

**COMMUNITY FACILITIES DISTRICT NO. 2020-1 (MCCALL MESA)
OF THE CITY OF MENIFEE**

**FIRST AMENDMENT TO
ACQUISITION, CONSTRUCTION AND FUNDING AGREEMENT**

THIS FIRST AMENDMENT TO ACQUISITION, CONSTRUCTION AND FUNDING AGREEMENT (the “First Amendment”) is made and entered into by and between CITY OF MENIFEE (the “City”), acting for and on behalf of itself and COMMUNITY FACILITIES DISTRICT NO. 2020-1 (MCCALL MESA) OF THE CITY OF MENIFEE (the “Community Facilities District” or “CFD”) and LENNAR HOMES OF CALIFORNIA, LLC, a California limited liability company (the “Developer”) (each individually a “Party” and collectively the “Parties”) and amends that certain Acquisition, Construction and Funding Agreement entered into as of August 11, 2020 (the “Original Agreement” and together with this First Amendment, the “Agreement”), by and among the Parties. Capitalized terms used and not defined herein have the meanings ascribed thereto in the Original Agreement.

WHEREAS, the Parties entered into the Original Agreement to provide for, among other matters, the financial and other obligations and responsibilities related to the formation of the Community Facilities District and the Improvements to be financed by the Community Facilities District; and

WHEREAS, Section 24(b) of the Original Agreement provides that the Parties may amend the Original Agreement in writing signed by each Party thereto; and

WHEREAS, the Parties desire to amend Exhibit “B” of the Original Agreement with respect to the City Improvements as described herein; and

NOW, THEREFORE, it is mutually agreed between the respective Parties as follows:

1. Amendment to Section 9. Section 9 of the Original Agreement is hereby amended to add the following after the fifth paragraph thereof:

“The Acquisition Price of real property constituting land to be funded from proceeds of the Bonds shall be the fair market value thereof as determined by an M.A.I. appraiser mutually acceptable to the Parties. The appraisal shall be based upon the highest and best use of the property as determined by the appraiser.”

2. Amendment to Exhibit “B”. The description of the cost estimates of the City Improvements shown in Exhibit B is hereby amended to include the acquisition of park land as detailed in the attached First Amended Exhibit B.

3. General Provisions.

(a) Incorporation into Original Agreement. Except as expressly amended hereby, all provisions of the Original Agreement remain in full force and effect, and this First Amendment is incorporated as a part of the Original Agreement to comprise the Agreement in effect as of the date hereof.

(b) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute but one instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written below.

DATED: December 6, 2023

CITY OF MENIFEE, a political subdivision of the State of California

By: _____
Armando G. Villa, City Manager

ATTEST:

By: _____
Sarah Manwaring, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY FOR THE CITY OF MENIFEE

By: _____
Jeffrey T. Melching, City Attorney

LENNAR HOMES OF CALIFORNIA, LLC,
A California limited liability company

By: _____

Name: _____

Title: _____

FIRST AMENDED EXHIBIT B
DESCRIPTION OF COST ESTIMATES OF THE IMPROVEMENTS⁽¹⁾

I. CITY FEE FACILITY IMPROVEMENTS.

Estimated Cost of the City Fee Facility Improvements	
<i>Description</i>	<i>Estimated Cost</i>
Law Enforcement	\$59,598
Fire Facilities	158,412
Circulation	1,204,860
General Government	263,418
Public Use Facilities	39,732
Parks – Land Acquisition	55,470
Parks – Improvements	170,538
City Projects	390,406
Total City Fees Facility Improvements	<u>\$ 2,342,434</u>

II. CITY IMPROVEMENTS.

Those facilities constructed by or on behalf of the Developer and needed by City in order to provide services to the Developer Property, including the following:

Traffic Signal Improvements related to Menifee Road / Heritage Lake Drive and Menifee Road / Rouse Road (including Turtle Point Dr. signal modifications) *	\$777,500
Overhead Utility Undergrounding *	\$1,046,921
Park Site Land Acquisition Costs **	\$2,145,000
Dry Utilities	\$800,000

* City Improvements bid prior to the effective date of this Agreement pursuant to Section 6.3.

** Represents the appraised land value of the 3.2-acre park site.

⁽¹⁾ Amounts are estimates and subject to change. The Acquisition Price will be funded with Bond proceeds.