
SENATE BILL 341 ANNUAL REPORT
Firebaugh Housing Successor

FY 2017-18



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INTRODUCTION

The dissolution of California redevelopment agencies in 2012 resulted in a dramatic change to property tax finance. It eliminated the major source of local publicly generated dollars earmarked for affordable housing. Housing authorities have thus been left in a challenging position – the need for them is greater than ever, yet a key funding source no longer exists.

The City of Firebaugh named itself as the successor housing entity (“Housing Successor”) on January 23, 2012 by the adoption of Resolution No. 12-02. The Housing Successor is the successor housing entity to the former Firebaugh Redevelopment Agency (“Agency”). The Housing Successor’s assets were transferred from the former Agency when it dissolved pursuant to the Dissolution Act, which was enacted by Assembly Bills x1 26 and 1484. All rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding any amounts in the Low and Moderate-Income Housing Fund were transferred from the former Agency to the Housing Successor. Although the Housing Successor inherited the Agency’s assets and functions, it does not have an ongoing financing mechanism to maintain them.

The Housing Successor prepared a Housing Asset Transfer Form (“HAT”), which provides an inventory of all assets received in the mandatory transfers of assets following the dissolution of redevelopment. Except for two properties and the rental income associated with the properties, the transfer of all items on the HAT were approved by the California Department of Finance (“DOF”) on August 31, 2012. A Meet and Confer session was held on January 28, 2013 to discuss the items that were objected to by DOF. The final determination made by DOF on February 6, 2013 reaffirms their objection to the transfer of the two properties and the rental income associated with the Gateway Project.

REPORTING REQUIREMENTS OF SENATE BILL 341

Senate Bill (“SB”) 341, Assembly Bill (“AB”) 1793, SB 107, and AB 346 amended certain sections of the Health & Safety Code (“HSC”) that pertain largely to entities that accepted the housing assets and liabilities of former redevelopment agencies. SB 341 clarified that all former redevelopment agency housing assets, regardless of their originating redevelopment agency, must be maintained in a separate fund called the Low- and Moderate-Income Housing Asset Fund (“Housing Asset Fund”). SB 341, later amended by AB 1793 in 2014, SB 107 in 2015, and AB 346 in 2017, outlined a series of reporting requirements that must be adhered to in annual reports. This annual report is due to the California State Department of Housing and Community Development (“HCD”) by April 1st of each year. The report must be accompanied by an independent financial audit, which is due December 31 of each year.

In accordance with HSC Section 34176.1(f), certain information about financial activities of the Housing Asset Fund must be reported. These requirements are presented in Figure 1.

Figure 1. Reporting Requirements of HSC Section 34176.1(f)

Revenues & Expenditures	Assets & Active Projects	Obligations & Proportionality
Total amount deposited in the Housing Asset Fund for the fiscal year	Description of any projects still funded through the Recognized Obligation Payment Schedule (“ROPS”)	Description of any outstanding production obligations of the former Agency that are inherited by the Housing Successor
Statement of balance at the close of the fiscal year	Update on property disposition for any property owned more than five years or plans for property owned less than five years	Compliance with proportionality requirements by income group, which must be upheld on a five-year cycle
<p>Description of expenditures for the fiscal year, broken out as follows:</p> <ul style="list-style-type: none"> • Rapid rehousing for homelessness prevention (up to \$250,000 per year) • Administrative expenses (greater of \$200,000 adjusted for inflation or 5% of “portfolio” per year) • Monitoring expenses (included as an administrative expense) • All other expenditures must be reported as spent for each income group (extremely low-, very low-, and low-income) 	<p>Other portfolio balances, including:</p> <ul style="list-style-type: none"> • Statutory value of any real property either transferred from the former Agency or purchased by the Housing Asset Fund (note that the Housing Successor may only hold property for five years) • Value of loans and grants receivable 	Percentage of deed-restricted rental housing restricted to seniors and assisted by the entity assuming housing functions, the former Agency, or the County within the past ten years compared to the total number of units assisted by any of those three agencies
Description of any transfers to another housing successor for a joint project	Inventory of homeownership units assisted by the former Agency or the Housing Successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency’s investment of monies from the Low and Moderate-Income Housing Fund	Amount of any excess surplus, and, if any, the plan for eliminating it
The amount the or city and county received in loan repayments		

