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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

December 12, 1979

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Redevelopment Agency of the
City of Sacramento
915 "I" Street
Sacramento, CA 95814

CITY MANAGER'S OFFICE

CITY GOVERNING BOARD

- PHILLIP L. ISENBERG, MAYOR
- LLOYD CONNELLY
- PATRICK B. DONOVAN
- BLAINE H. FISHER
- THOMAS R. HOEBER
- DOUGLAS N. POPE
- JOHN ROBERTS
- ANNE RUDIN
- DANIEL E. THOMPSON

Honorable Members in Session:

SUBJECT: Declaration of Restrictions - Alkali Flat
Multiple Residential (11th and G Streets
Site)

SUMMARY

COUNTY GOVERNING BOARD

- ILLA COLLIN
- C. TOBIAS (TOBY) JOHNSON
- JOSEPH E. (TED) SHEEDY
- SANDRA R. SMOLEY
- FRED G. WADE

Attached is a resolution by which you authorize execution of a Declaration of Restrictions for the 11th and G Streets condominium site in the Alkali Flat Redevelopment Project, Project No. 6.

BACKGROUND

EXECUTIVE DIRECTOR

WILLIAM G. SELINE

P.O. Box 1834
SACRAMENTO, CA 95809
630 I STREET
SACRAMENTO, CA 95814
(916) 444-9210

At your meeting of January 2, 1980, you will hold a public hearing on disposition of certain real property in the block bounded by 10th, 11th, F and G Streets in the above mentioned Project, to Victoria Park Associates, a partnership, for construction of approximately 24 condominium residences. The Community Redevelopment Law requires that the Agency, when disposing of property, insure that the property will be used in conformance with the adopted Redevelopment Plan. These Restrictions, when recorded, will satisfy this requirement. The Restrictions have been reviewed by the staff and contain all conditions and restrictions set forth in the Redevelopment Plan regarding this property.

VOTE AND RECOMMENDATION OF COMMISSION

At its regular meeting of December 17, 1979, the Sacramento Housing and Redevelopment Commission recommended approval of

APPROVED
SACRAMENTO REDEVELOPMENT AGENCY

1-2-80

Date

1/2/80

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Redevelopment Agency of the
City of Sacramento
Page Two

December 12, 1979

this resolution by the following vote:

AYES: Fisher, Luevano, Serna, Teramoto, Walton, Kneprath

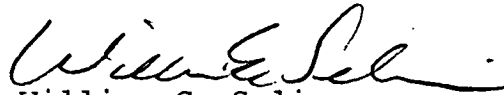
NOES: None

ABSENT: Coleman, A. Miller, B. Miller

RECOMMENDATION

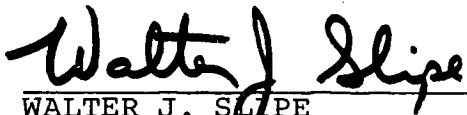
It is my recommendation that you adopt the attached resolution.

Respectfully submitted,



William G. Seline
EXECUTIVE DIRECTOR

TRANSMITTAL TO COUNCIL:



WALTER J. SLUPE
City Manager

Contact Person: Robert E. Roche

4

REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
Sacramento, California 95814

DECLARATION OF RESTRICTIONS

Conditions, Covenants, Restrictions and Easements
Affecting Property Lying Within
the Alkali Flat Project, Project No. 6,
a Portion of Redevelopment Area No. Two

THIS DECLARATION, made this _____ day of _____,
19____, by the REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO,
hereinafter referred to as the "Agency".

