

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

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 **K. HOVNANIAN FORECAST HOMES, INC.**, a corporation, duly qualified to conduct business in the State of California, whose principal place of business is 3536 Concours Street, Suite 320, Ontario, California 91764, and whose local office address is 1796 Tribute Road Suite 100, Sacramento, California 95815 (hereinafter referred to as "Owner"); concerning **Euer Ranch, Unit 7 TM 96-1317-7** (hereinafter referred to as "Subdivision"); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 31st day of January, 2006.

RECITALS

Owner is vested with fee title to the Subdivision, a tract of land located in the County of El Dorado, State of California, and described as **Euer Ranch, Unit 7, TM96-1317-7**. Owner desires to construct on said property certain public improvements as hereinafter described, in connection with the Subdivision.

In consideration for the complete construction and dedication of all the public improvements specified in this Agreement, the approval and acceptance by County's Board of Supervisors, and the Final Map to be filed and recorded, the parties agree as follows:

AGREEMENT

OWNER WILL:

1. Make or cause to be made all those public improvements in Subdivision required by Section 16.16.010 of the El Dorado County Ordinance Code (hereinafter referred to as "Code") and shown or described in the improvement plans, specifications and cost estimates entitled **Euer Ranch, Unit 7, TM96-1317-7** which were approved by the Interim Director, Department of Transportation, on **August 18, 2005**. Attached are Exhibit A, marked "Schedule of Street Improvements;" Exhibit B, marked "Schedule of Water Improvements;" Exhibit C, marked "Schedule of Sewer Improvements;" Exhibit D, marked "Schedule of Recycled Water Improvements;" and Exhibit E, marked "Schedule of Power And Telephone Improvements;" all of which are incorporated herein and made by reference a part hereof. The Exhibits describe quantities, units and costs associated with the improvements to be made.

2. Prior to commencing construction, obtain all necessary environmental clearances, acquire any necessary right-of-way and obtain any necessary permits from any outside agencies.

3. Complete said improvements within two (2) years from the date that the Subdivision Final Map is filed with the El Dorado County Board of Supervisors.

4. Install or cause to be installed, modify or cause to be modified, any and all erosion and sediment control features, whether temporary or permanent, deemed necessary by the County Engineer to ensure compliance with the Clean Water Act, the Statewide General Permit, and the County's Grading, Erosion and Sediment Control Ordinances. Failure to comply with this provision shall constitute a material breach of this Agreement.

5. Post security acceptable to County as provided in Section 16.16.050 of the Code. In the event that the sureties issuing the posted securities are subsequently downgraded to a rating unacceptable to County in its sole discretion, Owner shall, upon twenty (20) days written notice by County, post replacement securities that are acceptable to County.

6. Provide for and pay the costs of related civil engineering services, including the costs of inspection and utility relocation when required, and attorneys' fees, costs, and expenses of legal services.

7. Provide deposit for and pay to County all costs of construction oversight, inspection, administration and acceptance of the work by County in accordance with the County Engineer Fee Schedule adopted by Resolution of the El Dorado County Board of Supervisors.

8. Have as-built plans prepared by a civil engineer and filed with the County Department of Transportation as provided in Section 16.16.060 of the Code.

9. Repair at Owner's sole cost and expense, any defects, in workmanship or materials, which appear in the work within one (1) year following acceptance of the work by County.

10. To the fullest extent allowed by law, defend, indemnify and hold the County harmless against and from any and all claims, suits, losses, damages and liability for damages of every name, kind and description, including attorneys fees and costs incurred, brought for, or on account of, injuries to or death of any person, including but not limited to workers, County employees, and the public, or damage to property, or any other economic or consequential losses, which are claimed to or in any way arise out of or are connected with Owner's work, operation, construction of the improvements, or performance of this Agreement, regardless of the existence or degree of fault or negligence on the part of County, Owner, any Contractor(s), Subcontractor(s) and employee(s) of any of these, except for the sole, or active negligence of County, its officers and employees, or as expressly provided by statute. This duty of Owner to indemnify and save County harmless includes the duties to defend set forth in California Civil Code section 2778.

This duty to indemnify is separate and apart from any insurance requirements and shall not be limited thereto.

11. As a condition precedent to filing any Final Map for this Subdivision, Owner will enter into a Road Improvement Agreement with County for the road improvements required by Condition Number 7 in the Revised and Renumbered Conditions of Approval dated October 20, 2003 for Euer Ranch Tentative Map, TM96-1317-7, and shown on improvement plans titled "White Rock Road Widening Project Sta. 63+25 to Sta. 115+25" prepared by Cooper, Thorne and Associates, Inc., civil engineers. Such agreement shall include a requirement that Owner

furnish insurance that complies with the standard County insurance requirements in amounts stated, or to be approved by the County Risk Manager, and shall provide separate Performance and Laborers and Materialmens Bonds for that work.

