

AMENDMENT TO UNDERTAKING AGREEMENT

(SUBDIVISION IMPROVEMENTS)

TRACT MAP NO. 060779

THIS AMENDMENT made this	day of	, 20 by
and between the City of Lancaster, (the "City	") and AV Three Homes, LLC, (th	e Subdivider").

RECITALS

- A. The City approved Tentative Map No. 060779 on March 15, 2004 (the "Tentative Map"), subject to certain conditions of approval set forth in Resolution No.04-09, which conditions include construction of certain public improvements as set forth hereinbelow.
- **B.** The City and Subdivider entered into that certain Undertaking Agreement dated February 14, 2012 ("Agreement").
- C. The Agreement requires Subdivider to complete all Work required thereunder on or before February 14, 2014 ("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 dedication s 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. 060779 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. 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 her 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 an	nd restated to provide as follows:
"Subdivider shall complete all of s within such further time as may be granted	
3. Agreement Remains in Effect.	
	erms, conditions and requirements set forth in the effect. Any terms not defined in this Amendment eement.
IN WITNESS WHEREOF, the parties he of the day and year first above written.	ereto have caused this Agreement to be executed as
APPROVED:	
CITY OF LANCASTER	SUBDIVIDER
By: City Engineer	Signature
	Printed Name and Office Held
	Partnership or Corporation represented, if applicable
APPROVED AS TO FORM:	
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ALL SIGNATURES MUST BE ACKNOWLEDGED BY NOTARY

By: City Attorney