WITNESSETH:

WHEREAS, the Agency is in the process of implementing
the Redevelopment Plan for the Alkali Flat Project, Project No. 6,
a portion of Redevelopment Area No. Two, in the City of Sacra-
mento, County of Sacramento, which Plan was adopted by the Agency
by Resolution No. 2012 dated February 7, 1972, and approved by
the City Council of the City of Sacramento by Ordinance No. 3086,
Fourth Series, adopted on the 10th day of February, 1972, the
Project contemplated by said Redevelopment Plan being officially
designated as the "Alkali Flat Project, Project No. 6"; and

WHEREAS, a copy of the Redevelopment Plan, as initially
adopted, was recorded on February 15, 1972 among the land records
for the place in which the Project Area is situate, namely, in
the office of the County Recorder of the County of Sacramento, in
Book 72-02-15 of Official Records beginning at page 296; and

WHEREAS, for the purpose of providing adequate safe-
guards so that the work of redevelopment will be carried out pursu-
ant to the Redevelopment Plan and to insure the best use and the
most appropriate development and improvement of each building site
thereof; to protect the owners of building sites against improper
use of surrounding building sites; to protect against depreciation
in value of property in the Project Area; to preserve insofar as
practicable the aesthetic development of the Project Area; to

guard against the erection of poorly designed or proportioned structures; to insure the highest and best development of said property; to encourage and secure the erection of attractive structures thereon, with appropriate location of such structures on building sites; to prevent inharmonious improvement of building sites; to secure and maintain proper and safe setbacks from streets; to provide free space between structures; and in general to provide an adequate plan for safeguarding the work of redevelopment in maintaining a high quality of improvements on said property, thereby enhancing the value of investments made by purchasers of building sites therein, the Agency is desirous of subjecting the real property hereinafter described to the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of all property within said Alkali Flat Project, Project No. 6, and for each owner thereof, and pass with said property and each and every parcel thereof and shall apply to and bind the successors in interest and any owner thereof.

NOW, THEREFORE, the Redevelopment Agency of the City of Sacramento hereby declares that the real property described and referred to in Paragraph 1 hereof is, and shall be held, transferred, sold and conveyed subject to the conditions, restrictions, covenants, reservations, easements, liens and charges hereinafter set forth.

1. Property Subject to This Declaration

The real property which is, and shall be, held and shall be conveyed, transferred and sold subject to the conditions, restrictions, covenants and reservations, easements, liens and charges with respect to the various portions thereof, set forth in the various paragraphs and subparagraphs of this Declaration, is located in the City of Sacramento, County of Sacramento, State of California, and is more particularly described as follows:

All of Lots 5 and 6 in the block bounded by F and G, 10th and 11th Streets of the City of Sacramento; and all that portion of Lot 7 as described on the Grant Deed filed in the office of the Recorder of Sacramento, California, in Book 5017, Page 642, more fully described as follows: The East 32 feet, 3 inches, of the South 100 feet of Lot 7 and the East 30 feet of the North 60 feet of Lot 7 in the block bounded by F and G, 10th and 11th Streets of the City of Sacramento, according to the map or plan thereof.

2. Map of Property Subject to This Declaration

Attached hereto and by reference made a part hereof is a map designating the parcels of property covered hereby.

3. Resubdivision

The subject property shall not be resubdivided without the specific approval of the Agency, which approval will not be unreasonably withheld, but this shall not prevent a property owner from leasing all or part of his property.

4. Land Uses

(a) General Provisions

The general intent of these Restrictions with respect to the Residential Land Use Area is to secure residential development which will strengthen the economic base and enhance the attractiveness of the Central City in general and the Alkali Flat Project in particular. The Redevelopment Agency reserves the right to prohibit, further restrict or set special conditions for specific land uses permitted herein if, in the judgment of the Agency, certain specific uses are considered to affect adversely the compatibility and economic stability of adjacent development within this land use area, or adjacent redevelopment project areas.

(b) Permitted Uses

Permitted uses in the Residential Land Use Area shall include single family and multiple family residential use in the nature of garden apartment residential complexes and/or town houses or row houses or condominium or cooperative-type of residential developments, whichever type of residence, in the discretion of the Redevelopment Agency, is most beneficial to the community. Insofar as possible, the Planned Unit Development Concept should be utilized in the Residential Land Use Area in order to obtain the most desirable living conditions possible. In the event that a Planned Unit Development Concept is utilized and in the event that the development guidelines contained in these Declaration of Restrictions conflict with the goals sought to be achieved in the Planned Unit Development, those development guidelines may be modified to a reasonable extent in order to encourage and facilitate the Planned Unit Development.

