

OFFICIAL BUSINESS
Document entitled to free recording
Government Code Section 27383

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Roseville
311 Vernon Street
Roseville, CA 95678

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

**FIRST AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ROSEVILLE, MOURIER INVESTMENTS, LLC,
AND JOHN MOURIER CONSTRUCTION, INC.
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN**

This First Amendment of Development Agreement is entered into this ____ day of _____, 2020, by and between the CITY OF ROSEVILLE, a municipal corporation (“City”), MOURIER INVESTMENTS, LLC, a California limited liability company (“Mourier”), and JOHN MOURIER CONSTRUCTION, INC., a California corporation (“JMC”) pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Mourier, Bagley & Associates, L.P., a California limited partnership (“Bagley”), and City entered into a Development Agreement (the “Development Agreement”) which was approved by the City Council of City on May 19, 2010, and recorded on June 18, 2010, in the Official Records of Placer County as Document No. 2010-0045941-00.

B. Mourier, Bagley, and City entered into the Development Agreement relative to development within a portion of the Sierra Vista Specific Plan Area, as such is more precisely defined in Exhibits “A” and “B” of the Development Agreement (the “Property”). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Development Agreement.

C. Bagley assigned its interest in the Development Agreement to Mourier pursuant to that certain Option Agreement dated August 15, 2001, and which closed escrow on September 8, 2010.

D. Mourier assigned a portion of its interest in the Development Agreement to JMC pursuant to that certain Purchase and Sale Agreement dated December 19, 2017, and which closed escrow on December 26, 2017.

E. Mourier assigned a portion of its interest in the Development Agreement to JMC pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of November 7, 2019, and recorded November 8, 2019, as Document No. 2019-0089190-00, in the Official Records of Placer County, California.

F. This First Amendment to the Development Agreement (the “First Amendment”) affects certain portions of the Property owned by Mourier and JMC (the “First Amendment Property”), as described in Exhibit “A” attached to this First Amendment and shall run with the land described in Exhibit “A” hereto. Mourier, JMC, and City intend for this First Amendment to document certain unit transfers within the Plan Area and resolve the parties’ inconsistent interpretations of Subsection 3.17.1.2(i) of the Development Agreement.

G. This First Amendment is authorized by Section 1.4 of the Development Agreement.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT.

- a. The term “Entitlements” set forth in Recital F of the Development Agreement for the First Amendment Property is hereby revised to include the Sierra Vista Specific Plan and Design Guidelines, as amended and adopted by Resolution No. ____-____.
- b. The land use designations, approximate acreages, and unit counts in Section 2.2 of the Development Agreement for the First Amendment Property are hereby revised as follows:

Low Density Residential	230 units on 45.0 Net Acres;
Medium Density Residential	322 units on 39.9 Net Acres;
Community	
Commercial/Commercial Mixed	
Use	40 units on 5.7 Net Acres;
Park	2.3 Net Acres;
Open Space (paseo)	1.2 Net Acres;
Schools	12.0 Net Acres;
Right of Way	16.5 Net Acres.

- c. Section 3.17.1.2(i) of the Development Agreement for the First Amendment Property is hereby amended and revised in its entirety to read as follows:

“(i) For the First Amendment Property, the previous fee deferral provisions of this subsection are hereby deemed null and void and the only fee deferral eligible to be paid with bond proceeds from future bond sales commencing in the year 31 timeframe shall be fifty percent (50%) of the SPRTA Tier II Traffic Fee pursuant to the terms and conditions of the Tier II Development Fee Deferral Program and one hundred percent (100%) of the City-Wide Park Fee that would otherwise be paid at the time of issuance of building permits for low, medium, and high density residential dwelling units. The amount of the SPRTA Tier II Traffic Fee deferral provided by this Section shall be adjusted as the SPRTA Tier II Traffic Fee may be subsequently adjusted. The amount of the City-Wide Park Fee deferral provided by this Section shall be adjusted as the City-Wide Park Fee may be subsequently adjusted pursuant to Section 3.12.4 of the Development Agreement.”

2. **CONSISTENCY WITH GENERAL PLAN.** The City Council has found and determined that this First Amendment of the Development Agreement is consistent with the General Plan and the Sierra Vista Specific Plan.

3. **AMENDMENT LIMITED TO FIRST AMENDMENT PROPERTY.** This First Amendment is limited to and applies only to development of the First Amendment Property and does not affect or apply in any manner with respect to the development of any other property within the Sierra Vista Specific Plan Area, including without limitation, any other portion of the Property.

4. **AMENDMENT.** This First Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein. As amended hereby with respect to the First Amendment Property, the Development Agreement remains in full force and effect.

5. **FORM OF AMENDMENT.** This First Amendment is executed in two duplicate originals, each of which is deemed to be an original.

[Remainder of Page Intentionally Blank; Signatures Follow on Next Page]

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this First Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. _____, adopted by the Council of the City of Roseville on the ____ day of _____, 2020.

