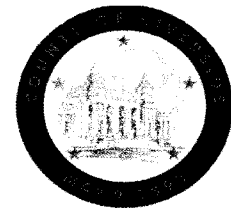


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA Transportation Department

SUBMITTAL DATE:
September 12, 2016

SUBJECT: Approval of the Final Map for Parcel Map 36735, a Schedule "E" Subdivision in the Thermal Area. 4th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Final Map; and
2. Authorize the Chairman of the Board to sign Final Map for Parcel Map 36735.

BACKGROUND:

Summary

Parcel Map 36735 was approved by the Board of Supervisors on July 21, 2015, as Agenda 16-3. Parcel Map 36735 is a 48.58 acre subdivision that is creating 9 commercial parcels and 2 open space parcels in the Thermal Area. This Final Map complies in all respects with the provisions of Division 3 of Title 15 of the Government Code and applicable local ordinances. All necessary conditions of approval have been satisfied and departmental clearances have been obtained to allow for the recordation of the final map.

Government Code Section 66458 directs the Board of Supervisors to approve a final map, without any discretion, if the map conforms to all the requirements of the Subdivision Map Act and local ordinances applicable at the time of approval or conditional approval of the tentative map.

The Improvement Agreements and Securities for Parcel Map 36735 are included with the Improvement Agreements and Securities for Tract 36293-1.

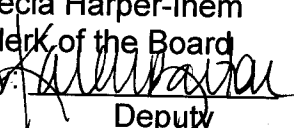
ATTACHMENTS:

Vicinity Map
Mylars

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: September 20, 2016
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

2-5



NOT TO SCALE

VICINITY MAP
PARCEL MAP 36735
SEC. 33, TWP. 6S., RNG. 8E.
Supervisory District: 4

**ASSESSOR-COUNTY CLERK-RECORDER, RIVERSIDE COUNTY
RECORDS MANAGEMENT PROGRAM
RECORDS TRANSFER LIST, part 1**

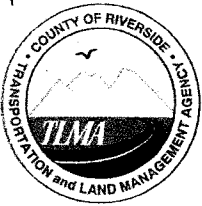
1. Work Order #

1. Page — of —

INSTRUCTIONS: Fax completed form to (909) 358-6961 and submit original form to the Records Center with the records being transferred.

DEPARTMENTAL INFORMATION					
3. DEPARTMENT Clerk of the Board of Supervisors		8. ORG.#		10. DATE 9/21/2016	
4. ORGANIZATION County of Riverside		9. ACCOUNT #		11. MEDIA CODE	
5. ADDRESS 4080 Lemon St., Room 127		12. NO. OF BOXES TRANSFERRED			
CITY Riverside, Ca. 92501		13. RECORDS TRANSFERRED BY:			
6. MAIL STOP 1010	7. Name Ashley Aparicio		PHONE # 955-8092	FAX# 955-1071	14. RECORDS COORDINATOR (must be Authorized):
15. BOX # (Temp)	16. DESCRIPTION OF RECORDS <small>Must be the same as records series title on schedule</small>	17. RANGE OF YEARS	18. DESTRUCTION DATE	19. RECORD SERIES TITLE CODE	20. PERMANENT BOX # <small>(Barcode label)</small>
	Item No 2-5 Board Meeting 09/20/2016				
	Final Map for Tract 36735 Schedule "E" Subdivision in Thermal				
	Attached CC&R				
	**To be recorded before Final Map 36844				
21. RECORDS RECEIVED BY: V. Advincula			30. REMARKS RECEIVED RIVERSIDE COUNTY CLERK / BOARD OF SUPERVISORS 2016 SEP 21 AM 10:16		
22. TITLE Rec. Tech.	23. RECEIVED VIA: Courier				
24. DATE RECEIVED: 09-21-16	25. TIME RECEIVED: 10:10 AM				
26. BOXES VERIFIED BY:	27. DATE BOXES VERIFIED:				
28. NAME/DATE SCANNED TO HOLDING AREA:					

**2-5 9-20-16
2016-9-133071**



*Juan C. Perez, P.E., T.E.
Transportation and Land
Management Agency Director*

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



*Patricia Romo, P.E.
Director of Transportation*

Transportation Department

SPECIAL INSTRUCTIONS TO RECORDERS OFFICE

DATE: September 13, 2016
FROM: County Surveyor
SUBJECT: Parcel Map 36735 and 36844 in the Forth Supervisorial District

SPECIFIC INSTRUCTIONS:

The recordation of Parcel Map 36735 needs to proceed before the recordation of Parcel Map 36844. The Book and Page for Parcel Map 36735 need to be filled in the two blanks on sheet two of Parcel Map 36844.

Thank you,

 Dated: 9-13-16
Gregory Ehe, Deputy County Surveyor

GSE:
Submittal: Final Map

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Elkins Kalt Weintraub Reuben Gartside LLP
2049 Century Park East, Suite 2700
Los Angeles, California 90067
Attention: Frederick W. Gartside, Esq.

