

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO MASTER
AND PRECISE DEVELOPMENT PLAN 2005-
28-PD TO REVISE THE ARCHITECTURE
AND BUILDING LAYOUT FOR THE
REMAINING 84 RESIDENTIAL UNITS IN THE
CITY SQUARE CONDOMINIUM
DEVELOPMENT

PLANNING CASE NO. PHG 11-0009

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notice of a public hearing has been given and a
public hearing has been held before the City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Mitigated
Negative Declaration (City Log No. ER 2005-20) and Mitigation Monitoring Report
prepared at the time the project was originally approved and has determined that all
environmental issues associated with the project have been addressed and no
significant environmental impacts will result from approving this modification to the
Master and Precise Development Plan.

SECTION 3. That upon consideration of the staff report and all public
testimony presented at the hearing held to consider the proposed modification, this City
Council finds that the proposed modification to the Master and Precise Development

Plan for the City Square residential condominium development is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the City Council desires at this time and deems it to be in the best public interest to approve the requested modification to the City Square Master and Precise Development Plan on approximately 3.18 acres of the 3.65-acre City Square site that is located on the southern side of Second Avenue, between Centre City Parkway and Orange Street, addressed as 313 S. Orange Street, more particularly described in the attached Exhibit "A," and subject to the Conditions of Approval attached as Exhibit "B," both of which are attached to this Ordinance and are incorporated by this reference.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 5th of October 2011 by the following vote to wit:


AYES : Councilmembers: DIAZ, GALLO, MORASCO, WALDRON , ABED.
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED: 5/0



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2011-12 passed at a regular meeting of the City Council of the City of Escondido held on the 5TH day of October, after having been read at the regular meeting of said City Council held on the 14th day of September, 2011.



MARSHA WHALEN, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2011-12

LEGAL DESCRIPTION
PHG 11-0009

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCEL A: (APNS: 233-051-04-35 THROUGH 233-051-04-66)

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED FEE SIMPLE INTEREST AS A TENANT IN COMMON IN AND TO THE COMMON AREA WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS DESCRIBED BELOW ARE LOCATED EQUAL TO THE RECIPROCAL OF THE NUMBER OF RESIDENTIAL UNITS LOCATED WITHIN SUCH BUILDING ENVELOPE AS SHOWN ON THAT CERTAIN AMENDED, RESTATED AND SUPERSEDING CONDOMINIUM PLAN OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 2, 2007, AS INSTRUMENT NO. 2007-0146309 ("CONDOMINIUM PLAN"), WHICH BUILDING ENVELOPE IS SITUATED WITHIN THE PHASE 3 MODULE SITUATED WITHIN LOT 1 OF ESCONDIDO TRACT NO. 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15389, RECORDED IN THE OFFICE OF THE COUNTY RECORDER ON JULY 20, 2006, AS INSTRUMENT NO. 2006-0512260; TOGETHER WITH THOSE PORTIONS OF WEST SECOND AVENUE AND SOUTH ORANGE STREET LYING ADJACENT TO AND PARALLEL WITH LOT 1 OF ESCONDIDO TRACT 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN CITY OF ESCONDIDO STREET VACATION RESOLUTION 2006-232(R) RECORDED DECEMBER 1, 2006 AS INSTRUMENT NO. 2006-0855325 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL RESIDENTIAL UNITS SITUATED WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS ARE LOCATED AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN.

PARCEL 2:

RESIDENTIAL UNIT NOS. 4101 THROUGH 4116 AND 5101 THROUGH 5116, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN, RESERVING THEREFROM ALL EASEMENTS AS DESCRIBED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 22, 2006 AS INSTRUMENT NO. 2006-0598360 (THE "DECLARATION"), RESERVING THEREFROM THE EASEMENTS DESCRIBED IN THE DECLARATION AND SUCH OTHER EASEMENTS AS MAY BE OF RECORD AS OF THE DATE HEREOF.

