

Attachment A

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RECORDING requested by and when recorded, please return to:

When recorded, mail to:

County of Monterey
Resource Management Agency
Development Engineering
1441 Schilling Place
Salinas, CA 93901-4527

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**AMENDMENT NO. 1 TO THE COUNTY OF MONTEREY SUBDIVISION
IMPROVEMENT AGREEMENT
FOR BRIGGS MINOR SUBDIVISION**

This Amendment No. 1 to the County of Monterey Subdivision Improvement Agreement for Briggs Minor Subdivision is entered into by and between the County of Monterey, a political subdivision of the State of California, (hereinafter "COUNTY"), and the 2005 Irrevocable Trust UTA dated December 14, 2005 (hereinafter "OWNERS").

WHEREAS, a Subdivision Improvement Agreement was executed by the COUNTY, Briggs Investment Company and the 2005 Briggs Children Irrevocable Trust UTA dated December 14, 2005 and recorded on August 02, 2016 as Official Records Document Number 2016044199 for the Briggs Minor Subdivision (hereinafter "Subdivision"). The Subdivision Improvement Agreement, as amended pursuant to Amendment No. 1 is hereinafter referred to as "Agreement"

WHEREAS, Briggs Investment Company (hereinafter "SUBDIVIDER") and 2005 Briggs Children Irrevocable Trust UTA dated December 14, 2005 executed and recorded grant deeds so as to transfer all right, title and interest in and to the entire real property located in the County of Monterey more commonly described as parcels B-1, B-2, B-3 and B-4 shown and so designated on that certain map filed for record on August 2, 2016 in Volume 23 at page 55 of Parcel Maps, office of the County Recorder of the County of Monterey.

WHEREAS, Grant deeds between Briggs Investment Company (hereinafter "SUBDIVIDER") and 2005 Briggs Children Irrevocable Trust UTA dated December 14, 2005 (hereinafter "OWNERS") for parcels B-1, B-2, B-3 and B-4 were executed and recorded on October 10, 2016 as Official Documents Document Numbers 2016061288, 2016061289, 2016061290 and 2016061291 respectively.

WHEREAS, completion of the subdivision improvements is delayed because of the halt in construction and decline in investment that has resulted from the coronavirus pandemic; WHEREAS, the OWNERS had obtained an investor who was willing to proceed on the improvements, however due to the uncertain economic conditions caused by the coronavirus pandemic, the investor has backed out.

WHEREAS, OWNERS have requested an extension of time under the Agreement to complete the subdivision improvements;

WHEREAS, OWNERS have submitted an updated construction cost estimate to complete the subdivision improvements;

WHEREAS, The parties desire to amend the Agreement to extend the time for completion of the subdivision improvements for the Briggs Minor Subdivision;

Now therefore, the parties agree that the Agreement is amended as follows:

1. The first sentence of Paragraph e, at line 2 on Page 7, is amended to read as follows:

Commence the construction and installation of the Improvements within eight (8) years from the COUNTY’S approval of said parcel map and complete said work within ten (10) years from the date of said approval unless otherwise approved by the COUNTY.

2. The *Estimated Cost of Improvements* summary table on Page 2, is amended as follows:.

Streets - Public/Private	\$1,002,782
Storm Drain:	\$113,750
Sewer:	n/a
Water:	\$1,105,638
Landscaping:	n/a
Other Infrastructure	
Utilities Joint Trench	\$140,000
Estimated Total Costs of Improvements:	\$2,362,170
10% Contingency	\$236,217
Performance Bond (100% of Estimated Total Costs + Contingency)	n/a
Form of Security, if other than bond:	Deed of Trust¹
Reference information (Recorded Document No):	2016044200
Material & Labor Bond (50% of Estimated Total Costs):	\$1,181,085
Form of Security, if other than bond:	Deed of Trust¹
Reference information (Recorded Document No):	2016044200
Warranty Security (20% of Estimated Total Cost) ² :	\$472,434

Form of Security, if other than bond:	Deed of Trust¹
Reference information (Recorded Document No):	2016044200
Estimated Total Cost of Monumentation	
Form of Security, if other than bond:	Deed of Trust¹
Reference information (Recorded Document No):	2016044200
¹ County shall be holder of the first Deed of Trust recorded against the subject Property	
² This Bond or Security shall be provided to County upon acceptance of dedicated subdivision improvements by County	

3. Recordation: Upon execution of this Amendment No. 1 to the Agreement, OWNERS shall cause recordation thereof with the County Recorder's Office.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date written below.

OWNER:
2005 Briggs Children Irrevocable Trust UTA dated December 14, 2005

Dated: _____

By: _____
Marize H. Briggs, Trustee for the 2005 Briggs
Children Irrevocable Trust UTA dated
December 14, 2005.

COUNTY OF MONTEREY

DATE: _____

By: _____

Chair, Board of Supervisors

ATTEST:

DATE: _____

By: _____

Clerk of the Board, Board of Supervisors

APPROVED AS TO FORM:
LESLIE GIRARD, COUNTY COUNSEL
COUNTY OF MONTEREY

DATE: _____

By: _____

Deputy County Counsel

Notary Acknowledgements Follow

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 _____)

On _____ before me, _____, a Notary Public,
personally appeared _____,

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 _____

(SEAL)

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.

On _____ before me, _____, a Notary Public,
personally appeared _____,

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 _____

(SEAL)

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