

City Council Chambers
29844 Haun Road
Menifee, CA 92586



Menifee City Council
Regular Meeting Agenda

Wednesday, March 5, 2025
5:00 PM Closed Session
6:00 PM Regular Meeting

Ricky Estrada, Mayor
Bob Karwin, District 1
Ben Diederich, District 2
Dan Temple, District 3
Dean Deines, District 4

Armando G. Villa, City Manager
Jeffrey T. Melching, City Attorney
Stephanie Roseen, City Clerk

AGENDA

- 10.5 Second Reading and Adoption of an Ordinance Regarding the Development Agreement Amendment for Cimarron Ridge Specific Plan

RECOMMENDED ACTION

1. Adopt an ordinance approving Amendment No. 3 to the Development Agreement for the Cimarron Ridge Specific Plan, located south of McLaughlin Road, east of Goetz Road, and west of Valley Boulevard.



CITY OF MENIFEE

SUBJECT: Second Reading and Adoption of an Ordinance Regarding the Development Agreement Amendment for Cimarron Ridge Specific Plan

MEETING DATE: March 5, 2025

TO: Mayor and City Council

PREPARED BY: Desiree McGriff, Associate Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

APPLICANT: Pulte Home Company, LLC

RECOMMENDED ACTION

1. Adopt an ordinance approving Amendment No. 3 to the Development Agreement for the Cimarron Ridge Specific Plan, located south of McLaughlin Road, east of Goetz Road, and west of Valley Boulevard.

DISCUSSION

At the February 19, 2025 City Council meeting, the City Council introduced the first reading of an ordinance to approve Amendment No. 3 to the Development Agreement (DA) (PLN24-0213) for the Cimarron Ridge Specific Plan. This is the required second reading for adoption. The ordinance will become effective 30 days from the date of adoption.

STRATEGIC PLAN OBJECTIVE

Thriving Economy

FISCAL IMPACT

Should this amendment be approved, right-of-way (ROW) acquisition to facilitate the interim Valley Boulevard missing link roadway connection would be the City's responsibility. This project is already included in the City's Capital Improvement Plan (CIP) as CIP22-02: Valley Boulevard Widening and Missing Link. Funds for ROW acquisition have been allocated as a Transportation CIP project within the Menifee Valley Road and Bridge Benefit District (RBBD) Fund (2415-PWD-

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CIPS-760000) and the Development Impact Fee (DIF) Citywide Circulation Fund (2526-PWS-CIPS-760000).

ATTACHMENTS

1. Ordinance – DA
2. Exhibit A – DA Amendment No. 3

ORDINANCE NO. 2025- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING A THIRD AMENDMENT FOR CIMARRON RIDGE DEVELOPMENT AGREEMENT NO. PLN24-0213 BY AND BETWEEN THE CITY OF MENIFEE AND CIMARRON RIDGE, LLC.

WHEREAS, on October 28, 2024, the applicant, Cimarron Ridge, LLC, and filed a formal application with the City of Menifee for Development Agreement (DA) No. PLN24-0213 (the "Project") which proposes a third Amendment to the DA between the developer (Cimarron Ridge, LLC,) and the City of Menifee to allow up to 20 home occupancies in Planning Area (PA) No. 6, prior to completion of the McLaughlin Road improvements, a change in timing of the PA No. 4 park plan review, an increase in the number of the building permits in the Project that may be issued prior to completion of the Sports Park located in PA No. 4, from 485 to 635 permits, and an additional public benefit in the form of a 730-foot-long section of Valley Boulevard "improvement" to be completed prior to December 31, 2025; and

WHEREAS, City has found that development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, Cimarron Ridge, LLC has included an additional community benefit to construct a 730-foot section of Valley Boulevard from south of Chambers Avenue to connect to McCall Boulevard ('missing link') and the improvements were analyzed in a separate California Environmental Quality Act (CEQA) document adopted by the Planning Commission on October 21, 2015 (SCH No. 2014051029); and

WHEREAS, on January 22, 2025, the Planning Commission of the City of Menifee held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for Third Amendment to the Cimarron Ridge Specific Plan DA No. PLN24-0213, which the hearing was publicly noticed on January 12, 2025, by a publication in The Press Enterprise (a newspaper of general circulation), an agenda posting, on site posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, On January 22, 2025, the DA Amendment No. 3 was presented to the Planning Commission. The Commission discussed the Valley Boulevard Capital Improvement Plan (CIP) project status/right-of-way acquisition, delays for McLaughlin Road improvements, timing of park plan review, and option for proposed \$300,000 community benefit for Valley Boulevard if right-of-way (ROW) cannot be acquired/allocation of these funds. The Commission voted 4-0 to recommend the City Council approve the project with an additional request for Council to consider requiring that the \$300,000 community benefit (if necessary) be prioritized to the Valley Boulevard CIP project/missing link construction; and

