



PLACER, County Recorder

RYAN RONCO

DOC- 2022-0051688-00

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

THURSDAY, JUN 23, 2022 09:50 AM
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | SB2 \$0.00 | * \$0.00
ADD \$0.00

Ttl Pd \$0.00 Rcpt # 03169545
CLK6BFTJ93/KA/1-10

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

**FIRST AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ROSEVILLE AND KV SIERRA VISTA, LLC
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN**

This First Amendment of Development Agreement is entered into this 11th day of May, 2022, by and between the CITY OF ROSEVILLE, a municipal corporation ("City"), and KV SIERRA VISTA, LLC, a California limited liability company ("KV Sierra Vista") pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Baybrook Limited Partnership, a Delaware limited partnership ("Baybrook Limited Partnership") 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. 2010-0045904-00.

B. Baybrook Limited Partnership 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. Baybrook Limited Partnership assigned its interest in the Original Development Agreement to Baseline 80 Investors LLC, a California limited liability company ("Baseline 80 Investors"), pursuant to that certain Assignment and Assumption Agreement Relative to the Development Agreement dated as of May 18, 2013, and

Park	39.9 Net Acres;
Open Space (paseo)	17.9 Net Acres;
Schools	0.3 Net Acres;
Right of Way	4.1 Net Acres.

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. 6485, adopted by the Council of the City of Roseville on the 11th day of May, 2022.

CITY OF ROSEVILLE,
a municipal corporation

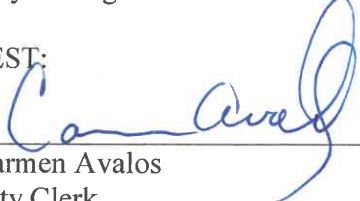
By: 
Dominick Casey
City Manager

KV SIERRA VISTA, LLC, a California
limited liability company


By: 
Don Kuemeler
Manager

*SEE ATTACHED
CA NOTARY PG.*

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

ACKNOWLEDGEMENT

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 SAN FRANCISCO

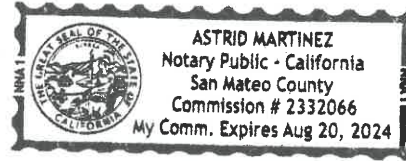
On 5 APRIL 2022 before me, Astrid Martinez, Notary Public, personally appeared Donald Henry Kuemmeler, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person 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 of Notary Public

(Seal)



ACKNOWLEDGMENT

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 Placer

On June 15, 2022 before me, Helen Dreyer, Notary Public
(insert name and title of the officer)

personally appeared Dominick Casey,
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

Helen Dreyer

(Seal)

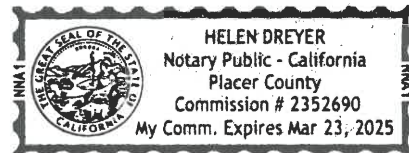


EXHIBIT "A"

Legal Description for
Sierra Vista Development Agreement
Baybrook LP

All that real property situated within the south one-half of Section 34, Township 11 North, Range 5 East, Mount Diablo Meridian, City of Roseville, County of Placer, State of California and further described as follows:

APN 499-010-013 and 499-010-057

Being all of Lot 1 as shown and so designated on that certain Final Map entitled "SIERRA VISTA – KT PROPERTIES PHASE 2 LARGE LOT SUBDIVISION – SUBDIVISION NUMBER PL15-0192" filed for record on October 01, 2020 in Book FF of Maps, at Page 18, Placer County Records and further described as follows:

Containing 40.13 acres of land, more or less.

See Exhibit "B", Plat to accompany description, attached hereto and made a part hereof.

499-010-013 & 057
BAYBROOK LP

BASELINE ROAD



SHEET 1 OF 1

EXHIBIT "B"

BAYBROOK LP
APN 499-010-013 & 057

CITY OF ROSEVILLE
COUNTY OF PLACER STATE OF CALIFORNIA

R. E. Y. ENGINEERS, Inc.
Civil Engineers / Land Surveyors
905 Sutter St. Ste 200 Folsom CA 95630
(916) 366-3040 Fax (916) 366-3303

MRD	N/A	12/17/2021	7310.024
DRAWN BY	SCALE	DATE	JOB NO.

ORDINANCE NO. 6485

ADOPTING A FIRST AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND KV SIERRA VISTA, LLC ("BAYBROOK") RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. In accordance with Chapter 19.84 of Title 19 of the Roseville Municipal Code (the Zoning Ordinance) of the City of Roseville, the City Council has received the recommendation of the Planning Commission that the City of Roseville enter into a First Amendment of the Development Agreement by and between the City of Roseville and KV Sierra Vista, LLC pertaining to property located within the Sierra Vista Specific Plan area.

SECTION 2. Prior to considering the proposed First Amendment to Development Agreement, the City Council considered the 7th Addendum to the Sierra Vista Specific Plan Environmental Impact Report (EIR) (SCH #2008032115, certified May 5, 2010), pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.*

SECTION 3. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Second Amendment to Development Agreement, and makes the following findings:

1. The First Amendment to the Development Agreement is consistent with the objectives, policies, programs and land use designations of the City of Roseville General Plan and the Sierra Vista Specific Plan;
2. The First Amendment to the Development Agreement is consistent with the City of Roseville Zoning Ordinance;
3. The First Amendment to the Development Agreement is in conformance with the public health, safety and welfare;
4. The First Amendment to the Development Agreement will not adversely affect the orderly development of the property or the preservation of property values; and
5. The provisions of the First Amendment to the Development Agreement will provide sufficient benefit to the City to justify entering into said Amendment.

SECTION 4. The First Amendment to Development Agreement, by and between the City of Roseville and KV Sierra Vista, LLC, a copy of which is on file in the City Clerk's Department and incorporated herein by reference, is hereby approved and the City Manager is authorized to execute it on behalf of the City of Roseville.

SECTION 5. The City Clerk is directed to record the executed Development Agreement Amendment within ten (10) days of the execution of the agreement by the City Manager with the County Recorder's Office of the County of Placer.

SECTION 6. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 7. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this 11th day of May, 2022, by the following vote on roll call:

AYES COUNCILMEMBERS: Houdesheldt, Alvord, Roccucci, Mendonsa, Bernasconi

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR


ATTEST:



City Clerk

The foregoing instrument is a correct copy of the original on file in the City Clerks Department.

ATTEST: _____
City Clerk of the City of Roseville, California



DEPUTY CLERK