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AUG 27 1997

Recorded in Official Records
of Riverside County, California
Recorder

Fees \$

WHEN RECORDED MAIL TO:

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

Project: Zoning Case CU-048-956
6520 Harley Street
Riverside, California

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 23rd day of August, 1997, by JOSE F. MUNOZ and MARIA GUADALUPE MUNOZ, husband and wife, as joint tenants (collectively, "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 as follows:

Lot 92 of HEERS SUBDIVISION NO. 5 as shown by map on file in Book 2 of Maps, at pages 23 and 24 thereof, records of Riverside County, California.

B. The Property, known as 6520 Harley Street, Riverside, California, is in the Single Family Residential ("R-1-65") Zone, and is currently developed with a single family residence and a detached garage. The garage has been converted to additional living area without the benefit of a building permit. Due to the garage conversion, there is currently no covered parking.

C. Declarants propose to construct an approximately 216 square-foot carport to accommodate parking for both the primary dwelling and the accessory building, and to legalize the conversion of the garage as an auxiliary dwelling unit. Accordingly, Declarants have filed an application with the City of Riverside ("City") for the issuance of a minor conditional use permit in Zoning Case CU-048-956 to establish the auxiliary dwelling unit in the converted garage. In addition, Declarants have applied for two variances as

DESCRIPTION APPROVAL:
8/21/97
[Signature]
CITY OF RIVERSIDE



follows: (1) To allow a carport and auxiliary dwelling unit to encroach approximately 12.5 feet into the required 25 foot rear yard; and (2) to allow a carport and auxiliary dwelling unit to encroach approximately 1.5 feet into the required 7.5/10 foot side yard setback.

D. "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. Such auxiliary dwelling unit may be established within a permanent structure, attached to or detached from the primary dwelling unit, a mobile home, a travel trailer or a motor home.

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-048-956 and the variances requested by Declarants, 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 for an auxiliary dwelling unit, Declarants hereby covenant and agree 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-048-956, 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 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-048-956 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 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 to be executed as of the day and year first written above.

Jose F. Muñoz

Jose F. Muñoz

Maria Guadalupe Muñoz

Maria Guadalupe Muñoz

APPROVED AS TO CONTENT:
[Signature]

Planning Department

APPROVED AS TO FORM:
[Signature]

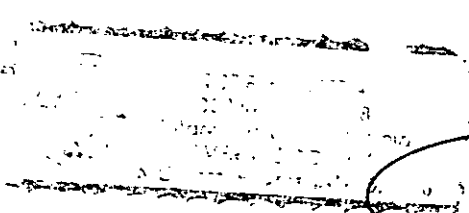
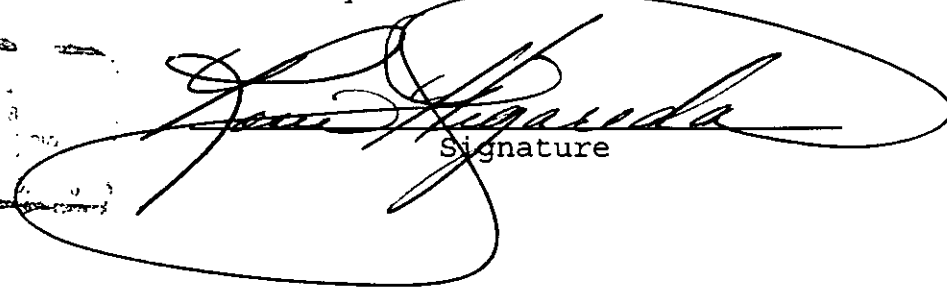
Assistant City Attorney

State of California)
County of Riverside) ss

On 08/23/1997, 1997, before me, the undersigned, a notary public in and for said State, personally appeared

Jose F. Muñoz & Maria Guadalupe Muñoz
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.

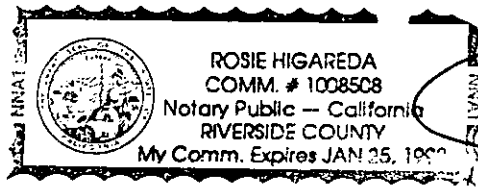
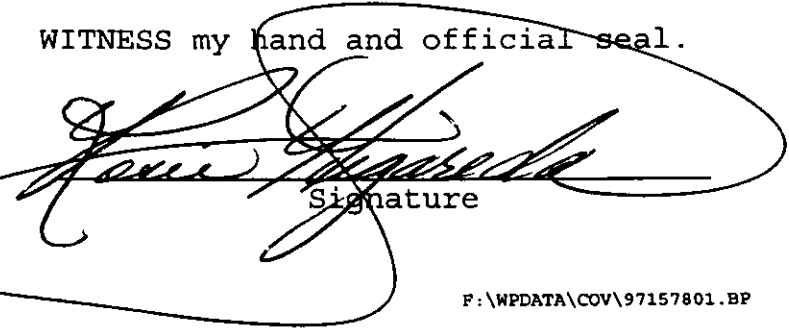


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