

**SIXTH AMENDMENT OF DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF ROSEVILLE AND WESTPARK SIERRA VISTA, LLC, AS  
ASSIGNEE OF WESTPARK FEDERICO, LLC, MOURIER INVESTMENTS,  
LLC, AND FEDERICO-TYLER FAMILY LIMITED PARTNERSHIP  
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN**

This Sixth Amendment of Development Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the CITY OF ROSEVILLE, a municipal corporation ("City") and FD34 DEVELOPMENT, LLC, a California limited liability company ("FD34" or "Landowner"), as Assignee of MOURIER INVESTMENTS, LLC, a California limited liability company ("Mourier"), pursuant to Sections 65864 through 65869.5 of the Government Code of California.

**RECITALS**

A. Mourier, Westpark Federico, LLC, a California limited liability company (Westpark Federico), and the Federico-Tyler Family Limited Partnership ("Federico"), and City, entered into a Development Agreement (the "Original 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. 2010-0045943-00. The Original Development Agreement encompassed a portion of the Sierra Vista Specific Plan ("Specific Plan", "SVSP", or "Plan Area"), as more precisely defined in Exhibits "A" and "B" of the Original Development Agreement (the "Property"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Original Development Agreement, which, with all its various amendments, constitutes the "Development Agreement".

B. Westpark Federico assigned its interest in the Development Agreement to Westpark Sierra Vista, LLC, a California limited liability company ("Westpark Sierra Vista") pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of January 5, 2011, and recorded January 12, 2011, as Document No. 2011-0003089-00, in the Official Records of Placer County, California.

C. Westpark Sierra Vista, Mourier, Federico, and City entered into a First Amendment to the Development Agreement (the "First Amendment") which was approved by the City Council of City on December 20, 2017, and recorded on February 21, 2018, in the Official Records of Placer County as Document No. 2018-0010796-00.

D. Westpark Sierra Vista, Mourier, Federico, and City entered into the First Amendment relative to development within certain portion of the Property, as is more precisely defined in Exhibits "A" and "B" of the First Amendment.

E. Mourier and Federico assigned their interest in the Development Agreement with a respect to a portion of the Property to Westpark Sierra Vista in that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of May 16, 2019, and recorded May 16, 2019, as Document No. 2019-0032322-00, in the Official Records of Placer County. The portion of the Property so assigned by Mourier and Federico to Westpark Sierra Vista was described in Exhibit "A" to that Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement.

F. Westpark Sierra Vista, as Assignee of Westpark Federico, and Federico-Tyler each assigned its interest in the Development Agreement with respect to a portion of the Property to Mourier pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of May 16, 2019, and recorded May 16, 2019, as Document No. 2019-0032321-00, in the Official Records of Placer County. The portion of the Property so assigned by Westpark Sierra Vista and Federico to Mourier was described in Exhibit "A" to that Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement.

G. Westpark Sierra Vista assigned its interest in the Development Agreement for a portion of the Property to Solaire pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of June 3, 2019, and recorded June 4, 2019, as Document No. 2019-0037499-00, in the Official Records of Placer County.

H. On March 4, 2020, City approved the Second Amendment to the Development Agreement (the "Second Amendment") for a portion of the Property owned by Mourier. The Second Amendment was recorded on April 13, 2020, as Document No. 2020-0032961-00, in the Official Records of Placer County. The Original Development Agreement, the First Amendment, and the Second Amendment are hereinafter collectively referred to as the "Development Agreement."

I. On October 7, 2020, City approved the Third Amendment to the Development Agreement (the "Third Amendment") affecting certain portions of the Property (the "Third Amendment Property"), as described in Exhibit "A" and shown in Exhibit "B" attached to the Third Amendment. The Third

Amendment was recorded on November 10, 2020, as Document No. 2020-0128930-00, in the Official Records of Placer County.

J. Westpark Sierra Vista assigned its interest in the Development Agreement for an additional portion of the Property to Solaire pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated October 13, 2020, and recorded October 15, 2020, as Document No. 2020-0116422-00, in the Official Records of Placer County.

K. Mourier assigned a portion of its interest in the Development Agreement with respect to the Fourth Amendment Property (as defined below) to John Mourier Construction, Inc. ("JMC") pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated January 12, 2021, and recorded January 15, 2021, as Document No. 2021-0005796-00 in the Official Records of Placer County, California.