WHEREAS, the proposed DA Amendment No. 3 has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65864 et seq. of the Government Code and is attached hereto as “Exhibit A” of this Resolution; and

WHEREAS, on February 19, 2025, the City Council held a duly noticed public hearing on DA Amendment No. 3, considered all public testimony as well as materials in the staff report and accompanying documents for the agreement, which hearing was publicly noticed in The Press Enterprise, a newspaper of general circulation, an agenda posting, on-site posting, notice to property owners within 300-feet of the site boundaries, and to persons requesting public notice.

NOW, THEREFORE, the City Council of the City of Menifee does ordain as follows:

Section 1: *The proposed DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.*

The proposed Third Amendment to the DA supports the amendments and revisions to Cimarron Ridge Specific Plan and Tentative Tract Map (TTM) No. 36658. The changes to the DA will allow up to 20 home occupancies in PA No. 6, prior to completion of the McLaughlin Road improvements, a change in timing of the PA No. 4 park plan review, and increase the number of the building permits in the Project that may be issued prior to completion of the Sports Park located in PA No. 4, from 485 permits to 635 permits, and the completion of a 730-foot-long section of Valley Boulevard “improvement” prior to December 31, 2025. The Project is consistent with the Specific Plan land use designation. In addition, the Project will provide the residential uses envisioned in the General Plan and will generate economic growth and supply needed infrastructure, services and amenities envisioned in the General Plan.

In addition, the Project and associated DA are consistent with the following City of Menifee General Plan policies:

- *Policy LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.*

The Project places appropriate uses within an area designated Specific Plan per the General Plan. Growth has been concentrated in this strategic location to help preserve rural areas. Through the land use plan, development standards, and design guidelines, the Specific Plan will create a unique place and develop its own identity. The Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan will ensure that development will provide infrastructure efficiently.

The DA implements and is consistent with Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan.

- *Policy LU-1.2: Provide a spectrum of housing types and price ranges that match the jobs in the city and make it possible for people to live and work in Menifee and maintain a high quality of life.*

The Project provides a variety of lot sizes that can accommodate different housing types and price ranges including age restricted housing. The Project contains residential and recreation opportunities fostering a high quality of life.

- *Policy C-1.1 Require roadways to: Comply with federal, state and local design and safety standards.*

The TTM proposes improvements for roadways, including but not limited to Valley Boulevard, Goetz Road, McLaughlin Road and Thornton Road, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *HE-2.4 Parks and Recreation. Enhance neighborhood livability and sustainability by providing parks and open spaces, planting trees, greening parkways, and maintaining a continuous pattern of paths that encourage an active, healthy lifestyle.*

As described above, the Project provides parks and open spaces, including expanded parkways, trees and a pattern of pathways that encourage an active healthy lifestyle.

Section 2: *Consistency with the Zoning Code. The proposed DA is compatible with uses authorized in, and the regulations prescribed for, the zone in which the real property will be located.*

The General Plan land use and zoning designation of the site is Cimarron Ridge Specific Plan. The proposed Third Amendment to the DA is being processed to assist in the successful completion of the Project.

As amended, the DA will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

Section 3: *The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.*

The Project would facilitate the development of a Specific Plan that includes a mix of residential lot sizes and public/quasi-public facilities. The residential uses proposed are similar to existing development surrounding the Project site.

The Project is compatible with the surrounding land uses, general plan land use designations and zoning classifications. The Project incorporates quality

design, parks, landscaping and other improvements which will enhance the area upon construction. The proposed DA provides for the orderly construction of road improvements, utilities, drainage and other improvements. The proposed DA is consistent with the Specific Plan and will assist the Applicants in implementation of the Specific Plan. The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.

Section 4: *The DA will not create conditions materially detrimental to public health, safety and general welfare within the City.*

The DA will not result in conditions detrimental to public health, safety, or general welfare. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, and Office of the Fire Marshal to ensure it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include requiring park and other amenities to support the proposed residential component, roadway improvements consistent with the General Plan that will benefit the project site and surrounding areas.

The proposed DA does not contain any provisions that would create conditions materially detrimental to public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the Project vicinity and within the City.

