

389241

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-042-956
6159 Stearns Street
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

OCT 10 1996

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$ 18

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 8th day of OCTOBER, 1996, by CAROLYN C. VALK, a married woman, and JAMES W. VALK, JR., a married man, 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 14 of MOUNTAIN VIEW FARMS, as shown by map on file in Book 14 of Maps, at page 24 thereof, records of Riverside County, California.

B. The Property is located at 6159 Stearns Street, Riverside, California, and is zoned for single family residential use (R-1-65). The Property is now developed with an approximately 1,207 square foot single-family residence on approximately 0.36 acres. Declarants desire to demolish the existing residence and reconstruct an approximately 1,802 single family residence, an approximately 660 square foot attached garage and an approximately 789 square foot auxiliary dwelling unit, commonly known 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 now set forth in paragraph (13) [now paragraph (14)] of Section 19.07.030 of

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DESCRIPTION APPROVAL

7/19/96

K. G. Strat
for SUPERVISOR, CITY OF RIVERSIDE by _____

27-8
CIA 520

said Code.

D. The City of Riverside has required, as a condition of approval of the minor conditional use permit for the auxiliary dwelling unit in Zoning Case CU-042-956, 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(14) 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-042-956, 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(14) of the Riverside Municipal Code and the conditions of approval in Zoning Case CU-042-956, 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.


2. When the use as an auxiliary dwelling unit in accordance with Section 19.07.030(14) of the Riverside Municipal Code ends, the Property shall revert to single-family residential use and the kitchen in the auxiliary dwelling unit shall be removed to the satisfaction of the Planning Director of the City of Riverside. 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. The single-family house and accessory building previously used for the auxiliary dwelling unit shall then be used as one dwelling unit. Neither shall be used as a separate dwelling unit or separate living quarters from the other. Neither shall be sold, rented or leased separately from the other.

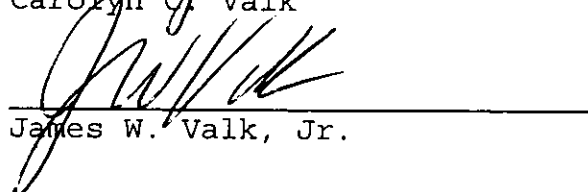
3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall 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 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.

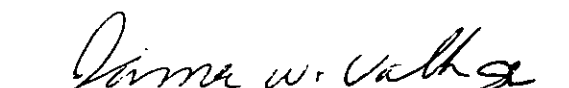


 Carolyn C. Valk



 James W. Valk, Jr.

I, as the husband of Carolyn C. Valk, hereby consent to and join in the above Covenant and Agreement and Declaration of Restrictions and agree to be bound by the terms and conditions therein contained.



 (Signature)

JAMES W. VALK SR

 (Print Name)

I, as the wife of James W. Valk, Jr., hereby consent to and join in the above Covenant and Agreement and Declaration of Restrictions and agree to be bound by the terms and conditions therein contained.

Cathleen A. Valk
(Signature)

Cathleen A. Valk
(Print Name)

Approved as to Content:

Ann D. Rice 7/16/96
Planning Department

Approved as to Form:

[Signature]
Assistant City Attorney

State of California)
County of RIVERSIDE)^{SS}

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

CAROLYN C. VALK, JAMES W. VALK SR, JAMES W.
VALK JR AND CATHLEEN A. VALK

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.



F G Schreyer
Signature

State of California)
County of _____)^{SS}

On _____, 1996, before me, the undersigned,
a Notary Public in and for said State, personally appeared

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.

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