

**COMMUNITY FACILITIES DISTRICT NO. 2023-2 (CIMARRON RIDGE)
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. 2023-2 (CIMARRON RIDGE) OF THE CITY OF MENIFEE (the “Community Facilities District” or “CFD”) and PULTE HOME COMPANY, LLC, a Michigan 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 April 19, 2023, (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 25 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” and Exhibit “C” of the Original Agreement as described herein; and

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

1. Amendment to Exhibit “B” and Exhibit “C”. Exhibit B and Exhibit C is hereby amended and restated to be in the form in the attached First Amended Exhibit B and First Amended Exhibit C.

2. 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: August 21, 2024

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

By: _____
Armando G. Villa, City Manager

ATTEST:

By: _____
Stephanie Roseen, Acting City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY FOR THE CITY OF
MENIFEE

By: _____
Jeffrey T. Melching, City Attorney

PULTE HOME COMPANY, LLC,
A Michigan limited liability company

By: _____

Name: _____

Title: _____

FIRST AMENDED EXHIBIT B
DESCRIPTION OF COST ESTIMATES OF THE IMPROVEMENTS¹

I. CITY FEE FACILITY IMPROVEMENTS.

<i>Estimated Cost of the City Fee Facility Improvements</i>	
<i>Description</i>	<i>Estimated Cost ⁽²⁾</i>
Law Enforcement	765,072
Fire Facilities	535,248
Circulation	3,332,364
Storm Drainage (Area F_A)	125,714
General Government	972,972
Public Use Facilities	9,678
Parks & Recreation	0
Quimby Fees	174,000
Total City Fees Facility Improvements	<u>\$5,915,048</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:

<i>Estimated Cost of the City Improvements ⁽³⁾</i>	
<i>Description</i>	<i>Estimated Cost</i>
City Traffic Signals	\$1,292,870
Street Improvements ⁽⁴⁾	5,332,721
Park Improvements	2,434,493
Design, Planning, & Engineering	364,739
Total City Improvements	<u>\$9,424,823</u>

⁽¹⁾ Amounts are estimates and subject to change.

⁽²⁾ Amounts are estimates and subject to change and incorporate estimated DIF credits for street, traffic signal, and park improvements. The actual amount of DIF fees paid are eligible to be funded by the CFD. Further, any capital improvement fee imposed by the City's capital improvement program not listed above is eligible to be financed by the CFD without an amendment to this Exhibit B, including any fair share or in-lieu fees.

⁽³⁾ The description of the City Improvements are preliminary and general and may be subject to change through supplement to this Exhibit B approved by the Developer and City Manager. The City Improvements may be funded with the proceeds of Special Taxes and Bonds of either or both Improvement Areas regardless of their location.

⁽⁴⁾ Represents estimated costs for public street improvements to be dedicated to the City, including, but not limited to Byers Road, McLaughlin Road, Valley Blvd, Goetz Road, and other public and in-tract street improvements.

FIRST AMENDED EXHIBIT C

DESCRIPTION OF THE MISCELLANEOUS IMPROVEMENTS

Water District facilities included in the Water District's capacity and connection fee programs used to finance expansion projects, exclusive of in-tract facilities constructed by a property owner, but including and not limited to the following:

<i>Description</i>	<i>Estimated Cost</i>
Sewer Financial Participation Charge	\$2,563,596
Sewer Treatment Plant Capacity Charge	4,859,568
Water Financial Participation Charge	5,469,660
Water Supply Development Fee	296,352
1" Meter Drop-In Fees	285,012
Landscape Meter Connection Fees	199,962
Less: Estimated EMWD CFD Funding	<u>(11,396,492)</u>
Total Estimated Water District Facilities Fees	<u>\$2,277,658</u>

Those facilities constructed by or on behalf of the Developer and needed by the Water District in order to provide services to the Developer Property and also include any of the following:

<i>Estimated Cost of the Water District Improvements</i>	
<i>Description</i>	<i>Estimated Cost</i>
Water Tank Improvements	\$3,208,704
Design, Planning, & Engineering (15%)	481,306
Total EMWD Improvements	<u>\$3,690,010</u>

The Romoland School District, Menifee Union School District, and Perris School District improvements to be financed include the following amounts:

<i>Estimated Cost of the School Facilities</i>	
<i>Description</i>	<i>Estimated Cost</i>
Perris Union High School District Fees	\$1,049,881
Menifee Union School District Fees	1,155,966
Romoland School District Fees	2,112,378
Total School District Fees	<u>\$4,318,225</u>