

AK

105835

WHEN RECORDED MAIL TO:

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

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

Project: Building Permit
10159 Victoria Avenue
Riverside, California

APR - 6 1995

Recorded in Official Records
of Riverside County, California

[Signature] Recorder
Fees \$ 15

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS
is made and entered into this 3rd day of April, 1995, by
RICHARD R. KAUKANI and CHARLOTTE R. KAUKANI, husband and wife as
joint tenants, ("Declarants") with reference to the following
facts:

105835
10/2/95

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

All that portion of Lot 4 of BALMORAL HEIGHTS,
as shown by map on file in Book 11 of Maps, at
page 93 thereof, records of Riverside County,
California, particularly described as follows:

Beginning at the most Southerly corner of said Lot 4;
Thence North 33° 28' 00" West, along the Westerly line
of said Lot, 79.45 feet;
Thence North 06° 07' 00" West, along the Westerly line
of said Lot, 126.42 feet;
Thence North 16° 08' 00" East, along the Westerly line
of said Lot, 180.30 feet;
Thence South 34° 00' 00" East, 278.75 feet to the
Northwesterly line of Victoria Avenue;
Thence Southwesterly along the Northwesterly line of
Victoria Avenue, 200.00 feet to the Point of Beginning;

DESCRIPTION APPROVED: 3/31/95
[Signature]
SURVEYOR, CITY OF RIVERSIDE

EXCEPTING therefrom that portion thereof particularly
described as follows:

Beginning at the intersection of the Westerly line of
said Lot 4 with the Northwesterly line of Victoria
Avenue;
Thence North 33° 28' 00" West, along said Westerly
line, 23.06 feet;

Thence South 60° 52' 00" East, 22.79 feet to a point on the Northwesterly line of Victoria Avenue;
 Thence South 41° 24' 54" West, on the Northwesterly line of Victoria Avenue, on a chord of a curve concave to the Southeast, having a radius of 841.36 feet, a distance of 10.86 feet to the Point of Beginning;

ALSO EXCEPTING therefrom that portion thereof particularly described as follows:

Commencing at the most Southerly corner of said Lot;
 Thence Northeasterly along the Northwesterly line of Victoria Avenue, 10.86 feet from the Point of Beginning, said point being the most Easterly corner of that certain parcel of land conveyed to Helen B. Nilsson, a married woman, by Deed recorded June 8, 1948, in Book 913, page 353 of Official Records of said Riverside County;

Thence North 60° 52' 00" West, along the Northerly line of said parcel, 22.79 feet to a point on the Southwesterly line of said Lot;

Thence North 33° 28' 00" West, along the Southwesterly line of said Lot, 56.39 feet;

Thence North 06° 07' 00" West, along the Southwesterly line of said Lot, 78.74 feet;

Thence South 34° 51' 00" East, 138.67 feet to the Northwesterly line of Victoria Avenue;

Thence Southwesterly along the Northwesterly line of Victoria Avenue, 30.00 feet to the Point of Beginning.

B. The Property, known as 10159 Victoria Avenue, Riverside, California, is developed with a one-story, single-family residence and attached garage. Declarants propose to convert the garage into a bedroom, music room and workshop, and construct a new two-car attached garage with a second story to be used as a hobby room or workshop area. The required off-street parking will be provided by the new attached garage.

C. The second story addition over the garage consists of approximately 816 square feet. As the second story building addition has no interior access to the primary residence and may be entered only through a separate entryway in the new garage, the City of Riverside is requiring Declarants to execute and record a Covenant and Agreement which places certain restrictions on the Property to ensure the single-family residential use of the Property so that the single-family residence and second story addition will not mistakenly be used as two dwelling units, as one primary dwelling unit and one auxiliary dwelling unit or for commercial or business activity.

NOW, THEREFORE, for the purposes of complying with a condition imposed by the City of Riverside for the issuance of a building permit for the construction of the new two story addition, and restricting the use of the Property to single-family residential, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The single-family house and the second story building addition shall be used as one dwelling unit.

2. No kitchen shall be permitted, maintained or installed in the second story building addition to be constructed over the new attached garage.

3. Neither the second story building addition nor the existing house shall be sold, rented or leased separately from the other.

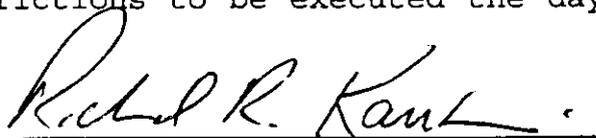
4. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.

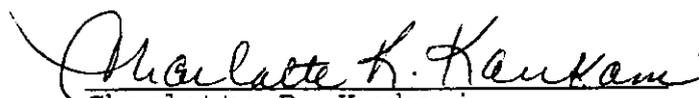
5. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

6. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside 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 court costs, including reasonable attorneys' fees.

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

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


Richard R. Kaukani


Charlotte R. Kaukani

APPROVED AS TO CONTENT:

[Signature]
Planning Department

APPROVED AS TO FORM:

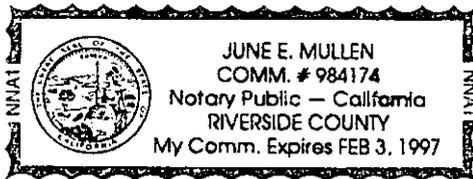
[Signature]
Assistant City Attorney

State of California)
County of Riverside) ss

On 4-3-95, 1995, before me, the undersigned, a notary public in and for said State personally appeared RICHARD R. KAVKANI and CHARLOTTE R. KAVKANI

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.



[Signature]
Signature