

REQUEST FOR TIME EXTENSION AND
WAIVER AND RELEASE OF CLAIMS RELATING TO
CALIFORNIA ENVIRONMENTAL QUALITY ACT

The undersigned is the applicant (the "Applicant") for Zone Change No. 398, Commission Review and Approval No. 768, and Variance No. 663 (the "Entitlements") and has requested a ninety (90) day extension of time for the City of Redlands' preparation and completion of the environmental documents for the Entitlements pursuant to Public Resources Code section 21151.5, and the City hereby consents to that ninety (90) day extension. The Applicant is aware of, and has read the provisions of, Public Resources Code Section 21151.5 and Section 15107 of Title 14 of the California Code of Regulations and, by executing this Waiver and Release of Claims expressly waives any and all rights the Applicant may have to enforcement of those provisions against the City with regard to the Entitlements.

The Applicant also expressly waives any rights it may have pursuant to Civil Code Section 1542 which reads:

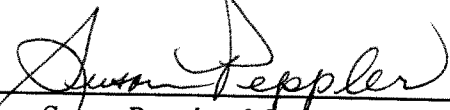
A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE
CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST AT THE TIME OF
EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE
MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

The Applicant agrees that it shall defend, indemnify and hold harmless the City and its elected officials, officers and employees from and against any and all claims, losses, damages, causes of action and liability that the City may incur as a result of the City's grant of the time extension and reliance upon this Waiver and Release of Claims from the Applicant.

In the event any action is commenced by the City to enforce or interpret any of the provisions of this Request for Time Extension and Waiver and Release of Claims Relating to the California Environmental Quality Act, the City shall be entitled to recover, in addition to its costs and other relief, its reasonable attorneys' fees.

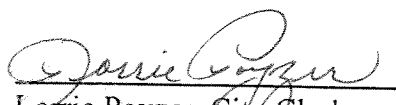
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown below.

CITY OF REDLANDS

By: 
Susan Peppler, Mayor
City of Redlands

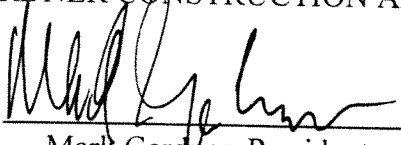
Date March 16, 2004

ATTEST:


Lorrie Poyzer, City Clerk

Date March 16, 2004

GARDNER CONSTRUCTION AND DEVELOPMENT, INC.

By: 
Mark Gardner, President

Date 3/11/04

ATTEST:

By: _____
Secretary

Date _____