

DOC # 2015-0192942

05/08/2015 11:50A Fee:45.00

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Recorded in Official Records
County of Riverside

Peter Aldana

Assessor, County Clerk & Recorder



57.50

WHEN RECORDED MAIL TO:

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

Project: 364 Eternal Way
Riverside, California 92506
APN: 243-590-008

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FOR RECORDER'S OFFICE USE ONLY

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 22 day of December, 2014, by ANDREW M. BODEWIN and CATHRYN BODEWIN, as Trustees of THE FAMILY TRUST OF ANDREW M. BODEWIN AND CATHRYN BODEWIN dated November 10, 1999 ("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, described as follows:

SEE EXHIBIT "A"

B. The Property, known as 364 Eternal Way, Riverside, California, is in the Residential Conservation ("RC") Zone and is developed with a single-family residence.

C. Declarant proposes to construct a 44-foot by 32-foot detached garage with a second accessory dwelling unit included, consisting of a wet bar, billiard room, game room and restroom.

D. "Accessory Dwelling Unit" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") Chapter 19.910 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 Declarant to execute and record this Covenant and Agreement and Declaration of Restrictions ("Covenant") which places certain restrictions on the accessory dwelling unit to ensure the single-family residential use of the property. Declarant desires to restrict the use of the Property to single-family residential and to put future owners on notice of

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the prohibition on the attached accessory dwelling unit from being rented or considered as a separate dwelling unit, prohibiting installation or maintenance of any kitchen facilities in the accessory dwelling unit, and prohibiting the use of the accessory dwelling unit 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, Declarant hereby covenants and agrees with the City that the following restrictions shall apply to the Property:

1. The single-family residence and the accessory dwelling unit 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 dwelling unit.
4. Neither the attached accessory dwelling unit 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 Declarant, its heirs, successors and assigns, and shall continue in effect until such time as released by the Community Development Director of the City of Riverside, or its/his/her designee, by a writing duly recorded.




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

THE FAMILY TRUST OF ANDREW M. BODEWIN AND CATHRYN BODEWIN
dated November 10, 1999

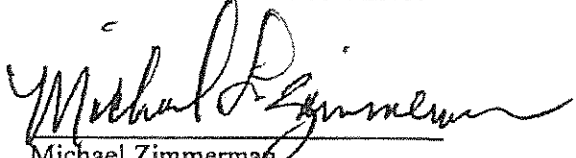

Andrew M. Bodewin *Trustee*
Trustee


Cathryn Bodewin *Trustee*
Trustee

APPROVED AS TO FORM:


Kristi J. Smith
Supervising Deputy City Attorney

APPROVED AS TO CONTENT:


Michael Zimmerman
Planning Division

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CA: 14-0734



EXHIBIT "A"

LEGAL DESCRIPTION

LOT 9 OF TRACT NO. 29628, AS SHOWN BY MAP ON FILE IN BOOK 411 PAGES 36
THRU 41 OF MAPS, RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

DESCRIPTION APPROVAL:

BY: *[Signature]* 12/12/14 DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR



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ACKNOWLEDGMENT

State of California
County of RIVERSIDE

On 12/22/14, before me, Kim Kennedy, a

notary public, personally appeared Andrew M Bodewin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kim Kennedy (SEAL)
Signature



ACKNOWLEDGMENT

State of California
County of Riverside

On 12/22/14, before me, Kim Kennedy, a

notary public, personally appeared Cathryn Bodewin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kim Kennedy (SEAL)
Signature