12. Provide continuous, sufficient access to Owner's successors and assigns, including but not limited to its surety and surety's agents, to the Subdivision to enable the public improvements to be constructed and completed. Access shall be continuous until completion of said public improvements, and release by County of the security underlying this Agreement.

13. Agree that said agreement to provide continuous, sufficient access is irrevocable and shall run with the land and shall be binding upon and inure to the benefit of the heirs, successors, assigns and personal representatives of Owner.

14. Comply fully with Condition Number 47 and Condition Number 48 of the Revised and Renumbered Conditions – TM96-1317-7, as revised October 20, 2003. Said conditions are attached hereto as Exhibit F and incorporated by reference herein.

COUNTY WILL:

15. Upon execution of this Agreement and receipt of good and sufficient security as required by Section 16.16.050 of the Code and upon compliance with all requirements of law, including all County ordinances, approve the Final Map of the Subdivision.

16. Upon receipt of a Certificate from County's Director of Transportation stating that a portion of the public improvements agreed to be performed herein has been completed, describing generally the work so completed and the estimated total cost of completing the remainder of the public improvements agreed upon to be performed herein, accept new security as provided in Section 16.16.040 of the Code.

17. Release the security posted in accordance with Sections 16.16.040 and 16.16.052 of said Code.

18. Require Owner to make such alterations, deviations, additions to, or deletions from, the improvements shown and described on the plans, specifications, and cost estimates as may be deemed by County's Director of Transportation to be necessary or advisable for the proper completion or construction of the whole work contemplated, provided the amount of such changes in the improvements does not exceed ten percent (10%) of the total estimated cost of the public improvements.

19. Require Owner to maintain, and to make such alterations, deviations, additions to, or deletions from, the project erosion control features shown and described on the plans, specifications and cost estimates and the Storm Water Pollution Prevention Plan (SWPPP) as may be deemed by County's Director of Transportation to be necessary or advisable for compliance with the Clean Water Act, Statewide General Permit requirements and County's Grading, Erosion and Sediment Control Ordinances.

State of California
County of Sacramento } ss.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On December 16, 2005, before me, Loi Nguyen
Date Printed Name of Notary Public

personally appeared Richard J. Balestreri & Courtney McAlister
Printed Name(s) of Signer(s)

- personally known to me - or -
- proved to me on the basis of satisfactory evidence:
 - form(s) of identification _____
 - credible witness(es) _____

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.



(Seal)

[Handwritten Signature]
Signature of Notary Public

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Subdivision Improvement Agreement
Euer Ranch Unit 7
containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer(s) Representing

Additional Information	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/> Other	

Exhibit A

SCHEDULE OF STREET IMPROVEMENTS

Owner agrees to improve all streets and roads for dedication upon the final map of the Euer Ranch, Unit 7, TM96-1317-7 Subdivision required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the Interim Director of Transportation, and as set forth in the following Schedule of Street Improvements:

Item Description	Quantity	Unit	Unit Cost	Total Cost
Clear & Grub	19	ac	\$1,500.00	\$28,500
Excavation	403	cy	\$5.00	\$2,015
Finish Pads	83	ea	\$400.00	\$33,200
3" AC	88,301	sf	\$1.30	\$114,791
3.5" AC	14,563	sf	\$1.50	\$21,845
8" AB	88,301	sf	\$1.50	\$132,452
9.5" AB	14,563	sf	\$1.80	\$26,213
Type 2 Vert. Curb & Gutter	250	lf	\$18.00	\$4,500
Type 1 Rolled Curb & Gutter	6,117	lf	\$15.00	\$91,755
Sidewalk	26,728	sf	\$5.00	\$133,640
Extra for Handicapped Ramp	19	ea	\$1,000.00	\$19,000
Barricade	3	ea	\$1,500.00	\$4,500
Street Sign	5	ea	\$500.00	\$2,500
SWPPP Compliance	83	lot	\$500.00	\$41,500
Dust Control	83	lot	\$1,000.00	\$83,000
Erosion Control Measures	83	lot	\$1,500.00	\$124,500
12" Storm Drain	299	lf	\$40.00	\$11,960
18" Storm Drain	1,586	lf	\$45.00	\$71,370
18" F.E.S.	1	ea	\$400.00	\$400
Santa Rosa Model 4A D.I.	3	ea	\$2,000.00	\$6,000
Santa Rosa Model 4A D.I.w/ Reinforcement	4	ea	\$2,300.00	\$9,200
Santa Rosa Model 4A D.I. W/ 48" Manhole Base & Reducer Slab	8	ea	\$4,000.00	\$32,000
Std. 48" Manhole	3	ea	\$3,500.00	\$10,500
Connect to E Drain Line	1	ea	\$500.00	\$500
Subtotal Street Improvements				\$1,005,841

Project Administration		2%		\$20,117
Engineering & Staking		5%		\$50,292
Contingency		15%		\$150,876
Inspection		4%		\$40,234
Total Street Improvements				\$1,267,360

