



PLACER, County Recorder

RYAN RONCO

DOC- 2021-0152422-00

FRIDAY,	DEC 17,	2021	09:56 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 #	03116130
			CLK6BCVJ93/CW/1-12

Recording Requested by: City of Roseville
 When Recorded
 Mail to and Mail Tax
 Statements to:

City of Roseville
 City Clerk's Department
 311 Vernon Street
 Roseville, CA 95678

Exempt from recording fees
 Pursuant to Govt. Code 27383

(THIS SPACE RESERVED FOR RECORDER'S US

FIFTH AMENDMENT DEVELOPMENT AGREEMENT: SIERRA VISTA SPECIFIC PLAN



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FIFTH AMENDMENT DEVELOPMENT AGREEMENT: SIERRA VISTA SPECIFIC PLAN

**FIFTH 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**

^{20th} This Fifth Amendment of Development Agreement is entered into this day of October, 2021, by and between the CITY OF ROSEVILLE, a municipal corporation ("City") and SOLAIRE COMMUNITY BUILDERS, LLC, a California limited liability company ("Solaire" or "Landowner"), as Assignee of WESTPARK SIERRA VISTA, LLC, a California limited liability company ("Westpark Sierra Vista"), pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Westpark Sierra Vista's predecessor in interest, Westpark Federico, along with Mourier Investments, LLC ("Mourier"), 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. Westpark Federico assigned its interest in the Development Agreement to 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. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Original Development Agreement.

B. Westpark Sierra Vista's predecessor in interest, Westpark Federico, along with Mourier, Federico, and City, entered into the Original Development Agreement relative to development within a portion of the Sierra Vista Specific Plan Area ("Specific Plan", "SVSP" or "Plan Area"), as more precisely defined in Exhibits "A" and "B" of the Original Development Agreement (the "Property").

C. Westpark Sierra Vista, Mourier, Federico, 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.

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 a portion of the Property to Westpark Sierra Vista in that certain Assignment and Assumption Agreement Relative to the Sierra Vista 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 Development Agreement.

F. 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.

G. 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."

H. 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.

I. 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.

J. 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.

K. 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.

L. This Fifth Amendment to the Development Agreement (the "Fifth Amendment") affects a certain portion of the Property commonly known as SVSP Parcel FD-2 (the "Fifth Amendment Property"), as described in Exhibit "A" and shown in Exhibit "B" attached to this Fifth Amendment, and shall run with the land described in Exhibits "A" and "B" hereto. This Fifth Amendment does not affect or apply in any manner with respect to the remainder of the Property described in the Development Agreement.

M. Concurrent with its consideration of this Fifth Amendment, City is processing a General Plan Amendment (Reso. No. 21421), Specific Plan Amendment (Reso. No. 21.422), Rezone (Ordinance No. —), and a Small Lot Tentative Subdivision Map (PL 21.011) for purposes of redesignating, rezoning, and subdividing the Fifth Amendment Property. City and Landowner wish to enter into this Fifth Amendment in order to provide for consistency with these land use approvals for the Fifth Amendment Property.

N. City and Landowner wish to enter into this Fifth Amendment in order to amend a provision of the Development Agreement for the Fifth Amendment Property.

O. The Fifth Amendment is authorized by Section 1.4 of the Development Agreement.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT. The following section of the Development Agreement is hereby amended as it pertains to the portion of the Property first assigned to Westpark Sierra Vista:

a. REVISED SECTION 2.2. The summary table of Section 2.2 of the Development Agreement (“Vested Entitlements”) as it relates to property originally assigned to Westpark Sierra Vista from Mourier and Federico, is revised as follows:

“Low Density Residential	463 units on 93.1 Net Acres;
Medium Density Residential	318 units on 42.4 Net Acres;”

b. EXHIBITS. The exhibits attached to this Fifth Amendment are for this Fifth Amendment only, as follows:

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

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

3. AMENDMENT. This Fifth 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 Fifth 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 Fifth 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 Fifth Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 6407, adopted by the Council of the City of Roseville on the 20th day of October, 2021.


CITY OF ROSEVILLE,
a municipal corporation

By: 
Dominick Casey
City Manager

ATTEST:

By: 
Sonia Orozco
City Clerk

APPROVED AS TO FORM:


By: 
Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

By: 
Mike Isom
Development Services Director

LANDOWNER:

SOLAIRE COMMUNITY BUILDERS,
LLC, a California limited liability
company, as Assignee of WESTPARK
SIERRA VISTA, LLC, a California
limited liability company

By: 
Jeff Jones
Its: Manager

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 September 27, 2021 before me, C. Graeff, Notary Public,
(insert name and title of the officer)

