

Requested By
First American Title Company

DOC # 2001-427062

09/04/2001 08:00A Fee:18.00

Page 1 of 5

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

Project: CU-003-012
2596 Raeburn Drive
Riverside, California 92506

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FOR RECORDER'S OFFICE USE ONLY

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

(AUXILIARY DWELLING UNIT RESTRICTION)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 20th day of August, 2001, by **PATRICK J. VAN DAELE and ROBIN L. VAN DAELE**, Husband and Wife as Joint Tenants, ("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, which legal description is described on Exhibit A attached hereto and incorporated herein.

B. The Property, known as 2596 Raeburn Drive, Riverside, California, is in the Single Family Residential R-1-130 Single Family Residential Zone and is developed with a single family residence of approximately 4,508 square feet with an attached garage.

C. Declarants have applied to the City of Riverside for a minor conditional use permit to construct a 1,305 square foot, detached, single-story, auxiliary dwelling unit (granny flat) in the rear of a the single-family residence and construct a detached garage in replacement of the existing garage, which will be converted into additional living and open space.

D. "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.

E. Prior to the minor conditional use permit becoming effective and the issuance of building permits, the City of Riverside is requiring Declarants to execute and record a covenant limiting the occupancy of the auxiliary dwelling unit to a maximum of two persons, each of whom is sixty (60)

First American Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.

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Accommodation-9-1080

CLA 728

years of age or older; assuring that the legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit; and assuring that the kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.

F. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successors-in-interest on notice of the above-stated restrictions on the use and occupancy of the auxiliary dwelling unit.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the granting of a minor conditional use permit and building permits in case number CU-065-001, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
2. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
3. The legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit.
4. The kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.
5. 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.
6. The auxiliary dwelling unit shall have no separate address or house number.
7. 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.
8. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
9. The use of the auxiliary dwelling unit is only authorized in accordance with the stated terms and conditions of approval. Should the use cease or fail to comply with the stated terms and conditions, the minor conditional use permit will be subject to revocation.
10. 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.



11. 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.

FURTHER, Declarants and each of them hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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



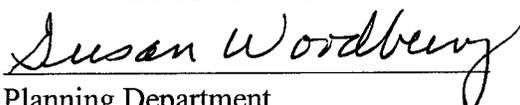
PATRICK J. VAN DAELE,
Husband, as Joint Tenant



ROBIN L. VAN DAELE
Wife as Joint Tenant

APPROVED AS TO FORM:


8/23/01
Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department



EXHIBIT A

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Riverside, City of Riverside, described as follows:

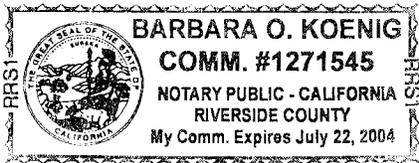
Parcel 4 of Parcel Map 11212, as per Map recorded in Book 59, pages 81 and 82 of Parcel Maps, Records of Riverside County, California.



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On August 20th, 2001, before me, BARBARA O. KOENIG, the undersigned, a notary public in and for said State, personally appeared PATRICK S. VAN DAELE 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 to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity, and that by his/~~her/their~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

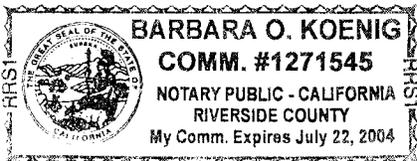


Barbara O. Koenig
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On August 20th, 2001, before me, Barbara O. Koenig, the undersigned, a notary public in and for said State, personally appeared Robin S. Van Daele 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 to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity, and that by his/~~her/their~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Barbara O. Koenig
Notary Public

