

RECORDING REQUESTED BY
JOEL M. KRIGER, ESQ.

and WHEN RECORDED MAIL TO:
LOS RANCHITOS HOA
P O Box 471
Rancho California, CA 92390

Attn: Victor Jones

DOC # 1999-501727

Conformed Copy 11/15/1999
Gary L Orso
Assessor-County Clerk-Recorder

Space Above for Recorder's Use

AGREEMENT AFFECTING REAL PROPERTY

This Agreement Affecting Real Property ("Agreement") is made on the date set forth below, between LOS RANCHITOS HOMEOWNERS ASSOCIATION, a California nonprofit corporation, hereinafter referred to as the "Association", and the CITY OF TEMECULA, California, hereinafter called "City".

RECITALS

A. The Association has responsibility for administration of the homeowners association that serves certain real property located in Riverside County, State of California, which is more particularly described as:

Lots 1 through 102 in Tract 3552 as shown on a map recorded October 5, 1966 as Document no. 98816, in Book 56, Pages 60 through 66 of Miscellaneous Maps, Records of Riverside County, California.

Lots 1 through 34, inclusive, of Tract No. 3646, as shown on a map recorded on September 20, 1967 as Document No. 82856, Book 57, Pages 86 through 87, both inclusive, of Miscellaneous Maps, Records of Riverside County, California.

Lots 1 through 49, inclusive, of Tract No. 3752, as shown on a map recorded on July 31, 1968 as Document No. 74102, Book 59, Pages 53 through 55, both inclusive, of Maps, Records of Riverside County, California.

Lots 1 through 4, inclusive, of Tract No. 3750, as shown on a map recorded on October 2, 1968, as Document No. 95104, Book 59, Page 100, of Maps, Records of Riverside County, California.

B. Said property is subject to certain covenants, conditions, restrictions, reservations, liens and charges as set forth in the Declaration of Restrictions recorded October 11, 1966, at File/Page No. 100757 in the Office of the County Recorder of Riverside County, California as extended and amended by document recorded September 3, 1996, at File/Page 96-331899 of the Riverside County Recorder (the "Declaration").

C. The City is acquiring, as a result of a condemnation action, that certain real property more fully described in Exhibit "A" attached hereto (the "Subject Property"), and intends to develop a park and ride facility (the "Park and Ride Facility") on the Subject Property.

D. The Board of Directors has received and reviewed (and maintains on file) plans showing the nature and extent of the Park and Ride Facility.

E. In April 1998, the Board of Directors agreed not to contest any condemnation action by the City with respect to the Subject Property, so long as a berm, sound barrier and plant materials are placed along La Paz and Vallejo as more particularly depicted on Exhibit "B" attached hereto.

NOW, THEREFORE, the parties hereby declare as follows:

1. The Board of Directors of the Association will not contest the condemnation of the Subject Property by the City. Once the condemnation is complete either through legal action or by stipulation of the owner of the Subject Property, the Board of Directors understands that the deed restrictions currently in effect as identified in paragraph B in Recitals herein, will no longer have any force and effect as to the Subject Property only.

2. In consideration for the Board of Directors stipulation that it will not contest the condemnation of the Subject Property, the owner of the Subject Property, or owner's representative, has agreed to construct a berm, sound barrier and plant materials to be placed along La Paz and Vallejo as more particularly depicted on Exhibit "B" attached hereto.

3. This Agreement and the Board's consent to the condemnation of the Subject Property shall not be rescinded, repealed or otherwise modified without the express written approval of the City.

CERTIFICATION BY THE ASSOCIATION

We, the undersigned, do hereby certify that:

- 1. I, Victor Jones, am the duly elected and acting President of the Association;
and
- 2. I, Don Moreau, am the duly elected and acting Secretary of the Association;
and
- 3. The undersigned certify that the Board of Directors of the Association has approved the Agreement set forth herein; and
- 4. The undersigned, on behalf of the Board of Directors, have executed this Agreement on the day and year indicated below.

"Association"
Los Ranchitos Homeowners Association, a
California nonprofit corporation

Dated: 11-5-99

By: *Victor Jones*
Victor Jones, President

Dated: 11-5-99

By: *Don Moreau*
Don Moreau, Secretary

CERTIFICATION BY THE CITY

I, the undersigned, do hereby certify that:

- 1. I, Shawn Nelson, am the City Manager for the City of Temecula; and

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/////

/////

2. I have been authorized to sign this Agreement on the City's behalf.

"City"
City of Temecula, California

Dated: 3-17-99

By: 
Shawn Nelson, City Manager



CERTIFICATION BY THE TEMECULA LAND TRUST

I, the undersigned, do hereby certify that:

1. I, Mike Moramarco, am authorized to sign this Agreement on behalf of the Temecula Land Trust.

2. The Owner will cause the improvements to be constructed pursuant to Paragraph 2 herein.

"Owner"
Temecula Land Trust

Dated: 8/13/98

By: 
Mike Moramarco

EXHIBIT "A"
STREET RIGHT-OF-WAY

LEGAL DESCRIPTION

BEING PORTIONS OF LOT 34 OF TRACT NO. 3646 WITHIN THE CITY OF TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS FILED IN BOOK 57, PAGES 86 THROUGH 87, INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 34, SAID CORNER BEING ALSO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 79 AS SHOWN ON SAID MAP;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 34 AND SAID NORTHEASTERLY RIGHT-OF-WAY LINE NORTH $64^{\circ}08'26''$ WEST, 337.77 FEET;

THENCE CONTINUING ALONG SAID LINE NORTH $57^{\circ}57'13''$ WEST, 424.00 FEET TO THE BEGINNING OF A 35.00 FOOT RADIUS CURVE CONCAVE EASTERLY;

THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ}00'21''$, A DISTANCE OF 54.98 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LA PAZ STREET AS SHOWN ON SAID TRACT MAP;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 34 AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE NORTH $32^{\circ}03'08''$ EAST, 15.43 FEET TO A POINT HEREAFTER REFERRED TO AS POINT "A";

THENCE LEAVING SAID LINE SOUTH $57^{\circ}12'30''$ EAST, 794.12 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 34;

THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH $20^{\circ}40'41''$ WEST, 3.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 29,599.45 SQUARE FEET OR 0.680 ACRES, MORE OR LESS.

PARCEL "B"

BEGINNING AT A POINT "A" AS DESCRIBED IN PARCEL "A" DESCRIPTION HEREIN;

PCL6_NEW.DOC
October 20, 1997

EXHIBIT "A"

THENCE ALONG THE SOUTHEASTERLY LINE OF LA PAZ STREET NORTH
32°03'08" EAST, 16.53 FEET TO THE BEGINNING OF A 956.00 FOOT RADIUS
CURVE, CONCAVE SOUTHEASTERLY;

THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF LA PAZ STREET
AND SAID CURVE THROUGH A CENTRAL ANGLE OF 00°07'56" A DISTANCE OF
2.21 FEET;

THENCE NON-TANGENT SOUTH 20°21'32" EAST, 31.24 FEET;

THENCE NORTH 57°12'30" WEST, 24.76 FEET TO THE POINT OF BEGINNING.

CONTAINS 232 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

THE OWNER OF SAID LOT 34 OF TRACT NO. 3646 ABUTTING STATE HIGHWAY
79 AND DURING SUCH TIME WILL HAVE NO RIGHTS OF ACCESS EXCEPT THE
GENERAL EASEMENT OF TRAVEL. ANY CHANGE OF ALIGNMENT OR WIDTH THAT
RESULTS IN THE VACATION THEREOF SHALL TERMINATE THIS CONDITION OF
ACCESS RIGHTS AS TO THE PART VACATED.