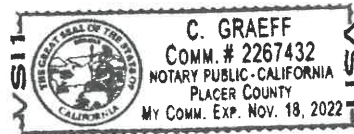
personally appeared Jeff Jones

_____, who 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 executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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 C Graeff (Seal)



CALIFORNIA 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)
 : ss.
COUNTY OF PLACER)

On November 22, 2021, before me, Cary Camilleri, 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 Cary Camilleri
Signature of Notary Public



SEAL

EXHIBIT "A"

**DESCRIPTION OF
FD-2**

All that real property situated in the City of Roseville, County of Placer, State of California, being a portion of Section 26, Township 11 North, Range 5 East, Mount Diablo Meridian being further described as follows:

Lot 17 as shown and so designated on Sheet 11 of that certain final map titled "Sierra Vista – Federico, Large Lot Subdivision, Subdivision No. PL15-0192" recorded February 16, 2018 in Book EE of Maps, at Page 6, Placer County Records.

Containing 17.12 acres of land, more or less.

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

This legal description was prepared by me or under my supervision pursuant to Section 8729 (2) of the Professional Land Surveyors Act.

Paul Ferguson

Paul Ferguson, Jr., PLS 9265
License Expiration Date: 03/31/22

Date: 9/23/2021



Description prepared by:

MACKAY & SOMPS CIVIL ENGINEERS, INC

1025 Creekside Ridge Dr, Suite 150, Roseville, CA. 95678

P:\18254\survey-MS\mapping\desc\SV-DA AMEND 4-FD2\SV-DA AMEND 4-FD2.docx

MOURIER INVESTMENT LLC.
 DOC. 2007-0076354

LOT 1
 EE MAPS 6
EARL RUSH DRIVE
 (FORMERLY FEDERICO DRIVE)

LOT 2
 EE MAPS 6

30' P.U.E./P.E.(1)

12.5' P.U.E.(1)

SILVER SPRUCE DRIVE

LOT 16
 EE MAPS 6

LOT 17
 EE MAPS 6
 17.12±AC

LOT 18
 EE MAPS 6

LOT 23
 EE MAPS 6

LEGEND

- 3/4" IRON PIPE WITH PLASTIC PLUG
STAMPED "LS 7944" PER (1)
- DIMENSION POINT
- AC. ACRES
- P.E. PEDESTRIAN EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT

REFERENCES:

- (1) EE MAPS 6

SHEET 1 OF 1



IF A DISCREPANCY EXISTS BETWEEN THIS EXHIBIT AND THE ASSOCIATED DESCRIPTION, THE DESCRIPTION HOLDS. THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY.

<p>EXHIBIT "B" PROPERTY DESCRIPTION FD-2 SECTION 26, T. 11 N., R. 5 E., M.D.M. CITY OF ROSEVILLE COUNTY OF PLACER STATE OF CALIFORNIA</p>			
<p>MACKAY & SOMPS ENGINEERS PLANNERS SURVEYORS 1025 Creekside Ridge Drive, Suite 150, Roseville, CA 95678 (916) 773-1189</p>			
MJW	1"= 200'	05/14/2021	18254.FED
DRAWN BY	SCALE	DATE	JOB NO.

ORDINANCE NO. 6407

ADOPTING A FIFTH AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND SOLAIRE COMMUNITY BUILDERS, LLC AS ASSIGNEE OF WESTPARK SIERRA VISTA, LLC, 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 Fifth Amendment of the Development Agreement by and between the City of Roseville and Solaire Community Builders, LLC, as assignee of Westpark Sierra Vista, LLC pertaining to property located within the Sierra Vista Specific Plan area.

SECTION 2. Prior to considering the proposed Fifth Amendment to Development Agreement, the City Council considered the 5th 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 Fifth Amendment to Development Agreement, and makes the following findings:

1. The Fifth 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 Fifth Amendment to the Development Agreement is consistent with the City of Roseville Zoning Ordinance;
3. The Fifth Amendment to the Development Agreement is in conformance with the public health, safety and welfare;
4. The Fifth 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 Fifth Amendment to the Development Agreement will provide sufficient benefit to the City to justify entering into said Amendment.

SECTION 4. The Fifth Amendment to Development Agreement, by and between the City of Roseville and Solaire Community Builders, LLC as assignee of Westpark 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 20th day of October, 2021, by the following vote on roll call:

AYES COUNCILMEMBERS: Alvord, Roccucci, Mendonsa, Houdesheldt

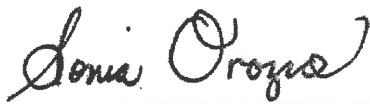
NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: Bernasconi



MAYOR

ATTEST:

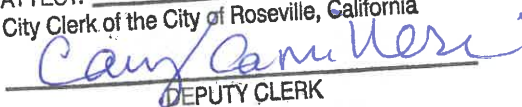


City Clerk

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