

523007

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WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-038-923
5531 Cornwall Avenue
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

DEC 30 1993

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 30th day of December, 1993, by TIMOTHY W. TITUS and BERNETA M. TITUS, husband and wife as joint tenants (collectively the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of the following described real property (the "Property") situated in the City of Riverside, County of Riverside, State of California:

Lot 100 of Fairview Estates #5 as shown by map on file in Book 41, pages 98 through 100 of Maps, records of Riverside County, California.

B. The Property is located at 5531 Cornwall Avenue, Riverside, California, and is zoned for single family residential use (R-1-125). The Property is developed with a single-family house with attached garage and a detached carport and storage building. Declarants desire to demolish the existing detached carport and storage building to construct a 660-square-foot auxiliary dwelling unit with an attached 440 square-foot, 2-car garage served by the existing 20 foot wide driveway.

C. "Auxiliary dwelling unit" as defined by Section 19.04.037 of the Riverside Municipal Code means 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 and which is established by conditional use permit pursuant to Section 19.64.030 of said Code and pursuant to the criteria set forth in paragraph (13) of Section 19.07.030 of said Code.

D. The City of Riverside has required, as a condition of approval of a conditional use permit for the auxiliary

DESCRIPTION APPROVAL 12/22/93
Walter B. Dye
SURVEYOR, CITY OF RIVERSIDE

dwelling unit in Zoning Case CU-038-923, that certain restrictions be placed upon the Property with regard to the use of the auxiliary dwelling unit so that it shall only be occupied in accordance with the provisions of Section 19.07.030(13) of the Riverside Municipal Code and certain other conditions of approval for said conditional use permit.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Riverside for the issuance of a Conditional Use Permit in Zoning Case CU-039-923, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The auxiliary dwelling unit shall be occupied solely in accordance with Section 19.07.030(13) of the Riverside Municipal Code and the conditions of approval in Zoning Case CU-038-923, including but not limited to the following provisions:

a. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).

b. Each occupant of the auxiliary dwelling unit shall be 60 years of age or older.

c. Either the primary dwelling unit or the auxiliary dwelling unit on the Property shall be occupied by the legal owner of the Property.

d. The auxiliary dwelling unit shall have no separate address or house number.

e. The auxiliary dwelling unit shall have full utility and sanitary hookups in conjunction with the primary dwelling unit; separate utility meters and laterals shall not be installed.

f. The auxiliary dwelling unit shall be screened from adjacent property by opaque fencing and/or landscaping to the approval of the staff of the Planning Department of the City of Riverside.

g. A minimum of one covered parking space shall be provided for the auxiliary dwelling unit in addition to any parking requirement for the primary dwelling unit. All covered parking spaces shall be served by a common driveway system.

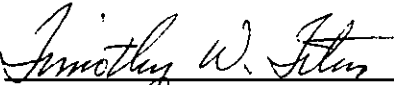
2. When the use as an auxiliary dwelling unit in accordance with Section 19.07.030(13) of the Riverside Municipal Code ends, the Property shall revert to single-family residential use and the auxiliary dwelling unit shall be removed from the Property or converted to an accessory building or guest house pursuant to the

plan submitted by Declarants to the Planning Department of the City of Riverside by removing the kitchen to the satisfaction of the Planning Director. The removal of the kitchen shall include but not necessarily be limited to the removal of any double sink; the removal of any standard refrigerator; the removal of any 220 electric lines; and the removal of any gas lines. A single basin sink and an undercounter refrigerator may be placed in a guest house for use as a wet bar. No kitchen facilities are permitted in an accessory building used for accessory living quarters. The single-family house and the accessory building or guest house shall be used as one dwelling unit. Neither building shall be used as a separate dwelling unit or separate living quarters from the other. Neither building shall be sold, rented or leased separately from the other unit.

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 of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

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 Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

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



 Timothy W. Titus


 Berneta M. Titus

Approved as to Content:


 Planning Department

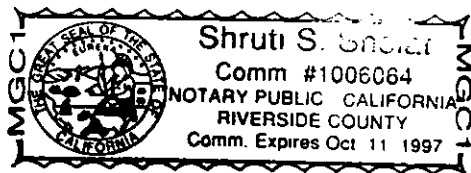
Approved as to Form:


 Assistant City Attorney

State of California)
County of Riverside) ss

On December 30, 1993, before me, a Notary Public in and for said State, personally appeared Berneta M. Titus and Timothy W. Titus

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.

Shruti S. Shelar

Signature

Attach to 3 page Covenant and Agreement and Declaration of Resinctions

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:
