

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Project: Zoning Case RZ-031-956
10335 Indiana Avenue

558785
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AT 8:00 AM

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Recorded in Official Records
of Riverside County, California
Recorder 27
Fees \$

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COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 22nd day of December 1998, by Lester H. Harman and Rachelle M. Harman hereinafter referred to as "Declarant", with reference to the following facts:

A. Declarants are the fee owners of that certain real property ("the Property") situated on the northerly side of Indiana Avenue, westerly of Tyler Street, in the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by this reference.

B. Declarants have submitted an application with the City of Riverside ("City") in Zoning Case RZ-031-956 to rezone the Property from the Single Family Residential ("R-1-65") Zone to the General Commercial ("C-3-S-2-X") Zone in order to permit the filing of a conditional use permit for a miniwarehouse facility to be constructed on the Property.

C. The Zoning Code of City permits a wide range of uses in the C-3-S-2-X Zone, including certain uses which would not be compatible with the character and appearance of the surrounding single family and multi-family residential neighborhood in which the Property is located.

D. As a condition to the approval of the rezoning of the Property to C-3-S-2-X in Zoning Case RZ-031-956. Declarants are required to execute and record a covenant that restricts the Property to only the following uses:

(1) Miniwarehouses for the storage of goods, materials, and personal effects, excluding the outdoor storage of recreational vehicles, subject to the standards as listed in Section 19.36.020(2)(K) of the Riverside Municipal Code and the granting of a conditional use permit.

C/A 632

Attached For Clarity

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C. The Zoning Code of City permits a wide range of uses in the C-3-S-2-X Zone, including certain uses which would not be compatible with the character and appearance of the surrounding single family and multi-family residential neighborhood in which the Property is located.

D. As a condition to the approval of the rezoning of the Property to C-3-S-2-X in Zoning Case RZ-031-956, Declarants are required to execute and record a covenant that restricts the Property to only the following uses:

(1) Miniwarehouses for the storage of goods, materials, and personal effects, excluding the outdoor storage of recreational vehicles, subject to the standards as listed in Section 19.36.020(2)(K) of the Riverside Municipal Code and the granting of a conditional use permit.

(2) Any special uses listed in Code Section 19.64.040 of the Riverside Municipal Code subject to the granting of a conditional use permit except heliports, helistops and mineral extraction.

(3) Office uses listed in the Restricted Office ("RO") Zone as set forth in Chapter 19.20 of the Riverside Municipal Code.

E. Declarants desire to record a covenant and agreement acceptable to the Planning and Legal Departments of the City which meets the above-referenced condition and restricts the use of the Property to the uses listed above to ensure its compatibility with the surrounding neighborhood.

NOW, THEREFORE, for the purpose of complying with a condition imposed by City for the rezoning of the Property from R-1-65 to C-3-S-2-X, and in consideration of such rezoning in Rezoning Case RZ-031-956, Declarants hereby covenant and agree with the City of Riverside that the Property is, and shall hereafter be, held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the following covenants, conditions and restrictions:

1. The Property shall only be used for the following:

(a) Miniwarehouses for the storage of goods, materials and personal effects, excluding the outdoor storage of recreational vehicles, subject to the standards as listed in Section 19.36.020(2)(K) of the Riverside Municipal Code, and the granting of a conditional use permit in accordance with the Zoning Code of City. A copy of Section 19.36.020(2)(K) is attached hereto as Exhibit "B", and incorporated herein by this reference.

(b) Any special uses listed in Code Section 19.64.040 of the Riverside Municipal Code subject to the granting of a conditional use permit except heliports, helistops and mineral extraction. The special uses listed in Code Section 19.64.040, excluding heliports, helistops and mineral extractions, are as follows:

(1) Cemeteries, columbariums, crematories, mausoleums, offices and uses connected with and incidental to cemetery use;

(2) Mortuaries and associate chapels, churches, church schools, parsonages, monasteries, convents and recreational or entertainment uses incidental to church purposes;

(3) Clubs and lodges (private, nonprofit) including a private catering business as an ancillary function provided that the conditional use permit specifically includes the catering business;

- (4) Day nurseries, child care centers and preschool or nursery schools;
- (5) Educational institutions and private elementary and high schools;
- (6) Establishments involving large assemblages of people or automobiles such as open-air theaters, stadiums, auditoriums, exhibition halls and sports arenas;
- (7) Hospitals and sanitariums;
- (8) Libraries and museums (nonprofit);
- (9) Public utility installations;
- (10) Commercial radio and television transmitting and/or receiving stations, antennas and appurtenant support structures and facilities and any other antenna installation which constitutes the sole or principal use of a property;
- (11) Recreational facilities, privately operated (excluding bowling alleys, ice skating rinks and roller skating rinks);
- (12) Other special or unusual uses which provide an unusual combination of uses on a large scale or which the Planning Commission of City may determine to be similar, not more detrimental and equally essential to serve the public convenience and welfare;
- (13) The occupancy of a single house car, mobile home, motor home or trailer for residential use on an unimproved lot, one acre or larger, for a period exceeding the fifteen days in any one calendar year prescribed by Section 19.68.050 of the Riverside Municipal Code, but not exceeding one year;
- (14) Retail businesses and offices contained entirely within structures of historical, cultural or architectural significance provided all of the following criteria apply:
 - (i) The use, except for appurtenant off-street parking, is conducted entirely within the structure;
 - (ii) The structure is registered in the National Historic Register, a State Historical Landmark or a designated City Cultural Heritage Landmark or Structure of Merit;
 - (iii) The proposed use substantially preserves the significant characteristics of the structure;
 - (iv) The proposed use is not detrimental to the surrounding

neighborhood;

