First Amendment to Agreement Affecting Real Property and Covenant to Annex

THIS FIRST AMENDMENT to the Agreement Affecting Real Property and Covenant to Annex ("First Amendment") between the City of Merced, a California Charter Municipal Corporation ("City") and The Regents of the University of California, on behalf of the Merced campus ("UCM").

WHEREAS, UCM has previously constructed Phase One of the university campus and is presently constructing the Revised 2020 project which are both referred to herein as the Project ("Project"); and

WHEREAS, City and UCM have previously entered into an Amended and Restated Contract for Water, Sewer and Other Services for said Project dated April 29, 2016 ("Urban Services Contract"); and

WHEREAS, as a condition of UCM receiving sewer and water services from the City, UCM and City entered into the Agreement Affecting Real Property and Covenant to Annex ("Annexation Agreement") on June 14, 2016; and

WHEREAS, UCM's Project is nearing completion and the City and UCM now desire to enter into the First Amendment to the Annexation Agreement to adjust the boundaries of the relevant campus maps and the language of the corresponding legal descriptions to reflect the desired service area; and

WHEREAS, the First Amendment only adjusts the service boundaries and does not increase the acreage within the service area.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

- 1. Exhibit A to the Annexation Agreement containing the "Legal Description of Phase One of the UCM Campus" is hereby replaced with the revised legal description attached hereto and incorporated herein as Amended Exhibit A.
- 2. Exhibit B to the Annexation Agreement containing the "Map of Phase One of the UCM Campus" is hereby replaced with the revised map attached hereto and incorporated herein as Amended Exhibit B.

- 3. Exhibit C to the Annexation Agreement containing the "Legal Description of UCM Boundary of the 2020 Project Area" is hereby replaced with the revised legal description attached hereto and incorporated herein as Amended Exhibit C.
- 4. Exhibit D to the Annexation Agreement containing the "Map of Revised 2020 Project: UCM Campus--Illustrative of Boundaries of Revised 2020 Project, UCM Campus Only" is hereby replaced with the revised map attached hereto and incorporated herein as Amended Exhibit D.
- 5. Except as herein amended, the Annexation Agreement between the City of Merced and The Regents of the University of California dated June 14, 2016 shall remain in full force and effect.

IN WITNESS HEREOF, the parties hereto have caused this First Amendment to the Annexation Agreement to be duly executed on the last date written below.

CITY OF MERCED		
MAYOR	DATE	
ATTEST:		
CITY CLERK		
APPROVED AS TO FORM		

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA		
BY:	DATE	

AMENDED EXHIBIT A

Legal Description of Phase One of UCM Campus

PHASE 1 - EXHIBIT 'A'

All that real property situate in the County of Merced, State of California, lying and being within Section 34, Township 6 South, Range 14 East, M.D.M., being a portion of the lands granted to the Regents of the University of California, a California public corporation in that certain grant deed filed in the office of the County Recorder of Merced County as Document No. 2002-012594 and as shown on that certain Record of Survey for the "University of California Merced Campus", filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26 and further being a portion of Parcels 1, 2, and 3, as shown on that certain Parcel Map for "Merced Community Golf Association, being a Division of Parcel 2 according to Parcel Map for Merced County Board of Education as Trustee of the Testamentary Trust of Virginia Smith Book 59 Parcel Maps, Page 1 M.C.R.", filed in the office of the County Recorder of Merced County in Book 83 of Parcel Maps, Pages 9-12 and being more particularly described as follows:

COMMENCING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West line of said lands of the Regents of the University of California, North 01°07'48" East, 78.67 feet to the true POINT OF BEGINNING; thence continuing along the West and Northwesterly line of said lands of the Regents of the University of California, being also the West and Northwesterly line of said Parcel 2 as shown in Book 59 of Parcel Maps, Page 1 the following eight (8) courses:

- 1. North 01°07'48" East, 792.89 feet; thence
- 2. North 55°13'43" East, 243.36 feet; thence
- 3. North 72°47'31" East, 822.80 feet; thence
- 4. North 54°05'52" East, 159.13 feet; thence
- 5. North 35°48'37" East, 372.62 feet; thence
- 6. North 48°18'50" East, 373.01 feet; thence
- 7. South 41°40'18" East, 52.28 feet; thence
- 8. North 49°00'21" East, 289.69 feet; thence

leaving said Northwesterly line and running in a generally Easterly direction the following nine (9) courses:

- 1. North 79°06'27" East, 286.58 feet; thence
- 2. North 62°23'58" East, 442.11 feet; thence
- 3. North 84°18'16" East, 479.34 feet; thence
- 4. South 69°05'09" East, 232.10 feet; thence
- 5. North 89°09'17" East, 128.81 feet; thence
- 6. North 75°29'52" East, 197.31 feet; thence
- 7. North 36°52'26" East, 16.33 feet; thence
- 8. South 87°30'48" East, 32.30 feet; thence
- 9. South 63°30'55" East, 440.18 feet;

thence running in a generally Southerly and Westerly direction along the following forty seven (47) courses:

- 1. South 05°11'40" West, 74.10 feet; thence
- 2. South 23°21'25" East, 40.08 feet; thence
- 3. South 63°26'06" West, 24.62 feet; thence
- 4. South 00°00'00" West, 65.32 feet; thence
- 5. South 45°00'01" West, 27.71 feet; thence

PHASE 1 - EXHIBIT 'A'

- 6. South 86°18'31" West, 202.92 feet; thence
- 7. South 65°53'52" West, 271.94 feet; thence
- 8. South 63°26'04" West, 29.21 feet; thence
- 9. South 59°02'10" West, 38.09 feet; thence
- 10. South 07°07'30" West, 52.67 feet; thence
- 11. South 09°27'45" East, 39.73 feet; thence
- 12. South 08°07'48" East, 46.19 feet; thence
- 13. South 29°03'17" East, 67.25 feet; thence
- 14. South 45°00'00" West, 157.05 feet; thence
- 15. South 87°42'34" West, 163.44 feet; thence
- 16. South 59°02'11" West, 76.18 feet; thence
- 17. South 70°20'46" West, 97.11 feet; thence
- 18. South 60°15'18" West, 52.67 feet; thence
- 19. South 45°00'00" West, 36.95 feet; thence continuing
- 20. South 45°00'00" West, 46.19 feet; thence
- 21. South 54°27'44" West, 56.19 feet; thence
- 22. South 28°36'38" West, 81.85 feet; thence
- 23. South 11°18'36" West, 33.31 feet; thence
- 24. South 03°34'35" West, 104.72 feet; thence
- 25. South 36°52'12" West, 65.32 feet; thence
- 26. South 80°08'03" West, 152.50 feet; thence
- 27. North 48°00'46" West, 87.88 feet; thence
- 28. North 78°41'24" West, 66.62 feet; thence
- 29. South 90°00'00" West, 78.39 feet; thence
- 30. South 79°59'31" West, 112.77 feet; thence
- 31. South 55°18'17" West, 103.29 feet; thence
- 32. South 41°11'09" West, 69.44 feet; thence
- 33. South 21°02'15" West, 90.99 feet; thence
- 34. South 12°31'43" West, 60.23 feet; thence
- 35. South 63°26'06" West, 116.85 feet; thence
- 36. South 06°20'25" East, 177.46 feet; thence
- 37. South 77°00'20" West, 87.15 feet; thence
- 38. South 26°33'54" East, 73.03 feet; thence
- 39. South 27°24'27" West, 198.67 feet; thence
- 40. South 83°17'25" West, 111.82 feet; thence
- 41. South 82°24'19" West, 98.85 feet; thence
- 42. South 90°00'00" West, 19.60 feet; thence
- 43. North 85°14'11" West, 78.66 feet; thence
- 44. South 26°33'55" West, 58.43 feet; thence
- 45. South 11°18'35" West, 66.62 feet: thence
- 46. South 08°07'49" West, 46.19 feet; thence
- 47. South 07°35'41" East, 35.68 feet;

thence parallel with the South line of said Section 34, North 89°50'14" West, 1604.33 feet to the POINT OF BEGINNING, containing 102.00 acres, more or less.

PHASE 1 - EXHIBIT 'A'

The Basis of Bearings for this description is the California Coordinate System, NAD 83, Zone 3 as defined on that certain Record of Survey filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26. Distances given herein are grid distances. Multiply the grid distance by 1.000045 to obtain ground distances.

End of Description

This description has been prepared by me or under my direct supervision in connection with the University of California, Merced Campus "Phase 1 Project".