Exhibit C

SCHEDULE OF SEWER IMPROVEMENTS

Owner agrees to install the sewer collection and disposal system in the **Euer Ranch, Unit 7, TM96-1317-7** Subdivision required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the Interim Director of Transportation, and as set forth in the following schedule of Sewer Improvements:

Item Description	Quantity	Unit	Unit Cost	Total Cost
6"line-sewer	2,437	lf	\$40.00	\$97,480
8"line-sewer	1,138	lf	\$45.00	\$51,210
Std. 48" SS Manhole	15	ea	\$3,100.00	\$46,500
Std. 60" SS Manhole	1	ea	\$8,000.00	\$8,000
Extra for lining SS Manhole	11	ea	\$3,500.00	\$38,500
Gravity Service-sewer	74	ea	\$1,250.00	\$92,500
Connect to E Sewer Line	5	ea	\$2,500.00	\$12,500
Subtotal Sewer Improvements				\$346,690
Project Administration		2%		\$6,934
Engineering & Staking		5%		\$17,335
Contingency		15%		\$52,004
Inspection		4%		\$13,868
Total Sewer Improvements				\$436,829

Exhibit D

SCHEDULE OF RECYCLED WATER IMPROVEMENTS

Owner agrees to install the recycled water system in the Euer Ranch, Unit 7, TM96-1317-7 Subdivision required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the Interim Director of Transportation, and as set forth in the following schedule of Recycled Water Improvements:

Item Description	Quantity	Unit	Unit Cost	Total Cost
4" Line Incl. Fittings-recycled water	641	lf	\$30.00	\$19,230
6" Line Incl. Fittings-recycled water	2,836	lf	\$35.00	\$99,260
4" Gate Valve-recycled water	3	ea	\$700.00	\$2,100
6" Gate Valve-recycled water	13	ea	\$800.00	\$10,400
1" ARV-recycled water	3	ea	\$1,200.00	\$3,600
2" BOV-recycled water	4	ea	\$1,000.00	\$4,000
Services-recycled water	78	ea	\$900.00	\$70,200
Connect to E Recycled Water Line	3	ea	\$1,500.00	\$4,500
Subtotal Recycled Water Improvements				\$213,290
Project Administration		2%		\$4,266
Engineering & Staking		5%		\$10,665
Contingency		15%		\$31,994
Inspection		4%		\$8,532
Total Recycled Water Improvements				\$268,745

Exhibit E

SCHEDULE OF POWER AND TELEPHONE IMPROVEMENTS

Owner agrees to provide and install underground utilities in the **Euer Ranch, Unit 7, TM96-1317-7** Subdivision required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the Interim Director of Transportation, and as set forth in the following Schedule of Power and Telephone Improvements:

Item Description	Quantity	Unit	Unit Cost	Total Cost
Mainline Trenching	83	lot	\$1,600.00	\$132,800
Conduit & Boxes	83	lot	\$1,200.00	\$99,600
Wiring and Transformers	83	lot	\$1,200.00	\$99,600
Utility Service	83	lot	\$8,000.00	\$664,000
Subtotal Power & Telephone Improvements				\$996,000
Project Administration		2%		\$19,920
Engineering & Staking		5%		\$49,800
Contingency		15%		\$149,400
Inspection		4%		\$39,840
Total Power & Telephone Improvements				\$1,254,960

Revised and Renumbered Condition of Approval – Euer Ranch TM96-1317
 Pursuant to Finding of Consistency with Settlement Agreement
 October 20, 2003
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Revised and Renumbered Conditions – TM96-1317, as revised October 20, 2003, pursuant to a finding of consistency with the settlement agreement provisions.

Department of Transportation

1. The developer shall obtain approval of construction drawings consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map.
2. The developer shall enter into an improvement agreement with the County and provide security to guarantee performance of the improvement agreement as set forth within the County of El Dorado Major Land Division Ordinance.
3. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
5. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
6. This project shall be subject to the road impact fee of \$3266 per single family dwelling. Pursuant to Resolution No. 175-96, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.
7. All roads shall be constructed in conformance with the Design and Improvements Standards Manual with the following widths:

<i>Road Name</i>	<i>Standard Plan</i>	<i>Road Width curb face to curb face Right-of-way Width</i>	<i>Exceptions/Special Notes</i>

Revised and Renumbered Condition of Approval – Euer Ranch TM96-1317
Pursuant to Finding of Consistency with Settlement Agreement

