

290284

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-016-890 (Revised)
12193 Raley Drive
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JUL 21 1994

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 20th day of July, 1994, by FRANCIS E. TROWBRIDGE and LINDA J. TROWBRIDGE, husband and wife as joint tenants (collectively the "Declarants") with reference to the following facts:

A. Declarants are the fee owners of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, described in Schedule A, attached hereto and incorporated herein by this reference.

B. The Property, consisting of approximately 5.9 acres, is located at 12193 Raley Drive, Riverside, California, and is in a single family residential zone designated as the Residential Conservation ("RC") Zone. The Property is now developed with a single-family house. Declarants desire to install a mobile home to be used as an auxiliary dwelling unit, commonly known as a "granny flat".

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 dwelling unit in Zoning Case CU-016-890 (Revised), 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.

E. Declarants further wish to comply with a condition imposed by the Alvord Unified School District for the waiving of school fees for the installation of the mobile home to be used as an auxiliary dwelling unit by assuring that the mobile home will only be used for the occupancy of persons at least 60 years or older and that when such use has ceased, the mobile home will be removed from the Property.

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-016-890 (Revised) and the Alvord Unified School District for the waiving of school development fees, Declarants hereby covenant and agree with said City and said School District 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-016-890 (Revised), 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. 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.

g. Neither the primary residence or the auxiliary dwelling unit shall be sold, rented or leased separately from the other.

2. When the use as an auxiliary dwelling unit in accordance with Section 19.07.030(13) of the Riverside Municipal Code ends, the mobile home used as the auxiliary dwelling unit will be removed from the Property and the Property shall revert to single-family residential use.


3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside and 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. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the Alvord Unified School District and its successors or assigns. Should the Alvord Unified School District 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, reasonable costs of suit, and all applicable developer fees in effect as of the date of this Covenant and Agreement.

5. 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 until such time as the mobile home to be used as an auxiliary dwelling unit is removed from the Property, at which time it shall automatically terminate.

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

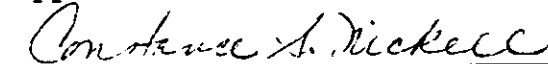

Francis E. Trowbridge


Linda J. Trowbridge

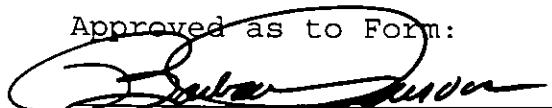
Approved as to Content:

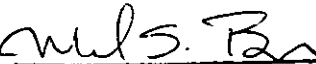

Planning Department
City of Riverside

Approved as to Content:


Alvord Unified School District

Approved as to Form:

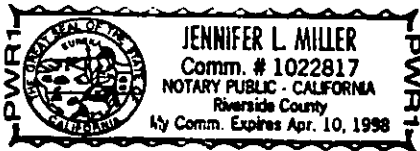

Assistant City Attorney
City of Riverside

DESCRIPTION APPROVAL: 7,18,94

SURVEYOR, CITY OF RIVERSIDE

State of California)
) ss
County of RIVERSIDE)

On JULY 21, 1994, before me, a Notary Public in and for said State, personally appeared LINDA J. TROWBRIDGE AND FRANCIS E. TROWBRIDGE

~~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.
Jennifer L. Miller
Signature

CAPACITY CLAIMED BY SIGNER

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

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

SCHEDULE A

THAT PORTION OF FRACTIONAL SECTION 16, TOWNSHIP 3 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY MAP OF RANCHO LA SIERRA, ON FILE IN BOOK 6 PAGE 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEASTERLY CORNER OF THAT 120 ACRE TRACT IN THE SOUTHWEST PORTION OF FRACTIONAL SECTION 15, TOWNSHIP 3 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY SAID MAP ON RANCHO LA SIERRA;
THENCE SOUTH $00^{\circ} 20'$ EAST, ALONG THE EASTERLY LINE OF SAID 120 ACRE TRACT, 1602.30 FEET,
THENCE SOUTH $89^{\circ} 40'$ WEST, 971 FEET;
THENCE NORTH $80^{\circ} 10'$ WEST, 200 FEET;
THENCE NORTH $80^{\circ} 52'$ WEST 145.36 FEET, TO THE NORTHEASTERLY CORNER OF THAT 3.21 ACRE PARCEL OF LAND CONVEYED TO BARBARA M. HARE, ET AL, BY DEED RECORDED JUNE 15, 1943 IN BOOK 584, PAGE 487 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH $21^{\circ} 35'$ WEST, ALONG THE EASTERLY LINE OF SAID 3.21 ACRE PARCEL, 321.60 FEET;
THENCE NORTH $76^{\circ} 32'$ WEST, ALONG THE SOUTHERLY LINE OF SAID 3.21 ACRE PARCEL, 409 FEET, TO THE WESTERLY LINE OF SAID 120 ACRE TRACT, SAID WESTERLY LINE BEING ALSO THE WESTERLY LINE OF LOT 21, AS SHOWN ON SAID MAP OF RANCHO LA SIERRA;
THENCE NORTH $00^{\circ} 58'$ WEST, ALONG SAID WESTERLY LINE, 297.11 FEET, TO THE NORTHEASTERLY CORNER OF THAT 6.98 ACRE TRACT OF LAND CONVEYED TO KENNETH KNOEFLER AND WANDA L. KNOEFLER, HIS WIFE, BY DEED RECORDED MAY 2, 1945 IN BOOK 669 PAGE 394 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;
THENCE NORTH $00^{\circ} 58'$ WEST, ALONG SAID WESTERLY LINE, 390.19 FEET, TO THE CENTER LINE OF THAT CERTAIN EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, 50 FEET WIDE, DESCRIBED AS THE FIRST EXCEPTION IN DEED RECORDED AUGUST 18, 1950 IN BOOK 1197 PAGE 579 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

