

**RECORDING FEES
EXEMPT PURSUANT TO
GOVERNMENT CODE §27383**

RECORDING REQUESTED BY:
City of Vacaville

WHEN RECORDED MAIL TO:
Michelle Thornbrugh
City Clerk
City of Vacaville
650 Merchant Street, Vacaville, CA 95688

APNs 0128-060-110
0128-070-020
0128-070-030

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF VACAVILLE
AND FIVE PLUS, L.P. REGARDING
THE DEVELOPMENT OF REAL
PROPERTY COMMONLY REFERRED TO AS
“MONTESSA”**

February 7, 2018
DATE

This version printed on February 5, 2018.
File No.: 17-189 Montessa Tentative Subdivision Map Modification

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF VACAVILLE AND FIVE PLUS, L.P. REGARDING THE DEVELOPMENT OF REAL PROPERTY COMMONLY REFERRED TO AS "MONTESSA"

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (hereinafter the "First Amendment") is entered into this 7th day of February, 2018, by and between **FIVE PLUS, L.P.**, a California limited partnership ("Developer") and the **CITY OF VACAVILLE**, a municipal corporation ("City"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code, and Division 14.17 of the Vacaville Municipal Code. City and Developer are also referred to hereinafter individually as "party" or collectively as the "parties."

RECITALS

This First Amendment is made with reference to the following facts:

A. On March 21, 2013, the Tage M. Kristensen Family Trust entered into an Amended Agreement of Limited Partnership for Five Plus, L.P. as a General Partner, with Carsten Kristensen, Anders Kristensen, the Nora Kristensen Family Trust, the Caroline Kristensen Trust, and Karl Hansen as Limited Partners. The Tage M. Kristensen Family Trust named Tage M. Kristensen as trustee with successor co-trustees that are willing and able to serve to assume the role upon a vacancy.

B. On September 8, 2015, Tage M. Kristensen passed away, and the Tage M. Kristensen Family Trust became irrevocable. Carsten Kristensen, Anders Kristensen, and Nora Kristensen are the acting co-Trustees of the Tage M. Kristensen Family Trust.

C. Pursuant to a written Delegation of Trustee's Powers to Co-Trustee of the Tage M. Kristensen Family Trust, Nora Kristensen and Anders Kristensen delegated to Carsten Kristen the authority to execute any and all documents necessary or appropriate in connection with the Tage M. Kristensen Family Trust's general partnership interest in Five Plus, L.P.

D. On August 23, 2016, the parties entered into an agreement entitled "Development Agreement By and Between the City of Vacaville and Five Plus, LLC Regarding the Development of Real Property Commonly Referred to as Montessa". The real property that is the subject of the August 23, 2016 Agreement (hereinafter "Agreement") is generally depicted in Exhibit A of the Agreement and more particularly described in Exhibit B of the Agreement. The Agreement was recorded on September 2, 2016 (Doc #201600075612). All capitalized words and phrases in this First Amendment shall have the same meaning as in the Agreement.

E. On June 9, 2017, the Developer submitted a request to modify the approved Tentative Subdivision Map for the Montessa Project for the purpose of decreasing the minimum lot width from 65 feet to 60 feet and increasing the residential unit count from 58 units to 61 units.

F. Subsection 12.D of the Agreement provides that the Agreement may be amended by mutual consent of the parties and that the Director of Community Development ("Director") is authorized to execute such amendments on behalf of City as an Administrative Amendment when the amendment does not relate to Term of the Agreement, permitted uses of the Project

Site, provisions for the reservation or dedication of land, the conditions, terms, restrictions and requirements relating to subsequent discretionary approvals of City, or monetary exactions of Developer.

G. The Director of Community Development has the authority to approve this First Amendment as an administrative amendment because a decrease in lot width and increase in unit count does not relate to any of the foregoing provisions of the Agreement because the terms, permitted uses, dedication of land, conditions, terms, restrictions and requirements will not be changed through this amendment.

H. Developer has secured Planning Approvals relating to the development of Montessa as amended by the modified Tentative Subdivision Map. These Project Approvals include, without limitation, the following:

- (1) Tentative Subdivision Map Modification. On October 20, 2017, following review and recommendation by the City Planner, and after a duly-noticed administrative hearing and reaffirmation of the previously adopted Mitigated Negative Declaration, the Director approved a Modification request to decrease the minimum lot width from 65 feet to 60 feet and increase the residential unit count from 58 units to 61 units ("Modification") for the Tentative Subdivision Map for the Montessa Project.

I. Immediately prior to the approval of this First Amendment, the Director took the following actions:

- (1) Determined that the previously adopted Mitigated Negative Declaration adequately addressed this First Amendment and made the findings required by CEQA; and
- (2) After a duly-noticed administrative hearing, made appropriate findings required by Division 14.17 of the Vacaville Municipal Code that the provisions of this Agreement are consistent with the General Plan.

NOW, THEREFORE, in consideration of the premises, covenants and provisions set forth herein, the parties agree as follows:

FIRST AMENDMENT

This First Amendment is to incorporate into the Recitals and Vested Elements the modified Tentative Subdivision Map for Montessa, which granted an approval to decrease the minimum lot width from 65 feet to 60 feet and increase the minimum unit count from 58 to 61 units, and are declared binding and not subject to change except if specifically stated to the contrary elsewhere in the Agreement or this First Amendment. Redactions of the original language of the Agreement is shown as strikeouts and additions made by this First Amendment are shown by underline. Such strikeouts and underlines are only for the purpose of convenience and shall not affect the meaning or interpretation of the Agreement or this First Amendment, nor shall be construed to be shown with such strikeout or underline once amended by this First Amendment.

SECTION 1. REAFFIRMATION.

Developer, by and through its General Partner, the Tage M. Kristensen Family Trust, as authorized by its Delegated Co-Trustee, Carsten Kristensen, who has been delegated authority by all the co-trustees of the Tage M. Kristensen Family Trust to execute any and all documents necessary or appropriate in connection with the Tage M. Kristensen Family Trust's general partnership interest in Five Plus, a California limited partnership, does now hereby reaffirm the terms of the Agreement and further agrees to be bound by all terms of the Agreement other than as modified herein. Any act or interpretation to void or nullify the authority of the Tage M. Kristensen Family Trust as the general partner of Five Plus, L.P. or Carsten Kristensen as the delegated authority by the co-trustees of the Tage M. Kristensen Family Trust to bind Five Plus, L.P., shall not be of any force or effect.

SECTION 2. WORDS AND PHRASES.

