

FILED 400825

SANTA FE COUNTY  
AFFORDABLE HOUSING AGREEMENT FOR  
PHASE I OF OSHARA VILLAGE

This Affordable Housing Agreement (the "Agreement") is entered into this 4th day of MAY, 2006, between Oshara Village, LLC, the developer for Oshara Village, Phase I (the "Applicant") and Santa Fe County (the "County").

WHEREAS, the County has adopted Santa Fe County Ordinance No. 2000-12, creating the Community College District (the "CCD") within Santa Fe County, and the Santa Fe Extraterritorial Zoning Authority has adopted EZA Ordinance No. 2000-03, creating the CCD within the Extraterritorial Zoning (collectively, the "Ordinance"); and

WHEREAS, pursuant to the Ordinance, the County Land Use Administrator ("Administrator") has adopted the Community College District Affordable Housing Regulations, dated July 31, 2002 (the "Regulations") which are applicable and govern this Agreement; and

WHEREAS, the Ordinance and Regulations provide that a final plat will not be recorded until the applicant has entered into an Affordable Housing Agreement with the County to identify the locations for proposed affordable housing units with the subdivision known as Oshara Village, Phase I (the "Development"); and

WHEREAS, Applicant has prepared an Affordable Housing Plan dated 25th Apr 2006 which was approved by the Administrator and the EZC and BCC on NA, in accordance with Article IV § 4.1 of the Regulations (the "AHP"); and

WHEREAS, Applicant and the County desire to enter into this Agreement in accordance with the Ordinance and Regulation requirements;

NOW, THEREFORE, the County and Applicant agree as follows:

1. Affordable Housing Lots Applicant owns the residential lots described in Exhibit A (the "Lots").
2. Affordable Homes In accordance with the AHP, Applicant agrees to construct the Affordable Homes, as defined in the Regulations and described in Exhibit A, on the Lots. The County agrees that the Affordable Homes and Lots are integrated into the Development as required by the Ordinance and Regulations.

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3. Marketing Date. Applicant shall begin marketing the Affordable Homes on or before twelve (12) months from Plat recordation, in accordance with the AHP.

4. Construction Schedule. Applicant shall begin construction of each Affordable Home within thirty (30) days of the date an Eligible Buyer enters into a binding agreement for the purchase of the Affordable Home, but not later than twelve (12) months from the approval of this Agreement by the Administrator.

5. Miscellaneous Provisions.

A. If any provision of this Agreement or the application thereof to any person or circumstance is held to be invalid or unenforceable by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable.

B. This Agreement shall be construed and enforced in accordance with the Ordinance and Regulations.

C. No actions taken by the parties following a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any claim or consent to any succeeding breach of the same or any other term.

D. This Agreement states the entire agreement of the parties. This Agreement shall not relieve Applicant from complying with present or future County or EZ ordinances, duly adopted resolutions or regulations applicable to the development.

E. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto.

WHEREFORE, the parties set their hands and seals this 4<sup>th</sup> day of May, 2006.

APPLICANT:

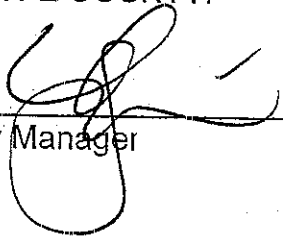
OSHARA VILLAGE, LLC

By

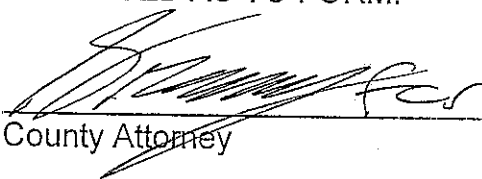
Name:  
Title:

*Glad Hoffman*  
Managing Member

SANTA FE COUNTY:

  
\_\_\_\_\_  
County Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Attorney

2007/07/12/2006  
REC'D  
SANTA FE COUNTY  
RECORDED

ACKNOWLEDGEMENT

STATE OF NEW MEXICO )  
 ) SS  
COUNTY OF SANTA FE )



OFFICIAL SEAL  
NAOMI HERNANDEZ  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: Dec. 11, 2007

On this 9<sup>th</sup> day of June, 2006, the foregoing instrument was acknowledged before me by  
Gerald T.E. Gonzalez, County Manager of Santa Fe County New Mexico.

