

DECLARATION OF RESTRICTIONS

TRACT 546-A

THIS DECLARATION, made this 25th,
day of March, 1960, 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. 546-A, Imperial County, California,
as per plat thereof recorded in Book 7, Pages 62,
records of said County, and

WHEREAS, the Declarant is about to sell, dispose of
or convey the lots in said Tract No. 546-A above described,
and desires to subject the same to certain protective covenants,
conditions, restrictions (hereinafter referred to as "Conditions")
between it and the asquirers 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 here-
by 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 par-
cel 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 de-
~~signated as R-1 and shall be improved, used, and occupied~~
as single residence lots under the conditions as herein-
after set forth under ZONE R-1 REGULATIONS.

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 floor 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 (\$5.00) dollars 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 C. W. BURMOOD, GEORGE MC CARTHY, and AUGUST DAMON, provided that any vacancy on such committee caused by death, resignation, or disability to serve shall be filled on the nomination of SALTON RIVIERA, INC. It shall be the purpose of this committee to provide for the maintenance of a high standard of architecture and construction in such a manner as to enhance the aesthetic properties of the developed subdivision. Notwithstanding other requirements imposed, this committee shall require not less than 1600 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 square feet for living area in the dwelling portion of the structure. 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 architecture of the neighborhood and such as not to be detrimental to the public health, safety, general welfare and architectural appearance effecting the property values of the community in which such use or uses are to be located.
- 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 deviation 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. All buildings shall have a 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.

III. RESIDENTIAL ZONES:

- A. As used in this declaration, "Residential Zones" means zones R-1, R-2 and R-3.
- 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.
- 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.
- 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.
- E. No person shall cause to be erected a sign, advertisement billboard or advertising structure of any kind of 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.
- 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.
- 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 days.
- 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.
- I. Residences shall have complete and approved plumbing installations before occupancy.
- 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.
- 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.

STORAGE OF MATERIALS

LIVESTOCK

SIGNS

TEMPORARY BUILDINGS

TRAILER USE

BUILDING EXTERIOR

PLUMBING

TEMPORARY OFFICES

STORAGE OF TOOLS AND TRASH

4095

ZONE R-1 REGULATIONS

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

1. A single family residence, together with outbuilding customary to such use, located on the same lot or parcel of land, including:
 - a. A 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 greenhouses.
 - e. Tool houses.
 - f. Hobby shops not used commercially.
2. Churches, temples, or other places used exclusively for religious worship shall be permitted within this zone upon approval of location and development plans by the "Committee of Architecture."
3. 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 or 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 and a maximum depth of thirty-five (35) feet from the front property line to the furthest structural projection, including eaves, overhangs, porches of any building or structure.
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 ten (10) feet or a maximum thirty-five (35) feet from the 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 twelve (12) feet from the property line to the furthest structural projection, excepting 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 for under GENERAL of these restrictions.

Copy

These conditions shall run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1968, 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 agreed 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 effected 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 if 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 here unto affixed by its officers thereunto duly authorized this 25th day of March, 1960.

(Owner) SALTON RIVIERA, INC.

By M. Penn Phillips
President

By K. Kelly
Asst. President

TRACT 546-A * AMENDMENT

There is a first deed of trust recorded in Book 1046, page 344, Official records of Imperial County, California, on the subdivision of which this lot is a part thereof, securing a note in the original amount of \$27, 740.00.

There is a second deed of trust, recorded in Book 1046, Page 349, Official Records of Imperial County, California, on the subdivision of which this lot is a part thereof, securing a note to the Salton Community Services District for sewer installations, in the original amount of \$50,050.00

This lot will be assessed by the County of Imperial, the amount of \$600.00, for certain improvement work financed by Improvement Bonds.

This assessment will be paid by the subdivider, who also represents that this lien shall be removed from this lot on or before the conveyance of title to the purchaser.

There is an unconditional release provision that this property may be released from said deeds of trust upon the full payment of the contract price by the purchaser. A copy of the above is attached to my copy of the contract.

