

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

**AMENDMENT NO. 2
TO THE
MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
ACTING BY AND THROUGH
THE SECRETARY OF THE ARMY
UNITED STATES DEPARTMENT OF THE ARMY
AND
THE FORT ORD REUSE AUTHORITY
FOR THE SALE OF
PORTIONS OF THE FORMER FORT ORD
LOCATED IN MONTEREY COUNTY, CALIFORNIA**

19
20
21
22
23
24
25
26
27
28

THIS AMENDMENT NO. 2 ("Amendment No. 2") to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* ("Agreement") is entered into on this ____ day of _____ 2006 by and between THE UNITED STATES OF AMERICA, acting by and through the Department of the Army ("Government"), and THE FORT ORD REUSE AUTHORITY ("Authority"), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the "Parties."

29
30

RECITALS

31
32
33
34
35
36

WHEREAS, the Parties did enter into the Agreement for the Economic Development Conveyance ("EDC") to the Authority of a portion of the former Fort Ord, California ("Property") pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175); and

37
38
39
40
41
42
43
44
45

WHEREAS, Shelter Outreach Plus ("SOP"), a California not-for profit organization and successor in interest to Peninsula Outreach Welcome House, applied for and was granted by the Department of Health and Human Services a quitclaim deed for certain property located at Parcel L.12.2.1 described more specifically in EXHIBIT "A" and hereinafter referred to as the "SOP Parcel," made pursuant to and under the authority of the Defense Base Closure and Realignment Act of 1990, as amended (Pub. L. No. 101-510), Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. § 11301 et seq.), and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. No. 103-421); and

FORT ORD MOA AMENDMENT NO. 2

1
2 b. Except as set forth herein, and unless modified specifically by this Amendment
3 No. 2, the terms and conditions contained in the Agreement, as amended, shall remain binding
4 upon the Parties and their respective successors and assigns as set forth in the Agreement, as
5 amended.
6
7
8
9
10
11
12
13

[Signature Page Follows]

FORT ORD MOA AMENDMENT NO. 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

In Witness whereof, the Parties, intending to be legally bound, have caused their duly authorized representatives to execute and deliver this Amendment No. 2 as of the date first above written.

**UNITED STATES OF AMERICA,
Acting by and through the Department of the Army**

By: Joseph W. Wilkins
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

**FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY**

By: Michael A. Houlemard, Jr.
Executive Officer

FORT ORD MOA AMENDMENT NO. 2

1
2 In Witness whereof, the Parties, intending to be legally bound, have caused their duly
3 authorized representatives to execute and deliver this Amendment No. 2 as of the date first above
4 written.
5

6 **UNITED STATES OF AMERICA,**
7 **Acting by and through the Department of the Army**
8
9

10
11
12 By: _____
13
14

15
16
17 **FORT ORD REUSE AUTHORITY**
18 **LOCAL REDEVELOPMENT AUTHORITY**
19

20
21
22
23 By: _____

24 **Michael A. Houlemard, Jr.**
25 **Executive Officer**
26
27

EXHIBIT A
DESCRIPTION OF SOP PARCEL

PARCEL 1

All of that certain Parcel 1 shown on map filed in Volume 19 of Surveys at page 137, records of said county, described as follows:

Beginning at the southeasterly corner of said Parcel 1, said point being the intersection of the westerly line of 11th Street with the northerly line of 12th Street, and running thence along the southerly boundary of said Parcel 1 and said northerly line of 12th Street

1. N 89° 37' 00" W, 90.28 feet to a 3/4" diameter iron pipe tagged LS 5992; thence
2. N 88° 19' 30" W, 280.75 feet to a 3/4" diameter iron pipe tagged LS 5992; thence leave said street line and continue along said parcel line
3. N 30° 26' 00" E, 91.24 feet to a 3/4" diameter iron pipe tagged LS 5992; thence
4. S 88° 18' 43" E, 148.24 feet, at 56.24 feet a 3/4" iron pipe tagged LS 5992 hereinafter designated Point A, 148.24 feet to point; thence
5. N 1° 34' 27" E, 128.63 feet; thence
6. S 88° 06' 40" E, 92.98 feet to a 3/4" diameter iron pipe tagged LS 5992; thence
7. S 1° 34' 27" W, 128.63 feet to a 3/4" diameter iron pipe tagged LS 5992; thence
8. S 88° 18' 43" E, 86.82 feet to a 3/4" diameter iron pipe tagged LS 5992 in said westerly line of 11th Street; thence continuing along said parcel boundary and street line
9. S 2° 30' 00" W, 77.52 feet to the point of beginning.

Containing an area of 0.913 acres of land, more or less.

