

Recording Requested by

CITY OF ROSEVILLE

When Recorded Mail to:

City Clerk

City of Roseville

2000 Hilltop Circle

Roseville, CA 95747

Exempt from recording fees

Pursuant to Govt. Code 27383



PLACER, County Recorder

JIM MCCAULEY Co Recorder Office

DOC- 2002-0033966

Wednesday, MAR 27, 2002 11:54:56

NOC \$0.00

Ttl Pd \$0.00

Nbr-0000602241

den/R5/1-11

(THIS SPACE RESERVED FOR RECORDER'S USE)

Title: 1st Amendment to Development Agreement – NRSP Phase II – Sammis
Roseville

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

City Clerk
City of Roseville
2005 Hilltop Circle
Roseville, CA 95747
Attn: Carolyn Parkinson

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

**FIRST AMENDMENT OF
DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ROSEVILLE
AND SAMMIS ROSEVILLE ASSOCIATES
RELATIVE TO THE NORTH ROSEVILLE SPECIFIC PLAN
PHASE II**

THIS FIRST AMENDMENT is entered into this 20th day of March, 2002 by and between the CITY OF ROSEVILLE, a municipal corporation ("**City**"), and JOHN MOURIER CONSTRUCTION, INC., a California corporation ("**Landowner**"), pursuant to the authority of Section 65864 through 65869.5 of the Government Code of California.

WITNESSETH:

A. On August 25, 1999, the City of Roseville and Sammis Roseville Associates, a California general partnership (hereinafter "**Sammis**") entered into that certain agreement entitled "Development Agreement By and Between The City of Roseville and Sammis Roseville Associates Relative to the North Roseville Specific Plan Phase II" (hereinafter the "**Development Agreement**"). The Development Agreement was recorded in the Official Records of Placer County on September 13, 1999, as **Document** 99-0081306. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Development Agreement.

B. On 10-18-00 ~~12-26-00~~, Landowner purchased from Sammis the properties identified as WW-2 and WW-5 on Exhibit "B-1" of the Development Agreement. Pursuant to paragraph "2. Assignment" of the Development Agreement (p. 41) Sammis has assigned its interest in the Development Agreement with respect to the WW-2 and WW-5 Properties to Landowner.

C. Landowner as a successor in interest, intends to develop the Properties with low density single-family development.

D. This First Amendment amends the Development Agreement (hereinafter the "**First Amendment**") and shall run with the land. It affects a portion of the real property subject to the Development Agreement. The real property affected by this First Amendment is identified in

Exhibit "B-1" of the Development Agreement as "WW-2" and "WW-5" and are more particularly described in Exhibit "A-1" and depicted in Exhibit "A-2" attached to this First Amendment (hereinafter the "Properties").

E. The City Council has approved an amendment to the North Roseville Specific Plan by Resolution No. 02-39 (the "Specific Plan Amendment"), which amendment reflects a change in the zoning designation of the Properties from R1 to R1/DS, and by Ordinance No. 3794 the City Council has approved a rezoning of the Properties from Single-Family Residential (R1) to Single-Family Residential Development Standards (R1/DS).

F. The City Council has found and determined that the First Amendment is consistent with the General Plan and the North Roseville Specific Plan.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Amendment of Development Agreement. The following sections of the Development Agreement are hereby amended as follows:

a. Recital 5 is revised to read:

"5. Entitlements. The City Council has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

5.1 The Roseville General Plan, as amended by Resolution No. 99-186;

5.2 The North Roseville Specific Plan and Design Guidelines, as adopted by Resolution No. 99-187, and amended by Resolution No. 02-39 (the "Specific Plan");

5.3 The Rezoning of the Property pursuant to Ordinance No. 3357, dated June 2, 1999 and pursuant to Ordinance No. 3794, dated FEB. 6th 2002;

5.4 This Development Agreement, as adopted by Ordinance No. 3359 (the "Adopting Ordinance") and as amended by Ordinance No. 3795.

The approvals described in paragraphs 5.1 through 5.3, inclusive, are referred to herein as the "**Entitlements.**"

b. New and Revised Exhibit. Revised **Exhibits "B-2",** Land Uses is attached hereto and hereby incorporated into and made a part of the Development Agreement.