LOS ANGELES OFFICE
Room 310, Spring Arcade Building
SAN DIEGO OFFICE
615 Orpheum Theatre Building

EDMUND G. BROWN, Governor
STATE OF CALIFORNIA
Division of Real Estate
W. A. SAVAGE, Commissioner
MAIN OFFICE
1015 I Street, Sacramento 14

SAN FRANCISCO OFFICE
1162 Market Street
OAKLAND OFFICE
1815 Telegraph Avenue
FRESNO OFFICE
308 Rowell Building

**FINAL
SUBDIVISION PUBLIC REPORT**

ON
TRACT 546-A
Imperial County, California
Res. No. 2686-SD

Prospective Purchasers Should Read This Report Before Buying!

This Report Is Not an Approval or Disapproval of This Subdivision

It reflects information presented by the subdivider of the above-subject tract and other information obtained by the Division of Real Estate in its investigation and examination of said tract. This report is issued in accordance with the provisions of Sections 11010 and 11018 of the Business and Professions Code of the State of California. Subdivision reports are issued by the Commissioner on subdivisions for the purpose of preventing fraud, misrepresentation or deceit. The Real Estate Commissioner does not regulate or govern the size of parcels, drainage, sanitation, water, and the physical aspects of subdivisions. All such matters are regulated and passed on by the local public bodies and officials.

Seller Should Note the Following:

Rule No. 2795 of the Commissioner's Rules and Regulations (Chapter 6, Title 10, California Administrative Code) requires that:

- (1) a true copy of this report must be given to the prospective purchaser;
- (2) the prospective purchaser must be given an opportunity to read this report before a deposit is taken or an agreement of sale is executed;
- (3) a receipt must be taken from the buyer showing not only that he received a copy but that he had an opportunity to read it before buying; and
- (4) the receipts so taken must be kept available for inspection by the Commissioner or his deputies.

GENERAL NOTE: This subdivision is one of 50 or more that are being offered for sale by various corporations in the area called Salton City. Salton City is not an incorporated city. Over 14,600 lots have been recorded to date. These subdivisions conform to a master plan developed by Salton Riviera, Inc., a corporation, but in general the improvements must be paid for by the individual subdivider.

The individual subdividers are corporations whose financial abilities are not known to the Division of Real Estate, and it may be that installation of some improvements will be dependent on the obtaining of sufficient funds from the sale of lots. In some cases, bonds and other arrangements tending to assure installation of improvements have been filed. See below under **STREETS, SEWAGE DISPOSAL, WATER AND RECREATIONAL FUNDS.**

DATE OF THIS REPORT: April 13, 1960

LOCATION: This subdivision is located in Imperial County, on the west side of Salton Sea, between the Salton Sea and Highway 99, at Nile Ave. and Coral Sea Ave. It is about 30 miles southeast of Indio. Its distance from more settled areas may cause financing and construction difficulties.

It consists of approximately 75.60 acres divided into 182 parcels.

SUBDIVIDER: Salt and Sea Development Company, Inc., a California corporation.

PURCHASE MONEY HANDLING: This subdivision is subject to encumbrances and the subdivider has filed certain release clauses as compliance with Section 11013.1 of the Business and Professions Code and will further deposit buyers' funds in accordance with Section 11013.4(a).

RESTRICTIONS AND OTHER MATTERS OF RECORD: Purchasers should investigate the easements, including drainage and public utility easements, conditions, reservations and restrictions that may run with the land, including city or county zoning restrictions. Copies of those items which are "recorded" may be inspected at the office of the Imperial County Recorder. Information about zoning may be obtained at the office of the Imperial County Planning Commission.

A Preliminary Title Report on file indicates there exists: "... A Flooding easement in favor of Imperial Irrigation District and County of Imperial, over that portion of said land that is below the minus 220 foot contour, recorded February 11, 1958 in Book 985, page 263 of Official Records.

Said Title Report also indicates the following reservation: "... Reserving Therefrom all underground water in, under, or flowing through said land, and water rights appurtenant thereto, as reserved in the Deed from Salton Riviera, Inc., recorded March 30, 1960 as Instrument No. 6, in the office of the County Recorder of Imperial County."