October 20, 2003

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White Rock Road	101 B	84 ft. (100 ft. ROW), with turn pockets and additional ROW as needed.	Half width frontage improvements, with 6' sidewalk
'A' Drive (Carson Crossing Drive) * NOTE: Road width is determined by traffic counts pursuant to Standard Plan 101B as determined by DOT.	101 B Modified	64 ft* or 40 ft (60 ft* or 36 ft Asphalt) (80 ft* or 60 ft. ROW), with turn pockets and additional ROW as needed.	6 ft. sidewalks on both sides.
Ranch Bluff Way Unit 1	101 B	40 ft. (36 ft. Asphalt) (60 ft. ROW)	4 ft. sidewalks on both sides.
Slateridge Court Unit 1	101B	36 ft. (32 ft. Asphalt) (50 ft. ROW)	4 ft. sidewalks on both sides.
Four Season Drive Unit 1 (Whiterock to 'G' Way)	101 B	40 ft. (36 ft. Asphalt) (60 ft. ROW)	4 ft. sidewalks on both sides.
Four Seasons Drive ('G' Way to Carson Crossing)	101 B Modified	34 ft. (30 ft. Asphalt) (60 ft. ROW), with turn pockets and additional ROW as needed.	6 ft. sidewalk on both sides of street.
'A', 'B', 'C', 'G', 'M' Drive 'J', 'U', 'V' Way	101 B Modified	28 ft (24 ft. Asphalt). (50 ft. ROW)	4 ft. sidewalk on both sides of street.
'K', 'KI', 'M', 'MI', 'N', 'NI', 'T' Circle 'E', 'Q', 'R', 'S', 'U' Court 'F' Drive 'G' Way	101 B Modified	28 ft (24 ft. Asphalt). (40 ft. ROW)	4 ft. sidewalk on both sides of street.
Access Road 'V' Way connection to Ranch Bluff Way	101 C Modified 3" Asphalt over 8" AB Base	20 ft Asphalt with 1 ft. shoulders	No sidewalks
'L' Way, 'P' Way	101 B Modified	30 ft (26 ft Asphalt) (50 ft ROW)	4 ft sidewalk on both sides of street

8. 'U', 'W', 'X' Courts and Ranch Bluff Way (Unit 1) can be reduced to a 45 ft. radius roadway width with a reduced right-of-way width of 53.5 ft. in the bulb portion of the cul-de-sac. All other cul-de-sacs shall be constructed to County Standard Plan 114.

9. The following intersections shall be analyzed for the determination of final lane configuration:

Four Season Drive/White Rock Road @ Stonebriar Drive.

Carson Crossing Drive @ White Rock Road.

Carson Crossing Drive @ Ranch Bluff Way.

Final lane configuration, including the need for additional right-of-way, shall be subject to review and approval of the Department of Transportation ("DOT") prior to improvement plan approval.

10. All lots that front on two roads shall take access on the minor roadway. All associated frontage along Four Seasons Drive shall be designated as non-vehicular access easement, except for lots 244 through 253; 281 through 285; 398 through 407 and potential lots in the future tentative map. Moreover, two points of access shall be provided to the planned community center off of Four Seasons Drive.

11. Access from Lot F to Carson Crossing Drive shall be determined by DOT prior to improvement plan approval.

12. Subdivision improvements shall include driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director. Driveways shall be installed in a manner and location acceptable to the County DOT and shall meet standard County driveway requirements. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.

13. An irrevocable offer of dedication, in fee, shall be made of in the width as described in Condition 7 for the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.

14. An irrevocable offer of dedication, in fee, shall be made of 60 feet in radius for the cul-de-sacs, with slope easements where necessary. 'U', 'W', 'X' Courts and Ranch Bluff Way (Unit 1) can be reduced to a 53.5 foot radius. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.

15. A final drainage plan shall be submitted to and approved by the DOT. Drainage which is collected and routed between lots shall be conveyed, in a practicable manner, via underground pipe and open channels as specified in the Settlement Agreement. All drainage facilities shall be designed in compliance with the County Drainage Manual. The developer shall install all drainage facilities concurrently with the respective phase of construction.
16. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit to fund the maintenance of drainage facilities.
17. All grading plans shall be prepared and submitted to the Soil Conservation Service and the DOT. The Soil Conservation Service shall review and make appropriate recommendations to the County. Upon receipt of the review report by the Soil Conservation Service, the DOT shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the DOT and the grading is completed.
18. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the Soil Conservation Service for review and recommendation to the DOT. The DOT shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
19. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. Phasing plans shall be subject to Fire District approval to ensure that each phase has a minimum of two access points.
20. The project shall be subject to the Transportation Impact Fee for the State System=s Capacity & Interchanges of \$1,570 per single family residential dwelling unit. Pursuant to Resolution 202-96, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such a revised amount shall be paid.

Surveyor's Office

21. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
22. All roads shall be named by filing a completed road naming petition for each road with the County Surveyor's Office prior to filing the final map.

Planning Department

23. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act ("CEQA") Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.
24. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
25. Parkland dedication requirements shall be calculated based on the standards and factors for development within the El Dorado Hills Community Services District ("EDHCSD"). An irrevocable offer of dedication ("IOD") shall be made to the EDHCSD as a condition of approval of the tentative maps within the Specific Plan area. Prior to County approval of any final map, the developer shall show evidence of a recorded agreement with the EDHCSD for the location, size, park improvements (including water and sewer meters), maintenance, and timing of dedication and acceptance of parks throughout the Specific Plan area.

The developer will be required to provide a Phase I environmental assessment of all land to be dedicated to a public agency.