EXHIBIT B

DESCRIPTION OF FORA PARCEL

**Legal Description of
Fort Ord Reuse Authority
Lexington Lot 1**

That portion of the former Fort Ord Military Reservation in Rancho Noche Buena, in the City of Marina, County of Monterey, State of California described as follows:

A portion of Parcel A, as said parcel is shown on the Record of Survey Map filed in Volume 20 of Surveys, Page 73, Records of Monterey County, being more particularly described as follows:

Commencing at the most northwesterly corner of said Parcel A, said point also being the northwesterly terminus of the course designated as North $86^{\circ}28'40''$ East, 142.05 feet on said Record of Survey Map: thence running along the northwesterly line of said Parcel A

a.) South $46^{\circ}41'42''$ West, 91.42 feet to the TRUE POINT OF BEGINNING; thence leaving said northwesterly boundary

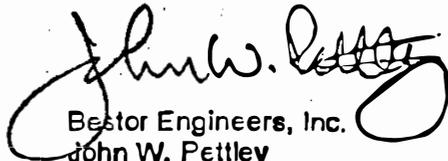
- 1) East, 252.65 feet to a point on the northeast boundary of said PARCEL A; thence running along said boundary the following ten (10) courses
- 2) South $35^{\circ}51'23''$ East, 46.97 feet to the most northeasterly corner in common with said Parcel A and Parcel 1, as shown on the Record of Survey Map filed in Volume 19 of Surveys, at Page 136, Records of Monterey County; thence southwesterly along the line in common to said Parcel A and said Parcel 1
- 3) South $42^{\circ}13'09''$ West, 130.89 feet to the most westerly corner in common with said Parcel A and said Parcel 1, said point lying on an easterly line of Lexington Court as shown on said Record of Survey Map, and said point also being the beginning of a non-tangent curve, concave to the south, having a radius of 80.00 feet, and a radial bearing of North $42^{\circ}13'09''$ East; thence leaving said boundary common with said Parcel 1, and running along the boundary of said Parcel A and Lexington Court
- 4) Westerly, 73.62 feet along said curve, through a central angle of $52^{\circ}43'36''$; thence continuing along said boundary of Parcel A and Lexington Court
- 5) South $79^{\circ}29'33''$ West, 37.45 feet to the beginning of a curve, concave southeast, having a radius of 80.00 feet; thence continuing along said boundary of Parcel A and Lexington Court
- 6) Southwesterly, 133.81 feet along said curve, through a central angle of $95^{\circ}50'00''$; thence continuing along said boundary of Parcel A and Lexington Court
- 7) South $16^{\circ}19'43''$ East, 29.01 feet to the beginning of a curve, concave northwest, having a radius of 12.00 feet; thence continuing along said boundary of Parcel A and Lexington Court
- 8) Southwesterly, 18.85 feet along said curve, through a central angle of $89^{\circ}59'16''$; thence continuing along said boundary of Parcel A and Lexington Court
- 9) South $73^{\circ}39'33''$ West, 43.88 feet to the beginning of a curve, concave north, having a radius of 400.00 feet; thence continuing along said boundary of Parcel A and Lexington Court

- 10) Westerly, 106.57 feet along said curve, through a central angle of 15°15'54"; thence continuing along said boundary of Parcel A and Lexington Court
- 11) South 88°55'28" West, 30.27 feet; thence leaving said boundary of Parcel A and Lexington Court
- 12) North 14°00'00" West, 126.47 feet to a point on the northwesterly boundary of said Parcel A; thence running along said northwesterly boundary of Parcel A
- 13) North 46°41'42" East, 251.65 feet to the POINT OF BEGINNING.

Containing 1.61 acres, more or less.

The bearing of North 46°41'42" East as measured between monuments found along the northwesterly boundary of Parcel A as per Volume 20, Page 73 of Surveys, records of Monterey County, California, is the basis of bearings for this description.

Dated: March 21, 2006



Bestor Engineers, Inc.
John W. Pettley
PLS 6202
Exp: 3/31/08
W.O. 6647.00



Station	Bearing	Distance	Remarks
1	N 17° 21' 00" W	62.28	1/4
2	S 72° 30' 00" W	42.28	1/4
3	S 72° 30' 00" W	62.28	1/4
4	N 17° 21' 00" E	62.28	1/4
5	N 17° 21' 00" E	42.28	1/4
6	S 72° 30' 00" E	62.28	1/4
7	N 17° 21' 00" E	62.28	1/4
8	N 17° 21' 00" E	42.28	1/4
9	S 72° 30' 00" E	62.28	1/4
10	N 17° 21' 00" E	62.28	1/4
11	S 72° 30' 00" E	42.28	1/4
12	S 72° 30' 00" E	62.28	1/4

LEGEND

1. ALL SURVEY DATA IS BASED ON THE 1983 DATUM.

2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. ALL BEARINGS ARE IN DEGREES, MINUTES AND SECONDS.