PARCEL 3:

A NON-EXCLUSIVE APPURTENANT EASEMENT IN AND TO THE ASSOCIATION PROPERTY AND THE COMMON AREA OF ALL OF THE PHASES OF THE REAL PROPERTY DESCRIBED IN THE DECLARATION, FOR USE OF THE ASSOCIATION PROPERTY AND COMMON AREA PURSUANT TO THE TERMS OF THE DECLARATION, SUBJECT TO ANY EXCLUSIVE USE COMMON AREA AND ANY OTHER RESERVATIONS SET FORTH IN THE DECLARATION. THIS EASEMENT SHALL BECOME EFFECTIVE AS TO A PHASE SUBSEQUENT TO PHASE 3 UPON (I) RECORDATION OF A SUPPLEMENTARY DECLARATION DECLARING SUCH PHASE TO BE SUBJECT TO THE

DECLARATION OR RECORDATION OF A SEPARATE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF SUCH PHASE TO BE MEMBERS OF THE ASSOCIATION AND (II) CONVEYANCE OF THE FIRST CONDOMINIUM IN THE RESPECTIVE PHASE, OR AS MORE FULLY SET FORTH IN THE DECLARATION. THE ASSOCIATION PROPERTY AND COMMON AREA REFERRED TO HEREIN AS TO EACH SUCH PHASE SHALL BE AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING EACH SUCH PHASE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, EXCEPTING THEREFROM ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS AN EXCLUSIVE USE COMMON AREA. AS USED IN THIS DEED, REFERENCES TO "ASSOCIATION PROPERTY," "RESIDENTIAL UNIT," "PHASE," AND "EXCLUSIVE USE COMMON AREA," AND ANY OTHER DEFINED TERMS SHALL HAVE THE MEANINGS AS SET FORTH IN THE DECLARATION. THE EASEMENT GRANTED IN THIS PARCEL 3 IS GRANTED SUBJECT TO.

A) THE EASEMENTS AND OTHER RIGHTS RESERVED IN FAVOR OF DECLARANT IN THE DECLARATION FOR MARKETING AND DEVELOPMENT INCLUDING WITHOUT LIMITATION, SUBJECT TO THE EXCLUSIVE USE COMMON AREA, THE RIGHT OF GRANTOR TO MAINTAIN MARKETING UNITS IN THE CONDOMINIUMS OWNED BY GRANTOR, AS WELL AS THE RIGHT OF ACCESS, INGRESS AND EGRESS FOR VISITORS TO THE SALES OFFICE AND MARKETING UNITS AND THE RIGHT TO MAINTAIN SIGNS OR OTHER MARKETING MATERIALS WITHIN THE COMMON AREA OF THE COMMUNITY.

B) AN EASEMENT FOR THE BENEFIT OF GRANTOR, AND ITS SUCCESSORS AND ASSIGNS, FOR INGRESS, EGRESS AND ACCESS IN, ON, OVER, THROUGH AND ACROSS THE ASSOCIATION PROPERTY AND COMMON AREA TO PERMIT GRANTOR TO INSTALL IMPROVEMENTS THEREON, AND TO CONSTRUCT IMPROVEMENTS ON ADJACENT PROPERTY WITHIN FUTURE PHASES OF THE COMMUNITY.

C) THE RIGHT OF GRANTOR TO PREVENT ACCESS OVER PORTIONS OF ASSOCIATION PROPERTY AND COMMON AREA BY PLACING A CONSTRUCTION FENCE OR OTHER BARRIER OVER ASSOCIATION PROPERTY AND COMMON AREA PRIOR TO COMPLETION OF CONSTRUCTION OF ALL OF THE IMPROVEMENTS WITHIN THE COMMUNITY. HOWEVER, NO SUCH BARRIER FENCE SHALL PREVENT INGRESS OR EGRESS BY GRANTEE TO AND FROM HIS OR HER UNIT.

PARCEL 4:

AN EXCLUSIVE USE EASEMENT OVER THE PORTION OF THE COMMON AREA AND/OR ASSOCIATION PROPERTY DESIGNATED AS BEING AN EXCLUSIVE USE COMMON AREA APPURTENANT TO THE RESIDENTIAL UNITS IN THE CONDOMINIUM PLAN.

PARCEL B: (APNS: 233-051-05-01 THROUGH 233-051-05-24)

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED FEE SIMPLE INTEREST AS A TENANT IN COMMON IN AND TO THE COMMON AREA WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS DESCRIBED BELOW ARE LOCATED EQUAL TO THE RECIPROCAL OF THE NUMBER OF RESIDENTIAL UNITS LOCATED WITHIN SUCH BUILDING ENVELOPE AS SHOWN ON THAT CERTAIN AMENDED, RESTATED AND SUPERSEDING CONDOMINIUM PLAN OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 2, 2007, AS INSTRUMENT NO. 2007-0146309 ("CONDOMINIUM PLAN"), WHICH BUILDING ENVELOPE IS

SITUATED WITHIN THE PHASE 4 MODULE SITUATED WITHIN LOT 1 OF ESCONDIDO TRACT NO. 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15389, RECORDED IN THE OFFICE OF THE COUNTY RECORDER ON JULY 20, 2006, AS INSTRUMENT NO. 2006-0512260; TOGETHER WITH THOSE PORTIONS OF WEST SECOND AVENUE AND SOUTH ORANGE STREET LYING ADJACENT TO AND PARALLEL WITH LOT 1 OF ESCONDIDO TRACT 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN CITY OF ESCONDIDO STREET VACATION RESOLUTION 2006-232(R) RECORDED DECEMBER 1, 2006 AS INSTRUMENT NO. 2006-0855325 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL RESIDENTIAL UNITS SITUATED WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS ARE LOCATED AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN.