As used herein, the capitalized words and phrases shall have the same meaning as the capitalized words and phrases in the Agreement.

All references to Five Plus, LLC or Five Plus, LLC, Inc. in the Agreement, whether in the title or the body of the Agreement, is hereby amended to read Five Plus, L.P. Any references to Five Plus, LLC or Five Plus, LLC, Inc. being a California corporation is amended to read Five Plus, L.P., a California limited partnership.

SECTION 3. AMENDMENT OF RECITALS.

The following Sections of the Recitals in the Agreement is amended to read as follows:

C. Developer intends to develop the Project Site as a single family residence development with a maximum of ~~58 lots~~ 61 lots, and developed as a quality subdivision with such elements as public streets, open space, fire access roads, and other public and private improvements, all as more particularly described in the Project Approvals on file with the City herein and in the Subsequent Approvals as and when they are adopted, approved or issued, and certain off-site improvements to be constructed in connection therewith, hereinafter referred to as the "Project."

H. Developer has secured or will secure various environmental and land use approvals, entitlements, and permits relating to the development of the Project (the "Project Approvals"). These Project Approvals include, without limitation, the following:

(3) Tentative Subdivision Map. Following review and recommendation of the City's Planning Commission, and after a duly noticed public hearing and reaffirmation of the Mitigated Negative Declaration, the City Council of the City of Vacaville, by Resolution 2016-075, approved the Time Extension for the existing Tentative Subdivision Map, dated November 11, 2006, ~~creating 58 lots for residential development and parcels for agricultural hillside/open space and other public purposes.~~ Whereas, on October 20, 2017, following review and recommendation by the City Planner, and after a duly-noticed administrative hearing and reaffirmation of the previously adopted Mitigated Negative Declaration, the Director approved a Modification request to decrease the minimum lot width from 65 feet to 60 feet and increase the residential unit count from 58 units to 61 units ("Modification") for the Tentative Subdivision Map for the Montessa

Project.

(4) Conditions of Approval. Following review and recommendation of the City's Planning Commission, and after a duly noticed public hearing and reaffirmation of the Mitigated Negative Declaration, the City Council of the City of Vacaville, by Resolution No. 2016-075, approved Time ~~Extesions~~ Extensions for the Montessa Subdivision entitlements, subject to the revised Conditions of Approval. Whereas, on October 20, 2017, following review and recommendation by the City Planner, and after a duly-noticed administrative hearing and reaffirmation of the previously adopted Mitigated Negative Declaration, the Director approved the modified Tentative Subdivision Map for the Montessa Project, subject to revised Conditions of Approval under File No. 17-189.

SECTION 4. SECTION 3.B OF THE AGREEMENT

The third paragraph of Section 3.B. of the Agreement is hereby amended in its entirety to read as follows:

The Vested Elements shall be effective against, and shall not be amended by, any subsequent ordinance or regulation, whether adopted or imposed by the City Council or through the initiative or referendum process. The Vested Elements are:

- (1) The General Plan, approved by the City Council on August 11, 2015, as subsequently amended in 2016. And the associated and incorporated Energy Conservation Act Strategy (ECAS).
- (2) The Planned Development Permit for the Montessa Project from File No. 16-076.
- (3) The Modified Tentative Subdivision Map for the Montessa Project from File No. 17-189.
- (4) The existing Zones of RL-6 and RL-10.
- (5) The Mitigation Monitoring and Reporting Plan adopted by City for the Montessa Project from File No. 16-076, as adopted by Resolution No. 2016-074.
- (6) Parcel map waivers, tentative parcel maps, tentative subdivision maps, vesting tentative parcel maps, vesting tentative subdivision maps, use permits, design review approvals and other zoning entitlements or discretionary reviews granted with respect to portions of the Project Site, subject to the provisions of Subsection C below.

SECTION 5. OTHER TERMS AND CONDITIONS

All other terms and conditions of the Agreement not expressly amended by this First Amendment shall remain in full force and effect.

SECTION 6. SIGNATORY'S AUTHORITY

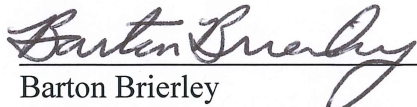
Each party warrants to each other party that he or she is fully authorized and competent to enter into this First Amendment in the capacity indicated by his or her signature and agrees to be bound by this First Amendment.

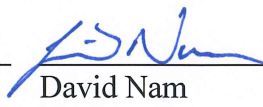
IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first above written.

“CITY”

CITY OF VACAVILLE,
a municipal corporation


APPROVED AS TO FORM
Melinda C. H. Stewart, City Attorney

 2-7-18
Barton Brierley
Director of Community Development

 2-5-18
David Nam
Deputy City Attorney I

“DEVELOPER”

Five Plus, L.P.,
a California Limited Partnership


Name: Carsten Kristensen, 2-6-18
Authorized Trustee of the Tage M.
Kristensen Family Trust, authorized to bind
the Tage M. Kristensen Family Trust as
general partner of Five Plus, L.P.

Attachments: Exhibit A: Modified Tentative Subdivision Map
Exhibit B: Legal Description

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

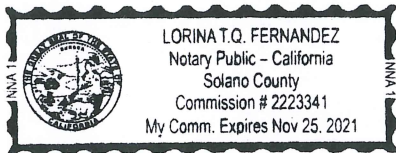
CIVIL CODE § 1189

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 Solano County }

On February 7, 2018 before me, Lorina T.Q. Fernandez, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Barton Brierley, AICP
Name(s) of Signer(s)

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.

Place Notary Seal and/or Stamp Above

Signature Lorina T.Q. Fernandez
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document First Amendment to Development Agreement by and between the City of Vacaville and Five Plus, L.P., regarding the development of real property commonly referred to as "Montessa".

