

ATTACHMENT "B"

FAIRVIEW HEIGHTS LANDSCAPING AGREEMENT

BETWEEN

THE COUNTY OF ALAMEDA, AND

FAIRVIEW HEIGHTS HOMEOWNERS ASSOCIATION

The Fairview Heights Homeowners Association ("Fairview Heights Homeowners Association"), a California non-profit corporation, and the County of Alameda (the "County") enter into this "Landscaping Agreement," effective October 1, 2011, with reference to the following facts:

WHEREAS the Alameda County Board of Supervisors approved Resolution 90-85 on December 5, 1990 the ("Resolution"), establishing conditions for the approval of a tentative map for Tract 6102; and;

WHEREAS the Resolution included the following condition related to landscaping on Tract 6102:

9. Secure approval from the Planning Director of a specific landscaping plan prepared by a Landscape Architect. Said landscaping plan shall include fire retardant plants along the eastern and southern boundaries, fruit bearing trees, and perimeter landscaping which will reduce off-site view between the site and existing adjacent homes. In addition, said plans shall include street trees of 15 gallon size at a ration of 1 per ever 35 fee of street frontage. Said plan shall include a timetable for implementation, mechanical irrigation plan, planting and staking of details, landscape maintenance program, perimeter fencing plans and details, and outdoor and security lighting.

WHEREAS the Planning Director has approved a landscaping plan dated March 19, 1999 (approved June 15, 1999), a copy of which plan is attached hereto as Attachment "A."

WHEREAS the County has demanded that the work carrying out the requirements of Condition 9 to the Resolution be implemented by Fairview Heights Homeowners Association; and

WHEREAS the County and Fairview Heights HOA desire to enter into an agreement whereby the HOA will implement landscaping and other work in compliance with the Resolution; provided it is given a reasonable period of time to implement said work based upon a timetable linked to the actual build-out of homes in Tract 6102.

NOW, THEREFORE, in consideration for the promises herein, The County and Fairview Heights Homeowners Association agree to the following:

1. Fairview Heights HOA agrees to install landscaping, irrigation, perimeter fencing and other work necessary to comply with the Resolution, paragraph 9 set forth above herein.
2. In the event Fairview Heights HOA desires to change the plan attached hereto as Attachment "A," Fairview Heights HOA will submit to the County for approval by January 1, 2012 an alternative plan prepared by registered landscape architect. Further changes may be requested at a later date, but must be approved by the County.
3. The County agrees that the installation of the landscaping and other work shall be implemented according to the following schedule. One third of the work shall be performed during the year of 2012. One third will be performed by the time building permits have been issued for 20 of the lots. The remaining one third of the work shall be performed by the time building permits have been issued for 34 of the lots on Tract 6102.
4. The Fairview heights Homeowners Association shall replace the tree that was removed as part of the work of the original developer, pursuant to paragraph 8 of the Resolution.

FAIRVIEW HEIGHTS HOME OWNERS ASSOCIATION

BY: _____ Dated: _____

COUNTY OF ALAMEDA

BY: _____ Dated: _____