WHEN RECORDED MAIL TO:

City of Tempe Community Development Dept. 31 E. 5th Street Tempe, AZ. 85281

PROJECT: Building Permit # BP_____

COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS FOR GUEST QUARTERS

THIS COVENANT AND AGREE	MENT AND DECLARATION OF
RESTRICTIONS is made and entered into	this day of
20by <u>[name/s of all property owners]</u>	, ("Declarants"), with reference to the
following facts:	

A. Declarants are the fee owners of the real property (the "Property") situated in the City of Tempe, County of Maricopa, State of Arizona described as follows:

LOT [<u>TYPE LOT NUMBER AND DESCRIPTION</u>] AS SHOWN BY MAP ON FILE IN BOOK [<u>TYPE BOOK NUMBER</u>], PAGE [<u>TYPE PAGE NUMBER</u>], OF MAPS, RECORDS OF MARICOPA COUNTY, ARIZONA.

- B. The Property, known as *type street address* Tempe, Arizona is in the Single Family Residence Zone ("____") having a minimum lot size of 8,000 square feet.
- C. Declarants proposed to construct an approximately <u>type in square</u> <u>footage</u> square-foot <u>attached/detached</u> guest quarters which has space for a room or sleeping room and a bathroom with shower/tub, toilet and sink and does not provide ingress or egress internally through the main residence. Accordingly, Declarants have filed an application with the City of Tempe ("City") for the issuance of a building permit to establish the guest quarters on the Property.
- D. In the course of issuance of a building permit, Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners on notice that the guest quarters is for the sole use of members of the family occupying the main dwelling or their nonpaying guests and that the guest quarters shall not be rented or leased independently of the main dwelling and is subject to other terms and conditions specified in the City of Tempe Zoning and Development Code.
- E. Declarants are willing to record such a Covenant so that the single-family residence and the guest quarters will not mistakenly be used as two dwelling units, as one primary dwelling and as one auxiliary dwelling unit or for commercial or business activity.

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Tempe for the issuance of a building permit to establish the guest quarters on the Property:

- 1. The guest quarters shall be occupied solely in accordance with the Zoning and Development Code and the conditions of approval for building permits including but not limited to the following provisions:
- a. The main dwelling and the guest quarters shall be considered as one dwelling unit.
- b. Neither the main dwelling nor the guest quarters shall be sold, rented or leased separately from the other.
- d. Except as permitted by the home occupation provisions of the Tempe Zoning and Development Code, no other commercial or business activity shall be conducted on the Property.
- 2. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Community Development Director of the City of Tempe, Arizona, or who is responsible to carry out the provisions and intent of the General Plan and the Zoning and Development Code, by a duly recorded writing.
- 3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by City, its successors or assigns. Should City bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees and reasonable costs of suit.

IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement to be executed as of the day and year first written above.

(Signature of Owner)	(Printed Name)	
(Signature of Owner)	(Printed Name)	
State of)		
) ss () () () () () () () () ()		
SUBSCRIBED AND SWORN befo	re me thisday of	, 20,
	(Signature of No	tary)

WHEN RECORDED MAIL TO:

City of Tempe Community Development Dept. 31 E. 5th Street Tempe, AZ. 85281

E.

commercial or business activity.

PROJECT: Building Permit # BP_____

COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS FOR GUEST OUARTERS

	FOR GUEST QUARTERS		
	THIS COVE	NANT AND AGREEMENT	T AND DECLARATION OF
REST			day of,
			, ("Declarants"), with
referei	nce to the follo	owing facts:	, (Declaration), with
010101	ice to the folia	wing facts.	
	A.	Declarants are the fee own	ners of the real property (the "Property")
	situated in th		Maricopa, State of Arizona described as
	follows:	J 1 7 J	1 /
			AS SHOWN BY MAP ON FILE IN
	BOOK	. J	AS SHOWN BY MAP ON FILE IN PAGE, OF
	MAPS, RECO	ORDS OF MARICOPA COUN	TY, ARIZONA.
	B.	The Property, known as	Tempe, Arizona is") having a minimum lot size of
	in the Single	Family Residence Zone ("	") having a minimum lot size of
	8,000 square	feet.	
	, 1		
	C.	Declarants proposed to con	nstruct an approximately
			guest quarters which has
	space for a ro	oom or sleeping room and a l	bathroom with shower/tub, toilet and
		1 0	ss internally through the main residence.
		1 0	plication with the City of Tempe ("City")
			stablish the guest quarters on the
	Property.	ice of a banding permit to es	ductions the guest quarters on the
	Troperty.		
	D	In the course of issuance of	of a building permit, Declarants are
			nt and declaration of restrictions
	_	•	ice that the guest quarters is for the sole
			the main dwelling or their nonpaying
	_		t be rented or leased independently of
			terms and conditions specified in the
	City of Temp	pe Zoning and Development	Code.

family residence and the guest quarters will not mistakenly be used as two

dwelling units, as one primary dwelling and as one auxiliary dwelling unit or for

Declarants are willing to record such a Covenant so that the single-

NOW, THEREFORE, for the purpose of complying with certain conditions imposed by the City of Tempe for the issuance of a building permit to establish the guest quarters on the Property:

- 1. The guest quarters shall be occupied solely in accordance with the Zoning and Development Code and the conditions of approval for building permits including but not limited to the following provisions:
- a. The main dwelling and the guest quarters shall be considered as one dwelling unit.
- b. Neither the main dwelling nor the guest quarters shall be sold, rented or leased separately from the other.
- d. Except as permitted by the home occupation provisions of the Tempe Zoning and Development Code, no other commercial or business activity shall be conducted on the Property.
- 2. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Community Development Director of the City of Tempe, Arizona, or who is responsible to carry out the provisions and intent of the General Plan and the Zoning and Development Code, by a duly recorded writing.
- 3. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by City, its successors or assigns. Should City bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees and reasonable costs of suit.

IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement to be executed as of the day and year first written above.

(Signature of Owner)	(Printed Name)
(Signature of Owner)	(Printed Name)
State of) ss	
County of)	
SUBSCRIBED AND SWORN be	fore me thisday of
<u> </u>	
	(Signature of Notary)