

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Preliminary Draft DA - Exhibit N Notice of Completion and Termination
Date: Tuesday, April 6, 2021 3:13:12 PM
Attachments: [DA - Exhibit N Notice of Completion and Termination-c.docx](#)

From: Phan, Johnny
Sent: Saturday, March 27, 2021 2:31 PM
To: Miller, J. Gregg <gmilller@coblenzlaw.com>; Straka, Stephanie <SStraka@coblenzlaw.com>
Subject: Preliminary Draft DA - Exhibit N Notice of Completion and Termination

Accepted the changes. Please confirm this is final. Johnny

Johnny V. Phan

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Exhibit N

Form of Notice of Completion and Termination

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

[address]_____

Attn: _____

(Space above this line reserved for Recorder's use only)

THIS NOTICE OF COMPLETION OF BUILDING AND ASSOCIATED OBLIGATIONS (this "Notice") dated for reference purposes only as of this ____ day of _____, 20__, is made by and between the CITY OF SAN JOSE, a political subdivision and municipal corporation of the State of California (the "City"), and _____, a _____ ("Developer").

1. The City and Developer entered into that certain Development Agreement dated as of _____, 20__ and recorded in the Official Records of the County of Santa Clara on _____, as Document Number _____ (Book No. __, Reel No. _____) (the "Development Agreement"). Capitalized terms used in this Notice that are not defined shall have meaning given to such terms in the Development Agreement.

2. Under Section 7.1 of the Development Agreement, when one or more Buildings have been completed and all of the associated Base Requirements, Community Benefits, and Privately-Owned Publicly Accessible Open Space _____, and other obligations and requirements (collectively "Obligations") tied to those specific Buildings have also been completed, the City agreed, upon Developer's request, to execute and record a notice of completion as it relates to the applicable Building.

3. The City confirms that the Building known as _____, located on the property described in the attached Exhibit A (the "Affected Property"), together with all of the Obligations tied to that Building through the Development Agreement and any and all Approvals (including Subsequent Approvals) granted by the City for the Project, have been completed in accordance with the Development Agreement, which Obligations may, in part or in whole, run with the land, survive Building completion, and/or continue to be binding as to the Building and Affected Property and to any and all parties having or later acquiring any interest in the Affected Property even after recordation of this Notice. All parties with an interest in the Affected Property have the right to rely on this Notice.

CITY:

Approved as to form:

CITY OF SAN JOSE,
a municipal corporation

[_____] , City Attorney

By: _____
Director of Planning, Building
and Code Enforcement

By: _____
Deputy City Attorney