ASSETS TRANSFERRED TO THE HOUSING SUCCESSOR

Per HSC Section 34176(e), housing assets may include the following:

- Real property,
- Restrictions on the use of property,
- Personal property in a residence,
- Housing-related files,
- Office supplies and software programs acquired for low-and moderate-income purposes,
- Funds encumbered by an enforceable obligation,
- Loan or grant receivables funded from the former Low and Moderate-Income Housing Fund (“LMIHF”),
- Funds derived from rents or operation of properties acquired for low-and moderate-income housing purposes,
- Rents or payments from housing tenants or operators of low-and moderate-income housing, and
- Repayment of Supplemental Educational Revenue Augmentation Fund loans.

The assets transferred from the former Agency to the Housing Successor included real property, loans and grants receivable, and rents.

EXPENDITURE REQUIREMENTS OF SENATE BILL 341

In the months following redevelopment dissolution, the California legislature passed several legislative bills, including SB 341 to clarify issues concerning the activities and assets of former redevelopment agencies. SB 341 reinstated many affordable housing requirements formerly completed by redevelopment agencies. Specifically, SB 341 directs expenditures from the Housing Successor’s Housing Asset Fund as follows:

- **Administrative Expenditures:** Administrative expenditures, which include housing monitoring, are capped at either \$200,000 adjusted for inflation or 5% of the Housing Asset Fund’s annual portfolio, whichever is greater. The portfolio includes the statutory value of real property owned by the housing successor and of loans and grants receivable, including real property and loans and grants transferred to the housing successor pursuant to HSC 34176 and real property purchased and loans and grants made by the housing successor.
- **Homelessness Prevention:** A housing successor is authorized to spend up to \$250,000 each year on rapid rehousing solutions for homelessness prevention if all obligations pursuant to HSC Sections 33413 (inclusionary housing) and 33418 (replacement housing) have been fulfilled.

- **Income Proportionality Limits:** Remaining allowable expenditures must be spent to expand housing options for low-income households, defined as households earning 80% or less of the area median income (“AMI”). At least 30% of expenditures must be allocated to extremely-low rental households, or those households earning 30% or less of the AMI. A maximum of 20% may go towards households earning between 60% and 80% of the AMI. No funding may be spent on moderate-income households, defined as households earning 81% to 120% of the AMI.

Although housing successors must report expenditures by category each year, compliance with income proportionality limits is reported at the end of each five-year compliance period. The first five-year compliance period began in FY 2013-14 (on January 1, 2014) and will end in FY 2018-19 (on June 30, 2019). For example, a housing successor could spend any amount of its funds during FY 2013-14 on households earning between 60% and 80% AMI, as long as this amount is 20% or less of the total expenditures by the end of FY 2018-19.

LOW- AND MODERATE-INCOME HOUSING ASSET FUND

The Housing Asset Fund replaced the former Agency’s Low- and Moderate-Income Housing Fund. The Housing Asset Fund includes all the assets that were transferred from the Agency to the Housing Successor via the HAT. The HAT included:

- 2 Real Properties;
- 127 Loans/Grants Receivable; and
- 2 Rents/Operations

DOF approved 127 of the 131 items on the HAT on February 6, 2013. At the time of dissolution, the Agency requested to transfer two real estate parcels and the rental income associated with them – 1238 P Street (APN 008-075-11) and 1264 P Street (APN 008-075-03) – to the Housing Successor. DOF objected to these four transfers and the former Agency subsequently sold the properties to the Fresno County Housing Authority. The parcels will be used to develop the Firebaugh Gateway Apartments, a 30-unit senior housing complex located at P street and 13th Street in the City of Firebaugh. Construction broke ground in December 2015 and was completed in 2016.