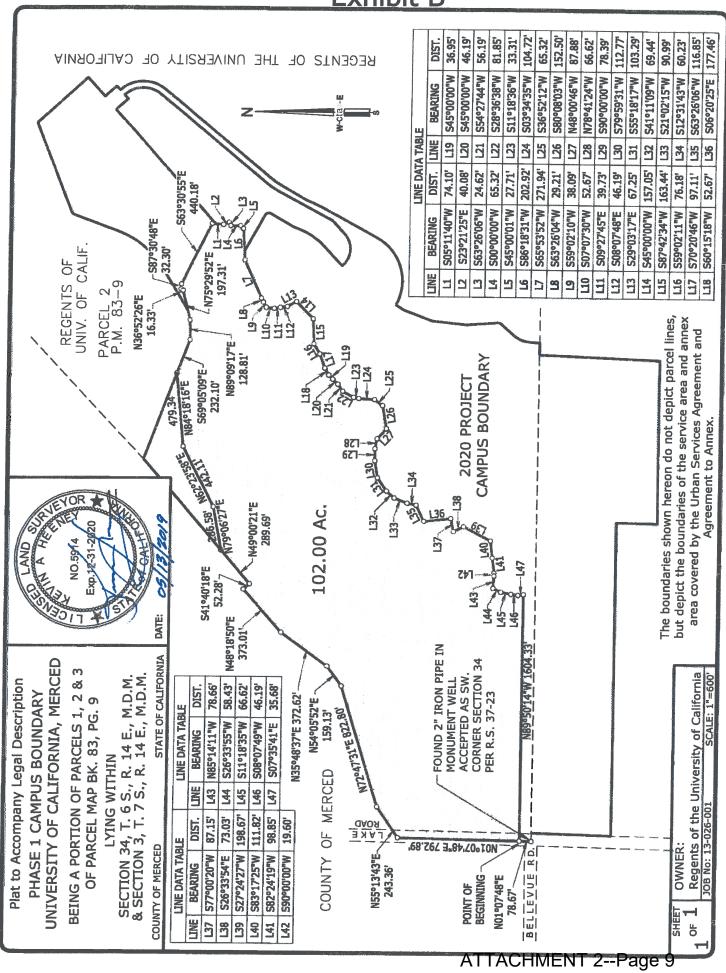
Exp. 12-31-2020

Page 3 of 3 M:\13-026-001\LEGAL DESCRIPTIONS\Phase 1 Boundary Description.docx

AMENDED EXHIBIT B

Map of Phase One of the UCM Campus

Exhibit B



AMENDED EXHIBIT C

Legal Description of UCM Boundary of the 2020 Project Area

REVISED 2020 PROJECT CAMPUS BOUNDARY - EXHIBIT C

All that real property situate in the County of Merced, State of California, lying within Section 34, Township 6 South, Range 14 East, M.D.M., as shown on that certain Record of Survey for the "University of California Merced Campus", filed in Book 37 of Surveys, Pages 23-26, Merced County records and being a portion of Parcels 1, 2 and 3, as shown on that certain Parcel Map for "Merced Community Golf Association", filed in Book 83 of Parcel Maps, Pages 9-12, together with a portion of the North One-half of Section 3, Township 7 South, Range 14 East, M.D.M. and being more particularly described as follows:

AREA 1

COMMENCING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West and Northwesterly line of said lands of the Regents of the University of California, being also the West and Northwesterly line of said Parcel 1 as shown in Book 83 of Parcel Maps, Page 9 the following seven (7) courses:

- 1. North 01°07'48" East, 871.56 feet; thence
- 2. North 55°13'43" East, 243.36 feet; thence
- 3. North 72°47'31" East, 822.80 feet; thence
- 4. North 54°05'52" East, 159.13 feet; thence
- 5. North 35°48'37" East, 372.62 feet; thence
- 6. North 48°18'50" East, 373.01 feet; thence
- 7. South 41°40′18" East, 52.28 feet:

thence North 49°00′21″ East, 289.69 feet to the **POINT OF BEGINNING**; thence continuing along said West and Northwesterly line of said Parcel 1, North 49°00′21″ East, 781.81 feet to a point on the South line of a permanent easement to the Merced Irrigation District for the "Le Grand Canal" per Book 2299, Page 963, Series No. 19713 Official Records of Merced County, hereinafter after referred to as the "Le Grand Canal"; thence along the Southerly line of said "Le Grand Canal" North 69°46′50″ East, 596.89 feet; thence leaving the Southerly line of said "Le Grand Canal", South 84°18′16″ West, 479.34 feet; thence South 62°23′58″ West, 442.11 feet; thence South 79°06′27″ West, 286.58 feet to the **POINT OF BEGINNING**, containing 4.062 acres, more or less.