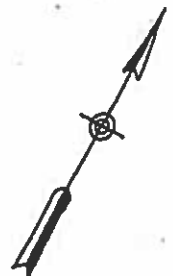
SEE EXHIBIT ATTACHED HERETO



THIS LEGAL DESCRIPTION APPROVED
... Oct. 29, 1997 ...
BY [Signature] RIVERSIDE COUNTY SURVEYOR
BY [Signature] Deputy

PCL6_NEW.DOC
October 20, 1997

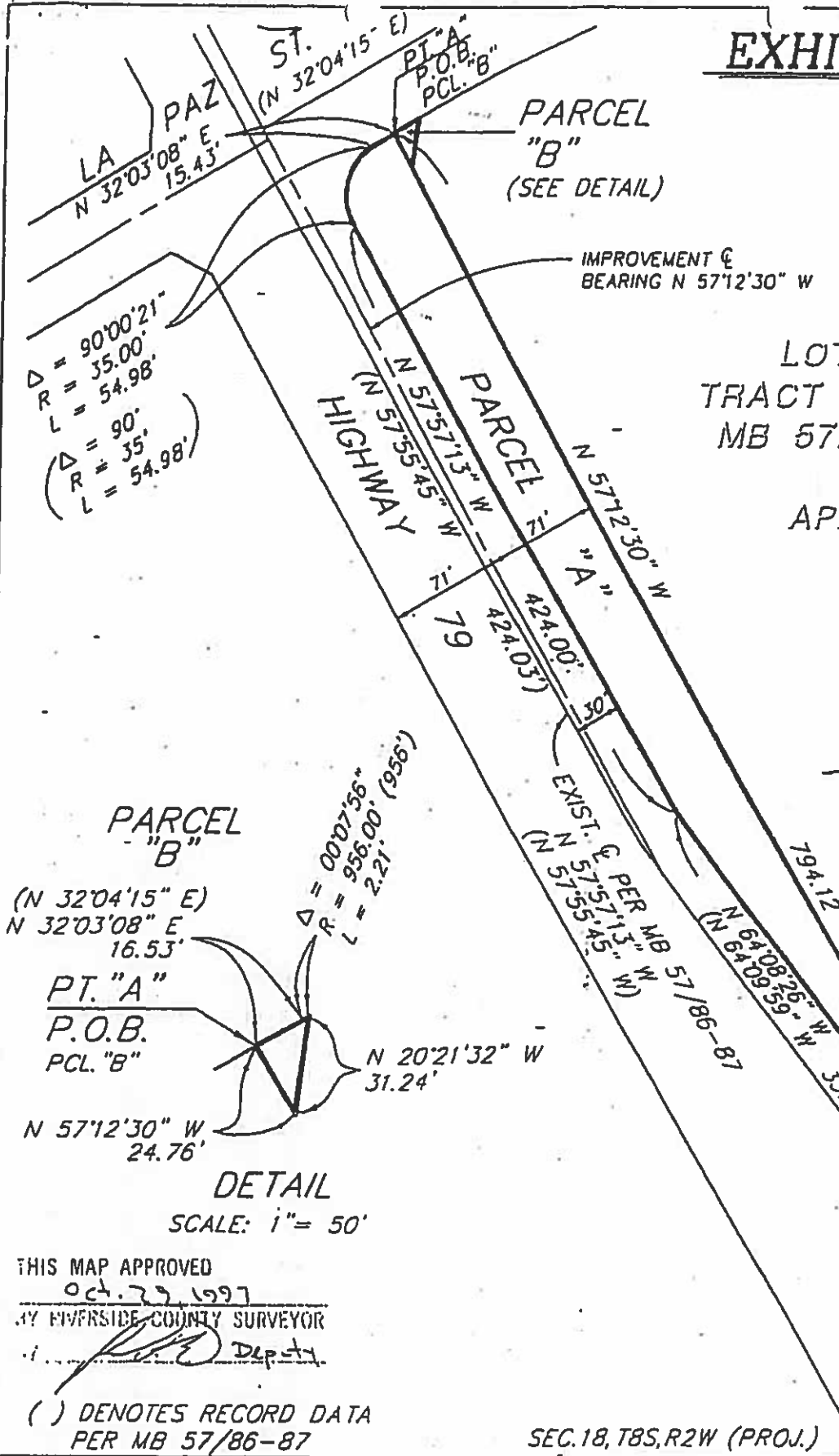
EXHIBIT "A"



SCALE: 1" = 100'

LOT 34
TRACT NO. 3646
MB 57/86-87

APN 922-190-025



THIS MAP APPROVED
Oct. 29, 1997
BY RIVERSIDE COUNTY SURVEYOR
[Signature] Deputy

() DENOTES RECORD DATA
PER MB 57/86-87

SEC. 18, T8S, R2W (PROJ.)