HOUSING ASSET FUND DEPOSITS, EXPENDITURES, AND ENDING BALANCE

HSC Section 34176.1 requires that the Housing Successor annually report the funds that were deposited into the Housing Asset Fund during the fiscal year. As shown in Table 1, during FY 2017-18, the Housing Asset Fund received residual revenue from the San Joaquin Vistas development totaling \$11,365. No expenditures were incurred. There were no deposits into the Housing Asset Fund related to the Recognized Obligation Payment Schedule.

Table 1. Housing Asset Fund Deposits and Expenditures
Firebaugh Housing Successor

Description	Amount
Starting Balance	\$ 39,490
Deposits	11,365
Expenditures	-
End Balance	\$ 50,855

Source: City of Firebaugh

HSC Section 34176.1 requires housing successors to submit a statement showing the Housing Asset Fund’s balance at the start and close of the fiscal year, distinguishing any amounts held for items listed on the ROPS. At the start of FY 2017-18, the Housing Asset Fund balance was \$39,490. At the close of FY 2017-18, the Housing Asset Fund balance was \$50,855. No funds were held for items listed on the ROPS.

Table 2 summarizes Housing Asset Fund expenditures by category. The Firebaugh Housing Successor had no expenditures in FY 2017-18.

Table 2. Housing Asset Fund Expenditures
Firebaugh Housing Successor

Description	Total Expenditures
Monitoring and Preserving Affordability Covenants	\$ -
Administrative Costs	-
Rapid Rehousing/Homelessness Prevention	-
Affordable Housing for Low, Very Low, and Extremely Low Income Households	-
Total	\$ -

Source: City of Firebaugh

STATUTORY VALUE OF REAL PROPERTIES AND LOAN RECEIVABLES

The Housing Successor must report the statutory value of real properties formerly owned by the Agency, the value of any loans and grant receivables listed on the HAT, and the sum of the two. The statutory values of real property interests, and the values of loans and grants receivable belonging to the Housing Successor as of June 30, 2018 are shown in Table 3.

Table 3. Real Properties and Loan/Grant Receivables

Firebaugh Housing Successor

Loans Receivable	Value¹	
Loan: San Joaquin Development Partnership	\$	150,000
Loan: Firebaugh San Joaquin Vista Associates		156,692
Subtotal	\$	306,692
Total	\$	306,692

¹ Value as of June 30, 2018.

Source: City of Firebaugh

The Housing Successor received 124 affordability covenants. These covenants, recorded with the Fresno County Recorder, assure their respective property meets affordability requirements and remains affordable for 30 years. The 124 grants affiliated with these covenants, which have a statutory value of \$7,500 each, were also acquired by the Housing Successor. The combined value of the grants equals \$930,000.

In addition, the Housing Successor inherited two loan agreements and one grant. A loan for \$150,000 and a \$240,000 grant were both issued on May 5, 2008 to the San Joaquin Development Partnership. Another loan for \$200,000 was issued to the Firebaugh San Joaquin Vista Associates to construct 47 affordable apartment units. The loans acquired by the Firebaugh Housing Successor have a value of \$306,692 as of June 30, 2018.

CERCA DEL RIO III COVENANTS

The Housing Successor acquired 39 30-year affordability covenants, each associated with a \$7,500 grant, for the development of a subdivision called Cerca Del Rio III. The properties are single-family homes identified as “Lots 1 through 39 of Tract no. 5202, per the map thereof recorded in Book 68, pages 70 and 71 of Maps, in the Fresno County records”. The covenant agreements were executed by the former Agency and Lennar Fresno, Inc. on September 22, 2004 and recorded by the Fresno County Recorder on November 8, 2004. All 39 covenant agreements will expire after November 8, 2034.

