

85646

Recording Requested By: **FREE RECORDING-**
Exempt Pursuant to
Government Code §6103
CITY OF RIVERSIDE
WHEN RECORDED MAIL TO:

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

Project: Variance for 3340 Gibraltar Drive
Riverside, California
V-145-890

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

MAR 14 1991

Recorded in Official Records
of Riverside County, California

W. E. [Signature]
Recorder
Fees \$

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions is made and entered into this 14th day of March, 1991, by MARY EVERSOLE, the owner of record of the following described real property ("the property"), and JONATHAN FISHER, prospective purchaser, which property is situated in the City of Riverside, County of Riverside, State of California:

Lot 37 of Tract 5920 as per map recorded in Book 94, page 1 of Maps in the office of the County Recorder of said County.

WHEREAS the property is being developed as a single-family house currently on site, said house being repaired after extensive fire damage; and

WHEREAS controversy has arisen regarding the development of a third floor attic into living space by the installation of flooring and windows; and

WHEREAS the undersigned desire to restrict the use of the property to a single-family, two-story residential, so that it will not mistakenly be used as a three-story residential dwelling unit, and therefore covenant and agree to remove the kitchen from the lower level rumpus room so the residence shall contain only one kitchen; and

WHEREAS the City has recorded a declaration of sub-standard building, on or about September 22, 1989. The City agrees to remove the Declaration of Substandard Building for a period of 90 days from the date of this Agreement. Should the parties not complete repair or reconstruction of the improvements within that period, the City may, at its option, refile the Declaration of Substandard Building. The signatories to this Covenant and Agreement waive all objections to the September 22, 1989 Declaration of Substandard Building, and agree that they shall submit appropriate plans to the City for approval to comply with the Covenant and Agreement.

NOW, THEREFORE, the undersigned hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the property:

CLA 244

The single-family house to be rebuilt on the property shall be used as a two-story house only. No part of any attic space shall be used for any occupancy purposes and shall be restricted to incidental, usual, ordinary and customary attic storage. Further, the residence shall contain only one kitchen and the third floor balcony shall be removed and the doorway opening sealed.

The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' and expert witnesses' fees and other reasonable costs of suit.

This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon the undersigned, their heirs, successors and assigns, and shall continue in effect until such time as it is released by the City Council of the City of Riverside, California.

IN WITNESS WHEREOF the undersigned has caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first written above.

Mary Eversole
MARY EVERSOLE

APPROVED AS TO FORM AND CONTENT:

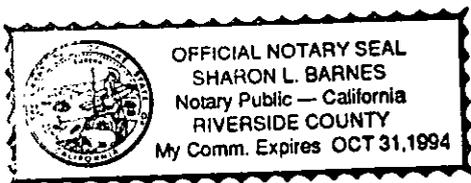
Jonathan Fisher
JONATHAN FISHER

N. G. Hering
Chief Assistant City Attorney

State of California) On this 14th day of March, 1991, before
County of Riverside) me, SHARON L. BARNES
the undersigned Notary Public, personally appeared

MARY EVERSOLE and
JONATHAN FISHER

proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed it. WITNESS my hand and official seal.



Sharon L. Barnes
Notary's Signature