Trans-Pacific Consultants
27447 Enterprise Circle West, Temecula, CA., 92590

CIVIL ENGINEERS
LAND SURVEYORS, PLANNER

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

W.O.
130-

EXHIBIT "B"
REMAINDER PARCEL

LEGAL DESCRIPTION

BEING A PORTION OF LOT 34 OF TRACT NO. 3646 WITHIN THE CITY OF TEMECULA COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS FILED IN BOOK 57, PAGES 8 THROUGH 87, INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID LOT 34;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 34, SOUTH 20°40'41" WEST 158.28 FEET;

THENCE LEAVING SAID LINE, NORTH 57°12'30" WEST, 769.36 FEET;

THENCE NORTH 20°21'32" WEST, 31.24 FEET TO A POINT ON A 956.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE ALSO BEING THE SOUTHEASTERLY LINE OF LA PAZ STREET AS SHOWN ON SAID TRACT NO. 3646, A RADIAL LINE TO SAID POINT BEARS NORTH 57°48'56" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHEASTERLY LINE OF LA PAZ STREET THROUGH A CENTRAL ANGLE OF 07°50'49" AN ARC DISTANCE OF 130.93 FEET TO A POINT OF COMPOUND CURVE OF A 14.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY A RADIAL LINE TO SAID POINT BEARS NORTH 49°58'07" WEST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°59'05" AN ARC DISTANCE OF 22.48 FEET TO A POINT OF REVERSE CURVE OF A 3923.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, SAID CURVE ALSO BEING THE SOUTHWESTERLY LINE OF VALLEJO AVENUE AS SHOWN ON SAID TRACT NO. 3646, A RADIAL LINE TO SAID POINT BEARS SOUTH 42°00'58" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID SOUTHWESTERLY LINE OF VALLEJO AVENUE THROUGH A CENTRAL ANGLE OF 04°04'27" AN ARC DISTANCE OF 278.96 FEET TO A POINT OF COMPOUND CURVE OF A 1533.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 37°56'31" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID SOUTHWESTERLY LINE OF VALLEJO AVENUE THROUGH A CENTRAL ANGLE OF 17°19'04" AN ARC DISTANCE OF 463.35 FEET TO THE POINT OF BEGINNING.

CONTAINS 104,515.40 SQUARE FEET OR 2.399 ACRES, MORE OR LESS.

