

# Attachment J

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Recording Requested by and  
When Recorded, Mail To:

Monterey County Planning and  
Building Inspection Department  
Post Office Box 1208  
Salinas, CA 93906

Bruce A. Reeves  
Monterey County Recorder  
Recorded at the request of  
Filor

CROLIE  
10/13/1997  
10:44:56

DOCUMENT: 9759925



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Titles: 1 / Pages: 6

Fees...	21.00
Taxes..	
Other...	
AMT PAID	21.00

Permit No. : SH 93001 & SH 93002  
Applicant Name : CHISPA  
Project Planner : Jacqueline Onciano

### DEED RESTRICTION

I. WHEREAS, on this 22<sup>nd</sup> day of September, 1997, **COMMUNITY HOUSING IMPROVEMENT SYSTEMS AND HOUSING ASSOCIATION, INC.**, a non-profit public benefit corporation, **EL CERRITO TOWNHOMES**, a California Limited Partnership and **MORO LINDO TOWNHOMES**, a California Limited Partnership, hereinafter referred to as owner(s), is the record owner of the following real property:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

hereinafter referred to as "the subject property"; and

II. WHEREAS, Monterey County Board of Supervisors is acting on behalf of the People of the County of Monterey; and

III. WHEREAS, the subject property is located within the coastal zone as defined in §30103 of the California Public Resources Code (hereinafter referred to as the California Coastal Act); and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owner applied to Monterey County for a coastal development permit for the development on the subject property described above; and

V. WHEREAS, Coastal Development Permit No. SH 93001 and SH 93002 was granted on December 20, 1994, by the Board of Supervisors in accordance with the provision of the Findings, contained in Resolution No. 94-524, attached to the Conservation and Scenic

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Easement Deed recorded on the subject property, and hereby incorporated by reference; and

VI. WHEREAS, Coastal Development Permit No. SH 93001 and SH 93002 was subject to the terms and conditions including, but not limited to, the following condition:

"That all the units in the Moro Cojo Inclusionary Housing Development Projects (SH 93001 and SH 93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code."

VII. WHEREAS, Monterey County found that, but for the imposition of the above condition, the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and

IX. WHEREAS, Owner has elected to comply with the condition imposed by Permit No. SH 93001 and SH 93002 so as to enable owner to undertake the development authorized by the permit.

NOW, THEREFORE, in consideration of the granting of Permit No. SH 93001 and SH 93002 to the Owner by Monterey County, the owner hereby irrevocably covenants with Monterey County that there be and hereby is created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property. The undersigned owner, for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agree that:

"That all the units in the Moro Cojo Inclusionary Housing Development Projects (SH 93001 and SH 93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code."

If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by owner to be a

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covenant running with the land, and shall bind owner and all his/her assigns or successors in interest.

The property owner agrees as a condition of this deed restriction required pursuant to approval of the Coastal Development Permit that it will, pursuant to Government Code §66474.9, defend, indemnify, and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this deed restriction which action is brought within the time period provided for in Government Code §66499.37. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.

Owner agrees to record this Deed Restriction in the Recorder's Office for the County of Monterey as soon as possible after the date of execution.

DATE: 9-22, 19 97

COMMUNITY HOUSING IMPROVEMENT SYSTEMS  
AND PLANNING ASSOCIATION, INC.,  
a non-profit public benefit corporation

By: [Signature]  
CFO and Acting Director

EL CERRITO TOWNHOMES, a California Limited Partnership

By: COMMUNITY HOUSING IMPROVEMENT SYSTEMS  
AND PLANNING ASSOCIATION, INC.,  
a non-profit public benefit corporation

By: [Signature]  
CFO and Acting Director

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MORO LINDO TOWNHOMES, a California Limited Partnership

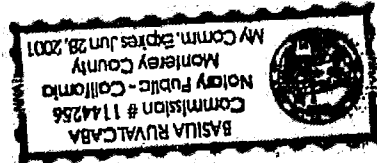
By: COMMUNITY HOUSING IMPROVEMENT SYSTEMS  
AND PLANNING ASSOCIATION, INC.,  
a non-profit public benefit corporation

By: *Norman V. Kolpin*  
CFO and Acting Director

This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Monterey County Planning and Building Inspection Department pursuant to the action of the Board of Supervisors on December 20, 1994 and that Monterey County consent to its recordation thereof.

*William Phillips*  
William Phillips  
Acting Director of Planning and  
Building Inspection

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF MONTEREY )



On Sept. 22, 1997, before me, Basilia Ruvakava Notary Public,  
personally appeared *Norman V. Kolpin*  
*Norman V. Kolpin*, personally known to me (or 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.

WITNESS my hand and official seal.

*Basilia Ruvakava*  
Notary Public in and for said  
County and State

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Document Content/Form Acceptable:

Mary Joa Ferriz, 9-22-97  
County Counsel Deputy

Jacqueline R. Sencena 9-22-97  
Planning and Building Inspection Department

STATE OF California )  
 ) ss.  
COUNTY OF Monterey )

On 9/23/97, before me, Kay Barrett, Notary Public,  
personally appeared William L. Phillips,  
William L. Phillips, personally known to me (or 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.

WITNESS my hand and official seal.



Kay Barrett  
Notary Public in and for said  
County and State

**EXHIBIT "A"**

That certain real property situate in the County of Monterey, State of California, described as follows:

All of Tract No. 1284 of Moro Cojo, filed 9-30-97 in Volume 19, Cities and Towns, at Page 48, Monterey County Records.

**END OF DOCUMENT**

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