

199731

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WHEN RECORDED MAIL TO:

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

Project: Variance Case VR-001-967
2472 University Avenue
Riverside, California

JUN - 6 1997

Recorded in Official Records
of Riverside County, California

[Signature]
Recorder
Fees \$ _____

ME
15

For Recorder's Office Use Only

DECLARATION OF RESTRICTION

THIS DECLARATION OF RESTRICTION is made and entered into this 5th day of June, 1997, by **WILLIAM MEDINA, SR. also known as WILLIAM MEDINA**, a widower ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of the following described real property (the "Property") consisting of two parcels ("Parcel 1" and "Parcel 2", respectively) situated in the City of Riverside, County of Riverside, State of California:

Parcel 1

Lot 22 of GARFIELD PLACE, as shown by map on file in Book 6 of Maps, at page 27 thereof, records of San Bernardino County, California:

ALSO commencing at the Northwest corner of Lot 22 of GARFIELD PLACE, as shown by said Map; thence Northerly across the street adjoining on the North, said Street being vacated and abandoned by resolution of the Board of Trustees of the City of Riverside on November 25, 1903, a copy of which resolution was duly recorded December 19, 1903 in the Office of the County Recorder of Riverside County, California, to a point on the Southerly line of an unnumbered lot in Block 15 of the H. P. KYES TRACT, as shown by Map recorded in Book 7, Page 27 of Maps, Records of San Bernardino County, California, distant 92.5 feet Easterly of the Southwest corner of said Lot; thence Northerly 11.58 feet, more or less, to a point on the Southerly line of Eighth Street, as shown on said Map of H. P. KYES TRACT, which point is 23.42 feet Northwest of the Southeast corner of said Lot; thence Southeast along the Southerly line of Eighth Street, the same being the Northeasterly line of the said unnumbered lot and the continuation thereof to the intersection of said line with the Easterly line of Lot 22, produced Northerly to the Northeast corner of said Lot 22; thence Westerly along the Northerly line of said Lot 22 to the Point of Beginning.

Lot 23 of GARFIELD PLACE, as shown by Map recorded in Book 6,

page 27 of Maps, records of San Bernardino County, California:

ALSO BEGINNING at the Northwest corner of said Lot 23; thence North along the East line of Sedgwick Street to the Southwesterly line of Eighth Street; thence Southeasterly along said Southwesterly line of Eighth Street, 59.96 feet; thence South 11.59 feet; thence Southerly to the Northeast corner of said Lot 23 of GARFIELD PLACE; thence Westerly along the Northerly line of said Lot 23, 52.56 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion deeded to the City of Riverside by Deed recorded May 27, 1983, as Instrument No. 105984 of Official Records of Riverside County, California.

Parcel 2

Lot 21 of GARFIELD PLACE as shown by map recorded in Book 6 at Page 27 of Maps, in the Office of the County Recorder of San Bernardino County, California, together with that portion of the unnamed street abutting the North line of said Lot 21 described as follows:

BEGINNING at the Northwest corner of said Lot 21;

THENCE North on the Northerly prolongation of the West line of said Lot 21 to the Southeasterly prolongation of the Northwest line of an unnumbered triangular lot lying south of the South line of Eighth Street as shown on the map of H. P. KYE'S TRACT recorded in Book 7 of Maps at Page 27 thereof, in the Office of the County Recorder of said County;

THENCE Southeast on last said prolongation to the Northerly prolongation of the East line of said Lot 21;

THENCE West on the North line of said Lot 21 to the Point of Beginning.

B. The Property, known as 2420 University Avenue, Riverside, California, is located in the Restricted Commercial and Specific Plan Combing ("C-2-SP") Zones and is developed with a two-story building which is used for a restaurant called Zacateca's Mexican Restaurant.

C. An application for a variance from the Zoning Regulations of the City of Riverside was filed on behalf of Declarant in City of Riverside Variance Case VR-001-967 to allow a total of 39 parking spaces where 69 are required, and to allow an approximately 5-foot wide landscaped setback adjacent to Sedgwick Avenue and an approximately 8 to 13-foot wide landscaped setback adjacent to University Avenue where 15-foot setbacks are required.

D. The Board of Administrative Appeals and Zoning Adjustment of the City of Riverside approved the variance request except as modified by certain conditions, including the requirement that the Declarant record a covenant subject to approval of the Planning and

Legal Departments stating that the second floor on the structure located on the Property will be used for storage purposes only by the occupants of the first floor business.

NOW, THEREFORE, for the purpose of complying with a condition imposed by the City of Riverside in the granting of the variances in Variance Case VR-001-967, Declarant, for himself and his heirs, successors and assigns, hereby covenants and agrees with the City of Riverside as follows:

1. That the second floor of the structure located on the Property shall only be used for storage purposes related to the business located on the first floor of said structure, and for no other purpose.

2. The Property and the building located thereon shall be held, conveyed, encumbered, leased, rented, used and occupied subject to the restriction established hereinabove.

3. The terms of this Declaration of Restriction may be enforced by the City of Riverside, and its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Declaration of Restriction, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

4. This Declaration of Restriction shall run with the land and each and all of its terms shall be binding upon Declarant, his 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 Declarant has caused this Declaration of Restriction to be executed the day and year first written above.

William Medina SR.
WILLIAM MEDINA, SR.

By William Medina Jr.
William Medina, Jr., his
Attorney-in-fact

Approved as to Content:

[Signature]
Planning Department

Approved as to Form:

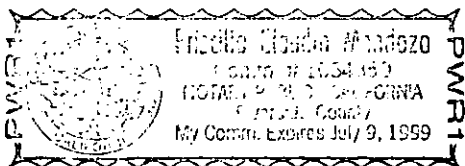
[Signature]
Assistant City Attorney

State of California)
County of RIVERSIDE)se

On June 5, 1997, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared William Medina, Jr.

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.



Ericka Claudia Andrade
Signature

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:
