AGREEMENT BETWEEN THE CITY OF MENIFEE AND RICHLAND PLANNED COMMUNITIES REGARDING COMPLIANCE OF TENTATIVE TRACT MAP NO. 31194 WITH GOVERNMENT CODE SECTION 66477 ("QUIMBY ACT")

THIS AGREEMENT is entered into this ______ day of _______ 2018, by and between the City of Menifee ("City") and Richland Planned Communities, Inc., a California corporation (hereinafter referred to as "Developer") regarding Developer's compliance with the Quimby Act, through dedication, construction and acceptance of a 5.35-acres of park identified in Tentative Tract Map No. 31194.

RECITALS:

WHEREAS, the Developer is in the process of fulfilling all of the conditions of approval for Tentative Tract Map No. 31194, including all condition nos., as accepted by the City and Developer, providing for payment of Quimby fees and provision of landscape maintenance; and,

WHEREAS, the conditions of approval for Tentative Tract Map No. 31194 provide that the Developer take the steps necessary to form a financing mechanism for the maintenance of such parks; and,

WHEREAS, on December 17, 2014, the City adopted Ordinance No. 2014-160, codified in Chapter 9.55 of the Menifee Municipal Code ("MMC"), governing the payment of Quimby fees and/or dedication of land to the City; and,

WHEREAS, City of Menifee Municipal Code, Chapter 9.55 ("Park Dedication or Quimby Fee Requirements for Residential Development Requiring a Tentative Map or Parcel Map") requires the payment of Park Development Fees (Quimby Fees), adopted pursuant to Govt. Code Section 64777 to mitigate the impacts of the project on existing public park and recreation facilities located near the project; and,

WHEREAS, Developer's project ("Golden Meadows Project") proposes 474 dwelling units, three parks, and two water quality basins within 206.8 acres, and will be located west of the Interstate 215 freeway, east of Evans Road, and south of Garbani Road; and,

WHEREAS, Developer is required to provide 7.5 acres of parkland to meet its Quimby requirements; and,

WHEREAS, in order to satisfy the conditions of approval for Tentative Tract Map No. 31194, and in compliance with Menifee Municipal Code, Chapter 9.55, the Developer has proposed to construct a 1) 3.67-net acre park, which will be HOA maintained and will include a full-size soccer field, single-use restroom facility, children's play structures, picnic tables, benches, shade shelter areas, drinking fountains, walking paths, trash receptacles, dog waste stations and parallel parking along the Park perimeter, for public use; 2) 1.5-net acre park, which will be HOA maintained, and include a small children's play structure, passive turf areas, picnic shelter, walking paths and lighting, drinking fountains, picnic tables, benches, trash receptacles, and dog waste stations; and 3) 0.73-net acre park, which will be HOA maintained, and include walking paths, picnic tables,

benches, trash receptacles, a fenced dog park, and waste stations. When completed, these recreational facilities will satisfy a majority of the park and recreation (Quimby) requirements for project construction; and,

WHEREAS, as stated in Resolution No. 16-514, based on the average household size of 3.164 people, for single-family dwellings (with attached garages), number of units within the Golden Meadows Project (474 units), and the level of service standard of five (5) acres per thousand residents, the Developer is required to provide minimum dedication of 7.5 acres of parkland; and,

WHEREAS, Developer has agreed to pay the City in-lieu fees for the balance of Quimby requirement of 2.15 acres in the amount of \$163,685.95; and,

WHEREAS, the City has agreed that upon dedication and construction, the Developer will have fulfilled all Quimby Act requirements and condition of approval nos. [INSERT CONDITION NUMBERS] for Tentative Tract Map No. 31194; and,

WHEREAS, the City shall, upon Developer's dedications of the park in accordance with the timing and conditions referenced below, accept such dedication as full compliance with the Tentative Tract Map condition of all final approval nos. and all Quimby Act and/or City requirements for 5.35 acres of the 7.5 acres required.

NOW, THEREFORE, the parties to this Agreement do mutually agree as follows:

I. RESPONSIBILITIES OF DEVELOPER

A. Developer shall build to an acceptable standard.

When designing and building the park, Developer agrees to follow the provisions of the City of Menifee Municipal Code, Chapter 9.86 ("Park Design, Landscaping and Tree Preservation") and the guidelines adopted by the City.

B. <u>Developer shall build the parks in a timely manner.</u>

Developer shall secure approval from the City of the park conceptual plan, approval of construction plans and construction, completion and acceptance of the Parks at the times set out for performance in accordance with City approved park conditions, as follows:

Park Plans.

First Park Plan Required. Prior to the issuance of the 60th building permit in the tract, the applicant shall submit a Final park plan to the City of Menifee Community Development Department for review and approval for the most adjacent park (Lot 487, 488 or 489 as shown on the approved tentative map) to the phase being built as shown on the tentative map. The plan shall be prepared consistent with the park plan requirements detailed in Menifee Municipal Code Chapter 9.86 and Park Design Guidelines, and with Menifee Municipal Code Chapter 15.04 for water efficient landscaping.

First Park Construction. The park and amenities located within the first park shall be installed and open to the public prior to issuance of the 120th building permit (all phases). The park and amenities shall be installed per City approved park plans. The park and amenities will be inspected by City staff to verify that this has occurred. Failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision. The Community Development Director shall have the ability to defer the installation of the park landscaping and amenities as noted below, but may require performance securities and additional deposits to cover administrative costs.

Second Park Plan Required. Prior to the issuance of the 180th building permit, the applicant shall submit a Final park plan to the City of Menifee Community Development Department for review and approval. The plan shall be prepared consistent with the park plan requirements detailed in Menifee Municipal Code Chapter 9.86 and Park Design Guidelines, and with Menifee Municipal Code Chapter 15.04 for water efficient landscaping.

Second Park Construction. The park and amenities located within the second park shall be installed and open to the public prior to issuance of the 240th building permit (all phases). The park and amenities shall be installed per City approved park plans. The park and amenities will be inspected by City staff to verify that this has occurred. Failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision. The Community Development Director shall have the ability to defer the installation of the park landscaping and amenities as noted below, but may require performance securities and additional deposits to cover administrative costs.

Third Park Plan Required. Prior to the issuance of the 300th building permit, the applicant shall submit a Final park plan to the City of Menifee Community Development Department for review and approval. The plan shall be prepared consistent with the park plan requirements detailed in Menifee Municipal Code Chapter 9.86 and Park Design Guidelines, and with Menifee Municipal Code Chapter 15.04 for water efficient landscaping.

Third Park Construction. The park and amenities located within the third park shall be installed and open to the public prior to issuance of the 360th building permit (all phases). The park and amenities shall be installed per City approved park plans. The park and amenities will be inspected by City staff to verify that this has occurred. Failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision. The Community

Development Director shall have the ability to defer the installation of the park landscaping and amenities as noted below, but may require performance securities and additional deposits to cover administrative costs.

Park Construction and Operation.

First Park Construction and Operation. Prior to issuance of the building permit in the Tract Map, the Park, as shown on the TENTATIVE MAP and [Approved] EXHIBIT A, shall be constructed and open to the public. The landscaping, including irrigation, must be consistent with the approved landscaping plans.

Before the issuance of the 120th building permit, Developer shall provide sufficient surety to guarantee that the improvements and/or amenities set forth in the minor plot plan are completed and ready for public use within the timeframes specified above.

Second Park Construction and Operation. Prior to issuance of the building permit in the Tract Map, the Park, as shown on the TENTATIVE MAP [Approved] EXHIBIT B, shall be constructed and open to the public. The landscaping, including irrigation, must be consistent with the approved landscaping plans.

Before the issuance of the 240th building permit, Developer shall provide sufficient surety to guarantee that the improvements and/or amenities set forth in the minor plot plan are completed and ready for public use within the timeframes specified above.

Third Park Construction and Operation. Prior to issuance of the building permit in the Tract Map, the Park, as shown on the TENTATIVE MAP and [Approved] EXHIBIT C, shall be constructed and open to the public. The landscaping, including irrigation, must be consistent with the approved landscaping plans.

Before the issuance of the 360th building permit, Developer shall provide sufficient surety to guarantee that the improvements and/or amenities set forth in the minor plot plan are completed and ready for public use within the timeframes specified above.

II. RESPONSIBILITIES OF CITY

A. <u>City shall provide timely assistance.</u>

City shall make all reasonable efforts to provide all necessary inspections and document reviews within reasonable timeframes that assist the Developer.

