREAS Ben Younglove and Janette C. Younglove, husband and wife, as joint tenants as to an undivided 1/3 interest; NORTON YOUNGLOVE and ARDITH YOUNGLOVE, husband and wife, as joint tenants as to an undivided 1/3 interest; and NORTON YOUNGLOVE, Trustee under Declaration of Trust dated July 1, 1977 as to an undivided 1/3 interest, are the owners of record of the following described real property located in the City of Riverside, County of Riverside, State of California:

PARCEL D:

That portion of Lot "C" of Victoria Heights, as shown by map on file in Book 4, Page 92 of Maps, Riverside County Records described as follows:

BEGINNING at the Southeast corner of said Lot "C"  
Thence North 88° 36' 30" West, along the south line of said lot "C", a distance of 272.12 feet;  
Thence North 02° 11' 30" East, a distance of 326.78 feet to the northerly line of said Lot "C", also being the southerly line of Rumsey Drive;  
Thence South 77° 06' East, along the northerly line of said Lot "C", a distance of 80.61 feet;  
Thence easterly along the northerly line of said Lot "C", on

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a curve concave to the north, having a radius of 279.73 feet, through an angle of 26° 20' an arc length of 128.56 feet;

Thence North 76° 34' East, along the said northerly line of Lot "C" a distance of 2.56 feet;

Thence easterly along said northerly line of Lot "C", on a curve concave to the south, having a radius of 109.16 feet, through an angle of 15° 37' an arc length of 29.75 feet;

Thence South 87° 49' East, along said northerly line of Lot "C", a distance of 33.66 feet to the northeast corner of said Lot "C";

Thence South 02° 11' West, along the East line of said Lot "C", also being the west line of Victoria Avenue, 318.20 feet to the point of beginning.

Together with that portion of Parcel 4 of Record of Survey on file in Book 31 of Record of Surveys at Page 12 thereof, records of Riverside County, California, lying northerly of a line parallel with and distant 10.00 feet southerly, as measured at right angles, from the most southerly portion of the northerly line of said Parcel 4, said 10 foot strip of land being bounded on the west by the south prolongation of the west line of the above described parcel of land.

PARCEL E:

Lot "C" of Victoria Heights, in the County of Riverside, State of California, as shown by Map on file in Book 4, Page 92 of Maps, Records of Riverside County, California;

Together with that portion of Parcel 4 of Record of Survey on file in Book 31 of Record of Surveys at Page 12 thereof, records of Riverside County, California, lying northerly of a line and its westerly prolongation, parallel with and distant 10.00 feet southerly, as measured at right angles, from the most southerly portion of the northerly line of said Parcel 4.

EXCEPTING therefrom that portion thereof conveyed to Oscar Crowell and Nellie B. Crowell, his wife, by Deed recorded February 7, 1938 in Book 361, Page 410 of Official Records, records of Riverside County, California;

ALSO EXCEPTING therefrom that portion conveyed to Peggy A. Fouke, a married woman, by Deed recorded March 25, 1960, as Instrument No. 26648 of Official Records of Riverside County, California, together with the North 10.00 feet of Parcel 4 of Record of Survey on file in Book 31 of Record of Surveys at Page 12 thereof, records of Riverside County, California, lying east of the south prolongation of the west line of the above described parcel of land conveyed to Fouke; and

WHEREAS JUANITA B. HYSON is the owner of record of the following described real property located in the City of Riverside, County of Riverside, State of California;

DESCRIPTION APPROVAL  
by George P. Hutchinson, 8/8/70, JWF  
Surveyor

PARCEL F:

Parcel 3 of Record of Survey on file in Book 31, page 12 of Records of Survey, records of Riverside County, California, together with all that portion of Lot "E" of VICTORIA HEIGHTS, as shown by Map on file in Book 4 of Maps, at page 92 thereof, Records of Riverside County, California, described as follows:

Commencing at the Northwest corner of Parcel 3, as shown by map on file in Book 31 of Records of Survey, at page 12 thereof, Records of Riverside County, California;

