

AMENDMENT TO UNDERTAKING AGREEMENT

(SUBDIVISION IMPROVEMENTS)

TRACT NO. 061278

THIS AMENDMENT made this _____ day of _____, 20__ by and between the City of Lancaster, (the "City") and Plum Canyon Investments, LLC, (the Subdivider").

R E C I T A L S

- A. The City approved Tentative Map No. 061278 on April 18, 2005 (the "Tentative Map"), subject to certain conditions of approval set forth in Resolution No. 05-20, which conditions include construction of certain public improvements as set forth hereinbelow.
- B. The City and Subdivider entered into that certain Undertaking Agreement dated August 6, 2008 ("Agreement").
- C. The Agreement requires Subdivider to complete all Work required thereunder on or before January 27, 2011 ("Completion Date").
- D. Subdivider desires to extend the Completion Date.
- E. This Agreement is executed pursuant to the provisions of the Subdivision Map Act of the State of California and applicable City ordinances.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and of the approval of the Map and of the acceptance of the dedications therein offered, and in order to insure satisfactory performance by the Subdivider of Subdivider's obligations under said Subdivision Map Act and said ordinance, the parties agree as follows:

1. Performance of Work.

Section 1 of the Agreement is amended and restated to read as follows:

"Subdivider, at its sole cost and expense, will improve Tract No. 061278 by the grading and paving of streets, construction of curbs and gutters, crossgutters and sidewalks, installation of drainage and sanitary sewerage facilities, provision of an underground utility and street lighting system, installation of street signs, parkway trees, a water system and all related facilities, and such other improvements required by the ordinances of the City and/or the City Council in the approval of said Tract/Parcel Map, together with appurtenances, contingencies and engineering costs and as more particularly shown in the improvement plans for contingencies and engineering costs and as more particularly shown in the improvement plans for said Tract/Parcel Map as well as all improvements identified in the "Attachment to PC Resolution No. 05-20, Tentative Tract Map No. 061278 Conditions List (Revised)" dated April 18, 2005 and attached hereto as Exhibit "A" (the "Improvements"). Subdivider will do all work and furnish all materials necessary, in the opinion of the City Engineer, to complete said Improvements in accordance with the plans and specifications on file in the office of the City Engineer or with any changes or modifications required or ordered

by the City Engineer which, in his opinion, are necessary or required to complete the Improvements (the "Work"). Subdivider shall maintain the Improvements and adjacent public facilities clear of all debris, weeds, and other materials which inhibit the performance of the Improvements or become a public nuisance. Should the Subdivider fail to act promptly in accordance with this requirement the City may, at its option, perform the necessary work and the Subdivider shall pay to the City the actual cost of such maintenance plus fifteen (15) percent.

2. Extension of Term.

Section 18 of the Agreement is amended and restated to provide as follows:

"Subdivider shall complete all of said Work on or before _____, or within such further time as may be granted by the City Council."

3. Agreement Remains in Effect.

Except as expressly revised herein, the terms, conditions and requirements set forth in the Agreement shall remain in full force and effect. Any terms not defined in this Amendment shall have the meaning set forth in the Agreement.

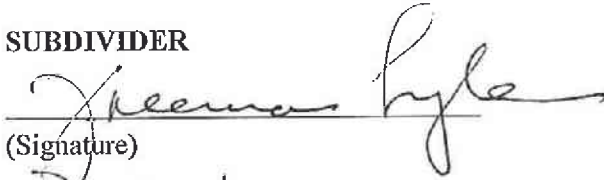
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

APPROVED:

CITY OF LANCASTER

By: City Engineer

SUBDIVIDER



(Signature)

President

(Office Held)

Real Property Fund III, L.P. member of
DUM CANYON INVESTMENTS, LLC.

Partnership or Corporation represented, if applicable

APPROVED AS TO FORM:

By: City Attorney

ALL SIGNATURES MUST BE ACKNOWLEDGED BY NOTARY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California)
)
County of Los Angeles)

On February 3rd 2011, before me Clara Lobendahn, Notary Public, personally appeared Freeman Lyle, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signatures on the instrument the person, or the entities upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Clara Lobendahn



EXHIBIT "A"

ATTACHMENT TO PC RESOLUTION NO. 05-06

TENTATIVE TRACT MAP NO. 061078 CONDITIONS LIST

GENERAL/ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 91-08 shall apply except Condition Nos. 46 (modified below), and 47 (deleted).
2. Prior to occupancy, construct a perimeter masonry wall along the north, south, west, and east property lines in accordance with Section 17.28.030.C. of the Lancaster Municipal Code; color and design must be specifically approved by the Director of Community Development. If the property is developed in phases, a masonry wall must be provided around the periphery of each recorded phase in accordance with this condition prior to occupancy of any units in that phase. The requirement for peripheral walls may be waived or modified by the Director of Community Development in order to prevent the creation of double walls where an adequate wall which would meet the intent of this condition is already in existence. All perimeter walls shall meet the structural requirements of the City of Lancaster as specified by the Director of Public Works (modified Condition No. 46).

