

2017-009281

Klamath County, Oregon



00208618201700092810030035

08/17/2017 08:56:55 AM

Fee: \$52.00

When Recorded Return to:

Klamath Housing Authority
Attn: Diana Otero, Executive Director
1445 Avalon
Klamath Falls, OR 97601

Returned at Counter

SPACE ABOVE FOR RECORDER'S USE

AMENDMENT TO KLAMATH HOUSING AUTHORITY
SYSTEMS DEVELOPMENT CHARGES AGREEMENT

August 14, 2017

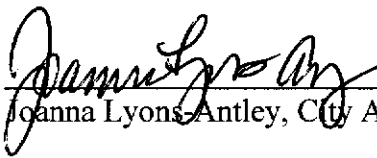
The agreement entitled "Klamath Housing Authority Systems Development Charges Agreement" and dated February 2, 2001, recorded March 8, 2001, Volume M01, page 9393, provides that the systems development charges shall be deferred until one of the following events occurs:

- (1) The legal or equitable interest of an individual lot in the subdivision, excluding a leasehold interest in the lot, is sold, transferred or conveyed to a private individual.
- (2) The legal or equitable interest of an individual lot or apartment complex in the subdivision, or a leasehold interest in a lot or apartment complex, is sold, transferred or conveyed by KHA to a "for profit" business or entity.
- (3) KHA, or any successor, no longer operates an individual lot or apartment complex in the subdivision as federal qualified "low income" housing.
- (4) KHA transfer operational responsibility of the housing units in these subdivisions to any other entity that is operated "for-profit."

After reviewing the documents and the history of the agreement, it is my opinion that the acquisition of financing to develop Sky Meadows and Sunrise Vista is not the type of legal or equitable interest transfer that would trigger the payment of the systems development charges. Rather, the trigger for payment of the SDCs is when either the lots are sold or when the housing is no longer qualified for low income housing.


The City will not enforce the Agreement for the payment of SDCs for the limited purpose of acquisition or financing by Klamath Housing Authority for the development of Sky Meadows and/or Sunrise Vista. This Amendment does not waive any of the City's other rights or remedies under the Agreement.

CITY OF KLAMATH FALLS

By: 
Joanna Lyons-Antley, City Attorney

8/16/17
Date

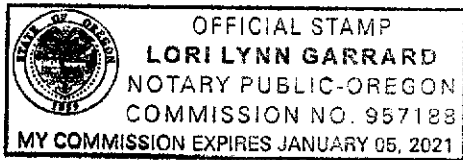
KLAMATH HOUSING AUTHORITY

By: 
Diana Otero, Executive Director

8-17-17
Date

STATE OF OREGON)
) ss
County of Klamath)

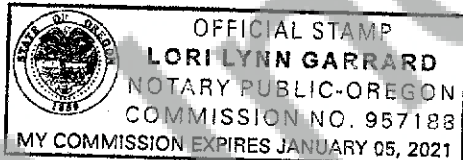
This instrument was acknowledged before me this 16th day of August, 20 17, by Joanna Lyons-Antley, who is the City Attorney of City of Klamath Falls



Lori Lynn Garrard
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/5/2021

STATE OF OREGON)
) ss
County of Klamath)

This instrument was acknowledged before me this 17th day of August, 20 17, by Diana Otero, who is the Executive Director of Klamath Housing Authority



Lori Lynn Garrard
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/5/2021