

RECORDING REQUESTER:

WHEN RECORDED MAIL TO:

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

Project: Conditional Use Permit C-35-856

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

AUG 22 1990

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$ 15

312983

DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into this 21st day of August, 1990, by VIRGINIA MARIE BLACK KIMBALL, who took title as VIRGINIA MARIE BLACK, MARIE ELIZABETH SNIDER, AGNES MOCK, who took title as AGNES MACK, JOHN D. DESSEL, BARBARA DESSEL JENNINGS, JULIANN DESSEL ALBRECHT, JOANNE DESSEL HAYNES, ELLEN THERESA DESSEL CORRALL, who took title as ELLEN THERESA DESSEL and LESLIE ANN DESSEL, (hereinafter called the "Declarants") with reference to the following facts:

A. Declarants are the owners of the real property (the "Property") in the City of Riverside, County of Riverside, State of California, described as follows:

Parcel 1:

That portion of Lot 202 of lands of Southern California Colony Association, as shown by map on file in Book 7, Page 3 of Maps, Records of San Bernardino County, California, lying southerly of the southwestern line of the northerly 100 feet of the southerly 210 feet of the northerly rectangular one-half of the southeasterly rectangular one-half of said Lot 202.

Parcel 2:

Beginning at the intersection of the southerly line of said Lot 202 and the southwesterly line of Palm Avenue; Thence north 61° 00' 30" West, along the southerly line of said Lot 202, a distance of 257.80 feet to the southeasterly line of Lot 19 of Kendall Park, as shown by map on file in Book 28, Page 57 of Maps, Records of Riverside County, California;

Thence North 29° 04' east, along the southeasterly line of said Lot 19 and the northeasterly prolongation thereof, a distance of 440.72 feet;

Thence south 61° 04' east, 6.32 feet to the southwesterly line of said Palm Avenue, and the beginning of a non-tangent curve, concave easterly having a radius of 494.98 feet, the radial line of said non-tangent curve bears north 87° 37' 17" east;

Thence southerly, along said last mentioned non-tangent curve, through a central angle of 2° 22' 43" an arc distance of 20.55 feet;

Thence south 01° 54' east, 379.86 feet;

Thence south 03° 43' 40" west, 107.33 feet, to the point of beginning.

Excepting therefrom Parcels 1 and 2 above those portions conveyed to the City of Riverside by documents recorded June 16, 1955 in Book 1752, Page 550 and Book 1753, Page 73 both of Official Records of Riverside County, California.

Parcel 3:

An easement for ingress and egress and public utility purposes to be used in common with others over that portion of the northeasterly half of Lot 202, lands of Southern California Colony Association, as shown by map on file in Book 7, Page 3 of Maps, Records of San Bernardino County, California, included in that strip of land 20.00 feet in width, described as follows:

Beginning at the intersection of the centerline of Highland Place as shown by map of Suman Tract on file in Book 7, Page 34 of Maps, Records of Riverside County, California, with the southeasterly line of said Lot 202;

Thence northwesterly along the northwesterly prolongation of said centerline, 20 feet;

Thence southwesterly parallel with the southeasterly line of said lot to the northeasterly line of the southwesterly 110.00 feet of said lot;

Thence southeasterly along the northeasterly line 20.00 feet to the southeasterly line of said lot;

Thence northeasterly along said southeasterly line to the point of beginning;

Excepting therefrom that portion lying within Parcel 1 above.

The Property consists of approximately 2.16 acres at 5160, 5170, 5180, 5181, 5191, 5211 and 5221 Palm Avenue, Riverside, California. The Property is in the Single-Family Residential ("R-1-65") Zone.

B. The Declarants desire to establish a senior citizens' complex of approximately 41 single-story units in 7 buildings on the Property. The City has approved, subject to certain conditions, a Conditional Use Permit in Zoning Case C-35-856 for the Property to allow the construction of the senior citizens' complex.