Ordinance No. 233 passed by County of Imperial Board of Supervisors, requires a building permit from said Board of Supervisors for any structures to be built, altered, or remodeled, which lie below the minus 220 foot level; and that such permit will not be issued unless and until flooding easements absolving the Imperial Irrigation District and County of Imperial from damage because of any fluctuation in the level of Salton Sea has been granted covering said property, both to County of Imperial and Imperial Irrigation District.

WATER: There is not now a regular piped water supply to all lots. Untreated water from local wells is not suitable for drinking or cooking because of excessive fluorides and other salts. Water lines must be installed by individual subdividers.

Certain agreements regarding installation of water lines have been made among the subdivider, the Salton Community Services District and Salton Riviera, Inc. These agreements provide for possible assignment of sales contracts as security for payments to be made by the subdivider, but no completion bonds have been filed.

The wells and storage equipment installed at this time are reported to be planned to care for the needs of only 5,000 customers. Moreover, the present, temporary permit from the Department of Public Health, which expires February 1, 1961, provides for the supplying of potable water on an experimental basis to 300 users in these 50 or more subdivisions. Not more than this amount of consumers is apparently expected until February 1, 1961. This temporary permit authorizes the use of demineralizer units located at the building to be served. These units resemble water softeners and are designed to remove the minerals as the water passes through them. They will serve a special faucet installed in the house or building.

The demineralizer units must be regenerated after treating about 100 or 120 gallons of water. At present, it is planned to charge the following fees: \$97 for hookup installation of the demineralizer unit and meter; \$5 regeneration fee; and \$3.50 and up per month for non-potable water. These fees are apparently subject to change as experience is acquired under this program.

If this method of providing potable water does not work satisfactorily, it may be necessary to install a dual system with potable and non-potable water lines, and to have the potable water hauled in from some other area.

The above-mentioned service is being developed in general by Salton Riviera, Inc. The facilities developed are being turned over to the Salton Community Services District under a pay-later-from

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revenues plan. The District is to provide services to consumers subject to its rules and regulations governing water supply.

A community services district is an entity formed under the provisions of Sections 61000 et seq. of the Government Code. In general, it is operated by a Board of Directors elected by the residents of the area included in the district. A community services district is not regulated by the Public Utilities Commission. It does have to have a permit from the Department of Health to supply water for drinking and cooking. Property owners within the District may be assessed by the community services district.

The Salton Community Services District now appears to own the well equipment, storage equipment and the water lines installed as of February 1959; certain land on which wells, well sites and reservoirs are located; and the water rights, with certain exceptions, in connection with such land. The present and anticipated indebtedness of the District is not known to the Division of Real Estate.

UTILITIES: Electricity is not installed to this tract at this time. Salton Riviera, Inc., advises it is installed within $1\frac{1}{2}$ miles of this tract, that it is being brought closer, and that various types of electrical installations would qualify for some free line extension service, up to about 2,000 feet for an all electric home. Purchasers may have to bear costs for extension to individual lots.

Gas service is not installed at this time. The subdivider advises that butane gas service is available from the Indio Gas Company. Purchasers will have to bear installation costs.

Telephone service is not installed at this time. Salton Riviera, Inc. advises that telephone lines are being installed to the area of these subdivisions. Purchasers may have to bear costs of extension to individual lots.

SEWAGE DISPOSAL: It appears that soil conditions are not favorable for septic tanks and cesspools except on a temporary basis. This form of sewage disposal may not function properly as the area develops. Contracts have been entered into providing for the payment of certain monies by the subdividers to the community services district for the eventual installation of a community sewer system as needed. The Division of Real Estate does not have the engineering personnel to determine the requirements of such a system or the costs involved. There is no assurance as to when or if each and every lot in this subdivision will receive the services of a sewage system.

