



LARRY WALKER
Auditor/Controller – Recorder

R Regular Mail

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Redlands
35 Cajon, Suite 4
Redlands, CA 92373
Attn: City Clerk

Doc#: 2010-0548347



Titles: 1 Pages: 5

Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

APN: 0171-461-48

NOTICE OF RELEASE OF DENSITY BONUS AGREEMENT

This Notice of Release of Density Bonus Agreement is made this 16th day of November, 2010, by the City of Redlands, a municipal corporation ("City").

WHEREAS, National Community Renaissance of California, a California nonprofit public benefit corporation which acquired title as The Southern California Housing Development Corporation ("Owner"), is currently the owner of the apartment community commonly known as the Colony Apartments, located at 221 New York Street, Redlands, California (the "Property"). The Property is described more specifically on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, on or about August 3, 1987, Daljit Sarkaria, Elaine Sarkaria and John A. Sarkaria (collectively, the "Sarkarias") and the City entered into that certain Density Bonus Agreement (the "Density Bonus Agreement") concerning the Property, which was subsequently recorded on August 24, 1987 as Instrument No. 87-292877, Official Records of San Bernardino County, California. The Sarkarias were the original developers of the apartment improvements which were constructed on the Property. In conjunction with the City's approval of a conditional use permit permitting construction of a project with additional density on the Property, the Sarkarias and the City agreed to and did execute the Density Bonus Agreement imposing affordability restriction on use of the Property for ten (10) years from the date of execution thereof. Based upon its execution date of August 3, 1987, the Density Bonus Agreement expired August 2, 1997; and

WHEREAS, the Owner continues to operate the improvements on the Property to provide

affordable housing. In connection therewith, the Owner most recently agreed to impose affordability restrictions on the Property in the form of a Regulatory Agreement and Declaration of Restrictive Covenants among the California Statewide Communities Development Authority, Washington Mutual Bank, FA and the Owner (the "Bond Regulatory Agreement"), which Bond Regulatory Agreement was recorded on July 9, 2003 as Document No. 2003-0501127. Among its provisions, the Bond Regulatory Agreement restricts rental of forty percent (40%) of the apartment units located on the Property to persons and families with a household income not greater than sixty percent (60%) of the area medium income as set by and determined by the United States Department of Housing and Urban Development. The term of the Bond Regulatory Agreement expires on the *later* of the date that no bonds issued in connection therewith remain outstanding or July 8, 2033. The provisions and restrictions of the Bond Regulatory Agreement restrict a greater number of apartment units at deeper affordability than the Density Bonus Agreement and thereby protect the affordable housing interests of the City; and

WHEREAS, by virtue of the foregoing and by reason of the expiration of the term of the Density Bonus Agreement, the City has agreed to release the Density Bonus Agreement from the Official Records of San Bernardino County. The purpose of recordation of this Notice of Release of Density Bonus Agreement is to document as a matter of public record such release.

OPERATIVE PROVISIONS

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the City hereby declares that:

1. The Density Bonus Agreement has expired according to its terms. Although expired, the interest of the City in the provision of quality affordable housing on the Property for the residents of the City is continued during the term of the Bond Regulatory Agreement.
2. The Density Bonus Agreement has expired by its terms and is of no further force and effect.
3. The obligations of the parties under the Density Bonus Agreement no longer run with the land and the Property is hereby released from the burdens of the Density Bonus Agreement, which is of no force and effect as a matter of public record.

IN WITNESS WHEREOF, the undersigned, an authorized representative of the City, has executed this Notice of Release of Density Bonus Agreement as of the date and year first above written.

City of Redlands,
a municipal corporation

By: 
Pete Aguilar, Mayor
City of Redlands

ATTEST:


Sam Irwin, City Clerk

EXHIBIT "A"
[Legal Description]

Parcel 1 of Parcel Map No. 9485, in the City of Redlands, County of San Bernardino, State of California, as shown by Map recorded in Book 107, Page 67 of Parcel Maps, in the Office of the County Recorder of San Bernardino County, California.

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 22, 2010, 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 _____

☒ **Other**

Title(s): Mayor and City Clerk

Entity Represented: City of Redlands, a municipal corporation

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

Title or Type of Document: Notice of Release of Density Bonus Agreement

Date of Document: November 16, 2010

Signer(s) Other Than Named Above: None

Agreement Release - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a Notice of Release from a Density Bonus Agreement between the City of Redlands and Daljit Sarkaria and John Sarkaria, developers of the Colony Apartments, an 88-unit apartment complex located at 221 New York Street. The Notice documents, as a matter of public record, the termination and release of the provisions of the Agreement which expired on or about August 2, 1997.

Arbor Day - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a proclamation recognizing the celebration of National Arbor Day in the City of Redlands on April 30, 2010.

Fee Protest - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a letter for the mayor's signature to members of the California State Legislature in protest of a new fee to be imposed on operators of landfills within the State.

Lease Agreement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a lease agreement between the City of Redlands and Primero Management, Inc. to provide 560 square feet of office space in the Orange Street Shopping Plaza for one dollar a year to serve as a substation for the Redlands Police Department Downtown Business Liaison Unit.

Communications Center Software Agreement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement between the City of Redlands and CDW-G for a vSphere 4 Advanced of Enterprise with P2V Migrations Jumpstart. The agreement will provide a software solution to convert physical servers to virtual servers to better manage the volumes of data utilized by the Police Department Communications Center.

Municipal Utilities and Engineering Reorganization - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a Side Letter with the General Employees Association of Redlands (GEAR) for the reorganization of the Water Distribution Division of the Municipal Utilities and Engineering Department. The Side Letter allows consolidation of the Water Distribution Division classification structure to three classifications, lowers the base salary for employees occupying these classifications, and provides incentive pay for those employees choosing to acquire additional certifications above the minimum qualifications for their classification.

COMMUNICATIONS: