

FIFTH AMENDMENT TO
AGREEMENT TO MAKE SUBDIVISION IMPROVEMENTS
FOR CLASS 1 SUBDIVISION
BETWEEN COUNTY AND OWNER

THIS FIFTH AMENDMENT, to that certain Agreement to Make Subdivision Improvements for Class 1 Subdivision Between County and Owner (hereinafter referred to as the “Agreement”), made and entered by and between the **COUNTY OF EL DORADO**, a political subdivision of the State of California, (hereinafter referred to as “County”), and **AKT PROMONTORY, LLC**, a limited liability company, duly qualified to conduct business in the State of California, whose principal place of business is 7919 Folsom Blvd Suite 300, Sacramento, California 95826 (hereinafter referred to as “Owner”); concerning **PROMONTORY VILLAGE 2C, TM 98-1356-R-3** (hereinafter referred to as “Subdivision”); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 14th day of November, 2017.

RECITALS

WHEREAS, County, and Owner entered into that certain Subdivision Improvements Agreement on November 14, 2017, entered into the First Amendment to Agreement on November 26, 2019, the Second Amendment to Agreement on October 13, 2020, the Third Amendment to Agreement on November 4, 2021, and the Fourth Amendment to Agreement on November 2, 2022, in connection with the Subdivision, copy of which Agreement is incorporated herein and made by reference a part hereof (hereinafter referred to as “Agreement”);

WHEREAS, the Agreement, as amended, requires Owner to complete the subdivision improvements thereunder on or before November 14, 2023, and Owner has not completed all of the improvements but has requested an extension of time to complete the subdivision improvements subject to the terms and conditions contained herein, to November 14, 2024;


NOW, THEREFORE, the parties hereto, in consideration of the recitals, terms, and conditions herein, do hereby agree to amend the terms of the Agreement in this Second Amendment to read as follows:

I. Section 3 is amended to read as follows:

3. Complete the Subdivision improvements contemplated under this Agreement on or before November 14, 2024.

Except as herein amended, all other parts and sections of that certain Agreement dated November 14, 2017, shall remain unchanged and in full force and effect.

Requesting Contract Administrator and Department Concurrence:

By: 
Adam Bane, P.E.
Supervising Civil Engineer
Transportation Planning
and Land Development
Department of Transportation

Dated: 9-18-23

By: 
Rafael Martinez, Director
Department of Transportation

Dated: 9/19/23

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment to that certain Subdivision Improvement Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this Agreement.

--COUNTY OF EL DORADO--

By: Wendy Thomas Dated: 9-22-23
Board of Supervisors
"County"

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: Kyle Kybur Dated: 9-22-23
Deputy Clerk

-- AKT PROMONTORY, LLC --
a California Limited Liability Company

By: Russell-Promontory, LLC,
An Illinois Limited Liability Company
Its: Managing Member

By: AKT Development Corporation
A California corporation
Its: Manager

By: R. Bertolina Dated: 9-13-23
Ron Bertolina,
Vice President and
General Counsel

Notary Acknowledgment Attached

OWNER

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento

On September 13, 2013 before me, Cristina Marcu, Notary Public
(here insert name and title of the officer)

personally appeared

Ron Bertolina

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cristina Marcu



(Seal)