

Attachment D

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**AMENDMENT NO. 3
TO
TEMPORARY MAINTENANCE AGREEMENT
BY AND BETWEEN
EAST GARRISON COMMUNITY SERVICES DISTRICT AND
UCP EAST GARRISON, LLC**

This AMENDMENT NO. 3 to the Temporary Maintenance Agreement by and between EAST GARRISON COMMUNITY SERVICES DISTRICT, a community services district formed pursuant to Government Code Section 61000 et seq. ("EGCSD") and UCP EAST GARRISON, LLC, a Delaware limited liability company ("UCP"), ("Amendment No. 3"), is made and entered into as of _____, 2021:

RECITALS

- A. On March 26, 2013, EGCSD and UCP entered into a Temporary Maintenance Agreement ("Agreement") whereby UCP agreed to provide all maintenance obligations on Phase I EGCSD improvements, in accordance with the scope and schedule of the approved Operations and Maintenance Plan for the East Garrison Development ("OMP") related to the East Garrison Disposition and Development Agreement (as amended, the "East Garrison DDA") and the Urban Services Agreement (as amended, the "Urban Services Agreement").
- B. The Agreement was amended on July 25, 2017 ("Amendment No. 1") (Agreement, as amended by Amendment No. 1, is collectively referred to herein as the "Temporary Maintenance Agreement"). Except as otherwise defined herein, all capitalized terms shall have the meaning set forth in the Temporary Maintenance Agreement.
- C. In the Second Amendment to Urban Services Agreement, amended by the Board of Supervisors, acting as the Board of Directors of the EGCSD on December 12, 2017, the Phase 1, 2 and 3 internal neighborhood parks were added to the areas to be owned and maintained by EGCSD (collectively, the "Neighborhood Parks").
- D. The Agreement was amended on June 11, 2019 ("Amendment No. 2") (Agreement, as amended by Amendment No. 1 and Amendment No. 2, is collectively referred to herein as the "Temporary Maintenance Agreement").
- E. On July 18, 2019, EGCSD accepted Grant Deeds for ownership of the neighborhood parks, open space or facility in Phase 1, 2 and 3 at East Garrison. EGCSD retained UCP to maintain the Neighborhood Parks, Open Space or Facility, in accordance with the terms of Amendment No. 2 to the Temporary Maintenance Agreement.
- F. Accordingly, in order to continue the proper, efficient and cost-effective maintenance of each park, open space and facility EGCSD and UCP wish to amend the Temporary Maintenance

Agreement to provide for the reimbursement of services performed by UCP under the Temporary Maintenance Agreement as of the date set forth below.

NOW, THEREFORE, in consideration of the promises contained herein, EGCSO and UCP agree to amend the Agreement as follows:

1. Amend Paragraph 6 ("Reimbursement of Temporary Maintenance Costs") of the Temporary Maintenance Agreement to add the following:

(d) Actual, direct costs associated with UCP's maintenance obligations pursuant to this Agreement incurred on or after March 1, 2017, shall be reimbursed by EGCSO. The actual cost of services provided under this Agreement shall not exceed the Total Annual Budgets as set forth below:

TASKS	FISCAL YEAR 2020-21	FISCAL YEAR 2021-22
Task 1: Public Road Annual Maintenance	\$ 119,000	\$ 124,950
Task 2: Stormwater/Flood Control Annual Maintenance	\$ 84,000	\$ 88,200
Task 3: Park & Open Space Annual Maintenance	\$ 497,000	\$ 521,850
Task 4: Optional Services as Assigned		
Non-Emergency Services	\$ 125,000	\$ 25,000
Emergency Services	\$ 20,000	\$ 20,000
MAXIMUM ANNUAL SERVICE COSTS ALLOCATED	\$ 845,000	\$ 780,000

2. All other terms and conditions of the Temporary Maintenance Agreement shall remain in full force and effect.

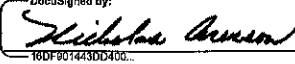
IN WITNESS WHEREOF, the Parties have executed this Amendment No. 3 to the Temporary Maintenance Agreement as of the effective date set forth above.

EAST GARRISON COMMUNITY SERVICES
DISTRICT

By: _____
Chair, Monterey County Board of Supervisors,
Acting as the Board of Directors of the EGCS

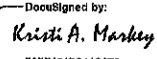
Date: _____

UCP EAST GARRISON, LLC,
a Delaware limited liability company

By:  _____
Its: Nicholas Arenson, Sole Manager
(Print Name and Title)

Date: 1/20/2021

APPROVED AS TO FORM
Office of County Counsel
Leslie J. Girard, County Counsel

By:  _____
Kristi A. Markey
Deputy County Counsel

Date: 1/21/2021

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