

AMENDMENT TO  
CDBG DISASTER RECOVERY PROGRAM AGREEMENT  
With  
BEYOND SHELTER, INC. for  
MULTI-RENTAL APARTMENT DEVELOPMENT KNOWN AS SUNSET RIDGE

THIS AMENDMENT (“AMENDMENT”) TO PROGRAM AGREEMENT (“Agreement”) last amended February 11, 2019 made and entered into originally June 18, 2015 is made and entered into \_\_\_\_\_ 2020 by and among The City of Minot, ND, a municipal corporation (“City”), Beyond Shelter, Inc., a 501c3 non-profit corporation (“Developer”), and Sunset Ridge, LLLP, a North Dakota limited liability limited partnership (“Owner”)

WHEREAS, The City and Developer entered into a HUD CDBG-DR funded Agreement dated June 18, 2015 for the purpose of providing specific purpose financial support to a Low/Moderate Income Multi-Family rental apartment development contemplated to be two separate apartment buildings primarily supported through and led by State of North Dakota financial resources, and

WHEREAS, The Agreement includes requirements by the Developer to maintain all rental apartments up to Seventy-Four (74) units developed on the site acquired using, in part, \$100,000 of City CDBG-DR funds, for a 20-year period at rents which meet HUD established LMI rent limits and with occupancy by HUD established LMI income eligible households, and to be known as Sunset Ridge, and

WHEREAS, The Agreement defined the site subject to the terms and conditions of the Agreement as approximately 6.7 acres located at the intersection of 36<sup>th</sup> Avenue NW and Kodiak Street NW, Minot, ND, and

WHEREAS, The Developer subsequent to entering into the Agreement subdivided the site into Lot 1, Block 1 and Lot 2, Block 1 for the purpose of constructing two separate apartment buildings,

WHEREAS, A warranty deed was executed on October 7, 2015 between Beyond Shelter, Inc. and Sunset Ridge 1, LLLP transferring Lot 1, Block 1 Sunset Ridge Addition, City of Minot to the ownership of Sunset Ridge 1, LLLP, and

WHEREAS, Declaration of Land Use Restrictive Covenants was added to Lot 1, Block 1 Sunset Ridge Addition, City of Minot on October 7, 2015 made by Sunset Ridge, LLLP granted to the Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency, and

WHEREAS, This Declaration of Land Use Restrictive Covenants imposed upon Sunset Ridge, LLLP the requirement that Seven (7) units in the Project must be occupied by tenants with total household income at or below 30% of the AMI as published by HUD for Ward County, and that an additional twenty-eight (28) units in the project must be occupied by tenants with total household income at or below 80% of the AMI as published by HUD for Ward County, and

WHEREAS, This Declaration of Land Use Restrictive Covenants AMI requirements is consistent with the City of Minot agreement for LMI restricted units except for period of affordability which is less in the Declaration, and to the extent that at the time of this Amendment there is but one of the two contemplated buildings on the site which has a total of thirty-five (35) rental units

NOW, THEREFORE the City of Minot, Beyond Shelter, Inc. and Sunset Ridge, LLLP hereby agree to the following terms and conditions which shall constitute the AMENDMENT:

1. All references to Beyond Shelter, Inc. within the Program Agreement between City of Minot and Beyond Shelter, Inc. dated June 18, 2015 and all subsequent amendments shall add Sunset Ridge 1, LLLP to read as "Beyond Shelter, Inc. and Sunset Ridge 1, LLLP".
2. Sunset Ridge 1, LLLP understands and accepts the obligations and requirements that all rental units in the building on the site identified as Lot 1, Block 1, Sunset Ridge Addition Minot, ND must meet Low/Moderate Income HUD guidelines as set forth in the Agreement.
3. Appendix A is amended to add in the description of the property Lot 1, Block 1 Sunset Ridge Addition, City of Minot which defines the site of the first of two apartment buildings to be built pursuant to the agreement
4. Violation of the Declaration of Land Use Restrictive Covenants made by Sunset Ridge LLLP granted to the Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency shall constitute a violation of this Agreement
5. Copy of the Warranty deed dated October 7, 2015 and copy of the Declaration of Land Use Restrictive Covenants dated October 7, 2015 shall be added as Attachment "G" to this Agreement

IN WITNESS WHEREOF, the Parties hereto have executed this AMENDMENT to the Program Agreement effective as of the AMENDMENT effective date.

Witness	Beyond Shelter, Inc.	Date:
_____	_____	_____

Witness	Sunset Ridge, LLLP	
_____	_____	_____

Witness	City of Minot	
_____	_____	_____