

**FIRST AMENDMENT TO AGREEMENT FOR CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS  
PROJECT: ROAD & DRAINAGE IMPROVEMENTS – PARCEL MAP NO. 20478  
(IMPROVEMENT AREA: 3)**

WHEREAS, Speedway SBC Development LLC, a Delaware Limited Liability Company (Subdivider) entered into "Agreement for Construction and Maintenance of Improvements Project: Road & Drainage Improvements – Parcel Map No. 20478, Improvement Area 3" (Agreement) on June 11, 2024 with San Bernardino County (County) and posted performance and labor and material securities associated with said Agreement; and

WHEREAS, Subdivider has completed a significant portion of the required improvements and has request a partial release of the performance security in accordance with Section 66499.7 of the Government Code and Section 87.07.040 of the San Bernardino County Code; and

WHEREAS, Subdivider has provided a rider to the existing performance security, entitled "[RIDER]" in the amount of \$284,700, which reflects 100 percent of the revised total cost estimate to complete the remaining improvements or the act to be performed and includes an amount equal to at least 10 percent of the total estimated cost of the improvements or performance of the required act necessary to guarantee and warranty of the improvements for 12 months following the completion and acceptance, against any defective work or labor done, or defective materials furnished.

NOW THEREFORE, in consideration of the terms and conditions described herein and the payment of all County fees associated with this First Amendment, the parties agree as follows:

1. The recitals are incorporated into this First Amendment by this reference.
2. Paragraph 14(II) on Page 5 of the Agreement is deleted, and replaced with a new Paragraph 14(II) which shall read as follows:


(II) (Security)	Performance	<u>\$284,700</u>
	Labor and Material	<u>\$1,423,500</u>
	Guarantee/Warranty	<u>\$284,700</u>

3. All other terms and conditions of the Agreement shall remain in full force and effect.

**PRINCIPAL:** Speedway SBC Development LLC, a Delaware Limited Liability Company  
(Print/Type Name & Title)

Scott Morse, Executive Vice President

(Type/Print Name & Title)

  
(Notarized Signature)

(Type/Print Name & Title)

(Notarized Signature)

**ADDRESS:**

901 Via Piemonte, Suite 175

Ontario, CA 91764

**PHONE:** (909) 382-0033

**SAN BERNARDINO COUNTY**

Date of Agreement \_\_\_\_\_

By: \_\_\_\_\_  
Dawn Rowe, Chair, Board of Supervisors

**ATTEST:**

Signed and Certified that a copy of this document has been delivered to the Chairman of the Board  
LYNNA MONELL  
Clerk of the Board of Supervisors of San Bernardino County

Approved as to legal form  
TOM BUNTON, County Counsel

 For

Date July 29, 2025

By: \_\_\_\_\_  
(Deputy)

# CALIFORNIA 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 Orange

On July 28, 2025 before me, Alissa Welch, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Scott Maje  
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 Alissa Welch

Place Notary Seal and/or Stamp Above

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

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_