DODDERER STREET & KANTOR STREET COVENANTS

The Agency transferred 36 30-year affordability covenants to the Housing Successor, each tied to a \$7,500 grant, for the development of a single-family subdivision tract on Dodderer street. An additional 5 affordability covenants for properties on Kantor street were similarly inherited by the Housing Successor. All 41 covenant agreements were executed by the former Agency on June 15, 2000 and will expire in 2030.

TRACT 4850

The Housing Successor acquired 44 30-year affordability covenants, each associated with a \$7,500 grant, for the development of a single-family subdivision. The parcels are identified as “Lots 1 through 44 of Tract no. 4850, per the map thereof recorded in Volume 63 pages 8 and 9 of Plays, Fresno County Records.” The covenant agreements were executed by the former Agency and CJM Development on December 20, 1999 and recorded by the Fresno County Recorder on February 27, 2001. All 44 covenant agreements will expire after February 27, 2031.

SAN JOAQUIN VISTA APARTMENTS

A loan for \$200,000 was issued on November 16, 2000 to the Firebaugh San Joaquin Vista Associates for the construction of the San Joaquin Vista Apartments, an apartment complex of 47 affordable rental units. Located at 500 P Street in Firebaugh, the San Joaquin Vista Apartments contains 16 two-bedroom, 24 three-bedroom, and 8 four-bedroom apartments and is owned by Pacific Communities. As of June 30, 2018, the loan balance was \$156,692.

SAN JOAQUIN VILLAS

The San Joaquin Development Partnership received a loan for \$150,000 and was awarded a \$240,000 grant on May 5, 2008. The loan and grant were transferred to the Housing Successor to develop and operate the San Joaquin Villas. The San Joaquin Villas is a for-sale project providing 10 units of much needed affordable housing. The program’s goal is to introduce a new paradigm for affordable housing in the Central Valley. These Cottage-style, single-family detached units are targeted to first-time homebuyers who are at extremely low-income levels of the area median income (30% of AMI). All homes are two stories with three bedrooms, two full bathrooms and will be complete with solar power systems. As of June 30, 2018, the loan balance remained at \$150,000.

PROJECTS FUNDED BY ROPS

No Housing Successor obligations were funded through the ROPS.

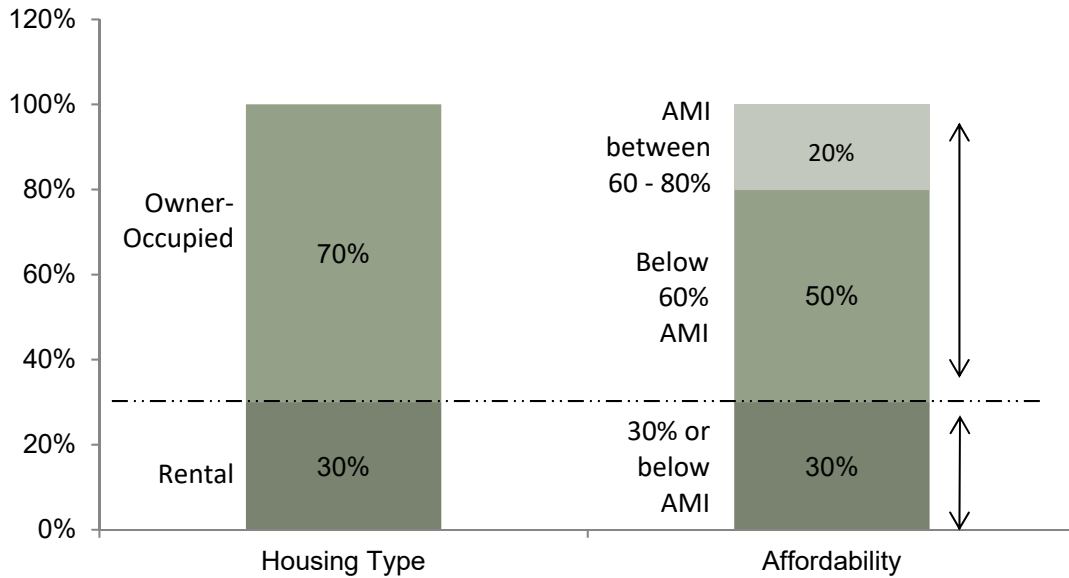
OUTSTANDING INCLUSIONARY AND REPLACEMENT HOUSING OBLIGATIONS

At the time of its dissolution, the former Agency met its inclusionary housing requirements. Therefore, the Housing Successor is no longer subject to obligations related to inclusionary housing or replacement housing.

