

WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: CU-017-001
3647 Everest Street
Riverside, California 92503

DOC # 2001-099889

03/12/2001 08:00A Fee:15.00

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

(SINGLE FAMILY DWELLING RESTRICTION)



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 3rd day of MARCH, 2001, by **MICHAEL C. HUBBARD** and **KAREN A. HUBBARD**, husband and wife, ("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:

All of Lot 4 of Everest Acres as shown by Map on file in Book 12 Page 66 of Maps, Riverside County Records;

Excepting therefrom the Northwesterly one-half; and

Also excepting therefrom the Southwesterly rectangular 3 feet as conveyed to the City of Riverside

B. The Property, known as 3647 Everest Street, Riverside, California, is in the Single Family Residential ("R-1-65") Zone and is developed with a 564 square-foot single family residence and a 550 square-foot detached structure.

C. Declarants have applied to the City of Riverside for a minor conditional use permit to convert the existing 564 square-foot residence into an auxiliary dwelling unit with approximately consisting of a sewing room, a bedroom, a kitchen, a dining room, a laundry room, and a bathroom. Declarants also propose to construct a new primary residence with an attached garage and to demolish the existing 550 square-foot detached structure.

DESCRIPTIVE APPROVAL: 3/11/01
CITY OF RIVERSIDE

D. Prior to the minor conditional use permit becoming effective and the issuance of building permits, the City of Riverside is requiring Declarants to execute and record a covenant limiting the occupancy of the auxiliary dwelling unit to a maximum of two persons, each of whom is sixty (60) years of age or older; assuring that the legal owner(s) of the Property will continually occupy either the primary residence or the auxiliary dwelling unit; and assuring that the kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.

E. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successor-in-interest on notice of the above-stated restrictions on the use and occupancy of the auxiliary dwelling unit.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the granting of a minor condition use permit and building permits in case number CU-017-001, and restricting the use of the Property to that of a single-family house and a detached auxiliary dwelling unit, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:


1. Occupancy of the auxiliary dwelling unit shall be limited to a maximum of two persons, each of whom is sixty (60) years of age or older.
2. The legal owner(s) of the Property will continually occupy either the primary residence or the auxiliary dwelling unit.
3. The kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.
4. 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.
5. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
6. The use of the auxiliary dwelling unit is only authorized in accordance with the stated terms and conditions of approval. Should the use cease or fail to comply with the stated terms and conditions, the minor conditional use permit will be subject to revocation.
7. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside 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.

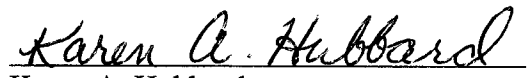


8. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.

FURTHER, Declarants and each of them hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement to be executed as of the day and year first written above.



Michael C. Hubbard


Karen A. Hubbard

APPROVED AS TO FORM:


Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On MARCH 3, 2001, before me, CATHERINE GUTIERREZ, the undersigned, a notary public in and for said State, personally appeared MICHAEL C. HUBBARD and KAREN A. HUBBARD personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Catherine Gutierrez
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On _____, 2001, before me, _____, the undersigned, a notary public in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