PARCEL 2:

RESIDENTIAL UNIT NOS. 6101 THROUGH 6112 AND 7101 THROUGH 7112, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN, RESERVING THEREFROM ALL EASEMENTS AS DESCRIBED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 22, 2006 AS INSTRUMENT NO. 2006-0598360 (THE "DECLARATION"), RESERVING THEREFROM THE EASEMENTS DESCRIBED IN THE DECLARATION AND SUCH OTHER EASEMENTS AS MAY BE OF RECORD AS OF THE DATE HEREOF.

PARCEL 3:

A NON-EXCLUSIVE APPURTENANT EASEMENT IN AND TO THE ASSOCIATION PROPERTY AND THE COMMON AREA OF ALL OF THE PHASES OF THE REAL PROPERTY DESCRIBED IN THE DECLARATION, FOR USE OF THE ASSOCIATION PROPERTY AND COMMON AREA PURSUANT TO THE TERMS OF THE DECLARATION, SUBJECT TO ANY EXCLUSIVE USE COMMON AREA AND ANY OTHER RESERVATIONS SET FORTH IN THE DECLARATION. THIS EASEMENT SHALL BECOME EFFECTIVE AS TO A PHASE SUBSEQUENT TO PHASE 4 UPON (I) RECORDATION OF A SUPPLEMENTARY DECLARATION DECLARING SUCH PHASE TO BE SUBJECT TO THE DECLARATION OR RECORDATION OF A SEPARATE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF SUCH PHASE TO BE MEMBERS OF THE ASSOCIATION AND (II) CONVEYANCE OF THE FIRST CONDOMINIUM IN THE RESPECTIVE PHASE, OR AS MORE FULLY SET FORTH IN THE DECLARATION. THE ASSOCIATION PROPERTY AND COMMON AREA REFERRED TO HEREIN AS TO EACH SUCH PHASE SHALL BE AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING EACH SUCH PHASE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, EXCEPTING THEREFROM ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS AN EXCLUSIVE USE COMMON AREA. AS USED IN THIS DEED, REFERENCES TO "ASSOCIATION PROPERTY", "RESIDENTIAL UNIT", "PHASE", AND "EXCLUSIVE USE COMMON AREA", AND ANY OTHER DEFINED TERMS SHALL HAVE THE MEANINGS AS SET FORTH IN THE DECLARATION. THE EASEMENT GRANTED IN THIS PARCEL 3 IS GRANTED SUBJECT TO:

A) THE EASEMENTS AND OTHER RIGHTS RESERVED IN FAVOR OF DECLARANT IN THE DECLARATION FOR MARKETING AND DEVELOPMENT INCLUDING WITHOUT LIMITATION, SUBJECT TO THE EXCLUSIVE USE COMMON AREA, THE RIGHT OF GRANTOR TO MAINTAIN MARKETING UNITS IN THE CONDOMINIUMS OWNED BY GRANTOR, AS WELL AS THE RIGHT OF ACCESS, INGRESS AND EGRESS FOR VISITORS TO THE SALES OFFICE AND MARKETING UNITS AND THE RIGHT TO MAINTAIN SIGNS OR OTHER MARKETING MATERIALS WITHIN THE COMMON AREA OF THE COMMUNITY.

B) AN EASEMENT FOR THE BENEFIT OF GRANTOR, AND ITS SUCCESSORS AND ASSIGNS, FOR INGRESS, EGRESS AND ACCESS IN, ON, OVER, THROUGH AND ACROSS THE ASSOCIATION PROPERTY AND COMMON AREA TO PERMIT GRANTOR TO INSTALL IMPROVEMENTS THEREON, AND TO CONSTRUCT IMPROVEMENTS ON ADJACENT PROPERTY WITHIN FUTURE PHASES OF THE COMMUNITY.