4. ALL POINTS ARE TO BE SET BY THE SURVEYOR.

5. ALL DISTANCES ARE TO BE MEASURED TO THE CENTER OF THE LINE.

6. ALL BEARINGS ARE TO BE MEASURED FROM THE SIGHT LINE.

7. ALL POINTS ARE TO BE SET BY THE SURVEYOR.

8. ALL DISTANCES ARE TO BE MEASURED TO THE CENTER OF THE LINE.

9. ALL BEARINGS ARE TO BE MEASURED FROM THE SIGHT LINE.

NOTES

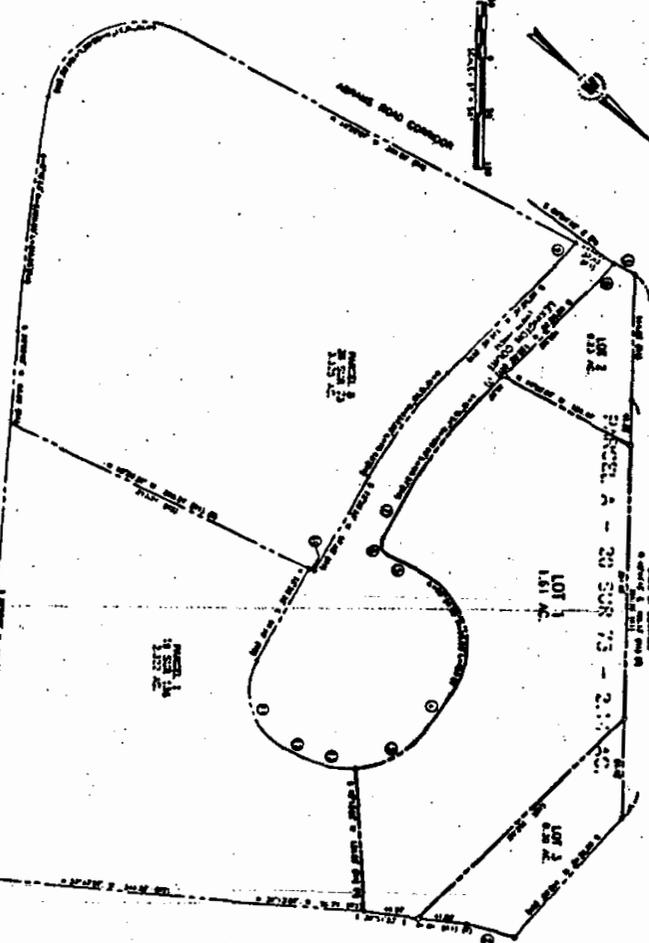
1. THE SURVEYOR HAS REVIEWED THE RECORD OF SURVEY AND HAS FOUND IT TO BE CORRECT AND COMPLETE.

2. THE SURVEYOR HAS REVIEWED THE RECORD OF SURVEY AND HAS FOUND IT TO BE CORRECT AND COMPLETE.

3. THE SURVEYOR HAS REVIEWED THE RECORD OF SURVEY AND HAS FOUND IT TO BE CORRECT AND COMPLETE.

4. THE SURVEYOR HAS REVIEWED THE RECORD OF SURVEY AND HAS FOUND IT TO BE CORRECT AND COMPLETE.

5. THE SURVEYOR HAS REVIEWED THE RECORD OF SURVEY AND HAS FOUND IT TO BE CORRECT AND COMPLETE.



STATE OF TEXAS

COUNTY OF TARRANT

FILE NO. _____

DATE _____

COMMITTEE STATEMENT

WE, THE COMMITTEE, HEREBY CERTIFY THAT THE SURVEY WAS MADE BY THE SURVEYOR AND THAT THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF TEXAS.

DATE _____

COMMITTEE STATEMENT

WE, THE COMMITTEE, HEREBY CERTIFY THAT THE SURVEY WAS MADE BY THE SURVEYOR AND THAT THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF TEXAS.

DATE _____

SURVEYOR'S STATEMENT

I, THE SURVEYOR, HEREBY CERTIFY THAT THE SURVEY WAS MADE BY ME AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

DATE _____



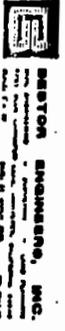
RECORD OF SURVEY

LOT 1

AS PER AND FIELD

RECORD OF SURVEY

FOR THE RECORD AUTHORITY



BARTON ENGINEERING, INC.

1000 WEST 10TH STREET, SUITE 100

FORT WORTH, TEXAS 76102

PHONE (817) 335-1111

FAX (817) 335-1112