

WHEN RECORDED MAIL TO:

CITY CLERK  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

Project: Zoning Case RZ-008-923  
6830 Palm Avenue  
Riverside, California

RECEIVED FOR RECORD  
AT 12:00 O'CLOCK P.M.

NOV 29 1993

Recorded in Official Records  
of Riverside County, California  
Walter R. Jones  
Recorder  
Fees \$

472937

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

14/3/93  
DR

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 29<sup>th</sup> day of NOVEMBER, 1993, by JOSEPH G. HUBBARD, an unmarried man, ("Declarant") with reference to the following facts:

A. Declarant is the owner of record of the following described real property ("the Property") situated in the City of Riverside, County of Riverside, State of California:

Lot 1 in Block 3 of Tibbet's Tract, as shown by map on file in Book 4, Page 91 of Maps, records of Riverside County, California:

Also that portion of Luther Street, formerly Canal Avenue, as shown on said map, as abandoned by the Common Council of the City of Riverside on April 29, 1920 by Metes and Bounds:

Beginning at the Southwest corner of Lot 1 in Block 3 of Tibbet's Tract;

Thence Easterly on the Southerly line of said Lot 1, 150 feet;

Thence Southerly on the extension of the Easterly line of said Lot 1, 18 feet;

Thence Westerly parallel with the Southerly line of said Lot 1, 150 feet to the easterly line of Palm Avenue;

DESCRIPTION APPROVAL 10/22/93  
Walter R. Jones  
SURVEYOR, CITY OF RIVERSIDE

Thence Northerly on the extension of the Westerly line of said Lot 1 in Block 3, 16 feet to the Southwest corner of said Lot 1 in Block 3, the same being 15 feet adjoining said Lot 1 on the South side thereof.

Also that portion of Luther Street as shown by abandonment by the City of Riverside in document recorded September 14, 1938 in Book 392, Page 311 of Official Records of Riverside County, California and also recorded December 20, 1939 in Book 491, Page 519 of Official Records of Riverside County, California.

The Property is located at the northeast corner of Palm Avenue and Luther Street and has the street address of 6830 Palm Avenue, Riverside, California.

B. The Property is currently developed with a single family, two-story dwelling and detached garage.

C. In Zoning Case RZ-008-923, Declarant desires to rezone the Property from the Single Family Residential (R-1-65) Zone to the Restricted Office (RO) Zone. Declarant further desires to convert the existing house to a medical office.

D. As a condition of the approval of the rezoning of the Property to the Restricted Office and One Story Heights of Building Combining Zone (RO-S-1 Zone), the City of Riverside is requiring that prior to the adoption of the rezoning ordinance, Declarant must record a covenant to the approval of the Planning and Legal Departments acknowledging that upon the rezoning of the Property to RO-S-1, the second story of the existing two-story residential dwelling will be non-conforming and restricting the use of the second story of the existing structure for storage purposes only.

E. By this document, Declarant desires to comply with the above-noted condition imposed by the City of Riverside in Zoning Case RZ-008-923.

NOW, THEREFORE, for the purpose of complying with a condition imposed by the City of Riverside for the approval of Zoning Case RZ-008-923, Declarant hereby covenants and agrees with the City of Riverside and follows:

1. Declarant hereby acknowledges that the second story of

the existing two-story dwelling located on the Property will be non-conforming upon the rezoning of the Property to RO-S-1.

2. Declarant hereby agrees that the second story of the existing single-family residence located on the Property shall be restricted to use as storage only and for no other purpose upon the rezoning of the Property to RO-S-1.

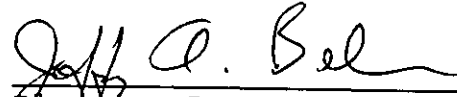
3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to court costs including reasonable attorneys' fees and expert witnesses' fees.

4. 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 it is released by the City Council of the City of Riverside, California.

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

  
 \_\_\_\_\_  
 JOSEPH G. HUBBARD

APPROVED AS TO CONTENT:

  
 \_\_\_\_\_  
 Planning Department

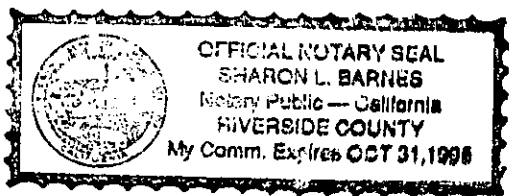
APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Assistant City Attorney

State of California )  
County of Riverside ) ss

On 11-29-93, before me Sharon L. Barnes  
(date) (name and title of the officer)  
personally appeared Joseph G. Hubbard

~~personally known to me~~ (or 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.



WITNESS my hand and official seal.

Sharon L. Barnes  
Signature

CAPACITY CLAIMED BY SIGNER

- ( ) Attorney-in-fact
- ( ) Corporate Officer(s)  
Title \_\_\_\_\_ Title \_\_\_\_\_
- ( ) Guardian /Conservator
- ( ) Individual(s)
- ( ) Partner(s)  
( ) General ( ) Limited
- ( ) Trustee(s)
- ( ) Other \_\_\_\_\_

The party(ies) executing this document is/are representing:  
\_\_\_\_\_  
\_\_\_\_\_