26. Easements shown to be relocated on the tentative map shall be relocated prior to or in conjunction with the filing of the final map, including the relocation of all electric facilities.

27. A letter of agreement from the cable television franchisee, pursuant to Section 16.16.010 (I) of the County Code, shall be submitted to the Planning Department prior to approval of the final map.
28. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property.

Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:

- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in a amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

29. The tentative map shall not become effective until the Carson Creek Specific Plan is approved by the Board of Supervisors.
30. As a vesting tentative map, the approval confers the vested rights as described by Section 66474.2 of the Government Code, including the rights and limitations as established by Ordinance No. 4216 (Chapter 16.68 of the County Code). This map shall expire 24 months from the date of approval.

31. Street lights shall be installed at main intersections. All street lights installed shall be top-shielded to prevent excess glare and light.
32. As a condition of approval of all tentative maps, a wood or other solid fence, at least six foot in height, will be constructed by the developer of all residential lots adjacent to the boundaries of the Specific Plan area.

Agricultural fencing per County Resolution No. 98A-90 shall be required along the Sacramento/El Dorado County line in any location not adjacent to a residential parcel.

The covenants, conditions, and restrictions ("CC&Rs") will specify the fence design approval process. Fence design will be as approved by the El Dorado Hills Community Services District and the appropriate design review committee.

Maintenance of fencing adjacent to open space or landscaped corridors will be funded either through a homeowners' association, a Landscaping and Lighting District, or other appropriate mechanism.

33. An Open Space Management Plan shall be prepared by the developer, subject to review and approval by the EDHCS, and will include a funding mechanism for on-going maintenance of all open space. A Wild Fire Management Plan, subject to approval by appropriate agencies, will also be included as a component of this document.
34. The development of APN 108-040-05 shall not occur until said parcel rolls out (or is approved for immediate cancellation) of the agricultural preserve.
35. Phases 6, 7, and 8 of the tentative map shall not be developed until APN 108-040-07, immediately south of the project, rolls out of Agricultural Preserve status (or is approved for immediate cancellation). The buffer may be reduced or eliminated by the Agricultural Commission, upon presentation to the Agricultural Commission that the buffer is unnecessary or is substantially complied with in another fashion.
36. At the time the applicant submits for approval by the County a proposed final subdivision map for the Euer Ranch property, the County shall determine whether the Board of Supervisors or the Sacramento-Placerville Transportation Corridor Joint Powers Agency has taken any affirmative action indicating an intention to reserve right-of-way through or adjacent to the Euer Ranch property for possible eventual use by a commuter rail system of any kind. Such an indication by the Board or Joint Powers Agency must take the form of an informal or formal policy decision to modify plans to reserve a right of way other than the former Southern Pacific right-of-way located west, south, and east of Euer Ranch, which was purchased in September 1996 by Joint Powers Agency. If the Board or Joint Powers Agency has taken any such action indicating an intention to eventually extend a commuter rail line through the Euer Ranch property, the County shall not approve the final map until the applicant has prepared an acoustical study assessing the

noise impacts that such a rail line might create for nearby residential and other properties, and proposing any noise attenuation measures necessary to achieve compliance with General Plan noise standards. Any noise attenuation measures developed through such a study shall be conditions required prior to issuance of the final map.

If the County approves the final subdivision map for the Euer Ranch property without requiring any noise attenuation measures in anticipation of an eventual rail extension through the property but the County subsequently imposes a rail noise mitigation fee on properties in the area, then such mitigation fees shall be assessed and collected at the time of the issuance of building permits. Any building permits issued prior to the imposition of such a fee program shall not be made retroactively subject to the fee requirement as a result of this condition.

EIR Mitigation Measures

37. (MM 4.3-2(a) & (d), 4.3-5(a)) A thirty (30) foot landscape corridor shall be installed adjacent to White Rock Road, and in the residential yards adjacent to the eastern and western boundary of the tentative map, as required in Section 3.5 of the Carson Creek Specific Plan, and shall consist of a majority of native plant and/or fast growing species.
38. (MM 4.3-2(b), 4.3-5(b)) The CC&Rs or project design notebook shall require use of natural colored roof materials in project development to maximize consistency with the surrounding natural environment to minimize stark visual contrasts.
39. (MM 4.3-2(c), 4.3-5(c)) The CC&Rs or project design notebook shall require the use natural components in fencing materials (e.g., wood, stone, brick) that would be consistent with residential uses to the north, and would enhance visual compatibility with the natural surroundings of the site for subdivision fencing and acoustical mitigation walls.
40. (MM 4.5-7(b)) The developer shall construct signal and turn lane improvements at the White Rock Road/main project access road intersection, if warranted by traffic volumes, as determined by the County DOT.
41. (MM 4.5-8) The project developer shall be responsible for the construction of a bus turnout and transit shelter along the project site frontage on White Rock Road; however, should the developer enter into a development agreement with the County which includes provisions for a bus and transit shelter when fixed route transit service or commuter service is extended to serve the project, the improvement of the facilities may be delayed, and this condition may be waived.
42. (MM 4.5-9) The project developer shall construct a Class II bike lane along the project site frontage on White Rock Road.

