

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-026-967
4305 Adams Street
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JUN 17 1997

Recorded in Official Records
of Riverside County, California

Recorder *[Signature]*
Fees \$ 15

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FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS
FOR AN AUXILIARY DWELLING UNIT

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 06 day of 09, 1997, by **THUAN DUC NGUYEN**, a single man ("Declarant"), with reference to the following facts:

A. Declarant is the fee owner of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

All that portion of Lot 12 in Block 6 of Lands of the Riverside Land and Irrigating Company, as shown by map recorded in Book 1, Page 70 of Maps, records of San Bernardino County, California, particularly described as follows:

Beginning at the most southerly corner of said Lot 12;

Thence north 34° 00' West along the Southwesterly line of said Lot, 127.62 feet;

Thence north 56° 00' East and parallel with the Southeasterly line of said Lot, 660.9 feet to a point on the Northeasterly line of said Lot;

Thence south 34° 00' East along the Northeasterly line of said Lot, 127.62 feet to the most easterly corner of said Lot;

Thence south 56° 00' West along the Southeasterly line of said Lot, 660.9 feet to the Point of Beginning.

* 11/15

EXCEPTING THEREFROM that portion deed to the City of Riverside by document recorded April 29, 1957 in Book 2079, Page 220, Official Records of Riverside County, California.

Said property is also shown on Record of Survey on file in Book 13, Page 47 of Records of Survey, Records of Riverside County, California.

B. The Property, known as 4305 Adams Street, Riverside, California, is in the Single Family Residential ("R-1-65") Zone, and is currently developed with a single family residence. Declarant proposes to construct an approximately 750 square-foot accessory building for use as an auxiliary dwelling unit. Declarant has filed an application with the City of Riverside ("City") for the issuance of a minor conditional use permit in Zoning Case CU-026-967 to establish such auxiliary dwelling unit.

C. "Auxiliary dwelling unit" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") to mean 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. Such a unit is to be established by a conditional use permit, and pursuant to specific criteria as set forth in said Zoning Code.

D. Since the proposed auxiliary dwelling unit would encroach 140 feet into the 320 foot front yard setback and as the then existing Zoning Code required that an accessory building to be in the rear half of a lot, Declarant filed an application with City for such variance as part of Zoning Case CU-026-967.

E. City has required, as a condition of the approval of the minor conditional use permit for the auxiliary dwelling unit in Zoning Case CU-026-967, 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 the Zoning 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, Declarant hereby covenants and agrees with City that the following restrictions shall apply to the Property:

1. The auxiliary dwelling unit shall be occupied solely in accordance with the Zoning Code and the conditions of approval in Zoning Case CU-026-967, 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 continuously 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 the applicable provisions of the Zoning Code and the conditional use permit issued in Zoning Case CU-026-967 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 City, its successors or assigns. Should City 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 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 Covenant and Agreement to be executed as of the day and year first written above.

Thuan Duc Nguyen
Thuan Duc Nguyen

APPROVED AS TO CONTENT:

[Signature]
Planning Department

APPROVED AS TO CONTENT:

[Signature]
Assistant City Attorney

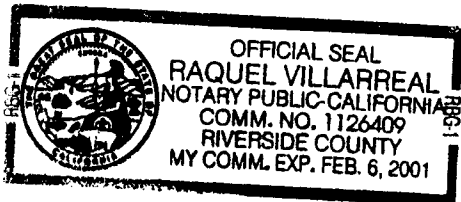
State of California)
County of Riverside) ss

On June 9, 1997, before me, the undersigned, a notary public in and for said State, personally appeared

Thuan Duc Nguyen

~~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.



[Signature]
Signature