

WHEN RECORDED MAIL TO:

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



Project: Planning Case P04-0570
4221 Hines Avenue
Riverside, California 92505
APN: 143-245-017

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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 11th day of May, 2005, by JOSE M. GUTIERREZ, a single man, ("Declarant"), with reference to the following facts:

A. Declarant is the fee owner of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, which legal description is as follows:

Lot 36 of La Sierra Park No. 1, Unit No. 2 as shown by map on file in Book 39, Page(s) 23-25, of Maps, Riverside County Records.

B. The Property, known as 4221 Hines Avenue, Riverside, California, is in the single family residential (R-1-65) zone.

C. Declarant has applied to the City of Riverside for a minor conditional use permit and variance, and building permits to construct a one-story 618 square-foot auxiliary dwelling unit granny flat ("auxiliary dwelling unit") consisting of a living room, two bedrooms, bathroom, and kitchen.

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.

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

DESCRIPTION APPROVAL:

BY: Mark S. Brown 05-10-05
DATE

FOR: MARK S. BROWN
CITY SURVEYOR

C/A 942

the primary residence or the auxiliary dwelling unit, assuring that the kitchen facilities will be removed and the unit will not be used as a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions, prohibiting the installation of a kitchen facility in the accessory structure and prohibiting the accessory structure from being rented.

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, variance and building permits in Planning Case P04-0570, and restricting the use of the Property to that of a single-family house with attached garage and an auxiliary dwelling unit. Declarant hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. Limiting the use of the attached garage and auxiliary unit to that which is incidental to the main building, in this case an auxiliary dwelling unit, on the Property and not allowing the building to be rented or otherwise used as a separate dwelling.
2. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
3. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
4. The legal owner(s) of the Property will continually occupy either the primary residence or the auxiliary dwelling unit.
5. The kitchen facilities will be removed from the auxiliary dwelling unit and such unit will not be used as a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.
6. 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.
7. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
8. The use of the auxiliary dwelling unit and the accessory structure are only authorized in accordance with the stated terms and conditions of approval. Should the use cease or fail to comply with the terms and conditions stated in this Covenant and Agreement, the minor conditional use permit will be subject to revocation.

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

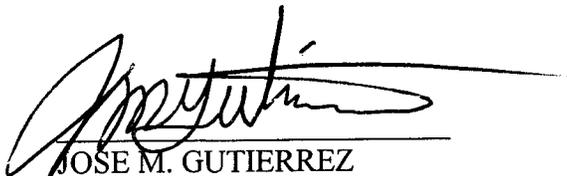


enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

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, his heirs, successors and assigns, and shall continue in effect until such time as released by a writing duly recorded and executed by the Planning Director of the City of Riverside, California, or the successor to such duties.

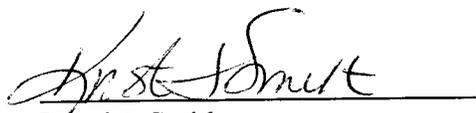
Declarant hereby represents and warrants that he has the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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



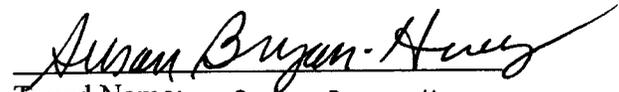
JOSE M. GUTIERREZ
Declarant

APPROVED AS TO FORM:



Kristi J. Smith
Deputy City Attorney

APPROVED AS TO CONTENT:



Typed Name: Susan Bryan-Huey
Planning Department

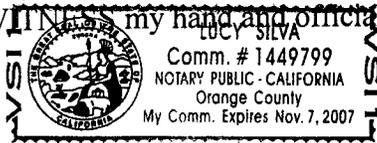
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On May 11th, 2005, before me, Lucy Silva Jose Manuel Gutierrez, Jr. ^(LC), the undersigned, a notary public in and for said State, personally appeared Jose Manuel Gutierrez, Jr. 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.



Lucy Silva
Notary Public





LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

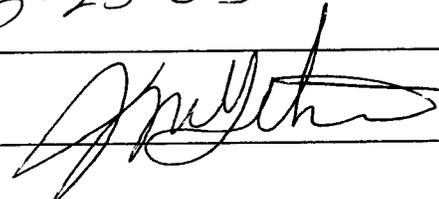
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrclkrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

Witness My hand and Official Seal

Date: 5-25-05
Signature: 
Print Name: JOSE M. Gutierrez



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