SEE EXHIBIT ATTACHED HERETO



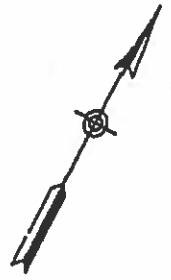
THIS LEGAL DESCRIPTION APPROVED

Oct 29 1997

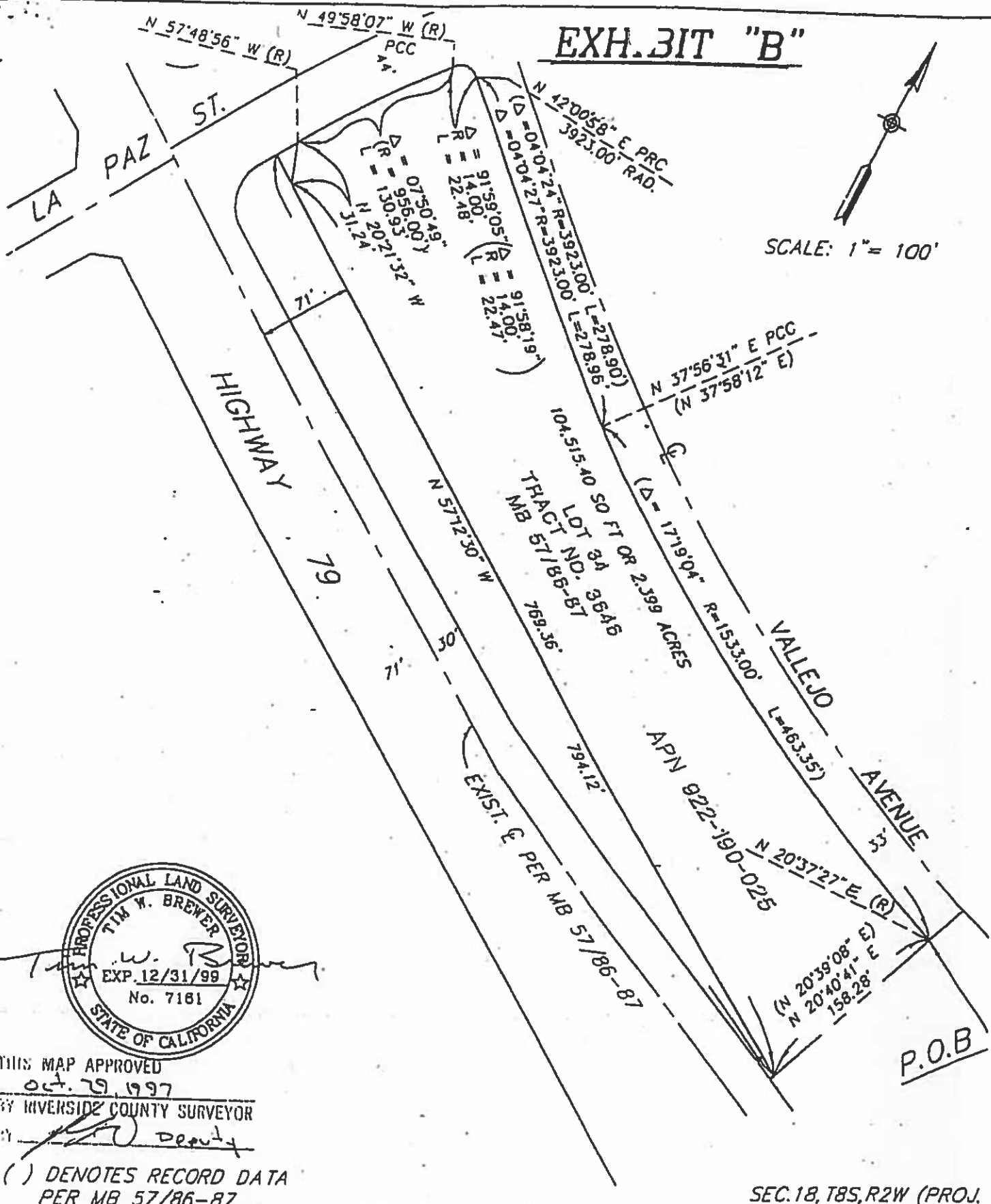
BY RIVERSIDE COUNTY SURVEYOR

BY  Deputy

EXHIBIT "B"



SCALE: 1" = 100'



THIS MAP APPROVED
 Oct. 29, 1997
 BY INVERSIDE COUNTY SURVEYOR
 BY *[Signature]* Deputy

() DENOTES RECORD DATA
 PER MB 57/86-87

SEC. 18, T8S, R2W (PROJ.)

Trans-Pacific Consultants
 27447 Enterprise Circle West, Temecula, CA., 92590

CIVIL ENGINEERS
 LAND SURVEYORS, PLANNERS

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

W.O. #
 130-31

SCALE: 1" = 100' DRAWN BY TB DATE 9/15/97

EXHIBIT FOR REMAINDER PARCEL

BEING A PORTION OF LOT 34 OF TRACT NO. 3646 WITHIN THE CITY OF TEMECULA COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS FILED IN BOOK 57, PAGES 8 THROUGH 87, INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAI COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 34, SAID CORNER ALS BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 79 AS SHOW ON SAID MAP;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 34 NORTH 20°40'41" EAST, 3.7 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE OF LOT 34 NORTH 20°40'41 EAST, 51.14 FEET;

THENCE LEAVING SAID LINE NORTH 57°12'30" WEST, 389.27 FEET;

THENCE NORTH 60°50'16" WEST, 395.20 FEET TO A POINT ON A 956.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE ALSO BEING TH SOUTHEASTERLY LINE OF LA PAZ STREET AS SHOWN ON SAID MAP, A RADIAL LINE T SAID POINT BEARS NORTH 57°26'29" WEST;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°22'28" A ARC DISTANCE OF 6.25 FEET;

THENCE LEAVING SAID CURVE ALONG A NON-TANGENT LINE SOUTH 20°21'32" EAST 31.24 FEET;

THENCE SOUTH 57°12'30" EAST, 769.36 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 34,283.18 SQUARE FEET OR 0.787 ACRES MORE OR LESS.

