

WHEN RECORDED MAIL TO:

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

DOC # 2001-615036

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



Project 5357 Mountain View Avenue
Riverside, California 92504

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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 10 day of Dec, 2001, by **KHOUN THAVIXAY**, a single man, and **BOUACHANH KONGSY**, a single man, as Joint Tenants ("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, the legal description which is attached as Exhibit A hereto and incorporated herein as if fully set forth.

B The Property, known as 5357 Mountain View Avenue, Riverside, California, is in the Residential ("R-1-65") Zone and is developed with an approximately 1108 square-foot one story single family residence, an approximately 678 square foot detached garage containing an approximately 449 square foot accessory structure without permits.

C Declarants have applied to the City of Riverside for permit to legalize the existing guest house ("accessory structure") as an accessory structure consisting of one large bedroom which is attached to the garage. Declarants have also applied for a permit to construct a new carport between and attached to the main residence and the accessory structure.

D. As a condition for issuance of building permits, the City of Riverside is requiring Declarants to execute and record a covenant assuring that the accessory structure will not be used for nor rented as a separate dwelling unit and prohibiting the installation or maintenance of kitchen facilities within the accessory structure.

E. Declarants are willing to record a covenant and agreement and declaration of restrictions

("Covenant") prohibiting the accessory structure from being rented or used as a separate dwelling unit, prohibiting installation or maintenance of any kitchen facilities in the accessory structure, and putting future owners on notice of such prohibitions

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the granting of building permits, and restricting the use of the Property to that of a single-family house and an accessory structure, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

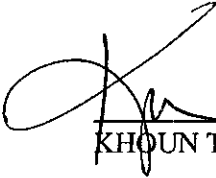
1. The single-family house and the accessory structure shall be used as one dwelling unit
2. No kitchen facilities shall be permitted, maintained or installed in the accessory structure
3. Neither the accessory structure nor the main residence shall be sold, rented or leased separately from the other.
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 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
7. 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 warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.


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




KHOUN THAVIXAY, A Single Man



BOUACHANH KONGSY, A Single Man

APPROVED AS TO FORM:



Deputy City Attorney

APPROVED AS TO CONTENT:



Planning Department



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On Dec 10 2001, 2001, before me, Beatrice M. Alvarez, the undersigned, a notary public in and for said State, personally appeared Khoun Thavixay & Bouachanh Kongsy ~~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.



Beatrice M. Alvarez
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



EXHIBIT A

PARCEL NO. 1:

The Easterly 104 54 feet of the following described property.

All that portion of Government Lot 1, in the Southeast quarter of Section 29, Township 2 South, Range 5 West, San Bernardino Base and Meridian, as shown by United States Government Survey, more particularly described as follows:

Commencing at the Southeast corner of said Section 29, and running thence South 89 degrees, 25' 30" West, along the South line of said Section 29, a distance of 255 35 feet, thence North 0 degrees 04' East, a distance of 214.00 feet to the true point of beginning.

Thence from said true point of beginning, South 89 degrees 25' 30" West, parallel with the South line of said Section 29, a distance of 404.54 feet to the Southwest corner of the lands conveyed to Oliver L. Scott by Deed recorded November 25, 1935, in Book 261, Page 87 of Official Records of Riverside County, California;

Thence on and along the Westerly line of said lands North 0 degrees 04' East, a distance of 38 33 feet;

Thence North 89 degrees 25' 30" East, parallel with the South line of said Section 29, a distance of 404.54 feet,

Thence South 0 degrees 04' West, a distance of 38.33 feet to the point of beginning.

PARCEL NO. 2:

The Easterly 104 54 feet of the following described property;

All that portion of Government Lot 1, in the Southeast quarter of Section 29, Township 2 South, Range 5 West, San Bernardino Base and meridian, as shown by United States Government Survey, more particularly described as follows:

Commencing at the Southeast corner of said Section 29,

Thence Westerly along the Southerly line of said Section 29, 255.35 feet for the point of beginning;

Thence continuing Westerly along the Southerly line of said Section 404 54 feet;

Thence North 214 feet;

Thence East and parallel with the South line of said Section 404 54 feet,

Thence South 214 feet to the point of beginning;

Excepting therefrom that portion thereof included in Mountain View Avenue

THE ABOVE DESCRIBED PARCELS BEING PARCEL NO. 2 OF RECORD OF SURVEY FILED IN BOOK 27, PAGE 88 OF RECORD OF SURVEYS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

DESCRIPTION APPROVAL 12/10/01
for Kenneth Street by _____
SURVEYOR, CITY OF RIVERSIDE



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