

WHEN RECORDED MAIL TO:

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

Project: 7741 Janet Avenue
Riverside, CA 92505
APN: 151-162-027-9

DOC # 2006-0613572

08/21/2006 08:00A Fee:22.00

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

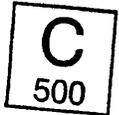


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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

(AUXILIARY DWELLING UNIT RESTRICTION)



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 2 day of August ^(cb), 2006, by CRUCITA DE BACK, a married woman as her sole and separate property, ("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:

See Exhibit "A"

B. The Property, known as 151-162-027-9, 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 building permit to construct an approximately 741 square foot granny flat ("auxiliary dwelling unit") consisting of 2 bedrooms, one bathroom, one living room and a kitchen/dining area.

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

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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 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.

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 permit in Planning Case P05-0967, and restricting the use of the Property to that of a single-family house with an 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 residence or the auxiliary dwelling unit.
4. 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.
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 on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
7. 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 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



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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, her 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 she 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.

Crucita De Back

*Crucita De Back

APPROVED AS TO FORM:

APPROVED AS TO CONTENT

Kristi J. Smith

Kristi J. Smith
Supervising Deputy City Attorney

Jennifer Turcios

Jennifer Turcios
Planning Division

SPOUSAL COMMUNITY RIGHTS IN THE COVENANT AND AGREEMENT

Dated 8/2/06

I am the spouse of CRUCITA DE BACK, and I hereby consent and join in the covenant hereinabove described and I hereby release and quitclaim any community property interest that I may have in said covenant.

Jon De Back

*Signature

Jon De Back

Printed Name

*Signatures must be notarized.

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EXHIBIT "A"

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Escrow No. 37034984 - E66

LEGAL DESCRIPTION EXHIBIT

LOT 228 OF CAMP ANZA SUBDIVISION NO. 1, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 22, PAGES 81 AND 82 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM ALL URANIUM, THORIUM AND ALL OTHER MATERIALS PURSUANT TO THE ATOMIC ENERGY ACT OF 1946, WITH THE RIGHT TO ENTER UPON SUCH LANDS AND PROSPECT FOR, MINE AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM THE UNITED STATES OF AMERICA TO EDWARD F. SCHULZ, RECORDED FEBRUARY 9, 1948 IN BOOK 892, PAGE 469, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL METALS, MINERALS, PETROLEUM, NATURAL GAS AND OTHER HYDROCARBON SUBSTANCES, ALLSURFACE DEPOSITS AND SUBSOIL PRODUCTS OF ANY NATURE OR CHARACTER WHATSOEVER, IN, UNDER OR UPON THE HEREIN DESCRIBED PROPERTY AND EVERY PART THEREOF, RESERVED BY ANNA REALTY COMPANY, A CORPORATION, IN DECLARATION RECORDED MARCH 12, 1948 IN BOOK 899 PAGE 162, OFFICIAL RECORDS.

DESCRIPTION APPROVAL:

Mark S. Brown
MARK S. BROWN CITY SURVEYOR
5/1/06
DATE

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