



City Clerk  
311 Vernon Street  
Roseville, California 95678-2649

April 6, 2020

Mourier Investments LLC  
1430 Blue Oak Boulevard, Suite 190  
Roseville, CA 95747

**RE: 2nd AMENDMENT OF DEVELOPMENT AGREEMENT- Sierra Vista Specific Plan JMC Parcels – Westpark Federico**

A the meeting of March 4, 2020 the City Council adopted Ordinance No. 6194 approving the second amendment agreement for the above project. The ordinance is now effective as it has been 30 days from the date of the adoption. The agreement has been executed by the City Manager. The agreement is enclosed as well as a certified copy of the ordinance.

The original agreement has been sent to Placer County for recording. When it is returned, we will send you the recording information.

If you have any questions, please contact Associate Planner Charity Gold at (916) 774-5247.

SONIA OROZCO, MMC  
CITY CLERK

by:

A handwritten signature in blue ink that reads "Helen Dreyer".

Helen Dreyer  
City Clerk Technician

cc: Attorney  
Finance  
Brandy LeBeau/Development Services  
Kinarik Shallow/Planning

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)

**SECOND AMENDMENT OF DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF ROSEVILLE AND MOURIER INVESTMENTS, LLC RELATIVE TO THE SIERRA  
VISTA SPECIFIC PLAN**

This Second Amendment of Development Agreement is entered into this 4<sup>th</sup> day of March, 2020, by and between the CITY OF ROSEVILLE, a municipal corporation ("City") and MOURIER INVESTMENTS, LLC, a California limited liability company ("Landowner") pursuant to Sections 65864 through 65869.5 of the Government Code of California.

**RECITALS**

A. Landowner, Westpark Federico, LLC, a California limited liability company ("Westpark Federico"), the Federico-Tyler Family Limited Partnership, a California limited partnership ("Federico-Tyler"), 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. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Original Development Agreement.

B. Landowner, Westpark Federico, Federico-Tyler, and City entered into the Original 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 Original Development Agreement (the "Property").

C. Westpark Federico assigned its interest in the Original 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.

D. Landowner, Westpark Sierra Vista, Federico-Tyler, and City entered into a First Amendment to the Original 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.

E. Landowner, Westpark Sierra Vista, Federico-Tyler, and City entered into the First Amendment relative to development within certain portions of the Property, as such is more precisely defined in Exhibits "A" and "B" of the First Amendment. The Original Development Agreement and the First Amendment are hereinafter collectively referred to as the "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 the Second Amendment Property (as defined herein) to Landowner 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, California.

G. This Second Amendment to the Development Agreement (the "Second Amendment") affects certain portions of the Property (the "Second Amendment Property"), as described in Exhibit "A" and depicted on Exhibit "B" attached to this Second Amendment, and shall run with the land described in Exhibit "A" and depicted on Exhibit "B" hereto. City and Landowner intend for this Second 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.

H. This Second 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 Second 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 Second Amendment Property are hereby revised as follows:

Low Density Residential	152 units on 23.4 Net Acres;
Medium Density Residential	281 units on 35.1 Net Acres;
Open Space	38.4 Net Acres;

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

“(i) For the Second 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 Second Amendment of the Development Agreement is consistent with the General Plan and the Sierra Vista Specific Plan.

3. **AMENDMENT LIMITED TO SECOND AMENDMENT PROPERTY.** This Second Amendment is limited to and applies only to development of the Second 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 Second Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein. As amended hereby with respect to the Second Amendment Property, the Development Agreement remains in full force and effect.

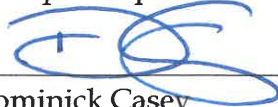
5. **FORM OF AMENDMENT.** This Second Amendment is executed in two duplicate originals, each of which is deemed to be an original.

**IN WITNESS WHEREOF**, the City of Roseville, a municipal corporation, has authorized the execution of this Second Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 6194, adopted by the Council of the City of Roseville on the 4<sup>th</sup> day of march, 2020.

