

RECORDING REQUESTED BY:

City of San Leandro
Planning Services Division
835 East 14th Street
San Leandro, California 94577

WHEN RECORDED MAIL TO:

Leticia I. Miguel, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577



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07/08/2019 09:42 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
MELISSA WILK
RECORDING FEE: 105.00



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CITY OF SAN LEANDRO
JUL 22 2019
CITY CLERK'S OFFICE

THIS SPACE FOR RECORDER'S USE ONLY

DECLARATION OF RESTRICTIVE COVENANT AFFECTING REAL PROPERTY

628 Sybil Avenue, Assessor's Parcel Number 077-0519-009-00

We, Tze Yiou Chen and Chau Hung Chong ("Owner(s)"), hereby place a restrictive covenant on the property ("Property") described below, that restricts the use of the Property for a specific land use activity. The land use restrictive covenant placed on the Property shall run with the Property and thus impose restrictions on all future owners and tenants unless a Notice of Release is executed and recorded by the City of San Leandro ("City").

CONDITIONS OF USE OF STRUCTURES

NOW THEREFORE, in consideration of the mutual benefits, promises and agreements set out herein, the parties agree as follows:

1. The parties hereto agree that execution of this Declaration by Owner and City entitles owner to build a 600 square-foot detached Accessory Dwelling Unit (ADU), as approved by Permit Number **PLN19-0021**.
2. Owner agrees that either the existing residence or the described accessory dwelling unit shall be owner-occupied by the legal deeded owner.
3. Owner agrees that the existing residence and the accessory dwelling unit shall remain on one single deeded lot and shall not be subdivided nor separately assessed for property tax purposes.
4. Owner agrees that there shall be no rental of the accessory dwelling unit for terms shorter than 30 days.
5. Owner agrees to allow the City, at any reasonable time and upon reasonable notice, to inspect the premises for compliance with this agreement.

The use of said property contrary to these special restrictions shall constitute a violation of the Zoning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Enforcement Official of the City of San Leandro, except that in the event that the zoning standards are modified so as to be less restrictive and the uses herein restricted are thereby permitted and in conformity with the provisions of the Zoning Code; this document would no longer be in effect and would be null and void.

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PROPERTY DESCRIPTION

The restrictive covenant described in this Agreement shall run with the land and shall be fully applicable and enforceable as to owners, assigns and successors in interest. The Property affected herein is described as:

A portion of Block 34, Map of the Estudillo Tract, filed January 10, 1876, Map Book 5, page 32, Alameda County Records, described as follows:

Beginning at a point on the northern line of Sybil Avenue distant thereon, easterly 120 feet from the point of intersection thereof with the eastern line of Bancroft Avenue, formerly Santa Clara Street, as said avenue now exist; running thence easterly along said line of Sybil Avenue 50 feet; thence at a right angle northerly 140 feet; thence at a right angle westerly 50 feet; thence at a right angle southerly 140 feet to the point of beginning.

APN: 077-0519-009

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ACKNOWLEDGEMENTS

Tse Yiou Chen
Signature of Property Owner or Agent

Print Name: TSE YIOU CHEN Dated: 7/5/2019

Chau Hung Chong
Signature of Property Owner or Agent

Print Name: CHAU HUNG CHONG Dated: 7/5/2019

A notary public or officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California,

County of San Francisco

On 7/05/2019 before me, Vivian Ho, Notary Public, personally

appeared Tse Yiou Chen and Chau Hung Chong, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Vivian Ho*