2. Consistency with General Plan. The City hereby finds and determines that execution of this Amendment is in the best interest of the public health, safety and general welfare and is consistent with the General Plan.

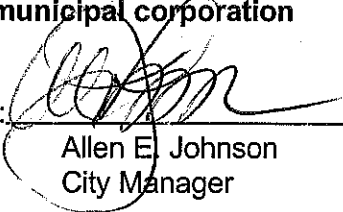
3. Amendment. This Amendment amends, but does not replace or supersede, the Development Agreement except as specified herein.

4. Form of Amendment. This Amendment is executed in two duplicated 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 Amendment in duplicate by its City Manager and the attestation to this Amendment by its City Clerk under the authority of Ordinance No. 3795, adopted by the Council of the City of Roseville on the 6th day of February, 2002, and Landowner has caused this Amendment to be executed.

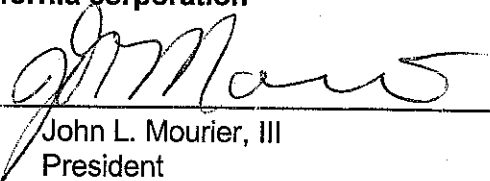
CITY OF ROSEVILLE,
a municipal corporation

By: _____


Allen E. Johnson
City Manager

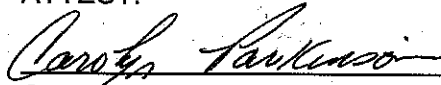
JOHN MOURIER CONSTRUCTION, INC., a
California corporation

By: _____


John L. Mourier, III
President

and

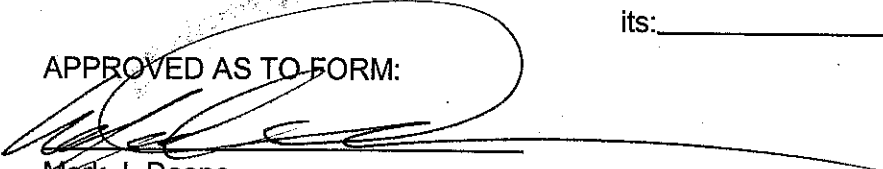
ATTEST:


Carolyn Parkinson
City Clerk

By: _____

its: _____

APPROVED AS TO FORM:


Mark J. Doane
City Attorney

[ALL SIGNATURES MUST BE NOTARIZED]

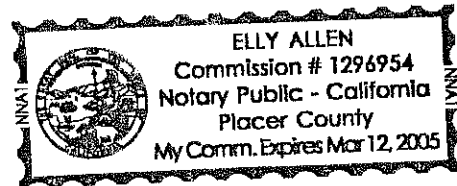
STATE OF CALIFORNIA)
 : ss.
COUNTY OF PLACER)

On this 14th day of March in the year of 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Allen E. Johnson, 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: Development Agreement Amendment

Date of Document: March 20, 2002

Acknowledgment – All Purpose

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF

California

COUNTY OF

Placer

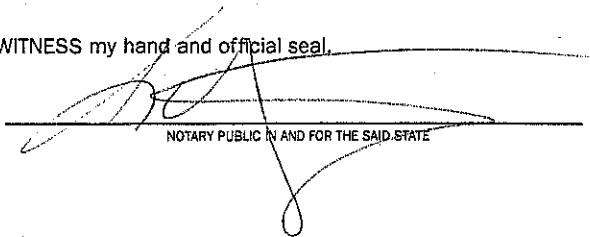
On March 4, 2002 before me, Karen Headley

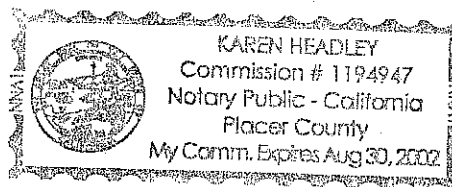
personally appeared

John L. Mourier III

personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed in 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,


NOTARY PUBLIC IN AND FOR THE SAID STATE



CAPACITY CLAIMED BY SIGNER

NAME OF PERSON(S) OR ENTITY(IES)

☐ INDIVIDUAL(S)

☐ CORPORATE

OFFICER(S)

☐ PARTNER(S)

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ SUBSCRIBING WITNESS

☐ GUARDIAN/CONSERVATOR

OTHER

SIGNER IS REPRESENTING

NAME OF PERSON(S) OR ENTITY(IES)

ATTENTION NOTARY: Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

**THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT THE RIGHT:**

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.

EXHIBIT "A-1"

Parcel 2 and 5, as shown on the map of "Woodcreek West Large Lot Subdivision", filed for record November 23, 1999, in Book V of Maps at Page 98, records of Placer County.

EXHIBIT "A-2"

Land Uses for the Property
Woodcreek West

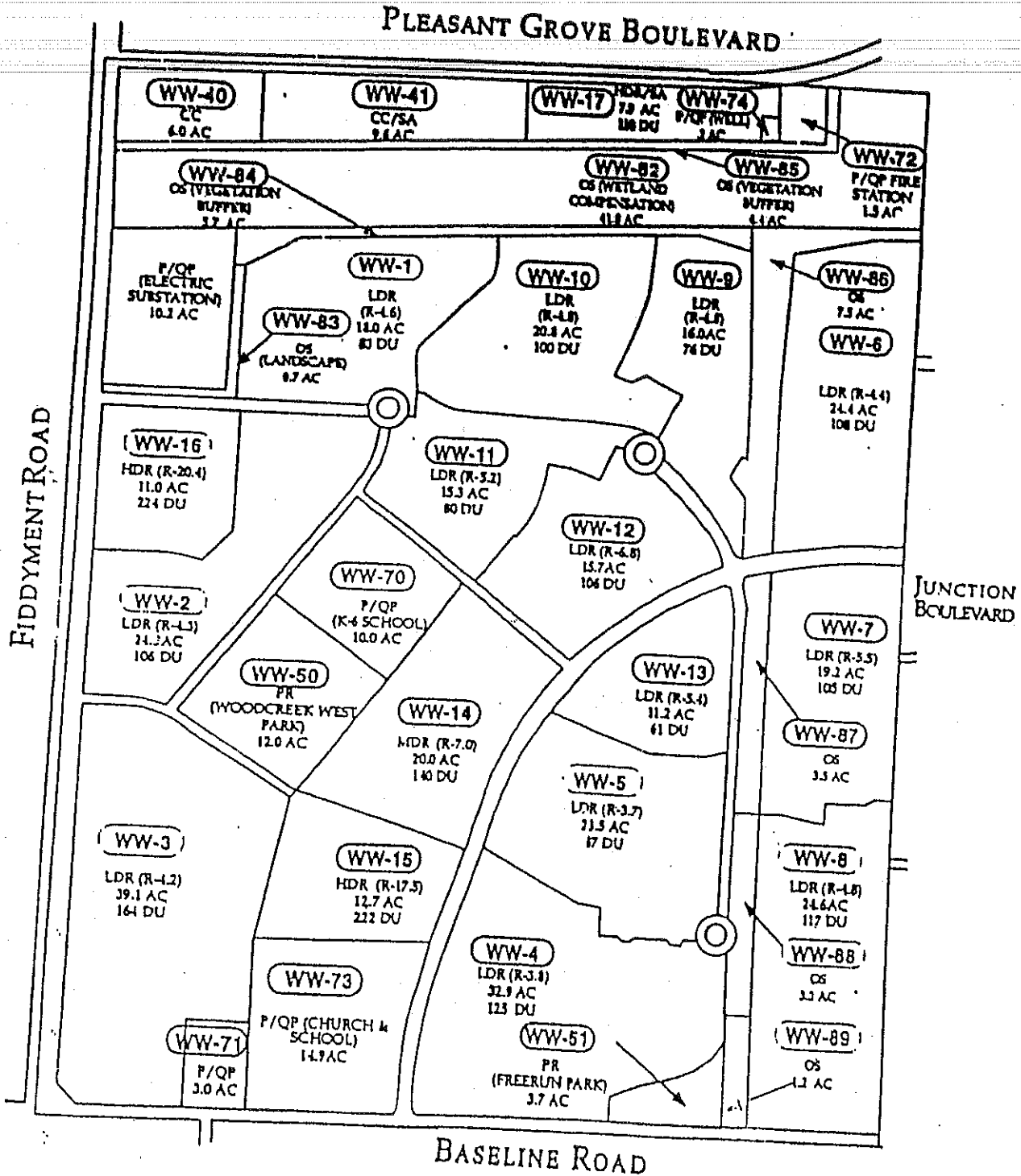


EXHIBIT "B-2"

