

RESOLUTION NO. 15-487

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE APPROVING A TEMPORARY DEFERRAL OF ENFORCEMENT OF CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAPS 28786, 28787, 28788, 28789, 28790, 28791, 28792, 28793 AND 28794 RELATING TO PUBLIC PARK DEDICATION REQUIREMENTS IN PLANNING AREAS 6B AND 6C AND APPROVING AN AMENDMENT TO THE QUIMBY PARK MITIGATION AGREEMENT BY AND BETWEEN THE CITY OF MENIFEE (AS SUCCESSOR IN INTEREST TO COUNTY SERVICE AREA 145) AND PACIFIC COMMUNITIES FOR DEDICATION OF PUBLIC PARKS

Whereas, on or about July 17, 2001, the County of Riverside ("County") approved Tentative Tract Map No. 28786, 28787, 28788, 28789, 28790, 28791, 28792, 28793, 28794 ("TTM 28788-28794"); and,

Whereas, TTM 28786-28794 are part of the County's Specific Plan #140-W (commonly known as the "Newport Estates" Specific Plan); and,

Whereas, Pacific Communities (the "Developer") is the master developer for Specific Plan #140-W and TTM 28786-28794; and,

Whereas, certain conditions of approval for TTM 28786-28794 impose timing requirements for the design, construction, and acceptance of public parks in Planning Areas 6B and 6C of Specific Plan #140-W — these conditions of approval are attached hereto as Exhibit "A"; and,

Whereas, in or around August of 2007, the Developer and the County's County Service Area 145 ("CSA 145") entered a Quimby Park Mitigation Agreement for the Dedication of Public Parks in the area covered by Specific Plan #140-W, which includes Planning Areas 6B and 6C (the "Quimby Agreement") — a copy of the Quimby Agreement is attached hereto as Exhibit "B"; and,

Whereas, the Quimby Agreement generally requires public parks in Planning Areas 6B and 6C to be designed, constructed, and accepted according to the following schedule:

	Planning Area 6C (2.54 ac park)	Planning Area 6B (5.52 ac park)
Secure Approval of Park Conceptual Plans	Before issuance of the first building permit	Before issuance of the 200 th building permit
Secure Approval of Construction Plans	Before issuance of the 100 th building permit	Before issuance of the 300 th building permit
Park Accepted for 90-Maintenance	Before issuance of the 200 th occupancy permit	Before issuance of the 400 th occupancy permit

Whereas, in or around September of 2007, CSA 145 approved the Developer's construction plans for a park in Planning Area 6C, but due to the downturn in the housing market, the Developer did not commence construction of that park or obtain CSA 145's approval of conceptual or construction plans for any park in Planning Area 6B; and,

Whereas, effective October 1, 2008, the City of Menifee ("City") incorporated as a general law city; and,

Whereas, upon the City's incorporation, Specific Plan #140-W and TTM 28788-28794 are now located within the City's jurisdiction, CSA 145 has been dissolved, and the City is the successor in interest to CSA 145 (see LAFCO Resolution No. 113-07, adopted October 25, 2007); and,

Whereas, the Developer has been processing park plans for Planning Areas 6B and 6C with the City, but this process has taken longer than anticipated because the plans must be consistent with State and local laws requiring water efficient landscapes and the City's park design and landscaping standards; and,

Whereas, to date, 198 building permits have been issued to the Developer in connection with Specific Plan 140-W; and,

Whereas, the Developer has asked the City to extend the deadlines set forth in the conditions of approval for TTM 28786-28794 (Exhibit "A") and the Quimby Agreement (Exhibit "B") to ensure that the unanticipated delays in processing the park plans for Planning Areas 6B and 6C do not render the development of Specific Plan #140-W economically infeasible; and,

Whereas, in order to assure that builders are able to move forward with pulling building permits while still allowing City staff and the developer to work together to better address the park design issues, staff recommends that the City Council temporarily defer enforcement of the timing requirements for the design, construction, and acceptance of public parks in Planning Areas 6B and 6C set forth in the conditions of approval for TTM 28788-28794 attached hereto as Exhibit "A" and approve the amendment to the Quimby Agreement attached hereto as Exhibit "C"; and

Whereas, park plans still must be approved by the City prior to construction of the parks.

