

DOC # 2005-0018793

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Recorded in Official Records
County of Riverside

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

Project: 2646 McAllister
Riverside, California

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36.

FOR RECORDER'S OFFICE USE ONLY

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 December, 2004, by **DONALD REED**, and **KRISTIE REED**, Trustees of the Reed Family Trust dated May 29, 2002, or the successor trustee thereunder, (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:

That portion of Lot 2 in Block 5 of Arlington Heights, in the city of Riverside, County of Riverside, State of California, as per map on file in Book 11, Page 20 of Maps, San Bernardino County Records, which lies southeasterly of the following described line: Beginning at a point on the southwesterly line of said Lot 2, 219.37 feet southeasterly from the most westerly corner thereof and running north 56° 0' 0" east to its intersection with the northerly line of said lot.

B. The Property, known as 2646 McAllister, Riverside, California, is in the Residential Agricultural ("RA-5") Zone.

C. Declarants have applied to the City of Riverside for a minor conditional use permit and variance to construct a 625 square-foot auxiliary dwelling unit, consisting of a bedroom, a bathroom, a living room and a kitchen/dining area.

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

DESCRIPTION APPROVAL
12/16/04
SURVEYOR, CITY OF RIVERSIDE

CIA 922

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 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.


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.

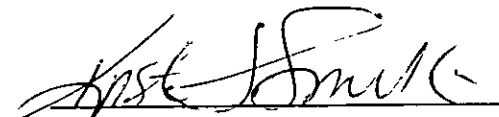
**DONALD REED, trustee of the
Reed Family Trust Dated May 29, 2002**
Declarant


Donald Reed

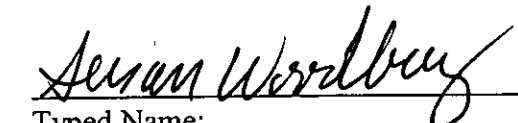
**KRISTIE REED, trustee of the
Reed Family Trust Dated May 29, 2002**
Declarant.


KRISTIE REED

APPROVED AS TO FORM:


Kristi J. Smith
Deputy City Attorney

APPROVED AS TO CONTENT:


Typed Name:
Planning Department
Susan Woodbury

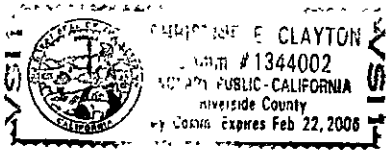


STATE OF CALIFORNIA)
)
COUNTY OF Riverside)

On 12-28-04, before me, Christine E Clayton, the undersigned, a notary public in and for said State, personally appeared Donald Reed 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.

Christine E Clayton
Notary Public



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P C E

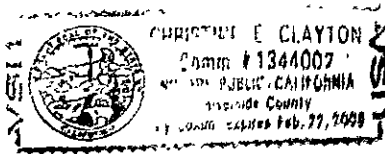
CIA922

STATE OF CALIFORNIA)
COUNTY OF Riverside)

On 12-28-04, before me, Christine E. Clayton, the undersigned, a notary public in and for said State, personally appeared Kristi Z. Reed 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.

Christine E. Clayton
Notary Public



2005-0018733
01/07/2005 09:00A

CLA 922



REX L. JACKSON, ACTING
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrcrkrec.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: Christine E Clayton

Commission #: 1344002

Place of Execution: Riverside County

Date Commission Expires: 2-22-08

Date: 1-7-05

Signature: Donald A. Reed

Print Name: Donald A. Reed