5. Easements for Utilities

Any easements for the installation and maintenance of

utilities affecting the property covered hereby are reserved as shown on the Map of property subject to this Declaration of Restrictions, attached hereto and by reference incorporated herein.

6. Physical Standards and General Controls

(a) Development Guidelines

(i) Maximum Land Coverage - forty percent (40%)

(ii) Maximum Density - developments may not exceed either of the following:

Forty (40) dwelling units per development acre.

One hundred fifty (150) individuals per development acre. Individual count would be based on two (2) people per bedroom and one (1) person per studio unit.

(iii) Number and Height of Buildings - No limitation.

(iv) Minimum Landscaped Open Space - Twenty-five percent (25%).

This area is to be devoted exclusively to plant material and landscaping treatment for the use of all development residents. Private patios, stairways, etc., parking lot planters, public rights of way and public parks may not be included in the calculation of this area.

(v) Minimum Setback - Ten feet (10') from any public street property line.

(vi) Parking

To the extent feasible one (1) on-site parking space per unit will be provided.

No parking is to be within the setback areas.

(vii) Service and Utilities

Trash and garbage are to be stored within

a screened enclosure.

All utility meters are to be screened from view.

All utility service is to be underground.

(b) General Controls

(i) Planned Unit Development Concept. In order to encourage the design of well-planned facilities through creative and imaginative planning, the Planned Unit Development Concept may be used to provide greater flexibility in the design of integrated developments than would otherwise be possible through strict application of the controls of these Restrictions. The Redevelopment Agency may justify exceptions to these Restrictions and permit such modifications as it deems warranted where a Planned Unit Development Concept appears to be in the best interest of the Project.

(ii) City Codes and Ordinances. Unless more restrictive controls are specified herein, the requirements of the codes and ordinances of the City of Sacramento, as they may from time to time be in effect, shall be followed.

(iii) Sign Control. Signs which create hazards by protruding, overhanging, blinking, flashing, animation, or other dangerous conditions shall not be permitted in the Project Area. No billboards, pennants, bunting, or similar devices for advertising or commercial display shall be permitted. The Agency shall permit only those signs necessary for identification of buildings, premises and uses. All sign design shall be submitted to the Agency and the Project Area Committee for review and approval.

(iv) Elimination of Overhead Wiring. All wiring for electricity, telephone, telegraph and similar purposes shall be put underground, and existing poles or structures supporting overhead wiring shall be removed. Exception to this requirement may be granted by the Redevelopment Agency, at its sole discretion wherever unique conditions render undergrounding infeasible.

(v) Applicability of Controls. Redevelopers as well as owner participants in property not to be acquired will be obligated by means of covenants running with the land to devote the land to the uses allowed in the Redevelopment Plan, and to refrain from effecting or executing any agreement, lease, conveyance or other instrument whereby any parcel in Project No. 6

owned by them is restricted upon the basis of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease or occupancy thereof, and to refrain from permitting discrimination or segregation on account of race, color, creed, religion, sex, marital status, national origin or ancestry. All deeds, leases or contracts for the sale, lease, sub-lease, or other transfer of any land in the Project shall contain the nondiscrimination clauses prescribed in Section 33436 of the California Health and Safety Code.

(vi) Landscape Planting. Landscape planting as used in these Restrictions refers generally to lawns, shrubs, and trees. To the extent feasible, all such planting shall include a self-contained irrigation system.

(vii) Maintenance. It is the responsibility of the Agency to oversee the rehabilitation and/or reconstruction of a portion of the City and to protect its continuous economic stability and improved environment. Therefore, the owner will be required to maintain properly and consistently his real property and all improvements on it to a degree that does not detract from or degrade that of his neighbor or the public property adjacent to his own.

A common understanding of the expected quality of maintenance is necessary. Therefore, guidelines for the minimum quality of exterior maintenance are hereby stated.