TOGETHER WITH:

AREA 2

BEGINNING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West line of said lands of the Regents of the University of California, being also the West line of said Parcel 1 as shown in Book 83 of Parcel Maps, Page 9, North 01°07'48" East, 78.67 feet; thence leaving said West line, South 89°50'14" East, 1,604.33 feet; thence North 07°35'41" West, 35.68 feet; thence North 08°07'49" East, 46.19 feet; thence North 11°18'35" East, 66.62 feet; thence North 26°33'55" East, 58.43 feet; thence South 85°14'11" East, 78.66 feet; thence North 90°00'00" East, 19.60 feet; thence North 82°24'19" East, 98.85 feet; thence North 83°17'25" East, 111.82

REVISED 2020 PROJECT CAMPUS BOUNDARY - EXHIBIT C

feet; thence North 27°24'27" East, 198.67 feet; thence North 26°33'54" West, 73.03 feet; thence North 77°00'20" East, 87.15 feet; thence North 06°20'25" West, 177.46 feet; thence North 63°26'06" East, 116.85 feet; thence North 12°31'43" East, 60.23 feet; thence North 21°02'15" East, 90.99 feet; thence North 41°11'09" East, 69.44 feet; thence North 55°18'17" East, 103.29 feet; thence North 79°59'31" East, 112.77 feet; thence North 90°00'00" East, 78.39 feet; thence South 78°41'24" East, 66.62 feet; thence South 48°00'46" East, 87.88 feet; thence North 80°08'03" East, 152.50 feet; thence North 36°52'12" East, 65.32 feet; thence North 03°34'35" East, 104.72 feet; thence North 11°18'36" East, 33.31 feet; thence North 28°36'38" East, 81.85 feet; thence North 54°27'44" East, 56.19 feet; thence North 45°00'00" East, 46.19 feet; thence North 45°00'00" East, 36.95 feet; thence North 60°15'18" East, 52.67 feet; thence North 70°20'46" East, 97.11 feet; thence North 59°02'11" East, 76.18 feet; thence North 87°42'34" East, 163.44 feet; thence North 45°00'00" East, 157.05 feet; thence North 29°03'17" West, 67.25 feet; thence North 08°07'48" West, 46.19 feet; thence North 09°27'45" West, 39.73 feet; thence North 07°07'30" East, 52.67 feet; thence North 59°02'10" East, 38.09 feet; thence North 63°26'04" East, 29.21 feet; thence North 65°53'52" East, 271.94 feet; thence North 86°18'31" East, 65.77 feet to a point on the North and East line of a permanent easement to the Merced Irrigation District for the "Fairfield Canal" per Book 2299, Page 963, Series No. 19713 Official Records of Merced County, hereinafter referred to as "Fairfield Canal"; thence leaving said North line, South 59°41'37" East, 209.51 feet to a point on the South and West line of said "Fairfield Canal"; thence along said South line South 61°42'36" East, 53.68 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears South 15°58'37" East, 35.80 feet; thence South 29°45'21" West, 172.37 feet; thence South 22°37'44" West, 58.69 feet; thence along the arc of a curve to the right, having a radius of 425.00 feet, the chord of which bears South 35°19'38" West, 186.84 feet; thence South 48°01'32" West, 114.65 feet; thence along an arc of a curve to the left, having a radius of 575.00 feet, the chord of which bears South 45°31'01" West, 50.33 feet; thence leaving the South and West line of line of said "Fairfield Canal", along the arc of a non-tangent curve, concave to the Northeast, with a radius of 141.00 feet and a chord which bears South 83°45'15" East, 198.20 feet; thence North 48°01'32" East, 129.21 feet; thence North 28°03'56" East, 399.23 feet; thence along the arc of a curve to the right, having a radius of 560.00 feet, the chord of which bears North 34°30'52" East, 92.91 feet; thence North 39°16'22" West, 911.25 feet; thence along the arc of a curve to the left, having a radius of 179.00 feet, the chord of which bears North 01°33'50" West, 234.10 feet; thence South 47°35'56" West, 35.40 feet; thence North 42°21'03" West, 104.92 feet; thence South 47°38'57" West, 191.00 feet; thence South 48°29'31" West, 800.33 feet; thence North 05°11'40" East, 21.49 feet; thence North 63°30'55" West, 500.06 feet to a point on the South line of said "Le Grand Canal"; thence along said South line, North 58°24'14" East, 184.24 feet; thence along the arc of a curve to the left, having a radius of 575.00 feet, the chord of which bears North 39°29'03" East, 372.88 feet; thence North 20°33′52" East, 311.34 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet; the chord of which bears North 44°31'14" East, 20.30 feet; thence North 68°28'36" East, 627.36; thence leaving the South line of said "Le Grand Canal", South 42°21'03" East, 435.99 feet; thence South 47°38'57" West, 166.20 feet; thence South 42°21'03" East,