C. As a condition to the approval of the Conditional Use Permit C-35-856, the City is requiring the Declarants to provide a covenant subject to the approval of its Legal Department restricting the minimum age of any occupant to 60 years of age.

D. Declarants desire to develop the senior citizens' complex on the Property pursuant to Conditional Use Permit C-35-856 approved by the City and to meet the conditions of approval of said Conditional Use Permit.

NOW, THEREFORE, Declarants hereby declare that the Property shall be developed, improved, held, sold, conveyed and leased subject to the following restrictions, covenants and conditions which are for the purpose of complying with a condition of approval imposed by the City in Zoning Case C-35-856 and for protecting the value and desirability of the Property:

1. Each unit on the Property shall be occupied by a tenant at least sixty (60) years of age or older; provided, however, there shall be no age restriction for the tenant's spouse or a full-time attendant of a handicapped tenant occupying the same unit.

2. Any person, whether an individual, corporation, partnership, association or otherwise who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the provisions of this Declaration of Covenants, Conditions and Restrictions and to be subject to the provisions contained herein.

3. The Property and the units located thereon shall be held, conveyed, encumbered, leased, rented, used and occupied subject to the restrictions established hereinabove. The terms of this Declaration of Covenants, Conditions and Restrictions may be enforced by the City or by any tenant or prospective tenant of any unit on the Property.

4. This Declaration of Covenants, Conditions and Restrictions shall run with the land and each and every term or condition thereof shall be binding upon the Declarants and their successors or assigns, and shall continue in effect until released by the City Council of the City of Riverside.

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

Virginia Marie Black Kimball
 by *John D. Dessel, atty. in fact*
Virginia Marie Black Kimball

Marie Elizabeth Snider
 by *John D. Dessel, atty. in fact*
Marie Elizabeth Snider

Agnes Mock
 by *John D. Dessel, atty. in fact*
Agnes Mock

DESCRIPTION APPROVAL: 8, 21, 90

George P. Hutchinson
George P. Hutchinson
 SURVEYOR, CITY OF RIVERSIDE

John W. Dessel
John D. Dessel

Barbara Dessel Jennings
By John D. Dessel, atty. in fact
Barbara Dessel Jennings

Julian Dessel Albrecht
By John D. Dessel, atty. in fact
Julian Dessel Albrecht

Joanne Dessel Haynes
By John D. Dessel, atty. in fact
Joanne Dessel Haynes

Ellen Theresa Dessel Corral
By John W. Dessel, atty. in fact
Ellen Theresa Dessel Corral

Leslie Ann Dessel
By John W. Dessel, atty. in fact
Leslie Ann Dessel

APPROVED AS TO FORM

Kathleen M. Gonzales
ASST. CITY ATTORNEY

KG/BP/2677A/lm/jm
8/20/90

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

On August 21, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John D. Dessel, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as Attorney-in-Fact of

Virginia Marie Black Kimball
Marie Elizabeth Snider
Agnes Mock
Barbara Dessel Jennings
Juliann Dessel Albrecht
Joanne Dessel Haynes
Ellen Theresa Dessel Corral
Leslie Ann Dessel

and acknowledged to me that he subscribed the nsames of

Virginia Marie Black Kimball
Marie Elizabeth Snider
Agnes Mock
Barbara Dessel Jennings
Juliann Dessel Albrecht
Joanne Dessel Haynes
Ellen Theresa Dessel Corral
Leslie Ann Dessel

312983

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STATE OF CALIFORNIA)
COUNTY OF Riverside) ss.

On August 21, 1990 before me, the undersigned, a Notary Public in and for said State personally appeared JOHN D. DESSEL

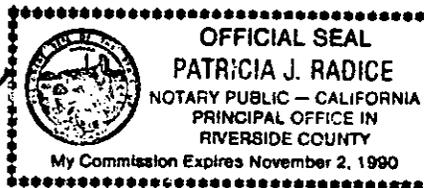
_____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person _____ whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature

Patricia J. Radice

Name (Typed or Printed)



(This area for official seal)

Act, Knowledge, Intent - Individual