

064448

RECORDING REQUESTED BY:

Continental Lawyers Title Co.

WHEN RECORDED MAIL TO:

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

RECEIVED FOR RECO.
AT 2:00 O'CLOCK P.M.

FEB 21 1990

Recorded in Official Records
of Riverside County, California

William S. ...
Recorder
Fees \$ *11*

Project: Conditional Use Permit C-27-856

DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered this 13th day of February, 1990, by USA/FAIRFIELD REALTY FUND, LTD. (hereinafter called the "Declarant") with reference to the following facts:

A. Declarant is the owner of the real property (the "Property") in the City of Riverside, County of Riverside, State of California, described in Exhibit "A" attached hereto.

The Property consists of approximately 7.55 acres at 4243-91 Monroe Street and 4260 Shelby Drive situated on the northeasterly side of Monroe Street and the southwesterly side of Shelby Drive. The Property is in the Single-Family Residential ("R-I-65") Zone.

B. The Declarant desires to establish a senior citizens' apartment complex consisting of approximately 152 one-story apartment units, open space and incidental parking on the Property. The City of Riverside (the "City") has approved, subject to certain conditions, a Conditional Use Permit in Zoning Case C-27-856 for the Property to allow the construction of the senior citizens' apartment complex.

C. As a condition to the approval of the Conditional Use Permit C-27-856, the City is requiring the Declarant to provide a covenant subject to the approval of its Legal Department restricting the minimum age of any occupant to 60 years of age.

D. Declarant desires to develop the senior citizens' apartment complex on the Property pursuant to Conditional Use Permit C-27-856 approved by the City and to meet the conditions of approval of said Conditional Use Permit.

NOW, THEREFORE, Declarant hereby declares that the Property shall be developed, improved, held, sold, conveyed and leased subject to the following restrictions, covenants and conditions which are for the purpose of complying with a condition of approval

CONTINENTAL LAWYERS TITLE COMPANY has recorded this document as an accommodation only. It has not been examined for regularity, sufficiency or effect on the title to the property therein described.

03-13-27-56-64

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C/A 182

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1 - 7.57 AC ±

THAT PORTION OF LOTS 13 AND 14, BLOCK 7 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 13;

THENCE NORTHWESTERLY ON THE SOUTHWESTERLY LINE OF SAID LOT 13, 246 FEET;

THENCE NORTHEASTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 13, 142.5 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTHEASTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 13, 518.90 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 13;

THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF SAID LOT 13, 29.00 FEET;

THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 14, 277.22 FEET TO THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO WALTER T. MCDONALD BY DEED FILED FOR RECORD DECEMBER 28, 1979, AS INSTRUMENT NO. 263935 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

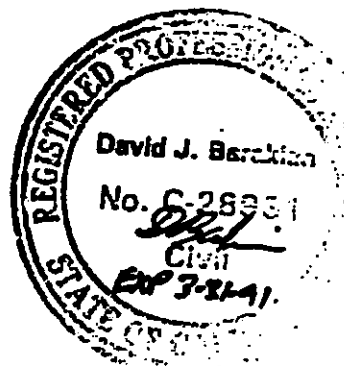
THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID PARCEL, 377.14 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL; THENCE SOUTHWESTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOTS 14 AND 13, 938.74 FEET TO THE MOST WESTERLY CORNER OF PARCEL 2 OF THE RECORD OF SURVEY ON FILE IN BOOK 34, PAGE 54 OF RECORDS OF SURVEY IN THE OFFICE OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTHEASTERLY ON THE SOUTHWESTERLY LINE OF SAID PARCEL 2, 100.89 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL 2;

THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF PARCEL 1 OF SAID RECORD OF SURVEY, 142.50 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 1; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 AND THE SOUTHEASTERLY EXTENSION THEREOF 304.70 FEET TO THE TRUE POINT OF BEGINNING.

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092011(61,10 sv)

DESCRIPTION APPROVAL 10/19/89
Georae Hutchinson
 SURVEYOR, CITY OF RIVERSIDE



imposed by the City in Zoning Case C-27-856 and for protecting the value and desirability of the Property.

1. Each apartment unit on the Property shall be occupied by a tenant at least sixty (60) years of age or older; provided, however, there shall be no age restriction for the tenant's spouse or a full-time attendant of a handicapped tenant occupying the same unit.

2. Any person, whether an individual, corporation, partnership, association or otherwise who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the provisions of this Declaration of Covenants, Conditions and Restrictions and to be subject to the provisions contained herein.

3. The Property and the apartment units located thereon shall be held, conveyed, encumbered, leased, rented, used and occupied subject to the restrictions established hereinabove. The terms of this Declaration of Covenants, Conditions and Restrictions may be enforced by the City or by any tenant or prospective tenant of any apartment unit on the Property.

4. No breach of any of the covenants, conditions, and restrictions herein contained shall render invalid the lien of any Deed of Trust on the Property made in good faith and for value, but all of said covenants, conditions, and restrictions shall be binding on and effective against any owner whose title is derived through foreclosure or Trustees Sale, or otherwise.

5. This Declaration of Covenants, Conditions and Restrictions shall run with the land and each and every term or condition thereof shall be binding upon the Declarant and its successors or assigns, and shall continue in effect until released by the City Council of the City of Riverside.

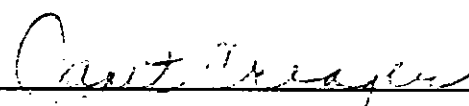
IN WITNESS WHEREOF Declarant has caused this Declaration of Covenants, Conditions and Restrictions to be executed the day and year first above written.

USA/FAIRFIELD REALTY FUND, LTD.
A California Limited Partnership
BY: USA PROPERTIES FUND, INC.

By: 

Steven Gall

Its: Vice President

By: 

Janet Creager

Its: Corporate Secretary