REVISED 2020 PROJECT CAMPUS BOUNDARY - EXHIBIT C

99.82 feet; thence South 47°35'56" West, 34.40 feet; thence along the arc of a non-tangent curve, concave to the West, with a radius 221.00 feet and a chord of which bears South 01°33'50" East, 289.03 feet; thence South 39°16'22" West, 911.25 feet; thence along the arc of a curve to the left, having a radius of 518.00 feet, the chord of which bears South 34°30'52" West, 85.94 feet; thence South 28°03'56" west, 399.23 feet; thence South 28°29'54" West, 307.35 feet; thence along the arc of a curve to the right, having a radius of 321.00 feet, the chord of which bears South 73°22'39" West, 455.17 feet to a point on the West line of said "Fairfield Canal"; thence along said West line, South 30°09'09" West, 62.74 feet; thence South 20°33'52" West, 197.12 feet; thence South 05°42'47" West, 229.16 feet; thence South 04°05'15" East, 202.90 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears South 18°39'46" West, 19.34 feet; thence South 41°24'47" West, 112.35 feet; thence along the arc of a curve to the left, having a radius of 175.00 feet, the chord of which bears South 22°12'49" West, 115.10 feet; thence South 03°00'51" West, 65.13 feet to a point on the South line of Parcel 3 as shown in Book 83 of Parcel Maps, Page 9; thence leaving the West line of said "Fairfield Canal" along said South line of Parcel 3, South 89°50'14" East, 78.76 feet; thence leaving said South line, South 02°05'25" West, 772.00 feet; thence West, 1,062.86 feet; thence North 01°02'23" East, 253.08 feet; thence North 89°52'33" West, 2,040.08 feet to a point on the East line of Lake Road; thence along the East line of Lake road, North 01°27'06" East, 523.04 feet the Southwest corner of said Parcel 3; thence North 89°50'14" West, 54.99 feet to the POINT OF BEGINNING, containing 112.995 acres, more or less.

The total area contained within the described areas is 117.057 acres, more or less.

The Basis of Bearings for this description is the California Coordinate System, NAD 83, Zone 3 as defined on that certain Record of Survey filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26. Distances given herein are grid distances. Multiply the grid distance by 1.000045 to obtain ground distances.

End of Description

This description has been prepared by me or under my direct supervision.