B. <u>City shall credit Developer's dedication of park acreage and improvements against Quimby fees due.</u>

Upon dedication of park acreage, construction of improvements, of this 5.35 acres in park and improvements, Developer will have satisfied Quimby park requirements per the provisions of City of Menifee Municipal Code, Chapter 9.55. Pursuant to Government Code Section 66477(a)(2)(B(9), the value of such dedicated park acreage, any improvements thereto, and any equipment located thereon shall be a credit against the payment of fees or dedication of Land.

III. ASSIGNEES AND SUCCESSORS-IN-INTEREST BOUND

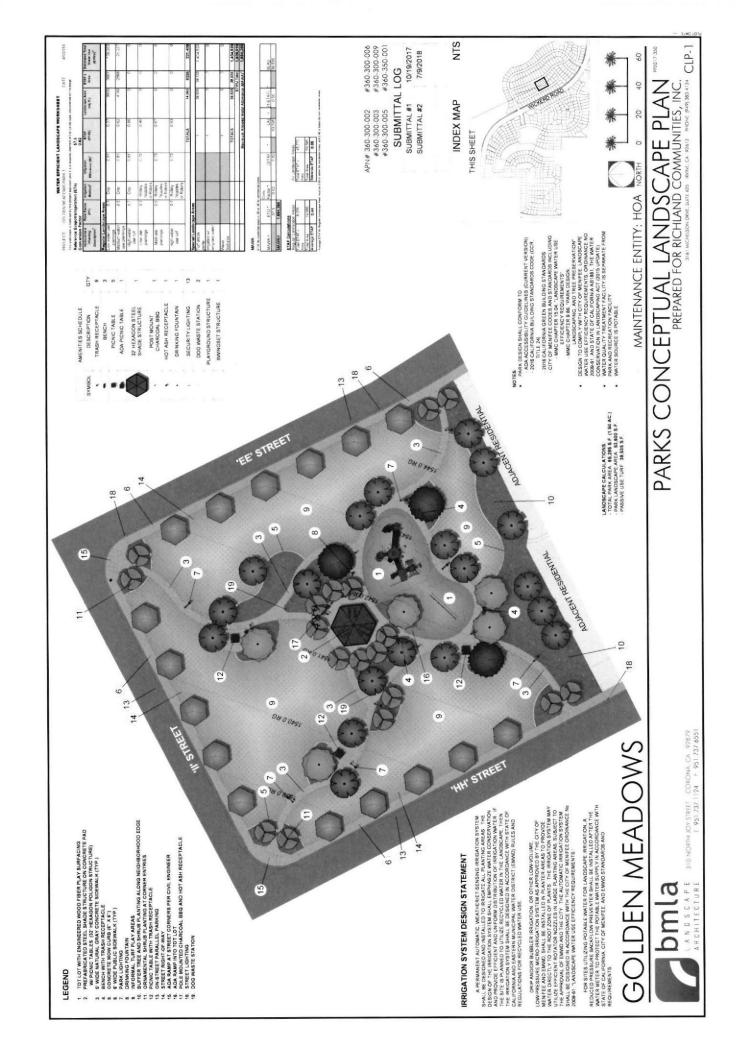
Richland Planned Communities, a California corporation, its assigns and successors-in-interest, shall be bound by the terms and conditions contained in this Agreement.