(15) Certified farmers' market as defined in the Chapter 19.04 of the Riverside Municipal Code;

(16) The use of a mobile medical unit when such use is in conjunction with an established medical office or hospital and the mobile medical unit is to be located on the same property or on adjacent non-residential property; and

(17) Transitional shelter housing, group housing, permanent emergency shelter or drop-in center as defined in Chapter 19.04 of the Riverside Municipal Code.

(c) Office uses listed in the Restricted Office ("RO") Zone as set forth in Chapter 19.20 of the Riverside Municipal Code. The office uses listed in Chapter 19.20 for the RO Zone are set forth in Exhibit "C", attached hereto and incorporated herein by this reference.

2. Any person, whether an individual, corporation, association, partnership, or otherwise, who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the restrictions on the use of the Property as set forth hereinabove.

3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by City, and its successors and assigns. Should City 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.

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 City Council 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.

APPROVED AS TO CONTENT:

Craig Aaron
PLANNING DEPARTMENT

Lester H. Harman
LESTER H. HARMAN

Rachelle M. Harman
RACHELLE M. HARMAN

APPROVED AS TO FORM

Kathleen M. Boyce
ASST. CITY ATTORNEY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On December 23, 1998 before me, Ann C. Hutchinson, Notary Public

DATE

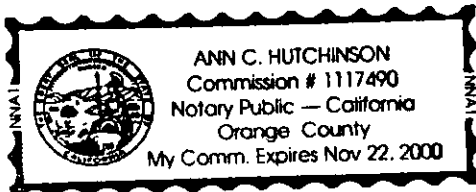
NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Lester H. Harman and Rachele M. Harman

NAME(S) OF SIGNER(S)

[X] 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.

Ann C. Hutchinson

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- [X] INDIVIDUALS
[] CORPORATE OFFICER

TITLE(S)

- [] PARTNER(S) [] LIMITED [] GENERAL
[] ATTORNEY-IN-FACT
[] TRUSTEE(S)
[] GUARDIAN/CONSERVATOR
[] OTHER:

DESCRIPTION OF ATTACHED DOCUMENT

Covenant and Agreement and Declaration of Restrictions

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

12/22/98

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

That portion of Lots 1, 2 and 3 in Block 37 of the Lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, Page 70 of Maps, records of San Bernardino County, California, *together with* Parcel 2 of Parcel Map No. 13156, as shown by map on file in Book 64, Pages 9 and 10 of Parcel Maps, records of Riverside County, California, described as follows:

BEGINNING at the most southerly corner of said Parcel 2;

THENCE North 67°54'37" East, along the southeasterly line of said Parcel 2 and along a line parallel with and distant 44.00 feet northwesterly, as measured at right angles, to the centerline of Indiana Avenue Extension as relinquished to the City of Riverside by Map of Relinquishment recorded August 19, 1959, and filed in Book 2, Page 150 of State Highway Maps, records of said Riverside County, a distance of 1415.45 feet to the beginning of a tangent curve concaving northwesterly and having a radius of 467.00 feet;

THENCE northeasterly to the left along said curve and continuing along said parallel line through a central angle of 11°33'12" an arc length of 91.95 feet;

THENCE North 56°21'25" East, continuing along said parallel line, a distance of 113.85;



THENCE North 11°21'29" East, a distance of 32.53 feet to a line parallel with and distant 44.00 feet southwesterly, as measured at right angles, to the centerline of Tyler Street as shown by said Map of Relinquishment;

THENCE North 33°38'28" West, along said last mentioned parallel line, a distance of 56.23 feet to the southeasterly line of the Burlington Northern Santa Fe Railroad right-of-way;

THENCE South 67°54'37" West, along said southeasterly line, a distance of 1624.99 feet to the most westerly corner of said Parcel 2 of Parcel Map No.13156;

THENCE South 22°05'23" East, along the southwesterly line of said Parcel 2, a distance of 114.27 feet to the POINT OF BEGINNING.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 12/24/98 Prep. 
 Mark S. Brown, L.S. 5655 Date
 License Expires 9/30/99



RZ-031-956

R-1-65 to
C-3-S-2-X

RACINE

DIANA AV

RIVERSIDE 91 FREEWAY

INDIANA AV

COMANCHE AV

ALGONQUIN

WINNEBA

CHEROKEE

TYLER ST

1 inch = 200 feet
DATE: 12/23/98
Aerial photo used for zoning map
Revised map to zoning map
of the data shown on this map. The
map shall not be reproduced or
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consent of the City of Riverside, California.
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Bridges, S&S/DB



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C/A 632