- (1) Building Upkeep. The exterior appearance of all buildings and structures are to be kept in a clean and attractive condition. Refinishing of any and all surfaces is to be performed immediately when observed to be needed due to damage or deterioration.
- (2) Grounds Upkeep. All surfaces and landscaped areas within the Project boundaries and those adjacent to the Project that are to be maintained by the Project owners are to be kept in a condition consistent with top quality landscape care. All lawn areas are to be kept fully planted and regularly mowed. Shrubs and trees are to be properly and consistently pruned. All landscaped areas are to be kept free of weeds, undesirable plants and trash.
- (3) Trash Storage. All trash, including lawn, shrubs and tree cuttings are to be placed in a screened enclosure when stored for pickup. No collected

trash of any kind is to be allowed to stand outside of an enclosure for more than eight (8) hours.

If, after due notice to the owner and review by the Agency of a breach of the owner's good faith in regard to proper maintenance, the Agency shall have the opportunity to take specific action as outlined in Paragraph 10 of this Declaration of Restrictions.

7. Review of Plans

Prior to the commencement of construction of any building or other improvements upon any parcel of property covered hereby, Rehabilitation and/or Construction Plans shall be submitted to the Redevelopment Agency for review and approval. Such plans shall be in sufficient detail to enable the Agency to determine their compliance with these Restrictions, and to insure the proper development of the area in accordance with the intention of the Redevelopment Agency. The Redevelopment Agency shall examine these plans and they shall be deemed approved unless the Agency shall give written notice of its rejection of such plans within the times specified in the applicable Contract for Sale of Land. Such written rejection shall specify in detail the reasons therefor. The provisions of this paragraph shall also apply to any amended or corrected plans.

8. Nondiscrimination

There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy and tenure or enjoyment of the property subject thereto, nor shall any grantee of the property covered hereby or any person or persons claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees or vendees in the premises conveyed.

9. Term

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them. All lots, parcels and property which shall be sold or conveyed, held, used and leased shall be subject to these Restrictions which are hereby declared to be for the benefit of all property in the Alkali Flat Project, Project No. 6, and each and every owner thereof and shall pass with said property and each and every parcel thereof and are applied to and bind the respective successors in interest of the Redevelopment Agency. Covenants and conditions

contained herein shall run for a period of thirty (30) years from the effective date of the Ordinance adopting the Redevelopment Plan, except the covenants and conditions contained in Paragraph 8 hereof, shall run in perpetuity. All other covenants and provisions contained herein may be extended for successive periods of ten (10) years by an instrument agreeing to such extension or extensions filed by a majority of the owners of parcels of property in the Alkali Flat Project, Project No. 6, and then recorded in the office of the County Recorder of Sacramento County.

10. Enforcement

In the event of any breach of any of the covenants contained herein, the Redevelopment Agency shall endeavor immediately to remedy such breach by conference, conciliation and persuasion. In the event of failure so to remedy such breach or in advance thereof, if, in the opinion of the Redevelopment Agency, circumstances so warrant, said breach shall be enjoined or abated by appropriate proceedings brought by the Redevelopment Agency.

The Redevelopment Agency may institute or prosecute in the name of the owners of property in the Alkali Flat Project, Project No. 6, or in its own name, any suit which such Agency may consider advisable in order to compel and obtain a decree for specific performance of any obligation of any owner to develop and maintain the property in conformity with plans as approved by the Redevelopment Agency. Any owner or owners, singly or collectively, of any of the real property in the Alkali Flat Project, Project No. 6, may at any time prosecute any proceedings in law or in equity in the case of any violation or attempt to violate any of the covenants contained herein. The provisions contained herein shall be construed as covenants running with the land and not as conditions which might result in forfeiture of title.

11. Foreclosure and Enforcement of Liens

The provisions of this Declaration of Restrictions do not limit the right of the obligees to foreclose or otherwise enforce any mortgage, Deed of Trust, or other encumbrance upon the property covered hereby or any portion thereof, or the right of any obligees to exercise any of its remedies for the enforcement of any pledge or lien upon property covered hereby; provided, however, that in the event of any foreclosure, under any such mortgage, Deed of Trust, or other lien or encumbrance, or a sale pursuant to any power of sale included in any such mortgage or Deed of Trust, the purchaser or purchasers and their successors and assigns and the property, shall be, and shall continue to be, subject to all of the conditions, restrictions and covenants contained herein.

