

AFTER RECORDING, RETURN TO:

FIRST AMENDMENT TO COVENANT AND AGREEMENT

This First Amendment to Covenant and Agreement (“Amendment”) is made and entered into by and between the City of Carson, (“City”) and _____, a _____ (“Owner”), successor in interest to Kimberly Development Company, as of _____, 2023 (the Effective Date).

RECITALS

- A. On June 18, 1979, a Covenant and Agreement (the “Agreement”) was executed by the Owner and the City and subsequently recorded in the Official Records of Los Angeles County, California on June 29, 1979 as Instrument No. 79-716187.
- B. The property subject to the Agreement is more particularly described in Exhibit A attached hereto (the “Property”).
- C. The Agreement restricts occupancy at the Property to persons who are at least sixty-two years old.
- D. In order to obtain a HUD loan to facilitate repairs and upgrades to the Project’s interior, exterior and common areas. Interior unit renovations will include new kitchen cabinets, countertops, flooring and appliances, as well as accessibility upgrades. Exterior upgrades will include repairs to the driveway and walkways, fencing, and parapet walls, as well as accessibility upgrades to the parking lot. Additionally, renovations will include an upgraded fitness center, business center, barbeque area, and community room, the Owner has requested that the City agree to amend the Agreement to clarify that the age restriction described in the Agreement be applicable to the heads of household, and has assured the City that if the amendment is approved such renovations will be completed, that the amendment is necessary to comply with HUD regulations and will not affect residents’ income qualifications or rent obligations, and that amendment will not cause or allow for a change in the HUD program applicable to the project (Section 8 HAP), and the City has agreed to the amendment in reliance on those promises.

AMENDMENT

Now, therefore, it is hereby agreed that the Agreement be amended as follows:

1. The eighth paragraph of the Agreement is hereby deleted in its entirety and replaced with the following new paragraph: "IT IS AGREED that in consideration of the approval of the change of zone of the subject property from the CN Zone to the RM-25-D Zone by the City Council of the City, the Covenantor promises, covenants and agrees that the occupancy of all dwelling units in any residential development located on the subject property shall be restricted to heads of households who are at least sixty-two years old with no age restriction on other members of the household with the exception of one dwelling unit which may be occupied by management personnel who are less than sixty-two years old."

In all other respects, the Agreement shall remain in full force and effect.

[SEE NEXT PAGE FOR DOCUMENT EXECUTION]

OWNER:

By: _____

Name:

Title:

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 _____

On _____ before me, _____, 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.

Signature _____ (Seal)

[DOCUMENT EXECUTION CONTINUES ON NEXT PAGE]

City of Carson:

Name:

Title:

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 _____

On _____ before me, _____, 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.

Signature _____ (Seal)

EXHIBIT “A”
LEGAL DESCRIPTION

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Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

PARCEL 1 AS SHOWN ON PARCEL MAP NO. 10804, AS PER MAP FILED IN BOOK 117, PAGES 95 AND 96 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.