



WHEN RECORDED MAIL TO:

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

Project: 4260 Beechwood Place
Riverside, California 92506

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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS



(AUXILIARY DWELLING UNIT)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 28th day of SEPTEMBER, 2004, by **RICHARD G. LOUNSBURY, and MARY F. LOUNSBURY, TRUSTEES OF THE RICHARD AND MARY LOUNSBURY 1995 TRUST**, (collectively "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, described as follows:

Lot 28 of Butterfield Estates as shown by map on file in Book 27 Page 32 of Maps, records of Riverside County, California.

B. The Property, known as 4260 Beechwood Place, Riverside, California, is in the Single Family Residential ("R-1-65") Zone and is developed with a single family residence and detached two-car garage.

C. Declarants have applied to the City of Riverside for a minor conditional use permit to construct a 784-square-foot auxiliary dwelling unit on approximately 0.25 acres behind the existing detached garage and shall consist of a bedroom, laundry room, storage, side porch, living room, nook, kitchen and bathroom.

D. 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

DESCRIPTION APPROVAL 9, 21, 04
H. Street
SUPERVISOR CITY OF RIVERSIDE by _____

CIA 911

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.

E. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successor-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, building permits, variances, and restricting the use of the Property to that of a single-family house and a detached auxiliary dwelling unit, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. Occupancy of the auxiliary dwelling unit shall be limited to a maximum of two (2) persons, each of whom is sixty (60) years of age or older.
2. The legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit.
3. 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.
4. 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.
5. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
6. 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 stated terms and conditions, 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 the Planning Director of the City of Riverside, California, by a writing duly recorded.

STATE OF CALIFORNIA)
)
COUNTY OF Riverside)

On September 28 2004, before me, Carrie Ann Bullock, Notary, the undersigned, a notary public in and for said State, personally appeared Richard G Lounsbury + Mary E Lounsbury 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.

Carrie Ann Bullock

Notary Public

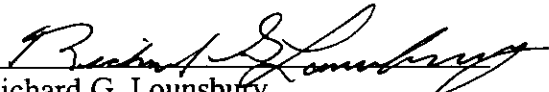


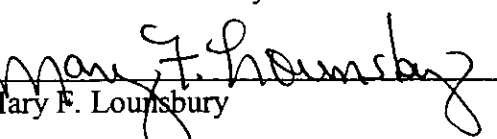
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Declarants hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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

**RICHARD G. LOUNSBURY, and MARY F. LOUNSBURY,
TRUSTEES OF THE RICHARD AND MARY LOUNSBURY 1995 TRUST**


BY: 
Richard G. Lounsbury

BY: 
Mary F. Lounsbury

APPROVED AS TO FORM:


Deputy City Attorney

APPROVED AS TO CONTENT:


Planning Department
Susan Woodbury
Planning Technician
City of Riverside



GARY L. ORSO
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P O Box 751
Riverside, CA 92502-0751
(909) 486-7000

<http://riverside.asrclrec.com>

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Carrie Ann Bullock

Commission #: 1451936

Place of Execution: Riverside Construction Co.

Date Commission Expires: 11/18/07

Date: 10/12/04

Signature: Mary Gounsbury

Print Name: Mary Gounsbury