Title or Type of Document: _____
Document Date: _____ Number of Pages: 16

Signer(s) Other Than Named Above: Carsten Kristensen

Capacity(ies) Claimed by Signer(s)

Signer's Name: Barton Brierley, AICP
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian of Conservator
 Other: Director of Community Development
Signer is Representing: City of Vacaville

Signer's Name: _____
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian of Conservator
 Other: _____
Signer is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 Solano)

On February 6, 2018 before me, Claudia Archer, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Carsten Kristensen
Name(s) of Signer(s)

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 Claudia Archer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: First Amendment to Development Agreement by + between the City of Vacaville and Five Plus, LP re: Development of Real Property Commonly Known as
Document Date: February 6, 2018 Number of Pages: 16 (include "Montessa" this page)
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Carsten Kristensen
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: Five Plus, LP

~~Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____~~

EXHIBIT A

MODIFIED TENTATIVE MAP MONTESSA SUBDIVISION

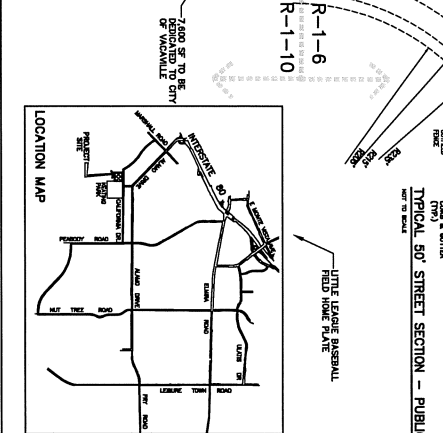
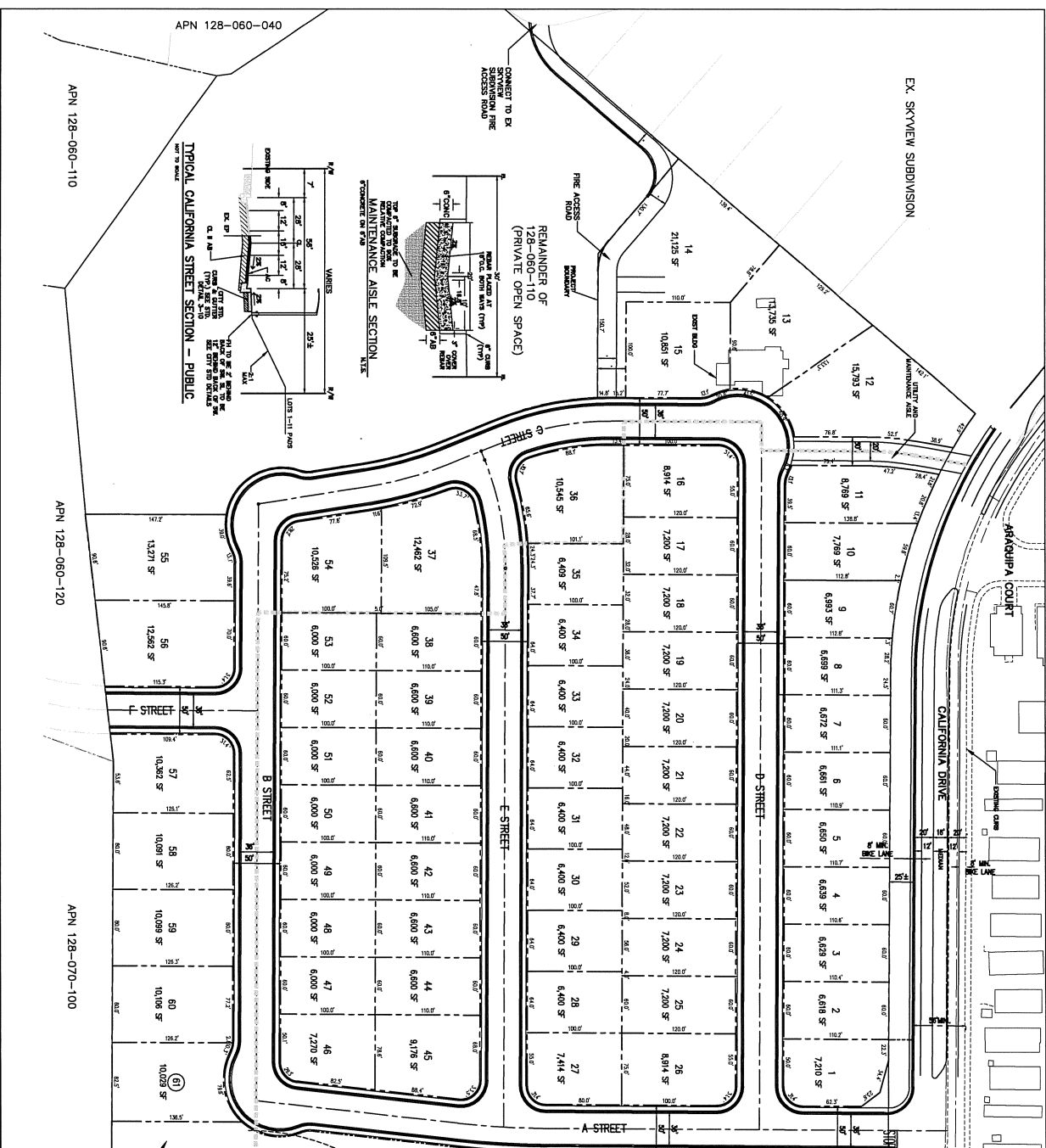
PREVIOUS APPROVAL: 58 LOTS THIS TENTATIVE MAP- 61 LOTS EXISTING AND PROPOSED ZONING: R-1-6, R-1-10 & HILLSIDE AC.

NO DEVIATION FROM CITY STANDARDS ARE REQUESTED

UTILITIES
 WATER - CITY OF VACAVILLE
 SEWER - CITY OF VACAVILLE
 STORM DRAIN - CITY OF VACAVILLE
 ELECTIONS - P.G. & E.

- SHEET INDEX**
- C1 - SUBDIVISION MAP
 - C2 - UTILITY PLAN
 - C3 - GRADING PLAN
 - C4 - TOPOGRAPHIC SURVEY
 - C5 - CONTEXTUAL MAP
 - EX 1 - OPTIONS 1 CONCEPT LAYOUT ON SOUTHERN ST.
 - EX 2 - OPTIONS 2 CONCEPT LAYOUT ON SOUTHERN ST.

APN 128-070-040
 EXISTING KEATING PARK



NO.	REVISIONS	DESCRIPTION	DATE
1	REVISION	ADDED	07-13-2017

DATE: 07-13-2017
 SHEET NO: 1
 TOTAL SHEETS: 1

PHILLIP ENGINEERING, INC.
 425 MERCANT STREET, SUIT 200
 VACAVILLE, CA 94989
 PHONE: 707-443-9598
 FAX: 707-443-4143
 CONTACT: MR. JAMES L. JENSEN

PHILLIP ENGINEERING
 CIVIL ENGINEER

PHILLIP ENGINEERING, INC.
 425 MERCANT STREET, SUIT 200
 VACAVILLE, CA 94989
 PHONE: 707-443-9598
 FAX: 707-443-4143
 CONTACT: MR. JAMES L. JENSEN

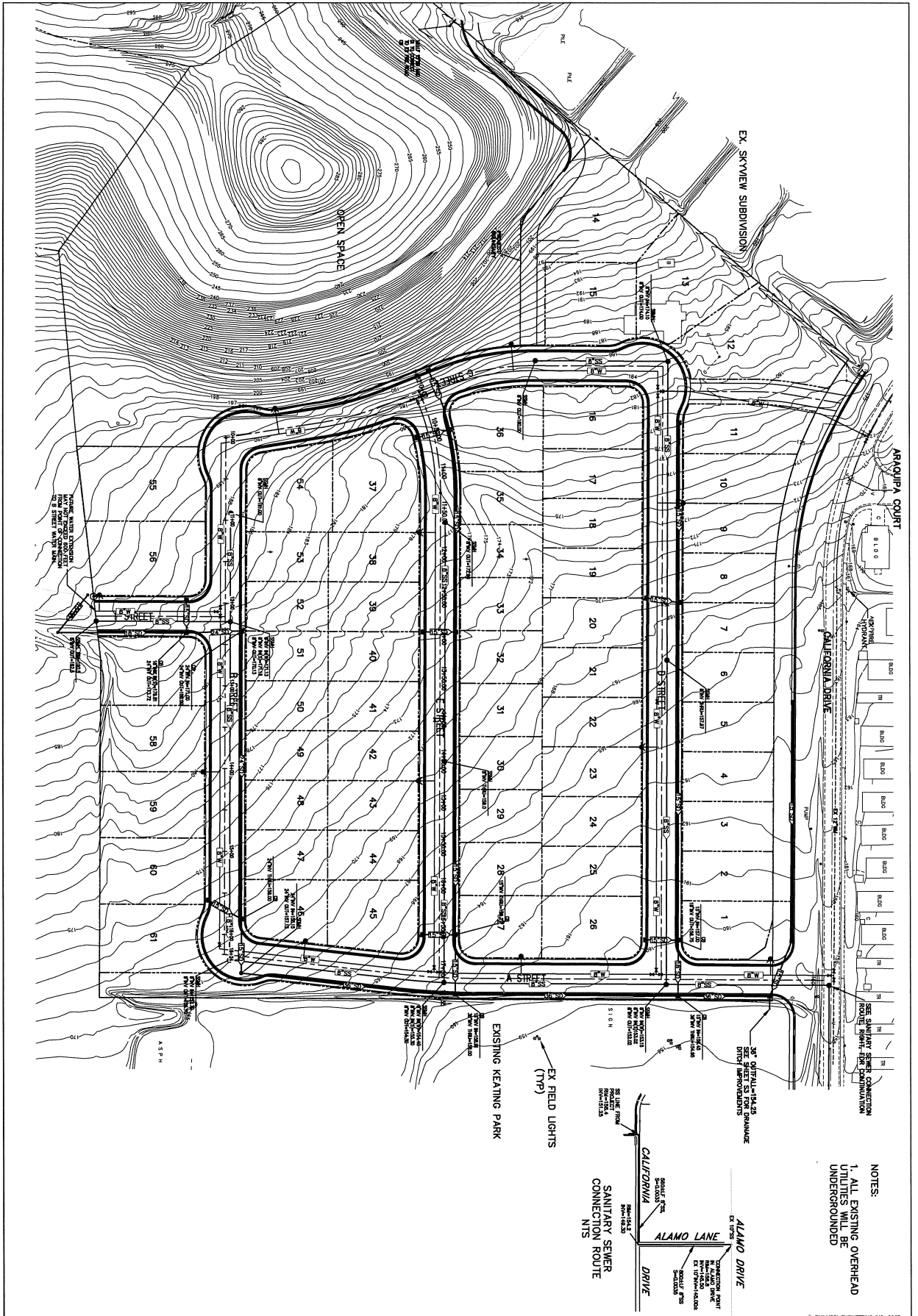
PHILLIP ENGINEERING
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PHILLIP ENGINEERING
 CIVIL ENGINEER