C) THE RIGHT OF GRANTOR TO PREVENT ACCESS OVER PORTIONS OF ASSOCIATION PROPERTY AND COMMON AREA BY PLACING A CONSTRUCTION FENCE OR OTHER BARRIER OVER ASSOCIATION PROPERTY AND COMMON AREA PRIOR TO COMPLETION OF CONSTRUCTION OF ALL OF THE IMPROVEMENTS WITHIN THE COMMUNITY. HOWEVER, NO SUCH BARRIER FENCE SHALL PREVENT INGRESS OR EGRESS BY GRANTEE TO AND FROM HIS OR HER UNIT.

PARCEL 4:

AN EXCLUSIVE USE EASEMENT OVER THE PORTION OF THE COMMON AREA AND/OR ASSOCIATION PROPERTY DESIGNATED AS BEING AN EXCLUSIVE USE COMMON AREA APPURTENANT TO THE RESIDENTIAL UNITS IN THE CONDOMINIUM PLAN.

PARCEL C: (APNS: 233-051-04-19 THROUGH 233-051-04-34 AND 233-051-05-25 THROUGH 233-051-05-36)

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED FEE SIMPLE INTEREST AS A TENANT IN COMMON IN AND TO THE COMMON AREA WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS DESCRIBED BELOW ARE LOCATED EQUAL TO THE RECIPROCAL OF THE NUMBER OF RESIDENTIAL UNITS LOCATED WITHIN SUCH BUILDING ENVELOPE AS SHOWN ON THAT CERTAIN AMENDED, RESTATED AND SUPERSEDING CONDOMINIUM PLAN OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 2, 2007 AS INSTRUMENT NO. 2007-0146309 ("CONDOMINIUM PLAN"), WHICH BUILDING ENVELOPE IS SITUATED WITHIN THE PHASE 5 MODULE SITUATED WITHIN LOT 1 ESCONDIDO TRACT NO. 921, IN THE CITY ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15389, RECORDED IN THE OFFICE OF THE COUNTY RECORDER ON JULY 20, 2006, AS INSTRUMENT NO. 2006-0512260; TOGETHER WITH THOSE PORTIONS OF WEST SECOND AVENUE AND SOUTH ORANGE STREET LYING ADJACENT TO AND PARALLEL WITH LOT 1 OF ESCONDIDO TRACT 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN CITY OF ESCONDIDO STREET VACATION RESOLUTION 2006-232(R) RECORDED DECEMBER 1, 2006 AS INSTRUMENT NO. 2006-0855325 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL RESIDENTIAL UNITS SITUATED WITHIN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNITS ARE LOCATED AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN.

PARCEL 2:

RESIDENTIAL UNIT NOS. 3101 THROUGH 3116 AND 8101 THROUGH 8112, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN, RESERVING THEREFROM ALL EASEMENTS AS DESCRIBED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND

RESTRICTIONS OF CITY SQUARE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 22, 2006 AS INSTRUMENT NO. 2006-0598360 (THE "DECLARATION"), RESERVING THEREFROM THE EASEMENTS DESCRIBED IN THE DECLARATION AND SUCH OTHER EASEMENTS AS MAY BE OF RECORD AS OF THE DATE HEREOF.

PARCEL 3:

A NON-EXCLUSIVE APPURTENANT EASEMENT IN AND TO THE ASSOCIATION PROPERTY AND THE COMMON AREA OF ALL OF THE PHASES OF THE REAL PROPERTY DESCRIBED IN THE DECLARATION, FOR USE OF THE ASSOCIATION PROPERTY AND COMMON AREA PURSUANT TO THE TERMS OF THE DECLARATION, SUBJECT TO ANY EXCLUSIVE USE COMMON AREA AND ANY OTHER RESERVATIONS SET FORTH IN THE DECLARATION. THIS EASEMENT SHALL BECOME EFFECTIVE AS TO A PHASE SUBSEQUENT TO PHASE 5 UPON (I) RECORDATION OF A SUPPLEMENTARY DECLARATION DECLARING SUCH PHASE TO BE SUBJECT TO THE DECLARATION OR RECORDATION OF A SEPARATE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF SUCH PHASE TO BE MEMBERS OF THE ASSOCIATION AND (II) CONVEYANCE OF THE FIRST CONDOMINIUM IN THE RESPECTIVE PHASE, OR AS MORE FULLY SET FORTH IN THE DECLARATION. THE ASSOCIATION PROPERTY AND COMMON AREA REFERRED TO HEREIN AS TO EACH SUCH PHASE SHALL BE AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING EACH SUCH PHASE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, EXCEPTING THEREFROM ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS AN EXCLUSIVE USE COMMON AREA. AS USED IN THIS DEED, REFERENCES TO "ASSOCIATION PROPERTY", "RESIDENTIAL UNIT", "PHASE", AND "EXCLUSIVE USE COMMON AREA", AND ANY OTHER DEFINED TERMS SHALL HAVE THE MEANINGS AS SET FORTH IN THE DECLARATION. THE EASEMENT GRANTED IN THIS PARCEL 3 IS GRANTED SUBJECT TO:

A) THE EASEMENTS AND OTHER RIGHTS RESERVED IN FAVOR OF DECLARANT IN THE DECLARATION FOR MARKETING AND DEVELOPMENT INCLUDING WITHOUT LIMITATION, SUBJECT TO THE EXCLUSIVE USE COMMON AREA, THE RIGHT OF GRANTOR TO MAINTAIN MARKETING UNITS IN THE CONDOMINIUMS OWNED BY GRANTOR, AS WELL AS THE RIGHT OF ACCESS, INGRESS AND EGRESS FOR VISITORS TO THE SALES OFFICE AND MARKETING UNITS AND THE RIGHT TO MAINTAIN SIGNS OR OTHER MARKETING MATERIALS WITHIN THE COMMON AREA OF THE COMMUNITY.

B) AN EASEMENT FOR THE BENEFIT OF GRANTOR, AND ITS SUCCESSORS AND ASSIGNS, FOR INGRESS, EGRESS AND ACCESS IN, ON, OVER, THROUGH AND ACROSS THE ASSOCIATION PROPERTY AND COMMON AREA TO PERMIT GRANTOR TO INSTALL IMPROVEMENTS THEREON, AND TO CONSTRUCT IMPROVEMENTS ON ADJACENT PROPERTY WITHIN FUTURE PHASES OF THE COMMUNITY.

C) THE RIGHT OF GRANTOR TO PREVENT ACCESS OVER PORTIONS OF ASSOCIATION PROPERTY AND COMMON AREA BY PLACING A CONSTRUCTION FENCE OR OTHER BARRIER OVER ASSOCIATION PROPERTY AND COMMON AREA PRIOR TO COMPLETION OF CONSTRUCTION OF ALL OF THE IMPROVEMENTS WITHIN THE COMMUNITY. HOWEVER, NO SUCH BARRIER FENCE SHALL PREVENT INGRESS OR EGRESS BY GRANTEE TO AND FROM HIS OR HER UNIT.

PARCEL 4:

AN EXCLUSIVE USE EASEMENT OVER THE PORTION OF THE COMMON AREA AND/OR ASSOCIATION PROPERTY DESIGNATED AS BEING AN EXCLUSIVE USE COMMON AREA APPURTENANT TO THE RESIDENTIAL UNITS IN THE CONDOMINIUM PLAN.

PARCEL D:

PHASE 3, 4 AND 5 MODULES OF LOT 1 OF ESCONDIDO TRACT NO. 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15389, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO ON JULY 20, 2006, AS INSTRUMENT NO. 2006-0512260; TOGETHER WITH THOSE PORTIONS OF WEST SECOND AVENUE AND SOUTH ORANGE STREET LYING ADJACENT TO AND PARALLEL WITH LOT 1 OF ESCONDIDO TRACT 921, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN CITY OF ESCONDIDO STREET VACATION RESOLUTION 2006-232(R) RECORDED DECEMBER 1, 2006 AS INSTRUMENT NO. 2006-0855325 OF OFFICIAL RECORDS, EXCEPTING THEREFROM THE BUILDING ENVELOPES SITUATED WITHIN THE PHASE 3, 4 AND 5 MODULES AS SHOWN ON THAT CERTAIN AMENDED, RESTATED AND SUPERSEDING CONDOMINIUM PLAN OF CITY SQUARE, RECORDED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY ON MARCH 2, 2007, AS INSTRUMENT NO. 2007-0146309 ("CONDOMINIUM PLAN").

EXHIBIT "B"
CONDITIONS OF APPROVAL
PHG 11-0009

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. A total of 233 parking spaces are proposed in conjunction with this development. A minimum of 230 parking spaces shall be provided and maintained at all times, including 204 covered garage spaces and 26 open guest spaces. Said guest parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors

shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.

11. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on June 9, 2011, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
12. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Interim Downtown Specific Plan and the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code).
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$2,060.25 for a project with a Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).
16. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. Three copies of the modified Master and Precise Development Plan, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans.
19. This Master and Precise Development Plan shall become null and void unless utilized within three years of the effective date of approval.
20. Approved street names for the project reflect a site design that no longer exists. No new or revised street names are part of this approval. A separate request shall be submitted and approved by the City Council prior to issuance of a grading permit.

21. Prior to issuance of a building permit, an interior acoustical analysis shall be submitted for review. All habitable buildings shall be noise-insulated to maintain interior noise levels not exceeding 45 dBA or less.
22. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading plan.
23. The proposed garages for each unit shall provide clear interior dimensions of at least 19.5-feet wide by 20-feet deep. Storage shall not impede the ability to park two vehicles within each garage.
24. The applicant shall be responsible for ensuring that all residential units constructed in reliance on this approval are annexed into the existing homeowners association and are subject to the existing CC&Rs that regulate activities in the development.
25. The list of permitted pets/animals for units in this development shall stay within the limits of the R-4 zoning standards, unless more restrictive or as otherwise specified in the CC&Rs.
26. Prior to issuance of a building permit for Buildings "F" and "G," the applicant shall incorporate into the building plans three-foot high steel railing around and extending above the stoop areas for those units.

Landscaping Conditions

1. Prior to occupancy, all perimeter, slope and parking lot landscaping shall be installed. All vegetation (including existing vegetation required as part of previous project approvals) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
3. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
4. Street trees shall be provided along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
5. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.
6. The applicant shall be responsible for landscaping the Centre City Parkway right-of-way area adjacent to the project site to the satisfaction of the Engineering and Planning Divisions. Landscaping shall be consistent with the Centre City Parkway Landscape Master Plan and shall be maintained by the HOA or the City's Landscape Maintenance District.

7. The landscape design shall include 24"-box size trees on a 1:1 ratio to mitigate the removal of each existing mature tree on the site, as determined in the tree survey completed by Helix Environmental on April 30, 2005, as required by the Tree Preservation Ordinance (Ord. 93-11), to the satisfaction of the Planning Division.

Building Division Conditions

1. Appropriate accessible paths of travel shall be required from the public way.

Fire Department Conditions

1. Tif. 150 dpi, 11" x 17" page size file copy of project shall be provided showing building floor plan and site plan.

Fire Protection Systems

1. NFPA 13R **automatic fire sprinkler system** will be required.
2. Smoke detectors shall be required above all stairwell landings.
3. **Standpipe systems** shall be required at the following locations:
 - A. Hose valves may be required between entry doors.
4. An approved fire alarm system shall be required.
5. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified. Please show location on plans.
6. Fire hydrants capable of delivering 2,500 GPM at 20 PSI residual pressure shall be required every 300 feet to the satisfaction of the Fire Department.
7. Additional hydrants may be required near intersections, fire department connections or other locations.
8. Extinguisher(s) shall be provided at locations indicated with a minimum rating of 2A-10B: C in a visible and accessible location, at an exit or in the exit path. Walking distance is not to exceed 75 feet (CFC 906.2; T-19 Art. 5). Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.

Access

1. Alleys shall be improved to 24' width. "NO PARKING" must be posted.
2. Speed humps/bumps shall not be allowed.
3. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants shall be provided prior to the accumulation of any combustible materials on the job site.
4. All gated entrances shall be equipped with electric switches accessible from both sides and operable by dual-keyed switches for both fire and police. Electric gates shall be operable by Fire Department strobe detectors and allow free exiting. A funding method to provide ongoing maintenance of fire lanes, electric gates, and other fire & life safety requirements **must** be

provided for in the CC&Rs and/or the Association, to the satisfaction of the Fire Department. A responsible property manager shall be easily accessible to the Fire Department.

5. A 28' inside turning radius shall be required on all corners to the satisfaction of the Fire Department.
6. Barricades shall not obstruct fire hydrants or impede emergency vehicle access.
7. 13'6" vertical clearances shall be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width shall be trimmed or removed and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted.
8. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas and provisions to provide ongoing maintenance shall be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement shall be submitted to the Escondido Planning Department. "FIRE LANE" signs and red curbs shall meet specifications of the Escondido Police Department.

