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WHEN RECORDED MAIL TO:

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

Project: Zoning Case C-37-889

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MAR 26 1990  
Recorded in Official Records  
of Riverside County, California  
W. E. Shandy  
RECORDED  
Fees \$ 17

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made and entered into this 23<sup>RD</sup> day of March, 1990, by ROBERT W. MORTON and JOYCE K. MORTON, husband and wife, hereinafter referred to as "Declarants", with reference to the following facts:

A. Declarants are the fee owners of the real property, hereinafter referred to as the "Property", located in the City of Riverside, County of Riverside, State of California, described in Exhibit A, attached hereto and incorporated herein by this reference. The Property is situated northerly of the intersection of Pierce Street and Magnolia Avenue.

B. Declarants desire to improve and develop the Property by establishing thereon an automotive service center, and to do so have filed with the City of Riverside an application for a conditional use permit in Zoning Case C-37-889. The City of Riverside, hereinafter referred to as "City", has imposed the following condition on the granting of the conditional use permit in Zoning Case C-37-889:

"Prior to the issuance of building permits, the applicant shall record a covenant to the satisfaction of the Planning and Legal Departments stating that all work will be performed within a completely enclosed building and that any overnight parking or the outdoor parking of dismantled cars is prohibited."

C. Declarants desire to comply with the above-noted condition imposed by the City and hereby agree to convey the Property subject to the protective covenants, conditions and restrictions as hereinafter set forth.

NOW, THEREFORE, DECLARANTS hereby declare that the Property shall be held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the following covenants, conditions and restrictions which are for the purpose of protecting the value and desirability of the Property and meeting a condition

imposed by the City for the granting of a conditional use permit in Zoning Case C-37-889:

1. All work on automobiles or other vehicles conducted on the Property shall be performed within a completely enclosed building.

2. No overnight parking of automobiles or other vehicles will be permitted on the Property except within a completely enclosed building.

3. No parking of dismantled automobiles or other vehicles will be permitted on the Property except within a completely enclosed building.

4. Declarants and their successors and assigns shall insert in each lease of the Property or portion thereof a clause prohibiting on the Property all outdoor repair work, the overnight parking of vehicles and the parking of dismantled vehicles except within a completely enclosed building.

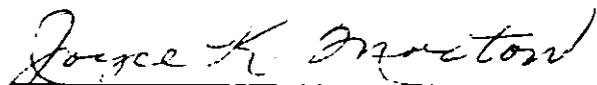
5. The Declarants, any owner or occupant of the Property or any portion thereof, and the City shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, and any other charges imposed by the provisions of this Declaration of Restrictions. Failure by the Declarants, any owner or tenant, or the City to enforce any covenant or restriction herein contained shall in no event be deemed a waiver to do so thereafter.

6. This Declaration of Restrictions shall run with the land and each and every restriction, condition, covenant or any other charge imposed hereunder shall be binding upon the Declarants or any owner of the Property or portion thereof, their legal representatives, heirs, successors and assigns, and shall continue in full force and effect until such time as released by the City Council of the City.

7. The provisions of this Declaration of Restrictions shall be liberally construed to effectuate the purpose of creating use restrictions for the Property to comply with a condition imposed by the City for the granting of a conditional use permit in Zoning Case C-37-889.

IN WITNESS WHEREOF the Declarants have caused this Declaration of Restrictions to be duly executed the day and year first above written.

  
ROBERT W. MORTON

  
JOYCE K. MORTON

BP/2379A/jm  
3/21/90

## EXHIBIT "A"

PARCEL 1

Those portions of Lots 5 and 6 both in Block 7 of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the most westerly corner of said Lot 5;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lot 5, a distance of 15.00 feet to a point which lies 55.00 feet northeasterly, as measured at a right angle, from the centerline of Pierce Street as shown by said map of La Sierra Gardens, said point being the POINT OF BEGINNING of this description;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lots 5 and 6, a distance of 126.50 feet;

THENCE South  $34^{\circ} 18' 15''$  East, a distance of 90.50 feet;

THENCE South  $55^{\circ} 41' 45''$  West, a distance of 126.50 feet to a line parallel with and distant 55.00 feet northeasterly, as measured at a right angle, from said centerline of Pierce Street;

THENCE North  $34^{\circ} 18' 15''$  West, along said parallel line, a distance of 90.50 feet to the POINT OF BEGINNING.

PARCEL 2

Those portions of Lots 5, 6, 11 and 12 all in Block 7 of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the most westerly corner of said Lot 5;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lot 5, a distance of 15.00 feet to a point which lies 55.00 feet northeasterly, as measured at a right angle, from the centerline of Pierce Street as shown by said map of La Sierra Gardens;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lots 5 and 6, a distance of 126.50 feet to the POINT OF BEGINNING of this description;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lots 6 and 11, a distance of 235.79 feet to the most westerly corner of said Lot 12;

THENCE North  $55^{\circ} 41' 45''$  East, along the northwesterly line of said Lot 12, a distance of 16.00 feet;

THENCE South 34° 18' 15" East, a distance of 71.50 feet;

THENCE South 55° 41' 45" West, a distance of 16.00 feet to the southwesterly line of said Lot 12;

