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Ventura County Transportation Commission
950 County Square Drive, Suite 207
Ventura, CA 93003
Attn: Executive Director

Exempt From Recording Fees Per
Government Code §§ 6103

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

**The undersigned grantor(s) declare(s)
Documentary transfer tax is \$0**

Amendment to Construction and Non-Exclusive Easement Agreement

This amendment to a grant of a Construction and Non-Exclusive Easement Agreement (the "**Amendment**") is dated as of the 12th day of June, 2018 (the "**Effective Date**"), and is made by and between the Ventura County Transportation Commission, a California public agency ("**VCTC**") and Limoneira Lewis Community Builders, LLC a Delaware limited liability company ("**Developer**"). VCTC and Developer are referred to herein collectively as "**Parties**."

RECITALS

- A. VCTC and Developer entered into that certain Construction and Non-Exclusive Easement Agreement ("**Original Easement**") dated the 8th of September, 2017 and recorded on the 28th of September, 2017 as Document Number 20170928-00125898-01 in the Official Records of Ventura County.
- B. Pursuant to Section 4 of the Original Easement, VCTC granted to Developer a non-exclusive public utilities easement ("**Utility Easement**") appurtenant to the East Area One development project for Developer to construct, operate and maintain utilities over and under VCTC's property and rail lines to the extent necessary to serve the East Area One development project. Said Utility Easement was granted based on the plans summarized in Exhibit C to the Original Easement and at the location depicted and described in Exhibit C-1 and Exhibit C-2 to the Original Easement, which Utility Easement is referred to as Easement Area 1 in new **Exhibits C, C-1** and **C-2** attached to this Amendment.
- C. In addition to the public utilities installed by Developer in Easement Area 1, Developer has installed public utilities within the Public Access and Utilities Easement attached to the Original Easement as Exhibits A-1 and A-2 (the "**Hallock Drive Utility Easement**").
- D. While installing the utilities within the Hallock Drive Utility Easement, Developer determined that due to site constraints, certain of the utilities in that Hallock Drive Utility Easement area needed to be located approximately twenty (20) feet outside of that original Hallock Drive Utility Easement area shown in the plans, depiction and legal description attached to the Original Easement as Exhibit A, Exhibit A-1, and Exhibit A-2.

E. By this Amendment, the Parties hereby desire to (i) replace Exhibits C, C-1 and C-2 of the Original Easement with Exhibits C, C-1 and C-2 attached hereto and (ii) revise Section 4 of the Original Easement to include all of the Utilities described in new **Exhibits C, C-1 and C-2** attached hereto which include the Utilities constructed or be constructed by Developer in Easement Area 1, and those Utilities constructed or to be constructed by Developer in Easement Area 2 (which Easement Area 2 includes all of the original Hallock Drive Utility Easement area and the additional area referred in Recital D above), all as set forth in new **Exhibits C, C-1 and C-2** attached hereto.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. VCTC and Developer hereby agree to (i) amend the plans, depiction, and legal description contained in Exhibit C, Exhibit C-1, and Exhibit C-2 to the Original Easement by replacing said exhibits with new **Exhibits C, C-1, and C-2** attached hereto and made a part of this Amendment by this reference which include Easement Area 1 and Easement Area 2, and (ii) amend Section 4 of the Original Easement to include all of the Utilities located or to be located in Easement Area 1 and Easement Area 2 as described in new **Exhibits C, C-1 and C-2** attached hereto.
2. All other terms and conditions of the Original Easement shall remain in full force and effect.

IN WITNESS THEREOF, this amendment to a grant of the Construction and Non-Exclusive Easement is hereby executed this 12th day of June, 2018 in Ventura County.

DEVELOPER:

**VENTURA COUNTY TRANSPORTATION
COMMISSION**

LIMONEIRA LEWIS COMMUNITY
BUILDERS, LLC, a Delaware limited liability
company

By: Lewis Santa Paula Member, LLC, a
Delaware limited liability company; its Manager

By: Lewis Management Corp., a Delaware
corporation; its Manager

By: John M Goodman
Name: John M. Goodman
Title: Exec VP/CEO

By: _____
Name: Linda Parks
Title: Chair

Approved as to Content:

Darren M. Kettle,
VCTC Executive Director

APPROVED AS TO FORM:

Steve Mattas,
VCTC General Counsel

OPERATIVE SIGNATURES MUST BE NOTARIZED

ACKNOWLEDGMENT

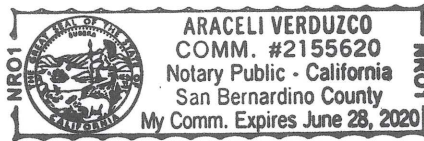
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On June 12, 2018, before me, Araceli Verduzco, a Notary Public, personally appeared JOHN M. GOODMAN, 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