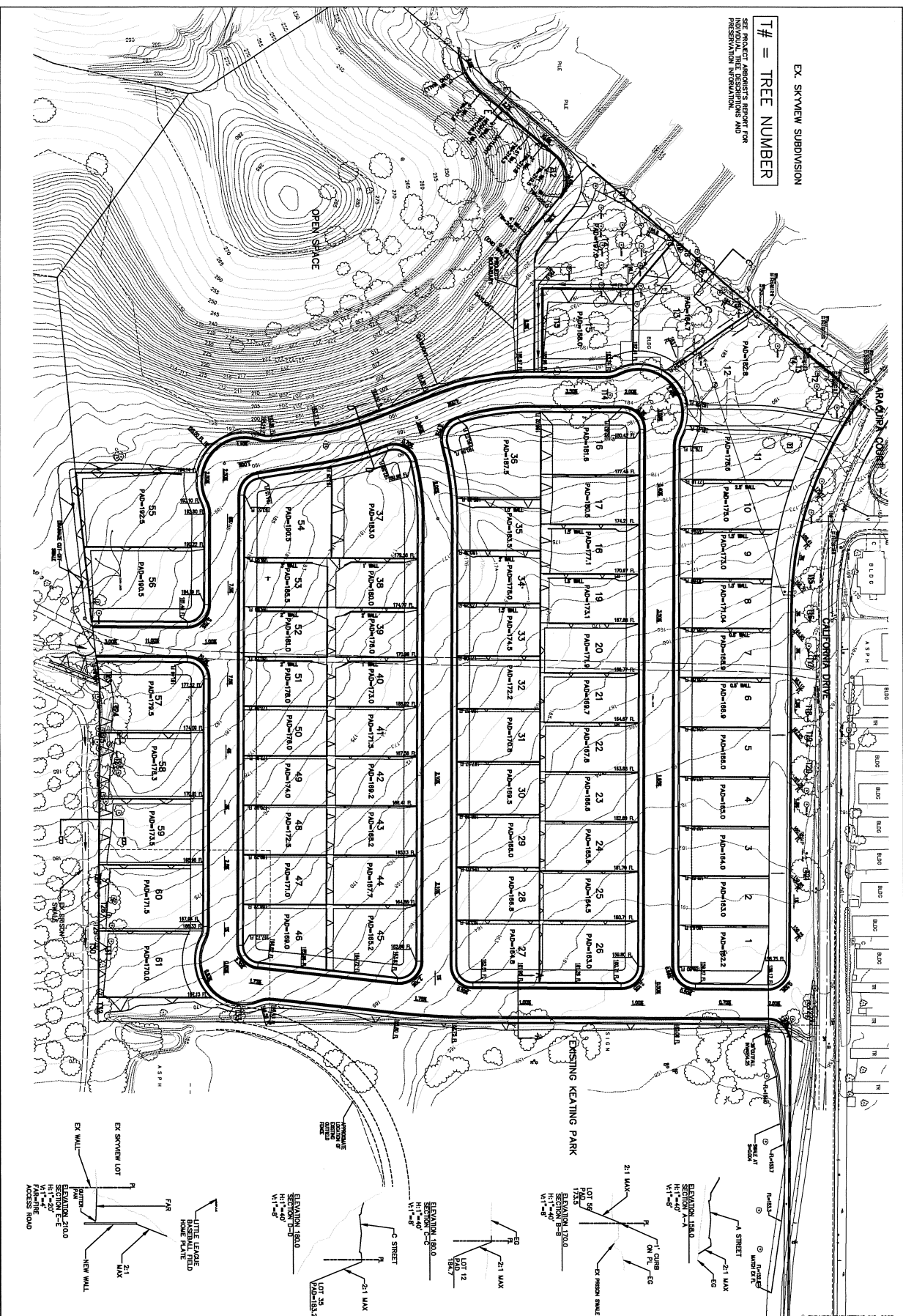


 NORTH 1"=50' 	 PHILIPPI ENGINEERING CIVIL ENGINEER No. 15428 State of California EXPIRES 12/31/2017	PEI PHILIPPI ENGINEERING CIVIL ENGINEERING LAND SURVEYING ARCHITECTURE PLUMBING MECHANICAL ELECTRICAL PAINT AND DECORATION CONSTRUCTION MANAGEMENT 4000 W. 15th Street Suite 100 San Jose, CA 95128 (408) 298-1000 www.philippi.com	MONTESUMA VILLA MONTESSA SUBDIVISION VACAVILLE CALIFORNIA DRAWING TITLE: UTILITY PLAN	DESIGNED: JLI DRAWN: JLI CHECKED: MB DATE: 07-13-2017 C2	SHEET NO. 07-13-2017 C2
			PROJECT NO. 15428	DATE 07-13-2017	DESCRIPTION UTILITY PLAN

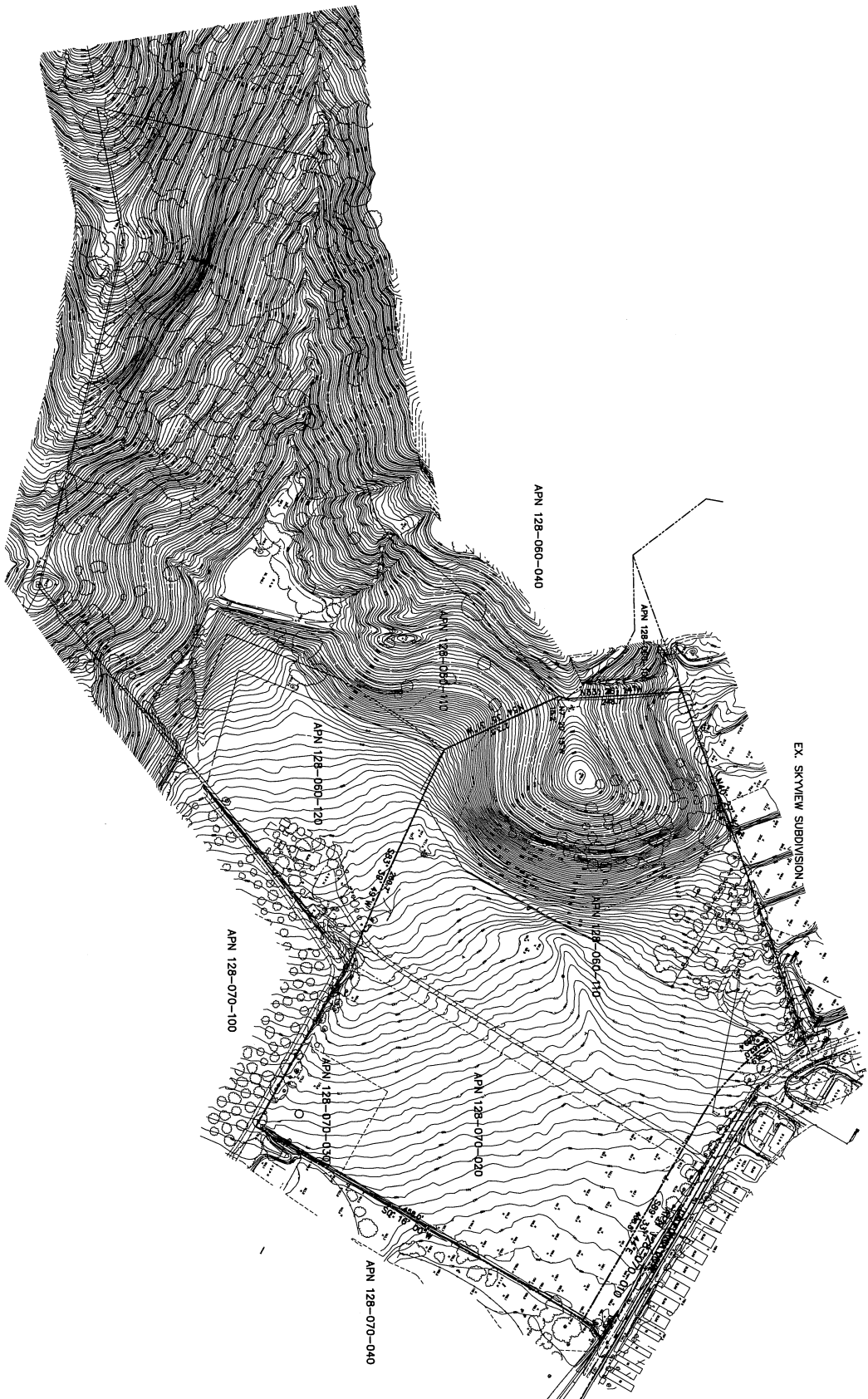
= TREE NUMBER

EX. SKYVIEW SUBDIVISION

SEE PROJECT ARCHITECTS REPORT FOR INDIVIDUAL TREE DESCRIPTIONS AND PRESERVATION INFORMATION.