12. Amendment

If at any time the Redevelopment Plan is amended in any manner as is now or hereafter permitted by law, this Declaration of Restrictions may be amended accordingly.

13. Dissolution

In the event the Redevelopment Agency shall be abolished or its designation changed by or pursuant to law, its powers, rights and functions under this Declaration of Restrictions may be transferred by or pursuant to law to any other governmental officer or agency; provided, that in the event of such abolition of the Agency without specific provision of law for such transfer of powers, duties, rights and functions, then the City of Sacramento, County of Sacramento, State of California, shall succeed to the same.

14. Other Property of the Declarants

The restrictions, covenants and conditions contained herein apply only to the real property described in Paragraph 1 hereof and do not apply to any other land which the Redevelopment Agency now owns, or may hereafter acquire.

15. City Codes and Redevelopment Plan

Nothing contained herein shall be construed as permitting the violation of any requirement of the ordinances or other laws or rules of the City of Sacramento, or any of the provisions of the Redevelopment Plan for Project No. 6, it being the intent hereof to impose additional restrictions over and above the requirements of any such ordinances, rules, or provisions of the Redevelopment Plan for Project No. 6.

16. Separability of Provisions

If any of the provisions of this Declaration of Restrictions shall be held invalid by any court of law, the validity of the remainder of this Declaration of Restrictions and the applicability of such provisions to any other owner or owners of parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, the Redevelopment Agency of the City of Sacramento has caused these presents to be executed as of the day and year first above written.

REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

By _____ Chairman

By _____ Secretary

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____, respectively, of the REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO, a public body, corporate and politic, that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of said Agency, and acknowledged to me that such Agency executed the same, and acknowledged that said Agency executed the same pursuant to a resolution of the Members thereof.

WITNESS my hand and official seal.

Notary Public in and for said County and State.