(Space above this line for Recorder's use)

FOURTH AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS

RECITALS

This FOURTH AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (the "**Fourth Amendment**") is made on February 25, 2016 by JTM LAND COMPANY, LLC, a California limited liability company ("**Declarant**"), with reference to the following facts:

A. **Declaration.** That certain Declaration of Easements, Covenants, Conditions and Restrictions, dated September 13, 2012 was recorded as Instrument No. 2012-0471567 in the Official Records of Riverside County, California (the "**Official Records**") on October 3, 2012 (the "**Original Declaration**"), as amended by that certain First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions dated April 8, 2015 and recorded as Instrument No. 2015-0145587 in the Official Records (the "**First Amendment**"), as further amended by that certain Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions dated April 28, 2015 and recorded as Instrument No. 2015-0179580 in the Official Records, (the "**Second Amendment**"), as further amended by that certain Third Amendment to Declaration of Easements, Covenants, Conditions and Restrictions dated December 4, 2015 and recorded as Instrument No. 2015-0538655 in the Official Records (the "**Third Amendment**", and together with the Original Declaration, the First Amendment and the Second Amendment, collectively, the "**Declaration**"), which Declaration encumbers certain real property located in the County of Riverside, State of California (the "**Property**", as defined and described in the Declaration).

B. **Amendment to Declaration.** Pursuant to Article 8, Section 8.2 of the Declaration, Declarant may amend the Declaration from time to time by execution of a written

instrument. The Declarant wishes to amend the Declaration according to the terms hereof, and the Declaration is amended as set forth herein. Capitalized terms used herein shall have the same meanings as are ascribed to such terms in the Declaration unless otherwise specifically defined herein.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants contained herein, which shall run with the Property and be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each Owner thereof, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, and intending to be legally bound hereby, Declarant hereby declares and covenants as follows:

1. **Recitals Incorporated.** The foregoing recitals are incorporated herein by reference and made a part of this Fourth Amendment.

2. **Amendment of Article 9, Section 9.2.** Article 9, Section 9.2 of the Declaration is hereby deleted in its entirety and replaced with the following:

"9.2 **Pedestrian and Vehicular Easements.** Declarant hereby reserves for its own benefit and for the benefit of OpCo, each and every Owner and its successors, assigns, employees, guests and invitees, (i) a nonexclusive, perpetual easement, right, and privilege of pedestrian passage and use, on, over, and across all pedestrian walkways, bikeways or exercise trails, now existing or hereafter constructed in the Property, and (ii) a nonexclusive, perpetual easement, right, and privilege for the limited purpose of vehicular passage, access, ingress and egress on, over, across and through all private roadways that are Common Areas whether now existing or hereafter located at the Property, including, without limitation, the roadway identified as "Jasper Lane" on Exhibit D attached hereto."

3. **Exhibit D.** Exhibit D attached hereto is hereby incorporated in its entirety into the Declaration.

4. **Effect of Agreement.** Except as specifically set forth in this Fourth Amendment, the Declaration shall remain unchanged and shall continue in full force and effect.

5. **Captions.** Captions used in this Fourth Amendment are for convenience only, and do not modify, alter, or add to the terms in this Fourth Amendment.

6. **Governing Law.** This Fourth Amendment shall be governed and construed in accordance with the laws of the State of California.

7. **Severability.** If any term, provision, covenant or condition of this Fourth Amendment is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Fourth Amendment shall not be affected thereby, and each term, provision, covenant, condition, or restriction of this Fourth Amendment shall be valid and enforceable to the fullest extent permitted by law.

8. **No Third Party Beneficiaries.** This Fourth Amendment is for the sole and mutual benefit of the Owners, and shall not benefit, and shall not be enforceable by, any other party.

9. **Attorneys' Fees and Costs.** If any person or entity commences litigation for the judicial interpretation or enforcement of this Fourth Amendment, or for damages for the breach hereof, the prevailing party shall be entitled to its reasonable attorneys' fees and court and other costs incurred.

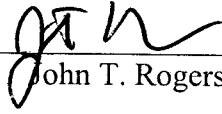
10. **Ratification.** All terms and conditions of the Declaration not amended pursuant to this Fourth Amendment are hereby ratified and confirmed and remain in full force and effect. In the event of any inconsistency between this Fourth Amendment and the Declaration, the terms of this Fourth Amendment shall control.

[Signature page follows]

IN WITNESS WHEREOF, Declarant executed this Fourth Amendment to Declaration of Easements, Covenants, Conditions and Restrictions as of the date first written above.

JTM LAND COMPANY, LLC

By:



John T. Rogers, President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On February 26, 2016, before me, Kimberly Scioli, a Notary Public, personally appeared John T. Rogers, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kimberly Scioli

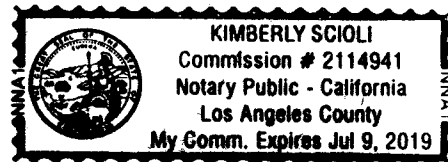


EXHIBIT D

[see attached]

EXHIBIT D