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

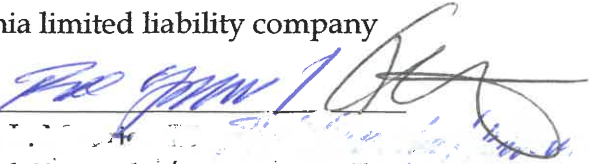
CITY:

CITY OF ROSEVILLE,  
a municipal corporation


By:   
Dominick Casey  
City Manager

LANDOWNER:

MOURIER INVESTMENTS, LLC, a  
California limited liability company

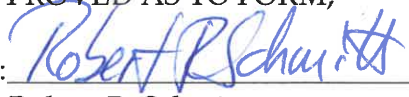
By:   
Rod Yamanaka/ Karen Headley

ATTEST:

By:   
Sonia Orozco  
City Clerk

Collectively, Manager

APPROVED AS TO FORM;

By:   
Robert R. Schmitt  
City Attorney

APPROVED AS TO SUBSTANCE:

By:   
Mike Isom  
Development Services Director

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.

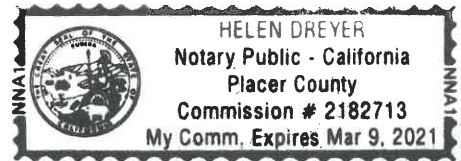
STATE OF CALIFORNIA            )  
  :    SS.  
COUNTY OF PLACER            )

On April 6, before me, Helen Dreyer, Notary Public, 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 the 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*  
Signature of Notary Public



Document:    Second Amendment to Development Agreement  
                  Sierra Vista Specific Plan JMC Parcels  
                  Westpark Federico

## 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 January 30<sup>th</sup>, 2020 before me, A.L. Nutter, a Notary Public,  
(insert name and title of the officer)

personally appeared Rod Yamanaka & Karen Headley,  
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.

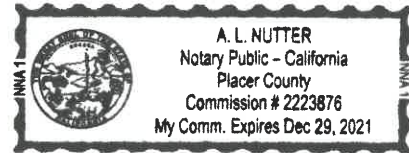
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

A.L. Nutter

(Seal)

