

124903

WHEN RECORDED MAIL TO:

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

RECEIVED FOR RECORD  
AT 8:00 AM

MAR 25 1999

Recorded in Official Records  
of Riverside County, California

Recorder

Fees \$ 0

Project: Plan Check for  
5264 Norwood Avenue  
Riverside, California

FOR RECORDER'S OFFICE USE ONLY

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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 23 day of March, 1999, by **JAVIER FERNANDEZ** and **GRISELDA FERNANDEZ**, husband and wife as joint tenants (collectively, "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:

All that portion of Lot 2 of the Algodena, as shown by map on file in Book 11 of Maps, pages 80 and 81 thereof, records of Riverside County, California;

Beginning at the Southeast corner of said Lot 2;

Thence Northerly along the Easterly line of said Lot, 120 feet, more or less, to a point distance 248.09 feet Southerly from the Northeast corner thereof;

Thence Westerly and parallel with the Southerly line of said Lot, 181 feet;

Thence Southerly and parallel with the Easterly line of said Lot, 120 feet, more or less, to a point on the Southerly line thereof;

Thence Easterly along the Southerly line of said Lot, 181 feet to the POINT OF BEGINNING.

B. The Property, known as 5264 Norwood Avenue, Riverside, California, is in a single family residential zone

DESCRIPTION OF THE PROPERTY  
*[Handwritten signature]*  
3.19.99

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C/A 637

and is developed with a single-family residence, a detached garage, and an existing guest house for which a prior Covenant and Agreement dated September 12, 1997 was recorded September 23, 1997 as Instrument No. 346430. Declarants propose to convert an existing garage on the Property into an accessory building to be used as a second guest house which will include a game room with bar sink, hobby area, a bedroom and a bathroom. A carport will be also be built.

C. "Guest house" is defined by Section 19.04.165 of the Riverside Municipal Code to mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, having no kitchen, and not rented or otherwise used as a separate dwelling.

D. As a condition to the approval by the Planning Department of the City of Riverside of the plans for the accessory building, Declarants are required to record a covenant and agreement stating that the accessory building will not contain a kitchen nor be used as a separate residence.

F. Declarants desire to record a covenant and agreement acceptable to the Planning Department of the City of Riverside which meets the above-referenced conditions and restricts the use of the Property for single-family residential so that the Property will not mistakenly be used for two dwelling units, for one primary dwelling unit and one auxiliary dwelling unit, or for commercial or business activity.

NOW, THEREFORE, for the purpose of complying with a condition of approval for the issuance of a building permit for the accessory building imposed by the Planning Department of the City of Riverside and restricting the use of the Property to single-family residential, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The main residence and the accessory building to be used as a guest house shall be used as one dwelling unit.

2. Neither the main residence nor the accessory building to be used as a guest house shall be used as a separate dwelling unit or separate living quarters from the other.

3. Neither the main residence nor the accessory building to be used as a guest house shall be sold, rented or leased separately from the other.

4. No kitchen shall be permitted, maintained or installed in the accessory building to be used as a guest house.

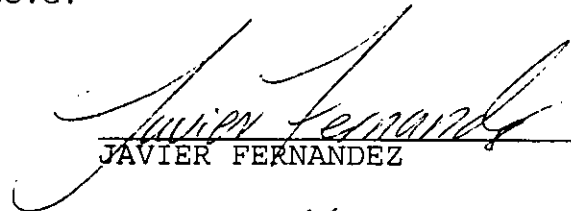
5. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.

6. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

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

8. 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.

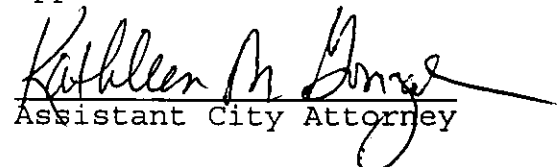
  
 \_\_\_\_\_  
 JAVIER FERNANDEZ

  
 \_\_\_\_\_  
 GRISELDA FERNANDEZ

Approved as to Content:

  
 \_\_\_\_\_  
 Planning Department

Approved as to Form:

  
 \_\_\_\_\_  
 Assistant City Attorney

State of California )  
County of Riverside ) ss

On March 23, 1999, 1999, before me, the undersigned,  
a Notary Public in and for said State, personally appeared

Javier Hernandez and Isabella Hernandez

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.



Maria L. Knorr  
Signature

State of California )  
County of Riverside ) ss

On March 23, 1999, before me, the undersigned,  
a Notary Public in and for said State, personally appeared

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\_\_\_\_\_  
Signature