Section 5: *Orderly Development. The DA would not adversely affect the orderly development of property and surrounding area, or the preservation of property values.*

The proposed Third Amendment to the DA would assist with and would not interfere with the Specific Plan and implementing maps/land use entitlements. The timing of infrastructure, including parks, was carefully considered and coordinated consistently with the original DA. Therefore, the DA would not adversely affect the orderly development of the surrounding area. The proposed DA would not alter the land uses as proposed in the Specific Plan. The proposed DA would not conflict with surrounding existing and planned land uses and would not have the potential to adversely affect property values. The proposed DA would assist with the implementation of the Specific Plan, which includes improvements to surrounding roads and the construction of parks. The improvements associated with the Specific Plan implementation are anticipated to enhance and improve the surrounding area and not adversely affect property values.

Section 6: *Encourage Development. The DA would promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.*

The assurances provided to the Applicant through the proposed DA, such as vesting and timing for public improvements, would provide greater certainty and reduced risk that would encourage development as approved under the Specific Plan and the infrastructure associated with it that would serve the surrounding area.

Section 7: *The proposed DA that includes a subdivision, and any tentative map prepared for the subdivision, will comply with the provisions in Government Code Section 66473.7.*

The changes are consistent with the Cimarron Ridge Specific Plan and supported by the General Plan.

Section 8: **CEQA Compliance.** All impacts related to the DA and previous development approvals were analyzed in an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2014051029) prepared for the original project application (Tract Map No. 36658/2013-208, Parcel Map No. 36657/2013-247, Specific Plan No. 2013-247, General Plan Amendment No. 2014-016, Zone Change No. 2014-017), which was adopted by City Council. No new environmental impacts have been identified. No further environmental review is required. The previously prepared EIR is still accurate and applicable for this approval. In addition, the Valley Boulevard missing link improvements were analyzed in a separate CEQA document adopted by the Planning Commission on October 21, 2015, (SCH No. 2014051029, October 26, 2015).

1. The EIR fully analyzed the environmental impacts of the Cimarron Ridge Specific Plan Project as it was approved in 2015; and
2. The Project will result in similar impacts as those analyzed in the EIR; and
3. Neither a subsequent or supplemental EIR is required because the review of the Project, the development agreement and the EIR shows that:
 - A. The proposed DA contains no substantial changes in the Cimarron Ridge Specific Plan Project requiring major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - B. No substantial changes have occurred with respect to the circumstances under which the Cimarron Ridge Specific Plan Project is undertaken which will require major revisions of the EIR;
 - C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence, at the time the EIR was certified; and
 - D. There are no newly feasible, or considerably different, mitigation measures or alternatives which would substantially reduce one or more significant effects of the Cimarron Ridge Specific Plan Project but which the Project proponent declines to adopt.
4. The Valley Boulevard missing link improvements were analyzed in a separate CEQA document adopted by the Planning Commission on October 21, 2015 (SCH No. 2014051029).

Section 9: Adoption of the DA. The City Council find that the facts present within the public record and within this Ordinance provide the basis to approve DA Amendment No. 3 (PLN24-0213).

Section 10: Effective Date. The Ordinance shall take effect and be in full force and operation 30 days after its second reading and adoption.

Section 11: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 12: Notice of Adoption. The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

Section 13: The documents and materials that constitute the record of proceedings on which this Ordinance has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code Section 21081.6.

THIS ORDINANCE WAS INTRODUCED AND READ on the 19th day of February 2025 and **PASSED, APPROVED AND ADOPTED** this 5th day of March 2025.

Ricky Estrada, Mayor

Attest:

Stephanie Roseen, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney

Cimarron Ridge - DA Amendment No. 3
March 5, 2025

EXHIBIT A

**PROPOSED THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT
FOR THE CIMARRON RIDGE SPECIFIC PLAN**

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Menifee
29844 Haun Road
Menifee, California 92586
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

**AMENDMENT NO. 3 TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN
CITY OF MENIFEE
AND
CIMARRON RIDGE, LLC
REGARDING THE CIMARRON RIDGE SPECIFIC PLAN PROJECT**

This Amendment No. 3 to the Development Agreement by and between City of Menifee and Cimarron Ridge, LLC (the “**Third Amendment**”) is entered into as of the ____ day of ____, 2025 (“**Effective Date**”) by and between the CITY OF MENIFEE, a California municipal corporation (“**City**”), and PULTE HOME COMPANY, LLC, a Michigan limited liability company, who is the successor-in-interest to Cimarron Ridge, LLC (“**Developer**”), and is made with reference to the following facts and objectives:

RECITALS

A. On or about June 7, 2017, the City and Cimarron Ridge, LLC entered into that certain Development Agreement By and Between City of Menifee and Cimarron Ridge, LLC Regarding the Cimarron Ridge Specific Plan Project (“**Original DA**”).