Araceli Verduzco

[SEAL]

ACKNOWLEDGMENT

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 of _____)

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]

Exhibit C

Index sheet for plans for utilities serving East Area One

Easement Area 1:

From Packing House Improvement Plans

Sheet Number	Sheet Title
1	Cover Sheet
2	Sewer Cover Sheet
3	Packinghouse Sewer
4	Sewer Details
5	Sewer Details
6	Water Cover Sheet
7	Packinghouse Water
8	Water Details
9	Water Details

Easement Area 2:

From Tract 5854 Improvement Plan Drawings 40.35.03 at City of Santa Paula Easement Area 2

Sheet Number Sheet Title

1	Improvement Plan Cover Sheet
2	Demolition Plan
3	Street Plan Cover Sheet
4	Hallock Drive Street Plan
5	Telegraph Road Street Plan
6	Street Sections and Details
7	Street Details
8	Street Details
9	Grade Crossing Equipment Plan
10	Grade Crossing Equipment Plan
11	Grade Crossing Equipment Plan
12	Grading Plan Cover Sheet
13	Grading Plan
14	Electrical Pad Grading Plan
15	Sanitary Sewer Cover Sheet
16	Hallock Drive Sanitary Sewer
17	Telegraph Road Sanitary Sewer
18	Sewer Details
19	Sewer Details
20	Water Cover Sheet
21	Hallock Drive Water
22	Telegraph Road Water
23	Water Details
24	Water Details
25	Water Details
26	Reclaimed Water Cover Sheet
27	Hallock Drive Reclaimed Water
28	Reclaimed Water Details
29	Reclaimed Water Details
30	Signing and Striping Plan Hallock
31	Signing and Striping Plan Telegraph
32	Traffic Signal Installation Telegraph & Hallock
33	Traffic Signal Installation Telegraph & Hallock
34	Traffic Signal Installation Telegraph & Hallock
35	Landscape Cover Sheet
36	Offsite Site Exhibit
37	Irrigation Construction Plan
38	Irrigation Construction Plan
39	Irrigation Construction Plan
40	Irrigation Construction Details
41	Irrigation Construction Details
42	Irrigation Plan
43	Irrigation Plan
44	Irrigation Plan
45	Irrigation Schedule & Notes
46	Planting Plan
47	Planting Plan
48	Planting Plan
49	Soil Management Report
50	Irrigation & Planting Details
51	Irrigation & Planting Details
52	Irrigation & Planting Details
53	Irrigation Specifications
54	Planting Specifications

Exhibit C-1

Legal description for location of utilities serving East Area One

[SEE ATTACHED]

Easement Area 1

(Public Utility Easement)

That portion of Section 12, Township 3 North, Range 21 West, San Bernardino Meridian, in the City of Santa Paula, County of Ventura, State of California, according to the Official Plat thereof, lying within the 100 foot wide right-of-way conveyed to the Ventura County Transportation Commission (VCTC) by Grant Deed from the Southern Pacific Transportation Company recorded on October 31, 1995 as Document No. 95-131252 of Official Records in the Office of the County Recorder of said County, and being more particularly described as follows:

A strip of land 33.00 feet wide lying northeasterly and adjoining the following described line:

Commencing at the southwest corner of Parcel A as shown on Parcel Map filed on November 19, 1969 in Book 6, at Page 80 of Parcel Maps, in said Office, said corner being at the intersection of the northerly line of said VCTC right-of-way with the westerly line of said Section 12 and being marked by a 1.5-inch iron pipe tagged "LS 3891" as shown on Record of Survey filed on December 13, 1993 in Book 48, at Page 72 of Records of Survey, in said Office; thence along said northerly line North 69°34'49" East a distance of 601.74 feet to the Point of Beginning, at a distance of 599.08 feet, the southeasterly corner of said Parcel A, being marked by a 1.5-inch iron pipe tagged "LS 3891" per said Record of Survey; thence leaving said northerly line,

1st South 29°54'44" East a distance of 101.39 feet to the southerly line of said VCTC right-of-way.

The northeasterly sideline of said 33.00 foot wide strip of land shall be prolonged or shortened so as to begin at the northerly line of said VCTC right-of-way and to end at the southerly line of said VCTC right-of-way.

Contains: 3346 Square Feet, 0.08 Acres, more or less.

The above described parcel of land is delineated on the attached Exhibit B.

William T. Hurdle
William T. Hurdle
PLS 5453

2-10-2017
Date



Page 1 of 1

4521 Ex A PUE - RR.doc

Easement Area 2
(Public Utility Easement)

That portion of Section 11, Township 3 North, Range 21 West, San Bernardino Meridian, in the City of Santa Paula, County of Ventura, State of California, according to the Official Plat thereof, lying within the 100 foot wide right-of-way conveyed to the Ventura County Transportation Commission (VCTC) by Grant Deed from the Southern Pacific Transportation Company recorded on October 31, 1995 as Document No. 95-131252 of Official Records in the Office of the County Recorder of said County, described as follows:

Commencing at the southwest corner of Parcel A as shown on Parcel Map filed on November 19, 1969 in Book 6, at Page 80 of Parcel Maps, in said Office, said corner being at the intersection of the northerly line of said VCTC right-of-way with the easterly line of said Section 11 and being marked by a 1.5-inch iron pipe tagged "LS 3891" as shown on Record of Survey filed on December 13, 1993 in Book 48, at Page 72 of Records of Survey, in said Office; thence along said northerly line South 69°34'49" West, a distance of 74.86 feet to the **Point of Beginning**, thence leaving said northerly line,

- 1st South 32°12'53" East, a distance of 102.16 feet, more or less to the southerly line of said VCTC right-of-way.
- 2nd North 69°34'49" East, a distance of 170.21 feet along said southerly line; thence,
- 3rd North 32°16'42" West a distance of 102.18 feet to said northerly line; thence,
- 4th South 69°34'49" West a distance of 170.10 feet to the **Point of Beginning**.

Contains: 0.39 Acres, more or less.

The above-described parcel of land is delineated on the attached Exhibit B.



Debora L. Naves
PLS 6635



Date

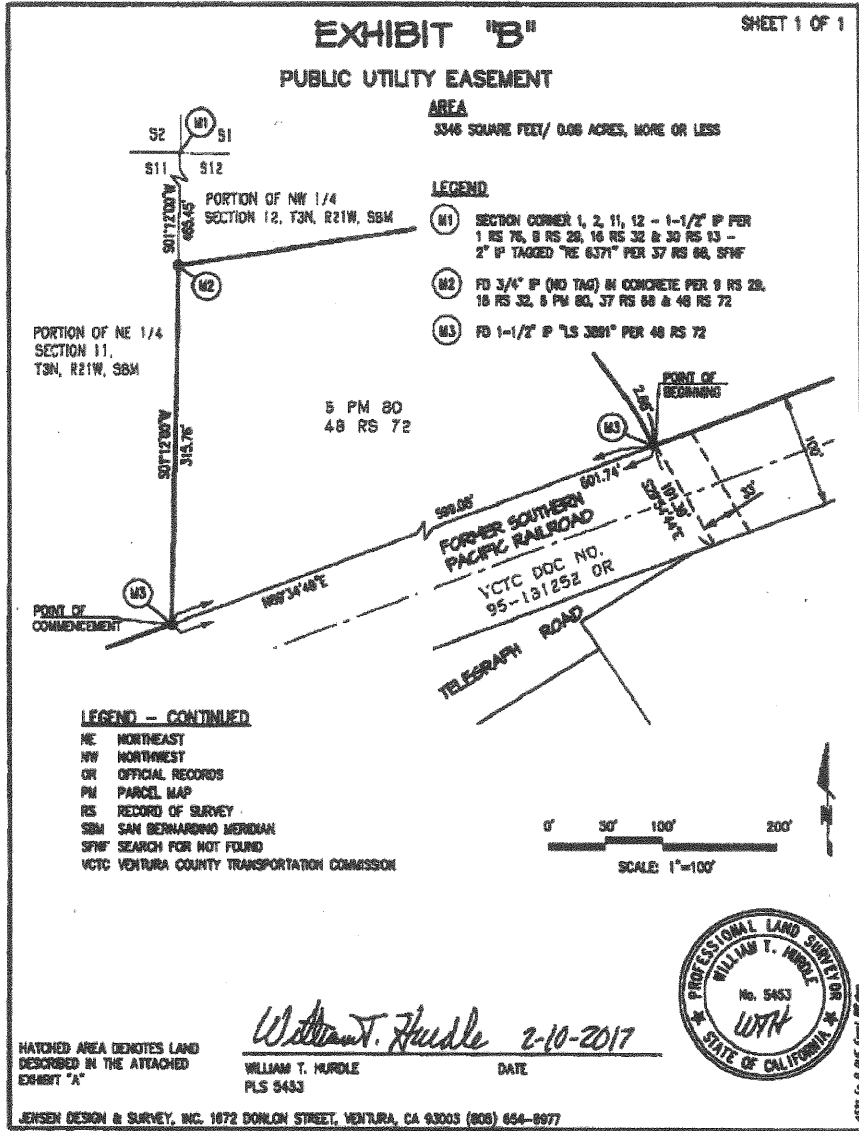


Exhibit C-2

Plat depicting location of utilities serving East Area One

[SEE ATTACHED]

Easement Area 1

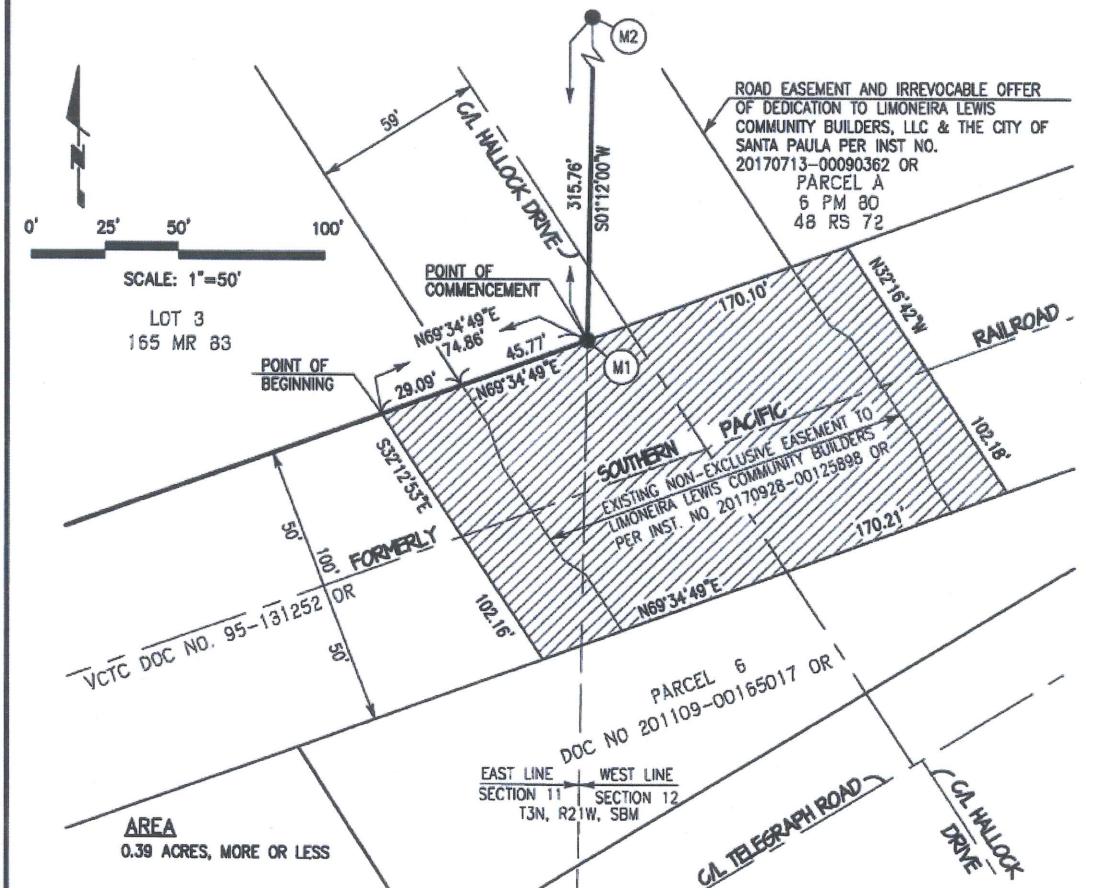


Easement Area 2

EXHIBIT "B"

SHEET 1 OF 1

(PUBLIC UTILITY EASEMENT)



LEGEND

- C/L CENTERLINE
- DOC DOCUMENT
- FD FOUND
- INST INSTRUMENT
- IP IRON PIPE
- MR MISCELLANEOUS RECORDS
- OR OFFICIAL RECORDS
- RS RECORD OF SURVEY
- SBM SAN BERNARDINO MERIDIAN
- VCTC VENTURA COUNTY TRANSPORTATION COMMISSION

- M1 FD 1-1/2" IP TAGGED "LS 3891" PER 48 RS 72, 165 MR 83
- M2 FD 3/4" IP (NO TAG) PER 48 RS 72, 165 RS 83

HATCHED AREA DENOTES LAND DESCRIBED IN THE ATTACHED EXHIBIT "A"

Debora L. Naves June 1, 2018
 DEBORA L. NAVES DATE
 PLS 6635



JENSEN DESIGN & SURVEY, INC. 1672 DONLON STREET, VENTURA, CA 93003 (805) 654-6977

4521 Ex B PUE Area 2 - RR.dwg

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