CLIMATE: This area, as in other California desert areas, is subject to occasional strong winds. In the summer it gets very hot and the nearness to the Salton Sea and irrigated area of Imperial Valley makes Salton City very humid in extreme hot weather. Air conditioning will of necessity be the refrigeration type rather than evaporative cooling type, according to the subdivider's engineer.

FLOOD AND DRAINAGE: No recent authoritative report on the probable rise or fall of the level of the Salton Sea is available. For some years it has been rising, but at a reduced rate during the last few years. The subdivider's engineer advises: "There can be no possible damage from inundation from rising waters of Salton Sea due to the fact that the majority of the lots are now above the -220 foot contour. The balance of lots are now being filled to the -220 foot contour, which is above any level generally accepted to which the sea may rise. The southerly edge of this tract is bounded by Palm-Coral Wash, which carries drainage from a portion of the Santa Rosa Mountains west of this tract. A sufficiently wide easement has been set aside for the proper construction of channels to care for this flow, and upon the construction of these channels all lots in this tract will be reasonably free from flood hazards."

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FILLED GROUND: The subdivider's engineer advises: "Lots 1-8 of Block 7, Lots 2-12 of Block 1, Lots 4-16 of Block 4, and Lots 8-13 of Block 5 are now being filled from nothing on the westerly edge to approximately five feet on the northeasterly edge of the blocks involved, and this filled earth is being compacted to 90% of maximum density by mechanical means."

FIRE PROTECTION: The Division of Real Estate has been advised that the Salton Community Services District has been formed to furnish fire protection; that the District has one unit of equipment including a 300-gallon tank; that a volunteer fire department has been organized; and that the subdivider has agreed to install some fire hydrants.

CONTRACTS OF SALE: The subdivider has advised that sales may be made on long-term contracts of sale. These contracts contain many provisions of importance to purchasers, including a requirement for written consent of the seller to any transfer of the contract or land, a provision that the entire unpaid balance may be due if the contract is recorded, and agreement that all money paid in and all rights are forfeited by the buyer if he does not comply with the terms of the contract.

MARINA AND OTHER RECREATIONAL FACILITIES: These lots do not front on the Salton Sea. Certain marinas or boat and bathing facilities are being developed. One of these is on land reported to be under lease to the Salton Community Services District and is to be turned over to that District, according to the subdivider. In the meantime, this marina is apparently to be operated by a non-profit corporation named the Salton Sea Recreational Foundation. Lot 1, Block 12, Tract 550 is to be developed as a park and conveyed to the District according to another corporation, the Salton Heights Development Company. Other areas are reported to be under lease to Salton Community Services District, but no definite plans have been made for its development.

Some privately owned or leased areas are also being developed, including one of the two marinas being developed. There will be charges made for the use of most facilities, including that to be owned by the Community Services District.

No golf course installations have been made. A corporation has bought some land and has agreed to begin construction of a golf course within a year, to complete 9 holes within 5 years, and to add an additional 9 holes within 5 years thereafter. No assurance that a golf course will be constructed other than this agreement is known to the Division of Real Estate.

MISCELLANEOUS: The subdivider advises that it is approximately 30 miles to the nearest high school, 15 miles to the nearest grammar school and 15 miles to the nearest community shopping center.

He also advises that school bus service is available to both schools. Purchasers should contact the local school board regarding school facilities and bus service.

FD:ls

W. A. Savage
Commissioner

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RES 2686-SD

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1 of 5 pages

DECLARATION OF RESTRICTIONS

TRACT 546-A

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between it and the asquirers and/or users of the lots in said
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THIS DECLARATION is designed for the mutual benefit
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SAID CONDITIONS ARE AS FOLLOWS:

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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 floor 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 (\$5.00) dollars 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 C. W. BURMOOD, GEORGE MC CARTHY, and AUGUST DAMON, provided that any vacancy on such committee caused by death, resignation, or disability to serve shall be filled on the nomination of SALTON RIVIERA, INC. It shall be the purpose of this committee to provide for the maintenance of a high standard of architecture and construction in such a manner as to enhance the aesthetic properties of the developed subdivision. Notwithstanding other requirements imposed, this committee shall require not less than 1600 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 square feet for living area in the dwelling portion of the structure. 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 architecture of the neighborhood and such as not to be detrimental to the public health, safety, general welfare and architectural appearance affecting the property values of the community in which such use or uses are to be located.
- 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 deviation 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. All buildings shall have a 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.