B. On or about May 11, 2023, the City and Cimarron Ridge, LLC entered into that certain “Minor Amendment to the Development Agreement By and Between City of Menifee and Cimarron Ridge, LLC Regarding the Cimarron Ridge Specific Plan Project” (“**First Amendment**”) to adjust the timing for completion of travel way improvements to Goetz Road from Thornton to White Quartz, and to White Quartz from Thornton to Goetz Road;

C. On or about July 16, 2021, Developer became the successor in interest to the rights and obligations of Cimarron Ridge, LLC under the Original DA, as revised by the First Amendment. The Parties contemplate that an assignment and assumption agreement in the form

attached as Exhibit C to the Original DA will be reviewed and acted upon concurrent with the City's review and action on this Third Amendment.

D. On or about May, 2024, the City and Developer entered into that certain Amendment No. 2 to the Development Agreement by and between City of Menifee and Cimarron Ridge, LLC (the "**Second Amendment**"), which accompanied a Specific Plan Amendment, which together revised the Project Approvals (as that term is defined in the Original DA) to develop Planning Areas 5 and 6 (as defined in the Cimarron Ridge Specific Plan No. 2013-247) as a private and gated age-restricted, active adult community with certain private recreational amenities, and to relocate the public neighborhood park from Planning Area 5 to Planning Area 4 (each as defined in the Cimarron Ridge Specific Plan No. 2013-247), and to revise the phasing plan for the timing and sequencing of developing the remaining Planning Areas as defined in the Cimarron Ridge Specific Plan No. 2013-247 so that they can proceed concurrently (collectively, the "**2024 Specific Plan Amendment**").

E. Prior to and continuing after City approval of the 2024 Specific Plan Amendment, Developer has encountered substantial delays outside of its control, and as a result, Developer has requested that the City agree to (1) allow up to twenty (20) home occupancies in Planning Area 6 prior to completion of the McLaughlin Road improvements, and (2) increase the number of building permits in the Project that may be issued prior to completion of the Sports Park 4 from four hundred eighty-five (485) permits to six hundred thirty-five (635) permits. The City desires to accommodate Developer's request to facilitate the continued successful development of the Project and provision of additional housing in the City, and therefore, the parties now desire to amend the Original DA (as already amended by the First Amendment and Second Amendment) as set forth in this Third Amendment;

In consideration of the foregoing and pursuant to Section 6.1 of the Development Agreement, the Development Agreement is hereby further amended as follows:

AGREEMENT

1. **Use of Capitalized Terms.** Unless otherwise defined herein, capitalized terms used in this Third Amendment shall have the meaning assigned to such terms in the Original DA.

2. **"Agreement" References.** Unless the context requires otherwise, references to the "Agreement" or the "Development Agreement" in this Third Amendment shall mean and refer to the Original DA as amended by the First Amendment, Second Amendment, and this Third Amendment.

3. **McLaughlin Road Improvements.** Developer may obtain from City up to twenty (20) certificates of occupancy in Planning Area 6 prior to completion of the McLaughlin Road improvements so long as, in the reasonable judgment of the City Engineer or their designee, Developer is continuing to use commercially reasonable efforts to complete said improvements as soon as reasonably feasible.

4. **Revisions to Section 4.15.1(b).** Section 4.15.1(b) of the Development Agreement is amended to read in its entirety as follows:

(b) Construction of Sports Park. Prior to issuance of building permits for the first residential unit in Planning Areas 4, 5, 6 or 7, Developer shall submit park improvement plans for the Sports Park, consistent with the conceptual Sports Park plans approved by the City Council on or about April 3, 2024. Within 60 days following final City approval of all required plans and permits for the Sports Park, Developer shall commence construction of the Sports Park and shall thereafter diligently pursue completion thereof, with substantial completion and opening of for public use occurring no later than the earlier of (i) twelve months following commencement of construction (ii) June 1, 2026, and (iii) issuance of the six hundred thirty-fifth (635th) building permit within the Project overall. As a condition precedent to this Third Amendment taking effect, Developer shall provide City with a completion bond in a form acceptable to the City and in the full amount of the estimated cost of constructing the Sports Park, as well as a construction schedule for the Sports Park, The bond shall be callable if, among other reasons, Developer fails to meet the construction schedule deadlines; provided, however, that (i) the parties shall reasonably and in good faith consider modifications to the construction schedule where required due to factors beyond Developer's reasonable control; and (ii) the Sports Park shall in no event be completed later than the issuance of the six hundred thirty-fifth (635th) building permit within the Project overall. Notwithstanding the foregoing, the City Manager or designee is authorized to approve delays in the Sports Park construction schedule and issue additional building permits beyond the six hundred thirty-fifth (635th) permit threshold specified herein in the event the City has not given final approval of the Park Plans by February 1, 2025, or in the event Developer encounters substantial delays in the procurement of required materials or other Excused Delays. Upon completion of the Sports Park in substantial conformance with the approved park improvement plans, City shall promptly accept the Sports Park and release the security described herein.

