

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

Project: Building Permit for
4201 Brockton Avenue
Riverside, California

RECEIVED FOR RECORD
AT 2:00 O'CLOCK P.M.

MAY 30 1990

Recorded in Official Records
of Riverside County, California

William J. Borczyk
Recorder

Fees \$

CB 1/12 1/11

COVENANT AND AGREEMENT AND
GRANT OF EASEMENT FOR PARKING PURPOSES

THIS COVENANT AND AGREEMENT AND GRANT OF EASEMENT is made and entered into this day of , 1990, by and between DONALD L. THOMAS and GLORIA M. THOMAS, husband and wife, DUANE R. BYRNE and MELDONNA L. BYRNE, husband and wife, V. C. SMITH, JR. and KATHLEEN J. SMITH, husband and wife, and ALLEN C. HARRISON and MERIL L. HARRISON, husband and wife, hereinafter collectively referred to as "FIRST PARTY", and DONALD M. THOMAS, a married man, and GLORIA M. THOMAS, his wife, and V. C. SMITH, JR., a married man, and KATHLEEN J. SMITH, his wife, hereinafter collectively referred to as "SECOND PARTY", with reference to the following facts:

A. FIRST PARTY is the fee owner of that certain real property, hereinafter referred to as "Parcel A", located within the City of Riverside, County of Riverside, State of California, described as follows:

The Northerly rectangular half of the Easterly rectangular half of Block 12, Range 11 of the Town of Riverside, as shown by map on file in Book 7, Page 17 of Maps, San Bernardino County Records.

Parcel A is located at 4201 Brockton Avenue on the westerly side of said street.

B. SECOND PARTY is the fee owner of that certain real property, hereinafter referred to as "Parcel B", located within the City of Riverside, County of Riverside, State of California, described as follows:

All that portion of Block 12, Range 10 as shown by Map of the Town of Riverside on file in Book 7, Page 17 of Maps, Records of San Bernardino County, California, described as follows:

Beginning at a point on the easterly line of Brockton Avenue (formerly Walnut Street), 65 feet northerly from the southwesterly corner of Block 12, Range 10, of said map;

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Thence northerly along the said easterly line of Brockton Avenue, 65 feet;

Thence at a right angle easterly and parallel with the northerly line of 13th Street, 150 feet;

Thence at a right angle southerly 65 feet;

Thence at a right angle westerly 150 feet to the point of beginning.

Parcel B is located at 4280 Brockton Avenue on the easterly side of said street.

C. FIRST PARTY desires to build an office building on Parcel A, and to do so has applied to the City of Riverside, hereinafter referred to as "City", for a building permit. FIRST PARTY does not have sufficient space on Parcel A to accommodate the number of parking spaces required by the Zoning Code of the City for the use of the building to be built thereon.

D. City as a condition to the issuance of a building permit for the office building on Parcel A is requiring FIRST PARTY to obtain supplemental parking within 300 feet of Parcel A.

E. Parcel B is located within three hundred feet of Parcel A. SECOND PARTY is willing to grant an easement appurtenant to Parcel A to FIRST PARTY for the construction, maintenance and use of a parking lot.

NOW, THEREFORE, incorporating the above recitals, and for valuable consideration the receipt of which is hereby acknowledged, FIRST PARTY and SECOND PARTY mutually agree as follows:

1. SECOND PARTY hereby grants to FIRST PARTY and the heirs, successors and assigns of FIRST PARTY a permanent easement for the construction, maintenance and use of a parking lot on Parcel B for the use and benefit of and as an easement appurtenant to Parcel A, including therein all rights necessary and proper thereto for ingress, egress and the parking of motor vehicles thereon.

2. FIRST PARTY and the successors in interest of FIRST PARTY to Parcel A shall bear the cost of construction, reasonable repair and maintenance of the parking lot on Parcel B including any necessary landscaping and lighting. The parking lot on Parcel B shall be constructed by FIRST PARTY to the standards of the City and in accordance with plans approved by City prior to the occupancy of the office building to be constructed on Parcel A.

3. FIRST PARTY and the successors in interest of FIRST PARTY to Parcel A hereby agree to defend, indemnify and hold harmless SECOND PARTY and the successors in interest of SECOND PARTY as to Parcel B and the CITY, and its officers and employees from and against any and all liabilities, expenses, claims or causes of action

arising out of or alleged to be caused by or resulting from the easement above granted and the use of Parcel B as supplemental parking across a public street from the property for whose benefit the parking lot was established.

4. This Covenant and Agreement and Grant of Easement is made and entered into for the purpose of complying with a condition imposed by the City for the issuance of a building permit for Parcel A and may be enforced by the City, and the easement hereinabove granted shall not be extinguished or altered without the prior written consent of the City Council of City duly recorded.

5. The rights and obligations set forth herein shall run with the land and shall inure to the benefit of and bind the successive owners of Parcels A and B respectively.

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

Donald L. Thomas
DONALD L. THOMAS

Gloria M. Thomas
GLORIA M. THOMAS

Duane R. Byrne
DUANE R. BYRNE

Melonna L. Byrne
MELDONNA L. BYRNE

V. C. Smith, Jr.
V. C. SMITH, JR.

Kathleen J. Smith
KATHLEEN J. SMITH

Allen C. Harrison
ALLEN C. HARRISON

Meril L. Harrison
MERIL L. HARRISON

SECOND PARTY

Donald M. Thomas
DONALD M. THOMAS

Gloria M. Thomas
GLORIA M. THOMAS

V. C. Smith, Jr.
V. C. SMITH, JR.

Kathleen J. Smith
KATHLEEN J. SMITH

BP/2370A/jm
4/2/90

DESCRIPTION APPROVAL: 4, 2, 90
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE