

Attachment N

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**FIRST AMENDMENT TO
URBAN SERVICES AGREEMENT**

**BY AND BETWEEN
THE COUNTY OF MONTEREY
AND
THE EAST GARRISON COMMUNITY SERVICES DISTRICT
RELATING TO EAST GARRISON**

THIS FIRST AMENDMENT TO URBAN SERVICES AGREEMENT ("Original Agreement") is entered into on March 12, 2013 ("Effective Date"), by and between the COUNTY OF MONTEREY, a political subdivision of the State of California ("County"), and the EAST GARRISON COMMUNITY SERVICES DISTRICT, a community services district formed pursuant to Government Code section 61000, *et seq.* ("CSD") (each a "Party" and collectively the "Parties").

RECITALS

A. On July 18, 2006 the Board of Supervisors approved an *Urban Services Agreement* between the County of Monterey and the East Garrison Community Services District in compliance with Condition of Approval No. 199 to Combined Development Permit No. PLN 303204 (the East Garrison Development Project).

B. UCP East Garrison, LLC ("New Developer") has acquired all rights, title and interest to the East Garrison development project, including the *Disposition and Development Agreement* (DDA) pursuant to a foreclosure process as evidenced in that certain Trustee's Deed Upon Sale ("Trustee's Deed") recorded September 9, 2009 in the Official Records under Recorder's Series Number 2009-057220. The DDA was subsequently assigned to and assumed by Seller by that certain *Implementation Agreement* by and between the County and Seller dated June 28, 2011 ("Seller Implementation Agreement").

C. The New Developer is proceeding with the development of East Garrison as Master Developer.

D. The Parties hereto have determined it would be in the best interest of both Parties to amend the Urban Services Agreement as found herein to provide to modify the allocation of infrastructure maintenance responsibilities to facilitate the continued achievement of the "fiscal neutrality" requirement as follows:

1. CSD responsibility to fund and maintain the on-site storm drain basins and collection system will be clarified to include those portions of public streets and easements necessary for such maintenance. This was not clear in the original Agreement language.

2. Responsibility to fund the County Public Works Department's costs to maintain the County "perimeter" roads adjacent to East Garrison (Watkins Gate Rd., West Camp Street, and Intergarrison Connector), including traffic signals and medians, will be reassigned from the Homeowners Association to the CSD.

3. Responsibility to maintain landscaping in the interior neighborhood parks and common areas will be reassigned from the CSD to the Homeowners Association. Individual private front yards will be maintained by the HOA.

4. Responsibility to provide recreational programs at the several small 1-acre neighborhood parks will be reassigned from the County Parks Department to the Homeowners Association, leaving in place the requirement for the County to provide such programs at Lincoln Park.

E. Both the CSD and the County have the power to enter into this First Amendment, have taken all steps necessary to enter into this First Amendment, and have determined that all of the above recitals are true and correct.

NOW, THEREFORE, in consideration of the promises and provisions set forth herein, the Parties hereby agree that the Urban Services Agreement is amended as follows:

1. Amend Paragraph 3(a)(ii)(ff) Recreation Facilities and Programs to read as follows: "Provide recreational programs at the 6.8-acre Lincoln Park as shown on Exhibit 2 attached hereto and made a part hereof."

2. Amend Paragraph 4(a) Drainage, Stormwater, and Flood Control System to read as follows: "Maintain drainage, stormwater facilities and systems, and retention basins for flood control as shown in Exhibit 3 attached hereto and made a part hereof, for the protection of all public facilities within the CSD, with funding provided by the CFD special tax."

3. Amend Paragraph 4(b) Parks and Open Space to read as follows: "Maintain Lincoln Park and other Open Space as shown in Exhibit 4 attached hereto and made a part hereof, with funding provided by the CFD special tax."

4. Add NEW PARAGRAPH 4(d) East Garrison Perimeter Public Roadways to read as follows: "Provide funding for County's costs to maintain all perimeter public roadways, streets, collectors, within and adjacent to East Garrison, including medians and signalization, with funding provided by the CFD special tax. A map showing the East Garrison Perimeter Public Roadways is attached hereto as Exhibit 5 and made a part hereof."

5. DELETE Paragraph 5(a)(i) East Garrison Perimeter Public Roadways, and INSERT NEW Paragraph 5(a)(i) Landscaping and Open Spaces to read as follows: "Provide maintenance of landscaping in common areas and individual front yards, signage, lighting, monuments, sound walls and other noise mitigation measures, buffers, grade separation, bridges, sidewalks, multi-purpose paths, together with community and neighborhood entries as shown on Exhibit 6 attached hereto and made a part hereof."

6. Amend Paragraph 5(a)(iii) Private Roadways to read as follows: "Fund and maintain all private roadways, streets, collectors, and alleys within East Garrison, including entry statements, as shown in Exhibit 7 attached hereto and made a part hereof."

7. Amend Paragraph 5(c) to DELETE “Salinas Rural Fire District (SRFD)” and INSERT “Monterey County Regional Fire Protection District (MCRFPD)”.

8. Funding for CSD Public Services. The table of financing for Public Services in East Garrison is amended to read as follows:

Public Service	Proposed Funding Source
Recreation Maintenance and Programs Library Services/Maintenance Sheriff Custody Operations/Coroner/Public Administrator Other General Fund Expenses	County General Fund
East Garrison Perimeter Roadways (Public) Drainage, Stormwater and Flood Control Systems in Public Rights of Way or Easements Lincoln Park and Open Space Sheriff Protection	CFD Special Tax/CSD
Fire Protection	MCRFPD Special Tax
Front Yards of Private Homeowner Property Neighborhood Parks and Open Space Private Roadways Transit Services Entry Statements Drainage and Stormwater Systems in Private Rights of Way or Easements	HOA Fees

IN WITNESS WHEREOF, the parties hereby execute this First Amendment to the Urban Services Agreement dated July 18, 2006, as of the day and year last written below:

COUNTY OF MONTEREY

**EAST GARRISON COMMUNITY
SERVICES DISTRICT**

by: _____
Fernando Armenta
Chair, Board of Supervisors

by: _____
Fernando Armenta
Chair, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:
County Counsel

APPROVED AS TO FORM:
Community Services District Counsel

by: _____
Deputy

by: _____
Deputy

Date: _____

Date: _____

UCP EAST GARRISON, LLC, acting as and on behalf of the EAST GARRISON HOMEOWNERS ASSOCIATION, hereby acknowledges and agrees to this *First Amendment to the Urban Services Agreement* between the County of Monterey and the East Garrison Community Services District.

UCP East Garrison, LLC,
a Delaware limited liability company

By: UCP, LLC, a Delaware limited liability company
Its: Sole Member

Dated: February 5, 2013

By: 
Name: James W. Fletcher
Title: COO

EXHIBIT 1 PROPOSED FORMATION

FOR THE FORMATION
OF THE COMMUNITY SERVICES DISTRICT
INCLUDING EAST GARRISON
MONTEREY COUNTY, CALIFORNIA
SURVEYORS
CARLSON, BARBEE & GIBSON, INC.
CIVIL ENGINEERS
SAN RAMON, CALIFORNIA
JUNE 2005

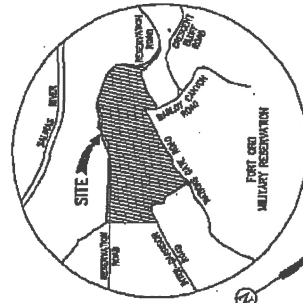
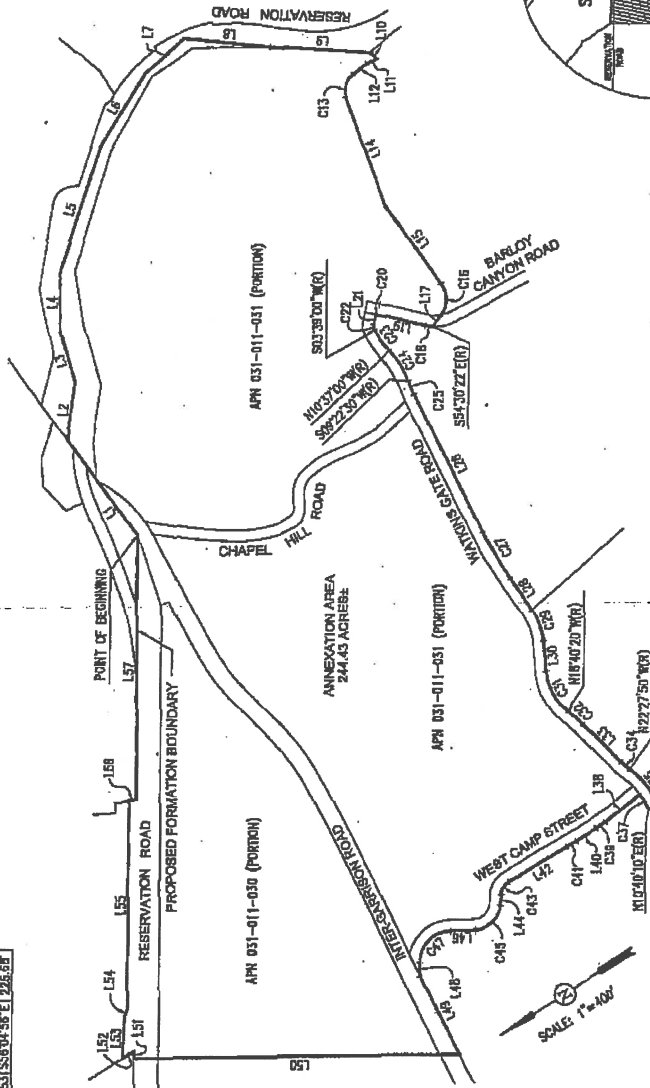
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L51 N85°46'10"W 243.28'
L52 S87°20'12"E 39.45'
L53 S7°38'50"E 1103.76'
L54 S27°35'27"W 41.84'
L55 S57°53'18"E 1449.38'

TANGENT TABLE
NO. BEARING LENGTH
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L57 S87°20'12"E 39.45'
L58 S7°38'50"E 1103.76'
L59 S27°35'27"W 41.84'
L60 S57°53'18"E 1449.38'

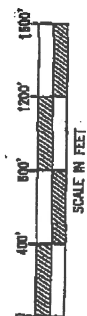
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L64 S27°35'27"W 41.84'
L65 S57°53'18"E 1449.38'

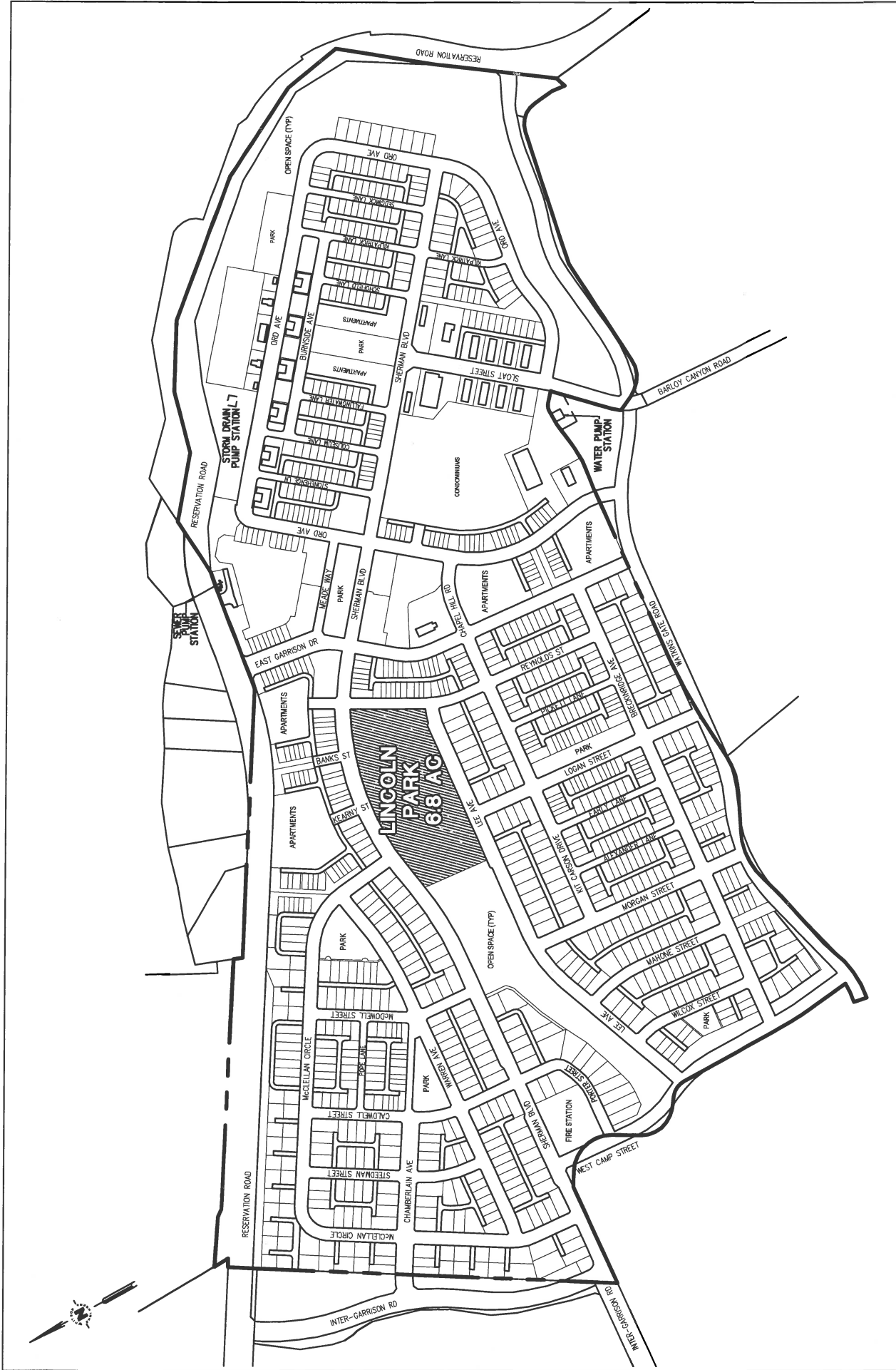
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L70 S57°53'18"E 1449.38'

CURVE TABLE
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C12 115.00' 73°10'5" 117.23'
C13 230.00' 107°53'2" 42.05'
C14 230.00' 107°53'2" 42.05'
C15 230.00' 107°53'2" 42.05'
C16 230.00' 107°53'2" 42.05'
C17 230.00' 107°53'2" 42.05'
C18 230.00' 107°53'2" 42.05'
C19 230.00' 107°53'2" 42.05'
C20 230.00' 107°53'2" 42.05'
C21 230.00' 107°53'2" 42.05'
C22 230.00' 107°53'2" 42.05'
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C25 230.00' 107°53'2" 42.05'
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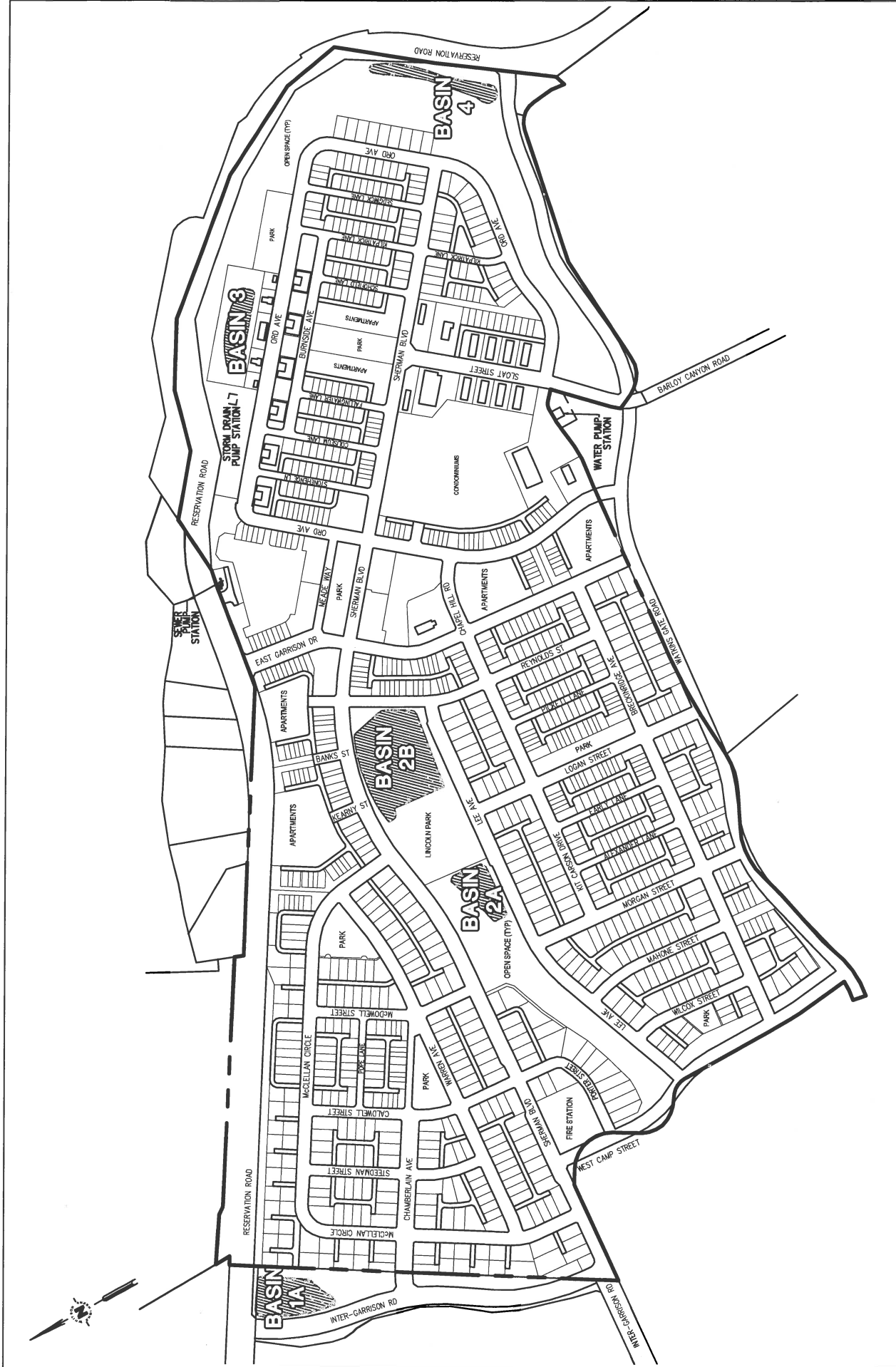



VICINITY MAP
NOT TO SCALE

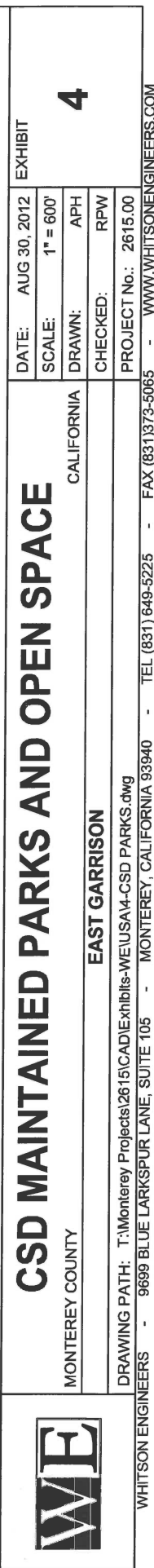
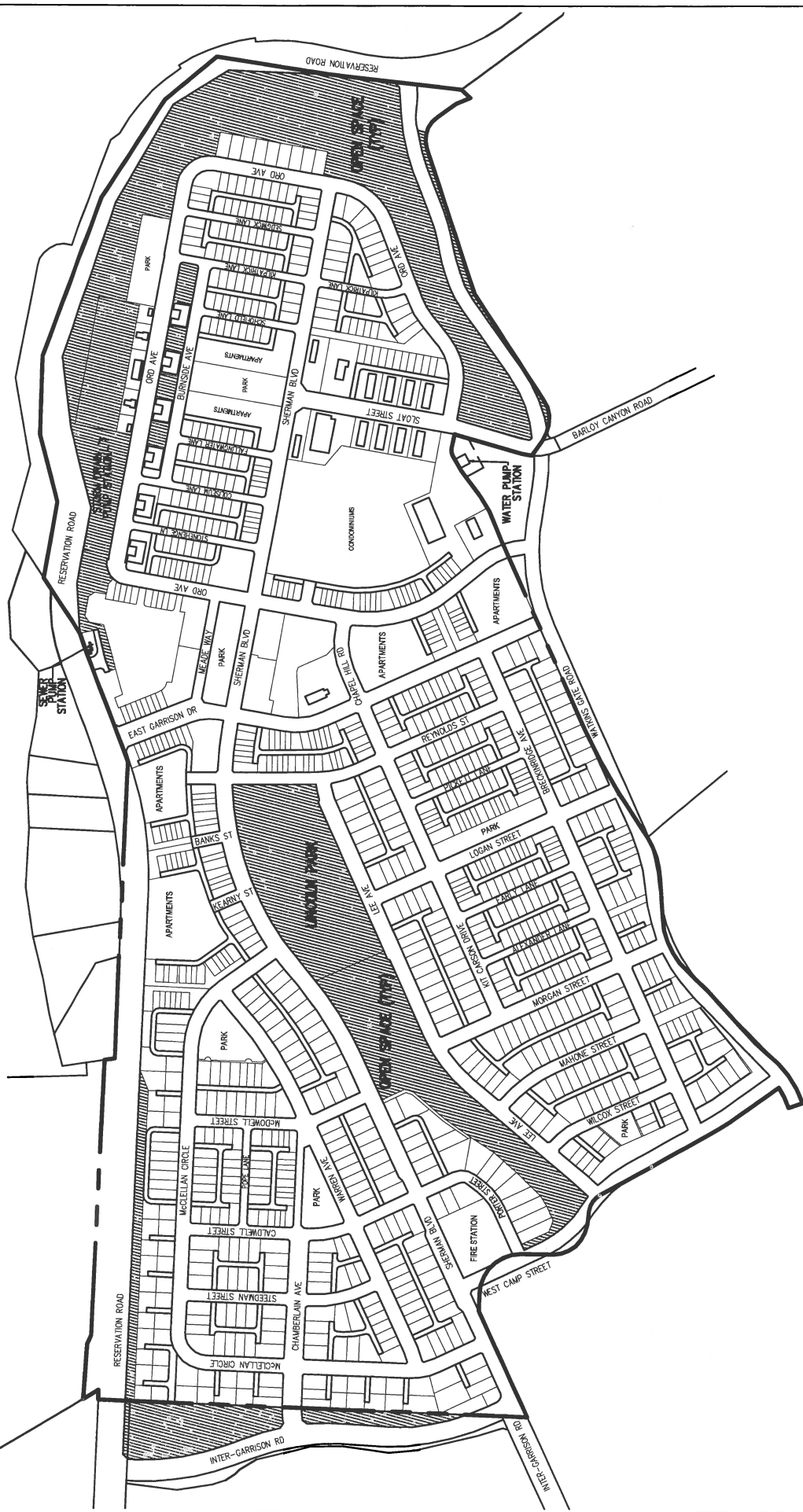




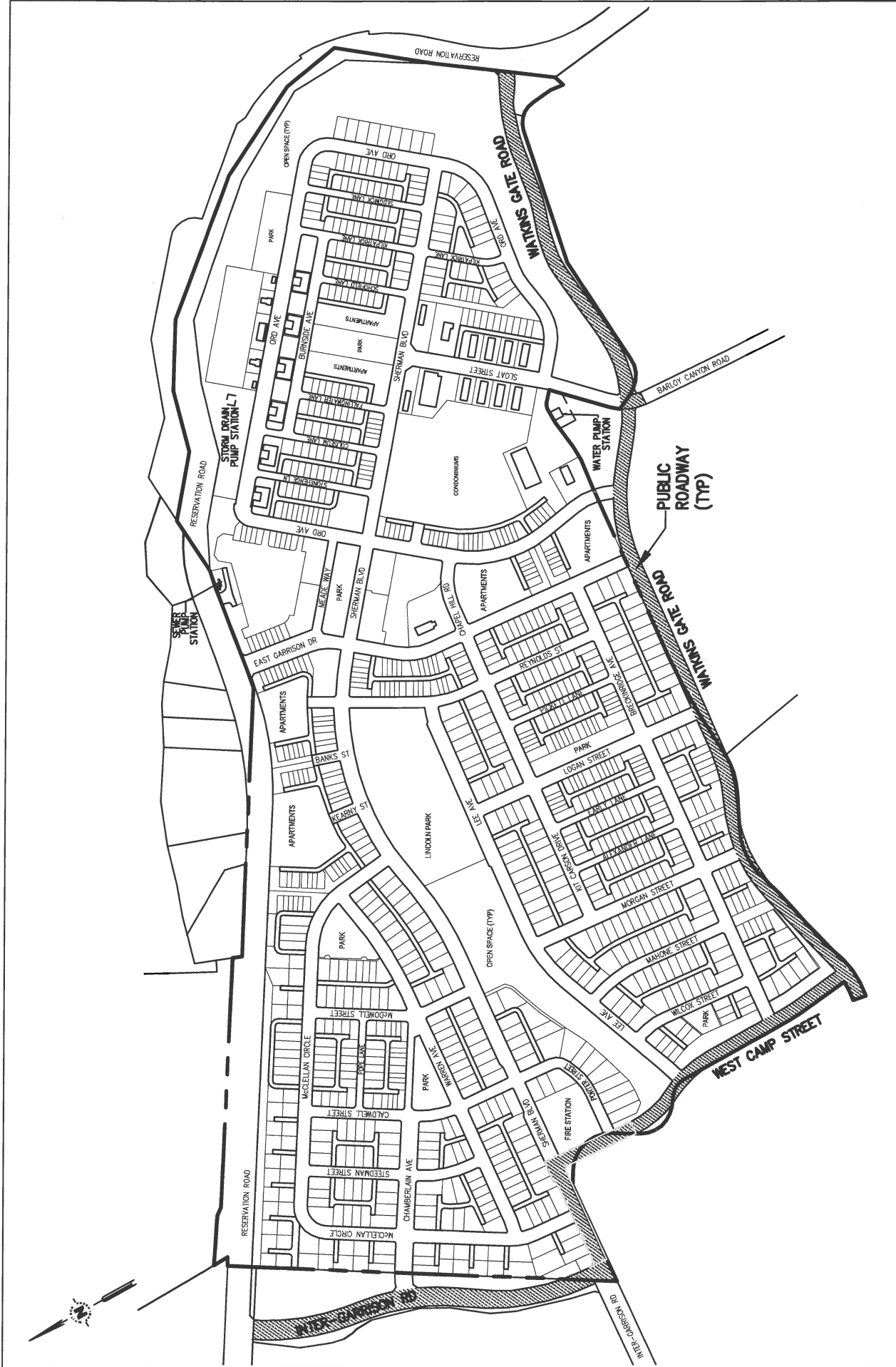
	LINCOLN PARK		EXHIBIT	
	MONTEREY COUNTY	CALIFORNIA	DATE: AUG 30, 2012	2
			SCALE: 1" = 600'	
	EAST GARRISON		DRAWN: APH	
			CHECKED: RPW	
DRAWING PATH: T:\Monterey Projects\2615\CAD\Exhibits-WE\USA2-Lincoln Park.dwg			PROJECT No.: 2615.00	
WHITSON ENGINEERS - 9699 BLUE LARKSPUR LANE, SUITE 105 - MONTEREY, CALIFORNIA 93940 - TEL (831) 649-5225 - FAX (831) 373-5065 - WWW.WHITSONENGINEERS.COM				



	STORMWATER BASINS			EXHIBIT	
	MONTEREY COUNTY			DATE: AUG 30, 2012	
	EAST GARRISON			SCALE: 1" = 600'	
				DRAWN: APH	
				CHECKED: RPW	
DRAWING PATH: T:\Monterey Projects\2615\CAD\Exhibits-WE\USA13-Basins.dwg			PROJECT No.: 2615.00		
WHITSON ENGINEERS - 9699 BLUE LARKSPUR LANE, SUITE 105 - MONTEREY, CALIFORNIA 93940 - TEL (831) 649-5225 - FAX (831) 373-5065 - WWW.WHITSONENGINEERS.COM			3		




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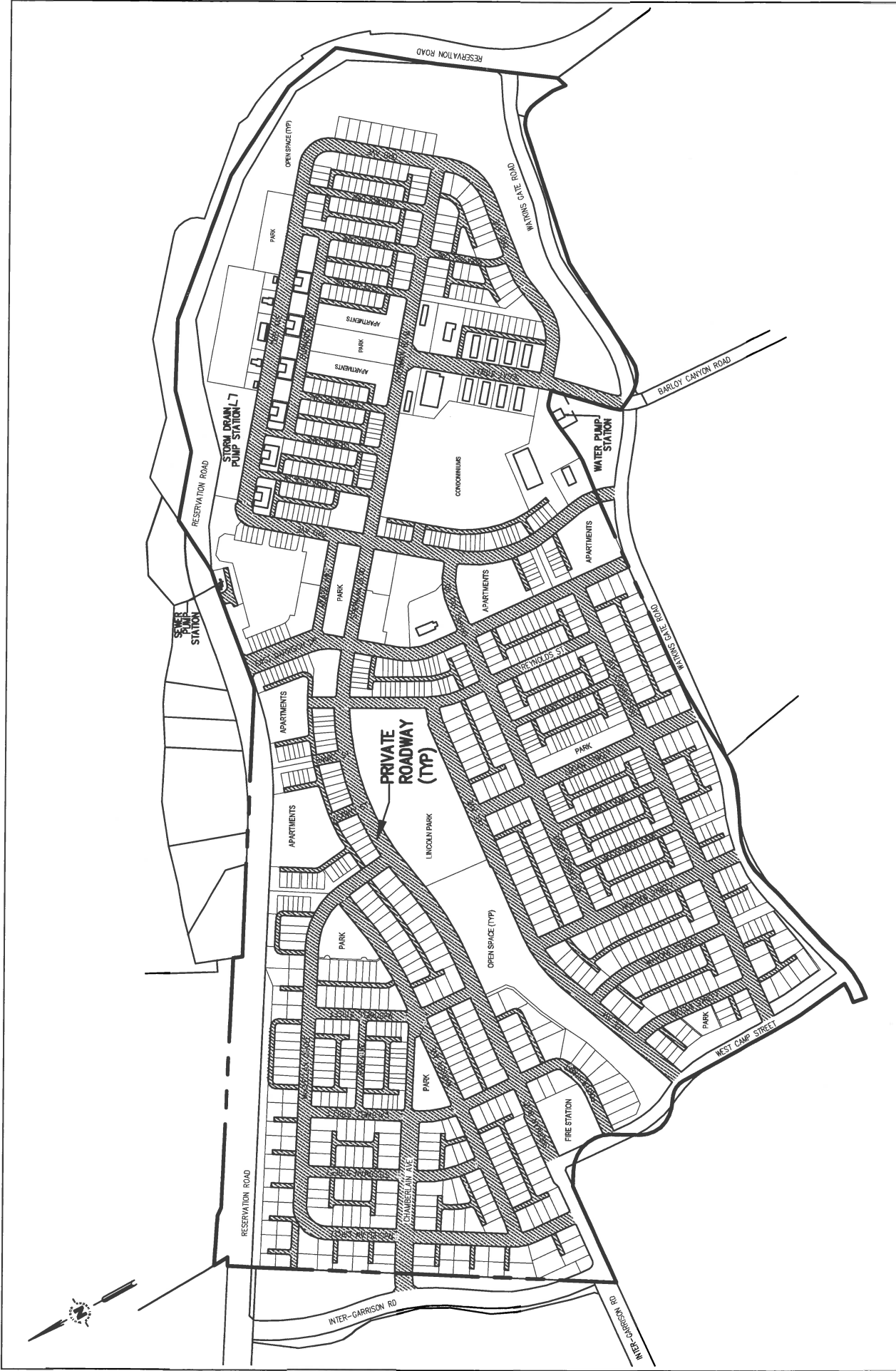



	<p>PERIMETER PUBLIC ROADWAYS</p>	<p>MONTEREY COUNTY</p>	<p>CALIFORNIA</p>	<p>DATE: AUG 30, 2012</p>	<p>EXHIBIT</p>
<p>DRAWING PATH: T:\Monterey Projects\2615\CAD\Exhibits-WE\USA\5-Perimeter Roads.dwg</p>	<p>SCALE: 1" = 600'</p>	<p>DRAWN: APH</p>	<p>CHECKED: RPW</p>	<p>PROJECT No.: 2615.00</p>	<p>5</p>
<p>WHITSON ENGINEERS - 9699 BLUE LARKSPUR LANE, SUITE 105 - MONTEREY, CALIFORNIA 93940 - TEL (831) 649-5225 - FAX (831) 373-5065</p>	<p>WWW.WHITSONENGINEERS.COM</p>	<p>EAST GARRISON</p>	<p>STORM DRAIN PUMP STATION</p>	<p>WATER PUMP STATION</p>	<p>PUBLIC ROADWAY (TYP)</p>



* APPROXIMATE LOCATION
OF COMMUNITY OR
NEIGHBORHOOD ENTRY

	COMMUNITY AND NEIGHBORHOOD ENTRIES			EXHIBIT	
	MONTEREY COUNTY			DATE: AUG 30, 2012	6
	CALIFORNIA			SCALE: 1" = 600'	
	EAST GARRISON			DRAWN: APH	
				CHECKED: RPW	
DRAWING PATH: T:\Monterey Projects\2615\CAD\Exhibits-WE\USA16-Entries.dwg			PROJECT No.: 2615.00		
WHITSON ENGINEERS 9699 BLUE LARKSPUR LANE, SUITE 105 MONTEREY, CALIFORNIA 93940 TEL (831) 649-5225 FAX (831) 373-5065 WWW.WHITSONENGINEERS.COM					



	PRIVATE ROADWAYS			EXHIBIT
	MONTEREY COUNTY	CALIFORNIA	DATE: AUG 30, 2012	7
			SCALE: 1" = 600"	
			DRAWN: APH	
			CHECKED: RPW	
DRAWING PATH: T:\Monterey Projects\2615\CAD\Exhibits-WE\USA17-Private Roads.dwg			PROJECT No.: 2615.00	
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