

WHEN RECORDED MAIL TO:

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

Project: 3135 Tomahawk Circle
Riverside, CA 92503
APN: 234-311-035

DOC # 2007-0275726

04/25/2007 08:00A Fee:22.00

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						8
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM

30

FOR RECORDER'S OFFICE USE ONLY



COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

(SINGLE FAMILY DWELLING RESTRICTION)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 30th day of April, 2007, by JOSE G. HUERTA, a married man as his sole and separate property ("Declarant"), with reference to the following facts:

A. Declarant is the fee owner of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

Lot 79 of Tract 9297, in the City of Riverside, County of Riverside, as per map recorded in Book 94, Page(s) 5-11, Inclusive of Miscellaneous Maps, in the Office of the County Recorder of said County.

B. The Property, known as 3135 Tomahawk Circle, Riverside, California is in the Single Family Residential ("R-1-65") Zone and is developed with a single-family residence.

C. Declarant proposes to construct a 748 square foot accessory living quarters consisting of two bedrooms, a living room, a studio, a bathroom, and a snack bar.

D. "Accessory Living Quarters" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") Section 19.04.020 to mean living quarters within an accessory building located on the same premises with the main building, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

E. As a condition for the issuance of a building permit for the Property, the City of Riverside ("City") is requiring Declarant to execute and record this Covenant and Agreement and Declaration of Restrictions ("Covenant") which places certain restrictions on the accessory living quarters to ensure the single-family residential use of the property. Declarant desires to restrict the use of the Property to single-family residential and to put future owners on notice of

DESCRIPTION APPROVAL: DATE 3/7/07
MARK S. BROWN
CITY SURVEYOR

CIA 1002

the prohibition on the attached accessory living quarters from being rented or considered as a separate dwelling unit, prohibiting installation or maintenance of any kitchen facilities in the accessory living quarters, and prohibiting the use of the accessory living quarters for commercial or business activity not authorized by Title 19 of the Riverside Municipal Code.

NOW THEREFORE, for the purposes of complying with the conditions imposed by the City for the issuance of a building permit, and restricting the use of the Property to single-family residential, Declarant hereby covenants and agrees with the City that the following restrictions shall apply to the Property:

1. The single-family residence and the accessory living quarters shall be used as one dwelling unit.
2. Neither building shall be used as a separate dwelling unit or separate living quarters from the other.
3. No kitchen facilities shall be permitted, maintained, or installed in the accessory living quarters.
4. Neither the attached accessory living quarters nor the main residence shall be sold, rented, or leased separately from the other building.
5. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.
6. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

The terms of this Covenant may be enforced by the City, its successors or assigns. Should the City bring an action to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorney's fees, expert witness fees, and reasonable costs of suit.

This Covenant shall run with the land and each and all of its terms shall be binding upon Declarant, his heirs, successors and assigns, and shall continue in effect until such time as released by the Director of the Planning Division of the City of Riverside, California, by a writing duly recorded.



IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and year first written above.

Jose G Huerta
JOSE G. HUERTA

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristi J. Smith
Kristi J. Smith
Supv. Deputy City Attorney

Kyle Smith
Kyle Smith
Planning Division

SPOUSAL COMMUNITY RIGHTS IN THE COVENANT AND AGREEMENT

Dated 4/9/07

I am the spouse of JOSE G. HUERTA, and I hereby consent and join in the covenant hereinabove described and I hereby release and quitclaim any community property interest that I may have in said covenant.

Sandra L. Gil Durain
*Signature

Sandra L. Gil Durain
Printed Name

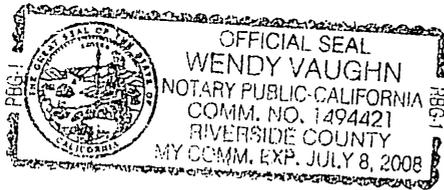
O:\Cycrom\WPDocs\D028\P005\00079681.doc
CA: 07-0492
02/28/07



STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On 4-3-07, before me, Wendy Vaughn - Notary Public, the undersigned, a notary public in and for said State, personally appeared Jose G. Huerta personally known to me (or 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.



Wendy Vaughn
Notary Signature



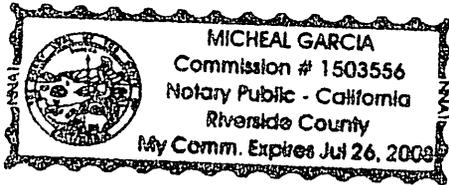
2007-0275726
04/25/2007 08:08A
4 of 8

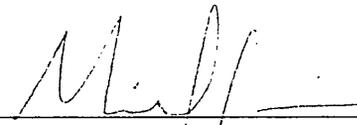
CIA 100Z

STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

On 4-9-07, before me, Michael Garcia - Notary Public the undersigned, a notary public in and for said State, personally appeared Sandra Lucia Gil Duran personally known to me (or 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.




Notary Signature



2007-0275726
04/25/2007 08:00A
5 of 6

CIA 100Z



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversidcacr.com

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: MICHEAL GARCIA

Commission #: COMMISSION # 1503556

Place of Execution: NOTARY PUBLIC - CALIFORNIA

Date Commission Expires: MY COMM. EXPIRES JUL 26, 2008

Date: 4/24/07

Signature: *Jose Huerta*

Print Name: JOSE HUERTA



2007-0275726
04/25/2007 08:00A
6 of 6

80-4

CIA 1002