

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

THIS FIRST 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 **MERITAGE HOMES OF CALIFORNIA, INC.**, a California corporation, duly qualified to conduct business in the State of California, whose principal place of business address is 17851 North 85th Street, Suite 300, Scottsdale, Arizona 85255, and whose local office address is 1671 East Monte Vista Avenue, Suite 214, Vacaville, California 95688 (hereinafter referred to as "Owner"); concerning **WEST VALLEY VILLAGE, UNIT 5B – Phase 1, TM NO. 99-1359-5B-1** (hereinafter referred to as "Subdivision"); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 5th day of November, 2013;

RECITALS

WHEREAS, County and Owner entered into that certain Subdivision Improvements Agreement on November 5, 2013, in connection with the Subdivision, copy of which Agreement is incorporated herein and made by reference a part hereof;

WHEREAS, Owner was referred to as an Arizona corporation in error in that certain Subdivision Improvements Agreement and it is in fact a California corporation;

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

The opening paragraph of the Agreement is hereby amended to read as follows:

THIS AGREEMENT, made and entered into by and between the **COUNTY OF EL DORADO**, a political subdivision of the State of California, (hereinafter referred to as "County"), and **MERITAGE HOMES OF CALIFORNIA, INC.**, a California corporation, duly qualified to conduct business in the State of California, whose principal place of business address is 17851 North 85th Street, Suite 300, Scottsdale, Arizona 85255, and whose local office address is 1671 East Monte Vista Avenue, Suite 214, Vacaville, California 95688 (hereinafter referred to as "Owner"); concerning **WEST VALLEY VILLAGE UNIT 5B – PHASE 1, TM NO. 99-1359-5B-1** (hereinafter referred to as "Subdivision"); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 5th day of November, 2013.

Except as herein amended, all other parts and sections of that certain Subdivision Improvements Agreement dated November 5, 2013, shall remain unchanged and in full force and effect.

Requesting Contract Administrator and Division Concurrence:

By: Bard R. Lower
Bard R. Lower
Transportation Division Director
Community Development Agency

Dated: 2/5/14

Requesting Department Concurrence:

By: Kimberly A. Kerr
Kimberly A. Kerr, Acting Director
Community Development Agency

Dated: 3/5/14

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement on the dates indicated below.


--COUNTY OF EL DORADO--

By: 

Dated: 3-25-14

Norma Santiago, Chair
Board of Supervisors
"County"

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Dated: 3-25-14

MERITAGE HOMES OF CALIFORNIA, INC.

By: 

Dated: 3/3/14

Barry Grant
Division President
"Owner"

OWNER

ACKNOWLEDGMENT

State of California

County of Solano

On Mar 3, 2014 before me, Rebecca A. Goddard, Notary Public
(here insert name and title of the officer)

personally appeared Barry Grant

personally known to me (or 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.

WITNESS my hand and official seal.

Signature 