



PLACER, County Recorder
RYAN RONCO

DOC- 2023-0063102-00

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

FRIDAY, NOV 17, 2023 08:01 AM
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | SB2 \$0.00 | * \$0.00
ADD \$0.00

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

Ttl Pd \$0.00 Rcpt # 03282922
CLK6L8K8V3/RADV/1-13

Exempt from recording fees
Pursuant to Govt. Code 27383

(THIS SPACE RESERVED FOR RECORDER'S USE)

**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**

**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 4th day of October, 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-six (256) affordable rental units will be reserved within the Sixth Amendment Property, including two hundred and fifty-six (256) units for rental to very low income households, as follows:

Parcel	Total Units in Parcel incl. density bonus	Total Affordable Unit Allocation including density bonus	Very Low Income Rental Units	Low Income Rental Units
FD-34	256	256	256	0
Total	256	256	256	0

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.

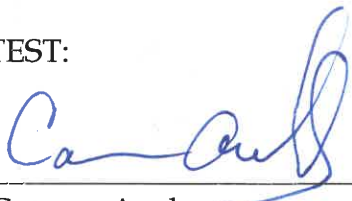
IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this Sixth Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 6720, adopted by the Council of the City of Roseville on the 4th day of October, 2023.

CITY OF ROSEVILLE,
a municipal corporation

By: 

Dominick Casey
City Manager

ATTEST:

By: 

Carmen Avalos
City Clerk


LANDOWNER:

FD34 DEVELOPMENT, LLC, a
California limited liability company

By: 

Scott I. Canel
Its: Manager

APPROVED AS TO FORM:

By: 

Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

By: 

Mike Isom
Development Services Director

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 ILLINOIS

County of LAKE

On AUGUST 28, 2023, before me, LORI OGAREK, NOTARY PUBLIC
(Here insert Name and Title of Officer)

personally appeared SCOTT F. CADEL,
Name(s) of Signer(s)

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~~ ^{Illinois} that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Lori Ogarek
NOTARY PUBLIC SIGNATURE



NOTARY PUBLIC SEAL

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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 11-7-23 before me, Blair Hutchison, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Dominick Casey
Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

Signature [Handwritten Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer – Title(s): _____ Corporate Officer – Title(s): _____

Partner – Limited General Partner – Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