STREETS

3. Per direction of the Director of Public Works, improve and offer for dedication:
 - 15th Street East at 62 feet of an ultimate 84-foot right-of-way
 - Avenue K-8 at 62 feet of an ultimate 84-foot right-of-way
 - "H" Street at a 64-foot right-of-way
 - Avenue K-6 at 42 feet of an ultimate 60-foot right-of-way
 - "E" Street 42 feet of an ultimate 60-foot right-of-way
 - "A" Street at a 60-foot right-of-way
 - "B" Street at a 60-foot right-of-way
 - "G" Street, east of "H" Street, at a 60-foot right-of-way
 - "G" Street, west of "H" Street, at a 58-foot right-of-way
 - "C" Street at a 58-foot right-of-way
 - "D" Street at a 58-foot right-of-way

Improvements include pavement, curb, gutter, sidewalk, street lights, undergrounding of utilities, etc. Note that the applicant is responsible to reconstruct the street to centerline if the existing pavement section does not meet the Department of Public Works street standards.

4. Dedicate the right to restrict direct vehicular access to Avenue K-8, 15th Street East, "H" Street, and Avenue K-6 (north side lot No.1).

5. Per the direction of the Director of Public Works, provide a 30-foot-wide paved access from the western boundary of Avenue K-6 to the intersection of Carol Dr with all necessary paved transitions.
6. Per the direction of the Director of Public Works, provide a 30-foot-wide paved access from the western boundary of Avenue K-8 west to the existing pavement on Avenue K-8, with all necessary paved transitions.
7. Per the direction of the Director of Public Works, a secondary access will be required to the nearest improved street when residential development reaches 700 linear feet.
8. Prior to occupancy, provide additional pavement per the Director of Public Works, for the installation of a left-turn lane on Avenue K-8 into the intersection with "H"; and on 15th Street East to provide a left-turn pocket into the intersection with Avenue K-6.
9. Per the direction of the Director of Public Works, the Developer shall install a conduit, pull rope, and pull boxes along major and secondary arterial to the nearest traffic signal to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by Traffic.

DRAINAGE

10. The project shall comply with the Best Management Practices (BMP) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES permit requirements.
11. Mitigate on-site nuisance water and developmental storm water runoff to the satisfaction of the Director of Public Works, (modification of Standard Condition No. 37).
12. Per the specification of the Director of Public Works, and per the Master Plan of drainage, construct a 66-inch storm drain in 15th Street East from Avenue K-8 to outlet north of Avenue K-6.

WATER AND SEWER

13. Prior to issuance of grading or building permits, the project proponent will required to contact the City Building Official regarding the requirements for the purchase of water credits from the City of Lancaster.
14. Per the Direction of the Director of Public Works, provide a hydrology and sewer area study prior to final map approval.