CITY OF ROSEVILLE,
a municipal corporation

MOURIER INVESTMENTS, LLC, a
California limited liability company

By: _____
Dominick Casey
City Manager

By: _____
John L. Mourier, III
Managing Member

ATTEST:

JOHN MOURIER CONSTRUCTION,
INC., a California corporation

By: _____
Sonia Orozco
City Clerk

By: _____
Rod Yamanaka
CFO

APPROVED AS TO FORM;

By: _____
Robert R. Schmitt
City Attorney

APPROVED AS TO SUBSTANCE:

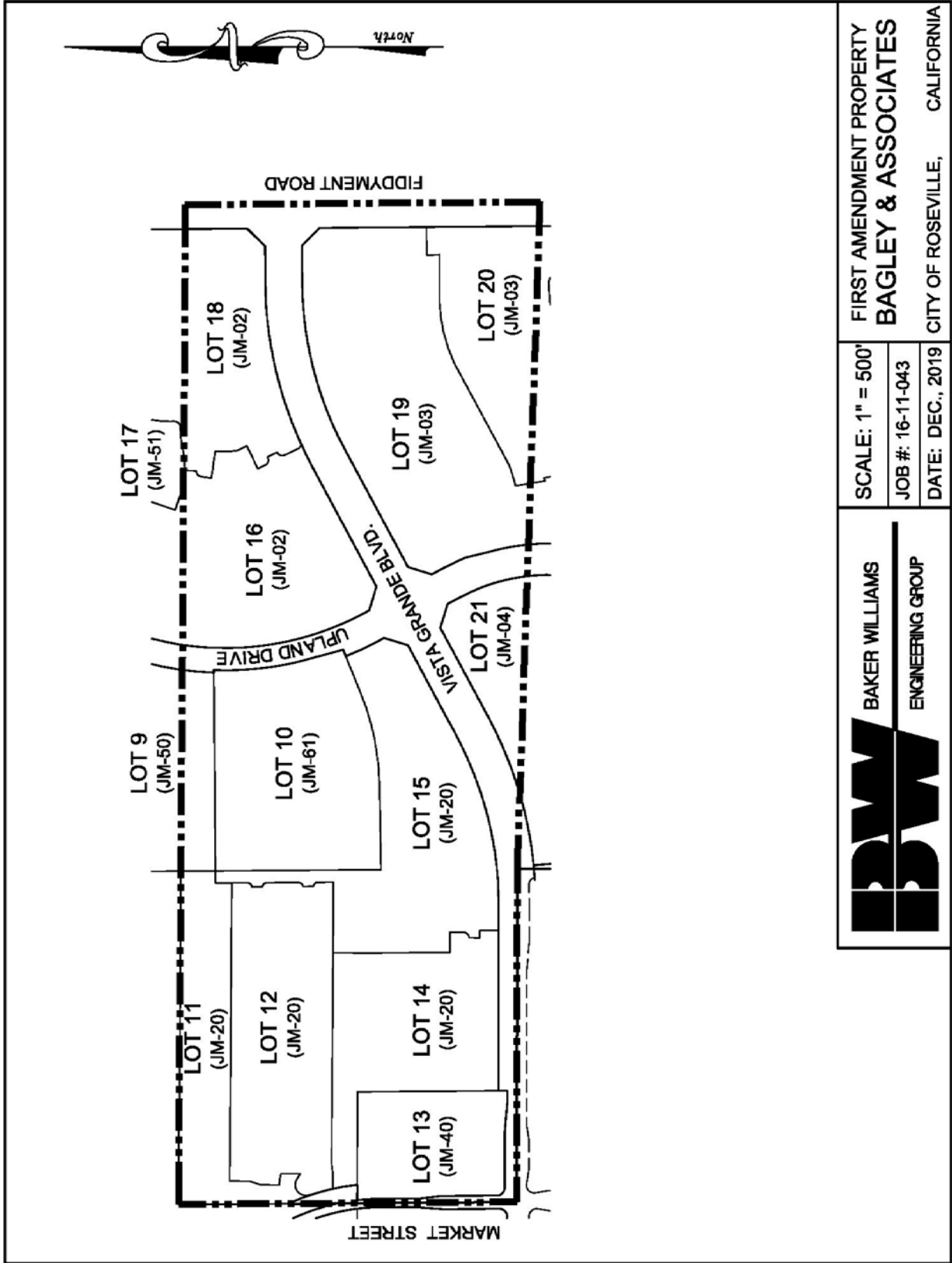
By: _____
Mike Isom
Development Services Director


**EXHIBIT A
FIRST AMENDMENT PROPERTY**

**Legal Description for
Sierra Vista Development Agreement
Mourier Investments, LLC
(Bagley & Associates, LLP)**

All that real property situated in the City of Roseville, County of Placer, State of California located in Section 36, Township 11 North, Range 5 East, M.D.M. being all of Lots 10, 11, 12, 13, 14, 15 and portions of Lots 9, 16, 17, 18, 19, 20 and 21 as shown on the Final Map of "The Villages at Sierra Vista", filed for record on July 29, 2015, in Book DD of Maps, at Page 26.

**EXHIBIT B
DEPICTION OF FIRST AMENDMENT PROPERTY**



 <p>BAKER WILLIAMS ENGINEERING GROUP</p>	<p>SCALE: 1" = 500'</p>	<p>FIRST AMENDMENT PROPERTY BAGLEY & ASSOCIATES</p>
	<p>JOB #: 16-11-043</p>	<p>CITY OF ROSEVILLE, CALIFORNIA</p>
	<p>DATE: DEC., 2019</p>	