



DENNIS DRAEGER
ASSESSOR – RECORDER – CLERK

R Regular Mail

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Redlands
35 Cajon Street
Redlands, California 92373
Attention: City Clerk

Doc#: 2012 – 0549908



Titles: 1 Pages: 6

Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

No fee for recording pursuant to
Government Code Section 27383

FIRST AMENDMENT TO HOUSING INCENTIVE AND/OR CONCESSION AGREEMENT

THIS FIRST AMENDMENT TO HOUSING INCENTIVE AND/OR CONCESSION AGREEMENT (the "Amendment") is entered into as of the 18th day of December, 2012, by and between the HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO, a public body, corporate and politic (the "Developer") and the CITY OF REDLANDS, a California municipal corporation (the "City").

RECITALS

A. The Developer and the City entered into a Housing Incentive and/or Concession Agreement dated as of August 4, 2009, (the "Housing Agreement"), pursuant to which the Developer agreed that one hundred eighty-nine (189) units to be constructed on certain real property owned by the Developer would be made available to the public as "Affordable Housing". Capitalized terms used but not otherwise defined in this Amendment have the meanings set forth in the Housing Agreement.

B. Since entering into the Housing Agreement, the Developer has subdivided the Property into multiple parcels to facilitate the phased construction of the Project. Phase I of the Project will include eighty-five (85) units of Affordable Housing ("Phase I"). Phase I of the project will be constructed on the real property described in the attached Exhibit A (the "Phase I Property"). Phase II of the Project will include One Hundred Four (104) units of Affordable Housing ("Phase II"), and will be constructed on a portion of the Property to be further subdivided by Developer (the "Phase II Property"). Phase I and Phase II are collectively referred to as the "Development Phases".

C. The City and the Developer desire to enter into this Amendment to reflect their understanding as to how the Affordable Units will be divided among the Development Phases.

NOW, THEREFORE, in the City and the Developer agree as follows:

1. Phased Development of Project. The City agrees that Developer's obligations under the Housing Agreement to construct one hundred eighty-nine (189) units of Affordable

Housing may be satisfied by the development of the units in the Development Phases. In Phase I eighty-five (85) units are required to be Affordable Units rented as Affordable Housing. In Phase II One Hundred Four (104) units are required to be Affordable Units rented as Affordable Housing.

2. Recordation of Amendment. The parties agree to cause the recordation of this Amendment against the Phase I Property. The parties agree to record a copy of this Amendment against the Phase II Property when such property is subdivided by Developer. The City agrees to terminate the Housing Agreement to the extent it encumbers portions of the Property that are not part of the Phase I Property and the Phase II Property.

3. Full Force and Effect. Except as set forth in this Amendment, the Housing Agreement remains unmodified and is in full force and effect.

4. Counterparts. This Amendment may be signed by the different parties hereto in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

5. CEQA. In approving this Amendment, the City Council of the City of Redlands determines that approval of the Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to state CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that approval of this Amendment will have no effect on the environment.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day first above written.

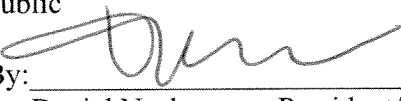
CITY:

City of Redlands, a California
municipal corporation

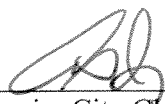
By: 
Pete Aguilar, Mayor

DEVELOPER:

Housing Authority of the County of San
Bernardino, a public body corporate and
public

By: 
Daniel Nackerman, President/CEO

ATTEST:

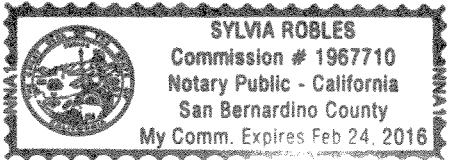

Sam Irwin, City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF San Bernardino)

On December 18, 2012, before me, Sylvia Robles, Notary Public, personally appeared Daniel Mackerman, 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.



Sylvia Robles
Name: SYLVIA ROBLES
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, before me, _____, 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.

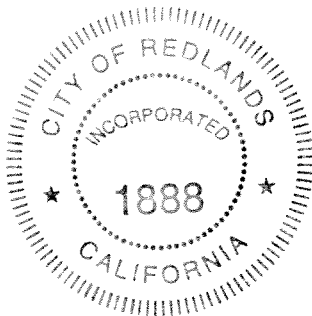
Name: _____
Notary Public

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS
CITY OF REDLANDS)

By the authority granted under Chapter 4, Article 3, Section 1181, of the California Civil Code, and Chapter 2, Division 3, Section 40814, of the California Government Code, on December 18, 2012, before me, Teresa Ballinger, Deputy City Clerk, on behalf of Arthur S. Irwin, City Clerk of the City of Redlands, California, personally appeared Pete Aguilar, Mayor, and Arthur S. Irwin, City Clerk, 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.

ARTHUR S. IRWIN, CITY CLERK

By: Teresa Ballinger
Teresa Ballinger, Deputy City Clerk
(909)798-7531

CAPACITY CLAIMED BY SIGNER(S)

{ } **Individual(s) signing for oneself/themselves**

{ } **Corporate Officer(s)**

Title(s) _____

Company _____

{ } **Partner(s)**

Partnership _____

{ } **Attorney-In-Fact**

Principal(s) _____

{ } **Trustee(s)**

Trust _____

{ x } **Other**

Title(s): Mayor and City Clerk

Entity Represented: City of Redlands

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

Title or Type of Document: First Amendment to Housing Incentive and/or Concession Agreement

Date of Document: December 18, 2012

Signer(s) Other Than Named Above: Housing Authority, County of San Bernardino by: Daniel Nackerman, President/CEO

EXHIBIT A
LEGAL DESCRIPTION

[Lot 19 on Tract Map 18762-1]

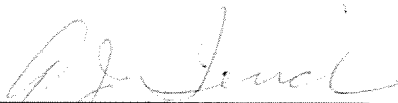
EXHIBIT "A"

A PARCEL OF LAND IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 19 AS SHOWN ON TRACT 18762-1 IN THE CITY OF REDLANDS, RECORDED IN BOOK 337 OF TRACT MAPS AT PAGES 1 THROUGH 3, INCLUSIVE, ON DECEMBER 3, 2012, OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 7.15 ACRES, MORE OR LESS.




ANTHONY J. TERICH, RCE 21914