

DECLARATION OF RESTRICTIONS

TRACT 779

This DECLARATION, made this 11th, day of July, 1966, by Salton Riviera, INC., a California Corporation, having its principal place of business in the city of Azusa, Los Angeles County, California, hereinafter referred to as the Declarant.

WHEREAS, the Declarant is the owner of that certain Tract No. 779, Imperial County, California, as per plat thereof recorded in Book 11, Pages 3 of Final Maps, records of said County, and

WHEREAS, the Declarant is about to sell, dispose of or convey the lots in said Tract No. 779 above described, and desires to subject the same to certain protective covenants, conditions, restrictions (hereinafter referred to as "Conditions") between it and the acquirers and/or users of the lots in said Tract.

Now, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Declarant hereby certifies and declares that it has established and does hereby establish general plan for the protection, maintenance, development and improvement of said Tract, that

THIS DECLARATION is designed for the mutual benefit of the lots in said Tract and Declarant has fixed and does hereby fix the protective conditions upon and subject to which all lots, parcels and portions of said Tract shall be held, leased, or sold, and/or conveyed by them as such owners, each and all of which is and are for the mutual benefit of the lots in said tract and of each owner thereof, and shall run with the land and shall inure to and pass said Tract and each and every parcel of land therein, and shall apply to and bind the respective successors in interest thereof, and are, and each thereof is imposed upon said Tract as a mutual, equitable servitude in favor of each and every parcel of land therein as the dominant tenement or tenements.

SAID CONDITIONS ARE AS FOLLOWS:

That all of the lots in said Tract shall be designated as R-1 and shall be used, occupied and improved as single residence lots under the conditions as hereinafter set forth under ZONE R-1 REGULATIONS.

IN THE EVENT THAT ANY OF THE PROVISIONS OF THIS DECLARATION CONFLICT WITH ANY OF THE SECTIONS OF ORDINANCE 249, COUNTY OF IMPERIAL, THE MORE RESTRICTIVE OF THE TWO SHALL GOVERN.

The right and privilege is hereby reserved for said Declarant herein referred to, licenses, tenants, visitors, and successors and assigns of said Declarant to have golf balls pass upon, fall on, land on, go upon or pass over or across the herein described property.

II. GENERAL

- A. No building, fence, patio, or other structure shall be erected, altered, added to, placed, or permitted to remain on said lots or any of them or any part of any such lot until and unless the plans showing flood areas, external design and the ground location of the intended structure along with a plot plan and a checking fee in the amount of five dollars (\$5.00) have been first delivered to and approved in writing by any two (2) members of a “Committee of Architecture” which shall be initially composed of BISHOP MOORE, JAMES A. NICHOLSON, and DELORES LUKINA, provided that any vacancy on such committee caused by death, resignation, or disability to serve shall be filled on the nomination of SALTON RIVERIA, INC. It shall be the purpose of this committee to provide for the maintenance of high standard of architecture and construction in such manner as to enhance the aesthetic properties of the developed subdivision. ¹~~Notwithstanding other requirements imposed, this committee shall require not less than 1600 (sixteen hundred) square feet of floor area for any single family residence INCLUDING carport, garage, covered porches, covered contiguous patios, etc., with a minimum floor area of 1200 (twelve hundred) square feet for living area in the dwelling portion of the structure.~~ ²~~All structures shall basically be of ONE LEVEL construction and no two story structure shall be permitted unless, in the opinion of the “Committee of Architecture” such a structure conforms to the over-all design and pattern of development. On Commercial structures submitted for approval, this “Committee” may require changes, deletions, or revisions in order that the architectural and general appearance of all such commercial buildings and grounds be in keeping with the architectural health, safety, general welfare and architectural appearance affecting the property values if the community in which such use or uses are to be located.~~

¹ Resolution No. 2017-04-04 **Recommendation 1.** Striking Section II. Subsection (a) Notwithstanding other requirements imposed, this committee shall require not less than 1600 (sixteen hundred) square feet of floor area for any single family residence including carport, garage, covered porches, covered contiguous patios, etc., with a minimum floor area of 1200 (twelve hundred) square feet of living area in the dwelling portion of the structure

² Resolution No. 2017-04-04 **recommendation 2.** Section II. Subsection (a) Amending- All structures shall basically be of one level. Amend one level to two level.

- B. It shall remain the prerogative and in the jurisdiction of the “Committee of Architecture” to review applications and grant approvals for exceptions to this declaration, variations from requirements and, in general, other forms of deviations from those restrictions imposed by this declaration, when such exceptions, variances and deviations do, in no way, detract from the appearance of the premises, nor in any way be detrimental to the public welfare or to the property of other persons located in the vicinity thereof, in the sole opinion of the “Committee”.
- C. ~~³All buildings shall have septic tank and leeching pit or pits, as may be required, installed in the rear yard, in accordance with Imperial County Ordinance No. 239 and regulations accompanying same.~~—Under California Health and Safety Code (Section 5000) and California Government Code (Section 54300), all buildings shall connect with wastewater collection system where available. When wastewater collection system is unavailable, a leeching septic tank system may be until such time as the wastewater collection system becomes available at which time connection will be mandatory.

III. RESIDENTIAL ZONES

- A. As used in this declaration, “Residential Zones” means zones R-1, R-2, R-3, and R-4, as defined in Imperial County Ordinance 249, unless otherwise stated in the Declaration.
- B. A person shall not use any premises in any residential zone, which is designed, arranged or intended to be occupied or used for any purpose, other than expressly permitted in this declaration.

STORAGE OF MATERIALS

- C. In any building project, during construction and sixty (60) days thereafter, property in a residential zone may be used for the storage of materials used in the construction of the individual buildings in project and for the contractor’s temporary office. Said construction period shall not exceed ninety (90) days, unless specifically approved by the Committee of Architecture.

³ Under California Health and Safety Code (Section 5000) and California Government Code (Section 54300), all buildings shall connect with wastewater collection system where available. When wastewater collection system is unavailable, a leeching septic tank system may be until such time as the wastewater collection system becomes available at which time connection will be mandatory.

LIVESTOCK

- D. A person shall not keep or maintain any live pig or hog or livestock or goats, cows, or fowl of any age in any residential zone, whether such animals are kept or maintained for the personal use of the occupants or otherwise.

SIGNS

- E. No person shall cause to be erected a sign, advertisement billboard or advertising structure of any kind on any of the unimproved residential lots, except that a temporary permit, limited to a ninety-day period, for signs for houses to be sold or exhibited be first obtained by application to the architectural committee. The architectural committee may approve the location of these signs within the front set-back of the lot.

TEMPORARY BUILDINGS

- F. No temporary buildings, basement, cellar, tent, shack, garage, barn or other outbuilding or structure shall, at any time, be used for human habitation, temporarily or permanently.

TRAILER USE

- G. A trailer may be used as a residence of the owner and his family during construction by such owner of a permanent residence, but only after approval has been gained from the architectural committee for such residence, but in no event shall said trailer be used longer than ninety (90) days.

BUILDING EXTERIOR

- H. The exterior portions of all buildings, which are constructed of wood, stucco or cement shall be painted or stained immediately upon completion or shall have color mixed in the final structural application.

PLUMBING

- I. Residences shall have complete and approved plumbing installations before occupancy.

TEMPORARY OFFICES

- J. A Temporary Real Estate tract office, for the purpose of conducting the sale of property in the sub-division, upon which such office is located, for a period not to exceed one year, provided such tract office is not used for conducting a general real estate business. Any structure, used for such purpose, shall, at the end of such one year period, be either removed or used for a purpose permitted in the zone in which it is located.

STORAGE OF TOOLS AND TRASH

- K. The storage of tools, landscaping instruments, household effects, machinery or machinery parts, empty or filled containers, boxes, or bags, trash, materials or other miscellaneous items that shall, in appearance, detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way. Trash for collection may be placed at the street line on regular collection days for a period not to exceed eighteen hours, prior to pick up.

ZONE R-1 REGULATIONS

A. PROPERTY IN ZONE R-1 MAY BE USED FOR:

1. A single family residence, together with outbuildings customary to such use, located on the same lot or parcel of land, including:
 - a. ~~4A private garage with a capacity not to exceed three (3) automobiles.~~
 - b. A boat repair or storage building for the personal use of the occupant.
 - c. A children's playhouse.
 - d. Lath or greenhouse.
 - e. Tool house.
 - f. Hobby shops not used commercially.

