

WHEN RECORDED MAIL TO:

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

Project: 6856 Sundance Trail
Riverside, CA 92506
APN: 235-352-005

DOC # 2007-0060856

01/26/2007 08:00A Fee:19.00

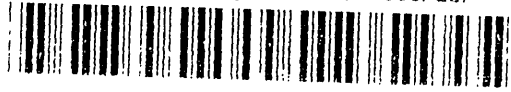
Page 1 of 5

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			17						7
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM

hio 26

COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS

C
508

Auxiliary Dwelling Unit Restriction

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 19 day of JANUARY, 2007, by MARK D. BERG and DEBRA G. BERG, husband and wife as joint tenants, ("Declarants"), with reference to the following facts:

A. Declarants are the fee owner of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, which legal description is as follows:

Lot 32 of Tract 7234 as per map recorded in book 93, pages 98 and 99 of Maps, Records of Riverside County, California.

B. The Property, known as 6856 Sundance Trail, Riverside, California, is in the Single-Family Residential (R-1-125) Zone.

C. Declarants have applied to the City of Riverside for a minor conditional use permit and building permit to construct an approximately 795 square foot granny flat ("auxiliary dwelling unit") consisting of one bedroom, one bathroom, a kitchen, dining room and garage.

D. "Auxiliary dwelling unit" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") to mean a dwelling unit located on a property zoned for single family residential use which is a subsidiary to the primary dwelling unit situated on that property.

DESCRIPTION APPROVED

By [Signature] DATE 1/19/2007

FOR MARK S. BRUWIN
CITY CLERK

C/A 994

E. 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 residence or the auxiliary dwelling unit, assuring that 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.

F. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successors-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 and building permit in Planning Case P06-1393, and restricting the use of the Property to that of a single-family house with an auxiliary dwelling unit. Declarants hereby covenants and agrees with the City of Riverside that the following restrictions shall apply to the Property:

1. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
2. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
3. The legal owner(s) of the Property will continually occupy either the primary residence or the auxiliary dwelling unit.
4. The kitchen facilities will be removed from the auxiliary dwelling unit and such 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.
5. 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.
6. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.
7. 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 terms and conditions stated in this Covenant and Agreement, the minor conditional use permit will be subject to revocation.



2007-0000356
01/26/2007 08:00A
2 of 5


C/A 994

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.

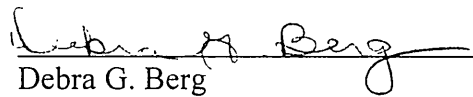
This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by a writing duly recorded and executed by the Planning Director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

Declarants hereby represents and warrants 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.



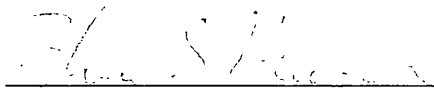
Mark D. Berg



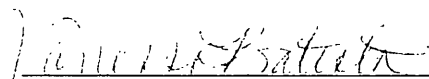
Debra G. Berg

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Brandon S. Mercer
Deputy City Attorney



Vanessa Batista
Planning Tech



