

WHEN RECORDED MAIL TO:

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



Project: CU-014-012
11061 Arlington Avenue
Riverside, California 92505

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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 2 day of NOVEMBER, 2001, by **MARIA E. LERMA, who took title as and is also known as, HOPE LERMA, as the sole owner and surviving Wife of PETER B. LERMA, Husband, (Deceased as of April 12, 1990) formerly Joint Tenants of the Property described below ("Declarant")**, with reference to the following facts:

A. Declarant is the sole fee owner 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 11061 Arlington Avenue, Riverside, California, is in the R-1-80, Single Family Residential Zone, is approximately .37 acre in size and is developed with an approximately 1,236 square foot single-story residence.

C. Declarant has applied to the City of Riverside for a minor conditional use permit to construct an approximately 600-square foot, single-story detached auxiliary dwelling and a 200-square-foot carport. The auxiliary dwelling unit will consist of one bedroom, living room, kitchen and bathroom. The 1-car carport will be attached to the auxiliary dwelling unit and will connect with an existing 12-foot-wide paved driveway that will extend along the easterly side of the existing house.

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 Declarant 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) 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. Declarant is 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-014-012, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarant hereby covenants and agrees 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 Declarant, her 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, Declarant 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, Declarant have caused this Covenant and Agreement to be executed as of the day and year first written above.

Maria E. Lerma
MARIA E. LERMA, also known as,
HOPE LERMA

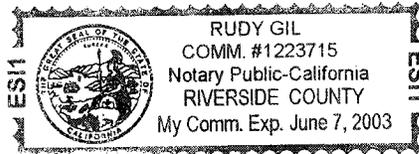
APPROVED AS TO FORM:

Kathleen M. Gonzal
Assistant City Attorney

APPROVED AS TO CONTENT:

Susan Woodbury
Planning Department

STATE OF California
COUNTY OF Riverside



SUBSCRIBED AND SWORN TO BEFORE ME
THIS 2 DAY OF NOV, 2001
BY Rudy Gil
NOTARY PUBLIC



2001-548957
11/06/2001 08:00A
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CIA 739

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:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1 OF ALHAMBRA ADDITION, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGES 78 AND 79 OF MAPS, RECORDS OF SAID RIVERSIDE COUNTY, SAID CORNER OF LOT 1 BEING LOCATED ON A CURVE WITH A RADIUS OF 1116.3 FEET, CONCAVE TO THE NORTHWARD, AND ON THE NORTHERLY LINE OF ARLINGTON AVENUE, AS SHOWN BY MAP OF TWIN BUTTES BLOCK ON FILE IN BOOK 10 PAGE 39 OF MAPS, RECORDS OF SAID RIVERSIDE COUNTY (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 14° 3' 34" WEST); THENCE WESTERLY ALONG SAID CURVE AND ON THE NORTHERLY LINE OF ARLINGTON AVENUE A DISTANCE OF 75.02 FEET; THENCE NORTH 9° 27' WEST A DISTANCE OF 206.93 FEET; THENCE NORTH 83° 9' 40" EAST A DISTANCE OF 75 FEET; THENCE SOUTH 9° 27' EAST ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM ANY PORTION THEREOF IN ARLINGTON AVENUE AS NOW LOCATED.

DESCRIPTION APPROVAL


CITY OF RIVERSIDE



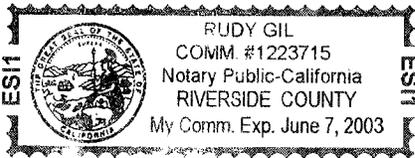
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CIA 739⁴

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On 2 NOVEMBER, 2001, before me, RUDY GIL, the undersigned, a notary public in and for said State, personally appeared MARIA E LERMA 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.



Rudy Gil
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On _____, 2001, before me, _____, the undersigned, a notary public in and for said State, personally appeared _____ 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.

Notary Public



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