

2022006890

Stephen L. Vagnini
Monterey County Clerk-Recorder

02/09/2022 02:42 PM

Recorded at the request of:
UCP EAST GARRISON LLC

Titles: 1 Pages: 13

Fees: \$49.00
Taxes: \$0.00
AMT PAID: \$49.00



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

UCP East Garrison, LLC
6700 Koll Center Parkway, Suite 210
Pleasanton, CA 94566
Attention: Holly Traube Cordova, Esq.

Space Above This Line Reserved for Recorder's Use

This First Amendment to Inclusionary Housing Agreement is being recorded without a fee pursuant to Government Code Section 27383 because it correlates to the infrastructure initiative adopted by the County of Monterey Board of Supervisors by supporting consistent development and property ownership and the County will be benefitting by adopting this amendment.

FIRST AMENDMENT TO INCLUSIONARY HOUSING AGREEMENT
(Master Developer – Moderate Income Inclusionary (For Sale) Units)
East Garrison Project
Fort Ord, County of Monterey

THIS FIRST AMENDMENT TO INCLUSIONARY HOUSING AGREEMENT (“Amendment”) is dated as of February 8, 2022 and entered into between SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (the “Agency”) and UCP EAST GARRISON, LLC, a Delaware limited liability company (“Master Developer”), with respect to the following.

WHEREAS, the Redevelopment Agency of the County of Monterey (predecessor-in-interest to Agency) and East Garrison Partners I, LLC (predecessor-in-interest to Master Developer) entered into that certain Inclusionary Housing Agreement (Master Developer – Moderate Income Inclusionary (For Sale) Units), East Garrison Project, Fort Ord, County of Monterey dated June 20, 2007 and recorded in the Official Records of the County of Monterey on March 6, 2019 as Document No. 2019008866 (the “Agreement”);

WHEREAS, Community Housing Improvement and Planning Associates, Inc. (CHISPA) is the non-profit developer selected for the Phase Two Rental Affordable Housing Development to construct 65 very low and low-income rental units (CHISPA Project);

WHEREAS, at the time the Agreement was entered, it was not yet determined on which parcels the moderate units were to be located, and as is standard practice the Agreement recorded the moderate unit restriction on all parcels identified for inclusionary housing, including Lots M2.14 (APN 031-169-057-000) and M2.15 (APN 031-169-058-000) of Tract No. 1519 which are the parcels identified for the CHISPA Project;

WHEREAS, it is necessary to remove the moderate inclusionary housing restriction from the title for Lots M2.14 and M2.15 to enable the CHISPA Project to move forward, for the Master Developer's obligations to be assigned to CHISPA, and the appropriate very low and low-income restrictions to be recorded to the title for Lots M2.14 and M2.15 instead.

WHEREAS, the Agency and Master Developer desire to amend the Agreement as set forth herein.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Revision of Exhibit B. Lots M2.14 and M2.15 were included in Exhibit B to the Agreement and are hereby removed from the Agreement. Therefore, prior Exhibit B to the Agreement (a copy of which is attached hereto as Exhibit 1) is hereby deleted and replaced with the new Exhibit B attached hereto as Exhibit 2.

2. Notices. The notice addresses for the Agency and Master Developer in Section 19 of the Agreement are hereby deleted and replaced with the following:

TO THE AGENCY:

Successor Agency to the Redevelopment Agency
of the County of Monterey
Assistant County Administrative Officer
County of Monterey
168 W. Alisal Street
Salinas, CA 93901
Attn: Nicholas E. Chiulos, Assistant County Administrative Officer

With a copy to:

County of Monterey
Office of County Counsel
168 W. Alisal Street
Salinas, CA 93901
Attn: Deputy County Counsel for
Housing and Community Development Department

TO MASTER DEVELOPER:

UCP East Garrison, LLC
c/o Century Communities
6700 Koll Center Parkway, Suite 210
Pleasanton, CA 94566
Attention: Nicholas Arenson

With a copy to:

Century Communities
7330 North Palm Ave., Suite 106

Fresno, CA 97113
Attn: Holly Traube Cordova, Esq.

3. Duration and Amendment of Agreement. The second sentence of Section 21 of the Agreement is deleted and replaced with the following: “This Agreement, and any section, subsection, or covenant contained herein, may be amended only upon the written consent of the Assistant County Administrative Officer acting on behalf of the Successor Agency or his or her designee, who shall have authority to approve or disapprove minor or technical amendments on behalf of the Agency.”

4. Addition of Release of Restrictions. The Agency wishes to remise and release the restrictions imposed by the Agreement for Lots_M2.14 (APN 031-169-057-000) and M2.15 (APN 031-169-058-000) of Tract No. 1519, and the Release of Restrictions form incorporated hereto as Exhibit 3 to this First Amendment to the Agreement shall be executed and recorded immediately following with the County of Monterey Recorder._

5. General. Except as expressly amended or modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect. This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and such counterparts together shall constitute only one agreement.


