

WHEN RECORDED MAIL TO:

DOC # 2001-584969

11/28/2001 08:00A Fee:18.00

Page 1 of 5

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder

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



Project: CU-035-001  
11001 Cypress Avenue  
Riverside, California 92505

M	S	U	PAGE	SIZE	DA	PCOR	NDCOR	SMF	MISC.	
	1		5							
					7				LC	
A	R	L				COPY	LONG	REFUND	NCHG	EXAM

(25)

COVENANT AND AGREEMENT  
AND DECLARATION OF RESTRICTIONS

(AUXILIARY DWELLING UNIT RESTRICTION)



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 19TH day of NOVEMBER, 2001, by **BETTY LOUISE DARNELL, an unmarried woman**, ("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, which legal description is attached hereto as Exhibit "A" and incorporated herein as if fully set forth.

B. The Property, known as 11001 Cypress Avenue, Riverside, California, is in the RR, Rural Residential (RR) Zone, is approximately 0.42 of an acre in size and is developed with an approximately 1,044 square foot primary residence and a 960-square-foot single story detached auxiliary dwelling unit with an attached two car garage.

C. Declarant has applied to the City of Riverside for a minor conditional use permit to legalize the existing 960-square-foot single story detached auxiliary dwelling unit. The auxiliary dwelling unit was previously used as a three-car garage and converted without the benefit of building permits. The auxiliary dwelling unit consisting of approximately 960 square feet is comprised of two bedrooms, storage area, combination bath/ laundry room, kitchen and office area.

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.

E. Prior to the minor conditional use permit becoming effective and the issuance of building

CIA 742

permits, the City of Riverside is requiring Declarant 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 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. Further, the auxiliary dwelling unit with attached two-car garage will maintain an appearance similar to other dwellings on the block. A variance has been granted to allow the auxiliary dwelling unit to be 960 square feet, 438 more square feet than would be allowed by the Zoning Code.

F. Declarant is willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successors-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 conditional use permit and building permits in case number CU-035-001, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarant hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. The auxiliary dwelling unit and attached two-car garage will maintain an appearance similar to other dwellings on the block.
2. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
3. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
4. The legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit.
5. The kitchen facilities will be removed and the unit will not be used a separate dwelling unit.
6. 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.
7. The auxiliary dwelling unit shall have no separate address or house number.
8. 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.
9. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
10. The use of the auxiliary dwelling unit is only authorized in accordance with the stated



2001-584969  
11/28/2001 08:00A  
2 of 5

C/A 742

terms and conditions of approval including the granting of a variance to allow the auxiliary dwelling unit to be 960 square feet, 438 more square feet than would be allowed by the Zoning Code. Should the use cease or fail to comply with the stated terms and conditions, the minor conditional use permit will be subject to revocation.

11. 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.

12. 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, her 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, Declarant hereby represents and warrants that she has the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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

Betty Louise Darnell  
BETTY LOUISE DARNELL

APPROVED AS TO FORM:

Kathleen M. Boney  
Assistant City Attorney

APPROVED AS TO CONTENT:

Susan Woodbury  
Planning Department



2001-584969  
11/28/2001 08:00A  
3 of 5

CIA 742

320681

THE WESTERLY 10.00 FEET OF LOT 2 AND THE EASTERLY 57.50 FEET OF LOT 3 OF THE A.R. KURZ TRACT, AS SHOWN BY MAP RECORDED IN BOOK 29, PAGE 80, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

EXCEPT ONE-HALF OF ALL MINERAL RIGHTS AS RESERVED IN DEED FROM MOSS JEWELRY MANUFACTURING COMPANY, A CORPORATION, RECORDED APRIL 25, 1949 IN BOOK 1071, PAGE 16, OFFICIAL RECORDS OF SAID COUNTY.

No. PSE OMIT ↗

DESCRIPTION APPROVAL 10/12/01  
for K. Shad by \_\_\_\_\_  
SURVEYOR, CITY OF RIVERSIDE



2001-584969  
11/28/2001 08 00A  
4 of 5

EXHIBIT A

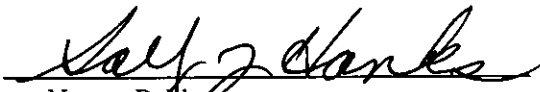
CIA 742

STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On NOVEMBER 19, 2001, before me, SALLY J. HANKS NOTARY PUBLIC, the undersigned, a notary public in and for said State, personally appeared BETTY LOUISE DARNELL 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

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



2001-584969  
11/28/2001 08 08A  
5 of 5

48-8  
CIA 742