

DECLARATION OF RESTRICTIONS

TRACT 718

THIS DECLARATION, made this 11th, day of May, 1962, by Salton Vista Development Co., 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. 718, Imperial County, California, as per plat thereof recorded in Book 8, Pages 28, records of said County, and

WHEREAS the Declarant is about to sell, dispose of or convey the lots in said Tract No. 718 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 Lot 1 shall be designated as C-2 and shall be used, occupied, and improved for Commercial purposes under the conditions hereinafter set forth under C-2 ZONE REGULATIONS.

THAT Lot 2 shall be designated as R-4 and shall be used, occupied, and improved as a Multiple Residence lot under the conditions hereinafter set forth under R-4 ZONE 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.

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 WALTER E. BERG, BISHOP MOORE, 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 may require changes, deletions or revisions be made on plans submitted for commercial structures 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 application 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 of 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, R-3, and R-4 as defined in Ordinance 249, Imperial County, unless otherwise stated in this declaration.

STORAGE OF MATERIALS

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.

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 (90) 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.

TEMPORARY OFFICES

J. A temporary Real Estate tract office, for the purpose of conducting the sale of property in the subdivision, 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.

R-4 ZONE

R-4 MULTIPLE-FAMILY ZONE

The following regulations shall apply in the R-4 multiple-family zone unless otherwise provided.

USES PERMITTED

- A. Any use permitted in the R-1, R-2, or R-3 Zones.
- B. Multiple-family dwellings: apartment houses, hotels and motels in which incidental business may be conducted for the convenience of the residents of the buildings; churches, except rescue mission or temporary revival; schools, elementary or high; day nurseries; nursery schools; boarding and rooming houses; institutions of educational philanthropic, or charitable nature; home occupations; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business.
- C. The accessory buildings necessary to such use located on the same lot or parcel of land.

BUILDING SETBACKS

- A. Front yard setbacks shall conform to a minimum depth of twenty (20) feet from the front property line, excluding structural projections, eaves, overhangs, and porches of any building or structure.
- B. Side yard setbacks shall conform to those required in Zone R-1, except the maximum setback from a side street shall be reduced to thirty (30) feet.
- C. Rear yard setback shall conform to those as required in Zone R-1.

LOT AREA MINIMUM

- A. One thousand five hundred (1,500) square feet per dwelling unit.

VEHICLE STORAGE

- A. Every dwelling, apartment house, or other structure in Zone R-4 designed for or intended to be used as a dwelling or apartment house, 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 structures is prohibited, of sufficient capacity to accommodate one (1) automobile for each family for the permanent housing of which such dwelling, apartment house, or other structure is designed.

SUBDIVISION OF LOTS

- A. 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.

BUILDING HEIGHT LIMITATIONS

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

C-2 ZONE

C-2 GENERAL COMMERCIAL ZONE

The following regulations shall apply in the C-2 General Commercial Zone unless otherwise provided.

USES PERMITTED

- A. Any use permitted in the C-1 Zone.
- B. Any of the following uses:
1. Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises.
 2. Advertising sign boards or structures.
 3. Automobile parking areas.
 4. Automobile service stations (including super-service stations).
 5. Bakeries, employing not more than ten (10) persons on premises.
 6. Baths, Turkish and the like.
 7. Billiard or pool halls and bowling alleys.
 8. Blueprinting and photostating shops.
 9. Churches, temporary revivals.
 10. Cleaning and pressing establishments using non-inflammable and non-explosive cleaning fluid.
 11. Conservatories of music.
 12. Electric distributing sub-stations.
 13. Funeral parlors or mortuaries.
 14. Furniture warehouses.
 15. Garages, including repairing and servicing.
 16. Hospitals or sanitariums (except animal hospitals, clinics, hospitals or sanitariums for contagious, mental or drug or liquor addict cases.)

Page 5 of 7 Pages

17. Interior decorating shops.
18. Liquor stores.
19. Medical Laboratories.
20. Music and vocal instructions.
21. Nurseries, flowers or plants.
22. Plumbing shops.
23. Printing, lithographing or publishing establishments.

24. Public parking areas.
 25. Public utility or public services buildings, structures and uses.
 26. Refrigerated lockers.
 27. Restaurants, tea rooms and cafes.
 28. Studios.
 29. Skating rinks.
 30. Trade Schools that are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.
 31. Theatres or auditoriums (except for drive-in theatres).
 32. Upholstery shops.
 33. Used car sales areas, provided (a) that no repair or reconditioning of automobiles shall be permitted, except when enclosed in a building, and (b) that such area is located and developed as required in this Ordinance.
 34. Wedding chapels.
- C. Such stores, shops or businesses, except automobile service stations, automobile parking areas, electric distributing sub-stations, nurseries and used car sales areas, shall be conducted entirely within an enclosed building or solid fence or wall six feet in height.
- D. The accessory buildings and structures necessary to such use located on the same lot or parcel of land.

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,

Page 6 of 7 Pages

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 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 Vista Development Co. has caused its corporate name and seal to be hereunto affixed by its officers thereunto duly authorized this 11th day of May, 1962.

SALTON VISTA DEVELOPMENT CO.

BY Lorne B. Pratt (Owner)
Lorne B. Pratt, President
BY Helen R. Vicotta
Helen R. Vicotta, Asst. Sec.

SALTON RIVIERA, INC. having recorded Restrictions for Tract 595 on December 21, 1961, Book 8, Page 13, Imperial County hereby approves and consents to this Amendment of said Restrictions covering Lots 20 and 21, Block 4, Tract 595, now herein referred to as Tract 718.

IN WITNESS WHEREOF, Salton Riviera, Inc. has caused its corporate name and seal to be hereunto affixed by its officers thereunto duly authorized this _____ day of _____, 1962.

SALTON RIVIERA, INC.

BY Irving X. Burg
Irving X. Burg, Vice President
BY Bishop Moore
Bishop Moore, Asst. Sec.
Page 7 of 7 Pages

(Corporation)
STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS.
On May 11 1962 before me, the undersigned, a Notary Public in and for said County and State, personally appeared LORNE B. PRATT
known to me to be the President, and HELEN R. VICOTTA, known to me to be Assistant Secretary of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal. DOROTHY L. BOOTH
My Commission Expires June 10, 1964
(Seal) Dorothy L. Booth
Notary Public in and for said County and State
524 3-38

(Corporation)
STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS.
On May 11, 1962 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Irving X. Burg
known to me to be the Vice President, and Bishop Moore, known to me to be Assistant Secretary of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal. BARBARA A. VAN SICKLE
My Commission Expires Aug. 4, 1963
(Seal) Barbara A. Van Sickle
Notary Public in and for said County and State
524 3-38

71

RECORDED REQUEST OF
Title Insurance and Trust Company
'62 MAY 11 PM 2:55
BOOK 1110 PAGE 534
OFFICIAL RECORDS
IMPERIAL COUNTY, CALIF.
EVALYN B. WESTERFIELD,
COUNTY RECORDER
\$7.60
Indorse

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7 of 7