

**SECONDARY DWELLING UNIT
DECLARATION OF COVENANTS RUNNING WITH THE LAND**

This Declaration of Covenant is made by:

_____, the Declarant.

1. **Affected Property.** Declarant is the owner of the land referred to in this Declaration as the Affected Property and more particularly described as:

(address)

and legally described in Exhibit A attached to and made part of this Declaration.

2. **Purpose.** This Declaration is executed in order to satisfy Declarant's obligations arising from the issuance of a Pima County Zoning Use Permit allowing a secondary dwelling pursuant to Pima County Zoning Code Section 18.09.020(J)(1)(b)(6).
3. **Declaration.** Declarant, for itself and its successors and assigns, hereby declares that all of the Affected Property and each part thereof shall be owned, held, transferred, conveyed, sold, leased, rented, encumbered, used, occupied, maintained, altered and improved Affected to the covenants, conditions, restrictions and other provisions set forth in these Covenants for the period these Covenants are in effect.
4. **Effect.** The provisions of these Covenants are not personal and are intended to and shall run with the land and, until their expiration or termination, shall bind, be a charge upon and insure to the mutual benefit of (a) the owners of all or a portion of the Affected Property, (b) Declarant and its successors and assigns, and (c) Pima County and any successor governmental entity.
5. **Restriction.** The secondary dwelling unit for the use of ill, handicapped or elderly relatives who are in need of special care or supervision which is described in the Pima County Use Permit issued pursuant to Pima County Zoning Code Section 18.09.020(J)(1)(b)(6) shall be removed a) from the from the Affected Property within ninety days of the date the secondary dwelling unit is no longer occupied by the person specified herein, _____ and in the Use Permit.
(name of secondary dwelling occupant)

6. **Effective Date.** These Covenants shall be effective on the day they are recorded in the Office of the Pima County Recorder.
7. **Duration.** All provisions of the Declaration shall continue in full force and effect for a period of ninety-nine years from the effective date of this Declaration.
8. **Amendment.** These Covenants may be amended only upon the concurrence of both Pima County or any successor governmental entity and Declarant or its successors and assigns.
9. **Enforcement.** The covenants contained in this Declaration are not personal and shall run with the Affected Property and shall be a servitude in favor of Pima County as (a) body politic and (b) trustee of real property dedicated to the public in the vicinity of the Affected Property.

Executed: _____
(Date)

By: _____
(Declarant)

STATE OF ARIZONA)
County of Pima) ^{ss}

This instrument was acknowledged before me on this _____ day of _____, 20 ____.

Notary Public

My Commission Expires: