

COPY

WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, CA 92522

Project: P16-0140
Address: 4259 Mission Inn Avenue
APN: 214-191-014

For Recorder's Office Use Only

**FIRST AMENDMENT TO
AGREEMENT AND DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

(Historic Preservation Fund Grant)

**HAO ALLEN DUAN and ANNIE YA-CHEN DUAN
And
LAZYCREEK PROPERTIES, LLC**

THIS FIRST AMENDMENT TO AGREEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment") is made and entered into this 5th day of March, 20 19, by HAO ALLEN DUAN and ANNIE YA-CHEN DUAN, husband and wife as joint tenants and LAZYCREEK PROPERTIES, LLC, a California limited liability company (collectively "Grantee"), and the CITY OF RIVERSIDE, a California charter city and municipal corporation ("City"), with reference to the following facts:

A. Grantee applied for a Historic Preservation Fund ("HPF") Grant in order to perform a certain project (the "Project") for the conservation, preservation, restoration, or rehabilitation of a Cultural Resource consistent with the purposes of Riverside Municipal Code section 20.30.030.

B. As a condition for approval, the City and Grantee entered into an Agreement and Declaration of Covenants, Conditions and Restrictions ("Agreement"), which guaranteed performance of the Project and placed certain restrictions on the exterior property to ensure its continued maintenance.

C. On September 26, 2017, said Agreement was recorded in the Official Records of the County Recorder of the County of Riverside as **Instrument No. 2017-03999117**.

D. Grantee has requested a time extension to complete the Project and a modification of the project scope to exclude the rebuilding of the rear deck and the replacement of the windows, and these requests have been approved.

E. City and Grantee now desire to execute this First Amendment to amend the Agreement to narrow the Project description and extend the Project end date to December 31, 2019, as set forth in Exhibit "B-1," attached hereto and incorporated herein.

NOW, THEREFORE, Grantee and City hereby agree as follows:

1. Section 2, Project Description and Standard of Performance, is hereby amended to reference Exhibit "B-1."

2. Exhibit "B" is hereby replaced in its entirety by Exhibit "B-1", attached hereto and incorporated herein.

3. Section 9, Project End Date, is hereby amended in its entirety as follows:

"9. **Project End Date.** The Project shall be completed by December 31, 2019, or the date any appeals are final. Should any problems arise, a written request for an extension of the project must be submitted to the Historic Preservation Fund Committee at least 30 days prior to the expiration date."

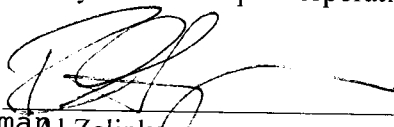
4. All terms and conditions of the Agreement not inconsistent with this First Amendment shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Parties have caused this First Amendment to Agreement and Declaration of Covenants, Conditions and Restrictions to be executed as of the day and year first written above.


CITY:

CITY OF RIVERSIDE, a California
charter city and municipal corporation

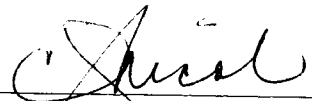
By: 
Rafael Guzman ~~Al Zelinka~~
Assistant City Manager

GRANTEE AND DECLARANT:

HAO ALLEN DUAN AND ANNIE YA-
CHEN DUAN, husband and wife as joint
tenants

By: 
Hao Allen Duan

ATTEST:

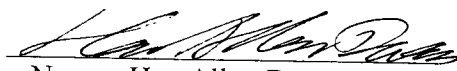
By: 
Colleen J. Nicol
City Clerk

By: 
Annie Ya-Chen Duan

APPROVED AS TO FORM:

By: 
Lauren Sanchez
Deputy City Attorney

LAZYCREEK PROPERTIES, LLC, a
California limited liability company

By: 
Name: Hao Allen Duan
Its: Member

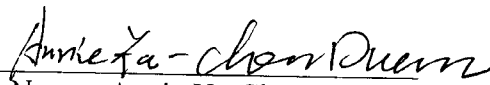
By: 
Name: Annie Ya-Chen Duan
Its: Member

EXHIBIT B-1
PROJECT DESCRIPTION

Case # P16-0140

Meeting Date: October 1, 2018

PROJECT-SPECIFIC CONDITIONS:

1. The reimbursement of \$18,700 is approved for:
 - a. Rebuild front elevations where columns are leaning at deck; Paint exterior of house, Replace inappropriate rear siding; for the multi-unit home located at 4259 Mission Inn Avenue.
2. All work shall be completed by December 31, 2019.
3. Prior to commencement of work the agreement shall be fully executed and recorded.
4. This action does not include or excuse compliance with all regulations applicable to the proposed project.

PRIOR TO COMMENCEMENT OF WORK:

5. Obtain COA as appropriate for all exterior work included in the application or identified for further restoration.
6. Obtain all necessary building permits.

GENERAL CONDITIONS OF APPROVAL:

7. All projects shall be consistent with the Secretary of the Interior's Standards, and be approved as set forth in RMC Title 20.
8. All funds must be spent as represented in the application. Spending funds except as authorized shall be considered fraud or theft, and may be criminally prosecuted. Expenses incurred prior to the award of funds are not eligible. Any changes to the approved project scope shall not be reimbursed without prior written approval from the City.
9. Contractors must be licensed for the type of work proposed and have demonstrated applicable experience. Consultants must meet applicable Secretary of the Interior's Professional Qualification Standards.
10. Grantees must sign a publicity release and allow the City to use the subject structure, project and/or organization in promotional materials.

11. A Historic Preservation Fund sign, which will be provided at no cost to the grantee, must be displayed in a publicly visible location approved by CHB staff for the duration of the project construction in order for any grant monies to be released.
12. Within one year from execution of the grant agreement, a final report and financial accounting of the expenditure of the grant must be submitted, including the finalized building permit, if required, and a letter confirming that grant funded work is complete. Upon CHB staff approval of the final report and formal request for reimbursement form, reimbursement shall be processed within 30 days.
13. Construction projects must be documented with a high quality photographic record before, during and after. For unique features and/or work processes, a written description of the process and tools used to complete the project shall be required. Final completion shall be documented by photographs with captions.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

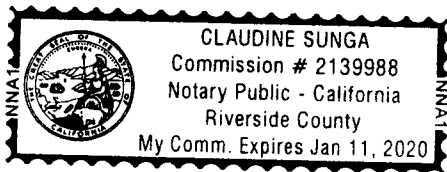
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of RIVERSIDE)
On FEBRUARY 8, 2019 before me, CLAUDINE SUNGA, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer
personally appeared HAO ALLEN DUAN AND ANNIE YA CHEN DUAN
Name(s) of Signer(s)

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 [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
Trustee ☐ Guardian or Conservator
Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

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 Riverside

On March 5, 2019 before me, Lorena Verdusco, Notary Public
(insert name and title of the officer)

personally appeared Rafael Guzman and Colleen J. Nicol
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

Lorena Verdusco

(Seal)



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, _____
(insert name and title of the officer)

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)

DEPARTMENT HEAD APPROVAL FORM
Contracts/Agreements

DATE: 2/11/2019

PARTIES: HAO and Annie Duan

PROJECT DESCRIPTION: Amendment to HP Fund CC&R

SCOPE OF CONTRACT/SERVICE: Amendment to CC&R

IF AN AMENDMENT, REASON FOR AMENDMENT (e.g., more time needed, additional scope added, extension permitted from original contract, etc.): Amendment to scope of work, approved by HP Fund Committee on 10/15/18, *no additional Funding*

DEPARTMENT: Community and Economic Development

DIVISION MANAGER'S APPROVAL:  _____

BUDGET ACCOUNT (GL Key and Object): 0000721-225467

FUNDING AMOUNT: \$ 18,700

CEDD FISCAL MANAGER VERIFICATION OF FUNDS:   _____

DEPT. HEAD APPROVAL:  _____

PROCUREMENT:

Verification that procurement of goods, services, construction, etc., was done in conjunction with the City's purchasing policies and procedure:

- () Formal Procurement (Bid #, RFP #, panel, etc.): _____
- (X) Informal Procurement (Three quotes, single/sole source, under non-bidding threshold, etc.): Approved by HP Fund Committee, CC not required
- () Emergency Procurement (date, event, etc.): _____
- _____
- () Requisition Number: _____
- () Date Approved by City Council/Board: _____

Purchasing Division Validation: _____ Date: _____

PLEASE RETURN TO: City Clerk's Office, Ext. 4276, DAlegria@riversideca.gov

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