

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

CITY OF LEMOORE  
119 Fox Street  
Lemoore, CA 93245

(Space Above for Recorder's Use)

**AMENDMENT NO. 1 TO  
REAL ESTATE PURCHASE CONTRACT  
BETWEEN THE CITY OF LEMOORE & THE OXENREIDER'S  
FOR PROPERTY AT 406 "B" STREET, LEMOORE CA**

This Amendment No. 1 ("Amendment") is entered into as of September 16, 2008 (the "Effective Date"), between the CITY OF LEMOORE, a California Charter City (the "City"), and MICHAEL L. OXENREIDER AND LORNER A. OXENREIDER, husband and wife (the "Buyers") with respect to the follows facts:

**Recitals**

- A. The City and Buyers entered into a Real Estate Purchase Contract, dated July 22, 2003 (the "Agreement") recorded August 29, 2003, whereby the City sold property at 406 B Street, Lemoore
- B. Article 4. Use Conditions portion of the Agreement limited the property's use to only allow for "administrative and professional offices and related facilities in accordance with the City's Zoning Code and all other applicable Federal, State and local laws, codes ordinances, regulations, standards, land use plans and development permits, unless the City Council expressly agrees to a different use and such different use, including associated terms and conditions, is contained in an appropriate amendment to this Contract".
- C. In 2003, the property was and continues to be zoned RSC (Recreation-School-Conservation) and was General Plan designated CF (Community Facilities). With the adoption of the 2030 General Plan, this subject area is now designated Low Density Single Family Residential. Since the property was sold, the use has not been in conformity with the City's Zoning Code or General Plan, however the intent was to allow professional office type uses.
- D. The Buyer intends to rent out a portion of the property for a therapeutic foot cleansing business which is not permitted in an RSC zone district nor a general plan designated residential district, and therefore wishes to amend the original purchase contract to allow for any use allowed in the PO (Professional Office) zone district.
- E. The parties will amend the Agreement to allow professional office uses for a period of seven (7) years from the original contract date. After the seven year period, any existing uses can continue but new uses would have to conform to the zoning in existence at that point in time complying with City Zoning and General Plan designations.

**Agreement**

Therefore, in consideration of the above the City and Buyers agree to amend Section 4.01 of the original real estate purchase contract, reference above, to read as follows:

Section 4.01 In further consideration of the City’s conveyance of the Property to the Buyers and performance of the City’s obligations in this Contract, the Buyers shall accept conveyance and, for at least ~~five~~ seven (7) years after close of escrow, use the Property only for Professional Office uses as allowed in the PO zone district ~~administrative and professional offices and related facilities~~ in accordance with the ~~City’s Zoning Code all other applicable Federal, State and local laws, codes ordinances, regulations, standards, land use plans and development permits,~~ unless the City Council expressly agrees to a different use and such different use, including associated terms and conditions, is contained in an appropriate amendment to this Contract”.

\* \* \* \* \*

Each party represents that this Amendment has been executed by its duly authorized representative(s) as of the Effective Date.

CITY OF LEMOORE,  
A California Charter City

BUYERS

By: \_\_\_\_\_  
Jeff Briltz, City Manager

By: MICAEL L. OXENREIDER

ATTEST:

Signature: \_\_\_\_\_

By: \_\_\_\_\_  
Nanci CO Lima, CMC  
Lemoore City Clerk

By: LORNA A. OXENREIDER

Signature: \_\_\_\_\_