5. **Supplemental Public Benefit.** Prior to December 31, 2025, Developer shall complete or cause the completion of the construction of a seven hundred thirty (730) foot long section of Valley Boulevard from just south of Chambers Avenue to connect to McCall Boulevard (referred to as the "Missing Link" in Section 3.1 of the Original DA) ("**Valley Blvd. Improvement**"). The Valley Blvd. Improvement shall be constructed in an interim configuration and shall include a thirty-two (32) foot wide roadway section to match the current roadway south of McCall Blvd., with eight inch (8") asphalt concrete berms on each side of the roadway. No sidewalks shall be constructed in connection with the Valley Blvd. Improvement. To facilitate the improvement, the City will acquire the necessary right of way. City shall extend the December 31, 2025 deadline for completion of the Valley Blvd. Improvement for a reasonable period of time (as determined by the City in its reasonable discretion) if the City encounters unreasonable delays in acquiring the necessary right of way to facilitate the construction of the Valley Blvd. Improvement. As a condition precedent to this Third Amendment taking effect, Developer shall provide City with a completion bond in a form acceptable to the City and in the full amount of the

estimated cost of constructing the Valley Blvd. Improvement, as well as a construction schedule for the Valley Blvd. Improvement. The bond shall be callable if, among other reasons, Developer fails to meet the construction schedule deadlines; provided, however, that the parties shall reasonably and in good faith consider modifications to the construction schedule where required due to factors beyond Developer's reasonable control (including, without limitation, the City's acquisition of necessary right of way to facilitate the construction of the Valley Blvd. Improvement). Upon completion of the Valley Blvd. Improvement in substantial conformance with the approved plans, City shall promptly accept the Valley Blvd. Improvement and release the security described herein.

- a. **In Lieu Community Benefit.** *If the City notifies Developer in writing that City has determined in City's reasonable discretion that, after diligent efforts, City cannot acquire the right of way necessary to facilitate the construction of the Valley Blvd. Improvement in a reasonable time and for a reasonable price ("Non-Acquisition Determination Notice"), then within 30 days following City's issuance of a Non-Acquisition Determination Notice, Developer shall provide City with a community benefit payment of three hundred thousand dollars (\$300,000) ("In Lieu Community Benefit"). Upon the City's receipt of the In Lieu Community Benefit, Developer shall be released of its obligation to complete the Valley Blvd. Improvement. As a condition precedent to this Third Amendment taking effect Developer shall provide City with security in a form acceptable to the City in the full amount of In Lieu Community Benefit. The City shall have the right to access the Security if, among other reasons, Developer fails to provide the In Lieu Community Benefit to the City within 30 days following City's issuance of a Non-Acquisition Determination Notice.*

6. **Cooperation; Further Acts.** Each party agrees to provide reasonable assistance to the other and cooperate to carry out the intent and fulfill the provisions of this Third Amendment. Each of the parties shall promptly execute and deliver all documents and perform all acts as necessary to carry out the matters contemplated by this Third Amendment.

7. **Integration; Interpretation; Recordation.** The Original DA, the First Amendment, the Second Amendment, and this Third Amendment reflect the complete understanding of the parties with respect to the subject matter thereof. To the extent this Third Amendment conflicts with the Original DA, the First Amendment, the Second Amendment or any prior interpretation thereof, this Third Amendment supersedes the Original DA, the First Amendment, the Second Amendment, and any prior interpretations thereof. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Original DA, the First Amendment, and the Second Amendment. This Third Amendment shall be duly recorded following its full execution.

8. **Counterparts.** This Third Amendment may be executed in counterparts, each of which shall be deemed an original, and all such counterparts, when taken together, shall constitute one agreement.

9. **Authority.** The person or persons executing this Third Amendment on behalf of the City and Developer warrant and represent that they have the authority to execute this Third Amendment and the authority to bind the City and Developer, as applicable, to the performance of their respective obligations hereunder.

IN WITNESS WHEREOF, the City and the Developer have signed this Third Amendment, by and through the signatures of their authorized representatives as of the day and year first hereinabove written.

CITY OF MENIFEE,
a California municipal corporation

PULTE HOME COMPANY, LLC,
a Michigan Limited Liability Company

By: _____
Mayor

By: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jeffrey Melching, Esq.
Rutan & Tucker, LLP,
City Attorney