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Project: Zoning Case CU-008-990
10535 Gramercy Place
Riverside, California

(33)

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS
FOR AN AUXILIARY DWELLING UNIT

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 9-3-99 day of 9-3-99, 1999, by JAVIER DUARTE and FLORENTINA DUARTE, husband and wife, (hereinafter referred to as "Declarants"), with reference to the following facts:



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:

That portion of Lot 19 of Glen Arden Tract, in the City of Riverside, County of Riverside, State of California, as per map recorded in Book 11, Page(s) 96 and 97 of maps, in the office of the County Recorder of said county, described as follows:

Beginning at a point on the southerly line of said Lot 19, 100 feet northeasterly of the southwesterly corner thereof; thence northwesterly and parallel with the southwesterly line of said Lot, 150 feet; thence northeasterly and parallel with the northwesterly line of said Lot, 69 feet; thence southeasterly and parallel with the southwesterly line of said Lot to the southeasterly line thereof; thence southwesterly along the southeasterly line of said Lot to the point of beginning.

DESCRIPTION APPROVAL 9/3/99
K.G. Street
SURVEYOR, CITY OF RIVERSIDE

B. The Property, known as 10535 Gramercy Place, Riverside, California, is zoned for Single Family Residential use ("R-1-65"), and is currently developed with a single-family residence and detached garage. Declarants desire to legalize the conversion of the existing

approximately 784 square foot detached garage into auxiliary dwelling unit (granny flat), consisting of two bedrooms a kitchen, bedroom and living room and construct two carports on the westerly side of the existing house to meet the requirements of both the units.

C. "Auxiliary dwelling unit" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") to mean a dwelling unit located on a property zoned for single family residential use which is a subsidiary to the primary dwelling unit situated on that property. Such a unit is to be established by a conditional use permit, and pursuant to specific criteria as set forth in said Zoning Code.

D. The City of Riverside has required, as a condition of the approval of the minor conditional use permit for the auxiliary dwelling unit in Zoning Case CU-008-990, that certain restrictions be placed upon the Property with regard to the use of the auxiliary dwelling unit so that it shall only be occupied in accordance with Title 19 of the Riverside Municipal Code and certain other conditions of approval for said conditional use permit.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside for the issuance of a Conditional Use Permit, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The auxiliary dwelling unit shall be occupied solely in accordance with Title 19 of the Riverside Municipal Code and the conditions of approval in Zoning Case CU-008-990, including but not limited to the following provisions:

a. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).

b. Each occupant of the auxiliary dwelling unit shall be 60 years of age or older.

c. Either the primary dwelling unit or the auxiliary dwelling unit on the Property shall be occupied by the legal owner(s) of the Property.

d. Should the occupancy of the auxiliary dwelling unit change, the kitchen facilities will be removed, and said unit will not be used as a separate dwelling.

e. The auxiliary dwelling unit shall have no separate address or house number.



f. The auxiliary dwelling unit shall have full utility and sanitary hookups in conjunction with the primary dwelling unit; separate utility meters and laterals shall not be installed.

g. A minimum of one covered parking space shall be provided for the auxiliary dwelling unit in addition to any parking requirement for the primary dwelling unit. All covered parking spaces shall be served by a common driveway system.

2. 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 of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

3. 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 to be executed as of the day and year first written above.

Javier Duarte
Javier Duarte

Florentina Duarte
Florentina Duarte

APPROVED AS TO CONTENT:

[Signature]
Planning Department

APPROVED AS TO CONTENT:

[Signature]
Assistant City Attorney