LANDSCAPING

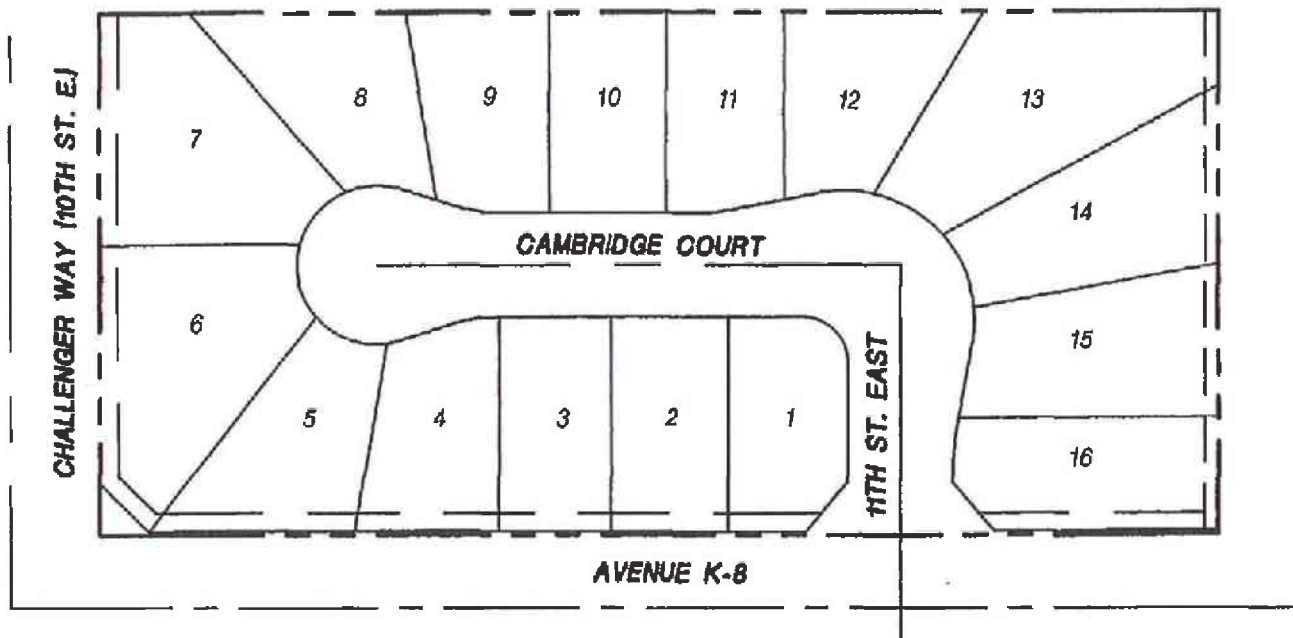
15. Prior to occupancy, provide a 10-foot-wide landscape easement and maintenance district along Avenue-K-8 and 15th Street East, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval of the Department of Public Works. The construction materials, color, and design of the *decorative* (i.e. slump stone, split faced with brick pilasters, and decorative brick cap) masonry wall abutting the landscape maintenance district is subject to approval of the Director of Community Development. The irrigation and plant materials shall be installed and completed to the satisfaction of the Director of Public Works Department prior to occupancy of any residence within the development. In addition, add a one- to two-course high matching block wall along the back of the sidewalk to protect the landscaping and irrigation, and to prevent irrigation/dirt runoff.
16. Prior to recordation of the final map, the property shall be annexed into the Landscape Maintenance District.
17. Where landscaping is required or is to be installed by the developer within the front and/or street side yard setback areas, a landscape and irrigation plan shall be submitted for review and approval by City staff. Said landscaping and irrigation system shall conform to the requirements of Ordinance No. 629.
18. The project shall abide by Ordinance No. 821, requirements for residential landscape installation and maintenance.
19. Per the direction of the Director of Public Works, the Developer shall install a purple pipe irrigation system in all landscape maintenance districts to provide for future connection to a recycled water system.

OTHER CONDITIONS

20. Per the direction of the Director of Public Works, construct ADA "walk arounds" at all driveways and intersections to the specifications of the Director of Public Works.
21. Per the direction of the Director of Community Development and the Director of Public Works, garages shall maintain a 20-foot setback from property line or back of ADA required path of travel, whichever is greater.
22. The applicant shall comply with all requirements of the Urban Structure Program as outlined in the General Plan and adopted by the City Council.
23. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting Maintenance District.

24. Per the direction of the Director of Community Development, all work shall be limited to the site by installation of a fence to define the limits of development, or an additional Cultural Resource Study would be required for any off-site area which would be disturbed by the development (such as staging and turn around areas).
25. Final map design shall be coordinated with the Antelope Valley Transportation Authority (AVTA) for ADA-compliant sidewalks of sufficient width to accommodate ADA-compliant bus benches and shelters.
26. Based on the Biological Resource Report for the proposed subdivision and per the direction of the Director of Community Development, a qualified biologist shall conduct nesting bird surveys prior to grading/vegetation removal, if the latter activities are conducted between the months of March and June. If evidence of nesting of raptors or other sensitive species is found, grading/vegetation removal shall be halted until the young birds are fledged and safe from disturbance. If active bird nest are found impacts should be avoided until proper permits are obtained from the Department of Fish and Game.
27. Prior to site grading, the applicant shall either:
 - a. Complete an onsite survey for Mojave Ground Squirrel (MGS) per California Department of Fish & Game protocol. If no MGS is observed or trapped on the site during the survey, the City will consider the site as clear, and not require any further MGS mitigation. Should MGS be observed or trapped on the site during the survey, the applicant shall contact the California Department of Fish and Game to obtain necessary permits. (added per P.C. 2-28-05)
 - b. Contact the California Department of Fish and Game and obtain an Incidental Take Permit, which shall include the acquisition or funding for acquisition of offsite MGS habitat, as determined necessary by the California Department of Fish & Game. (added per P.C. 2-28-05)

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SCALE: 1"=100'

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