

## Attachment C

### HISTORIC PRESERVATION BOND FUND EXTERIOR REHABILITATION PROGRAM AGREEMENT

AGREEMENT NO.: 82794-001

### FIRST AMENDMENT TO EXTERIOR REHABILITATION PROGRAM AGREEMENT

THIS FIRST AMENDMENT TO THE EXTERIOR REHABILITATION PROGRAM AGREEMENT (the "First Amendment") is dated this 28 day of Aug, 2007 by and between the City of Phoenix, Arizona (the "City") and Phoenix Opportunities Industrialization Center, an Arizona non-profit corporation (the "Property Owners") whose address is 15-39 East Jackson Street, Phoenix, Arizona 85004 (the "Property").

#### RECITALS

- A. On or about March 20, 1998, the City and the Property Owner entered into the Exterior Rehabilitation Program Agreement (Contract No. 82794) (the "Original Agreement") to provide certain rehabilitation of a commercial property (the "Project"), and to sell to the City a façade conservation easement and receive a purchase price in consideration thereof (the "Purchase Price").
- B. Pursuant to the Original Agreement, the Purchase Price approved was four thousand five hundred ninety-two dollars and fifty cents (\$4,592.50).
- C. Section 11.1 of the Original Agreement permits the City and the Property Owners to amend the Original Agreement and the City and the Property Owners desire to amend the Original Agreement to increase the Purchase Price from four thousand five hundred ninety-two dollars and fifty cents (\$4,592.50) to nine thousand five hundred and ninety-two dollars and fifty cents (\$9,592.50). This increase is due to unforeseen circumstances. After the original amount for the Project had been approved and completed when the roof continued to deteriorate.
- D. As consideration for the increase in the amount of the Purchase Price, the Property Owner agrees to an additional fifteen year extension of the Conservation Easement.

## AGREEMENT

NOW, THEREFORE, the City and the Property Owners hereby agree as follows:

1. Section 1. Section 1 of the Original Agreement is amended to increase the Purchase Price from four thousand five hundred ninety-two dollars and fifty cents (\$4,592.50) to nine thousand five hundred and ninety-two dollars and fifty cents (\$9,592.50).

2. Capitalized Terms. Unless otherwise defined, all capitalized terms shall have the meaning assigned to them in the Original Agreement.

3. Effect of First Amendment. Except as amended by this First Amendment, the Original Agreement shall remain in full force and effect.

4. "Agreement." All references in the Original Agreement shall be deemed to refer to the Original Agreement as amended by this First Amendment.

5. Cancellation. This First Amendment is subject to cancellation pursuant to A.R.S. § 38-511.

6. Term. Pursuant to Section 11.1 of the Original Agreement, the City and the Property Owner desire to amend the Original Agreement to extend the term of the easement from March 20, 2013 to March 20, 2028, subject to the remaining terms and conditions of the Original Agreement.

7. Scope of Work. The Property Owner agrees to utilize the increase in the Purchase Price to carry out or cause to be carried out the exterior rehabilitation of the roof structure at the Property.

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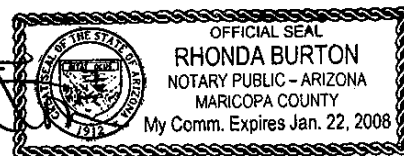
IN WITNESS WHEREOF, the Property Owner and the City executed this First Amendment on the date first above written, which Amendment shall be effective immediately upon such execution.

"PROPERTY OWNER"  
By Gene Blue  
Gene Blue  
Its President/CEO

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 28th day of Aug. 2007, by Gene Blue its President/CEO of the Phoenix Opportunities Industrialization Center, an Arizona non-profit corporation.

Rhonda Burton  
Notary Public



My Commission Expires: Jan. 22, 2008

CITY OF PHOENIX, a municipal corporation  
FRANK FAIRBANKS, City Manager  
By Barbara Stocklin  
Barbara Stocklin, Historic Preservation Officer

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

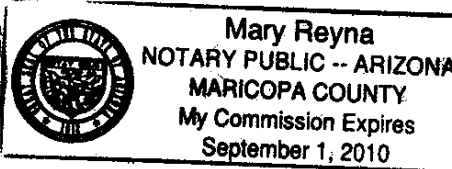
The foregoing instrument was acknowledged before me this 9 day of November 2007, by Barbara Stocklin, Historic Preservation Officer.

