

# ORIGINAL

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

**THIS FIRST AMENDMENT** to that certain Agreement to Make Subdivision Improvements for Class 1 Subdivision Between County, Owner and Subdivider (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 **LANDSOURCE HOLDING COMPANY, LLC**, a Delaware limited liability company, duly qualified to conduct business in the State of California, whose principal place of business is 25 Enterprise Drive, Suite 400, Aliso Viejo, California 92656, and whose local office address is 25124 Springfield Court, Suite 300, Valencia, California 91355 (hereinafter referred to as "Owner"); and **LENNAR COMMUNITIES, INC.**, a corporation duly qualified to conduct business in the State of California, whose principal place of business is 25 Enterprise Drive, #500, Aliso Viejo, California 92656, and whose local office address is 1075 Creekside Ridge Drive, Suite 110, Roseville, California 95678-1936 (hereinafter referred to as "Subdivider"), concerning **WEST VALLEY VILLAGE, UNIT 3A** (hereinafter referred to as "Subdivision"); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 11<sup>th</sup> day of July, 2007;

## **RECITALS**

**WHEREAS**, the Agreement requires Owner and Subdivider to complete the subdivision improvements thereunder on or before July 11, 2009, and Owner and Subdivider have not completed all of the improvements but have requested an extension of time to complete the subdivision improvements;

**WHEREAS**, on February 7, 2012, the Board of Supervisors directed the Department of Transportation to process an amendment to the Agreement extending the time for completion of the subdivision improvements for Board approval;

**WHEREAS**, the drainage improvement work required under the Subdivision Grading Agreement was not completed and Owner and Subdivider have requested said work be completed with the subdivision improvements, amending **Exhibit F, Schedule of Erosion Control Improvements**;

**WHEREAS**, Owner requested a reduction to the Performance Bond because the water, recycled water, and sewer improvements were seventy percent (70%) completed, and the erosion control improvements were fifty percent (50%) completed, thus, the Performance Bond was reduced on September 23, 2008. The estimated costs of installing the improvements have changed, requiring amended cost exhibits and increased securities;

**WHEREAS**, the County's notice recipients and the County officer or employee with responsibility for administering this Agreement have changed;

**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:

Section 1 shall be amended to read as follows:

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 **WEST VALLEY VILLAGE UNIT 3A IMPROVEMENT PLANS** which were approved by the County Engineer, Department of Transportation, on April 24, 2006. Attached hereto are Amended Exhibit A, marked "Amended Schedule of Street Improvements;" Amended Exhibit B, marked "Amended Schedule of Water Improvements;" Amended Exhibit C, marked "Amended Schedule of Recycled Water Improvements;" Amended Exhibit D, marked "Amended Schedule of Sewer Improvements;" Amended Exhibit E, marked "Amended Schedule of Power and Telephone Improvements;" and Amended Exhibit F, marked "Schedule of Erosion Control / Drainage Improvements;" and the certificate, marked "Amended Certificate of Partial Completion of Subdivision Improvements," all of which are incorporated herein and made by reference a part hereof. The Amended Exhibits and Certificate of Partial Completion describe quantities, units and costs associated with the improvements to be made.

Section 3 is hereby amended to read as follows:

3. Complete the Subdivision improvements contemplated under this Agreement on or before February 7, 2013. ●

Section 23 shall be amended to read as follows:

23. The estimated cost of installing all of the improvements is **FOUR MILLION SEVEN HUNDRED SEVENTY-THREE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS AND 23/100 (\$4,773,456.23)**. The revised cost estimates shall be in accordance with the certificate marked, "Amended Certificate of Partial Completion of Subdivision Improvements," incorporated herein and made by reference a part hereof.

Section 29 shall be amended to read as follows:

29. All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested.

Notices to County shall be in duplicate and addressed as follows:

County Of El Dorado  
Department Of Transportation  
2850 Fairlane Court  
Placerville, California 95667

County Of El Dorado  
Department Of Transportation  
2850 Fairlane Court  
Placerville, California 95667

Attn.: Steve P. Kooyman, P.E.  
Acting Deputy Director,  
Engineering,  
Transportation Planning &  
Land Development Division

Attn.: Janel Gifford, P.E.  
Office Engineer/Contract Services Unit

or to such other location as County directs.

Notices to Owner shall be addressed as follows:

LandSource Holding Company, LLC  
25124 Springfield Court, Suite 300  
Valencia, California 91355

Attn.: Jeffrey Lawhon, Vice President

or to such other location as Owner directs.

