



PLACER, County Recorder

JIM MCCAULEY

DOC- 2003-0198375

Tuesday, NOV 25, 2003 10:17:31

NOC \$0.00

Ttl Pd \$0.00

Nbr-0000986643

sc1/SL/1-10

Recording Requested by:

CITY OF ROSEVILLE

When Recorded Mail to:

City Clerk

City of Roseville

311 Vernon Street

Roseville, CA 95678

Exempt from recording fees

Pursuant to Govt. Code 27383

(THIS SPACE RESERVED FOR RECORDER'S USE)

Fifteenth Amendment to the Development Agreement by and between the City of Roseville and Roseville Properties Investment Partners Ltd., Relative to the Development Known as Regional 65 Centre

FILED
FEB 09 2004
CITY OF ROSEVILLE
BY MA

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SK

Record and When Recorded
Return Original To:

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

FIFTEENTH AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROSEVILLE AND ROSEVILLE
PROPERTIES INVESTMENT PARTNERS LTD., RELATIVE TO THE
DEVELOPMENT KNOWN AS REGIONAL 65 CENTRE

September, 2003
(NCRSP Parcel 40)

THIS FIFTEENTH AMENDMENT to the Development Agreement relative to the development known as Regional 65 Centre is entered into on the date set forth below, by and between the City of Roseville, a municipal corporation ("City") and Roseville Investments, LLC, a Florida limited liability company ("Richland"), pursuant to the authority of Sections 65864 and 65869.5 of the Government Code of California.

RECITALS

A. Richland's predecessor in interest, Roseville Properties Investment Partners, Ltd. ("RPIP") and City entered into a Development Agreement regarding certain property known as Regional 65 Centre (the "Development Agreement"), which was approved by the City Council of City on September 5, 1990 and which was recorded on October 16, 1990, in the Official Records of Placer County as Instrument No. 90-67309.

B. On February 5, 1996, City and RPIP, by Ordinance No. 2955, entered into the Fourth Amendment of the Development Agreement (the "Fourth Amendment") amending, in relevant part, Section 2.E.6.a of the Development Agreement to reflect a realignment of the North Central Roseville Specific Plan ("NCRSP") bikeways. The Fourth Amendment was recorded on February 9, 1996, in the Official Records of Placer County as Instrument No. 96-007432.

C. Concurrent with its consideration of this Fifteenth Amendment, City is processing a General Plan Amendment (Resolution No. 03-449), a Specific Plan Amendment (Resolution No. 03-450), and an Amendment to the Bicycle Master Plan (Resolution No. 03-449) to further realign the NCRSP bikeways (the "NCRSP Bikeway Realignment") in order to address topographical constraints, avoid wetland impacts, better provide for the safety of pedestrians and bicyclists using the bikeways, and accommodate a more cost effective design that will result in a

reduction in the special taxes being paid by property owners within the NCRSP area. City and Richland desire to enter into this Fifteenth Amendment for the purpose of further amending the Regional 65 Centre Development Agreement to accommodate and provide consistency with the NCRSP Bikeway Realignment.

D. This Amendment is authorized by Section 1.E of the Development Agreement and Section 65868 of the Government Code of the State of California.

E. The property subject to this Amendment, NCRSP Parcel 40 (the "Subject Property"), is described in Exhibit A, attached hereto and incorporated herein by reference. The Subject Property is owned by Richland.

AGREEMENT

NOW, THEREFORE, City and Richland agree as follows:

1. The prior Section 2.E.6.a of the Development Agreement, pages 15-16 of 53, as amended by the Fourth Amendment, page 6 of 20, is superseded and is amended by substitution herewith and Section 2.E.6.a (Amended 09/03), as set forth below is substituted therefore:

2.E.6.a. A bikeway parallel to Highway 65 will be located on Parcel 42, as shown on page 5-20 of the Plan (as such Plan provides on the effective date of this Agreement) and shall be constructed and maintained, in accordance with City's standards, in a neat and attractive manner by the owner of Parcel 42. Upon the issuance of the first use permit for Parcel 42, City shall require the owner to grant an easement for a bikeway as shown on page 5-20 and such owner shall enter into an agreement, which shall be recorded, to effect, in perpetuity, the purposes of this Section 2.E.6.a, including appropriate remedies.