[signatures on next page]

IN WITNESS WHEREOF, the undersigned have executed this Partial Termination as of the day and year first above written.

MASTER DEVELOPER:

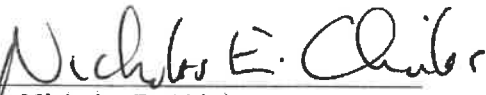
UCP EAST GARRISON, LLC, a Delaware limited liability company

By: UCP, LLC, a Delaware Limited Liability Company, its sole member


By: 
Name: Nicholas Arenson
Title: Division President

AGENCY:

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

By: 
Name: Nicholas E. Chiulos
Title: Assistant County Administrative Officer

Approved as to Form
Office of the County Counsel
Leslie J. Girard, County Counsel

DocuSigned by:

Name: Kristi Markey
Title: Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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.

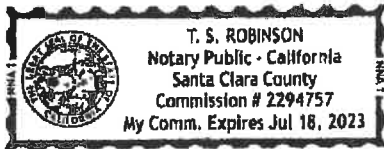
State of California

County of Santa Clara

On February 7, 2022 before me, T.S. Robinson, Notary Public, personally appeared Nicholas Arenson, 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.



T S Robinson

Signature of Notary Public

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 MONTEREY)

On 2.8.2022, before me, DAWN M YONEMITSU
(insert name and title of the officer)

Notary Public, personally appeared NICHOLAS E CHILLOS,
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

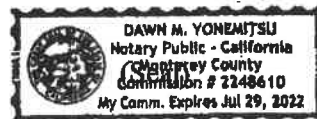
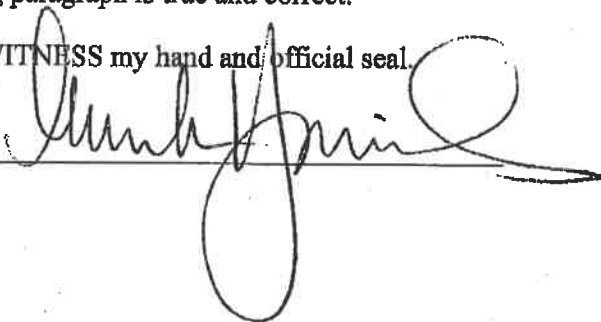


EXHIBIT 1
PRIOR EXHIBIT B
LIST OF TOWNHOME PARCELS – PHASES 1 AND 2

Real property in an unincorporated area, Monterey County, State of California, described as follows:

Lots M1.1, M1.2, M1.3, M1.4, M1.6, M1.7, M1.9, M1.10 and M1.11 as shown on that certain map entitled “Tract No. 1489, East Garrison Phase One”, filed for record on June 28, 2007, in Volume 24 of Cities and Towns, at page 7, filed in the Office of the County Recorder, County of Monterey, State of California.

Lots M2.1, M2.2, M2.3, M2.4, M2.5, M.2.6, M2.7, M2.8, M2.9, M2.10, M2.11, M2.12, M2.13, M2.14 and M2.15, as shown on that certain map entitled “Tract No. 1519, East Garrison Phase Two”, filed for record on March 19, 2015, in Volume 24 of Cities and Towns, at page 41, filed in the Office of the County Recorder, County of Monterey, State of California.

Excepting therefrom all mineral rights with the right of surface entry as reserved in the “Quitclaim Deed for a Portion of Former Fort Ord, Monterey, California”, executed by the United States of America, in favor of the Fort Ord Reuse Authority, recorded May 19, 2006, Instrument No. 2006-045190, Official Records, Monterey County. Said document was re-recorded and amended January 12, 2007, Instrument No, 2007-03370, Official Records, Monterey County.

EXHIBIT 2
NEW EXHIBIT B
LIST OF TOWNHOME PARCELS – PHASES 1 AND 2

Real property in an unincorporated area, Monterey County, State of California, described as follows:

Lots M1.1, M1.2, M1.3, M1.4, M1.6, M1.7, M1.9, M1.10 and M1.11 as shown on that certain map entitled “Tract No. 1489, East Garrison Phase One”, filed for record on June 28, 2007, in Volume 24 of Cities and Towns, at page 7, filed in the Office of the County Recorder, County of Monterey, State of California.

Lots M2.1, M2.2, M2.3, M2.4, M2.5, M2.6, M2.7, M2.8, M2.9, M2.10, M2.11, M2.12 and M2.13, as shown on that certain map entitled “Tract No. 1519, East Garrison Phase Two”, filed for record on March 19, 2015, in Volume 24 of Cities and Towns, at page 41, filed in the Office of the County Recorder, County of Monterey, State of California.

Excepting therefrom all mineral rights with the right of surface entry as reserved in the “Quitclaim Deed for a Portion of Former Fort Ord, Monterey, California”, executed by the United States of America, in favor of the Fort Ord Reuse Authority, recorded May 19, 2006, Instrument No. 2006-045190, Official Records, Monterey County. Said document was re-recorded and amended January 12, 2007, Instrument No. 2007-03370, Official Records, Monterey County.