*Naomi Hernandez*  
Notary Public

My Commission Expires: Dec. 11, 2007

STATE OF NEW MEXICO )  
 ) SS  
COUNTY OF SANTA FE )



OFFICIAL SEAL  
NAOMI HERNANDEZ  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: Dec. 11, 2007

On this 9<sup>th</sup> day of June, 2006, the foregoing instrument was acknowledged before me by  
Alan Hoffman, Managing member Oshara Village LLC.

*Naomi Hernandez*  
Notary Public

My Commission Expires: Dec. 11, 2007

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Exhibit A

Income Range	1	=	60% of Median
	2	=	80% of Median
	3	=	100% of Median

Oshara Village  
Phase I

Income Range	Lot Number
1	30
1	112
1	116
1	117
1	118
1	119
1	128
1	129
1	137

2	3
2	4
2	5
2	6
2	7
2	12
2	13
2	147
2	153

3	35
3	36
3	108
3	109
3	124
3	125
3	130
3	149
3	151

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## AFFORDABLE HOUSING PLAN

Oshara Village LLC, the developer for Oshara Village, Phase I ("Applicant") submits this Affordable Housing Plan ("Plan") to the Santa Fe County Land Use Administrator pursuant to Community College District Affordable Housing Regulations ("Regulations"), Article IV, Section 4.1 and as defined in Section 2.1.3 of the Regulations.

### Recitals

WHEREAS, the Regulations require Applicant to present the Land Use Administrator ("Administrator") with an Affordable Housing Plan that includes the following elements ("Plan Elements"):

- A brief narrative description (the "Narrative Description") of the proposed Affordable Housing which the Applicant intends to produce which includes:
  - The number of Affordable Houses;
  - A description of the types and units of Affordable Housing meeting the requirements of the Code or EZO;
  - The percentage of Affordable Housing within the Development
  - A description of the general construction characteristics of the Affordable Housing;
  - A description of how Affordable Housing will be integrated into the total development; and
  - A description of how Affordable Housing will be marketed and sold to Eligible Buyers.
- The general location of houses, number of houses, lot sizes, unit sizes and types (the "Housing Identification"), the location of which can be changed with the approval of the Land Use Administrator;
- A phasing schedule (the "Phasing Schedule") describing the timing planned for the marketing, construction and sale of the Affordable Housing; and
- For phased developments in which the marketing, construction and sale of Affordable Housing in an initial phase is not yet complete when an applicant submits another Affordable Housing Plan for a subsequent phase for approval, a demonstration that the Affordable Housing in the

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initial phases or developments is being, or has been, marketed, constructed and sold in compliance with an approved Affordable Housing Plan or other Affordable Housing Agreement which predates these Regulations (the "Compliance Demonstration"); and

WHEREAS, Applicant hereby submits to this Plan containing the Plan Elements for the subdivision known as Oshara Village, Phase I (the "Development"); and

WHEREAS, this Plan shall become effective upon its approval by the Administrator as evidenced by his signature in the space provided at the end of this Plan.