2. The prior Section 2.E.6.b of the Development Agreement, page 16 of 53, as amended by the Fourth Amendment, page 6 of 20, is superseded and is amended by substitution herewith and Section 2.E.6.b (Amended 09/03), as set forth below is substituted therefore:

2.E.6.b. City and Landowner acknowledge that segments of the bikeway adjacent to Parcel 83 and along the common boundary of Parcels 40 and 42, as shown on page 5-20 of the Plan, may require easements across portions of Parcels 40, 42 and 43, as shown on Exhibit B. Landowner agrees that upon approval of the final bikeway design by City, Landowner, upon demand by City, will grant such easements to City as may be required for these segments of the bikeway. In all cases where such an easement is required, the setback areas adjacent to Parcel 83 required by the Plan (Section 3.9, Policy 11 and Section 3.12, Policy 14) shall be increased to provide for a minimum ten foot (10') setback for parking areas and a minimum twenty foot (20') setback for structures. Such setback areas shall be measured from the outside edge (the edge not adjacent to Parcel 83) of the bikeway. Landowner and City agree that the sums to be allocated pursuant to Section 3.B.3.q shall include amounts sufficient for the construction of the bikeway segments within the easements to be granted pursuant to this Section 2.E.6.b and that such segments shall be maintained by the LLD in accordance with Section 3.G.2.d.

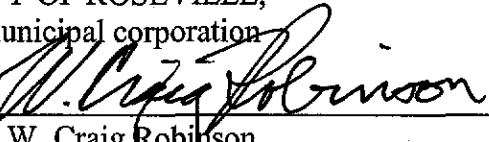
3. The property subject to this Fifteenth Amendment is and shall be Parcel 40 of the North Central Roseville Specific Plan (as described in Exhibit A) and no other property. This Fifteenth Amendment shall apply to such parcel as its interests appear. With respect to land subject to the Development Agreement which is not part of the property subject to this Fifteenth Amendment, the Development Agreement shall continue to apply (except to the extent that portions of such land have been terminated as provided in Section 1.B of such Agreement).

4. All provisions of the Development Agreement not otherwise inconsistent with this Amendment are and shall remain in full force and effect. Such provisions are herewith reenacted, readopted, and approved and ratified herewith as if fully set forth herein. Adoption of this Fifteenth Amendment and the readoption and ratification are consistent with the Roseville General Plan, and North Central Roseville Specific Plan as amended and the EIR certified by the City of Roseville on May 31, 1990.

Approved and adopted pursuant to Ordinance No. 3989, this 17th day of September, 2003.

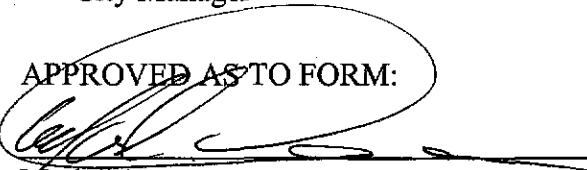
CITY:

CITY OF ROSEVILLE,
a municipal corporation

By: 

W. Craig Robinson
City Manager

APPROVED AS TO FORM:


Mark J. Doane
City Attorney

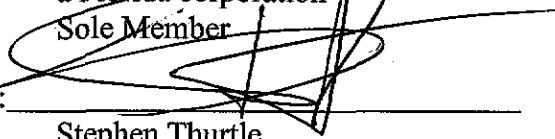
ATTEST:


for Carolyn Parkinson
City Clerk

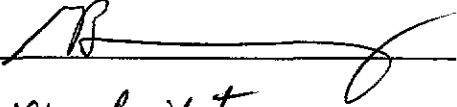
ROSEVILLE INVESTMENTS, LLC,
a Florida limited liability company

By: RICHLAND IRVINE, INC.,
a Florida corporation

Its: Sole Member

By: 
Stephen Thurtle

Its: Vice President

By: 

Its::


Vice President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

PLACER

} ss.