SCHEDULE A
(Continued)

legal description continued

THENCE SOUTH 89° 30' 40" WEST, ALONG THE CENTER LINE OF SAID EASEMENT, 80.21 FEET, TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOHN ORMAND DALKE AND MAYBELLE LORRAINE DALKE, BY DEED RECORDED JANUARY 19, 1953 AS INSTRUMENT NO. 2672, FOR THE TRUE POINT OF BEGINNING; THENCE NORTH 00° 29' 20" WEST, 25 FEET, TO THE NORTHERLY LINE OF SAID EASEMENT;

THENCE NORTH 25° 34' 00" WEST, 528.42 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND SO CONVEYED;

THENCE SOUTH 89° 45' 30" WEST, 829.83 FEET;

THENCE SOUTH 44° 09' 30" EAST, 106.99 FEET;

THENCE SOUTH 23° 27' 40" EAST, 378.47 FEET;

THENCE NORTH 89° 10' 30" WEST, 67.86 FEET;

THENCE SOUTH 09° 23' 30" EAST, 310.94 FEET, TO THE NORTHEAST CORNER OF PARCEL 2, AS CONVEYED TO FELICE LIPARI, ET UX, BY DEED RECORDED APRIL 19, 1950 IN BOOK 1165 PAGE 316 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THENCE SOUTH 37° 25' 20" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL 2, SO CONVEYED TO FELICE LIPARI, ET UX (FORMERLY RECORDED SOUTH 38° 37' 15" WEST), 4.27 FEET, TO AN ANGLE POINT THEREON; THENCE SOUTH 21° 28' 20" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL 2 (FORMERLY RECORDED SOUTH 22° 40' 15" WEST), 158.00 FEET, TO AN ANGLE POINT THEREON;

THENCE SOUTH 14° 53' 55" EAST, ALONG THE EASTERLY LINE OF SAID PARCEL 2 (FORMERLY RECORDED SOUTH 13° 42' EAST), 68.05 FEET, TO A POINT THEREON, SAID POINT BEING THE INTERSECTION OF THE SOUTHWEST EXTENSION OF THE COURSE IN THE SOUTHERLY LINE OF THAT CERTAIN 3.30 ACRE PARCEL OF LAND, DESCRIBED IN DEED TO ROGER A. EVANS, ET UX, RECORDED MARCH 28, 1947 IN BOOK 826 PAGE 274 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID COURSE HAVING A

BEARING OF SOUTH 85° 33' 20" WEST (RECORDED SOUTH 85° 17' 30" WEST, IN SAID DEED); THENCE NORTH 85° 33' 20" EAST, ALONG THE SOUTHWESTERLY EXTENSION OF SAID COURSE IN THE SOUTHERLY LINE OF SAID 3.30 ACRE PARCEL, 497.07 FEET, TO THE CENTER LINE OF THE 50 FOOT EASEMENT PREVIOUSLY REFERRED TO, RECORDED AUGUST 18, 1950 AS INSTRUMENT NO. 3017, SAID POINT BEING ALSO THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL CONVEYED TO GERALD R. SAMS AND MARGARET C. SAMS, BY DEED RECORDED MAY 2, 1952 AS INSTRUMENT NO. 18694 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