NOW, THEREFORE, the City Council of the City of Menifee resolves as follows:

Section 1. The Recitals above are true and correct.

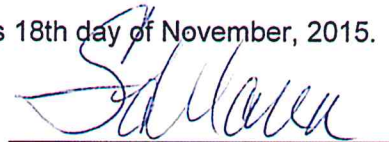
Section 2. The City Council hereby approves and authorizes the City Manager to execute the amendment to the Quimby Agreement attached hereto as Exhibit "C."

Section 3. Provided the Developer and its assigns and successors in interest comply with the timing requirements set forth in the amendment to the Quimby Agreement attached hereto as Exhibit "C" (summarized in the table below), the City Council hereby authorizes staff to temporarily defer enforcement of timing requirements for the design,

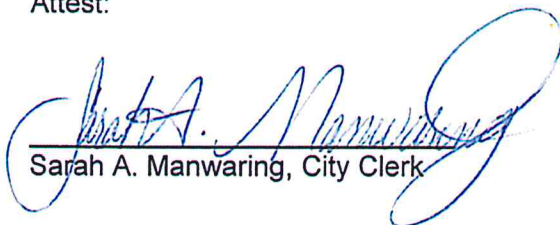
construction, and acceptance of public parks in Planning Areas 6B and 6C set forth in the Conditions of Approval for TTM 28786-28794 attached hereto as Exhibit "A."

	Planning Area 6C (2.54 ac park)	Planning Area 6B (5.52 ac park)
Secure Approval of Park Conceptual Plans	Before issuance of the first building permit	Before issuance of the 300 th building permit
Secure Approval of Construction Plans and Provide Performance Security for Park	Before issuance of the 250 th building permit	Before issuance of the 400 th building permit
Park Construction Complete and Open to Public	Before issuance of the 300 th occupancy permit	Before issuance of the 500 th building permit
Park Turnover	Before issuance of the 350 th occupancy permit or 90 days after construction is complete	Before issuance of the 550 th occupancy permit or 90 days after construction is complete

PASSED, APPROVED AND ADOPTED this 18th day of November, 2015.


Scott A. Mann, Mayor

Attest:


Sarah A. Manwaring, City Clerk

Approved as to form:


Jeffrey Melching, City Attorney



Scott A. Mann
Mayor

John V. Denver
Mayor Pro Tem

Greg August
Councilmember

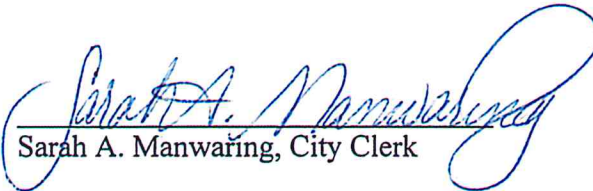
Matthew Liesemeyer
Councilmember

Vacant
Councilmember
District 3

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Sarah Manwaring, City Clerk of the City of Menifee, do hereby certify that the foregoing Resolution No. 15-487 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 18th day of November, 2015 by the following vote:

Ayes: August, Denver
Noes: Liesemeyer
Abstain: Mann



Sarah A. Manwaring, City Clerk

Exhibit "A"

Conditions of Approval Related to Park Plans and
Construction Timing
for TR28786-28794

100.PLANNING 011

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 1

Status:
MET

Conditions:
Satisfied

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

100.PLANNING 012

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 2

Status:
INEFFECT

Conditions:
Outstanding

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

100.PLANNING 013

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 3

Status:
INEFFECT

Conditions:
Outstanding

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 400 TH BUILDING PERMIT.

100.PLANNING 014

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 4

Status:
INEFFECT

Conditions:
Outstanding

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 400 TH BUILDING PERMIT.

100.PLANNING 015

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 5

Status:
INEFFECT

Conditions:
Outstanding

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 400 TH BUILDING PERMIT.

100.PLANNING 016

PRIOR TO ISSUE GIVEN BLDG
PRMT

SP - QUIMBY 6

Status:
INEFFECT

Conditions:
Outstanding

QUIMBY AGREEMENT AUGUST 2007

PACIFIC COMMUNITIES MADE AN AGREEMENT WITH CSA 145 FOR NEWPORT ESTATES PARKS

1 - PRIOR TO FIRST BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6C

2 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 100 BUILDING PERMIT IN THE SP FOR PARK 6C

3- PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 200 TH BUILDING PERMIT.

4- PRIOR TO 200TH BUILDING PERMIT IN THE SP PARK CONCEPTUAL PLAN MUST BE APPROVED FOR PARK 6B

5 - DEVELOPER MUST SECURE APPROVAL OF CONSTRUCTION PLANS FROM CSA 145 PRIOR TO 300 BUILDING PERMIT IN THE SP FOR PARK 6B

6 - PARK 6C MUST BE ACCEPTED BY CSA 145 FOR 90 DAY MAINTENANCE (TURNOVER) BEFORE THE ISSUANCE OF THE 400 TH BUILDING PERMIT.

Exhibit "B"

August 2007 Quimby Agreement between
Developer and CSA 145

**QUIMBY PARK MITIGATION AGREEMENT
BY AND BETWEEN
COUNTY SERVICE AREA 145
AND
PACIFIC COMMUNITIES
FOR THE DEDICATION OF PUBLIC PARKS
SPECIFIC PLAN 140-W (NEWPORT ESTATES) AKA: PACIFIC MAYFIELD**

WHEREAS, PACIFIC COMMUNITIES is the developer of Specific Plan #140-W Pacific Mayfield within CSA 145;

WHEREAS, PACIFIC COMMUNITIES is required to build public parks as part of their new residential housing development;

WHEREAS, PACIFIC COMMUNITIES intends to dedicate public parks (5.52 acres & 2.54 acres) to the County of Riverside and County Service Area 145 for public use and maintenance of the park. When completed, this park dedication shall satisfy park and recreation (Quimby) mitigation conditions required for project construction; and

WHEREAS, County Service Area 145 and the Riverside County Economic Development Agency are hereby designated as authorizing agent for all CSA related project approvals; and

NOW, THEREFORE, BE IT RESOLVED, found and determined that for the conditions, provisions, and mutual promises contained herein, the parties hereby agree as follows:

I. RESPONSIBILITIES OF PACIFIC COMMUNITIES

A. Developer shall build to an acceptable standard.

When designing and building the parks, Developer agrees to follow the provisions of Riverside County Ordinance No. 460, Section 10.35 and the guidelines of the CSA standard construction booklet available at the Riverside County Economic Development Agency, 1325 Spruce Street, Riverside, CA. 92507. CSA Administration shall provide final approval of all construction plans.

B. Developer shall build the parks in a timely manner.

Planning Area 6C (2.54ac): Developer shall secure approval of the park conceptual plan before the issuance of the first residential building permit within SP#140-W. Developer shall secure approval of construction plans from CSA 145 before the issuance of the 100th cumulative building permit within SP#140-W. The park must be accepted for 90-day maintenance (turnover) before the issuance of the 200th cumulative occupancy permit within SP#140-W.

Planning Area 6B (5.52ac): Developer shall secure approval of the park conceptual plan before the issuance of the 200th cumulative building permit within SP#140-W. Developer shall secure approval of construction plans from CSA 145 before the issuance of the 300th cumulative building permit within SP#140-W. The park must be accepted for 90-day maintenance (turnover) before the issuance of the 400th cumulative occupancy permit within SP#140-W.

C. Developer shall provide for financing ongoing park maintenance.

Developer shall provide the necessary authority and assurances to all future property owners within this project so that a special CSA tax assessment can be placed on all parcels within this project to fund ongoing park maintenance. An Assessment Engineer's Report shall be required to determine project assessments per the requirements of Proposition 218.

D. Park parcel will be free of all liens and encumbrances at the time of dedication.

Developer shall convey property to CSA 145 consistent with Riverside County Ordinance No. 460, Section 10.35.F.5.

II. RESPONSIBILITIES OF CSA 145

A. CSA 145 shall endeavor to provide timely assistance.

CSA 145 shall make reasonable efforts to provide necessary inspections and document reviews within the timeframes stated within the standards booklet (see I-A).

B. CSA 145 shall accept park dedication after conditions 1A-1D are met.

The total usable active parkland for the two parksites will total approximately 8.06 acres (not including slopes). Planning Area 6C is 2.54 acres located adjacent to the project detention basin on Evans Road. Planning Area 6B is 5.52 acres and is located at Evans Road and La Piedra Road.

C. CSA 145 shall credit Developer's park dedication & fees.

Upon construction, acceptance, and dedication of the parks (PA-6B, PA-6C), Developer will have satisfied Quimby park requirements per the provisions of Riverside County Ord. 460 for SP 140-W. No other park credits shall be granted to Developer.

III. MODIFICATION AND TERMINATION OF THIS AGREEMENT

The parties listed below their assigns and successors in interest, shall be bound by the terms and conditions contained in this agreement. Modifications to this agreement shall be considered to be binding only if they are made in writing and signed by the interested parties.

RIVERSIDE COUNTY EDA/CSA 145

1325 Spruce Street, Suite 400

Riverside, CA. 92507

(951) 955-8916

(951) 955-6688 fax

By: 
Suzanne Holland, Deputy Director

Date: 8-27-07

PACIFIC COMMUNITIES

1000 Dove Street, Suite 100

Newport Beach, CA. 92660

(949) 660-8988

(949) 253-0683 fax

By: 
Nelson Chung, President

Date: 8-10-07

Exhibit "C"

November 2015 Amended Quimby Agreement between
Developer and City

**FIRST AMENDMENT TO QUIMBY MITIGATION AGREEMENT
BY AND BETWEEN
CITY OF MENIFEE
(AS SUCCESSOR IN INTEREST TO COUNTY SERVICE AREA 145)
AND
PACIFIC COMMUNITIES
FOR THE DEDICATION OF PUBLIC PARKS
SPECIFIC PLAN 140-W (NEWPORT ESTATES) AKA: PACIFIC MAYFIELD**

THIS FIRST AMENDMENT TO QUIMBY MITIGATION AGREEMENT ("First Amendment") is dated as of November 17, 2015, for reference purposes only, and is entered into between the CITY OF MENIFEE, a California municipal corporation (the "City") and PACIFIC COMMUNITIES (the "Developer").

R E C I T A L S

WHEREAS, in or around August of 2007, County Service Area 145 ("CSA 145") for the County of Riverside (the "County") and Developer entered into that certain Quimby Park Mitigation Agreement (the "Quimby Agreement") for dedication of public parks in the areas within the County's Specific Plan #140-W (sometimes referred to as the "Newport Estates" or "Pacific Mayfield" Specific Plan); and,

WHEREAS, Section I.B of the Quimby Agreement imposes certain timing requirements for the design, construction, and acceptance of public parks in Planning Areas 6B and 6C of Specific Plan #140-W; and,

WHEREAS, the City incorporated on October 1, 2008; and,

WHEREAS, upon the City's incorporation, Specific Plan #140-W and TTMs 28786-28794 became part of the City's jurisdiction, CSA 145 was dissolved, and the City became the successor in interest to CSA 145 (see LAFCO Resolution No. 113-07, adopted October 25, 2007); and,

WHEREAS, since the City's incorporation, the Developer has been processing park plans for Planning Areas 6B and 6C with the City, but this process has taken longer than the Developer anticipated because the plans must be consistent with State and local laws requiring water efficient landscapes and the City's park design and landscaping standards; and,

WHEREAS, the Developer and the City (collectively, the "parties") have agreed to extend the deadlines set forth in Section I.B of the Quimby Agreement to ensure that the unanticipated delays in processing the park plans for Planning Areas 6B and 6C do not render the development of Specific Plan #140-W economically infeasible.

