

SHEET 2

AVENUE J-12

57TH STREET WEST

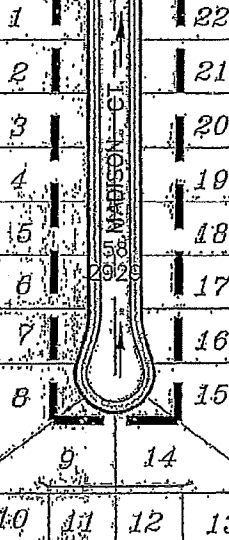
EXIST. TRACT
54401

SHEET 4

20-01 MADISON CT

VACANT LAND

56TH STREET WEST



10 11 12 13

AVENUE J-15

SHEET 3

TRACT 061542

KEY MAP



SCALE: 1"=200'

AMENDMENT TO UNDERTAKING AGREEMENT

(SUBDIVISION IMPROVEMENTS)

TRACT NO. 061542

THIS AMENDMENT made this _____ day of _____, 20____ by and between the City of Lancaster, (the "City") and AVE K 22, LLC, (the Subdivider").

RECITALS

- A. The City approved Tentative Map No. 061542 on November 21, 2005 (the "Tentative Map"), subject to certain conditions of approval set forth in Resolution No. 05-75, which conditions include construction of certain public improvements as set forth hereinbelow.
- B. The City and Subdivider entered into that certain Undertaking Agreement dated July 10, 2010 ("Agreement").
- C. The Agreement requires Subdivider to complete all Work required thereunder on or before March 1, 2012 ("Completion Date").
- D. Subdivider desires to extend the Completion Date.
- E. City desires to impose additional conditions on the Map.
- F. 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. 061542 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. 05-75, Tentative Tract Map No. 061542 Conditions List (Revised)" dated November 21, 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

Ted W. Toeh
(Signature)

MANAGER
(Office Held)

AVE K22, LLC
Partnership or Corporation represented, if applicable

APPROVED AS TO FORM:

By: City Attorney

ALL SIGNATURES MUST BE ACKNOWLEDGED BY NOTARY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

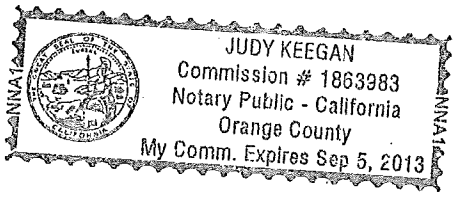
State of California

County of ORANGE

On 2-8-2012 before me, JUDY KEEGAN, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared FED H. TOCH
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she~~ they executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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: Judy Keegan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

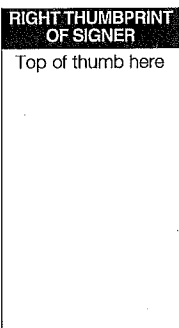
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

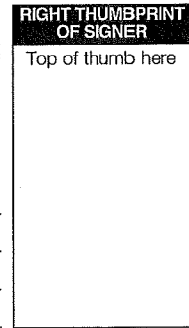
- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

RESOLUTION NO. 05-75

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LANCASTER, CALIFORNIA, APPROVING
TENTATIVE TRACT MAP NO. 061542

WHEREAS, a tentative tract map has been filed by Ellevan, INC. for the division of 3.70± net acres located on the south side of Avenue J-12 approximately 296 feet west of 56th Street West into 22 single family lots, as shown on the attached subdivision map; and

WHEREAS, staff has conducted necessary investigations to assure the proposed division of land would be consistent with the purposes of the City's Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the R-7,000 Zone; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of this tentative map subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on November 21, 2005; and

WHEREAS, the proposed project is categorical exempt under Class 32 Section 15332 of the State Guidelines for the implementation of the California Environmental Quality Act, and a Notice of Exemption will be filed with the County Clerk of Los Angeles County; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this map:

1. The proposed design and improvement of the twenty-two lot subdivision is consistent with the General Plan land use designation of UR (Urban Residential) for the subject property.
2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.
3. The design and improvement of the subdivision are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not within a sensitive habitat area and all potential impacts are insignificant as noted in the environmental review section of the staff report.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because sewer and water systems will be provided to the project.
5. The design and improvement of the subdivision will not conflict with easements acquired by the public at large, for access through or use of property within the

proposed subdivision because all such easements have been incorporated into the proposed public streets (or will be abandoned), based on staff review of a preliminary title report.