			PHILIPPI ENGINEERING CIVIL ENGINEERING - LAND SURVEYING 1000 S. GARDEN STREET SUITE 100 ANAHEIM, CA 92805 TEL: 714.933.8888 FAX: 714.933.8889 WWW.PHILIPPIENGINEERING.COM	DESIGNED BY: JLV, JLV DRAWN BY: JLV, JLV CHECKED BY: TAP, MB	FIRST SUBMITTAL
				DATE: 07-13-2017 PROJECT NO: 17-001	SHEET NO: 33 TOTAL SHEETS: 33



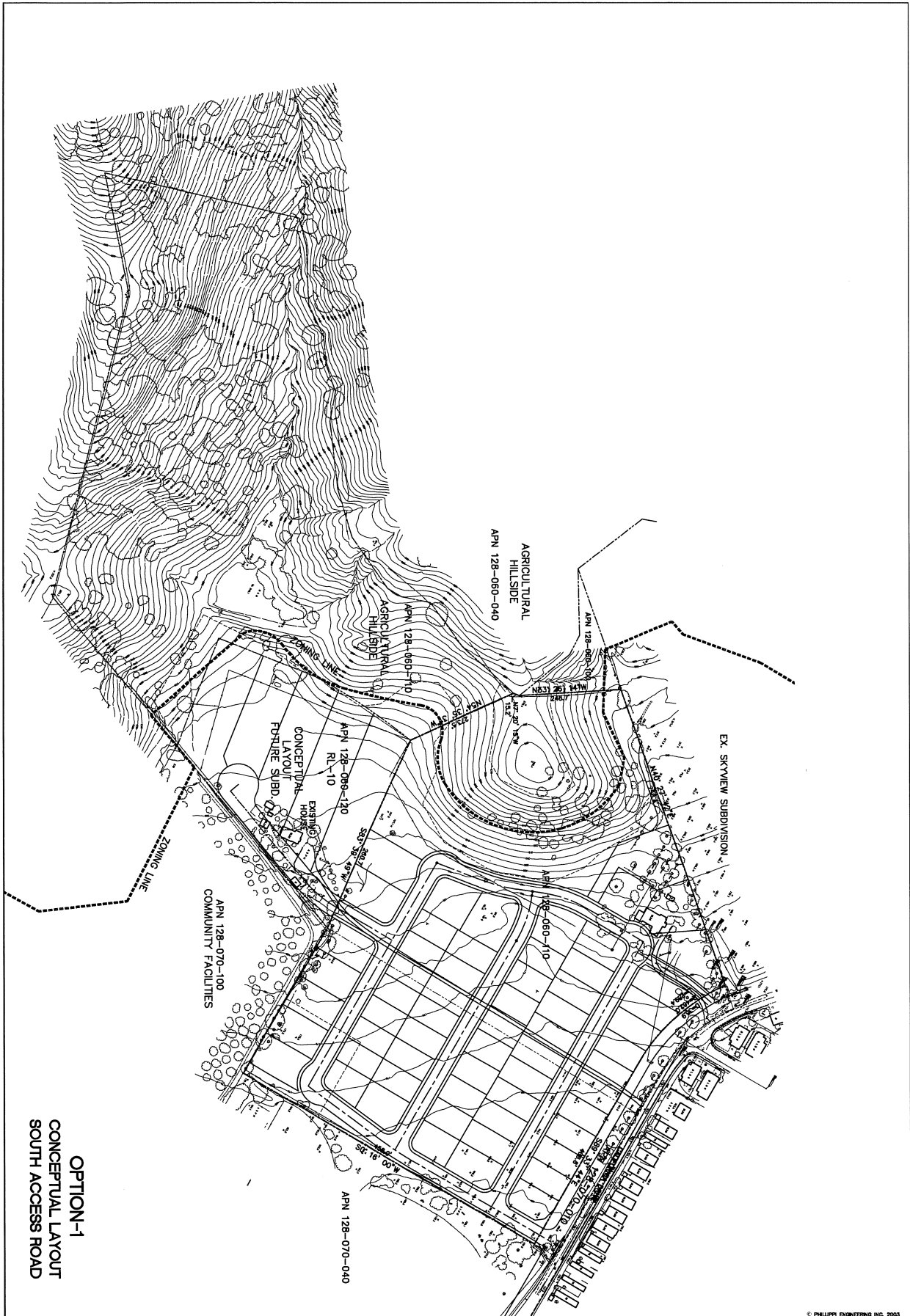
© PHILLIPPI ENGINEERING INC. 2003

SHEET DATE: 07-13-2017 SHEET NO: 04 PROJECT NO: 2003000001	REVISIONS NO. DESCRIPTION DATE 1 2003000001	MONTESSE SUBDIVISION VACAVILLE CALIFORNIA DRAWING TITLE: TOPOGRAPHIC MAP	PHILLIPPI ENGINEERING CIVIL ENGINEERING - LAND SURVEYING 400 BROADWAY STREET, SUITE 200 VACAVILLE, CA 94991 PHONE (707) 441-0000 FAX (707) 441-0000	DESIGNED BY: ETV, JJJ DRAFTED BY: ETV, JJJ CHECKED BY: TAP, MB	FIRST SUBMITTAL			SCALE: 1"=100'
	WESTERDAAN VILLA MONTESSE SUBDIVISION VACAVILLE, CALIFORNIA		DRAWING TITLE: TOPOGRAPHIC MAP		FIRST SUBMITTAL			