43. (MM 4.6-1, 4.6-2) The project applicant shall comply with El Dorado County Air Pollution Control District ("APCD") Rule 223, 224, and 215 as required by the Air Pollution Control Officer. The project applicant shall prepare a fugitive dust control plan to be submitted to, and approved by, the APCD prior to the commencement of construction.
44. (MM 4.6-3) The applicant shall encourage in the CC&Rs or project design notebook the following energy-saving design features into future levels of project implementation as feasible and appropriate. These design features may include, but are not limited to, the following:
- Solar or low-emission water heaters;
 - Central water heating systems;
 - Shade trees;
 - Energy-efficient and automated air conditioners;
 - Double-pane glass in all windows;
 - Energy-efficient low-sodium parking lot lights;
 - Energy-efficient lighting and lighting controls.
 - The applicant, future successors in interest, or future homebuilders shall install only EPA-certified woodstoves and fireplaces.
45. (MM 4.7-1) Subdivision improvement plans shall include a notation that requires that construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days:
- Between the hours of 7:00 a.m. and 5:00 p.m. on any weekday
 - Between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays
 - Prohibited on Sundays and holidays
- At the time of the letting of the construction contract, it shall be demonstrated that engine noise from excavation equipment would be mitigated by keeping engine doors closed during equipment operation. For equipment that cannot be enclosed behind doors, lead curtains shall be used to attenuate noise.
46. (MM 4.7-2) Sound walls shall be installed as recommended in the Brown-Buntin Associates, Inc., June 26, 1996, acoustical analysis for the Euer Ranch along White Rock Road. The walls shall be constructed to heights to reduce the noise levels to 60 dB Ldn or less, except for Lots 8 through 16, where the sound wall shall be constructed to heights to reduce the noise levels to 65 dB Ldn or less.
47. (MM 4.8-2(a)) Prior to issuance of a grading permit, the wetland delineation completed for the Euer Ranch shall be verified by U.S. Army Corps of Engineers ("USACE"). After verification, any wetlands that would be lost or disturbed shall be replaced or

rehabilitated on a "no-net-loss" basis in accordance with USACE mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.

48. (MM 4.8-2(b)) Prior to issuance of a grading permit, a Streambed Alteration Agreement shall be obtained from the California Department of Fish & Game ("CDFG"), pursuant to 1600 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of the stream. If required, the project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits.
49. (MM 4.8-3) Prior to issuance of a grading permit, habitat on the Euer Ranch that is suitable to support Bogg's Lake hedge-hyssop shall be surveyed. If any significant populations of this species are found in areas proposed for development, a mitigation plan designed to result in a no-net-loss of the species shall be prepared by the project proponent and approved by U.S. Fish & Wildlife Service ("USFWS"). The plan may include measures such as transplantation or revegetation in protected areas on-site.
50. (MM 4.9-1) Prior to the approval of a grading permit for development in the Carson Creek drainage, the applicant shall submit to, and receive approval from, the El Dorado County Department of Transportation ("DOT") a soils and geologic hazards report meeting the requirements for such reports provided in the El Dorado County Grading Ordinance. If proposed improvements to the Carson Creek drainage would be located in areas identified as susceptible to soils or geologic hazards, proposed improvements to the Carson Creek drainage shall be designed to prevent failure or damage due to such hazards.
51. (MM 4.9-4) Prior to the issuance of building permits, all structures shall be designed in accordance with the Uniform Building Code (UBC), Chapter 23. Although wood frame buildings of not more than two stories in height in unincorporated areas are exempt under the California Earthquake Protection Law, structures shall adhere to the design factors presented for UBC, Zone 3, as a minimum. Final design standards shall be in accordance with the findings of detailed geologic and geotechnical analyses for proposed building sites.

Prior to the approval of a final map, the location and age of displacements associated with the Mormon Island Fault zone shall be determined by geologic mapping and trench logging. Critical structures such as schools shall not be located within the zones of active faulting.

52. (MM 4.9-5) Prior to the filing of the final map, a ground acceleration analysis shall be conducted for the Mormon Island Fault Zone. All structures shall be designed in accordance with the ground acceleration analysis for the Mormon Island Fault Zone and the on-site ground accelerations anticipated from the Bear Mountains Fault Zone.

