



WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Zoning Case CU-038-990
Goldware Senior Center

FREE RECORDING (Government Code §6103)

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
	1		8						
								✓	LC
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS
ON USES OF THE PROPERTY



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS ON USES OF THE PROPERTY ("Covenant") is made this 25th day of November, 2002, by GOLDWARE SENIOR HOUSING LIMITED PARTNERSHIP, a California limited partnership ("Declarant") with reference to the following facts:

A. Declarant is the fee owner of that certain real property ("the Property") situated in the City of Riverside, County of Riverside, State of California, described as follows:

See Exhibit "A", attached hereto and incorporated herein by reference.

B. The Property is developed with, or will be developed with, a 162-unit affordable rental housing development for low income and market rate senior households ("Project"), and is situated on the northeasterly corner of Sierra Street and Streeter Avenue, adjacent to Streeter Park.

C. As a condition of the approval by the City of Riverside ("City") of Case Number CU-038-990, the City is requiring Declarant to execute and record a Covenant and Agreement setting forth the minimum age of 55 years for the tenants of the Project.

D. Declarant desires to record a covenant and agreement, to put future owners on notice, that the minimum age of the tenants of the Project will be 55 years of age.

NOW, THEREFORE, incorporating the above facts and for the purpose of complying with a condition imposed by the City under Case Number CU-038-990, Declarant hereby covenants and agrees with said City and acknowledges as follows:

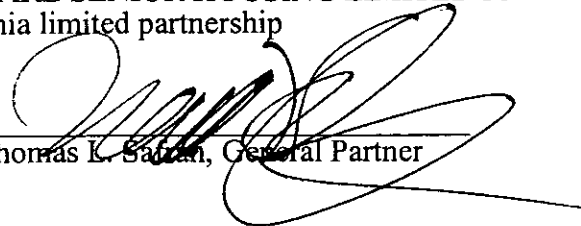
1. The minimum age of the tenants of the Project shall be 55 years of age.

The terms of this Covenant may be enforced by City, and its successors and assigns. Should City bring an action to enforce any of the terms of this Covenant, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

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

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

GOLDWARE SENIOR HOUSING LIMITED PARTNERSHIP,
a California limited partnership


By: 
Thomas K. Saitan, General Partner

By: Housing Corporation of America,
a Utah nonprofit corporation,
Managing General Partner

By: _____
Its: _____

By: _____
Its: _____

APPROVED AS TO FORM:


Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department



The terms of this Covenant may be enforced by City, and its successors and assigns. Should City bring an action to enforce any of the terms of this Covenant, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

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

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


GOLDWARE SENIOR HOUSING LIMITED PARTNERSHIP,
a California limited partnership

By: _____


Thomas L. Saffan, General Partner

By: Housing Corporation of America,
a Utah nonprofit corporation,
Managing General Partner

By: _____


Its: President - Ronald Olson

By: _____

Its:

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Deputy City Attorney

Planning Department

O:\Cyc\com\WP\Docs\D003\P001\00008369.WPD
CA-02-0657

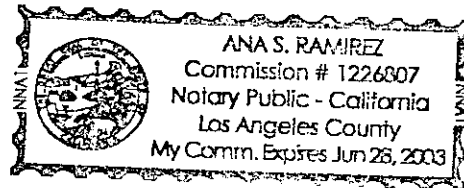


STATE OF CALIFORNIA)
COUNTY OF Los Angeles)^{ss}

On November 25, 2002, before me, Ana S. Ramirez, the undersigned, a notary public in and for said State, personally appeared Thomas L. Sabran personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Ana S. Ramirez
Notary Signature



STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On Dec. 2, 2002, before me, Sandra H. Moseley, personally appeared Ronald Olson, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies) and that by his/~~her/their~~ signature(s) on the instrument the persons(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sandra H. Moseley

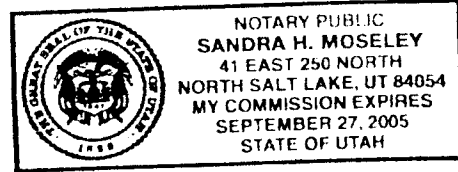


EXHIBIT "A"

That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of the Northwest Quarter of the Southwest Quarter of Section 33, Township 2 South, Range 5 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

BEGINNING at the northeast corner of Parcel 1 of Record of Survey on file in Book 43, Page 99 of Record of Surveys, records of Riverside County, California; said corner being in the North line of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

