



WHEN RECORDED MAIL TO:

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

Project: CU-008-023  
2008 Patterson Street  
Riverside, California  
APN: 211-111-013

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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 27<sup>th</sup> day of February, 2003, by **OFELIA GUERRERO**, 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 as follows:

Parcel 2:

All that portion of the Northwest quarter of the Southeast quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Meridian, as shown by United States Government Survey, particularly described as follows:

Commencing at a point on the center line of Kansas Avenue, 344 feet North of the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 24;

Thence South 89 degrees 36' East, 660 feet for the point of beginning;

Thence at right angles North and parallel with the center line of Kansas Avenue, 162 feet;

Thence at a right angle West, 65 feet;

Thence at a right angle South, 162 feet;

Thence at a right angle East, 65 feet to the point of beginning:

Said Property is also shown as Lot 20 of Assessor's Map No. 35 on file in Book 1, Page 37 of Assessor's Maps, Records of Riverside County, California.

B. The Property, known as 2008 Patterson Street, Riverside, California, is in the single-family residential (R-1-65) zone, is developed with an approximately 1, 930 square-foot residence.

C. Declarant has applied to the City of Riverside for a minor conditional use permit and

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 [Signature]  
 CITY OF RIVERSIDE

associated variances to legalize an existing approximately 800 square foot mobile home, as an auxiliary dwelling unit that includes a bathroom, kitchen, utility room, two bedrooms, a combination living and dining room, and an attached carport.

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, 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 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.

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-008-023, 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 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.



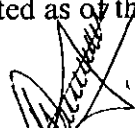
7. The use of the auxiliary dwelling unit is only authorized in accordance with the stated terms and conditions of approval. Should the use cease or fail to comply with the terms and conditions stated in this Covenant and Agreement, the minor conditional use permit will be subject to revocation.

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.

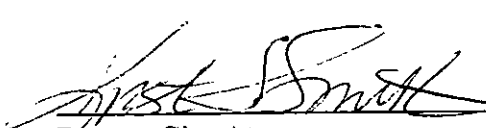
This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarant, her heirs, successors and assigns, and shall continue in effect until such time as released by a writing duly recorded and executed by the Planning Director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

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.

  
\_\_\_\_\_  
OFELIA GUERRERO

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Planning Department

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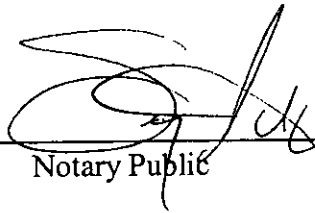
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STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On FEBRUARY 27, 2003, before me, SERGIO AVALOS, the undersigned, a notary public in and for said State, personally appeared OFELIA GUERRERO 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



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