EXTREMELY LOW-INCOME EXPENDITURE PROPORTIONALITY

Expenditures from the Housing Asset Fund shall be limited to lower income households earning 80% or less of the AMI, with at least (not less than) 30% of expenditures for rental housing for households earning 30% or less of the AMI and not more than 20% of the expenditures for household earning between 60% and 80% of the AMI. Figure 2 illustrates these limitations.

Figure 2. Housing Asset Fund Expenditure Limitations



Failure to comply with the extremely low-income requirement in any 5-year reporting period will result in the Housing Successor having to ensure that 50% of remaining funds be spent on extremely low-income rental units until in compliance. Exceeding the expenditure limit for households earning between 60% and 80% of the AMI in any 5-year reporting period will result in the Housing Successor not being able to expend any funds on these income categories until in compliance.

The Housing Successor had no expenditures in FY 2017-18. With no expenditures to report, the Housing Successor is by default compliant with the proportionality requirements of HSC Section 34176.1 and expects to remain compliant throughout the 5-year reporting period.

SENIOR HOUSING EXPENDITURE PROPORTIONALITY

Housing Successors are limited in how much they can spend on senior housing. This SB 341 report must track the number of deed-restricted, rental units that were produced for senior residents over the last ten years. If more than 50% of the total number of rental units produced by the City, Housing Successor, or former Agency during the past 10 years are restricted to seniors, the Housing Successor may not expend more money from the Housing Asset Fund on senior rental housing until the percentage is less than 50%.

Over the last decade, 40 affordable units were constructed. Of the total, 30 (75%) were completed at the end of 2016 as part of The Gateway Project and are restricted to seniors. The Housing Successor is over the limit allowing no more than 50% of the total aggregate number of rental units produced within the preceding ten years to be restricted to seniors. As a result, the Housing Successor should consider the development of an additional, non-senior restricted multifamily housing development.

EXCESS SURPLUS

Excess surplus calculations were once performed by redevelopment agencies on an annual basis and are intended to ensure that funds are expended to benefit low-income households in an expeditious manner. Funds should be encumbered within four years of receipt. SB 341 reinstates this calculation for housing successors. Excess surplus is defined by HSC Section 34176.1(d) as “an unencumbered amount in the account that exceeds the greater of one million dollars, or the aggregate amount deposited into the account during the housing successor’s preceding four fiscal years, whichever is greater.”

FY 2016-17 was the first year the excess surplus could be calculated. According to SB 341, if there is an excess surplus in the Housing Asset Fund, the Housing Successor must expend or encumber excess surplus within three fiscal years. If the Housing Successor fails to comply, it must transfer any excess surplus to HCD within ninety days of the end of the third fiscal year. The Housing Asset Fund has no excess surplus for FY 2017-18, as shown in Table 4.

**Table 4. Excess Surplus
Firebaugh Housing Successor**

Fiscal Year	2013-14	2014-15	2015-16	2016-17	2017-18
Deposits	\$ 4,242	\$ 8,084	\$ 10,022	\$ 9,595	\$ 11,365
Committed Funds					-
Unencumbered Amount ¹					50,855
Step 1					
\$1 Million, or Last 4 Deposits					1,000,000 31,944
Result: Larger Number					1,000,000
Step 2					
Unencumbered Amount					50,855
Larger Number From Step 1					1,000,000
Excess Surplus/(Deficit)					\$0

¹ As of June 30, 2018.