Engineering Division Conditions

GENERAL

1. The applicant shall provide the Director of Engineering Services with a Title Report covering subject property. The Title Report shall clearly state the signatory requirements for the granting of easements; need to verify that the signatures of owners of the previously sold units are not required.
2. The location of all existing on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed units and structures, these utilities shall be removed or relocated.
3. As surety for the removal and construction of required off-site and/or on-site improvements, new Surety Bonds and Improvement Agreement in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the issuance of any Building Permits.
4. No further Building Permits shall be issued for any construction within this Subdivision until all conditions of this Development have been fulfilled or secured by new Surety and Agreement.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the Director of Engineering Services.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
7. The engineer shall submit to the Planning Department a copy of the Modification to the Master Development Plan and Precise Development Plan as presented to the Planning Commission and the City Council. This Exhibit will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Modification and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Modification to the Master Development Plan and Precise Development Plan approval and to the satisfaction of the Director of Engineering Services. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the Director of Engineering Services.
2. The developer shall construct frontage half-width street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Orange Street	Commercial (52'/80)

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall construct the following improvements on Centre City Parkway; widen existing right-turn lane to allow for a 5-foot wide bike lane and a 15 foot wide right-turn lane and extend to the south for a total length of 200 feet with transition to join existing edge of pavement prior to the existing drainage structure headwall, to the satisfaction of the Director of Engineering Services. The developer shall also install curb & gutter along new edge of roadway, overlay and re-stripe the bike and right-turn lane. The developer shall also regrade and landscape and provide recycled water irrigation system for the parkway area along project frontage on Centre City Parkway. These improvements have been constructed by the previous developer, however; they have not fully completed and accepted by the City. The project developer shall be responsible to complete the improvements to the satisfaction of the City Engineer.
4. The developer shall grind and overlay and restripe Second Avenue (Between Centre City Parkway) and Orange Avenue (Between Second Avenue and Third Avenue) along project frontage to the satisfaction of the Director of Engineering Services. These improvements have been constructed by the previous developer, however; they have not been accepted by the City. Prior to completion of the project the current developer shall be responsible to repair any damages to the roadway improvements to the satisfaction of the City Engineer.
5. The developer shall remove and reconstruct existing curb & gutter and sidewalk along project frontage on Second Avenue. The developer shall also remove and reconstruct curb-returns at northwest and northeast corners to meet current ADA requirements and allow for Centre City Parkway widening. These improvements have been constructed by the previous developer, however; they have not fully completed and accepted by the City. The project developer shall be responsible to complete the improvements to the satisfaction of the City Engineer.
6. The existing traffic signal at the intersection of Centre City Parkway and Second Ave. has been modified by the previous developer, however; modification has not been fully completed and accepted by the City. The project developer shall be responsible to complete the improvements to the satisfaction of the City Engineer.
7. The existing traffic signal at the intersection of Orange Street and Second Ave. has been modified by the previous developer, however; modification has not been fully completed and accepted by the City. The project developer shall be responsible to complete the improvements to the satisfaction of the City Engineer.
8. The developer shall be responsible to remove and replace the existing curb & gutter and sidewalk along project frontage on Orange Street to the satisfaction of the Director of Engineering Services.

The developer shall also be responsible to bring Orange Street surface improvements to the satisfaction of the City Engineer prior to completion of the project.

9. The developer shall improve the existing alley along southerly property line to public Alley standards (22 feet wide) to the satisfaction of Director of Engineering Services.
10. Street/Alley Improvement plans prepared by a registered civil engineer shall be provided for review and approval by the City Engineer for all proposed public improvements.
11. The main access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-3-E with a minimum throat width of 32 feet.
12. All on-site roads, driveways and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the Director of Engineering Services and Fire Marshal.
13. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
14. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Any removal of existing striping and all new signage and striping shall be done by a private contractor.
15. The developer shall be responsible for an overlay of Orange Street due to the many utility trenches necessary to serve this project and/or to repair existing damage along frontage. The determination of the extent of the overlay shall be to the satisfaction of the Director of Engineering Services.
16. The developer shall be required to construct an emergency access gates to the satisfaction of the Director of Engineering Services and City Fire Marshal.
17. The developer shall be required to construct 180-watt street lights in accordance with Escondido Standard Drawing E-1-E on Orange Street at the project and alley entrances.

GRADING

1. A new site grading and erosion control plan shall be submitted to and approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Any proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.

- 4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the Director of Engineering Services.
- 5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
- 6. The developer shall be responsible for landscaping and irrigation along all project frontages including Centre City Parkway and include provisions in the CC&R for the maintenance of landscaping by the property owners association.