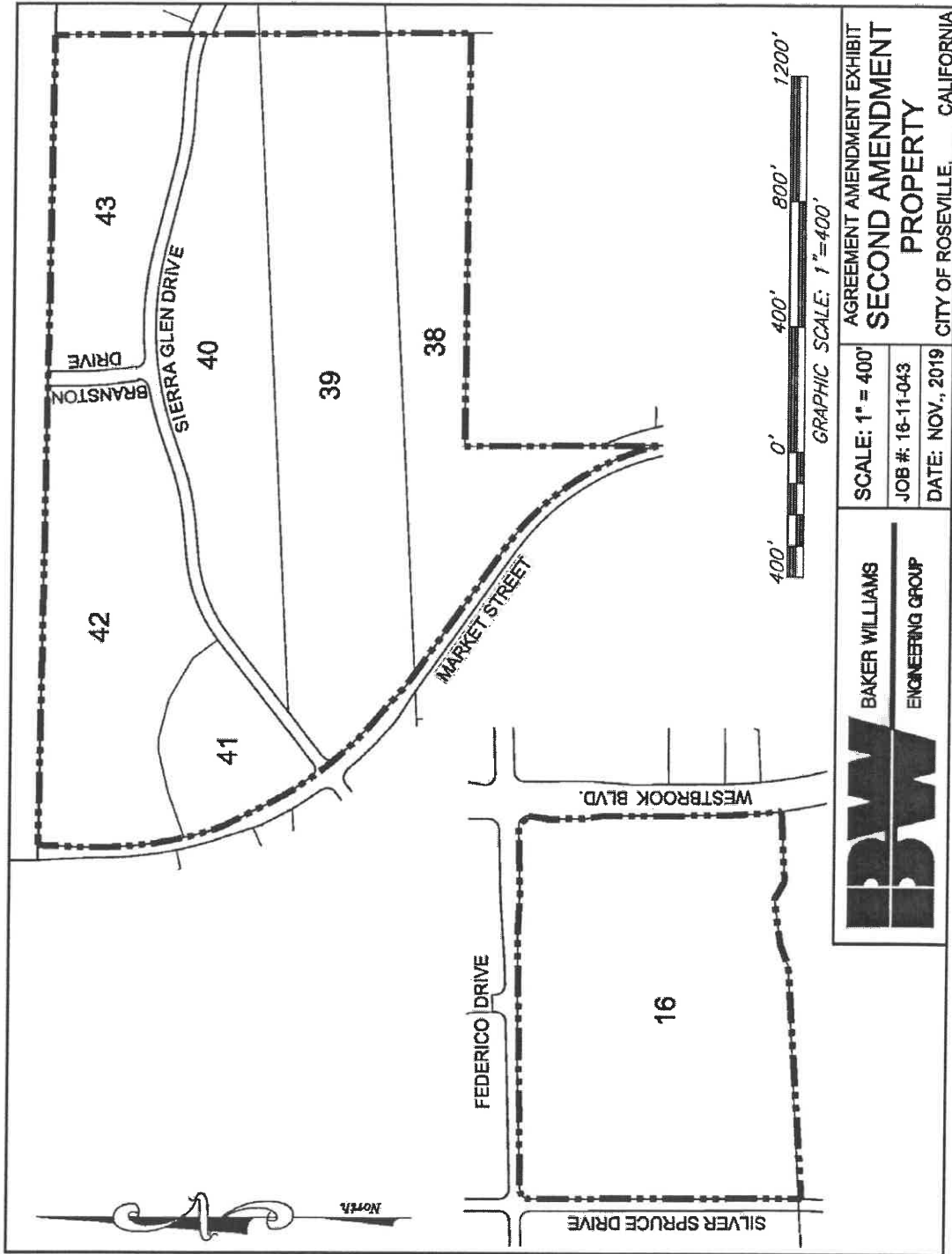


**EXHIBIT A**  
**Legal Description of Second Amendment Property**

All that real property situated in the City of Roseville, County of Placer, State of California and being a portion of Sections 26, 35 and 36, Township 11 North, Range 5 East, M.D.M. and all of Lots 16, 38, 39, 40, 41, 42 and 43 as shown on the Final Map entitled "Sierra Vista - Federico Large Lot Subdivision - Subdivision No. PL15-0192", filed February 16, 2018 in Book EE of Maps, at Page 6, Official Records of Placer County.



**EXHIBIT B**  
**Depiction of Second Amendment Property**



ORDINANCE NO. 6194

ADOPTING A SECOND AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND MOURIER INVESTMENTS, LLC (“WESTPARK FEDERICO”) 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 Second Amendment of the Development Agreement by and between the City of Roseville and Mourier Investments, LLC pertaining to property located within the Sierra Vista Specific Plan area.

SECTION 2. Prior to considering the proposed Second Amendment to Development Agreement, the City Council considered the 2<sup>nd</sup> Addendum to the Sierra Vista Specific Plan Environmental Impact Report (EIR) certified on 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 Second 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 Second Amendment to the Development Agreement is consistent with the City of Roseville Zoning Ordinance;
3. The Second Amendment to the Development Agreement is in conformance with the public health, safety and welfare;
4. The Second 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 Second Amendment to the Development Agreement will provide sufficient benefit to the City to justify entering into said Amendment.

SECTION 4. The Second Amendment to Development Agreement, by and between the City of Roseville and Mourier Investments, 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.

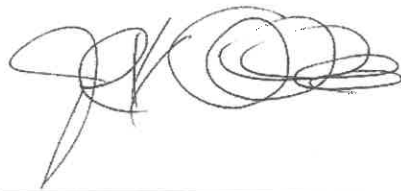
SECTION 7. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in 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 4th day of March, 2020, by the following vote on roll call:

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

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
City Clerk