THENCE North $89^{\circ}29'30''$ East, along said North line and along the easterly prolongation thereof to the northwest corner of Parcel 3 of Record of Survey, on file in Book 23, Page 41 of Record of Surveys, records of said Riverside County;

THENCE South $0^{\circ}01'20''$ West, along the westerly line of Parcels 3, 2 and 1 of said Record of Survey, on file in Book 23, Page 41 of Surveys, and along the West line of Lots 7, 6, 5, 4, 3, and 1 of Hardman Tract No. 2, as shown by map on file in Book 23, Page 24 of Maps, records of said Riverside County, and along the South prolongation thereof, 639.08 feet to a line which is parallel with and distant 25.00 feet North, as measured at right angles, from the centerline of Sierra Street;

THENCE South $89^{\circ}26'30''$ West, along said parallel line, a distance of 801.87 feet to a line which is parallel with and distant 30.00 feet East, as measured at right angles, from the centerline of Streeter Avenue; said parallel line also being the East line of that certain parcel of land described in deed to the City of Riverside by document recorded October 18, 1971, as Instrument No. 118453 of Official Records of said Riverside County;

THENCE North $0^{\circ}00'30''$ West, along said last mentioned parallel line, a distance of 553.77 feet to the South line of that certain parcel of land described in deed to the City of Riverside by document recorded October 6, 1964, as Instrument No. 121254 of Official Records of said Riverside County;

THENCE North $89^{\circ}29'30''$ East, along said South line and along the South line of Parcel 1 of said Record of Survey, on file in Book 43, Page 99 of Record of Surveys, a distance of 173.00 feet to the southeast corner of said Parcel 1;

THENCE North $0^{\circ}00'30''$ West, along the East line of said Parcel 1 of Record of Survey on file in Book 43, Page 99 of Record of Surveys, a distance of 86.00 feet to the POINT OF BEGINNING;



EXCEPTING THEREFROM the South 228.00 feet of the East 66.00 feet of the West One-Half of the West One-Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

ALSO EXCEPTING THEREFROM that portion of said Northwest Quarter of the Southwest Quarter of Section 33, lying southerly of the following described line:

COMMENCING at the intersection of the centerline of Sierra Street with the centerline of Streeter Avenue as shown by said Record of Survey on file in Book 43, Page 99 of Record of Surveys;

THENCE North $0^{\circ}00'09''$ West, along said centerline of Streeter Avenue, a distance of 315.01 feet to a line which is parallel with and distant 315.00 feet northerly, as measured at right angles, from said centerline of Sierra Street, and the POINT OF BEGINNING of this line description

THENCE North $89^{\circ}26'30''$ East, along said last mentioned parallel line, a distance of 292.00 feet;

THENCE North $59^{\circ}26'30''$ East, a distance of 62.00 feet;

THENCE South $30^{\circ}33'30''$ East, at right angle to the previous course, a distance of 70.44 feet to a line which is parallel with and distant 285.00 feet northerly, as measured at right angles, from said centerline of Sierra Street;

THENCE North $89^{\circ}26'30''$ East, along said last mentioned parallel line, a distance of 384.79 feet to the northerly prolongation of the westerly line of said South 228.00 feet of the East 66.00 feet of the West One-Half of the West One-Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

THENCE South $0^{\circ}01'19''$ West, along said northerly prolongation of said westerly line, a distance of 57.00 feet to the North line of said South 228.00 feet of the East 66.00 feet of the West One-Half of the One-West Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

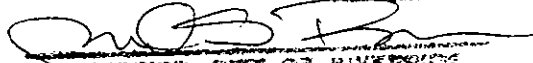
THENCE North $89^{\circ}26'30''$ East, along said last mentioned North line, a distance of 66.00 feet to the East line of that certain parcel of land described in deed to the City of Riverside by document recorded October 18, 1978, as Instrument No. 220248 of Official Records of said Riverside County, and the END of this line description;

ALSO EXCEPTING THEREFROM that portion of said Northwest Quarter of the Southwest Quarter of Section 33, lying within Streeter Avenue and Sierra Street as dedicated and accepted for public street purposes by the City of Riverside by Resolution No. 14782, a copy of which was recorded September 22, 1982, as Instrument No. 163981



of Official Records of said Riverside County.

Area - 6.38 acres, more or less.

DESCRIPTION APPROVAL 12/10/02

CITY OF RIVERSIDE



52-4

CIA 815