THENCE South 34° 18' 15" East, along said southwesterly line of Lot 12, a distance of 232.50 feet to a line parallel with and distant 77.00 feet northwesterly, as measured at a right angle, from the centerline of Magnolia Avenue as shown by said map of La Sierra Gardens;

THENCE South 55° 41' 45" West, along said parallel line, a distance of 26.50 feet;

THENCE North 34° 18' 15" West, a distance of 75.00 feet;

THENCE South 55° 41' 45" West, a distance of 65.50 feet;

THENCE North 34° 18' 15" West, a distance of 111.50 feet;

THENCE South 55° 41' 45" West, a distance of 104.50 feet;

THENCE South 34° 18' 15" East, a distance of 12.00 feet;

THENCE South 55° 41' 45" West, a distance of 105.00 feet;

THENCE North 34° 18' 15" West, a distance of 27.50 feet;

THENCE South 55° 41' 45" West, a distance of 60.79 feet to a line parallel with and distant 55.00 feet northeasterly as measured at a right angle from said centerline of Pierce Street;

THENCE North 34° 18' 15" West, along said last mentioned parallel line, a distance of 11.50 feet;

THENCE North 55° 41' 45" East, a distance of 126.50 feet;

THENCE North 34° 18' 15" East, a distance of 90.50 feet to the POINT OF BEGINNING.

### PARCEL 3

Those portions of Lots 5 and 6 both in Block 7 of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the most westerly corner of said Lot 5;

THENCE North 55° 41' 45" East, along the northwesterly line of said Lot 5, a distance of 15.00 feet to a line parallel with and distant 55.00 feet northeasterly, as measured at a right angle, from the centerline of Pierce Street as shown by said map of La Sierra Gardens;

THENCE South 34° 18' 15" East, along said parallel line, a distance of 102.00 feet to the POINT OF BEGINNING of this description;

THENCE South 34° 18' 15" East, continuing along said parallel line, a distance of 184.25 feet;

THENCE South 77° 10' 18" East, a distance of 20.71 feet to the boundary of that certain parcel of land conveyed to the County of Riverside as Parcel 2 by Grant Deed recorded May 13, 1957, as Instrument No. 34658, Official Records of said Riverside County;

THENCE North 61° 08' 45" East, along said boundary, a distance of 27.06 feet to a line parallel with and distant 77.00 feet northwesterly, as measured at a right angle, from the centerline of Magnolia Avenue as shown by said map of La Sierra Gardens;

THENCE North 55° 41' 45" East, along said last mentioned parallel line, a distance of 124.76 feet;

THENCE North 34° 18' 15" West, a distance of 174.50 feet;

THENCE South 55° 41' 45" West, a distance of 105.00 feet;

THENCE North 34° 18' 15" West, a distance of 27.50 feet;

THENCE South 55° 41' 45" West, a distance of 60.79 feet to the POINT OF BEGINNING.

#### PARCEL 4

Those portions of Lots 6 and 11 both in Block 7 of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the most northerly corner of said Lot 11;

THENCE South 34° 18' 15" East, along the northeasterly line of said Lot 11, a distance of 304.00 feet to a line parallel with and distant 77.00 feet northwesterly as measured at a right angle, from the centerline of Magnolia Avenue as shown by said map of La Sierra Gardens;

THENCE South 55° 41' 45" West, along said parallel line, a distance of 26.50 feet to the POINT OF BEGINNING of this description;

THENCE South 55° 41' 45" West, continuing along said parallel line, a distance of 170.00 feet;

THENCE North 34° 18' 15" West, a distance of 186.50 feet;

THENCE North 55° 41' 45" East, a distance of 104.50 feet;

THENCE South 34° 18' 15" East, a distance of 111.50 feet;

THENCE North 55° 41' 45" East, a distance of 65.50 feet;

THENCE South 34° 18' 15" East, a distance of 75.00 feet to the POINT OF BEGINNING.

PARCEL 5

That portion of Lot 12 in Block 7 of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the most westerly corner of said Lot 12;

THENCE North 55° 41' 45" East, along the northwesterly line of said Lot 12, a distance of 16.00 feet to the POINT OF BEGINNING of this description;

THENCE South 34° 18' 15" East, a distance of 71.50 feet;

THENCE South 55° 41' 45" West, a distance of 16.00 feet to the southwesterly line of said Lot 12;

THENCE South 34° 18' 15" East, along said southwesterly line of Lot 12, a distance of 232.50 feet to a line parallel with and distant 77.00 feet northwesterly, as measured at a right angle, from the centerline of Magnolia Avenue as shown by said map of La Sierra Gardens;

THENCE North 55° 41' 45" East, along said parallel line, a distance of 89.78 feet;

THENCE North 16° 06' 05" East, a distance of 20.41 feet to a line parallel with and distant 8.00 feet southwesterly, as measured at a right angle, from the northeasterly line of said Lot 12;

THENCE North 34° 18' 15" West, along said last mentioned parallel line, a distance of 290.99 feet to the northwesterly line of said Lot 12;

THENCE South 55° 41' 45" West, along said northwesterly line of Lot 12, a distance of 89.50 feet to the POINT OF BEGINNING of this description.

RGF/1002u/w  
03/08/90

DESCRIPTION APPROVAL 3/13/90  
George P. Hutchinson by RGF  
SURVEYOR, CITY OF RIVERSIDE

