

WHEN RECORDED MAIL TO:

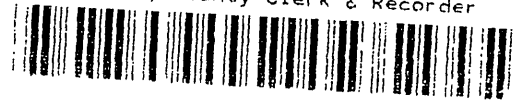
City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: 5207 Mitchell Avenue
Riverside, CA 92502
APN: 146-080-025

DOC # 2007-0302910
05/04/2007 08:00A Fee:19.00
Page 1 of 5

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

(SINGLE FAMILY DWELLING RESTRICTION)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this _____ day of _____, 2007, by RAFAEL A. FUNES and SYLVIA R. FUNES, 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, described as follows:

See Exhibit "A"

B. The Property, known as 5207 Mitchell Avenue, Riverside, California is in the Rural Residential ("RR") Zone and is developed with a single-family residence.

C. Declarant proposes to convert the existing 1222 square-foot main residence into a guest-house to be used as an accessory living quarters, consisting of a living room, a family room, a dining room, two (2) bedrooms, an office, a wet bar and a bathroom.

D. "Accessory Living Quarters" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") Section 19.04.020 to mean living quarters within an accessory building located on the same premises with the main building, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

E. As a condition for the issuance of a building permit for the Property, the City of Riverside ("City") is requiring Declarants to execute and record this Covenant and Agreement and Declaration of Restrictions ("Covenant") which places certain restrictions on the accessory living quarters to ensure the single-family residential use of the property. Declarants desire to restrict the use of the Property to single-family residential and to put future owners on notice of the prohibition on the attached accessory living quarters from being rented or considered as a

CIA 1004

separate dwelling unit, prohibiting installation or maintenance of any kitchen facilities in the accessory living quarters, and prohibiting the use of the accessory living quarters for commercial or business activity not authorized by Title 19 of the Riverside Municipal Code.

NOW THEREFORE, for the purposes of complying with the conditions imposed by the City for the issuance of a building permit, and restricting the use of the Property to single-family residential, Declarants hereby covenant and agree with the City that the following restrictions shall apply to the Property:

1. The single-family residence and the accessory living quarters shall be used as one dwelling unit.
2. Neither building shall be used as a separate dwelling unit or separate living quarters from the other.
3. No kitchen facilities shall be permitted, maintained, or installed in the accessory living quarters.
4. Neither the attached accessory living quarters nor the main residence shall be sold, rented, or leased separately from the other building.
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.

The terms of this Covenant may be enforced by the City, its successors or assigns. Should the City bring an action to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorney's fees, expert witness fees, and reasonable costs of suit.

This Covenant 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.

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(Signatures on following Page)



2007-0302910
05.04.2007 08:00A
2 of 5

C/A 1004

Exhibit "A"

All that portion of lot 5 of Algodena, as shown by map on file in book 11, page(s) 80 and 81 of maps, records of Riverside county, California, particularly described as follows:

Beginning at the Northwesterly corner of said lot;

Thence Southeasterly along the Southwesterly line of said lot, 200 feet to a point;

Thence Northeasterly and parallel with the Southeasterly line of said lot to a point in the Northeasterly line thereof;

Thence Northerly along the Easterly line of said lot to the most Northerly corner thereof;

Thence Southwesterly along the Northwesterly line of said lot 417.14 feet to the point of beginning.

DESCRIPTION APPROVAL

MARK S. BROWN
CITY SURVEYOR

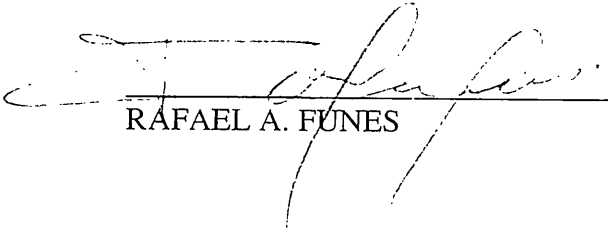
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3 of 5

C/A 1004

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



RAFAEL A. FUNES

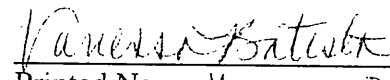


SYLVIA R. FUNES

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristi J. Smith
Deputy City Attorney



Printed Name: Vanessa Batista
Planning Department