EXHIBIT 3
RELEASE OF RESTRICTIONS
[To be inserted upon recordation]

2022006889

Stephen L. Vagnini
Monterey County Clerk-Recorder

02/09/2022 02:42 PM

Recorded at the request of:
UCP EAST GARRISON LLC

Titles: 1 Pages: 4

Fees: \$20.00
Taxes: \$0.00
AMT PAID: \$20.00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

UCP East Garrison, LLC
6700 Koll Center Parkway, Suite 210
Pleasanton, CA 94566
Attention: Holly Traube Cordova, Esq.



Space Above This Line Reserved for Recorder's Use

This Release of Restrictions is being recorded without a fee pursuant to Government Code Section 27383 because it correlates to the infrastructure initiative adopted by the County of Monterey Board of Supervisors by supporting consistent development and property ownership and the County will be benefitting adopting said Release of Restrictions.

RELEASE OF RESTRICTIONS

The undersigned declares as follows:

Documentary Transfer Tax: \$0.00. No transfer of real property and no consideration paid. R&T Code §11911.

Unincorporated area of: Monterey County; or **City of: _____**
Assessor's Parcel Number: 031-169-057-000 and 031-169-058-000.

- Computed on full value of interest or property conveyed, or**
- Computed on full value less value of liens or encumbrances remaining at the time of sale**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, dated as of February 8, 2022, the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY, a political subdivision of the State of California, does hereby REMISE and RELEASE from the real property with Monterey County Assessor Parcel Numbers 031-169-057-000 and 031-169-058-000 described in Exhibit A, attached hereto ("**Property**"), owned by UCP EAST GARRISON, LLC, a Delaware limited liability company, the effect of the following document (collectively, the "**Restrictions**"):

Inclusionary Housing Agreement (Master Developer – Moderate Income Inclusionary (For Sale) Units), East Garrison Project, Fort Ord, County of Monterey dated June 20, 2007 and recorded in the Official Records of the County of Monterey on March 6, 2019 as Document No. 2019008866 (the "**Agreement**").

This Release does not release the effect of the Restrictions on the remaining real property described on Exhibit B of the Agreement, other than the Property.

[signatures on next page]

IN WITNESS WHEREOF, the undersigned have executed this Partial Termination as of the day and year first above written.

AGENCY:

SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE
COUNTY OF MONTEREY

By: Nicholas E. Chiulos
Name: Nicholas E. Chiulos
Title: Assistant County Administrative Officer

Approved as to Form
Office of the County Counsel
Leslie J. Girard, County Counsel

DocuSigned by:
Kristi Markey
Name: Kristi Markey
Title: Deputy County Counsel

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 MONTEREY)

On 2.8.2022, before me, DAWN M YONEMITSU,
(insert name and title of the officer)

Notary Public, personally appeared NICHOLAS E CHILDS,
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

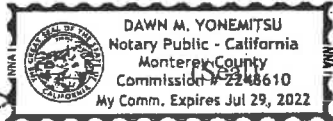
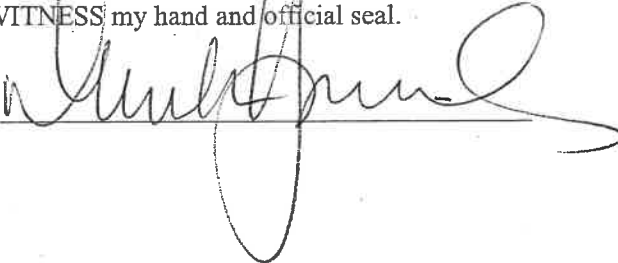


EXHIBIT A
LEGAL DESCRIPTION OF AFFECTED PROPERTY

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

LOTS M2.14 AND M2.15, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 1519, EAST GARRISON PHASE TWO", FILED FOR RECORD ON MARCH 19, 2015, IN BOOK 24 OF CITIES AND TOWNS, AT PAGE 41, FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDED BY CERTIFICATE OF CORRECTION RECORDED MARCH 02, 2016 AS INSTRUMENT NO. 2016-10795 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL MINERAL RIGHTS WITH THE RIGHT OF SURFACE ENTRY AS RESERVED IN THE "QUITCLAIM DEED FOR A PORTION OF FORMER FORT ORD, MONTEREY, CALIFORNIA", EXECUTED BY THE UNITED STATES OF AMERICA, IN FAVOR OF THE FORT ORD REUSE AUTHORITY, RECORDED MAY 19, 2006, INSTRUMENT NO. 2006-045190, OFFICIAL RECORDS, MONTEREY COUNTY SAID DOCUMENT WAS RE-RECORDED AND AMENDED JANUARY 12, 2007, INSTRUMENT NO. 2007-03370, OFFICIAL RECORDS, MONTEREY COUNTY.

APN: 031-169-057-000 (LOT M2.14) AND 031-169-058-000 (LOT M2.15)