

## **APPENDIX L**

### Declaration of Restricted Use



2021-0019542

Yolo County Clerk/Recorder  
Jesse Salinas

Monday, May 17, 2021 11:10:20 AM

Document entitled to free recording  
Per Government Code section 27383

**Recording Requested By and  
When Recorded Return To:**

City of West Sacramento  
1110 West Capitol Avenue  
West Sacramento, CA 95691  
Attn: City Clerk

Titles: 1

Pages: 5

Fees:

\$\$\$0.00

CA SB2 Fee:

\$\$\$0.00

Taxes:

\$\$\$0.00

Total:

\$\$\$0.00

CITY OF WEST SACRAMENTO

[SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY]

**DECLARATION OF RESTRICTIVE USE**

This Declaration of Restrictive Use ("Declaration") is made as of April 27, 2021, by the **City of West Sacramento** ("City" or "Owner").

A. On July 16, 2020, the Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") for grant funds for the Homekey Program ("Homekey" or "Homekey Program") pursuant to Health and Safety Code section 50675.1.1 (Assem. Bill No. 83 (2019-2020 Reg. Sess.), § 21.). The Homekey Program grant funds are derived primarily from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

B. The Homekey Program is intended to provide housing for individuals and families who are experiencing homelessness or who are at risk of homelessness, as defined in Part 578.3 of Title 24 of the Code of Federal Regulations, and who are impacted by the COVID-19 pandemic ("Target Population").

C. In an effort to continue to reduce the impacts of the COVID-19 pandemic on the Target Population, on August 13, 2020, the City submitted a Homekey Program Application to the Department for a motel property acquisition to serve people experiencing, or at risk of experiencing, homelessness who are impacted by the COVID-19 pandemic.

D. After acceptance of the City's application, on November 24, 2020, the City and the Department entered into a Standard Agreement No. 20-HK-00060 ("Standard Agreement") containing the terms and conditions of the grant funds being provided to the City for the Homekey Program, which terms include the recording of a use restriction against the acquired property.

E. On or about December 11, 2020, the City purchased the motel property located at 817 West Capitol Avenue in the City of West Sacramento, County of Yolo, State of California, APN 067-320-007, as legally described in **Exhibit A**, attached hereto and incorporated herein (the "Property"), which includes 43 individual units, an office, a laundry room, and a manager's apartment to be used for the Homekey Program.

E. In accordance with the terms of the NOFA and Standard Agreement, the City desires that the Property be restricted for use in accordance with the terms set forth herein.

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## DECLARATION

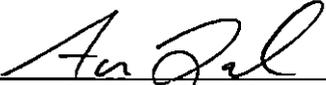
1. Declaration. Owner hereby covenants, agrees, and declares that the Property shall be used pursuant to, and shall be subject to, the restriction contained herein.
2. Permitted Use. The Property is to only be used for interim housing and future conversion to permanent housing for the Target Population. Forty (40) of the units will be restricted units (the "Affordable Units"), and the manager's unit, comprised of three (3) units, will be unrestricted.
3. Income Restrictions. The Affordable Units shall be made available to, and restricted to occupancy to, households in which the household income does not exceed thirty percent (30%) of "Area Median Income," defined as the median income of households for Yolo County, adjusted for applicable household size, pursuant to regulation of the Department in accordance with Health & Safety Code section 50105, or any successor statute, and the regulations promulgated pursuant thereto.
4. Term. This Declaration will be for a maximum term of ten (10) years. The City, however, may terminate this Declaration after five (5) years upon a showing to the Department that the City has designated forty (40) other City-owned units as Homekey Program units and that the City is concurrently recording a similar declaration of use restriction against the replacement property for the remainder of the ten-(10) year term.
5. Third-Party Beneficiary. The Department shall be a third-party beneficiary to the restrictions and covenants made in this Declaration, and shall have the right to enforce such provisions.
6. Successors. Each of the covenants and restrictions in this Declaration shall run with the land, and shall bind successor owners, assigns, and transferees to the Property, and all persons claiming an interest in the Property, or claiming an interest by and through any of the foregoing of the Property.
7. Amendments. Because the Department is a beneficiary of this Declaration, no amendment, modification, or rescission of any provision of this Declaration may be enacted or enforced except with the prior written consent of the Department.
8. Governing Law. This Declaration shall be interpreted under and governed by the laws of the State of California, except for those provisions preempted by federal law.
9. Attorneys' Fees. If the Department brings an action to enforce this Declaration, the prevailing party shall be entitled to recover attorneys' fees and costs incurred in such action.
10. Compliance with Laws. The Program shall be operated in conformity with all applicable laws and the Standard Agreement.
11. Partial Invalidity. If any provision of this Declaration shall be determined to be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each remaining provision shall be valid and enforced to the full extent permitted by law.