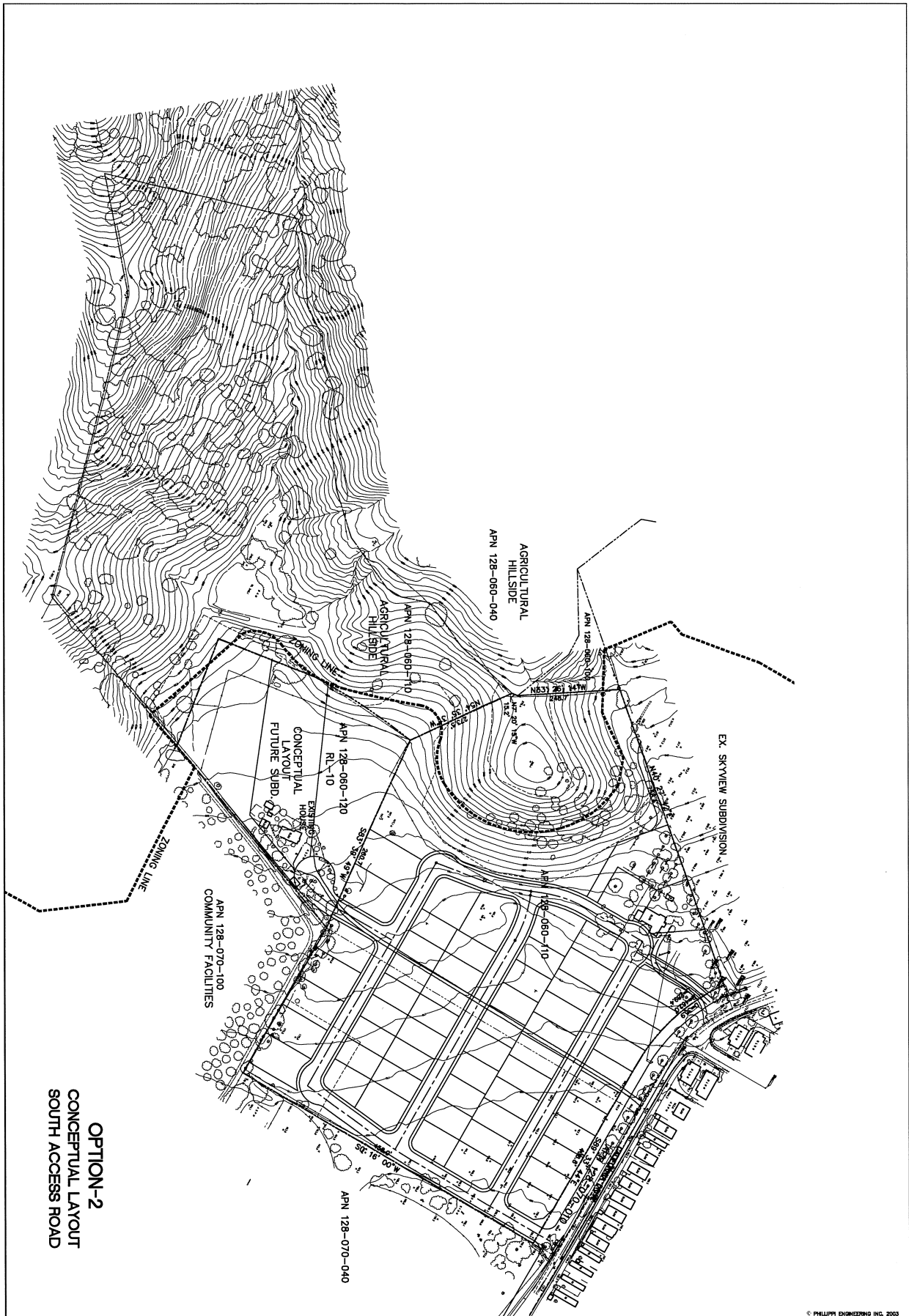
© PHILLIPI ENGINEERING INC. 2003

SHEET NO. 07-13-2017 PROJECT NO. 07-13-2017 CS	REVISIONS NO. DESCRIPTION DATE _____ _____ _____	MEDITERRANEAN VILLA MONTESSA SUBDIVISION VACAVILLE CALIFORNIA DRAWING TITLE: CONTEXTUAL MAP	PEI PHILLIPI ENGINEERING 2000 S. MONTESSA AVENUE SUITE 100 VACAVILLE, CA 94994 TEL: (415) 453-1111 FAX: (415) 453-1112 WWW.PEIE.COM	DESIGNED BY: ETV, JJ DRAWN BY: ETV, JJ CHECKED BY: TAP, MB FIRST SUBMITTAL		
		DATE: _____		SCALE: _____		



OPTION-1
CONCEPTUAL LAYOUT
SOUTH ACCESS ROAD

SHEET NO. 07-15-17 PROJECT NO. EX1	REVISIONS NO. DESCRIPTION DATE	MONTESSEMA VILLA MONTESSEMA SUBDIVISION VACAVILLE CALIFORNIA	PHILLIPPI ENGINEERING CIVIL ENGINEERS - LAND SURVEYORS 2250 BROADWAY STREET, SUITE 200 OAKLAND, CA 94612 PHONE (925) 461-8888 FAX (925) 461-8889			SCALE 1" = 100'	DATE
	DESIGNED BY: ETV, JLL DRAFTED BY: ETV, JLL CHECKED BY: TAP, MB	DRAWING TITLE: OPTION-1 CONCEPTUAL LAYOUT SOUTH ACCESS ROAD	© PHILLIPPI ENGINEERING INC. 2003			DATE	



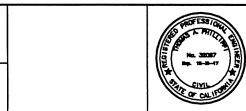
**OPTION-2
CONCEPTUAL LAYOUT
SOUTH ACCESS ROAD**

NO.	DESCRIPTION	DATE

WESTERDAH VILLA
MONTESSA SUBDIVISION
 VACAVILLE CALIFORNIA
 DRAWING TITLE: **OPTION-2
 CONCEPTUAL LAYOUT
 SOUTH ACCESS ROAD**

PEI PHILLIPI ENGINEERING
 2000 MONTESSA DRIVE - LANDSIDE DRIVE
 2000 MONTESSA DRIVE - LANDSIDE DRIVE
 VACAVILLE, CA 94994
 PHONE (707) 481-8888 FAX (707) 481-8888

DESIGNED BY: ETV, JLL
 DRAFTED BY: ETV, JLL
 CHECKED BY: TAP, MB



SCALE: 1"=100'
 © PHILLIPI ENGINEERING INC. 2003

EXHIBIT B

DESCRIPTION:

The land referred to herein is situated in the State of California, County of Solano, City of Vacaville, and is described as follows:

PARCEL ONE:

"NEW LOT TWO" AS SET FORTH IN THAT CERTAIN CERTIFICATE OF COMPLIANCE FOR WAIVER OF PARCEL MAP (LOT LINE ADJUSTMENT) WAIVER NO. 04-08 RECORDED DECEMBER 30, 2004 AS INSTRUMENT NO. 200400189403, SOLANO COUNTY RECORDS, BEING DESCRIBED AS FOLLOWS:

ALL OF LOTS 40 AND 41 AND A PORTION OF LOTS 42, 43 AND 47 AS SHOWN WITHIN THE MAP KNOWN AND DESIGNATED AS ELIZABETH P. BUCKINGHAM'S SUBDIVISION OF THE ARAQUIPA RANCHO, FILED APRIL 26, 1888 IN BOOK 9 OF MAPS, AT PAGE 12, SOLANO COUNTY RECORDS, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 47 OF SAID MAP (9 M 12); THENCE ALONG THE NORTH LINE OF SAID LOT 47 AND LOT 40 OF SAID MAP (9 M 12) NORTH 89° 36' 19" WEST, 650.69 FEET, (A BEARING TAKEN FOR THE PURPOSE OF THIS DESCRIPTION), SAID LINE ALSO BEING THE CENTERLINE OF "CALIFORNIA DRIVE"; THENCE CONTINUING ALONG LAST SAID NORTH LINE AND CENTERLINE NORTH 49° 32' 18" WEST, 112.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 40 OF SAID MAP (9 M 12), SAID CORNER ALSO BEING THE NORTHEASTERLY CORNER OF AN EXISTING 40 FOOT WIDE PRIVATE ROAD SHOWN ON THAT CERTAIN PARCEL MAP OF THE "GONZALES PROPERTY", FILED JULY 14, 1981 IN BOOK 22, PARCEL MAPS, AT PAGE 53, SOLANO COUNTY RECORDS; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 40 OF SAID MAP (9 M 12) AND THE SOUTHEASTERLY LINE OF SAID PRIVATE ROAD AS SHOWN ON SAID MAP (22 PM 53) SOUTH 40° 27' 42" WEST, 818.60 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED WITHIN THAT CERTAIN "CERTIFICATE OF COMPLIANCE", FILED MAY 12, 1988 IN BOOK 1988 OFFICIAL RECORDS, AT PAGE 54272, SOLANO COUNTY RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF LAST SAID PARCEL (1988 OR 54272) SOUTH 33° 26' 14" EAST, 248.65 FEET TO AN ANGLE POINT LYING ON THE WESTERLY LINE OF LOT 43 OF SAID MAP (9 M 12); THENCE ALONG LAST SAID WESTERLY LINE THE FOLLOWING COURSES; SOUTH 07° 21' 14" EAST, 15.17 FEET; THENCE SOUTH 12° 40' 05" WEST, 166.75 FEET; THENCE SOUTH 23° 56' 06" WEST, 131.79 FEET; THENCE SOUTH 18° 21' 39" EAST, 71.25 FEET; THENCE SOUTH 00° 09' 10" WEST, 38.90 FEET; THENCE SOUTH 24° 56' 12" WEST, 151.55 FEET; THENCE SOUTH 43° 28' 11" WEST, 122.53 FEET; THENCE SOUTH 53° 29' 21" WEST, 164.67 FEET; THENCE SOUTH 70° 31' 22" WEST, 73.12 FEET; THENCE SOUTH 40° 57' 54" WEST, 69.18 FEET; THENCE SOUTH 55° 14' 34" WEST, 65.87 FEET; THENCE SOUTH 34° 57' 14" WEST, 88.28 FEET; THENCE SOUTH 57° 44' 52" WEST, 141.62 FEET; THENCE SOUTH 45° 13' 23" WEST, 69.17 FEET TO THE NORTHEASTERLY CORNER OF PARCEL 4 OF SAID PARCEL MAP OF SAID "GONZALES PROPERTY" (22 PM 53); THENCE ALONG THE EASTERLY LINE OF LAST SAID PARCEL 4 OF SAID MAP (22 PM 53) SOUTH 16° 51' 36" EAST, 484.20 FEET TO THE MOST SOUTHERLY CORNER OF LOT 43 OF SAID MAP (9 M 12); THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 43 AND 42 THE FOLLOWING COURSES; NORTH 48° 58' 49" EAST, 297.00 FEET; NORTH 74° 00' 00" EAST, 757.02 FEET; NORTH 20° 20' 00" EAST, 469.38 FEET; THENCE LEAVING LAST SAID SOUTHEASTERLY LINE OF LOTS 43 AND 42 SOUTH 81° 22' 50" WEST, 280.02 FEET; THENCE NORTH 08° 22' 26" WEST, 258.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1651.81 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 89° 06' 23" WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09° 28' 04", AN ARC LENGTH OF 272.95 FEET TO THE INTERSECTION OF A BARB WIRE FENCE; THENCE NORTH 84° 44' 45" EAST, 253.19 FEET TO THE CENTER OF A POWER POLE; THENCE NORTH 83° 35' 26" EAST, 244.47 FEET TO THE SOUTHWEST CORNER OF LOT 47 OF SAID MAP (9 M 12); THENCE ALONG THE SOUTH LINE OF SAID LOT 47 (9 M 12) SOUTH 89° 40' 00" EAST, 198.07 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED WITHIN A "GRANT DEED" TO CLIFTON EVON GRADY AND JANE ALICE GRADY

FILED JULY 31, 1962 IN BOOK 1154 OF OFFICIAL RECORDS, AT PAGE 138. SOLANO COUNTY RECORDS; THENCE ALONG THE WEST LINE OF LAST SAID DEED (1154 OR 138) NORTH 00° 16' 00" EAST, 209.00 FEET TO THE NORTHWEST CORNER OF SAME SAID DEED (1154 OR 138); THENCE ALONG THE NORTH LINE OF SAID DEED (1154 OR 138) SOUTH 89°40' 00" EAST, 208.00 FEET TO A POINT LYING ON THE EAST LINE OF SAID LOT 47 OF SAID MAP (9 M 12); THENCE ALONG LAST SAID EAST LINE NORTH 00° 16' 00" EAST, 669.51 FEET TO THE NORTHEAST CORNER OF SAID LOT 47 OF SAID MAP (9 M 12) AND THE POINT OF BEGINNING FOR THIS DESCRIPTION.

PARCEL TWO:

THAT PORTION OF LOT 47, AS LAID DOWN ON THE MAP KNOWN AND DESIGNATED AS ELIZA P. BUCKINGHAM'S SUBDIVISION OF THE ARAQUIPA RANCHO, SITUATED NEAR VACAVILLE, AS SURVEYED, PLATTED AND SUBDIVIDED BY E.N. EAGER, COUNTY SURVEYOR, MARCH 1888 AND MAP AND PLAT HAVING BEEN FILED IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, APRIL 26, 1888, AS SHOWN AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 47, GOING THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT, A DISTANCE OF 209 FEET; THENCE AT A RIGHT ANGLE IN A SOUTHWESTERLY DIRECTION ON A LINE PARALLELING THE SOUTHEASTERLY BOUNDARY OF SAID LOT, A DISTANCE OF 208 FEET; THENCE AT A RIGHT ANGLE IN A SOUTHEASTERLY DIRECTION ON A LINE PARALLELING THE NORTHEASTERLY BOUNDARY OF SAID LOT, A DISTANCE OF 209 FEET; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT A DISTANCE OF 208 FEET TO THE PLACE OF BEGINNING.

APN: 0128-060-110; 0128-070-010 and 020 as to Parcel One & 0128-070-030 as to Parcel Two