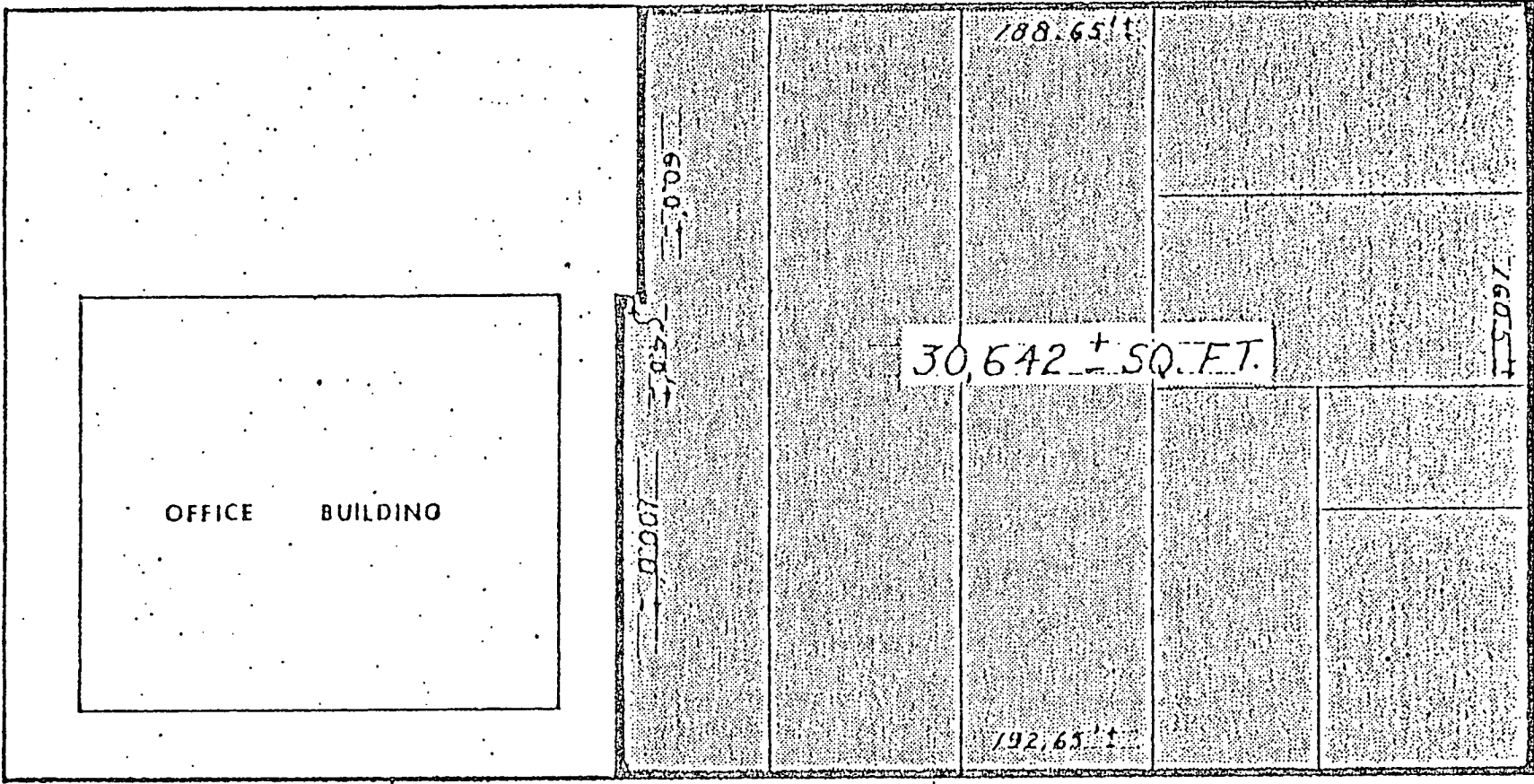
10th

St.

10th

St.

ALLEY



G

St.

Sacramento Housing and Redevelopment Agency
MARKET RATE APARTMENT SITE

BLOCK 153

ALKALI FLAT PROJECT

DEC 14 1978



2880
RESOLUTION NO. _____

Adopted by the Redevelopment Agency of the City of Sacramento

January 2, 1980

APPROVING AND AUTHORIZING EXECUTION OF
DECLARATION OF RESTRICTIONS
11TH AND G STREETS CONDOMINIUM SITE
ALKALI FLAT PROJECT, PROJECT NO. 6

WHEREAS, the Redevelopment Agency is in the process of implementing the Redevelopment Plan for the Alkali Flat Project, Project No. 6; and

WHEREAS, Section A.7.g.(2) of the Redevelopment Plan for the Alkali Flat Project, Project No. 6, provides that "To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency shall be made subject to the provisions of this Plan by...declarations of restrictions,... The...declarations of restrictions may contain restrictions, covenants, covenants running with the land, right of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan."; and

WHEREAS, the Agency has prepared a Declaration of Restrictions for the 30,642 square foot condominium site located on the northwest corner of the block bounded by 10th, 11th, F and G Streets within said Project No. 6.

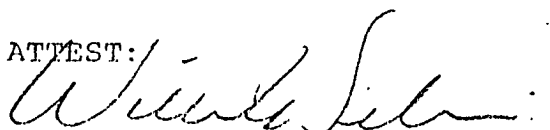
NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1. The Redevelopment Agency hereby approves the Declaration of Restrictions for the condominium site located on the northwest corner of the block bounded by 10th, 11th, F and G Streets, in substantially the form presented at this meeting, and adopts said Restrictions as the Official Declaration of Restrictions for said site.

Section 2. The Chairman and Secretary are hereby authorized to execute said Declaration of Restrictions, in substantially the form presented at this meeting.

Section 3. The Executive Director is directed to record said Declaration of Restrictions in the Official Records of Sacramento County, and to make copies of the same available to all potential developers in the subject area.

ATTEST:



SECRETARY

CHAIRPERSON

APPROVED
SACRAMENTO REDEVELOPMENT AGENCY

Date 1/2/80