Land Uses for the Property Woodcreek West

Woodcreek West					
Land Use by Parcel Table					
Parcel	Zoning	Land Use	Density	Net Acres	Units
WW-1	R1	LDR	4.6	18.0	83
WW-2	R1/DS	LDR	4.3	24.9	106
WW-3	R1	LDR	4.2	39.1	164
WW-4	R1	LDR	3.8	32.9	125
WW-5	R1/DS	LDR	3.7	23.5	87
WW-6	R1	LDR	4.4	24.4	108
WW-7	RS	LDR	5.5	19.2	105
WW-8	RS	LDR	4.8	24.6	117
WW-9	R1	LDR	4.8	16.0	76
WW-10	R1	LDR	4.8	20.8	100
WW-11	RS	LDR	5.2	15.3	80
WW-12	RS	LDR	6.8	15.7	106
WW-13	RS	LDR	5.4	11.2	61
WW-14	RS	MDR	7.0	20.0	140
WW-15	R3	HDR	17.5	12.7	222
WW-16	R3	HDR	20.4	11.0	224
WW-17	R3/SA	HDR	13.9	7.9	110
WW-40	CC	Commercial		6.0	
WW-41	CC/SA	Commercial		9.6	
WW-50	PR	Park/Detention		12.0	
WW-51	PR	Park/Detention		3.7	
WW-70	P/QP	Elementary School		10.0	
WW-71	P/QP	School Administration		3.0	
WW-72	P/QP	Fire Station		1.5	
WW-73	P/QP	Church/ School		14.9	
WW-74	P/QP	Well Site		0.2	
WW-82	OS	Wetland Compensation		41.8	
WW-83	OS	Open Space(Landscape)		0.7	
WW-84	OS	Open Space (Vegetation Buffer)		5.7	
WW-85	OS	Open Space (Vegetation Buffer)		4.4	
WW-86	OS	Open Space		7.5	
WW-87	OS	Open Space		3.5	
WW-88	OS	Open Space		3.3	
WW-89	OS	Open Space		1.2	
ROW- Woodcreek West				26.4	
				492.6	2,014

ORDINANCE NO. 3795

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT REGARDING
NORTH ROSEVILLE SPECIFIC PLAN PHASE II - WOODCREEK WEST PARCELS 2 AND
5 (1700 MORNINGSTAR DRIVE), 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 to Development Agreement with John Mourier Construction, Inc. with respect to the North Roseville Specific Plan - Woodcreek West Parcels 2 and 5 (1700 Morningstar Drive).

SECTION 2. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the First Amendment to Development Agreement, and makes the following findings:

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

SECTION 3. The First Amendment to Development Agreement by and between John Mourier Construction, Inc. and the City of Roseville, 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 4. The City Clerk is directed to record the executed First Amendment to 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.

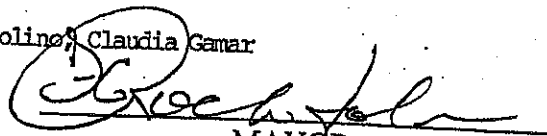
SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in 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 6th day of February, 2002, by the following vote on roll call:

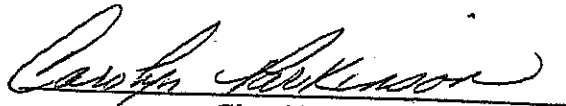
AYES COUNCILMEMBERS: Earl Rush, Richard Roccucci, Rocky Rockholm

NOES COUNCILMEMBERS: None

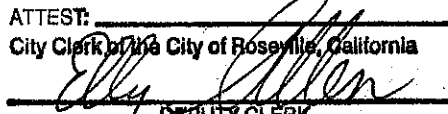
ABSENT COUNCILMEMBERS: Gina Garbolino, Claudia Gamar


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