III. RESIDENTIAL ZONES:

- A. As used in this declaration, "Residential Zones" means zones R-1, R-2 and R-3.
- 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.

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 of 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 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.

- J. A temporary Real Estate tract office, for the purpose of conducting the sale of property in the sub-division, upon

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ZONE R-1 REGULATIONS

PROPERTY IN ZONE R-1 MAY BE USED FOR:

1. A single family residence, together with outbuilding customary to such use, located on the same lot or parcel of land, including:
 - a. A 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 greenhouses.
 - e. Tool houses.
 - f. Hobby shops not used commercially.
2. Churches, temples, or other places used exclusively for religious worship shall be permitted within this zone upon approval of location and development plans by the "Committee of Architecture."
3. 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 or 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.

BUILDING SETBACKS:

1. Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet and a maximum depth of thirty-five (35) feet from the front property line to the furthest structural projection, including eaves, overhangs, porches of any building or structure.
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 ten (10) feet or a maximum thirty-five (35) feet from the 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 twelve (12) feet from the property line to the furthest structural projection, excepting fences, walls, and hedges when used as a boundary line separation which shall be ten (10) feet from the rear property line.

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.

REVISION OF ZONE REGULATIONS - Any structure, use, or activity not specifically mentioned in these regulations shall be considered a general real estate business.

These conditions shall run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1968, 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 agreed 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 or phrases are or shall become or be illegal, null, or void.

PROVIDED FURTHER, that if 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 officers thereunto duly authorized this 25th day of March, 1960.

(Owner) SALTON RIVIERA, INC.

By M. Penn Phillips
President

By K. Kelly
Asst. Secretary

TRACT 546A * AMENDMENT

First deed of trust recorded in Book 1046, Page 344, Official records County, California, on the subdivision of which this lot is a part carrying a note in the original amount of \$27,740.00.

Second deed of trust, recorded in Book 1046, Page 349, Official Imperial County, California, on the subdivision of which this lot is a part, securing a note to the Salton Community Services District for improvements, in the original amount of \$50,050.00

Lot to be assessed by the County of Imperial, the amount of \$600.00, for improvement work financed by Improvement Bonds.

Assessment will be paid by the subdivider, who also represents that this assessment has been removed from this lot on or before the conveyance of title to the

property. A copy of the above is attached to my copy of the contract. A copy of the above is attached to my copy of the contract.

Purchaser

EDMUND G. BROWN, Governor
STATE OF CALIFORNIA

Division of Real Estate

W. A. SAVAGE, Commissioner
MAIN OFFICE
1015 L Street, Sacramento 14

SAN FRANCISCO OFFICE
1182 Market Street
OAKLAND OFFICE
1815 Telegraph Avenue
FRESNO OFFICE
308 Rowell Building

FINAL SUBDIVISION PUBLIC REPORT

ON
TRACT 546-A
Imperial County, California
Res. No. 2686-SD

Prospective Purchasers Should Read This Report Before Buying!

Report Is Not an Approval or Disapproval of This Subdivision

The information presented by the subdivider of the above-subject tract and other information obtained by the Division of Real Estate in its investigation and examination of said tract. This report is issued in accordance with the provisions of Sections 11010 and 11018 of the Business and Professions Code of the State of California.

Such reports are issued by the Commissioner on subdivisions for the purpose of preventing fraud, misrepresentation or deceit. The Real Estate Commissioner does not regulate or govern the size of parcels, drainage, water, and the physical aspects of subdivisions. All such matters are regulated and passed on by the local governing bodies and officials.

