

Recording Requested By:

**Planning Division
City of Marina
209 Cypress Ave
Marina, CA 93933**

Exempt from recording fees per Gov't Code § 27383

THIS SPACE FOR RECORDER'S USE ONLY

INSTRUCTIONS: After having this form notarized, take it to the City of Marina to be recorded with the Monterey Co. Clerk-Recorder at 168 W Alisal St #1, Salinas, CA 93901

DECLARATION OF RESTRICTIONS ON USE OF AN ACCESSORY DWELLING UNIT (ADU)
(Government Code § 27281.5):

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") is executed on _____, 20____, by _____, a _____ ("Declarant").

Notice is hereby given that Building Permit # _____ will authorize the creation and operation of an Accessory Dwelling Unit on the property located at _____ Marina, California with an Assessor's Parcel Number of _____, and that is further described in the attached Exhibit A. This deed restriction prohibits the independent sale or transfer of the ADU from the main dwelling pursuant to Marina Municipal Code 17.42.040(A)(3)(j)(a) and Govt. Code Section 65852.2(a)(1)(D)(i), restricts the size of the structure to the approved size pursuant to MMC 17.42.040(A)(3)(j)(b) and prohibits rental of the building for less than 30 days pursuant to MMC 17.42.040(A)(3)(j)(c) and Govt. Code Section 65852.2(a)(6). Daily penalties may be imposed, pursuant to MMC Chapter 1.12, for violations of the applicable ordinance and/or this deed restriction. The issuance of said building permit is contingent upon the property-owner, by recordation of this declaration of restrictions, acknowledging and notifying future property owners of these requirements.

The above declarations shall be binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the accessory unit.

This deed restriction may not be removed from this property without the prior written consent of the City of Marina.

OWNER(S) OF RECORD:

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Dated: _____, 20____ County of Monterey, State of California

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT (Civil Code §1189):

A notary or other 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 Monterey

On _____, 20__ before me, _____, personally appeared _____, 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 the 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 of Notary)

Place Notary Seal Above

EXHIBIT A

Legal Description of the Property

Accessory Dwelling Units require approval of a building permit by the Building Division.

As part of the ADU approval, a deed restriction must be recorded. Prior to final approval of the building permit, Planning staff will collect the completed and notarized deed restriction from the property owner and submit to the City Attorney's Office for review. The City Attorney's Office will review and forward the deed back to Planning to hold until the building permit is finalized. Upon notification by building staff that the building permit has been finalized, Planning staff will submit the deed restriction to the County for recordation.

The following outlines how to fill out the deed restriction document. The responsible party is noted following each step. For questions, contact the City Attorney's Office.

1. In introductory paragraph, insert the date that the document is executed. (*Property owners or notary*)
2. All holders of title to the Property must sign this document. Insert all names of owners in the introductory paragraph. You will have to ask for the deed to the property or a title report in order to ensure you have the correct names. (*Property Owner based on deed or title report*)

Note: Deeds can be viewed or copied in person at the Monterey County Recorder's Office. They cannot be viewed or copied on-line.

3. Describe the status of the property owner in the introductory paragraph. For example, "a California corporation," "a single person," "husband and wife," etc. The marital status of the property owner is important because all owners of the property must execute the document. (*Property Owner based on deed or title report*)
4. In first paragraph, insert street address and Assessor's Parcel Number. (*Planning staff based on deed or title report*)
5. Attach the legal description for the property as Exhibit A. The legal description should be included in or attached to the grant deed for the Property. The legal description can also be found on a title report. If a good copy of the legal description can be made, it can be attached as Exhibit A. Otherwise, the legal description must be retyped verbatim (with no changes). (*Property Owner based on deed or title report*)
6. The signatures must be notarized and the notary acknowledgement attached to the document. The names of the property owners must be typed or handwritten under their signatures. (*Property owner responsibility*)
7. The fully executed and notarized document must be given to Planning staff prior to approval of the Building Permit for recording with the Monterey County Recorder's Office. (*Property owner responsibility*)

Note: Once received, Planning staff will forward it to the City Attorney's Office for review to make sure everything is accurate. If not, it will be returned for correction. If it is correct, then the City Attorney's Office will send the document back to Planning staff for holding.

8. Once the building permit for the accessory dwelling unit has been finalized, Building staff will notify Planning Staff to ask that the deed restriction be recorded. (*Planning Staff*)
9. Planning Staff forwards completed deed restriction to Monterey County for recording. (*Planning staff*)

With recording, this document becomes a permanent exception to title.