Notices to Subdivider shall be addressed as follows:

Lennar Communities, Inc.  
~~1075 Creekside Ridge Drive, Suite 110~~ 1420 Rocky Ridge Drive, Ste. 320  
Roseville, California ~~95678-1936~~ 95661

Attn.: Larry Gualco, Vice President

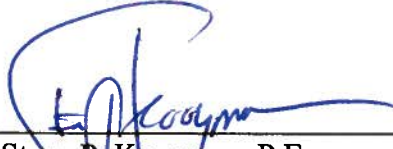
or to such other location as Subdivider directs.

Section 30 shall be amended to read as follows:

30. The County officer or employee with responsibility for administering this Agreement is Steve P. Kooyman, P.E., Acting Deputy Director, Engineering, Transportation Planning & Land Development Division, Department of Transportation, or successor.

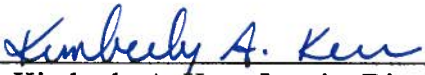
Except as herein amended, all other parts and sections of that certain Agreement shall remain unchanged and in full force and effect.

**Contract Administrator Concurrence:**

By:   
Steve R. Kboyman, P.E.  
Acting Deputy Director, Engineering  
Transportation Planning &  
Land Development Division  
Department of Transportation

Dated: 1/7/13

**Requesting Department Concurrence:**

By:   
Kimberly A. Kerr, Interim Director  
Department of Transportation

Dated: 1/8/13

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this First Amendment.

-- COUNTY OF EL DORADO --

By:  \_\_\_\_\_

Dated: 1-29-13

**RON BRIGGS**, *Chair*

Board of Supervisors  
"County"

Attest:

~~Terri Daly~~ **JAMES S. MITRISIN**

~~Acting~~ Clerk of the Board of Supervisors

By:  \_\_\_\_\_

Dated: 1-29-13

Deputy Clerk

**"OWNER"**  
**LANDSOURCE HOLDING COMPANY, LLC**  
A Delaware Limited Liability Company

By: LandSource Holding Company, LLC  
A Delaware Limited Liability Company

By: Newhall Land Development, LLC  
A Delaware Limited Liability Company  
its Sole Member

By: Newhall Holding Company, LLC  
A Delaware Limited Liability Company,  
its Manager

By:  \_\_\_\_\_

Dated: 10/19/12

Jeffrey Lawhon  
Vice President

OWNER

ACKNOWLEDGMENT

State of California

County of Los Angeles

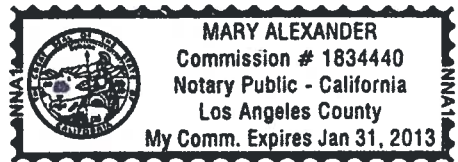
On December 10, 2012 before me, Mary Alexander, Notary Public,  
(here insert name and title of the officer)

personally appeared Jeffrey R. Lawhon

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 Mary Alexander



**“SUBDIVIDER”  
LENNAR COMMUNITIES, INC.  
A California Company**

By: Lennar Homes of California, Inc.  
A California Corporation  
Its California Manager

By:   
\_\_\_\_\_  
Larry Gualco  
Vice President

Dated: 10/17/12

By: \_\_\_\_\_  
Corporate Secretary

Dated: \_\_\_\_\_

**"SUBDIVIDER"**  
**LENNAR COMMUNITIES, INC.**  
**A California Company**

By: Lennar Homes of California, Inc.  
A California Corporation  
Its California Manager

By: \_\_\_\_\_  
Larry Gualco  
Vice President

Dated: \_\_\_\_\_

By: Carol Keith

Dated: 12/19/12

~~Corporate Secretary~~  
VP/ Division Controller



SUBDIVIDER

ACKNOWLEDGMENT

State of California

County of Placer

On 12/7/12 before me, Monique Reynolds, Notary Public  
(here insert name and title of the officer)

personally appeared Larry Gualco

~~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 Monique Reynolds



(Seal)

**SUBDIVIDER**

**ACKNOWLEDGMENT**

State of California

County of Placer

On 12/19/12 before me, Monique Reynolds, Notary Public  
(here insert name and title of the officer)

personally appeared Earl Keith

~~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 Monique Reynolds



(Seal)