Kevin A. Heeney, PLS 5914

NO.5914 SExp.12-31-2020

Date

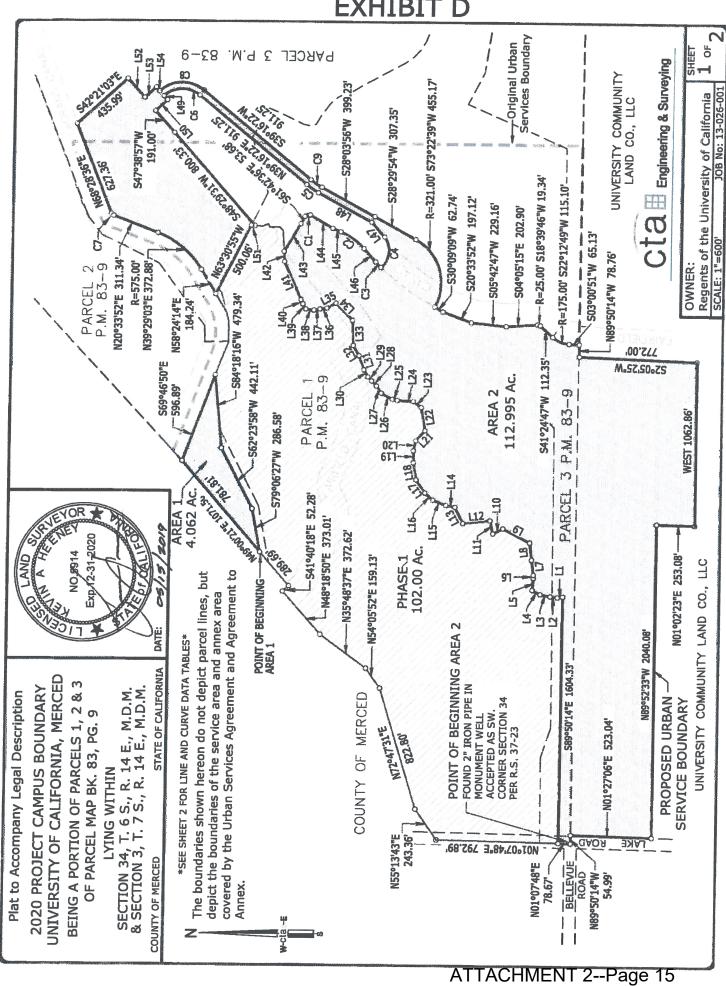
AMENDED EXHIBIT D

Map of Revised 2020 Project UCM Campus--Illustrative of Boundaries of Revised 2020 Project:

UCM Campus Only

3224142.1

EXHIBIT



UNIVERSITY OF CALIFORNIA, MERCED BEING A PORTION OF PARCELS 1, 2 & 3 2020 PROJECT CAMPUS BOUNDARY SECTION 34, T. 6 S., R. 14 E., M.D.M. & SECTION 3, T. 7 S., R. 14 E., M.D.M. Plat to Accompany Legal Description OF PARCEL MAP BK. 83, PG. 9 LYING WITHIN

COUNTY OF MERCED



	DIST	35.80	186.84	50.33	198.20'	92.91	234.10	20.30	289.03	85.94′
	RADIUS CHORD	S15°58'37"E	S35°19'38"W	S45°31'01"W	S83°45'15"E	N34°30'52"E	N01°33'50"W	N44°31'14"E	S01°33'50"E	518.00' S34°30'52"W
a	RADIUS	25.00'	425.00'	575.00	141.00′	560.00	179.00′	25.00'	221.00'	518.00
	CURVE	ដ	2	ន	2	ន	ප	7	ප	ප
			_							

N08°07'48"W 46.19'

967

N29°03'17"W

N83°17'25"E | 111.82' N27°24'27"E 198.67"

9 2

N82°24'19"E | 98.85"

N09°27'45"W 39.73' N07°07'30"E 52,67'

2

N26°33'54"W 73.03' N77º00'20"E 87.15

200

N59°02'10"E N63°26'04"E

139

N06°20'25"W 177.46" L13 N63°26'06"E 116.85'

12

3

8

Ξ

N87°42'34"E | 163.44 N45°00'00"E 157.05

[33 134 135

19,60

9

N59°02'11"E 76.18"

132

N70°20'46"E

N60°15'18"E

ទ 13

66.62 58.43 78.66

N45°00'00"E N45°00'00"E

78 23

35.68' 46.19

N07°35'41"W N08°07'49"E N11°18'35"E N26°33'55"E S85º14'11"E N90°00'00"E

BEARING

BEARING

LINE DATA TABLE DIST. LINE N65°53'52"E 271.94

141

N12º31'43"E | 60.23'

4

N21°02'15"E 90.99'

115 116

N41º11'09"E 69.44'

L42 | N86°18'31"E | 65.77

S29°45'21"W 172.37"

S59°41'37"E | 209.51

[43 <u>4</u>

N55°18'17"E | 103.29'

117

L18 N79°59'31"E 112.77" N90°00'00"E 78.39' S78°41'24"E | 66.62' S48°00'46"E 87.88'

119

20

7

S48°01'32"W 114.65'

146

N48°01'32"E | 129.21 N28°03'56"E | 399.23

[47

148 149

152.50

N80°08'03"E N36°52'12"E

77

65.32

S47°35'56"W 35.40'

S47°38'57"W 166.20

S47°35'56"W 34.40' S42°21'03"E | 99.82

2

N54°27'44"E 56.19'

N28º36'38"E 81.85'

N03°34'35"E 104.72'

24

23

N11º18'36"E 33.31'

25

S22°37'44"W 58.69"

L45

Cta H Engineering & Surveying

JOB No: 13-026-001 Regents of the University of California SCALE: 1"=600" OWNER:

SHEFT 2 OF.

ATTACHMENT 2--Page 16