On OCTOBER 17, 2003 before me, LINDA L. BROWN NOTARY PUBLIC

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Stephen Thurtle

Name(s) of Signer(s)

☒ personally known to me

☐ 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.

WITNESS my hand and official seal.

Linda L. Brown
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another 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

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

ORANGE

} ss.

On OCTOBER 24, 2003 before me,

Date

HAZANIN NODJOUNI, Notary

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

MATTHEW J. BEAY

Name(s) of Signer(s)

☒ personally known to me

☐ 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.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

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☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**

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EXHIBIT "A"
Legal Description of NCRSP Parcel 40

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

Lot 40, as shown on the "Plat of Regional 65 Centre", as filed for record in Book "R" of Maps, at Page 24, of the Official Records of Placer County.

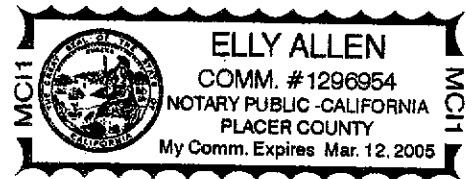
STATE OF CALIFORNIA)
 : ss.
COUNTY OF PLACER)

On this 17th day of November in the year of 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared W. Craig Robinson, personally known to me 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.

WITNESS my hand and official seal.



Notary Public in and for said State



THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AS FOLLOWS:

Title or Type of Document: Fifteenth Amendment to Development Agreement

Date of Document: September 17, 2003

Acknowledgment – All Purpose

ORDINANCE NO. 3989

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING A FIFTEENTH AMENDMENT TO DEVELOPMENT AGREEMENT WITH
THE ROSEVILLE PROPERTIES INVESTMENT PARTNERS LTD., 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 Fifteenth Amendment to Development Agreement with the Roseville Properties Investment Partners Ltd., to alter and clarify provisions in the existing Development Agreement relating to North Central Roseville Specific Plan (Richland Investments, LLC).

SECTION 2. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Fifteenth Amendment to Development Agreement for the North Central Roseville Specific Plan, and makes the following findings:

1. The Fifteenth Amendment to Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City of Roseville General Plan and the North Central Roseville Specific Plan;
2. The Fifteenth Amendment to Development Agreement is consistent with the City of Roseville Zoning Ordinance and Zoning Map;
3. The Fifteenth Amendment to Development Agreement is in conformance with public health, safety and welfare;
4. The Fifteenth Amendment to Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
5. The Fifteenth Amendment to Development Agreement will provide sufficient benefit to the City of Roseville to justify entering into the Fifteenth Amendment to Development Agreement.

SECTION 3. The Fifteenth Amendment to Development Agreement by and between the Roseville Investment Partners Ltd. and the City of Roseville is hereby approved and the City Manager is authorized to execute it on behalf of the City of Roseville.

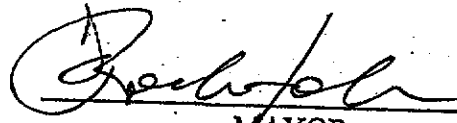
SECTION 4. The City Clerk is directed to record the executed Fifteenth Amendment Development Agreement within ten (10) days of the execution of the agreement by the City Manager with the County Recorder's office of the County of Placer.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 6. 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 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 17th day of Sept., 2003 by the following vote on roll call:

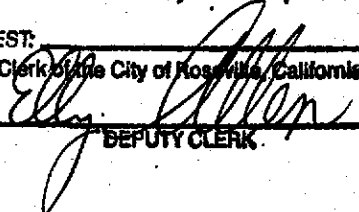
AYES	COUNCILMEMBERS:	Richard Roccucci, Gina Garbolino, Jim Gray, Rocky Rockholm
NOES	COUNCILMEMBERS:	None
ABSENT	COUNCILMEMBERS:	None


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