

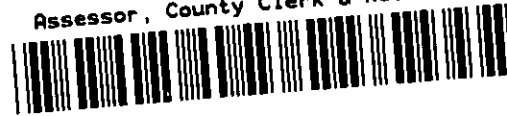
WHEN RECORDED MAIL TO:

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

Project: Planning Case P03-1369
10401 Mull Avenue
Riverside, California 92505
APN: 147-240-061

DOC # 2004-0348165
05/11/2004 08:00A Fee:19.00
Page 1 of 5

Recorded in Official Records
County of Riverside
Gary L. Orso
Assessor, County Clerk & Recorder



26

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
	1		5						
					7				DP
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

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 14th day of March, 2004, by **FRANCISCO S. MEZA** and **NANNERLY Y. MEZA**, 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:

See attached Exhibit "A".

B. The Property, known as 10401 Mull Avenue, Riverside, California, is in the single family residential (R-1-65) zone.

C. Declarants have applied to the City of Riverside for a minor conditional use permit and building permits to convert an existing 1,083 square-foot detached garage to a 891 square-foot auxiliary dwelling unit (granny flat) consisting of two bedrooms, one bathroom, a living room and a kitchen/dining room with an attached one-car garage.

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)

644

years of age or older, assuring that the legal owner(s) of the Property will continually occupy either the primary residence or the auxiliary dwelling unit, 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. 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, variances and building permits in Planning Case P03-1369, and restricting the use of the Property to that of a single-family house with an attached one-car carport and an auxiliary dwelling unit with an attached one-car garage. 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 residence 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. Neither the primary residence nor the auxiliary dwelling unit shall be sold, rented or leased separately from the other building.
6. 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.
7. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
8. 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



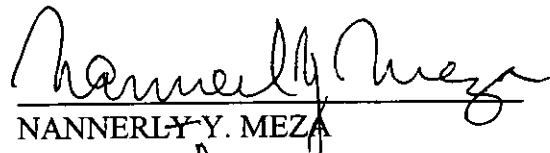
enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

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.

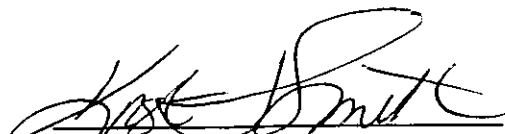
Declarants hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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

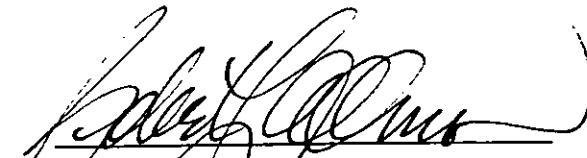

FRANCISCO S. MEZA


NANNERLY Y. MEZA
N.Y.M.

APPROVED AS TO FORM:


Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department

O:\Cycrom\WPDocs\D027\P002\00025975.WPD
CA:04-0393
03/04/04



EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 4 OF PARCEL MAP NO. 28948, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 195, PAGE(S) 91, 92 AND 93 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

DESCRIPTION APPROVAL 03/10/2004
for K. Stewart
SURVEYOR, CITY OF RIVERSIDE by _____

EXHIBIT "A"



2004-0348165
05/11/2004 08:00A
4 of 5

CIA 885

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On March 14, 2004, before me, Julie Nolan, the undersigned, a notary public in and for said State, personally appeared Nannerly Meza and FRANCISCO S Meza 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.

Julie Nolan
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)



On _____, 200__, 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



2004-0348165
05/11/2004 09 00A
5 of 5

CJA 885