Prospective Purchasers Should Note the Following:

Section 1795 of the Commissioner's Rules and Regulations (Chapter 6, Title 10, California Administrative Code) requires that:

- A true copy of this report must be given to the prospective purchaser;
- *A prospective purchaser must be given an opportunity to read this report before a deposit is taken or an agreement of sale is executed;*
- A receipt must be taken from the buyer showing not only that he received a copy but that he had an opportunity to read it before buying; and
- Receipts so taken must be kept available for inspection by the Commissioner or his deputies.

GENERAL NOTE: This subdivision is one of 50 or more that are being offered for sale by various corporations in the area called Salton City. Salton City is not an incorporated city. Over 14,600 lots have been recorded to date. These subdivisions conform to a master plan developed by Salton Riviera, Inc., a corporation, but in general the improvements must be paid for by the individual subdivider.

The individual subdividers are corporations whose financial abilities are not known to the Division of Real Estate, and it may be that installation of some improvements will be dependent on the obtaining of sufficient funds from the sale of lots. In some cases, bonds and other arrangements tending to assure installation of improvements have been filed. See below under **STREETS, SEWAGE DISPOSAL, WATER AND RECREATIONAL FUNDS.**

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PURCHASE MONEY HANDLING: This subdivision is subject to encumbrances and the subdivider has filed certain release clauses as compliance with Section 11013.1 of the Business and Professions Code and will further deposit buyers' funds in accordance with Section 11013.4(a).

RESTRICTIONS AND OTHER MATTERS OF RECORD: Purchasers should investigate the easements, including drainage and public utility easements, conditions, reservations and restrictions that may run with the land, including city or county zoning restrictions.

Copies of those items which are "recorded" may be inspected at the office of the Imperial County Recorder. Information about zoning may be obtained at the office of the Imperial County Planning Commission.

A Preliminary Title Report on file indicates there exists: "... A flooding easement in favor of Imperial Irrigation District and County of Imperial, over that portion of said land that is below the minus 220 foot contour, recorded February 11, 1958 in Book 985, page 263 of Official Records.

Said Title Report also indicates the following reservation: "... Reserving Therefrom all underground water in, under, or flowing through said land, and water rights appurtenant thereto, as reserved in the Deed from Salton Riviera, Inc., recorded March 30, 1960 as Instrument No. 6, in the office of the County Recorder of Imperial County."

Ordinance No. 233 passed by County of Imperial Board of Supervisors, requires a building permit from said Board of Supervisors for any structures to be built, altered, or remodeled, which lie below the minus 220 foot level; and that such permit will not be issued unless and until flooding easements absolving the Imperial Irrigation District and County of Imperial from damage because of any fluctuation in the level of Salton Sea has been granted covering said property, both to County of Imperial and Imperial Irrigation District.

REMARKS: There is not now a regular piped water supply to all lots. Untreated water from local wells is not suitable for drinking or cooking because of excessive fluorides and other salts. Water lines must be installed by individual subdividers.

Certain agreements regarding installation of water lines have been made among the subdivider, the Salton Community Services District and Salton Riviera, Inc. These agreements provide for possible assignment of sales contracts as security for payments to be made by the subdivider, but no completion bonds have been filed.

The wells and storage equipment installed at this time are reported to be planned to care for the needs of only 5,000 customers. Moreover, the present, temporary permit from the Department of Public Health, which expires February 1, 1961, provides for the supplying of potable water on an experimental basis to 300 users in these 50 or more subdivisions. Not more than this amount of consumers is apparently expected until February 1, 1961. This temporary permit authorizes the use of demineralizer units located at the building to be served. These units resemble water softeners and are designed

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revenues plan. The District is to provide services to consumers subject to its rules and regulations governing water supply.

A community services district is an entity formed under the provisions of Sections 61000 et seq. of the Government Code. In general, it is operated by a Board of Directors elected by the residents of the area included in the district. A community services district is not regulated by the Public Utilities Commission. It does have to have a permit from the Department of Health to supply water for drinking and cooking. Property owners within the District may be assessed by the community services district.

The Salton Community Services District now appears to own the well equipment, storage equipment and the water lines installed as of February 1959; certain land on which wells, well sites and reservoirs are located; and the water rights, with certain exceptions, in connection with such land. The present and anticipated indebtedness of the District is not known to the Division of Real Estate.