Thence south 25° 29' 30" west along the westerly line of said Parcel 3, a distance of 80.20 feet to the point of beginning of the parcel of land to be described;

Thence south 48° 58' 20" west, continuing along the westerly line of said Parcel 3, a distance of 81.12 feet to a point on the northeasterly right of way line of Rumsey Drive;

Thence northwesterly along the northeasterly right of way line of said Rumsey Drive, on a non-tangent curve concave to the southwest, having a radius of 138.31 feet, through an angle of 03° 22' 00", an arc length of 8.13 feet (the initial radial line bears north 57° 00' 40" east);

Thence 54° 43' 30" east, a distance of 80.63 feet to the point of beginning; and

WHEREAS ALAN NIXEN and LIANA D. B. NIXEN, husband and wife as joint tenants, are the owners of record of the following described real property located in the City of Riverside, County of Riverside, State of California;

PARCEL G:

Parcel 2 of Record of Survey, as shown by Map on file in Book 31, Page 12 of Records of Survey, Riverside County, California, together with that portion of Lot "E" of Victoria Heights, as shown by map on file in Book 4, Page 92 of Maps, Records of Riverside County, California, described as follows:

Beginning at the most easterly corner of Parcel 2 of Records of Survey as shown by Map on file in Book 31, Page 12 of Records of Survey, Riverside County, California;

Thence south 77° 05' 30" east, on the easterly extension of the northerly line of said Parcel 2, 23 feet more or less to a point that is 23 feet distant from and parallel to the east line of said Parcel 2;

Thence south 15° 06' 30" west, 249.46 feet more or less to a point in the easterly extension of the south line of said Parcel 2;

Thence north 86° 28' west, 23 feet more or less to the southeast corner of said Parcel 2;

Thence north 15° 06' 30" east, 249.46 feet on the east line of said Parcel 2, to the point of beginning; and

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DESCRIPTION APPROVAL  
by George P. Nute, Surveyor 8/82-87

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WHEREAS A. C. HOFFMAN and MARY S. HOFFMAN, husband and wife, as joint tenants, are the owners of record of the following described real property located in the City of Riverside, County of Riverside, State of California;

PARCEL H:

Parcel 1 in Record of Survey on file in Book 31, Page 12 of Records of Survey, records of Riverside County, California; and

WHEREAS the City of Riverside requires that means be provided for disposing of surface and storm waters; and

WHEREAS the undersigned desires to locate certain drainage facilities on Parcels B, C, D and E for the benefit of Parcels A, B, C, D, E, F, G and H; and

WHEREAS the undersigned desires to burden Parcels B and C with private, nonexclusive drainage easements and obligations to maintain and not to obstruct such easements;

NOW, THEREFORE, DAIWA HOUSE CORPORATION OF CALIFORNIA, a California corporation, as the owner of record of Parcels A, B and C, covenants and agrees with the City of Riverside and the owners of Parcels D, E, F, G and H as follows:

1. To construct a concrete drainage structure according to city-approved plans, prior to or concurrently with any grading of Parcels B or C, and within the easement established herein and described in Exhibit 1, attached hereto and incorporated herein, such structure to contain and drain surface runoff water and storm water from Parcels B, C, E, F, G and H.
2. To construct a concrete drainage structure according to city-approved plans, prior to or concurrently with any grading of Parcels A or B, and within the easement established herein and described in Exhibit 2, attached hereto and incorporated herein, such structure to contain and drain surface runoff water and storm water from Parcels D and E.
3. To construct a drainage structure according to city-approved plans, prior to or concurrently with any grading of Parcels A or B, and located along the southerly boundary of Parcels D and E where they touch Parcels A and B, such structure to contain and drain surface runoff water and storm water from Parcels D and E.
4. To maintain at its own expense the private drainage facilities described in paragraphs 1 and 2 above in a good, usable and safe condition at all times, to keep such facilities free from obstruction, and to make any repairs as may be necessary to ensure proper drainage or as may be required by the City of Riverside.