AGREEMENT

NOW, THEREFORE, in furtherance of the Recitals stated above, incorporated herein by this reference, and the mutual covenants set forth below, Developer and City hereby amend the Quimby Agreement and agree, promise and declare as follows:

1. City is CSA 145's Successor in Interest. The parties agree that, effective October 1, 2008 (*i.e.*, the effective date of the City's incorporation), the City is CSA 145's successor in interest.

2. Amendment to Section I.B to Quimby Agreement. Section I.B to the Quimby Agreement is hereby amended and restated in its entirety to provide as follows:

B. Developer shall build the parks in a timely manner.

Planning Area 6C (2.54ac): Developer shall secure approval of revised construction plans from the City before the issuance of the 250th cumulative building permit within SP#140-W. The park construction must be complete and the park open to the public before the issuance of the 300th cumulative occupancy permit within SP#140-W. The park must be accepted for 90-day maintenance (turnover) before the issuance of the 350th cumulative occupancy permit within SP#140-W or 90 days after construction is complete.

Before the issuance of the 250th cumulative building permit within SP#140-W, Developer shall provide sufficient surety to guarantee that the improvements and/or amenities set forth in the construction plans are completed and ready for public use within the timeframes specified above.

Planning Area 6B (5.52ac): Developer shall secure approval of the park conceptual plan from the City before the issuance of the 300th cumulative building permit within SP#140-W. Developer shall secure approval of construction plans from the City before the issuance of the 400th cumulative building permit within SP#140-W. The park construction must be complete and the park open to the public before the issuance of the 500th cumulative occupancy permit within SP#140-W. The park must be accepted for 90-day maintenance (turnover) before the issuance of the 550th cumulative occupancy permit within SP#140-W or 90 days after construction is complete.

Before the issuance of the 400th cumulative building permit within SP#140-W, Developer shall provide sufficient surety to guarantee that the improvements and/or amenities set forth in the construction plans are completed and ready for public use within the timeframes specified above.

3. General Provisions.

a. Counterparts. This First Amendment may be executed in any number of counterparts and, as so executed, the counterparts shall constitute one and the same agreement. The parties agree that each such counterpart is an original and shall be binding upon all parties, even though all of the parties are not signatories to the same instrument.

b. Effect of Amendment. Except as specifically modified by this First Amendment, the terms and conditions set forth in the Quimby Agreement remain binding and in full force and effect.

c. Severability. If any provision of this First Amendment is deemed to be invalid or unenforceable by a court of competent jurisdiction, that provision shall be severed from the rest of this First Amendment and the remaining provisions shall continue in full force and effect.

d. Signature Authority. All individuals signing this First Amendment for a party which is a corporation, partnership, limited liability company or other legal entity, or signing under a power of attorney or in any other legal capacity, covenant to the other parties hereto that he or she has the necessary capacity and authority to act for, sign and bind the respective entity or principal on whose behalf he or she is signing.

IN WITNESS WHEREOF, the Developer and the City have caused this Agreement to be signed in their names and on their behalf by their duly authorized representatives.

Dated: November 17, 2015

“City”

CITY OF MENIFEE, a California Municipal Corporation



Robert A. Johnson, City Manager

Dated: November 12, 2015

“Developer”

PACIFIC COMMUNITIES BUILDER, INC.
a California Corporation



Nelson Chung, President