DRAINAGE

- 1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the Director of Engineering Services and shall be based on a drainage study to be prepared by the engineer of work.
- 2. All on-site storm drains not in public easements and all storm water treatment facilities are private. The responsibility for maintenance of these storm drains and treatment facilities shall be that of the Property Owner's Association. Provisions stating this shall be included in the WQTR and CC&R'S.
- 3. An updated Water Quality Technical Report shall be prepared for the project in accordance with the City's Storm Water Management Requirements and approved by the Director of Engineering Services. This updated Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.
- 4. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of Bio-Retention Basins within or along the perimeter of the parking and driveway areas as the primary method of storm water treatment. The landscape plans will need to reflect these areas of storm water treatment.
- 5. The on-site trash enclosure shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the Director of Engineering Services.

WATER SUPPLY

- 1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
- 2. A hydraulic analysis of the proposed water improvements will be required to determine water main sizes and water system looping necessary to provide adequate domestic service and fire protection as required by the Director of Utilities and Fire Marshal.
- 3. The project water system shall be designed with multiple connections to the surrounding existing City water mains to the satisfaction of the Director of Utilities, including a 10-inch or larger connection to the existing 24" water main on the west side of Centre City Pkwy. The existing 8" or 10" waterline connecting to this 24" water main in Centre City Pkwy shall be abandoned, replaced or refurbished to the satisfaction of the Director of Utilities.
- 4. All public water facilities (water meters, fire check valves, back flow devices, air-vacs, etc) shall be installed centered within a public utility easements and no structures including fences shall encroach within these easements.

5. All on-site private water pipes shall be located outside public easements and will be considered a private water system. The Property Owner's Association will be responsible for all maintenance of these water pipes and facilities. This shall be clearly stated in the CC&R's.

RECYCLED WATER

1. The developer is required to construct a recycled water irrigation system for frontage parkway areas and Centre City Parkway landscaping area. This system should be built to the satisfaction of the Planning Director and the Director of Utilities.

SEWER

1. All sewer main locations and sizing shall be to the satisfaction of the Director of Utilities and the Director of Engineering Services. Required sewer main improvements include construction of onsite sewer main and the replacement of the existing sewer in the alley between Third and Fourth to Centre City Parkway to the satisfaction of the Director of Engineering Services and the Director of Utilities.
2. All on-site sewer laterals and sewer mains not within public sewer easements will be considered private. The Property Owners' Association will be responsible for all maintenance of these laterals and mains. This shall be clearly stated in the CC&R's.

EASEMENTS AND DEDICATIONS

1. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to the approval of the revised grading and improvement plans. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the Director of Engineering Services prior to approval of the revised Grading and Improvement plans.
2. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement plans.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City. The minimum easement width is 20 feet. Easements with additional public utilities shall be increased in width accordingly.
4. The following material necessary for processing the dedication or easement shall be submitted as follows: 1) a current grant deed or title report, 2) a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying, 3) traverse closure tapes. The City will review the plat and legal and upon approval shall prepare all final documents.
5. All proposed landings and steps along Orange Street shall be kept out of the public right-of Way. Some additional street vacation along Orange Avenue in line with previous street vacations may be allowed subject to approval by the City Council. All street vacations shall be accomplished by means of a separate public hearing before the City Council.
6. Building permits will not be issued for units and structures which conflict with existing easements or public Right-of-Way, nor will any securities be released until all existing excess utility easements have been quitclaimed.

REPAYMENTS AND FEES

1. The developer may request a repayment for the off-site construction of sewer and water improvements that could benefit an adjoining property owner. The completed repayment agreement must be prepared in accordance with the City Repayment Agreement Policy.
2. A cash security or other security satisfactory to the Director of Engineering Services shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading and landscaping for this project. The amount of the cash security shall be 10% of the total estimated necessary cost of the grading work up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services. The balance of the grading work shall be secured by a new Grading Surety bond, an instrument of credit, a letter of credit or such other security as may be approved by the Director of Engineering Services and the City Attorney.
3. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&R's

1. Copies of the revised CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to the issuance of any new Building Permits.
2. The developer shall make provisions in the CC&R's for maintenance by Property Owners' Association of private roadways, driveways, parking areas, private utilities (including sewer and water), storm water treatment facilities, drainage swales, private street lighting, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to the issuance of any new Building Permit.
3. The CC&R's shall make provisions for the Property Owners' Association to maintain parkway landscaping along project frontage on Centre City Parkway, Second Avenue and Orange Street.
4. The CC&R's must state that the Property Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Property Owners' Association when repair or replacement of private utilities is done.
5. The CC&R's must state that if stamped concrete is used in the private street the Property Owners' Association is responsible for replacing the stamped concrete in kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary and along Orange Street and Alley shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.