53. (MM 4.9-7) Prior to the issuance of grading permits, grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations. These findings all include methods to control soil erosion and ground instability that are described in the Carson Creek Specific Plan EIR Mitigation Measure
54. (MM 4.10-1) Prior to the issuance of a final map, the project applicant shall submit and obtain approval of final drainage plans by the El Dorado County DOT. These final drainage plans shall demonstrate that future post-development stormwater discharge levels from the project will remain at existing stormwater discharge levels and detention basins will be permanently maintained. The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County Drainage Manual adopted by the Board of Supervisors in March 1995. The project applicant shall form a drainage zone of benefit ("ZOB") or other appropriate entity to ensure that all stormwater drainage facility maintenance requirements are met. The drainage plan shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site and implementation and maintenance responsibilities. The plan shall address storm drainage during construction and proposed BMPs to reduce erosion and water quality degradation. All on-site drainage facilities shall be constructed to El Dorado County DOT satisfaction. BMPs shall be implemented throughout the construction process. The following BMPs, or others deemed effective by the DOT, will be implemented as necessary and appropriate:

Soil Stabilization Practices

- Straw Mulching
- Hydromulching
- Jute Netting
- Revegetation
- Preservation of Existing Vegetation

Sediment Barriers

- Straw Bale Sediment Barriers
- Filter Fences
- Straw Bale Drop Inlet Sediment Barriers

Site Construction Practices

- Winterization
- Traffic Control
- Dust Control

Runoff Control in Slopes/Streets

- Diversion Dikes
- Diversion Swales
- Sediment Traps

55. (MM 4.10-2) Prior to the approval of a final map, the applicant shall submit a final drainage plan that clearly identifies the 100-year flood zone following project development to the El Dorado County DOT for approval. Project development shall not occur in areas within the 100-year flood zone shown in the final drainage plan. The final drainage plan shall be prepared by a registered civil engineer and contain a hydrologic study that outlines the 100-year flood zones associated with the project and proposed flood control measures such as detention basins. Alternatively, 100-year flood protection improvements, approved by the El Dorado County DOT, can be implemented to allow development in these areas. All storm drainage facilities and embankments shall be designed in compliance with the County Drainage Manual.
56. (MM 4.10-5) Prior to issuance of a grading permit, the developer shall obtain from the CVRB a General Construction Activity Stormwater Permit under the National Pollutant Discharge Elimination System ("NPDES") and comply with all requirements of the permit to minimize pollution of stormwater discharges during construction activities.
- Prior to issuance of a grading permit, the project applicant shall submit to the El Dorado County DOT and the Resource Conservation District for review and approval an erosion control program which indicates that proper control of siltation, sedimentation and other pollutants will be implemented per NPDES permit requirements.
57. (MM 4.10-6(a)) On-site detention basins shall be constructed and maintained through the construction period to receive stormwater runoff from graded areas to allow capture and settling of sediment prior to discharge to receiving waters. Periodic maintenance of detention basins, such as debris removal, shall occur on a monthly basis or more frequently as needed to ensure continued effectiveness.
58. (MM 4.10-6(b)) Prior to issuance of a grading permit, the project applicant shall develop a surface water pollution control plan (i.e., parking lot sweeping program and periodic storm drain cleaning) to reduce long-term surface water quality impacts. These grease trap separators will be cleaned annually. The project applicant shall develop a financial mechanism, to be approved by the El Dorado County DOT, that ensures the long-term implementation of the program.
59. (MM 4.11-1) Prior to grading and construction activities, significant cultural resources found on the project site shall be recorded or described in a professional report and

submitted to the North Central Information Center at California State University at Sacramento.

The grading and improvement plans shall include a note that states that during grading and construction activities, the name and telephone number of an El Dorado County-approved, licensed archaeologist shall be available at the project site. In the event a heritage resource is encountered during grading or construction activities, the project applicant shall ensure that all activities will cease in the vicinity of the recovered heritage resource until an archaeologist can examine the find in place and determine its significance. If a find is authenticated, the archaeologist shall determine proper methods of handling the resource(s) for transport and placement in an appropriate repository. Grading and construction activities may resume, after the resource is either retrieved or found to be not of consequence.

60. (MM 4.12-1) The project applicant shall comply with the agreement between the school districts and the applicant entitled "Agreement Between the Latrobe School District, the El Dorado Union High School District, Angelo Tsakopoulos, AKT Mosher Partners, the Moshers, and the Euers" dated September 24, 1996, on file with the Board of Supervisors.
61. (MM 4.14-1(a) & (b)) Prior to the issuance of each building permit, the project applicant will be required to obtain a service letter from the El Dorado County Sheriff's Department identifying that law enforcement staff and equipment are available to serve the proposed land use upon occupancy and the Department has reasonably estimated that annual funding is available to provide adequate staff and equipment in the future.
62. (MM 4.22-1) If on-site contamination resulting from the storage and use of hazardous substances within the area of the existing work shed and barn is discovered during grading or construction, the appropriate local, state, and/or federal agencies shall be contacted. Remediation of any unauthorized release of hazardous substances shall be undertaken in accordance with all existing local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous materials.
63. (MM 4.22-4) Prior to the issuance of a grading permit, shallow groundwater and on-site drainage area shall be sampled to determine the potential presence of on-site contamination (mercury, etc.). If contamination is found, the appropriate regulatory agency shall be contacted. If deemed necessary by the appropriate regulatory agency, remediation shall be undertaken in accordance with all existing local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous substances.
64. (MM 4.22-6) Prior to the issuance of a grading permit, the extent (soil and/or groundwater) of potential on-site contamination, if any, resulting from the operation of

off-site USTs shall be assessed. Once the extent of contamination has been determined, the appropriate regulatory agency shall be consulted in identifying the responsible party and initiating the development of a remediation program in accordance with all applicable local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous substances.

