

DOC # 2005-0065451

01/25/2005 08:00A Fee:25.00

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

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

Project: 6736 Palm Avenue  
Riverside, CA 92506

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FOR RECORDER'S OFFICE USE ONLY

COVENANT AND AGREEMENT  
AND DECLARATION OF RESTRICTIONS



(SINGLE FAMILY DWELLING RESTRICTION)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 20<sup>TH</sup> day of OCTOBER, 2004, by **RAY N. BEEMAN and BETTY L. BEEMAN**, husband and wife as joint tenants, (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:

See attached Exhibit "A"

B. The Property, known as 6736 Palm Avenue, Riverside, California, is in the Single Family Residential ("R-1-65") Zone and is developed with a vacant commercial building ("accessory building").

C. Declarants have applied to the City of Riverside for a minor conditional use permit to expand a conditional use permit and establish a hospice office for Chapman Convalescent Hospital located adjacent to the east of the accessory building.

D. "Accessory building" is defined by Title 19 of the Riverside Municipal Code Section 19.04.015 to mean a building, part of a building or structure, or portable building including a cargo container which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot.

E. As a condition for the issuance of a minor conditional use permit and variances for the Property, the City of Riverside ("City") is requiring Declarants to execute and record this Covenant and

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Agreement and Declaration of Restrictions ("Covenant") which places certain restrictions on the accessory building to ensure that its use is incidental to the existing convalescent hospital only. The Declarants desire to restrict the accessory building's use as incidental to the convalescent hospital and to put future owners on notice of the prohibition on the accessory building from being rented or considered a separate use.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City for the granting of a minor conditional use permit and variances and restricting the accessory building's use as incidental to the convalescent hospital, Declarants hereby covenant and agree with the City that the following restrictions shall apply to the Property:

1. The accessory building and the adjacent convalescent hospital shall be used together as one use.
2. The accessory building shall not be sold, rented or leased as an independent office but shall remain connected to Chapman Convalescent Hospital.

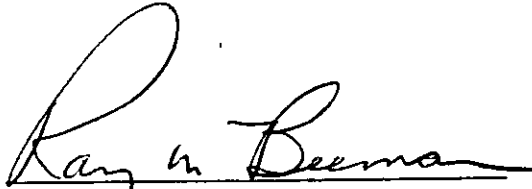
The terms of this Covenant may be enforced by the City, its successors or assigns. Should the City bring an action to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

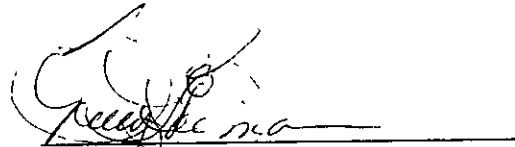
This Covenant shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.

[Signatures on next page.]

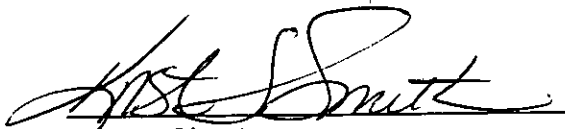


IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement to be executed as of the day and year first written above.

  
Ray N. Beeman

  
Betty L. Beeman

APPROVED AS TO FORM:

  
Deputy City Attorney

APPROVED AS TO CONTENT:

  
Planning Department



EXHIBIT A

LOTS 11 AND 12, IN BLOCK 3 OF TIBBETTS TRACT, AS SHOWN BY MAP ON FILE IN BOOK 4 PAGE 91 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA:.

EXCEPTING THEREFROM THAT PORTION OF SAID LOTS 11 AND 12 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12; THENCE NORTH 89°46'00" WEST ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 149.55 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°15'40" WEST ALONG THE WEST LINE OF SAID LOTS 12 AND 11, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 89°46'00" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 11, A DISTANCE OF 4.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF, SAID LOT 11; THENCE NORTH 0°15'40" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 78.27 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVING SOUTHEASTERLY AND HAVING A RADIUS OF 41.50 FEET; A RADIAL LINE TO SAID BEGINNING BEARS NORTH 61°19'23" WEST; THENCE NORTHEASTERLY TO THE RIGHT ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°22'57" AN ARC LENGTH OF 18.38 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 8.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID LOT 12; THENCE SOUTH 89°46'00" EAST, ALONG SAID LAST MENTIONED PARALLEL LINE, A DISTANCE OF 133.56 FEET TO THE EASTERLY LINE OF SAID LOT 12; THENCE NORTH 15'40" EAST, ALONG SAID EASTERLY LINE A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

APN #225-212-029-5



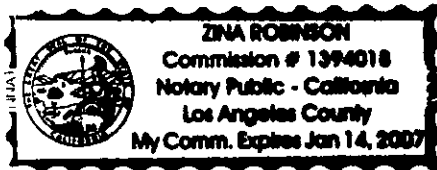
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STATE OF CALIFORNIA )  
                  Los Angeles )ss  
COUNTY OF RIVERSIDE )

On October 20, 2004, before me, Zina Robinson, notary public the undersigned, a notary public in and for said State, personally appeared Ray N. Beeman and Betty L. Beeman personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in ~~his~~ ~~her~~ their authorized capacity(ies), and that by ~~his~~ ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Zina Robinson  
Notary Signature



2005-0065451  
US COURT REPORTERS  
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STATE OF CALIFORNIA )

Los Angeles )  
COUNTY OF RIVERSIDE )

)ss

On October 20, 2004, before me, Zina Robinson, notary public, the undersigned, a notary public in and for said State, personally appeared Ray N. Brennan and Betty L. Brennan ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ /they executed the same in ~~his~~ ~~her~~ /their authorized capacity(ies), and that by ~~his~~ ~~her~~ /their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



  
\_\_\_\_\_  
Notary Signature



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LARRY W. WARD  
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: ZINA ROBINSON

Commission #: 139418

Place of Execution: RIVERSIDE COUNTY

Date Commission Expires: JAN 14, 2007

Date: 1/25/05

Signature: Raym Beeman

Print Name: RAY N. BEEMAN

