

WHEN RECORDED MAIL TO:

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

DOC # 2003-026687

01/14/2003 08:00A Fee:16.00

Page 1 of 4

Recorded in Official Records
County of Riverside

Gary L. Orso
Assessor, County Clerk & Recorder



Project: CU-083-012
9230 Colorado Avenue
Riverside, California 92504
APN: 191-210-002

| M | S | U | PAGE | SIZE | DA | PCOR | NOCOR | SMF | MISC. |
|---|---|---|------|------|------|------|--------|------|-------|
| | 1 | | 4 | | | | | | |
| | | | | | 5 | | | | LC |
| A | R | L | | | COPY | LONG | REFUND | NCHG | EXAM |

(21)

FOR RECORDER'S OFFICE USE ONLY

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 30 day of 12, 2002, by **MELISIO ALVAREZ** and **SUSANA M. ALVAREZ, 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, which legal description is as follows:

The Southwesterly 68 feet, measured on the Southeasterly line of Colorado Avenue of Lot 27 of Resubdivision of a portion of Arlington Suburban Estates, on file in Book 13 Page 75 of Maps, Riverside County Records

Said property is also shown as Parcel 1 on Records of Survey on file in Book 21 Page 83 of Records of Survey, Riverside County Records.

B. The Property, known as 9230 Colorado Avenue, Riverside, California, is in the single-family residential (R-1-65) zone, is developed with an approximately 779 square-foot residence.

C. Declarants have applied to the City of Riverside for a minor conditional use permit, building permits and associated variances to convert the approximately 779 single family residence into an auxiliary dwelling unit that will include a living room, dining room, two bedrooms, a study room, a bathroom, and a kitchen, and to construct a new 1,720 square foot single family residence and attached two-car garage.

DESCRIPTION APPROVAL
1.8.02
[Signature]

CLA 011

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.

E. 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 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.

F. Declarants are 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-083-012, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarants hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
2. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
3. The legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit.
4. The kitchen facilities will be removed from the auxiliary dwelling unit and such unit will not be used as a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.
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 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 terms and conditions stated in this Covenant and Agreement, the minor conditional use permit will be subject to revocation.



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.

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 a writing duly recorded and executed by the Planning Director of the City of Riverside, California, or the successor to such duties.

Declarants 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.

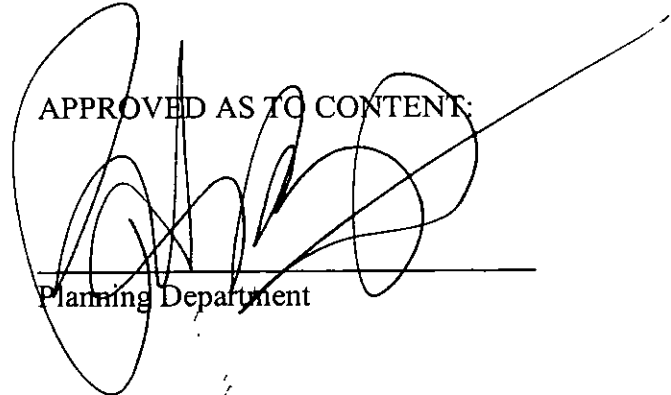

MELISIO ALVAREZ


SUSANA M. ALVAREZ

APPROVED AS TO FORM:


Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department

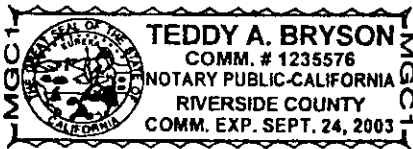
O:\Cycom\WPDocs\D002\P001\00012456.WPD
CA: 02-2961
12/02/02



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On December 30, 2002, before me, Teddy A Bryson, the undersigned, a notary public in and for said State, personally appeared Melesio R. Alvarez 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.

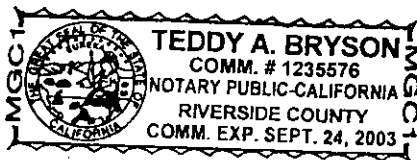


Teddy A Bryson
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On December 30, 2002, before me, Teddy A. Bryson, the undersigned, a notary public in and for said State, personally appeared Susana Alvarez 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.



Teddy A Bryson
Notary Public

