

Trujillo, Rose Ann

From: Sanchez, Deborah
Sent: Tuesday, September 23, 2014 4:46 PM
To: Trujillo, Rose Ann
Cc: Reenders, Kelly; Storck, Lisa
Subject: City Manager's Signature - Empowerment Zone Covenant Document - SA Boys and Girls Club
Attachments: WC200@santa-ana.org_20140919_115249.pdf

Hello Rose Ann -

As part of the Empowerment Zone grant close-out process, the City Attorney's office and I have been working closely with HUD in developing the attached covenant document which upon execution will be recorded with the County Clerk-Recorder. HUD is requiring that a covenant be filed on the property to ensure that the land acquired by use of federal dollars is used as a teen and youth center per the original intent as awarded by the SAEC. Below is the link to the June 23, 2004 SAEC Board meeting minutes showing the action taken. Should the use change or there is an effort to sell the property during the term of the covenant the Club will be required to seek direction from the City and HUD on repayment of the \$463,958.62. The covenant is scheduled to expire 10 years from the recording date.

The Executive Director of the Club has signed the document as well as Lisa Storck from the City Attorney's office and now is ready for the City Manager's notarized signature. If at all possible I'd like to have the document signed ASAP.

Please contact me when fully executed so that I can walk it over to the County Recorder's office.

<http://clerk/WebLink8/PDF/che4ygvezmkkod454h5gxv45/12/06232004.pdf>

Thank you,

Deborah Sanchez
Economic Development Specialist III

Community Development Agency
Economic Development Division/Santa Ana WIB
1000 E. Santa Ana Blvd. Suite 200
Santa Ana, CA 92701

T: (714) 565-2621 F. (714) 565-2602
www.santa-ana.org/business

CONFIRMED COPY

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Santa Ana
Clerk of the Council Office
20 Civic Center Plaza, #
P.O. Box 1988
Santa Ana, California 92702

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



NO FEE

2014000393808 10:56 am 09/29/14

63 413 D02 8
0.00 0.00 0.00 0.00 21.00 0.00 0.00 0.00

SPACE ABOVE THIS LINE FOR RECORDING USE
FREE RECORDING REQUESTED
[Government Code Section 6103]

**DECLARATION OF COVENANTS AND
RESTRICTIONS OF BOYS & GIRLS CLUB OF
SANTA ANA TEEN CENTER
(950 W. Highland Street, Santa Ana, CA 92703)**

THIS DECLARATION OF COVENANTS AND RESTRICTIONS OF BOYS & GIRLS CLUB OF SANTA ANA TEEN CENTER (the "Restrictions") are entered into as of the 23 day of September, 2014, by and among The Boys and Girls Club of Santa Ana, a California a California non-profit corporation (referred to herein as the "Grantee") and the City of Santa Ana, a charter city and municipal corporation (hereinafter "City").

RECITALS:

- A. Grantee is the owner of certain real property commonly known as 950 W. Highland Street in the City of Santa Ana, County of Orange, California, which is more particularly described in Exhibit 1, attached hereto and incorporated herein by reference ("Property").
- B. The City's former Empowerment Corporation gave Grantee a Federal Department of Housing and Urban Development ("HUD") Empowerment Grant in the amount of \$463,958.62 ("Empowerment Grant") for the acquisition of the Property located at 938 W. Highland Street to merge with property already owned by Grantee for purposes of constructing and operating a teen and youth center to undertake programs for public education, recreation, and health, which will serve the youth and teens within the Empowerment Zone designated by HUD for the area surrounding the Property ("Empowerment Zone").

NOW THEREFORE, for good and valuable consideration the parties agree as follows:

- 1. Grantee hereby declares that the use of the Property shall be for a teen center to undertake programs for the youth centered around public education, recreation, and health; or for any other eligible Empowerment Zone activity, including but not limited to programs geared toward educating, training and providing services to the Empowerment Zone neighborhood and business communities (individually or collectively, the "Program") for a period of ten (10) years after the date of these recorded Restrictions (the "Term").

2. In the event the Grantee ceases to operate the Program, Grantee shall be required to reimburse City and/or HUD, in full or a portion of the Empowerment Zone grant used to purchase the Property, based on direction from HUD at such time, and this Declaration of Covenants and Restrictions shall immediately become null and void.

3. Upon expiration of the Term or, if applicable, reimbursement to City and/or HUD by Grantee, these Restrictions shall immediately become null and void and an appropriate release and termination of these Restrictions shall be recorded in the public records.

4. HUD and the City shall have the right, but shall not be obligated, to proceed at law or in equity to compel Grantee to comply with the terms hereof or to prevent the violation or breach hereof. In the event of a dispute under these Restrictions, the prevailing party shall be entitled to its reasonable attorneys' fees to be paid by the losing party as fixed by the court.


IN WITNESS WHEREOF, the Parties have executed this Declaration of Covenants and Restrictions as of the date first written above.

ATTEST:

CITY OF SANTA ANA



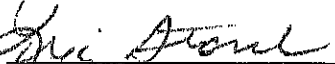
Maria D. Huizar
Clerk of the Council




David Cavazos
City Manager

APPROVED AS TO FORM:

GRANTEE

Sonia R. Carvalho
City Attorney


Lisa Storck
Assistant City Attorney

Boys & Girls Club of Santa Ana


By:
Name: Robert Santana
Title: CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
 County of Orange } SS
 City of Santa Ana }

On this 25th day of September, 2014, before me, Maria D. Huizar, Notary Public, personally appeared David Cavazos, City Manager who proved to me on the basis of satisfactory evidence to be the person/persons whose name/names ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/capacities and that by his/her/their signature/signatures on the instrument the person/persons, or the entity upon behalf of which the person/persons acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct. Witness my hand and official seal.

NOTARY SEAL

Witness my hand and official seal.



Maria D. Huizar
 Signature of Notary

CAPACITY CLAIMED BY SIGNER:

SIGNER IS REPRESENTING:

- Individual(s) _____
- Corporate _____
- Officers _____
 Title(s) _____
- Partner(s)
- General Partner of a Limited Partnership
- Attorney-in-Fact
- Trustee (s)
- Subscribing Witness
- Guardian/Conservator
- Other: _____

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED TO THE BELOW:
 RE: BOYS AND GIRLS CLUB OF SANTA ANA - TEEN CENTER (LOCATED AT 950 W. HIGHLAND STREET, SANTA ANA)

TITLE OR TYPE OF DOCUMENT: DECLARATION OF COVENANTS AND RESTRICTIONS

NUMBER OF PAGES: _____ DATE OF DOCUMENT: _____

SIGNER (S) OTHER THAN NAMED ABOVE: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

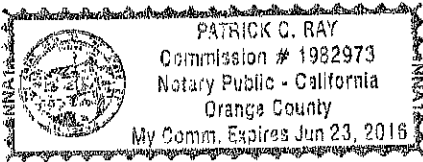
On 9-23-14 before me, Patrick C Ray
Date Here Insert Name and Title of the Officer

personally appeared Robert Santana
Name(s) of Signer(s)

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.



Place Notary Seal Above

Signature Patrick C Ray
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

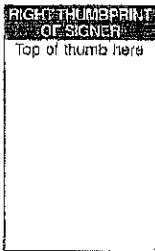
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

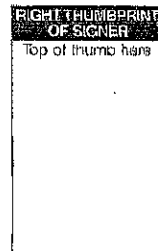
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

PLEASE COMPLETE THIS INFORMATION.

RECORDING REQUESTED BY:
CITY OF SANTA ANA
GVT CODE §6103

AND WHEN RECORDED MAIL TO:

ATTN: Jacelyn Magalona
CITY OF SANTA ANA
PLANNING & BUILDING AGENCY M-20
P.O. BOX 1988
SANTA ANA, CA 92702

Recorded In Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



NO FEE

2014000136775 2:17 pm 04/10/14

93 413 L09 10

0.00 0.00 0.00 0.00 27.00 0.00 0.00 0.00

THIS SPACE FOR RECORDERS USE ONLY

Lot Merger No. 2013-11
950 West Highland Street

RECEIVED

APR 21 2014

SANTA ANA PLANNING DEPT

IT
100
NF
CP

Document Attachments:

1. Lot Merger Certification (2)
2. Voluntary Lot Merger Application (2)
3. Lot Merger memos from PWA (2)
4. Lot Merger -- Exhibit A
5. Lot Merger -- Exhibit B
6. Lot Merger -- Exhibit C

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(ADDITIONAL RECORDING FEE APPLIES)

EXHIBIT 1



Planning and Building Agency
 Planning Division
 20 Civic Center Plaza
 P.O. Box 1088 (M-20)
 Santa Ana, CA 92702
 (714) 647-6884
 www.santa-ana.org

VOLUNTARY LOT MERGER

VOLUNTARY LOT MERGER NO. 2013-11

(Legal Description)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED LOT REFERENCE NUMBER
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION	010 - 192 - 50	LOT 1
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION	010 - 192 - 32	LOT 1

LOT 1:

That portion of land in the City of Santa Ana, County of Orange, State of California, described as follows:

Parcel 1, as shown on Exhibit "B" attached to Lot Line Adjustment 98-013, recorded on February 8, 1999 as Instrument No. 19990089864 of Official Records, in the Office of the County Recorder of said County, **TOGETHER WITH** the North 135 feet of the West half of Lot 9 in Block 2 of Hillyard Addition to Santa Ana, as per Map recorded in Book 4, Page 32 of Miscellaneous Maps, in the Office of the County Recorder of said County.

The area of this lot is approximately 97,139 square feet (2.23 acres).

See attached Exhibit "B" here with and by this reference made a part hereof subject to Covenants, Conditions, Restrictions, Easements and other rights of record.

Prepared by:

David G. Gilbertson, L.S. 6941
 Expires 09/30/2015





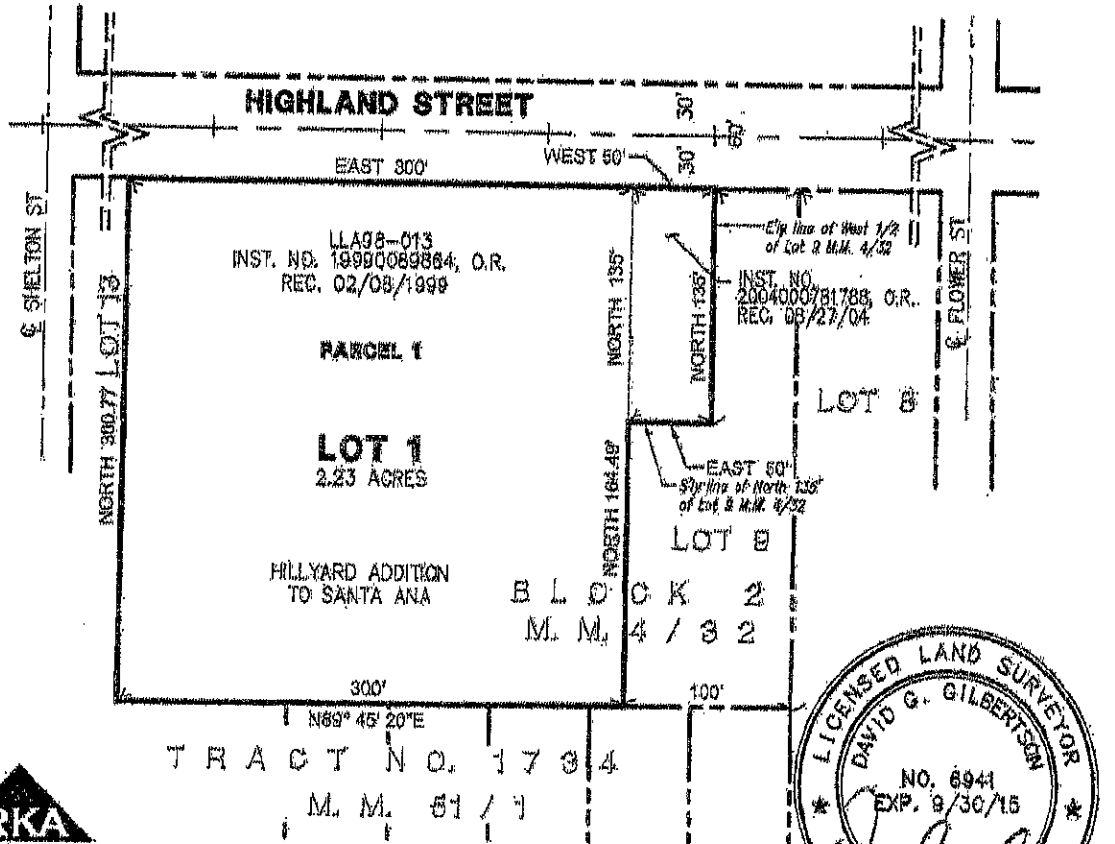
Planning and Building Agency
 Planning Division
 20 Civic Center Plaza
 P.O. Box 1988 (M-20)
 Santa Ana, CA 92702
 (714) 647-5804
 www.santa-ana.org

VOLUNTARY LOT MERGER

VOLUNTARY LOT MERGER NO. 2013-11

(Plot Map)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED LOT REFERENCE NUMBER
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION.	010 - 192 - 80	LOT 1
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION	010 - 192 - 32	LOT 1