**Amended Exhibit A**

**Amended Schedule of Street Improvements**

Owner and Subdivider agree to improve all streets and roads for dedication upon the final map of the **West Valley Village, Unit 3A** Subdivision required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Street Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Mobilization	1	LS	\$12,000.00	\$ 12,000.00
Place 3" AC / 8" AB	165,870	SF	\$ 4.80	\$ 796,176.00
Rolled Curb and Gutter	11,730	LF	\$ 30.50	\$ 357,765.00
Vertical Curb and Gutter	435	LF	\$ 30.50	\$ 13,267.50
Concrete Sidewalk	20,432	EA	\$ 6.10	\$ 124,635.20
Handicap Ramp	8	EA	\$ 2,000.00	\$ 16,000.00
Stop Bar w/Stop Sign	6	EA	\$ 762.00	\$ 4,572.00
Street Sign	6	EA	\$ 406.40	\$ 2,438.40

**Amended Subtotal for Street Improvements: \$ 1,326,854.10**

**Amended Exhibit B**

**Amended Schedule of Water Improvements**

Owner and Subdivider agree to install the water supply and distribution system in the **West Valley Village, Unit 3A** Subdivision as required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Water Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
8" PVC C-900 (CL 150)	5,435	LF	\$ 48.00	\$ 260,880.00
10" PVC C-900 (CL 150)	766	LF	\$ 54.00	\$ 41,364.00
8" Gate Valve	15	EA	\$ 960.00	\$ 14,400.00
10" Gate Valve	4	EA	\$ 1,080.00	\$ 4,320.00
2" Blow Off	2	EA	\$ 840.00	\$ 1,680.00
1" Air Release Valve	2	EA	\$ 1,140.00	\$ 2,280.00
Fire Hydrant and Appurtenances	18	EA	\$ 3,000.00	\$ 54,000.00
1" Water Services	90	EA	\$ 600.00	\$ 54,000.00
Backflow Preventor	69	EA	\$ 1,000.00	\$ 69,000.00
Connect to Existing Waterline	2	EA	\$ 2,400.00	\$ 4,800.00

**Amended Subtotal for Water Improvements: \$ 506,724.00**

**Amended Exhibit C**

**Amended Schedule of Recycled Water Improvements**

Owner and Subdivider agree to install the recycled water supply and distribution system in the **West Valley Village, Unit 3A** Subdivision as required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Recycled Water Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
6" PVC, C-900 (CL 150)	5,517	LF	\$ 42.00	\$ 231,714.00
6" Gate Valve	16	EA	\$ 840.00	\$ 13,440.00
2" Blow Off	4	EA	\$ 840.00	\$ 3,360.00
1" Air Release Valve	3	EA	\$ 1,140.00	\$ 3,420.00
1" Recycled Water Services	92	EA	\$ 600.00	\$ 55,200.00
Connect to Existing Waterline	2	EA	\$ 2,400.00	\$ 4,800.00

**Amended Subtotal for Recycled Water Improvements: \$ 311,934.00**

**Amended Exhibit D**

**Amended Schedule of Sewer Improvements**

Owner and Subdivider agree to install the sewer collection and disposal system in the **West Valley Village, Unit 3A** Subdivision as required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Sewer Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
6" PVC, SDR-35	4,965	LF	\$ 48.00	\$ 238,320.00
Std 48" Manhole	21	EA	\$ 3,600.00	\$ 75,600.00
4" Standard Sewer Services	93	EA	\$ 600.00	\$ 55,800.00
6" Sewer Clean Out	1	EA	\$ 420.00	\$ 420.00
Connect to Existing Sewerline	2	EA	\$ 1,800.00	\$ 3,600.00
TV Inspection	4,965	LF	\$ 2.00	\$ 9,930.00

**Amended Subtotal for Sewer Improvements: \$ 383,670.00**

**Amended Exhibit E**

**Amended Schedule of Power and Telephone Improvements**

Owner and Subdivider agree to install the underground power and telephone utilities in the **West Valley Village, Unit 3A** Subdivision as required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Power and Telephone Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Mailine Trenching	54	Lot	\$ 1,920.00	\$ 103,680.00
Conduit and Boxes	54	Lot	\$ 1,440.00	\$ 77,760.00
Wiring and Transformers	54	Lot	\$ 1,440.00	\$ 77,760.00
Utility Services	54	Lot	\$ 8,000.00	\$ 432,000.00

**Amended Subtotal for Power and Telephone Improvements: \$ 691,200.00**

## Amended Exhibit F

### Amended Schedule of Erosion Control / Drainage Improvements

Owner and Subdivider agree to install the erosion control / drainage improvements in the **West Valley Village, Unit 3A** Subdivision as required by the El Dorado County Subdivision Ordinance in accordance with the plans and specifications thereof approved by the County Engineer, and as set forth in the following Amended Schedule of Erosion Control / Drainage Improvements:

<b>Item Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
12" HDPE	61	LF	\$ 50.80	\$ 3,098.80
18" HDPE	3,091	LF	\$ 55.90	\$ 172,786.90
Santa Rosa 6Y Gallery	8	EA	\$ 3,120.00	\$ 24,960.00
Santa Rosa Type 4AC Inlet	10	EA	\$ 3,120.00	\$ 31,200.00
48" Manhole	26	EA	\$ 3,600.00	\$ 93,600.00
36" OCP	4	EA	\$ 2,400.00	\$ 9,600.00
Connect to Existing Storm Drain	1	EA	\$ 1,800.00	\$ 1,800.00
TV Inspection of Storm Drains	3,152	LF	\$ 2.05	\$ 6,461.60
Erosion Control Maintenance	54	LOTS	\$ 760.00	\$ 41,040.00
Fugitive Dust Control	54	LOTS	\$ 760.00	\$ 41,040.00
SWPPP Compliance	54	LOTS	\$ 480.00	\$ 25,920.00

**Amended Subtotal for Erosion Control / Drainage Improvements: \$ 451,507.30**



**Amended Certificate of Partial Completion of Subdivision Improvements**

I hereby certify that the following cost estimates have been revised to reflect the current economy and that improvements for **West Valley Village Unit 3A Subdivision, TM 99-1359-3A** have been completed, to wit:

	<b>Total Amount</b>	<b>Percent Complete</b>	<b>Remaining Amount</b>
Street Improvements	\$ 1,326,854.10	0%	\$ 1,326,854.10
Water Improvements	\$ 506,724.00	48.34%	\$ 261,773.62
Recycled Water Improvements	\$ 311,934.00	49.29%	\$ 158,181.73
Sewer Improvements	\$ 383,670.00	51.80%	\$ 184,928.94
Power and Telephone Improvements	\$ 691,200.00	0%	\$ 691,200.00
Erosion Control / Drainage Improvements	\$ 451,507.30	58.49%	\$ 187,420.68
Bond Enforcement 2%	\$ 73,437.79	0%	\$ 73,437.79
Construction Staking 4%	\$ 146,875.58	0%	\$ 146,875.58
Construction Management (10%)	\$ 367,188.94	0%	\$ 367,188.94
Contingency 10%	\$ 367,188.94	0%	\$ 367,188.94
Inspection 4%	\$ 146,875.58	0%	\$ 146,875.58
<b>Total</b>	<b>\$ 4,773,456.23</b>		<b>\$ 3,911,925.90</b>

I estimate the revised total cost of completing the improvements agreed to be performed by the Owner and Subdivider to be **Four Million Seven Hundred Seventy-Three Thousand Four Hundred Fifty-Six Dollars and 23/100 (\$4,773,456.23)**.

I estimate the revised total cost of completing the remainder of the improvements to be **Three Million Nine Hundred Eleven Thousand Nine Hundred Twenty-Five Dollars and 90/100 (\$3,911,925.90)** and the revised cost of the completed work to be **Eight Hundred Sixty-One Thousand Five Hundred Thirty Dollars and 33/100 (\$861,530.33)**.

The revised amount of the previously reduced Performance Bond is **Three Million Nine Hundred Ninety-Eight Thousand Seventy-Eight Dollars and 93/100 (\$3,998,078.93)**, representing a reduction of 90% of the revised cost estimate for the work completed.

The revised amount of the Laborers and Materialsmen Bond is **Two Million Three Hundred Eighty-Six Thousand Seven Hundred Twenty-Eight Dollars and 11/100 (\$2,386,728.11)**, which is 50% of the revised Total Cost of the Improvements.

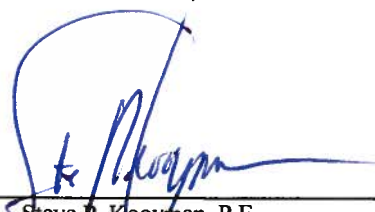
DATED: 10-15-12

  
 \_\_\_\_\_  
 David R. Crosarial, RCE 34520  
 CTA Engineering & Surveying  
 3233 Monier Circle  
 Rancho Cordova, CA 95742



**ACCEPTED BY THE COUNTY OF EL DORADO**

DATED: 1/7/13

  
 \_\_\_\_\_  
 Steve P. Klooyman, P.E.  
 Acting Deputy Director, Engineering  
 Transportation Planning & Land  
 Development Division