

327644

WHEN RECORDED MAIL TO:

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

AUG 29 1996

Project: Plan Check for
10015 Victoria Avenue
Riverside, California

Recorded in Official Records
of Riverside County, California
Recorder
Fees \$ 15

FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 29th day of August, 1996, by ALFRED O. STEWART and DOLORES M. STEWART, husband and wife (collectively, "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 Lot 3 of BALMORAL HEIGHTS, as shown by map on file in Book 11, page 93 of Maps, records of Riverside County, California, described as follows:

Beginning at a point on the Northwesternly line of Victoria Avenue, South 56° West 287 feet from the most Easterly corner of said Lot;

Thence North 34° West parallel with the Northeasterly line of said Lot, 652 feet to the Northwesternly line of said Lot;

Thence South 56° West of the Northwesternly line of said Lot, 95 feet to the most Westerly corner of said Lot;

Thence South 34° East on the Southwesterly line of said Lot, 652 feet to the Northwesternly line of Victoria Avenue, being the most Southerly corner of said Lot;

Thence North 56° East on the Northwesternly line of Victoria Avenue, 95 feet to the Point of Beginning.

DESCRIPTION APPROVAL 8/29/96
Walter R. Innes
65 SURVEYOR, CITY OF RIVERSIDE

B. The Property, known as 10015 Victoria Avenue, Riverside, California, is in the Residential Agricultural Five Acre ("RA-5") Zone and is developed with a single-family residence with carport. Declarants propose to build a guest house on the Property.

C. "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.

D. The current Zoning Code of the City of Riverside would require a variance for the construction of the new guest house, as well as the existing carport, for placement closer than one-half the lot depth of the Property. However, the Planning Department of the City of Riverside has determined that a variance is not required if the guest house is attached to the carport by means of a covered walkway, and the carport is attached to the main residence by means of a covered walkway.

E. As a condition to the approval by the Planning Department of the City of Riverside of the plans for the guest house, Declarants are required to record a covenant and agreement stating that the guest house will not contain kitchen facilities, nor be used as a separate residence, and will be attached to the carport by means of the covered walkway, and the carport will be attached to the residence by means of a covered walkway.

F. Declarant desires to record a covenant and agreement acceptable to the Planning Department of the City of Riverside which meets the above-referenced conditions and restricts the use of the Property for single-family residential so that the Property will not mistakenly be used for two dwelling units, for one primary dwelling unit and one auxiliary dwelling unit, or for commercial or business activity.

NOW, THEREFORE, for the purpose of complying with a condition of approval for the issuance of a building permit for the guest house imposed by the Planning Department of the City of Riverside and restricting the use of the Property to single-family residential, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The single-family house and the guest house shall be used as one dwelling unit.

2. No kitchen facilities shall be permitted, maintained or installed in the guest house.

3. Neither the guest house nor the existing residence shall be sold, rented or leased separately from the other.

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

5. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

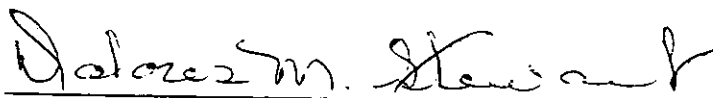
6. The guest house shall be attached to the existing carport by means of a covered walkway and the existing carport shall be attached to the existing residence by means of a covered walkway, which walkways shall be constructed in accordance with the plans submitted to and approved by the Planning Department of the City of Riverside.

7. 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.

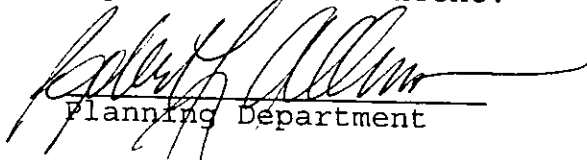
8. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.

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


 Alfred O. Stewart


 Dolores M. Stewart

Approved as to Content:


 Planning Department

Approved as to Form:


 Carolyn Conner 8-29-96
 Assistant City Attorney

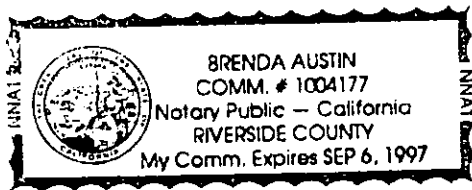
State of California)
County of Riverside) ss

On 8/29/96, 1996, before me, the undersigned,
a Notary Public in and for said State, personally appeared

Alfred O. Stewart

~~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.



Brenda Austin
Signature

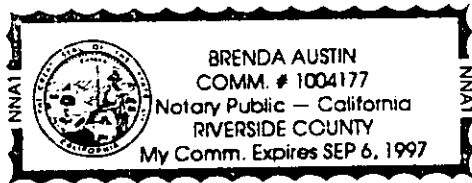
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Dolores M. Stewart

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Brenda Austin
Signature