12. Restrictions on Sales, Transfers, and Encumbrances. During the term of this Declaration, the City shall not sell, assign, transfer, or convey the Property, or any interest therein or portion thereof, without the express prior written approval of the Department.

**IN WITNESS WHEREOF**, the Owner has executed this Declaration as of the date first above written.

OWNER:

**City of West Sacramento**

By:   
Aaron Laurel, City Manager

ATTEST:

By:   
Yashin Abbas, City Clerk

APPROVED AS TO FORM:

By:   
Jeffrey A. Mitchell, City Attorney

**ACKNOWLEDGEMENT**

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.

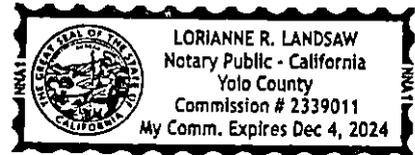
**ACKNOWLEDGEMENT**

State of California )  
County of Yolo )

On April 27, 2021, before me, Lorianne R. Landsaw, a Notary Public, personally appeared Aaron Laurel, 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 of the Property)

**THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF YOLO, CITY OF WEST SACRAMENTO, AND IS DESCRIBED AS FOLLOWS:**

## Parcel One:

Beginning at a point in the South line of the California State Highway right of way designated as Yolo County Route 6, Section C, that is situate South 21° 33' 30" West along the line common to Swamp Land Surveys numbered 770 and 511, 104.98 feet from the corner common to Swamp Land Surveys numbered 770 and 979; thence from said point of beginning South 21° 33' 30" West, along said line common to Swamp Land Surveys numbered 770 and 511, a distance of 379.68 feet; thence North 73° 45' 30" East, along a line parallel with the South line of said State Highway right of way, a distance of 382.71 feet to the Westerly line of the California State Highway right of way; thence North 16° 14' 30" West along the Westerly line of the State Highway right of way, a distance of 277.31 feet; thence continuing along said right of way line and along a curve to the left having a radius of 94.00 feet and a chord bearing North 76° 47' 17" West 45.85 feet, a distance along the curve of 46.32 feet; thence along the South line of the State Highway right of way, South 73° 45' 30" West 110.25 feet to the point of beginning.

Excepting therefrom, that portion thereof described in the Final Order of Condemnation rendered October 10, 2007, in Superior Court, County of Yolo, Case No. ED06-727, entitled *City of West Sacramento v. Shirish B. Patel, et al.*, a certified copy of which was recorded October 17, 2007, as Instrument No. 2007-0035703, Official Records.

## Parcel Two:

A portion of Swamp Land Survey No. 770 in projected Section 34, Township 9 North, Range 4 East, M.D.M., described as follows:

Commencing at the Northwest corner of said Swamp Land Survey No. 770; thence South 21° 13' 52" West, 104.98 feet to a point on the Southeasterly right of way of West Capitol Avenue (formerly California State Highway, Yolo County Route 6, Section C); thence North 73° 29' 18" East, 110.61 feet to a point on the Westerly right of way line of the California State Highway right of way, thence along said State right of way and the arc of a non-tangent curve, concave to the South, having a radius of 94.00 feet, the chord of which bears South 78° 00' 04" East, 45.85 feet; thence continuing along said State right of way, South 16° 34' 08" East, 90.26 feet, to the Point Of Beginning; thence leaving said Westerly right of way line along the arc of a non-tangent curve, concave to the Southwest, having a radius of 268.00 feet, the chord of which bears South 51° 13' 38" East, 10.46 feet; thence South 40° 51' 11" West, 3.00 feet; thence along the arc of a non-tangent curve, concave to the Southwest, having a radius of 265.00 feet, the chord of which bears South 37° 31' 36" East, 115.55 feet to a point of compound curvature; thence along the arc of a curve to the right, having a radius of 141.50 feet, the chord of which bears South 18° 15' 24" East, 32.91 feet; thence South 11° 34' 46" East, 36.59 feet; thence South 73° 25' 07" West, 42.54 feet to a point on the West line of said State right of way; thence along said State right of way, North 16° 34' 08" West, 187.48 feet, to the Point Of Beginning.

ASSESSOR'S PARCEL NUMBER: 067-320-007-000