Mary Reyna  
Notary Public

My Commission Expires:

9/1/2010

ATTEST:  
Kathy Ilem  
DEPUTY City Clerk



APPROVED AS TO FORM:  
Margaret Wilson  
Acting City Attorney

SLB  
Initials

WHEN RECORDED RETURN TO:  
City of Phoenix  
City Manager's Office  
Historic Preservation Office  
200 W. Washington Street, 17th Floor  
Phoenix, Arizona 85003

EXEMPT UNDER A.R.S. 11-1134 (A) (2)

**AMENDED DEED OF CONSERVATION EASEMENT  
AGREEMENT NO.: 82794 - DCE - 001**

THIS AMENDED DEED OF CONSERVATION EASEMENT (the "Amended Easement") is dated this 28<sup>th</sup> day of Aug, 2007, by and between Phoenix Opportunities Industrialization Center, an Arizona non-profit corporation (the "Property Owner") whose address is 15-39 East Jackson Street, Phoenix, Arizona 85004 more particularly described in Exhibit A attached hereto (the "Property") and the City of Phoenix, Arizona, a municipal corporation, organized and existing under the laws of the State of Arizona (the "City").

RECITALS

A. On or about March 20, 1998, the City and the Property Owner executed the Deed of Conservation Easement, Agreement No. 82794, recorded with the Office of the Maricopa County Recorder as document No. 00-0379011 (the "Original Easement"), to provide certain rehabilitation of a structure located on the Property and to sell the Conservation Easement on the Property to the City and receive a purchase price in consideration thereof (the "Purchase Price"), all pursuant to the Exterior Rehabilitation Program Agreement entered into by the parties on March 20, 1998 (the "Original Agreement").

B. Pursuant to the Original Agreement, the Purchase Price of the original Easement was four thousand five hundred ninety-two dollars and fifty cents (\$4,592.50). The First Amendment to the Exterior Rehabilitation Program Agreement increases the Purchase Price to nine thousand five hundred ninety-two dollars and fifty cents (\$9,592.50).

C. Section 8.4 of the Original Easement permits the City and the Property Owner to amend the Original Agreement and the City and the Property Owner desire to amend the Original Easement to extend the term of the easement from March 20, 2013 to March 20, 2028, subject to the remaining terms and conditions of the Original Easement.

## AGREEMENT

NOW, THEREFORE, the City and the Property Owner hereby agree as follows:

1. Section 1-Grant of Easement. Section 1 of the Original Easement is amended to extend the term of the Easement from March 20, 2013 to March 20, 2028. The term is being extended due to the Property Owner requesting an amendment to the Original Agreement requesting additional money.

2. Capitalized Terms. Unless otherwise defined, all capitalized terms shall have the meaning assigned to them in the Original Agreement.

3. Effect of Amendment. Except as amended by this Amended Easement, the remaining terms of the Original Easement shall remain in full force and effect.

4. Easement. All reference to the Original Easement shall be deemed to refer to the Original Easement as amended by this Amended Easement.

5. Cancellation. This Amended Easement is subject to cancellation pursuant to A.R.S. § 38-511.

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Initials

IN WITNESS WHEREOF, the Property Owner and the City executed this Amended Easement on the date first above written, which Amendment shall be effective immediately upon such execution.

"PROPERTY OWNER"

Phoenix Opportunities Industrialization Center, an Arizona non-profit corporation

By Gene Blue  
Gene Blue

Its President/CEO

STATE OF ARIZONA )  
County of Maricopa ) ss.

The foregoing instrument was acknowledged before me this 28 day of Aug, 2007, by Gene Blue its President/CEO of the Phoenix Opportunities Industrialization Center, an Arizona non-profit corporation

My Commission Expires:

Jan. 22, 2008

Notary Public



CITY OF PHOENIX, a municipal corporation  
FRANK FAIRBANKS, City Manager

By Barbara Stocklin  
Barbara Stocklin, Historic Preservation Officer

STATE OF ARIZONA )  
County of Maricopa ) ss.

The foregoing instrument was acknowledged before me this 19 day of November, 2007, by Barbara Stocklin, Historic Preservation Officer.

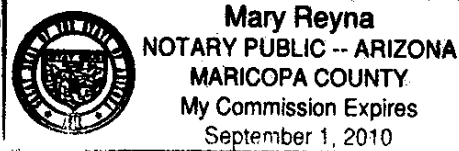
My Commission Expires:

9/1/2010

ATTEST  
Kathy J. Thomas  
DEPUTY City Clerk



Notary Public



APPROVED AS TO FORM:

Margaret Wilson  
ACTING City Attorney

CITY CLERK DEPT.  
NOV 19 2 12 PM '07

**EXHIBIT "A"**  
**Legal Description**  
**15-39 East Jackson Street**  
**Phoenix, Arizona 85004**

Lot 1, 3, 5, 7 and 9, Block 49, ORIGINAL TOWNSITE OF PHOENIX, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 2 of Maps, page 51.