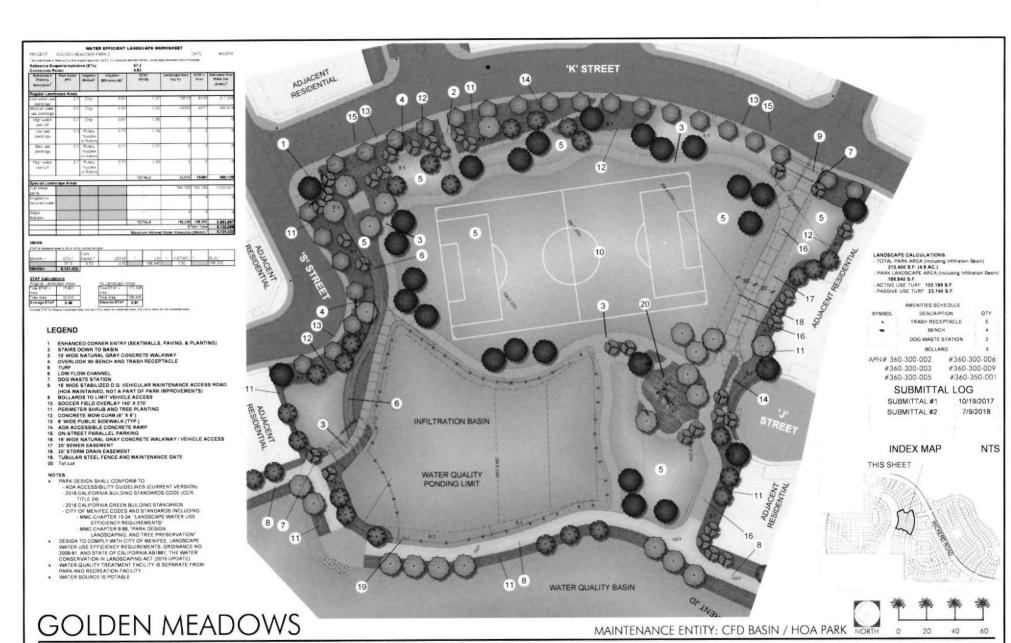
IV. MISCELLANEOUS

- A. It is expressly understood and agreed by the Owner and the City that the laws of the State of California shall govern them and the interpretation of the Agreement and that any litigation brought because of, or involving this Agreement, shall be initiated exclusively in the Superior Court, Riverside County.
- B. In the event of litigation to enforce this Agreement, the prevailing party in such litigation shall be entitled to reasonable costs and attorneys' fees.
- C. No waiver of any term or condition of this Agreement shall be a continuing waiver thereof.
- D. This Agreement may be amended only in writing signed by both parties.
- E. This Agreement constitutes the entire agreement of the parties and supersedes all other agreements, whether written or oral. However, this Agreement does not supersede any entitlements issued or related conditions of approval.
- F. This Agreement may be executed in counterparts, each of which when so executed shall be deemed and original and all of which, when taken together, shall constitute one and the same instrument.
- G. This Agreement inures to the benefit of and is binding upon, the Parties, and their respective heirs, successors and assigns.
- H. The person(s) executing this Agreement on behalf of the parties hereto warrant that (a) such party is duly organized and existing, (b) they are duly authorized to execute and deliver this Agreement on behalf of said party, and (c) by so executing this Agreement, such party is formally bound to the provisions of this Agreement.

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

Dated: March 20, _ 2019	"City" CITY OF MENIFEE, a California Municipal Corporation
ATTEST: Sarah Manwaring, City Clerk APPROVED AS TO FORM RUTAN & TUCKER, LLP	Its: MAYON BILL ZIMMERMAN
City Attorney Dated:, 2018	"Owner" Richland Planned Communities, a California corporation
	By:
	Print Name:
	lts:



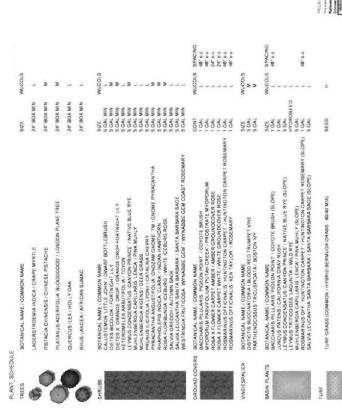




PARKS CONCEPTUAL LANDSCAPE PLAN PROPRIES INC.

PREPARED FOR RICHLAND COMMUNITIES, INC.

3161 MCHLISON DRVE, SUITE 473 (IRVNE), CA. 4726 12 (PHO) 1883-4134 CLP-2



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APN# 360-300-002 #360-300-003 #360-300-005

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10/19/2017 7/9/2018

SUBMITTAL #1
SUBMITTAL #2

SUBMITTAL LOG

1 DRAINAGE STRUCTURE
2 ENHANCED PAVING AND PLANTING AT CORNER
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MAINTENANCE ENTITY: CFD BASIN / HOA DOG PARK NORTH

310 NORTH JOY STREET CORONA, CA 92879 1 951 737 1124 F 951 737 6551

PARKS CONCEPTUAL LANDSCAPE PLAN PREPARED FOR RICHLAND COMMUNITIES, INC.

LANDSCAPE CALCULATIONS:
- TOTAL PRAK AREA (including infliration Basin)
- 43,366 S.F. (JAA R.)
- PARK LANDSCAPE AREA (including infliration Basin) 28,956 S.F. PASSIVE USE TURF 12,236 S.F.

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GOLDEN MEADOWS

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