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5. To release the City of Riverside, its officers, employees and agents from any and all claims, demands, suits or actions that the undersigned, its successors or assigns may now or in the future have against the City of Riverside arising out of or incurred as a result of water flooding, flowing over or remaining on any of the above-described property due to the construction and maintenance of the private drainage facilities and the diversion of water into such facilities as approved by the City of Riverside.

6. To defend, indemnify and hold harmless the City of Riverside, its officers, employees and agents from any and all liabilities, expenses, claims or causes of action arising out of or resulting from water flooding, flowing over, or remaining on any property due to the construction and maintenance of the private drainage facilities and the diversion of water into such facilities as approved by the City of Riverside.

7. To establish a private, nonexclusive easement for drainage as described in Exhibit 1 for the benefit of Parcel B surface runoff water and storm water, together with a limited right to enter upon and to pass and repass over whenever necessary for inspecting, maintaining, repairing and removing obstructions from such easement when such work is not being done by the owner of the servient estate, as set forth in paragraph 4 above. In the event the undersigned shall sell, convey or lease any interest in either Parcel B or Parcel C or any part of either parcel, the undersigned shall grant or reserve as appropriate the part of the above-described easement necessary for the purposes described herein.

8. To establish a nonexclusive easement as described in Exhibit 2 for the benefit of Parcel A for a limited right to enter upon and to pass and repass over whenever necessary for inspecting, maintaining, repairing and removing obstructions from such easement when such work is not being done by the owner of the servient estate as set forth in paragraph 4 above. In the event the undersigned shall sell, convey or lease any interest in either Parcel A or Parcel B, the undersigned shall grant or reserve as appropriate the above-described easement for the purposes described herein.

9. If Parcel B is further divided, the obligations of the owners of Parcel B shall apply to each property to the extent the easements described in Exhibits 1 and 2 lie within that property.

Therefore, for valuable consideration, receipt of which is hereby acknowledged, Daiwa House Corporation, a California Corporation, as grantor, grants to the owners of Parcels E, F, G and H as grantees a private, nonexclusive easement as described in Exhibit 1 for drainage of surface runoff water and storm water, together with a limited right to enter upon and to pass and repass over whenever

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necessary for inspecting, maintaining, repairing and removing obstructions from such easement when such work is not being done by the owner of the servient estate as set forth in paragraph 4 above, for the benefit of Parcels E, F, G and H.

Therefore, for valuable consideration, receipt of which is hereby acknowledged, Daiwa House Corporation, a California corporation, as grantor, grants to the owners of Parcels D and E, as grantees, a private, nonexclusive easement as described in Exhibit 2 for drainage of surface runoff water and storm water, together with a limited right to enter upon and to pass and repass over whenever necessary for inspecting, maintaining, repairing and removing obstructions from such easement when such work is not being done by the owner of the servient estate as set forth in paragraph 4 above, for the benefit of Parcels D and E.

The terms of this Covenant and Agreement and Grant of Easement may be enforced by the City of Riverside, its successors or assigns, or by any owner of any of the Parcels described above. Should the City or any person bring an action to enforce the terms of this Covenant and Agreement and Grant of Easement, the undersigned, its successors and assigns agree to pay to the City and to such person their costs and reasonable attorneys' fees.

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

DAIWA HOUSE CORPORATION,  
a California corporation

APPROVED AS TO FORM

Clarice Turner  
ASST. CITY ATTORNEY

By Tsutomu Fukushima  
Title President & Treas.

TO 1945 CA (8-74)  
(Corporation)

By \_\_\_\_\_  
Title \_\_\_\_\_

STATE OF CALIFORNIA }  
COUNTY OF RIVERSIDE } SS.

