

WHEN RECORDED MAIL TO:

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

DOC # 2003-091025

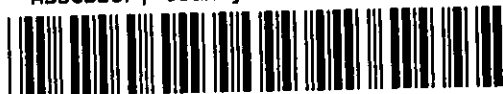
02/07/2003 08:00A Fee:22.00

Page 1 of 6

Recorded in Official Records
County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



Project: CU-010-023
1237 Fetlock Way
Riverside, California 92506
APN: 268-231-002-2

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

30



(AUXILIARY DWELLING UNIT RESTRICTION)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 27th day of January, 2003, by **DOUGLAS J. VAVRA** and **SHERRIE E. VAVRA, 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:

Lot 17 of Tract No. 18376-3, as shown by map on file in Book 150, Pages 76 and 77 of Maps, Records of Riverside County, California, together with all that portion of Lot 24 of said Tract No. 18376-3, described as follows:

Beginning at the most Easterly corner of said Lot 24; thence South 40 degrees 34' 22" West, along the Southeasterly line of said Lot 24, a distance of 213.45 feet to an angle point in said Southeasterly line; Thence North 03 degrees 3' 22" East, a distance of 205.62 feet to an angle point in the Northerly line of said Lot 24; Thence South 71 degrees 09' 01" East, along said Northerly line, a distance of 133.41 feet to said point of beginning.

B. The Property, known as 1237 Fetlock Way, Riverside, California, is in the Horse Ranch and Water Course (HR-WC) Zone.

C. Declarants have applied to the City of Riverside for a minor conditional use permit and a variance to construct a two-story, 5,600 square foot single family residence and a separate 528 square-foot auxiliary dwelling unit (granny flat) with a 528 square-foot attached garage that will

DESCRIPTION APPROVAL 1/21/03
Walter R. Drake
SURVEYOR, CITY OF RIVERSIDE

include a living room, a kitchen, a bedroom and a bathroom.

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-010-023, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarants hereby covenant and agree 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.

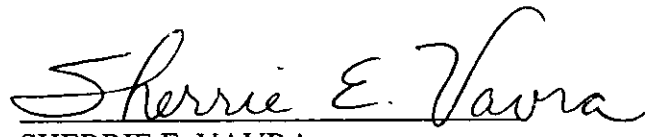
The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be 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.

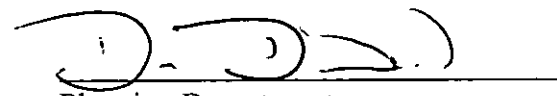
Declarants hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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


DOUGLASS. VAVRA


SHERRIE E. VAVRA

APPROVED AS TO FORM:
City of Riverside

Deputy City Attorney

APPROVED AS TO CONTENT:
City of Riverside

Planning Department

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03-0039
01/15/03



STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On JANUARY 27, 2003, before me, RICHARD LOUIS MEYER, the undersigned, a notary public in and for said State, personally appeared DOUGLAS EDWIN VORVA 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.

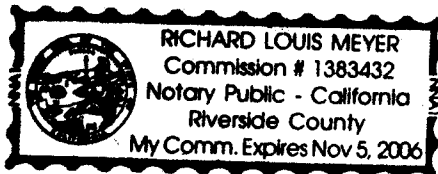


Richard Louis Meyer
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On JANUARY 27, 2003, before me, RICHARD LOUIS MEYER, the undersigned, a notary public in and for said State, personally appeared SHERAISE ELLEN VORVA 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.



Richard Louis Meyer
Notary Public



For clarity purposes, the following acknowledges the written portions of the Notary Public for our covenant agreement:

January 27, 2003 Richard Louis Meyer
Douglas John Vavra

January 27, 2003 Richard Louis Meyer
Sherrie Ellen Vavra

Sherrie E. Vavra
February 6, 2003



E X H I B I T 'A'

ESCROW NO.: 5150

LOT 17 OF TRACT NO. 18376-3, AS SHOWN BY MAP ON FILE IN BOOK 150, PAGES 76 AND 77 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH ALL THAT PORTION OF LOT 24 OF SAID TRACT NO. 18376-3, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 24;
THENCE SOUTH 40 DEGREES 34' 22" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 24, A DISTANCE OF 213.45 FEET TO AN ANGLE POINT IN SAID SOUTHEASTERLY LINE;
THENCE NORTH 03 DEGREES 3' 22" EAST, A DISTANCE OF 205.62 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF SAID LOT 24;
THENCE SOUTH 71 DEGREES 09' 01" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 133.41 FEET TO SAID POINT OF BEGINNING.