SCHEDULE A
(Continued)

legal description continued

THENCE ALONG THE CENTER LINE OF SAID EASEMENT AND THE NORTHWESTERLY LINE OF SAID PARCEL SO CONVEYED, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 200 FEET, THROUGH AN ANGLE OF 46° 58' 50" (RECORDED AS 46° 53' IN SAID DEED), AN ARC DISTANCE OF 163.99 FEET; THENCE NORTH 42° 27' 10" EAST, ALONG SAID CENTER LINE AND SAID NORTHWESTERLY LINE OF SAID PARCEL OF LAND, 263.35 FEET (RECORDED IN SAID DEED AS NORTH 42° 10' 30" EAST, 263.96 FEET);

THENCE ALONG SAID CENTER LINE AND SAID NORTHWESTERLY LINE OF SAID PARCEL OF LAND, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 200 FEET, THROUGH AN ANGLE OF 47° 03' 30" (RECORDED IN SAID DEED AS 47° 16' 30", AN ARC DISTANCE OF 164.26 FEET;

THENCE NORTH 89° 30' 40" EAST, ALONG SAID CENTER LINE AND ALONG THE NORTHERLY LINE OF SAID PARCEL SO CONVEYED, 22.28 FEET, TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM AN EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, OVER THAT PORTION WITHIN A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE;

BEGINNING AT A POINT ON THE WESTERLY LINE OF THAT 120 ACRE TRACT IN THE SOUTHWEST PORTION OF SAID FRACTIONAL SECTION 15, SAID WESTERLY LINE BEING ALSO THE WESTERLY LINE OF SAID LOT 21, DISTANCE 390.19 FEET NORTHERLY FROM THE NORTHEASTERLY CORNER OF THAT 6.98 ACRE TRACT OF LAND CONVEYED TO KENNETH KNOEFLER, ET UX, BY DEED RECORDED MAY 2, 1945 IN BOOK 669 PAGE 394 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE SOUTH 89° 30' 40" WEST, 102.49 FEET;

THENCE SOUTHWESTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 200 FEET AND A CENTRAL ANGLE OF 47° 03' 30", TO THE END THEREOF; THENCE SOUTH 42° 27' 10" WEST, 99.32 FEET, TO A POINT DESIGNATED AS "POINT A";

THENCE SOUTH 42° 27' 10" WEST, 164.03 FEET;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 200 FEET AND A CENTRAL ANGLE OF 46° 58' 50", TO THE END THEREOF, SAID POINT BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 3.30 ACRE PARCEL OF LAND DESCRIBED IN DEED TO ROGER A. EVANS, ET UX, RECORDED MARCH 28, 1947 IN BOOK 826 PAGE 274 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

legal description continued

ALSO EXCEPTING THEREFROM THAT PORTION OF THE HEREIN DESCRIBED PROPERTY WHICH LIES SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF THAT CERTAIN EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, DESCRIBED IN THE EXCEPTION HEREIN, THE PORTION WITHIN A STRIP OF LAND 80 FEET IN WIDTH, BEING 40 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE;

BEGINNING AT THE POINT DESIGNATED AS "POINT A", IN THE HEREIN DESCRIBED EXCEPTION;
 THENCE NORTH 28° 02' WEST, 130 FEET;
 THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 90 FEET, AND A CENTRAL ANGLE OF 81° 30', A DISTANCE OF 128.02 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 90 FEET, AND A CENTRAL ANGLE OF 61° 30', A DISTANCE OF 96.60 FEET;
 THENCE NORTH 48° 02' WEST, 41.90 FEET;
 THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 125 FEET, AND A CENTRAL ANGLE OF 24° 30', A DISTANCE OF 53.45 FEET;
 THENCE NORTH 72° 32' WEST, 92.87 FEET; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 80 FEET, AND A CENTRAL ANGLE OF 90°, A DISTANCE OF 125.66 FEET;
 THENCE NORTH 17° 28' EAST, 49.83 FEET;
 THENCE NORTHERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 125 FEET, AND A CENTRAL ANGLE OF 54° 01', A DISTANCE OF 117.85 FEET; THENCE NORTH 36° 33' WEST, 127.20 FEET;
 THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 130 FEET, AND A CENTRAL ANGLE OF 55° 20', A DISTANCE OF 125.55 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 135 FEET, AND A CENTRAL ANGLE OF 81° 30', A DISTANCE OF 192.03 FEET.

ALSO EXCEPTING THEREFROM A 50 FOOT WIDE STRIP OF LAND, AS CONVEYED TO THE CITY OF RIVERSIDE, BY DEED RECORDED JULY 10, 1964 AS INSTRUMENT NO. 84843 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

--END OF SCHEDULE A--

DESCRIPTION APPROVAL 7/18/94

 SURVEYOR, CITY OF RIVERSIDE by WE