SEE EXHIBIT ATTACHED HERETO



3 LEGAL DESCRIPTION APPROVED

Oct 25 1997

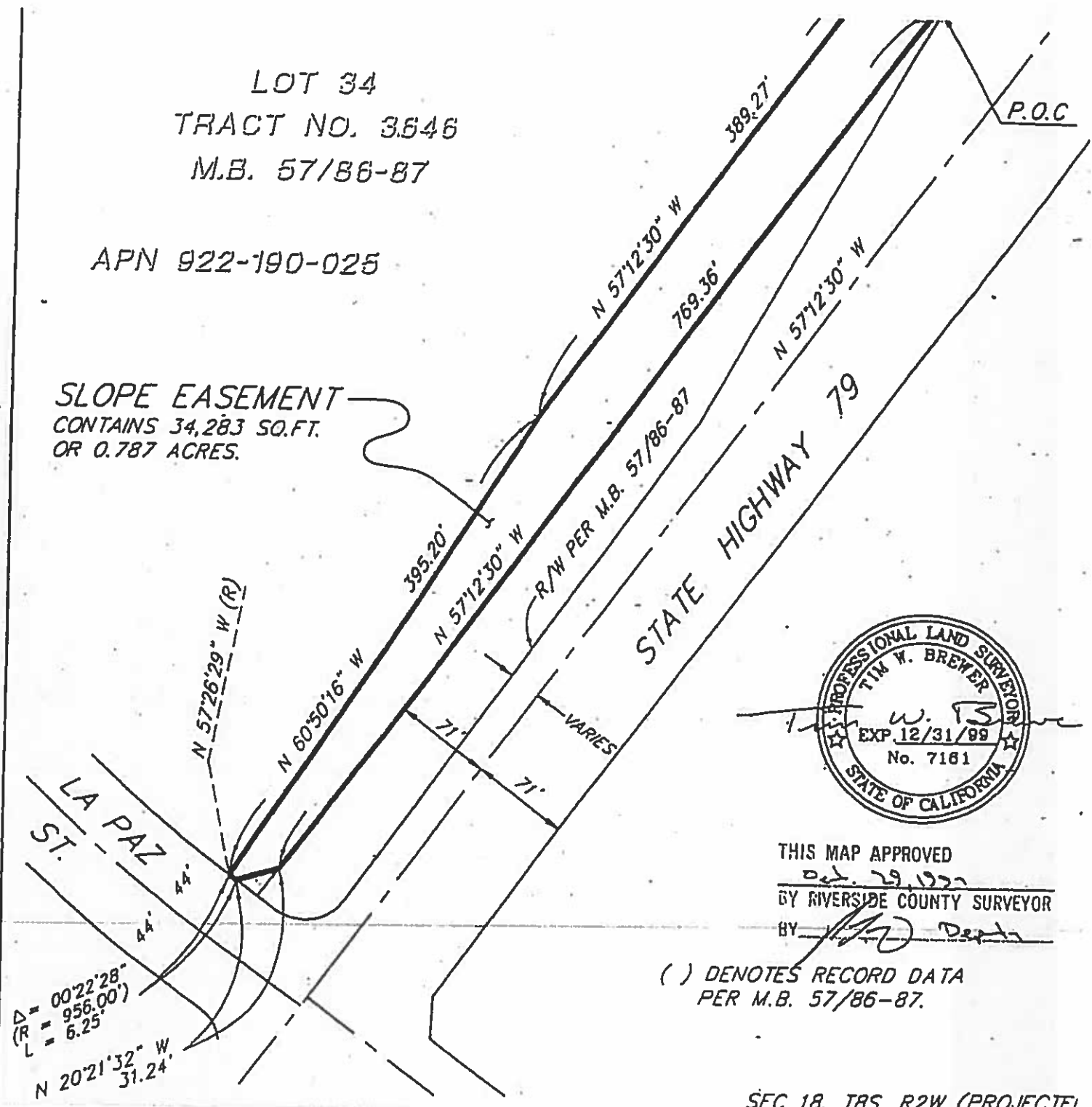
RIVERSIDE COUNTY SURVEYOR

Deputy

LOT 34
 TRACT NO. 3546
 M.B. 57/86-87

APN 922-190-025

SLOPE EASEMENT
 CONTAINS 34,283 SQ.FT.
 OR 0.787 ACRES.



THIS MAP APPROVED
Oct. 29, 1997
 BY RIVERSIDE COUNTY SURVEYOR
 BY [Signature]

() DENOTES RECORD DATA
 PER M.B. 57/86-87.

SEC 18, T8S, R2W (PROJECTED)

Trans-Pacific Consultants
 27447 Enterprise Circle West, Temecula, CA., 92590

CIVIL ENGINEERS
 LAND SURVEYORS, PLANNERS

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SHEET 1 OF 1

W.O. #
 230-30-

SCALE: 1" = 100'

DRAWN BY TB DATE 9/2/97

EXHIBIT FOR SLOPE EASEMENT

	24" BOX	57.00 EA.	150.00	8,550.00
	15 GAL	62.00 EA.	65.00	4,030.00
SHRUBS	5 GAL	800.00 EA.	14.00	11,200.00
	1 GAL	600.00 EA.	4.00	2,400.00
JUTE	NETTING	0.00 S.F.	0.12	0.00
LAWN	HYDROSEED	1,788.00 S.F.	0.10	178.80
SOIL	CLEAR/WEED	34,847.00 S.F.	0.03	1,045.41
	GRADE/AMEND	34,847.00 S.F.	0.10	3,484.70
BARK		33,059.00 S.F.	0.15	4,958.85
CONCRETE	MOW STRIP	1,000.00 L.F.	2.95	2,950.00

PLANTING SUB-TOTAL 43,797.76

IRRIGATION		34,847.00 S.F.	0.75	26,135.25
B.P.U	1 INCH	0.00 EA.	0.00	0.00
PRESS.REG.	1 INCH	0.00 EA.	0.00	0.00
R.C.V.	1 INCH	0.00 EA.	0.00	0.00
	1 INCH	0.00 EA.	0.00	0.00
RAINBIRD	PRS REG 3/4	0.00 EA.	0.00	0.00
API	WYE STRNR	0.00 EA.	0.00	0.00
QUICK	COUPLER	0.00 EA.	0.00	0.00
API	END FLUSH CAP	0.00 EA.	0.00	0.00
B.VALVE	2 INCH	0.00 EA.	0.00	0.00
	1 INCH	0.00 EA.	0.00	0.00
HARDIE	EMITTER	0.00 EA.	0.00	0.00
RAINBIRD	RAIN GUAGE	0.00 EA.	0.00	0.00
POLYTUBE		0.00 L.F.	0.00	0.00
MICROTUBE		0.00 L.F.	0.00	0.00
STRM RTR	4 PGM	0.00 EA.	0.00	0.00
12" RISER	PGM	0.00 EA.	0.00	0.00
	12 PGM	0.00 EA.	0.00	0.00
SPRAY HEAD	12 RISER	0.00 EA.	0.00	0.00
RAINBIRD	6 POP-UP	0.00 EA.	0.00	0.00
	4 POP-UP	0.00 EA.	0.00	0.00
MAIN	2 INCH	0.00 L.F.	0.00	0.00
	1 1/2 INCH	0.00 L.F.	0.00	0.00
	1 INCH	0.00 L.F.	0.00	0.00
LATERAL	2 INCH	0.00 L.F.	0.00	0.00
	1-1/2 INCH	0.00 L.F.	0.00	0.00
	1-1/4 INCH	0.00 L.F.	0.00	0.00
	1 INCH	0.00 L.F.	0.00	0.00
	3/4 INCH	0.00 L.F.	0.00	0.00
	1/2 INCH	0.00 L.F.	0.00	0.00

IRRIGATION SUBTOTAL 26,135.25
 PLANTING AND IRRIGATION TOTAL 69,933.01

MAINTENANCE/MONTH 34,847.00 S.F. 0.015 522.71
 PER YEAR 6,272.46

06/5/98

EXHIBIT "B"