

WHEN RECORDED MAIL TO:

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

Project: 6130 Chadbourne Avenue
Riverside, California 92505
APN: 150-071-007

DOC # 2005-0277863

04/08/2005 08:00A Fee:22.00

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS

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(AUXILIARY DWELLING UNIT)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 5th day of April, 2005, by **ALFREDO ESPARZA** and **MARIA G. ESPARZA**, husband and wife, (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 EXHIBIT "A".

B. The Property, known as 6130 Chadbourne Avenue, Riverside, California, is in the Rural Residential ("RR") 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 and variance to construct a 745 square-foot auxiliary dwelling unit consisting of two bedrooms, a living room, a kitchen, and a 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 and the unit will not be used a separate dwelling unit should the use authorized by the minor

CIA 932

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.

ALFREDO ESPARZA

Declarant

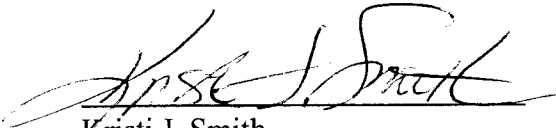


MARIA G. ESPARZA

Declarant



APPROVED AS TO FORM:



Kristi J. Smith
Deputy City Attorney

APPROVED AS TO CONTENT:



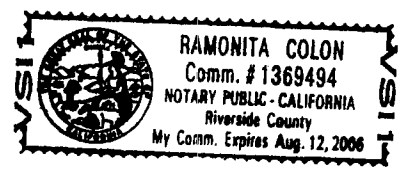
Typed Name:
Planning Department
Susan Woodbury

STATE OF CALIFORNIA)
COUNTY OF Riverside)

On 5th April-2005, before me, Ramonita Colon, the undersigned, a notary public in and for said State, personally appeared Alfredo Esparza 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.

Ramonita Colon
Notary Public



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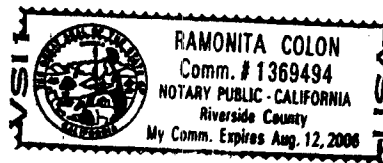
STATE OF CALIFORNIA)
COUNTY OF Riverside)

On 5th April - 2005, before me, Ramonita Colon, the undersigned, a notary public in and for said State, personally appeared MARIA G. ESPARZA 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.

Ramonita Colon

Notary Public



C/A 932


EXHIBIT "A"

Lot 10 in Block 3 of Chadbourne Heights, in the City of Riverside, County of Riverside, as per map recorded in Book 12, Page(s) 11, 12 and 13, of Maps, in the Office of the County Recorder of said County.

Except therefrom the following described portion:

Beginning at the Northeast Corner of said Lot 10: thence Westerly along the Northerly lot line, 175 feet; thence Southerly and parallel with the Westerly lot line, 80 feet: thence Easterly and parallel with the Northerly lot line, to a point on the Easterly line of said lot; thence Northeasterly along the Easterly line of said lot and facing Chadbourne Avenue, to the Point of beginning.

DESCRIPTION APPROVAL:


MARK S. BROWN
CITY SURVEYOR

1/3/05
DATE