

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

SPACE ABOVE THIS LINE FOR
RECORDER'S USE

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (the "Declaration") is executed as of _____, 20__, by _____ ("Declarant").

Recitals

A. Declarant is the owner of certain real property located at _____, Assessor's Parcel Number _____ in the City of El Cerrito, California (the "Property"). Declarant's ownership of the Property is reflected in the deed recorded in the Office of the Contra Costa County Clerk-Recorder as Document No. _____ dated _____.

B. Declarant submitted an application for a permit for a junior accessory dwelling unit on the Property. In order for Declarant to satisfy certain requirements of Section 19.20.190 of the El Cerrito Municipal Code (the "Code"), Declarant desires to impose certain restrictions on the Property.

C. The City of El Cerrito, a municipal corporation (the "City"), is intended to be a third party beneficiary of this Declaration, such that consent of the City in a form to be recorded in the Official Records of the County of Contra Costa (the "Official Records"), shall be required for the modification or revocation of the restrictions imposed herein.

NOW, THEREFORE, Declarant hereby declares and agrees as follows:

1. Restrictions. The Property may contain one primary dwelling unit and one junior accessory dwelling unit. The junior accessory dwelling unit may not be sold, transferred, or assigned separately from the primary dwelling unit, and the Property may not be subdivided. The junior accessory dwelling unit shall be considered legal only as long as either the primary dwelling or the junior accessory dwelling unit is occupied by an owner of record of the property, as that person's primary residence.
2. Runs With the Land; Binds Successor and Assigns. Declarant intends that this Declaration runs with the land, and that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions, covenants, and obligations set forth herein. By accepting title, any person who acquires an ownership interest in the Property, agrees to abide by each and every covenant and restriction herein.
3. Modification, Revocation or Termination. This Declaration has been recorded in order to comply with certain requirements of Section 19.20.190 of the Code and to obtain the approval by the City of certain permits for the Property. The restrictions created herein may not be modified, revoked or terminated, without the written consent of the then record owner of the Property, and any such modification, revocation or termination shall not be effective unless and until the City consents thereto in writing after receiving written notice thereof from the then record owners of the Property, and such modification, revocation or termination, executed by the City, is recorded in the Official Records.
4. Third Party Beneficiary. The City is intended to be a third party beneficiary of this Declaration, with the right to consent to any modification or revocation hereof and the right and authority, at its sole option, to

enforce the provisions hereof (including, but not limited to remedies for violation of a building permit); provided, however, that the City shall have no liability whatsoever hereunder with respect to the condition of the Property.

5. Compliance. Failure to comply with the restrictions in this declaration of restrictions may result in legal action against the property owner.
6. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of California.
7. Severability. The invalidity or unenforceability of any provision of this Declaration with respect to a particular party or set of circumstances shall not in any way affect the validity or enforceability of any other provision hereof, or the same provision when applied to another party or a different set of circumstances.

IN WITNESS WHEREOF, Declarant executed this instrument effective as of the day and year first above written, and City has accepted this Declaration.

City Manager or Designee

Date

Print Name and Title

Property Owner

Date

Property Owner

Date