



PLACER, County Recorder

JIM MCCAULEY

DOC- 2005-0118314

Friday, SEP 02, 2005 15:02:40

NOC \$0.0011

Ttl Pd \$0.00

Nbr-0001353405

den/DL/1-11

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)

FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE
CITY OF ROSEVILLE, JOHNSON RANCH INVESTORS AND JOHN RANCH
DEVELOPERS RELATIVE TO THE NORTHEAST ROSEVILLE SPECIFIC PLAN
PARCEL 16

9
AL GW

RECORDING REQUESTED BY
AND WHEN RECORDED
RETURN TO:

City Clerk
City of Roseville
311 Vernon Street
Roseville, CA 95678

**FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ROSEVILLE, JOHNSON RANCH INVESTORS, AND JOHNSON
RANCH DEVELOPERS RELATIVE TO
THE NORTHEAST ROSEVILLE SPECIFIC PLAN PARCEL 16**

THIS FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT affects only Parcel 16 of the Northeast Roseville Specific Plan and is made and entered into this 26th day of August, 2005, by and between the City of Roseville, a municipal corporation, ("CITY") and the owners of Northeast Roseville Specific Plan Parcel 16, Leo and Cathy Tsakopoulos LaGessee, ("Landowner"). Parcel 16 is specifically described on Exhibit A attached hereto.

WITNESSETH:

WHEREAS, CITY and Landowner's predecessor in interest entered into a Development Agreement relative to the Northeast Roseville Specific Plan, recorded July 6, 1987, in Book 3221, Page 151 of the Placer County Official Records (the "Development Agreement"); and

WHEREAS, at the request of the Landowner, the Planning Commission held a public hearing on May 26, 2005 in compliance with California Government Code Section 65867 and recommended approval of a Specific Plan Amendment and Rezone to change the specific plan land use designation and zoning from Highway Commercial (HC) to Community Commercial, and a corresponding amendment to the Development Agreement; and

WHEREAS, on July 6, 2005 the City Council held a public hearing in compliance with Government Code Section 65867 and approved execution of this Agreement.

NOW THEREFORE, City and Landowner hereby agree to amend the Agreement as follows:

1. **Section 2. DEVELOPMENT OF THE PROPERTY.**

2(A). Permitted Uses. The permitted uses of said property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes, location of public improvements, and other terms and conditions of development applicable to said property shall be those set forth in this Agreement, the Northeast Roseville Specific Plan and the Schematic Development Plan; provided, however, that the size, configuration, height and location of the building shown on the Schematic Development Plan and the size and shape of particular parcels of the subject property shown on the Schematic Development Plan are illustrative only and are, therefore, subject to change as provided in Section 1(F).

City is bound with respect to the uses permitted under this Agreement only insofar as this Agreement so provides or as otherwise set forth in law or ordinance.

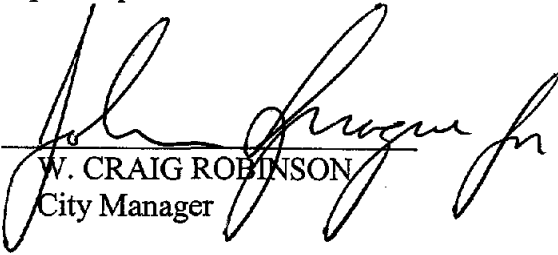
2. **Exhibit B.** Amend the Northeast Roseville Specific Plan Land Use Map to substitute Community Commercial land use on Parcel 16 in place of the existing Highway Commercial land use designation; (see Proposed Amendments to the Northeast Roseville Specific Plan).

3. All other portions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this Fourth Amendment to Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 4252, adopted by the Council of the City of Roseville the 20th day of July, 2005, and Landowner has caused this Fourth Amendment to Agreement to be executed.