### Affordable Housing Plan

#### Article I (Plan Elements)

1. Narrative Description. Applicant hereby proposes to construct and provide the following described Affordable Housing.
  - 1.1. Number of Houses. Applicant proposes to construct and/or sell a total of twenty-seven (27) Affordable Homes within Phase I of the Development. Applicant hereby discloses, and the Administrator hereby accepts, that the Applicant, Santa Fe Habitat for Humanity or Santa Fe Homewise will build 27 units as the obligation for Oshara Village, Phase I.
  - 1.2. Housing Types. Attached hereto as Exhibit A is the chart describing the Lots on which Affordable Housing will be provided in accordance with this Plan. Home sizes shall be in accordance with Community College District Ordinance Affordable Housing Requirements. The specific house type will be identified and agreed upon when the sales agreement between the Eligible Buyer and Applicant
  - 1.3. Percentage of Affordable Housing. The Affordable Housing Agreement by and between Santa Fe County and Applicant and this Plan provide that Applicant will supply fifteen percent (15%) of all of the housing in the Development in the Affordable Housing category, with five percent (5%) in each of the three possible Income Ranges.
  - 1.4. Housing Characteristics. The Affordable Homes will have the following features and characteristics:
    - Concrete stem wall and foundation
    - 2 x 6 wood frame construction
    - Vinyl, dual pane windows

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- 2-Coat elastomeric stucco
- R-20 Total exterior wall insulation
- R-30 blown insulation for total R-44 ceiling component
- Built up roof application
- Forced air or radiant heat, gas fired
- 40 gallon gas water heater
- Tape & skip trowel - Hand applied drywall installation
- Masonite 6-slab interior door - Steel front entry, or equivalent
- EZ-Set door hardware, or equivalent
- Mastercraft melamine cabinets, or equivalent
- Kohler/Sterling plumbing fixtures, or equivalent
- Sterling tub/shower units, or equivalent
- Laminate countertops
- Maytag appliances, or equivalent
- Acrylic latex interior paint
- Carpet, vinyl flooring, or tile
- 2-Category 5 telephone outlets
- 2-RG6 CATV outlets

- 1.5. Integration. As show on Exhibit B attached hereto, the Affordable Homes are spread throughout the Development and adjoining market housing of the same type and size.
- 1.6. Marketing. On or before AS AGREEMENT STARTS, Applicant shall begin marketing the Affordable Housing through its standard marketing avenues, including, without limitation, direct marketing to governmental authorities, local non-profit agencies and other entities dealing in affordable housing.
2. Housing Identification. Attached hereto as Exhibit A is a listing of the lots on which the affordable housing will e located and the range of square footages for each category of income. Attached hereto as Exhibit B is a schematic drawing showing the location of each Affordable House.
3. Phasing Schedule. Applicant shall construct, market and sell all of the affordable houses as part of the development and sale of Oshara Village, Phase I.
4. Compliance Demonstration. Attached hereto as Exhibit C is the Affordable Housing Agreement by and between Applicant and Santa Fe County, with which this Plan complies.

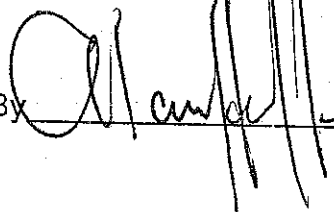
Article II  
(General Provisions)

1. Affordable Housing Agreement. Applicant shall execute an affordable housing agreement in the form(s) required by the Regulations not later than 30 days following the approval of this Plan by the Administrator.
2. Amendment. This Plan may only be amended or modified with the approval of the Administrator.
3. Incorporation of Regulations. All of the terms and phrases used herein which are defined or have a specific meaning under the Regulations shall have the same definition or meaning under this Plan.
4. Administrator's Approval. This Plan is approved by the Administrator on this 25<sup>th</sup> day of April, 2006.

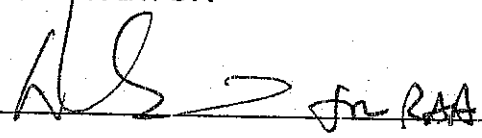
OSHARA VILLAGE, LLC

SANTA FE COUNTY LAND USE  
ADMINISTRATOR

By



By



for RAA

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Exhibit A

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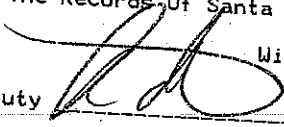
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COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss AGREEMENT  
 PAGES: 11

I Hereby Certify That This Instrument Was Filed for  
 Record On The 12TH Day Of June, A D., 2006 at 16:35  
 And Was Duly Recorded as Instrument # 1437414  
 Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
 Valerie Espinoza  
 County Clerk, Santa Fe, NM