INVENTORY OF HOMEOWNERSHIP UNITS

Assembly Bill 1793 (“AB 1793”) requires the annual reporting of any homeownership units owned by the Housing Successor that require restrictions, covenants, or an adopted program that protects Housing Asset Fund monies. An inventory of these properties has been included as Appendix 1.

APPENDIX 1. Firebaugh Homeownership Inventory

Item #	Legal Title and Description	Year of Transfer to Housing Successor	Affordability Period
CERCA DEL RIO III			
1	Lot 1 of Tract 5202 Cerca Del Rio III	2012	30
2	Lot 2 of Tract 5202 Cerca Del Rio III	2012	30
3	Lot 3 of Tract 5202 Cerca Del Rio III	2012	30
4	Lot 4 of Tract 5202 Cerca Del Rio III	2012	30
5	Lot 5 of Tract 5202 Cerca Del Rio III	2012	30
6	Lot 6 of Tract 5202 Cerca Del Rio III	2012	30
7	Lot 7 of Tract 5202 Cerca Del Rio III	2012	30
8	Lot 8 of Tract 5202 Cerca Del Rio III	2012	30
9	Lot 9 of Tract 5202 Cerca Del Rio III	2012	30
10	Lot 10 of Tract 5202 Cerca Del Rio III	2012	30
11	Lot 11 of Tract 5202 Cerca Del Rio III	2012	30
12	Lot 12 of Tract 5202 Cerca Del Rio III	2012	30
13	Lot 13 of Tract 5202 Cerca Del Rio III	2012	30
14	Lot 14 of Tract 5202 Cerca Del Rio III	2012	30
15	Lot 15 of Tract 5202 Cerca Del Rio III	2012	30
16	Lot 16 of Tract 5202 Cerca Del Rio III	2012	30
17	Lot 17 of Tract 5202 Cerca Del Rio III	2012	30
18	Lot 18 of Tract 5202 Cerca Del Rio III	2012	30
19	Lot 19 of Tract 5202 Cerca Del Rio III	2012	30
20	Lot 20 of Tract 5202 Cerca Del Rio III	2012	30
21	Lot 21 of Tract 5202 Cerca Del Rio III	2012	30
22	Lot 22 of Tract 5202 Cerca Del Rio III	2012	30
23	Lot 23 of Tract 5202 Cerca Del Rio III	2012	30
24	Lot 24 of Tract 5202 Cerca Del Rio III	2012	30
25	Lot 25 of Tract 5202 Cerca Del Rio III	2012	30
26	Lot 26 of Tract 5202 Cerca Del Rio III	2012	30
27	Lot 27 of Tract 5202 Cerca Del Rio III	2012	30
28	Lot 28 of Tract 5202 Cerca Del Rio III	2012	30
29	Lot 29 of Tract 5202 Cerca Del Rio III	2012	30
30	Lot 30 of Tract 5202 Cerca Del Rio III	2012	30
31	Lot 31 of Tract 5202 Cerca Del Rio III	2012	30
32	Lot 32 of Tract 5202 Cerca Del Rio III	2012	30
33	Lot 33 of Tract 5202 Cerca Del Rio III	2012	30
34	Lot 34 of Tract 5202 Cerca Del Rio III	2012	30
35	Lot 35 of Tract 5202 Cerca Del Rio III	2012	30
36	Lot 36 of Tract 5202 Cerca Del Rio III	2012	30
37	Lot 37 of Tract 5202 Cerca Del Rio III	2012	30
38	Lot 38 of Tract 5202 Cerca Del Rio III	2012	30
39	Lot 38 of Tract 5202 Cerca Del Rio III	2012	30

DODDERER St.