On March 9, 1982 before me, the undersigned, a Notary Public in and for said State, personally appeared TSUTOMU FUKUSHIMA known to me to be the \_\_\_\_\_ President, and TREAS known to me to be \_\_\_\_\_ Secretary

of the corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature Sue J. [Signature]



(This area for official notarial seal)

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A strip of land 3.00 feet in width over that portion of Lot "E" of Victoria Heights as shown by map on file in Book 4 of Maps at Page 92 thereof, records of Riverside County, California, described as follows:

COMMENCING at the northeast corner of Parcel 3 of Record of Survey on file in Book 31, Page 12 of Records of Survey, records of said Riverside County;

THENCE South 20° 31' 40" West, along the easterly boundary of said Parcel 3, a distance of 11.87 feet to the True Point of Beginning;

THENCE continuing South 20° 31' 40" West, along said easterly boundary of Parcel 3, a distance of 113.13 feet to the most easterly corner of Parcel 2 of said Record of Survey;

THENCE South 79° 11' 20" East (recorded South 77° 05' 30" East), along the southeasterly prolongation of the northeasterly boundary of said Parcel 2, a distance of 23.02 feet to a line which is parallel with and distant 23.00 feet southeasterly, as measured at right angle, from the southeasterly line of said Parcel 2;

THENCE South 13° 00' 40" West, along said parallel line, 245.63 feet to a point in the southeasterly prolongation of the southerly line of said Parcel 2;

THENCE North 88° 33' 50" West, along said southeasterly prolongation, 23.48 feet to the northeast corner of Parcel 1 of said Record of Survey;

THENCE South 01° 26' 10" West, along the easterly line of said Parcel 1, a distance of 125.00 feet to the southeast corner of said Parcel 1;

THENCE North 88° 33' 50" West, along the southerly line of said Parcel 1, a distance of 90.10 feet to a point in a non-tangent curve concave to the northwest and having a radius of 320.94 feet; the radial line to said point bears South 89° 25' 38" East; said curve being concentric with the centerline of Rumsey Drive as shown on said Record of Survey;

THENCE Southerly, along said curve having a radius of 320.94 feet, an arc length of 3.00 feet thru a central angle of 00° 32' 07";

THENCE South 88° 33' 50" East, 93.07 feet;

THENCE North 01° 26' 10" East, 125.00 feet;

THENCE South 88° 33' 50" East, 22.93 feet;

THENCE North 13° 00' 40" East, 251.20 feet;

THENCE North 79° 11' 20" West, 22.58 feet;

THENCE North 20° 31' 40" East, 110.73 feet;

THENCE South 89° 24' 20" West, 3.22 feet to said True Point of Beginning.

EXHIBIT 1

DESCRIPTION APPROVAL  
Sergeant P. Hutchinson 3/8/82  
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That portion of the South half of the Northeast Quarter of Section 35, T. 2 S., R. 5 W., San Bernardino Meridian, described as follows:

COMMENCING at the Northeast corner of Lot "E" of Victoria Heights as shown by map on file in Book 4 of Maps at Page 92 thereof, records of Riverside County, California;

THENCE South  $00^{\circ} 03' 53''$  West, along the east line of said Lot "E", a distance of 2.00 feet to a point in the southerly line of Lot "C" of said Victoria Heights;

THENCE North  $89^{\circ} 24' 20''$  East, along said southerly line of Lot "C" a distance of 57.27 feet;

THENCE South  $00^{\circ} 38' 50''$  East, 10.00 feet to the True Point of Beginning; said point being in a line parallel with and distant 10.00 feet southerly, as measured at right angle, from said southerly line of Lot "C";

THENCE South  $89^{\circ} 24' 20''$  West, along said parallel line, 12.00 feet;

THENCE South  $00^{\circ} 38' 50''$  East, 112.65 feet to a point in a non-tangent curve concave to the southeast and having a radius of 80.00 feet; the radial line to said point bears North  $20^{\circ} 25' 31''$  West;

THENCE Northeasterly, along said curve, an arc length of 12.46 feet, thru a central angle of  $08^{\circ} 55' 12''$ ;

THENCE North  $00^{\circ} 38' 50''$  West, 109.35 feet to said True Point of Beginning.

DESCRIPTION APPROVAL  
*George P. Hutchinson* 3/8/82  
Surveyor