65. (MM 5-3) A financing mechanism or mechanisms, such as a Landscaping and Lighting District, for development and maintenance of parks and for maintenance of open space, landscaping, lighting, fencing, trails, walkways, corridors, signage, sound walls, entry monuments, and other common or public areas shall be determined prior to approval of the final map. Improvement plans will be submitted to the El Dorado Hills Community Services District for approval, and the financing mechanisms shall be in place prior to issuance of building permits (Section 5.2 of the Carson Creek Specific Plan.)
66. All lots shall be a minimum of 6,000 square feet, which requires lots in Phases 7 and 8 of TM96-1317 to be enlarged.
67. The proponent shall enter into an agreement with the County to indemnify the County of El Dorado against all legal costs associated with any legal challenges resulting from project approval. Said agreement shall be in a form acceptable to County Counsel.
68. The CC&Rs of the subdivision shall include the following language:

"Located approximately 3,000 feet east of this subdivision is the El Dorado Irrigation District El Dorado Wastewater Treatment Plan, which is responsible for the processing of wastewater for the El Dorado Hills area, including the subdivision.

Purchaser, for himself and his heirs, successors and assigns, recognizes that the District, in the course of normal operations conducted in accordance with all requirements of law, produces odors offensive to humans. From time to time, the processing of wastewater will generate unpleasant odors which may be discernible to the occupants of the Carson Creek Specific Plan."
69. A written agreement with the school district shall be in place before the Board approves or rezones the project.

CERTIFICATE OF PARTIAL COMPLETION OF SUBDIVISION IMPROVEMENTS

I hereby certify that the following improvements in the Euer Ranch, Unit 7, TM96-1317-7 Subdivision have been completed, to wit:

	<u>Total Amount</u>	<u>Percent Complete</u>	<u>Remaining Amount</u>
Street Improvements	\$1,267,360	0%	\$1,267,360
Water Improvements	\$304,712	0%	\$304,712
Sewer Improvements	\$436,829	0%	\$436,829
Recycled Water Improvements	\$268,745	0%	\$268,745
Power/Telephone Improvements	\$1,254,960	0%	\$1,254,960
Totals	\$3,532,606		\$3,532,606

I estimate the total cost of completing the remainder of the improvements, agreed to be performed by the Owner to be Three Million, Five Hundred Thirty Two Thousand, Six Hundred Six dollars (\$3,532,606.00).

The Performance Bond is for the amount of Three Million, Five Hundred Thirty Two Thousand, Six Hundred Six dollars (3,532,606.00). (100% of Remaining Amount Total, Column 3)

The Labor and Materials Bond is for the amount of One Million Seven Hundred Sixty Six Thousand, Three Hundred Three dollars (\$1,766,303.00). (50% of The Total Amount, Column 1)

DATED: 12-22-08



[Signature]
 Subdivision Engineer
 David R. Crosariol, RCE 34520
 Cooper Thorne & Associates, Inc.
 3233 Monier Circle, Suite 1
 Rancho Cordova, Ca 95742

ACCEPTED BY THE COUNTY OF EL DORADO:

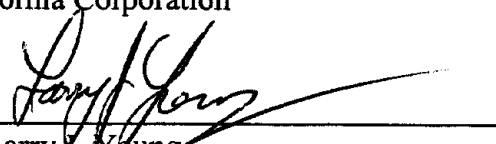
DATED: 1/12/09

[Signature]
 Richard W. Shepard, P.E. RCE 34339
 Director of Transportation

SIGNATURE ATTESTMENT

I, **Larry J. Young**, President, Northern California Region of **K. Hovnanian Forecast Homes, Inc.**, a **California Corporation** located at 1796 Tribute Road, Suite 100, Sacramento, CA 95815 do hereby attest the signature of **Richard J. Balestreri**, Senior Vice President, Northern California Region of K. Hovnanian Forecast Homes, Inc., on the Subdivision Improvement Agreement and Bonds for **Unit 7**, between **El Dorado County** and **K. Hovnanian Forecast Homes, Inc.**, concerning Euer Ranch, TM96-1317.

K. Hovnanian Forecast Homes, Inc.
a California Corporation

By: 
Larry J. Young
President, Northern California Region

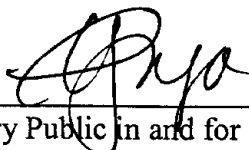
12-21-05
Date

STATE OF CALIFORNIA

COUNTY OF Sacramento

On this 21st day of December, 2005, before me a Notary Public, personally appeared **Larry J. Young**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is subscribed to this instrument, and acknowledged that he (she or they) executed it.

WITNESS my hand and official seal.


Notary Public in and for said County and State

