

TR 060241
VICINITY MAP

**AMENDMENT TO UNDERTAKING AGREEMENT
(SUBDIVISION IMPROVEMENTS)**

TRACT NO. 060241 PARCEL MAP NO. _____

THIS AMENDMENT made this _____ day of _____, 20__ by and between the City of Lancaster, (the "City") and Beazer Homes Holdings Corp., (the Subdivider").

RECITALS

A. The City approved Tentative Map No. 060241 on July 19, 2004 (the "Tentative Map"), subject to certain conditions of approval set forth in Resolution No. 05-10, which conditions include construction of certain public improvements as set forth hereinbelow.

B. The City and Subdivider entered into that certain Undertaking Agreement dated March 23, 2010 ("Agreement").

C. The Agreement requires Subdivider to complete all Work required thereunder on or before _____ ("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. 060241 Parcel Map No. _____ 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. 05-10, Tentative Tract Map No. 060241 Conditions List (Revised)" dated _____ 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.

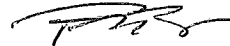
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

APPROVED:

CITY OF LANCASTER

By: City Engineer

SUBDIVIDER



(Signature)

Bryan Bergeron
Development Manager

(Office Held) **Orange Division**

Beazer Homes Holdings Corp.
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 March 12, 2012 before me, C. Gonzales

Here Insert Name and Title of the Officer

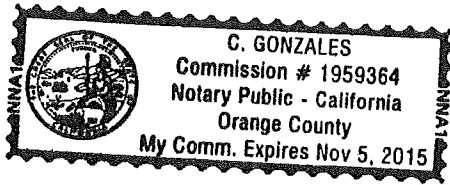
personally appeared Bryan Bergeron

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.



Place Notary Seal Above

Signature: [Signature]
Signature of Notary Public

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: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

RESOLUTION NO. 05-10

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LANCASTER, CALIFORNIA, APPROVING
VESTING TENTATIVE TRACT MAP NO. 060241

WHEREAS, a tentative subdivision map has been filed by Ben Sayani for the division of 20± gross acres of land into 84 single family lots located on the southwest corner of 30th Street West and Jackman Street, as shown on the attached site 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 March 21, 2005; and

WHEREAS, the initial study was performed for this project in accordance with CEQA; and

WHEREAS, this Commission hereby finds that the Initial Study determined that the proposed subdivision could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of mitigation measures as detailed in Exhibit "A;" and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the mitigated Negative Declaration prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information contained in the mitigated Negative Declaration prepared for the proposed division of land in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, based on the Initial Study prepared for the project, this Commission hereby finds that the proposal will have a de minimis impact on wildlife resources as defined in Section 711.2 of the Fish and Game Code of the State of California and hereby authorizes staff to file a Certificate of Fee Exemption pursuant to Section 753.5, Title 14, California Code of Regulations; and

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

1. The proposed design and improvement of the 84-lot subdivision are 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 after mitigation measures are applied 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 adequate 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 84 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:

1. This Commission hereby approves the Negative Declaration prepared for this project with the finding that the proposed tentative tract map will not have a significant effect on the environment after mitigation measures have been applied.
2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A."

3. This Commission hereby approves Vesting Tentative Tract Map No. 060241, subject to the conditions attached hereto and incorporated herein.

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

AYES: Commissioners Andy, Baldus and Idleman, Vice Chairman Mann, and Chairman Smith

NOES:

ABSTAIN:

ABSENT:

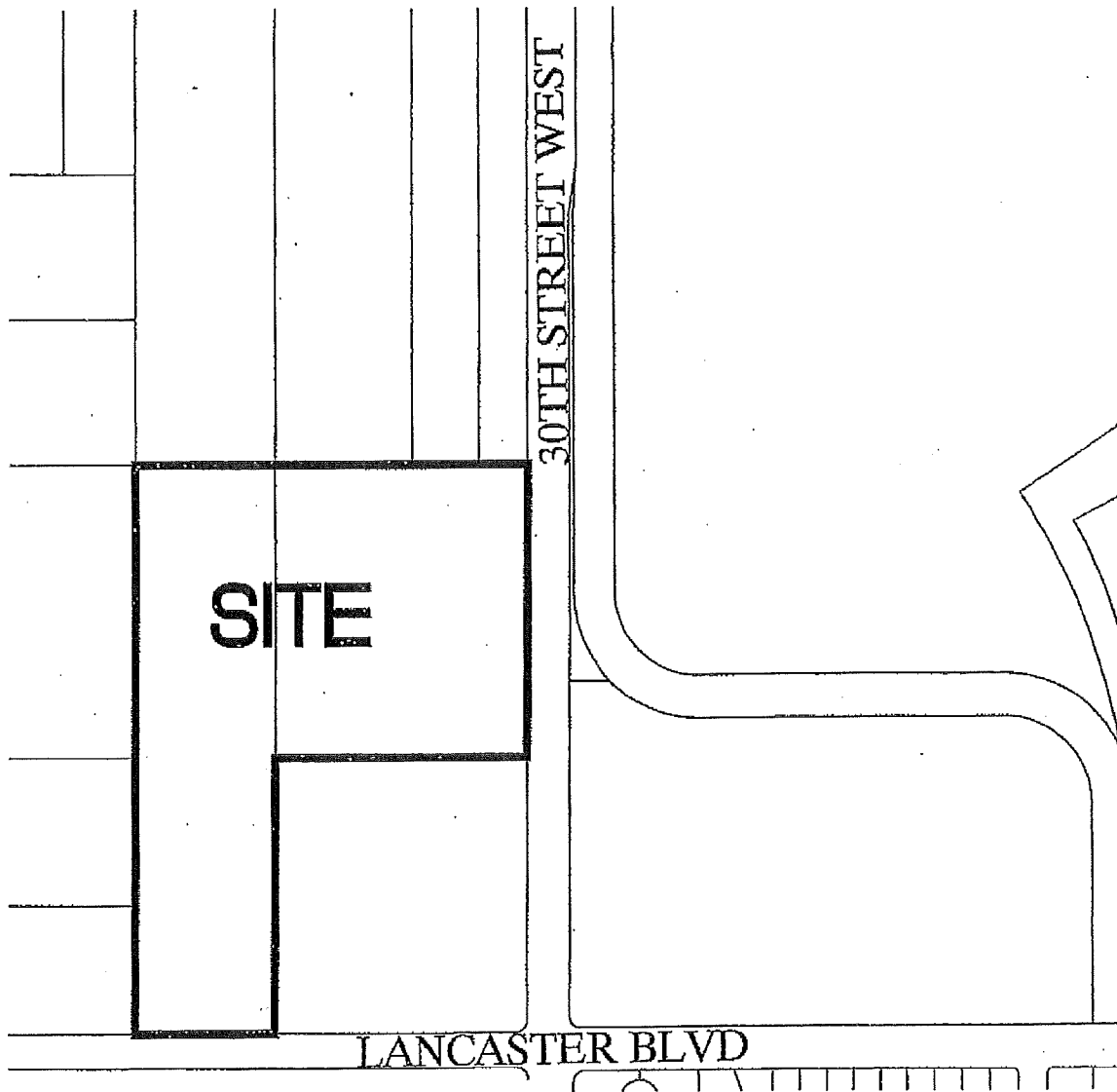


RONALD D. SMITH, Chairman
Lancaster Planning Commission

ATTEST:



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



SCALE: NOT TO SCALE

VICINITY MAP

VTTM 060241

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ATTACHMENT TO PC RESOLUTION NO. 05-10

VESTING TENTATIVE TRACT MAP NO. 060241 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.
2. Prior to occupancy, construct a perimeter masonry wall along the perimeter to include the north, south, east, and west property lines as indicated on the site plan 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, Standard Plan No. PW-10, or 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:
 - 30th Street West at 70 feet of an ultimate 100-foot right-of-way
 - Lancaster Boulevard at 62 feet of an ultimate 84-foot right-of-way
 - Jackman Street, east of Street "F", at 44 feet of an ultimate 64-foot right-of-way
 - Jackman Street, west of Street "F", at 42 feet of an ultimate 60-foot right-of-way
 - 31st Street West at 44 feet of an ultimate 64-foot right-of-way
 - Streets "A," "B," "C," "D," "E," and "F" at a 60-foot right-of-way

Improvements include pavement, curb, gutter sidewalk, street lights, and undergrounding of utilities, etc. The applicant is responsible for reconstructing 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 30th Street West, Lancaster Boulevard, Lot No. 57 (adjacent to 31st Street West), and Lot No. 84 (adjacent to Jackman Street).
5. Per Director of Public Works, prior to occupancy, provide additional pavement for the installation of a left-turn lane on Lancaster Boulevard into the intersection with 31st Street West; and on 30th Street West into the intersection of Jackman Street.
6. Per direction of the Director of Public Works, install a raised landscape median with red stamped concrete in 30th Street West and a left-turn pocket into the intersection of Jackman Street.

7. Construct ADA "walk around" at all driveways to the specifications of the Director of Public Works.
8. 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.
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 arterials 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 the Traffic Division.

DRAINAGE

10. Per direction of the Director of Public Works, submit an overall drainage plan/hydrology study prior to final map submittal which shows the surface flow, nuisance water, and mitigation plan per the Master Plan Facility.
11. The project shall comply with the Industrial/Commercial Best Management Practices (BMP) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES permit requirements.
12. Per the direction of the Director of Public Works, with the grading permit, show the elevation of all lots within the subdivision to be a minimum of two feet above the future channel elevation on the south side of Avenue I.

WATER AND SEWER

13. 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

14. Prior to occupancy, provide a 10-foot-wide landscape easement and maintenance district along Lancaster Boulevard and 30th Street West, 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, or block with brick pilasters and decorative brick cap) masonry wall abutting the landscape maintenance district shall match as close as possible the height, color, and texture of the abutting wall to the west of the site 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 with the development. In addition, add a

one- to two-course-high block wall along the back of the sidewalk to protect the landscaping and irrigation, and to prevent irrigation/dirt runoff.

15. 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.
16. 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.

OTHER CONDITIONS

19. The applicant shall comply with all requirements of the Urban Structure Program as outlined in the General Plan and adopted by the City Council.
20. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting Maintenance District.
21. Per direction of the Director of Public Works, construct a temporary wall at the westerly end of Street. "A." The wall shall drop down to four feet across the street right-of-way for Lot Nos. 22 and 23. The temporary perimeter block wall shall be completely separate from the permanent wall perimeter wall, including footings. The gap between the two walls shall not exceed four inches.
22. 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.
23. 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 on 30th Street West, Lancaster Boulevard and Jackman Street.
24. Prior to approval of the grading plan, a geotechnical soils report is required to verify suitability of site for installation of proposed development and associated improvements.

25. Per direction of the Director of Community Development, a Phase I Cultural Resource Study is required for any off-site area which will be disturbed by the development, such as staging areas and turn-arounds, not covered by the Cultural Resource Study, or all work shall be conducted on the site by installation of a fence to determine limits of development.
26. Per the direction of the Director of Community Development, prior to removing vegetation or grading the site during the months of March through June, a biologist is required to re-examine the site for any sensitive bird species (i.e. loggerhead shrike and burrowing owl). Evidence that such re-examination has occurred shall be submitted in writing to the Department of Community Development.