6. The proposed subdivision may have a beneficial effect on the housing needs of the region because an additional twenty-two dwelling units could be provided, and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems, and

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed tentative subdivision map will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Tentative Tract Map No. 061542, subject to the conditions attached hereto and incorporated herein.


PASSED, APPROVED and ADOPTED this 21st day of November, 2005 by the following vote:

AYES: Commissioners Andy, Baldus, MacPherson, Chairman Smith

NOES: None


ABSTAIN: None

ABSENT: Vice Chairman Mann



RONALD D. SMITH, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Director of Community Development
City of Lancaster

WATER AND SEWER

9. The project proponent shall contact the City Building Official regarding the requirements for the purchase of water credits from the City of Lancaster (for all projects within L.A. County Waterworks District No. 40).

LANDSCAPING

10. Prior to recordation of the final map, the property shall be annexed into the Landscape Maintenance District is required.
11. 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 plan shall conform to the requirements of Ordinance No. 629.
12. The project shall abide by Ordinance No. 821, requirements for residential landscape installation and maintenance.

OTHER CONDITIONS

13. The applicant shall comply with all requirements of the Urban Structure Program, as outlined in the General Plan and adopted by the City Council.
14. Prior to occupancy, construct a perimeter masonry wall along the periphery of the subdivision where a rear or side yard abut other property, or is adjacent to a street, in accordance with Section 17.28.030.(c). of the Zoning Ordinance; 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 perimeter of each recorded phase in accordance with this condition prior to occupancy of any units in that phase. The requirement for perimeter 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, or where there will be continuous work in progress on adjacent phases. All walls required by this condition shall be constructed per the Department of Public Works Standards Plan No. PW-10, or as specified by the Director of Public Works (modification of Standard Condition No. 46).
15. The applicant agrees, prior to or concurrent with the approval of a final map, to pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be

ATTACHMENT TO PC RESOLUTION NO. 05-75

TENTATIVE TRACT MAP NO. 061542

GENERAL/ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 91-08 shall apply except Condition Nos. 37 (modified below), 46 (modified below), and 47 (deleted).

STREETS

2. Per the direction of the Director of Public Works, improve and offer for dedication:

- Avenue J-12 at 42 feet of an ultimate 60-foot right-of-way
- Avenue J-15 at 42 feet of an ultimate 60-foot right-of-way
- "A" Street at a 58-foot right-of-way

Improvements include pavement, curb, gutter, sidewalks street lights, undergrounding of utilities, etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Department of Public Works street standard. Additional pavement, transitions, and curbs are required with street improvements.

3. Per the direction of the Director of Public Works, the asphalt surface course for all arterial streets shall be constructed with rubber modified asphalt. The type of rubber modified asphalt shall be as specified by the City and shall be determined in final design.
4. Per the direction of the Director of Public Works, the interior streets in residential tracts shall be treated with Reclamite pavement rejuvenation solution prior to completion of the one-year maintenance period.
5. Per the direction of the Director of Public Works, construct ADA "walk arounds" at all driveways to the specifications of the Director of Public Works and install ADA curb ramps at all intersections.

DRAINAGE

6. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Director of Public Works (modification of Standard Condition No. 37).
7. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
8. Submittal of an overall drainage plan/hydrology study which shows the surface flow, nuisance water, and mitigation plan is required prior to submittal of final map.

required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster.

16. 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.
17. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting Maintenance District.
18. Per the direction of the Director of Community Development, a Phase I Cultural Resource Study is required for any off-site area which would be disturbed by the development, such as staging areas and turn-arounds not covered by the Cultural Resource Study prepared for this subdivision, or all work shall be conducted on the site by the installation of a fence to determine the limits of development.
19. ~~Per the direction of the Director of Public Works, construct a temporary masonry wall on the east ends of Avenue J-12 and Avenue J-15. The wall shall drop to four feet in height across the street right-of-way. The temporary perimeter block wall in the street right-of-way shall be completely separate from the permanent perimeter wall, including footings. The gap between the wall shall not exceed four inches. (Deleted per P.C. 11-21-05)~~
20. ~~Prior to, or concurrently with, approval of the final map, the subdivider shall provide documentation to the City Engineer and Department of Community Development showing the easement affecting lot numbers 1-10 has been abandoned by the easement holders and that there are no restrictions that would prevent the development of those lots. (Deleted per P.C. 11-21-05)~~