

019410

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-001-934
4318 Seventh Street
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JAN 18 1994

Recorded in Official Records
of Riverside County, California
Recorder
Fees \$
W. J. [Signature]

14/3/90

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this day of , 1994, by WILLIAM W. BAGGETT and ELAINE E. BAGGETT, husband and wife, as joint tenants ("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:

That portion of Block 7, Range 13, according to Map of Town of Riverside, in Book 7, page 17 of Maps, San Bernardino County Records, described as follows:

BEGINNING on the Southerly line of Seventh Street, 46 feet Westerly from the Northeasterly corner of said Block 7;

THENCE Westerly along the Southerly line of Seventh Street, 46 feet;

THENCE Southerly at a right angle to Seventh Street, and parallel with Cedar Street, 160 feet;

THENCE Easterly at a right angle and parallel with Seventh Street, 46 feet;

THENCE Northerly at a right angle and parallel with Cedar Street, 160 feet to the POINT OF BEGINNING.

B. The Property, known as 4318 Seventh Street, Riverside, California, is in the Single-Family Residential (R-1-65) Zone and is developed with a duplex and a detached garage/workshop with a second story apartment. In City of Riverside Case No. NCS-2-923, the City of Riverside ("City") determined that the duplex should be considered as non-conforming solely for

DESCRIPTION APPROVAL 1/12/94
Scott Warren by _____
for SURVEYOR, CITY OF RIVERSIDE

purposes of continuing in use as there was substantial evidence that the duplex had existed for a lengthy period of time and has been recognized by a number of public agencies even though it could not be absolutely verified that the two family unit oriented towards the front of the Property was lawfully established as a non-conforming use. However, City was unable to establish the lawful status of the apartment above the garage located at the rear of the Property, and Declarants were required to either remove the apartment or legally convert it to a guest house by removing the kitchen.

C. Declarant thereafter filed an application with City for a conditional use permit to legalize the existing guest house in Zoning Case CU-001-932. The application for the conditional use permit was to expand the duplex, which for the purposes of said application was treated as though nonconforming, to include the workshop and second story guest house. The application for the conditional use permit was approved subject to certain conditions including that the Declarants execute a covenant to the satisfaction of the Legal and Planning Department restricting the second story to additional living area as a guest house with no kitchen.

D. "Guest house" is defined by Section 19.04.165 of the Riverside Municipal Code to mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, having no kitchen, and not rented or otherwise used as a separate dwelling.

E. Declarant desires to restrict the use of the Property to comply with a condition imposed by City for the granting of a conditional use permit in Zoning Case CU-001-932.

NOW, THEREFORE, for the purposes of complying with a condition of approval for the granting of a conditional use permit in Zoning Case CU-001-932 by the City of Riverside and in consideration of such approval, Declarants hereby covenant and agree with City that the following restrictions shall apply to the Property:

1. The guest house shall only be used by temporary guests of the occupants of the Property, and neither the duplex nor the second-story to the detached garage containing the guest house shall be used as a separate dwelling unit or separate living quarters from the other building.

2. Neither the duplex nor the second-story to the detached garage containing the guest house shall be sold, rented or leased separately from the other building.

3. No kitchen shall be permitted, maintained or installed in the guest house located in the second story addition to the detached

garage.

4. Except as otherwise permitted by Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.

5. The required on-site covered parking shall be maintained at all times.

6. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside 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.

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


WILLIAM W. BAGGETT


ELAINE E. BAGGETT

APPROVED AS TO CONTENT:


Planning Department

APPROVED AS TO FORM:

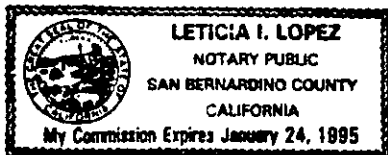
Assistant City Attorney

State of California)
County of Riverside) ss
)

On January 14, 1994, before me, the undersigned, a notary public in and for said State, personally appeared _____
William W. Baggett and Elaine E. Baggett

~~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.



Leticia I. Lopez
Signature

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____ Title _____
- () Guardian /Conservator
- () Individual(s)
- () Partner(s)
() General () Limited
- () Trustee(s)
- XX) Other Notary Public

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