UTILITIES: Electricity is not installed to this tract at this time. Salton Riviera, Inc., advises it is installed within $1\frac{1}{2}$ miles of this tract, that it is being brought closer, and that various types of electrical installations would qualify for some free line extension service, up to about 2,000 feet for an all electric home. Purchasers may have to bear costs for extension to individual lots.

Gas service is not installed at this time. The subdivider advises that butane gas service is available from the Indio Gas Company. Purchasers will have to bear installation costs.

Telephone service is not installed at this time. Salton Riviera, Inc. advises that telephone lines are being installed to the area of these subdivisions. Purchasers may have to bear costs of extension to individual lots.

SEWAGE DISPOSAL: It appears that soil conditions are not favorable for septic tanks and cesspools except on a temporary basis. This form of sewage disposal may not function properly as the area develops. Contracts have been entered into providing for the payment of certain monies by the subdividers to the community services district for the eventual installation of a community sewer system as needed. The Division of Real Estate does not have the engineering personnel to determine the requirements of such a system or the costs involved. There is no assurance as to when or if each and every lot in this subdivision will receive the services of a sewage system.

CLIMATE: This area, as in other California desert areas, is subject to occasional strong winds. In the summer it gets very hot and the nearness to the Salton Sea and irrigated area of Imperial Valley makes Salton City very humid in extreme hot weather. Air conditioning will of necessity be the refrigeration type rather than evaporative cooling type, according to the subdivider's engineer.

FLOOD AND DRAINAGE: No recent authoritative report on the probable rise or fall of the level of the Salton Sea is available. For some years it has been rising, but at a reduced rate during the last few years. The subdivider's engineer advises: "There can be no possible

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FILLED GROUND: The subdivider's engineer advises: "Lots 1-8 of Block 7, Lots 2-12 of Block 1, Lots 4-16 of Block 4, and Lots 8-13 of Block 5 are now being filled from nothing on the westerly edge to approximately five feet on the northeasterly edge of the blocks involved, and this filled earth is being compacted to 90% of maximum density by mechanical means."

FIRE PROTECTION: The Division of Real Estate has been advised that the Salton Community Services District has been formed to furnish fire protection; that the District has one unit of equipment including a 300-gallon tank; that a volunteer fire department has been organized; and that the subdivider has agreed to install some fire hydrants.

CONTRACTS OF SALE: The subdivider has advised that sales may be made on long-term contracts of sale. These contracts contain many provisions of importance to purchasers, including a requirement for written consent of the seller to any transfer of the contract or land, a provision that the entire unpaid balance may be due if the contract is recorded, and agreement that all money paid in and all rights are forfeited by the buyer if he does not comply with the terms of the contract.

MARINA AND OTHER RECREATIONAL FACILITIES: These lots do not front on the Salton Sea. Certain marinas or boat and bathing facilities are being developed. One of these is on land reported to be under lease to the Salton Community Services District and is to be turned over to that District, according to the subdivider. In the meantime, this marina is apparently to be operated by a non-profit corporation named the Salton Sea Recreational Foundation. Lot 1, Block 12, Tract 550 is to be developed as a park and conveyed to the District according to another corporation, the Salton Heights Development Company. Other areas are reported to be under lease to Salton Community Services District, but no definite plans have been made for its development.

Some privately owned or leased areas are also being developed, including one of the two marinas being developed. There will be charges made for the use of most facilities, including that to be owned by the Community Services District.

No golf course installations have been made. A corporation has bought some land and has agreed to begin construction of a golf course within a year, to complete 9 holes within 5 years, and to add an additional 9 holes within 5 years thereafter. No assurance that a golf course will be constructed other than this agreement is known to the Division of Real Estate.

MISCELLANEOUS: The subdivider advises that it is approximately 30 miles to the nearest high school, 15 miles to the nearest grammar school and 15 miles to the nearest community shopping center.

He also advises that school bus service is available to both schools. Purchasers should contact the local school board regarding school facilities and bus service.