40	614 Dodderer St.	2012	30
41	626 Dodderer St.	2012	30
42	638 Dodderer St.	2012	30
43	640 Dodderer St.	2012	30
44	652 Dodderer St.	2012	30
45	664 Dodderer St.	2012	30
46	676 Dodderer St.	2012	30
47	728 Dodderer St.	2012	30
48	730 Dodderer St.	2012	30
49	742 Dodderer St.	2012	30
50	754 Dodderer St.	2012	30
51	766 Dodderer St.	2012	30
52	778 Dodderer St.	2012	30
53	810 Dodderer St.	2012	30
54	822 Dodderer St.	2012	30
55	834 Dodderer St.	2012	30
56	839 Dodderer St.	2012	30
57	841 Dodderer St.	2012	30
58	846 Dodderer St.	2012	30
59	853 Dodderer St.	2012	30
60	858 Dodderer St.	2012	30
61	860 Dodderer St.	2012	30
62	827 Dodderer St.	2012	30
63	815 Dodderer St.	2012	30
64	773 Dodderer St.	2012	30
65	761 Dodderer St.	2012	30
66	759 Dodderer St.	2012	30
67	747 Dodderer St.	2012	30
68	735 Dodderer St.	2012	30
69	723 Dodderer St.	2012	30
70	671 Dodderer St.	2012	30
71	669 Dodderer St.	2012	30
72	651 Dodderer St.	2012	30
73	645 Dodderer St.	2012	30
74	633 Dodderer St.	2012	30
75	621 Dodderer St.	2012	30

TRACT 4850 (1-44)

76	Lot 1 of Tract 4850	2012	30
77	Lot 2 of Tract 4850	2012	30
78	Lot 3 of Tract 4850	2012	30
79	Lot 4 of Tract 4850	2012	30
80	Lot 5 of Tract 4580	2012	30
81	Lot 6 of Tract 4580	2012	30
82	Lot 7 of Tract 4580	2012	30

83	Lot 8 of Tract 4580		2012	30
84	Lot 9 of Tract 4580		2012	30
85	Lot 10 of Tract 4580		2012	30
86	Lot 11 of Tract 4580		2012	30
87	Lot 12 of Tract 4580		2012	30
88	Lot 13 of Tract 4580		2012	30
89	Lot 14 of Tract 4580		2012	30
90	Lot 15 of Tract 4580		2012	30
91	Lot 16 of Tract 4580		2012	30
92	Lot 17 of Tract 4580		2012	30
93	Lot 18 of Tract 4580		2012	30
94	Lot 19 of Tract 4580		2012	30
95	Lot 20 of Tract 4580		2012	30
96	Lot 21 of Tract 4580		2012	30
97	Lot 22 of Tract 4580		2012	30
98	Lot 23 of Tract 4580		2012	30
99	Lot 24 of Tract 4580		2012	30
100	Lot 25 Of Tract 4580		2012	30
101	Lot 26 of Tract 4580		2012	30
102	Lot 27 of Tract 4580		2012	30
103	Lot 28 of Tract 4580		2012	30
104	Lot 29 of Tract 4580		2012	30
105	Lot 30 of Tract 4580		2012	30
106	Lot 31 of Tract 4580		2012	30
107	Lot 32 of Tract 4580		2012	30
108	Lot 33 of Tract 4580		2012	30
109	Lot 34 of Tract 4580		2012	30
110	Lot 35 of Tract 4580		2012	30
111	Lot 36 of Tract 4580		2012	30
112	Lot 37 of Tract 4580		2012	30
113	Lot 38 of Tract 4580		2012	30
114	Lot 39 of Tract 4580		2012	30
115	Lot 40 of Tract 4580		2012	30
116	Lot 41 of Tract 4580		2012	30
117	Lot 42 of Tract 4580		2012	30
118	Lot 43 of Tract 4580		2012	30
119	Lot 44 of Tract 4580		2012	30

KANTOR ST.

120	Lot 21 of Tract 4851	Rev. Kantor St.	2012	30
121	Lot 22 of Tract 4851	Rev. Kantor St.	2012	30
122	Lot 23 of Tract 4851	Rev. Kantor St	2012	30
123	Lot 24 of Tract 4851	Rev. Kantor St	2012	30
124	Lot 25 of Tract 4851	Rev. Kantor St	2012	30