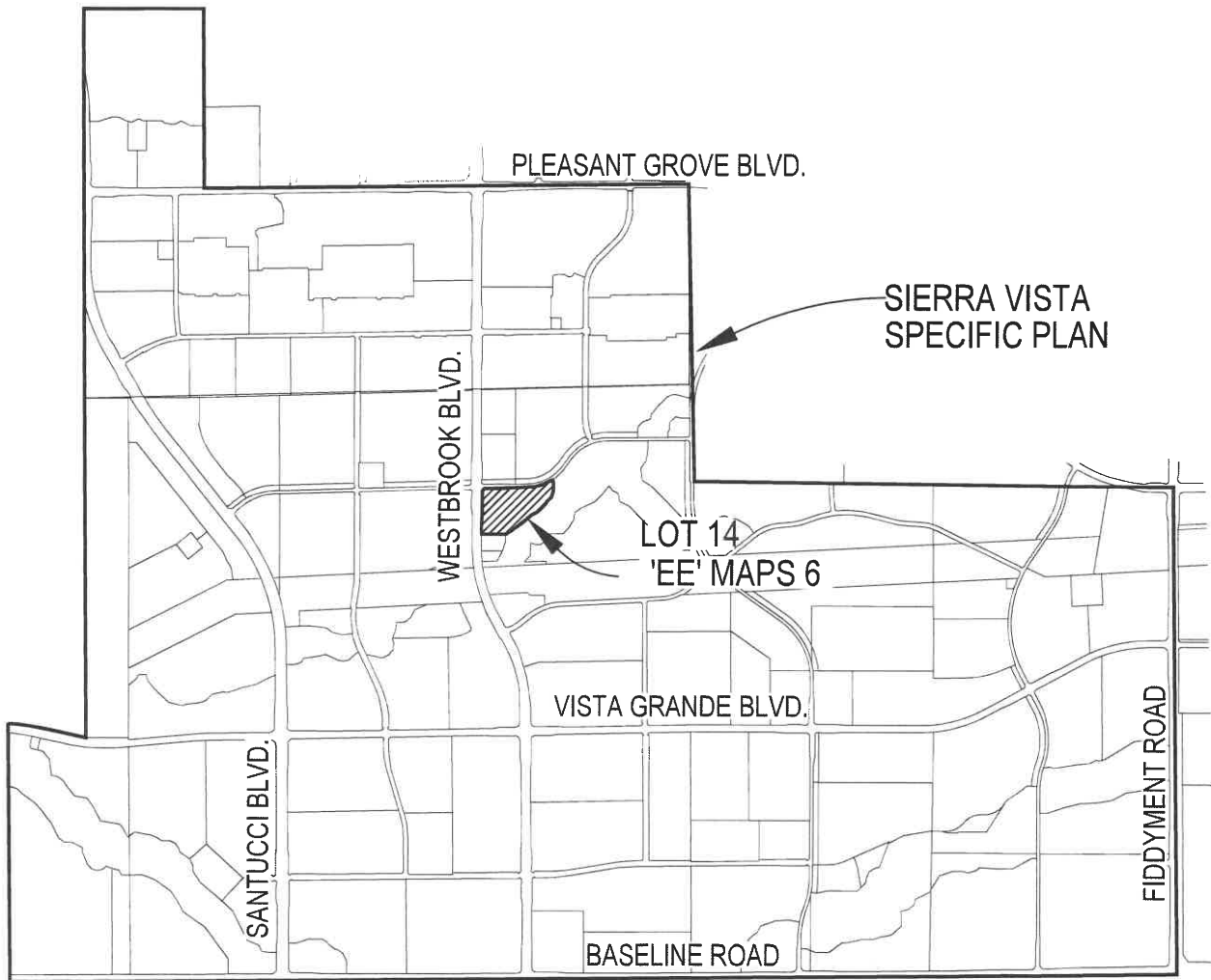
Other: _____ Other: _____

Signer is Representing: _____ Signer is Representing: _____

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

ORDINANCE NO. 6720

ADOPTING A SIXTH AMENDMENT OF THE 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 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 Sixth Amendment of the Development Agreement by and between the City of Roseville and FD34 Development, LLC, as assignee of Mourier Investments, LLC, pertaining to property located within the Sierra Vista Specific Plan area.

SECTION 2. The Sixth Amendment to Development Agreement is exempt from environmental review pursuant to Section 15182 of the California Environmental Quality Act (CEQA) Guidelines, as a residential project pursuant to a Specific Plan. A project is eligible for this exemption if the public agency has prepared an EIR on a specific plan after January 1, 1980, and the criteria to require a subsequent or supplemental EIR are not met. The EIR for the Sierra Vista Specific Plan (SCH #2008032115) was certified by the City Council on May 5, 2010. No significant changes to the site or new, potentially significant impacts have been identified that would require the preparation of a subsequent or supplemental EIR, and the Development Agreement Amendment is consistent with the previously completed analysis.

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

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

SECTION 4. The Sixth Amendment to Development Agreement by and between the City of Roseville and FD34 Development, LLC, as assignee of 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 October, 2023, by the following vote on roll call:

AYES COUNCILMEMBERS: Bernasconi, Alvord, Houdesheldt, Mendonsa

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: Roccucci



MAYOR

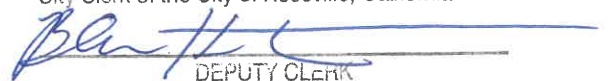
ATTEST:



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