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| --- | --- |
| **RECORDING REQUESTED BY:**  City of Newark  37101 Newark Boulevard  Newark, CA 94560 |  |
| **WHEN RECORDED, SEND TO:**  Enter Street Address  Newark, CA 94560 |  |
|  | To be Recorded Without Fee Pursuant to [Government Code §27383](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=27383.) |

Declaration of Restrictions

Accessory Dwelling Unit (ADU) – Deed Restriction

**WHEREAS**, the undersigned, Property Owner(s) is/are the present owner of certain real property (noted below) located in the City of Newark, County of Alameda, State of California, and more particularly described in the attached legal description (Exhibit “A”); and

**WHEREAS**, the term “Property Owner” shall, if applicable, include heirs named within a currently valid declaration of trust designating ownership of the subject property, and shall, if applicable, include principals of a corporation, for a corporation, the corporate officers, for a limited liability company, the members, and for a partnership, the partners; and

**WHEREAS**, the Property Owner and/or persons acting on behalf of the Property Owner propose to construct an Accessory Dwelling Unit (ADU) or convert all or part of an existing structure into an ADU pursuant to the provisions and standards set forth in [Newark Municipal Code (NMC) §17.26.040](https://library.municode.com/ca/newark/codes/code_of_ordinances?nodeId=CD_ORD_TIT17ZO_DIVIIICIRE_CH17.26STSPUS_17.26.040ACDWUN) and [Government Code §65852.2](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65852.2.&lawCode=GOV); and

**WHEREAS**, this deed restriction is required to satisfy the stipulation and provision set forth in [NMC §17.20.040.B-9](https://library.municode.com/ca/newark/codes/code_of_ordinances?nodeId=CD_ORD_TIT17ZO_DIVIIICIRE_CH17.26STSPUS_17.26.040ACDWUN).

**NOW, THEREFORE**, the Property Owner agrees as follows:

## Prohibition of Sale

The separate sale of the ADU from the primary single-family dwelling, or vice versa, shall be prohibited. No subdivision of the subject property shall occur resulting in the split of the accessory dwelling unit from the parcel where the existing, primary structure exists.

## Prohibition of Short-Term Rentals

The rental of the ADU or the primary single-family dwelling for a period of less than thirty (30) consecutive days shall be prohibited.

## Right Appurtenant

The covenants and restrictions of this deed restriction shall run with the land, and shall pass to and be binding upon and parties having any interest in the subject property, including all successors in title to the Property. Each and every contract, deed, lease, and other instrument covering, conveying or otherwise transferring the Property or any interest therein, as the case may be, shall conclusively beheld to have been executed, delivered and accepted to this deed restriction regardless of whether the other party or parties to such contract have actual knowledge of this deed restriction.

## Enforcement

Any violation of this deed restriction may result in the imposition of fines, fees, penalties and/or other enforcement action of the NMC. The City may enforce the provisions hereof through any proceedings at law or in equity.

## Cooperation Required

The Property Owner shall fully cooperate with the City in promptly providing all information and access requested to assist the City in monitoring compliance with this deed restriction and the NMC.

## Amendments

This deed restriction may not be amended or released from the subject Property without prior written consent from the City and, as applicable, such modifications shall be recorded with the [Alameda County Recorder’s Office](https://www.acgov.org/auditor/clerk/record.htm).

## Recordation

This deed restriction shall be recorded shall be recorded with the [Alameda County Recorder’s Office](https://www.acgov.org/auditor/clerk/record.htm).

## Severability

If any one or more of the provisions contained in this deed restriction shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision(s) shall be deemed severable from the remaining provision(s) contained in this restriction, and this restriction shall be construed as if such invalid, illegal, or unenforceable item had never been contained herein.

**IN WITNESS WHEREOF**, this Deed Restriction has been executed by the undersigned party(ies) for the following property:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Assessor’s Parcel Number: | Click or tap here to enter text. | | | | |
| Property Address: | Click or tap here to enter text. | | | | |
| **PROPERTY OWNER(S):** |  | | | | |
| Click or tap here to enter text. | |  |  |  | Click or tap to enter a date. |
| Property Owner Name | |  | Signature |  | Date |
|  | |  |  |  |  |
| Click or tap here to enter text. | |  |  |  | Click or tap to enter a date. |
| Property Owner Name | |  | Signature |  | Date |

Notary of Acknowledgement

A notary public 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: |  |

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, before me, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(date) (name and title of the officer)

a Notary Public, 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 |  | (Seal Above) |

Exhibit “A” – Legal Description

(Available on the property’s title report or grant deed)