⁴ Resolution 2017-04-04 **Recommendation 3**. Section III. Subsection (a) Subsection (a-1) Striking with capacity not to exceed three (3) automobiles.

2. The following auxiliary uses, if they do not alter the character of the premises as single family residences:
 - a. One detached guest house on the same premises as and not less than twenty (20) feet from the main building for the use of temporary guests of the occupants of the premises, if such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.
 - b. Fences, walls, or hedges may be erected, started or maintained to a height of 72” above the adjacent grade when used as a property line or boundary separation, except that no fence, wall, or hedge may be used for this purpose in the front setback area of a lot in excess of 42” above the adjacent grade.

B. BUILDING SETBACKS:

1. Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet.
2. A side yard shall be maintained of at least five (5) feet in depth from all side property lines to the building line of any structure, with a minimum clearance of 30” from eaves or other projections to the side property line, EXCEPT on corner lots which shall maintain a minimum setback of twelve (12) feet from side street line. An attached garage, a detached garage or other auxiliary buildings or structures, not intended or used for human habitation, shall be located to provide a minimum 12” clearance from the side property line to eaves or other projections, when the auxiliary building or structure is a minimum of twenty (20) feet to the rear of the front wall of the residence nearest the street if attached, or forty (40) feet to the rear of the residence nearest the street if detached.
3. A rear yard shall be maintained of at least twenty-five (25) feet from the property line to the furthest structural projection, where there is no alley, fences, walls, and hedges when used as a boundary line separation which shall be ten (10) feet from the rear property line.

C. VEHICLE STORAGE:

Every dwelling or other structure in Zone R-1 designed for or intended to be used as a dwelling, shall have on the same lot or parcel of land, automobile storage space conveniently accessible from the street and not located at any place where the erection of a structure is prohibited. This space shall be of sufficient capacity so as to not exceed maximum vehicle storage requirements as outlined above.

D. SUBDIVISION OF LOTS:

No lot or parcel of land shall be divided into smaller lots or parcels under any conditions or circumstances whether for lease, sale, or rental purposes.

E. REQUIRED LAND AREA:

A person shall not erect, construct, occupy, or use more than one (1) single family residence on any parcel of land or lot.

F. BUILDING HEIGHT LIMITATION:

All structures shall be of ONE-LEVEL construction unless as otherwise provided under GENERAL of these restrictions.

These conditions shall run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1976 at which time said Conditions and Covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of the owners of a majority of the lots in said Tract, it is agrees to change said Conditions in whole or in part.

PROVIDED, FURTHER, that if any paragraph, section, sentence, clause, or phrase of the restrictions, conditions, and covenants herein contained shall be or become illegal, null, or void, for any reason or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses or phrases herein contained shall not be affected thereby. It is hereby declared that these restrictions, conditions, and covenants herein contained would have been and are imposed and each paragraph, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other paragraphs, sections, sentences, clauses or phrases are or shall become or be illegal, null, or void.

PROVIDED, FURTHER, that any owner of any lot in said property or his heirs, or assigns, shall violate or attempt to violate any of the conditions, covenants and/or restrictions herein, it shall be lawful for any other person or persons owning any other lots in said property to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such conditions, covenants, and/or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

PROVIDED, FURTHER, that a breach of any of the foregoing conditions, covenants, and/or restrictions shall not defeat or render invalid the lien of any mortgage, or deed of trust in good faith, and for value, as to said property or any part thereof; but such conditions, covenants, and/or restrictions shall be binding upon and effective against any owner of any lot or lots in said property whose title is acquired by foreclosure, trustee's sale, or otherwise.

IN WITNESS WHEREOF, SALTON RIVIERA, INC. has caused its corporate name and seal to be hereunto affixed by its officer's thereunto duly authorized this 11th day of July, 1966.

SALTON RIVIERA, INC.

(owner)

By s/Marcus R. Hickerson
Marcus R. Hickerson, Exec. V-Pres.

By s/Irene M. Weir
Irene M. Weir, Assistant Secy.