

CITY CLERK ORIGINAL

C-7274-3
03/29/2013

WHEN RECORDED RETURN TO:

City of Glendale
City Clerk
5850 West Glendale Avenue
Glendale, Arizona 85301

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR SENIOR HOUSING DEVELOPMENT UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM

This First Amendment to Development Agreement for Senior Housing Development Under the Neighborhood Stabilization Program ("Amendment") is entered this 2nd day of March, 2013, by and between the City of Glendale, an Arizona municipal corporation ("City"), and Native American Connections, Inc., an Arizona non-profit corporation ("Developer").

WHEREAS, on May 11, 2010, the City entered into a Development Agreement for Senior Housing Development Under the Neighborhood Stabilization Program with Developer ("Agreement");

WHEREAS, as authorized by the United States Government under Title III of Division B of the Housing and Economic Recovery Act, 2008 ("HERA") (Pub. L. 110-289, approved July 30, 2008), as amended by the American Recovery and Reinvestment Act of 2009 ("ARRA") (Pub. L. 111-005), approved February 17, referred to as the Neighborhood Stabilization Program ("NSP"), the City conveyed to Developer \$1,600,000 in NSP funds for the acquisition of property and for development of the affordable rental housing properties;

WHEREAS, the property acquired by the NSP funds is specifically defined in Exhibit A to the Agreement ("Property") and a description of the development is also defined in Exhibit A to the Agreement ("Project"). Exhibit A was not originally referenced in the Agreement and the parties wish to add it in the amendment to Section I(A) "Activities";

WHEREAS, due to poor economic conditions, Developer has been unable to acquire funding for the development of the Project;

WHEREAS, the parties now desire to amend the Agreement to allow the City to hold the Property in a land bank as defined in new Section I(E) "Land Banking";

WHEREAS, the parties now desire to reduce the payment to Developer under the Agreement to \$934,412.45 as defined below in new Section IV(A) "Payment";

WHEREAS, all other terms of the Agreement remain in full force and effect;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

I. SCOPE OF SERVICE

A. Activities. Consistent with NSP requirements, the Developer will be responsible for undertaking the activities described in this Amendment and Exhibit A attached hereto. The Developer's scope of service shall include the following activities eligible under NSP:

1. Activity #1 Acquire Property.
2. Activity #2 Develop Project on Property.
3. Activity #3 Rent Units in Project to Qualified Families (as hereinafter defined).

E. Land Banking.

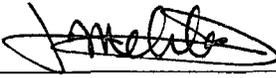
1. Pursuant to 42 U.S.C. § 2301(c)(3)(C), the City agrees to hold the Property in a land bank until Developer has acquired funding for the development of the Project.
2. As defined by the U.S. Department of Housing and Urban Development ("HUD"), the agreement to hold the Property in a land bank under the law identified above will terminate ten (10) years from the date of this Amendment.
3. Developer will maintain the Property in a generally accepted condition.

IV. PAYMENT

- A. It is expressly agreed and understood that the total amount to be paid by the City to Developer is \$934,412.45. Prior to disbursement of any funds to the Developer, the City and Developer will execute a Promissory Note; Loan Agreement; Declaration of Covenants, Conditions and Restrictions; Mortgage Agreement; and, if required by any other financing sources, a subordination agreement.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first written above.

CITY OF GLENDALE, an Arizona
municipal corporation



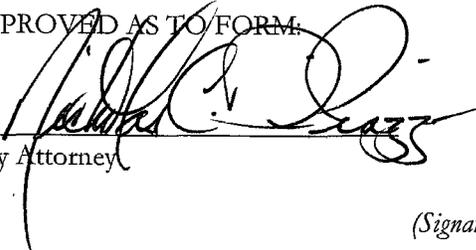
for City Manager

ATTEST:



City Clerk (SEAL)

APPROVED AS TO FORM:



City Attorney

(Signatures Appear on Next Page)

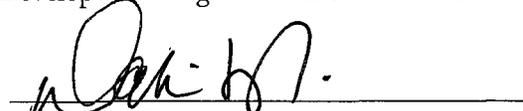
NATIVE AMERICAN CONNECTIONS, INC., an
Arizona non-profit corporation



By:
Its:

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN to before me this 18th day of March, 2013, by
Diana Yazzie Devine, the Developer who signed the above document.



Notary Public

My Commission Expires:
May 2, 2015



Recorded by:
City Clerk's Office
City of Glendale
5850 West Glendale Avenue
Glendale, Arizona 85301

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
ELECTRONIC RECORDING
20130295927,04/02/2013 09:38,
C72743-4-1-1--N

CITY OF GLENDALE, ARIZONA

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
FOR SENIOR HOUSING DEVELOPMENT UNDER THE
NEIGHBORHOOD STABILIZATION PROGRAM**

(Agreement C-7274-3)

(PLEASE DO NOT REMOVE ~ THIS IS PART OF THE OFFICIAL DOCUMENT)