

DOC # 2004-0461322

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County of Riverside

Gary L. Orso  
Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:  
CITY CLERK  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, CA 92522

PROJECT:  
Zoning Case PO3-1106  
7335 Magnolia Ave  
Riverside, CA

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

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THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 6<sup>th</sup> day of May, 2004, by THE SHEEPFOLD, a California nonprofit corporation ("Declarant"), with reference to the following facts:

A. Declarant is fee owner of certain real property (the "Property"), located at 7335 Magnolia Ave, in the City of Riverside, County of Riverside, State of California, described as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

B. Declarant has submitted an application to the City of Riverside ("City") in Zoning Case No. P03-1106 to obtain a Conditional Use Permit (CUP) to allow the construction of three new duplex housing units ("Units") on the rear portion of the Property, in addition to the existing two story residence (the "House"), known as the Moulton House, City of Riverside Historic Landmark #53, located at the front portion of the Property, for use by Declarant as a private transitional shelter for women and their children.

C. The CUP and these covenants, conditions and restrictions, apply only to the Units, not to the House, which shall continue to be governed by existing City zoning.

D. The Property is located in the High Density Residential Designation of the General Plan and is in the R-1-65 Single Family Residential zone. The Zoning Code of City permits the proposed use in the specific zone subject to the granting of a CUP and subject to criteria noted in the Zoning Code.

E. As a condition of approval of Zoning Case No. P03-1106 and obtaining a CUP for the proposed Units, Declarant is required to execute and record a covenant and agreement and declaration of restrictions subject to review and approval of the Legal and Planning Department, which restrict

the Units to be constructed on the Property to use as a transitional housing facility for women and their minor children, age 13 and younger.

F. Declarant desires to record a covenant and agreement and declaration of restrictions acceptable to the Legal and Planning Departments of City which meet the above-referenced condition and restricts the use of the Units to the uses listed above to ensure its compatibility with the surrounding neighborhood.

NOW, THEREFORE, Declarant hereby declares that the Property is, and hereafter shall be held, conveyed, transferred, mortgaged, encumbered, leased, rented, used, occupied, sold and improved subject to the following declarations, limitations, covenants, conditions and restrictions, all of which are imposed as equitable servitudes pursuant to a general plan for the development of the Property for the purpose of enhancing and protecting the value and attractiveness of the Property, and for the purpose of complying with the conditions imposed by the City for approving the CUP requested by Declarant in connection with Zoning Case No. P03-1106, Declarant hereby covenants and agrees with the City of Riverside that the Property is, and shall hereafter, be held subject to the following covenants, conditions and restrictions:

1. The three duplex apartment Units to be constructed on the Property shall only be used as a transitional shelter, subject to the following restrictions.

(a) Each individual apartment Unit shall be occupied by one woman and her children.

(b) No men or boys over age 13 shall be allowed as occupants of any Unit.

(c) Each duplex will have a two car garage; to wit: each individual Unit shall have a covered parking space for one vehicle.

(d) In addition, at least 4 additional parking spaces for staff or visitors shall be designated within the front parking area on the Property.

(e) Declarant will maintain and enforce rules and procedures for the shelter in accordance with the requirements of the CUP, and will also provide suitable on-site management for the Property and Units.

(f) The Units, and related improvements, including retaining walls, driveways and landscaping, shall be constructed in accordance with the terms of the CUP and plans and specifications approved by the City. This shall include a 6 foot high block wall between the rear duplex portion of the Property and adjacent properties on the northeast and east borders of the Property .

(g) Access to the Units shall be limited to Magnolia Avenue; not from Kingsley Way.

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(h) Declarant shall comply with and abide by all standard conditions imposed by the City in connection with the CUP and the construction of the Units and related improvements.

(i) If there is a material change in the use of the Units, the CUP shall be revised accordingly.

(j) If the permitted uses of the Units, as set forth herein, are discontinued by Declarant, or any successor in interest of Declarant as owner of the Property, the Units will be removed.

2. The House may be used as a transitional shelter, consistent with City law and zoning, or may revert to use as a single family residence at a later date.

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

4. The terms of this Covenant and Agreement and Declaration of Restrictions shall run with the land for the benefit of the Property and each and all of its terms shall be binding upon Declarant, its heirs, successors and assigns.

5. As this Covenant and Agreement and Declaration of Restrictions is made and entered for the purpose of complying with conditions of approval imposed by the City for the approval of the conditional use permit in Zoning Case No. P03-1106, it shall not be extinguished, terminated, modified, amended or altered in any way and shall continue in effect until such time as it is released with the prior written consent of the Planning Director of the City of Riverside, by a writing duly recorded.

IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first above written.

THE SHEEPFOLD

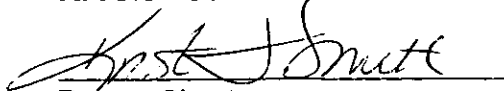
By:   
John Wildman, President

By:   
Timothy J. Blied, Secretary

APPROVED AS TO CONTENT:

  
Planning Department

APPROVED AS TO FORM:

  
Deputy City Attorney

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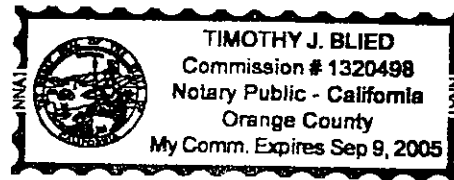
State of California )  
 ) ss.  
County of Orange )

On May 11, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **JOHN WILDMAN**, 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 executed the same in his authorized capacity, and that by his 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

(Seal)



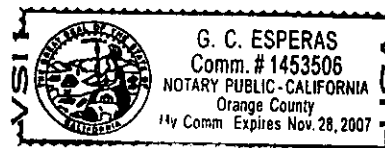
State of California )  
 ) ss.  
County of Orange )

On May 6, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **TIMOTHY J. BLIED**, 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 executed the same in his authorized capacity, and that by his 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

(Seal)



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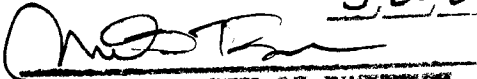
Exhibit "A"

Legal Description of Property

THAT PORTION OF LOTS 11 AND 14 IN BLOCK 17 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY CALIFORNIA, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 14, BEING ON THE NORTHWESTERLY LINE OF MAGNOLIA AVENUE, AT THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL CONVEYED TO VIRGINIA M. HOLDEN BY DEED FROM JULIA F. MOULTON RECORDED MAY 18, 1922 IN BOOK 568 PAGE 213 OF DEEDS, RECORDS OF RIVERSIDE COUNTY CALIFORNIA;

THENCE NORTHWESTERLY, AT RIGHT ANGLES TO THE NORTHWESTERLY LINE OF MAGNOLIA AVENUE, TO THE CENTER LINE OF THE LOWER CANAL OF THE RIVERSIDE WATER COMPANY; THENCE NORTHEASTERLY, ON THE CENTER LINE OF SAID CANAL, TO THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO SAHRA B. FERRIS BY DEED FROM MRS. E.E. RUDISILL AND HUSBAND RECORDED FEBRUARY 23, 1881 IN BOOK 24 PAGE 228 OF DEED, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA; THENCE SOUTHWESTERLY, ALONG THE NORTHEASTERLY LINE OF SAID PARCEL TO THE NORTHWESTERLY LINE OF MAGNOLIA AVENUE; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF MAGNOLIA AVENUE, 108 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

DESCRIPTION APPROVED 5,20,04  
  
SURVEYOR, CITY OF RIVERSIDE



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