TRACT NO. 1734
 M.M. 51/1

LEGEND

- EXISTING PARCEL LINE TO BE REMOVED
- ===== PROPOSED LOT
- - - - - PROPERTY LINE



SHEET 1 OF 1

EXHIBIT B



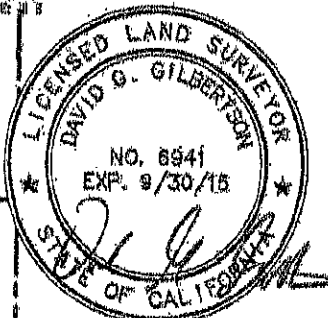
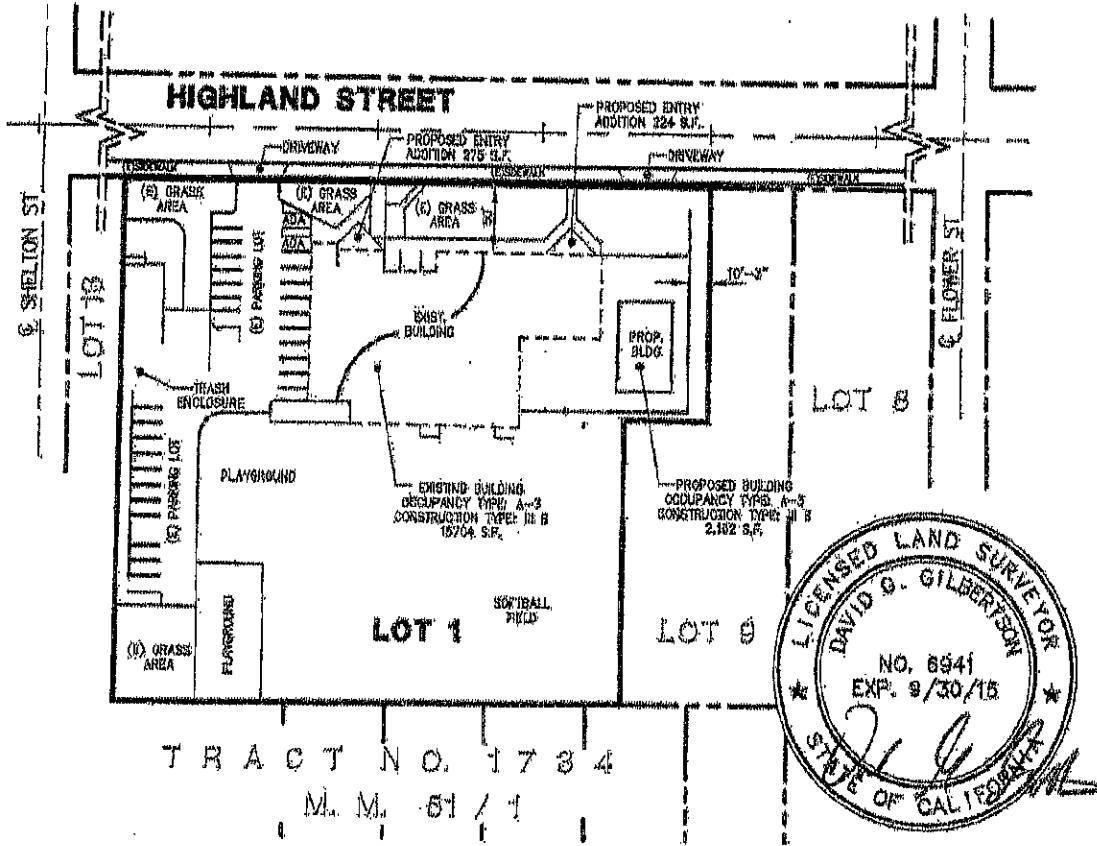
Planning and Building Agency
 Planning Division
 20 Civic Center Plaza
 P.O. Box 1888 (M-20)
 Santa Ana, CA 92702
 (714) 847-8004
 www.santa-ana.org

VOLUNTARY LOT MERGER

VOLUNTARY LOT MERGER NO. 2013-11

(Site Plan)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED LOT REFERENCE NUMBER
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION	010 - 192 - 80	LOT 1
BOYS & GIRLS CLUB OF SANTA ANA, A 501 (C) (3) NON-PROFIT PUBLIC BENEFIT CORPORATION	010 - 192 - 82	LOT 1



TRACT NO. 1734
 M. M. 51 / 1



LEGEND
 ——— PROPOSED LOT
 - - - - - PROPERTY LINE

SHEET 1 OF 1

EXHIBIT C