L. On April 21, 2021, City approved the Fourth Amendment to the Development Agreement (the "Fourth Amendment") affecting certain portions of the Property (the "Fourth Amendment Property"), as described in Exhibit "A" and shown in Exhibit "B" attached to the Fourth Amendment. The Fourth Amendment was recorded on July 1, 2021, as Document No. 2021-0085266-00 in the Official Records of Placer County, California.

M. On October 20, 2021, City approved the Fifth Amendment to the Development Agreement (the "Fifth Amendment" affecting certain portion of the Property (the "Fourth Amendment Property"), as described in Exhibit "A" and shown in Exhibit "B" attached to the Fifth Amendment. The Fifth Amendment was recorded on December 17, 2021, as Document No. 2021-0152422-00 in the Official Records of Placer County, California.

N. Mourier assigned a portion of its interest in the Development Agreement with respect to the Sixth Amendment Property (as defined below) to FD34 pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated January 12, 2023, and recorded January 12, 2023, as Document No. 2023-0001667-00, in the Official Records of Placer County, California.

O. This Sixth Amendment to the Development Agreement (the "Sixth Amendment") affects a certain portion of the Property commonly known as SVSP Parcel FD-34 (the "Sixth Amendment Property"), as described in Exhibit "A" and shown in Exhibit "B" attached to this Sixth Amendment, and shall run



hundred and ~~fifty-sixseventy-two~~ (256172) affordable rental units will be reserved within the Sixth Amendment Property, including ~~two hundred and fiftyeighty-six~~ (2586) units for rental to very low income households and ~~eighty-six~~ (86) units for rental to low income households, as follows:

Parcel	Total Units in Parcel <u>incl. density bonus</u>	Total Affordable Unit Allocation <u>including density bonus</u>	Very Low Income Rental Units	Low Income Rental Units
FD-34	<u>256172</u>	<u>256172</u>	<u>25686</u>	<u>086</u>
Total	<u>256172</u>	<u>256172</u>	<u>25686</u>	<u>086</u>

c. NEW SECTION 2.6.2.5 Section 2.6.2.5 is added to the Development Agreement to read as follows:

"2.6.2.5 Welfare Exemption. City acknowledges that if Landowner undertakes the affordable project on Parcel FD-34, Landowner intends to obtain the welfare exemption from property taxes afforded under Section 214, subdivision (g), of the California Revenue and Taxation Code (the "Welfare Exemption"). Nothing in this Agreement shall prohibit Landowner from obtaining such Welfare Exemption, and the City agrees to provide all reasonable support and cooperation to Landowner in securing the Welfare Exemption."

d. EXHIBITS. The exhibits attached to this Sixth Amendment are for this Sixth Amendment only, as follows:

- Exhibit A – Legal Description of Sixth Amendment Property
- Exhibit B -- Plat of Sixth Amendment Property

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

3. AMENDMENT. This Sixth Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein, and is limited and applies only to development of the Sixth 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. As amended hereby, the Development Agreement remains in full force and effect.

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

**IN WITNESS WHEREOF**, the City of Roseville, a municipal corporation, has authorized the execution of this Sixth 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 \_\_\_\_\_, 2023.

CITY OF ROSEVILLE,  
a municipal corporation

By: \_\_\_\_\_  
Dominick Casey  
City Manager

ATTEST:

By: \_\_\_\_\_  
Carmen Avalos  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Michelle Sheidenberger  
City Attorney

APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_  
Mike Isom  
Development Services Director

LANDOWNER:

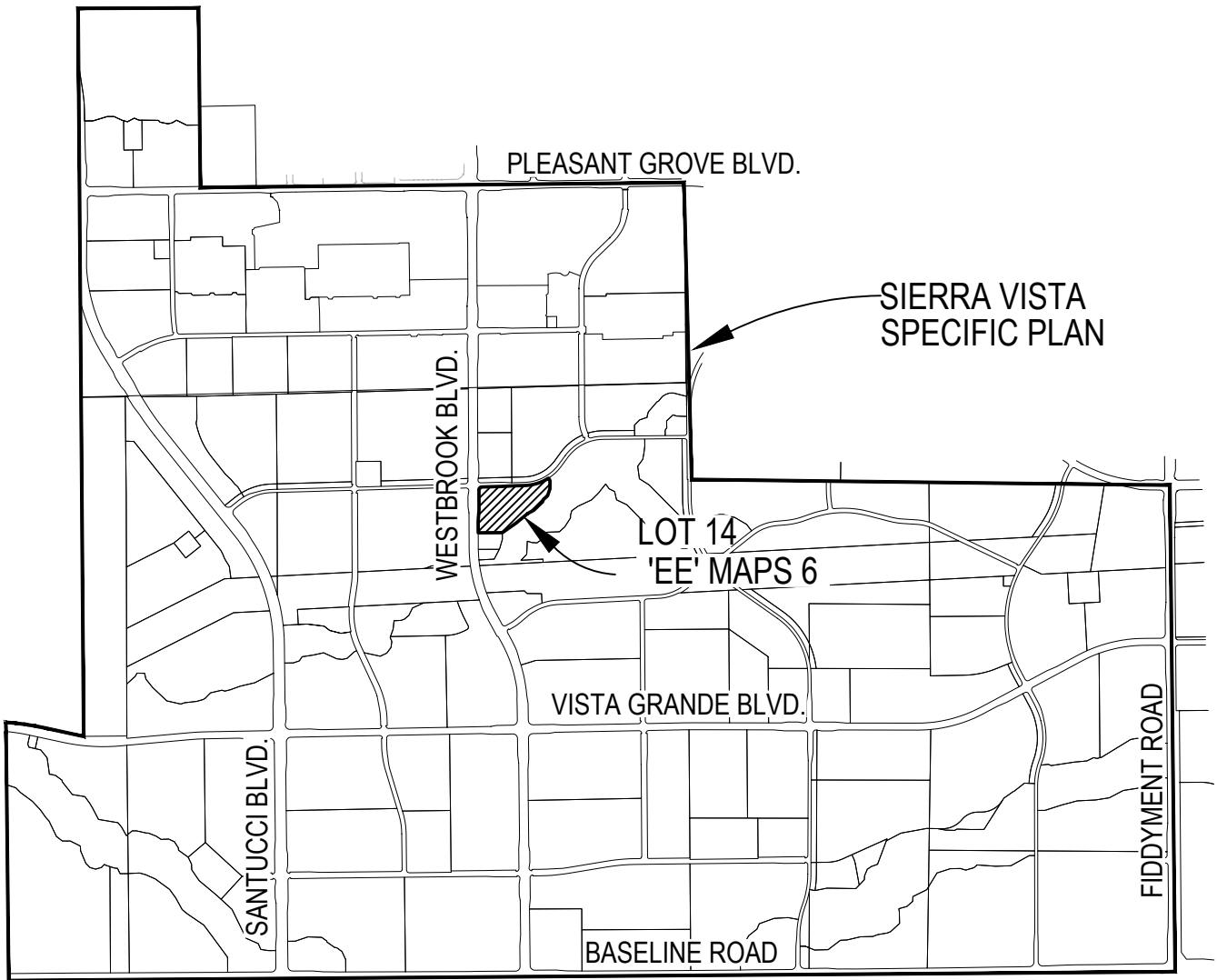
FD34 DEVELOPMENT, LLC, a  
California limited liability company

By: \_\_\_\_\_  
Scott I. Canel  
Its: Manager

**EXHIBIT "A"**  
**LEGAL DESCRIPTION of PARCEL FD-34 PROPERTY**  
**SIXTH AMENDMENT PROPERTY**

All that certain real property situate in the City of Roseville, County of Placer, State of California, described as follows:

Lot 14 as said lot is shown and so designated on that certain final map entitled "Final Map of Sierra Vista – Federico Large Lot Subdivision No. PL15-0192", filed in Book EE of Maps, Page 6, Placer County Records.



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EXHIBIT 'B'  
DIAGRAM OF THE  
SIXTH AMENDMENT PROPERTY

6th AMENDMENT TO DEVELOPMENT AGREEMENT  
SIERRA VISTA SPECIFIC PLAN  
JULY 2023