CITY OF ROSEVILLE, a
municipal corporation

BY:


W. CRAIG ROBINSON
City Manager

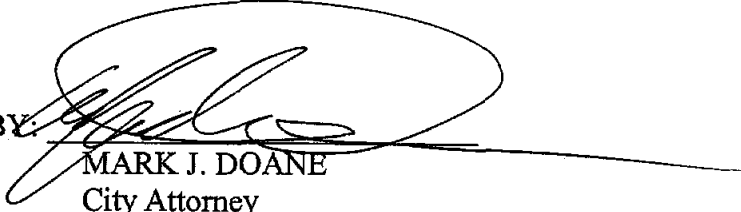
ATTEST:

BY:


SONIA OROZCO
City Clerk

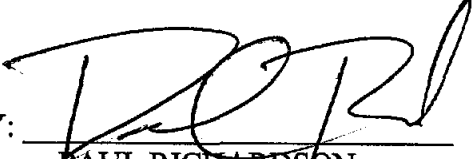
APPROVED AS TO FORM:

BY:


MARK J. DOANE
City Attorney

APPROVED AS TO SUBSTANCE:

BY:


PAUL RICHARDSON
Planning Director

LEO AND CATHY
TSAKOPOLOUS LAGESSE,
husband and wife as tenants in
common

BY:

its: _____

and

BY:

its: _____

Exhibit "A"

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

(City of Roseville)

PARCEL ONE:

Lot 9, as shown on the "Plat of Northeast Plan Unit No. 2", filed in Book P of Maps, at Page 97, Placer County Records.

Excepting therefrom all that portion described as follows:

Beginning at the most Westerly corner of said Lot 9; thence from said point of beginning along the Northwest boundary of said lot 9 North 36° 30' 32" East 434.39 feet; thence South 53° 29' 28" East 207.08 feet to the boundary of said Lot 9; thence along said boundary the following eight (8) courses:

- (1) South 63° 50' 33" West 93.24 feet,
- (2) South 67° 04' 02" West 24.86 feet,
- (3) South 51° 20' 29" West 124.75 feet,
- (4) North 89° 13' 33" West 73.58 feet,
- (5) South 67° 04' 02" West 28.34 feet,
- (6) South 57° 03' 33" West 55.79 feet,
- (7) South 15° 16' 09" West 53.47 feet, and
- (8) South 85° 01' 03" West 60.53 feet to the point of beginning.

Also excepting therefrom all oil, gas and other hydrocarbon substances, inert gases, minerals and metals, lying below a depth of 500 feet from the surface of said land and real property, whether now known to exist or hereafter discovered, including but not limited, to the rights to explore for, develop, and remove such oil, gas and other hydrocarbon substances, inert gases, minerals, and metals without, however, any right thereof above a depth of 500 feet from the surface of such land and real property for any purpose whatsoever, as reserved in the Deed recorded May 30, 1989 in Book 3637 of Official Records at Page 550.

PARCEL TWO:

All that portion of Lot 9 of Northeast Plan Unit No. 2, the Official Plat of which is filed in the office of the Recorder of Placer County in Book P of Maps, Map No. 97, described as follows:

Beginning at the most Westerly corner of said Lot 9; thence from said point of beginning along the Northwest boundary of said Lot 9 North 36 Degrees 30 Minutes 32 Seconds East 434.39 feet; thence South 53 Degrees 29 Minutes 28 Seconds East 207.08 feet to the boundary of said Lot 9; thence along said

EXHIBIT "A" Continued

boundary the following eight (8) courses: (1) South 63 Degrees 50 Minutes 33 Seconds West 93.24 feet, (2) South 67 Degrees 04 Minutes 02 Seconds West 24.86 feet, (3) South 51 Degrees 20 Minutes 29 Seconds West 124.75 feet, (4) North 89 Degrees 13 Minutes 33 Seconds West 73.58 feet, (5) South 67 Degrees 04 Minutes 02 Seconds West 28.34 feet, (6) South 57 Degrees 03 Minutes 33 Seconds West 55.79 feet, (7) South 15 Degrees 16 Minutes 09 Seconds West 53.47 feet and (8) South 85 Degrees 01 Minutes 03 Seconds West 60.53 feet to the point of beginning.

Assessor's Parcel Number

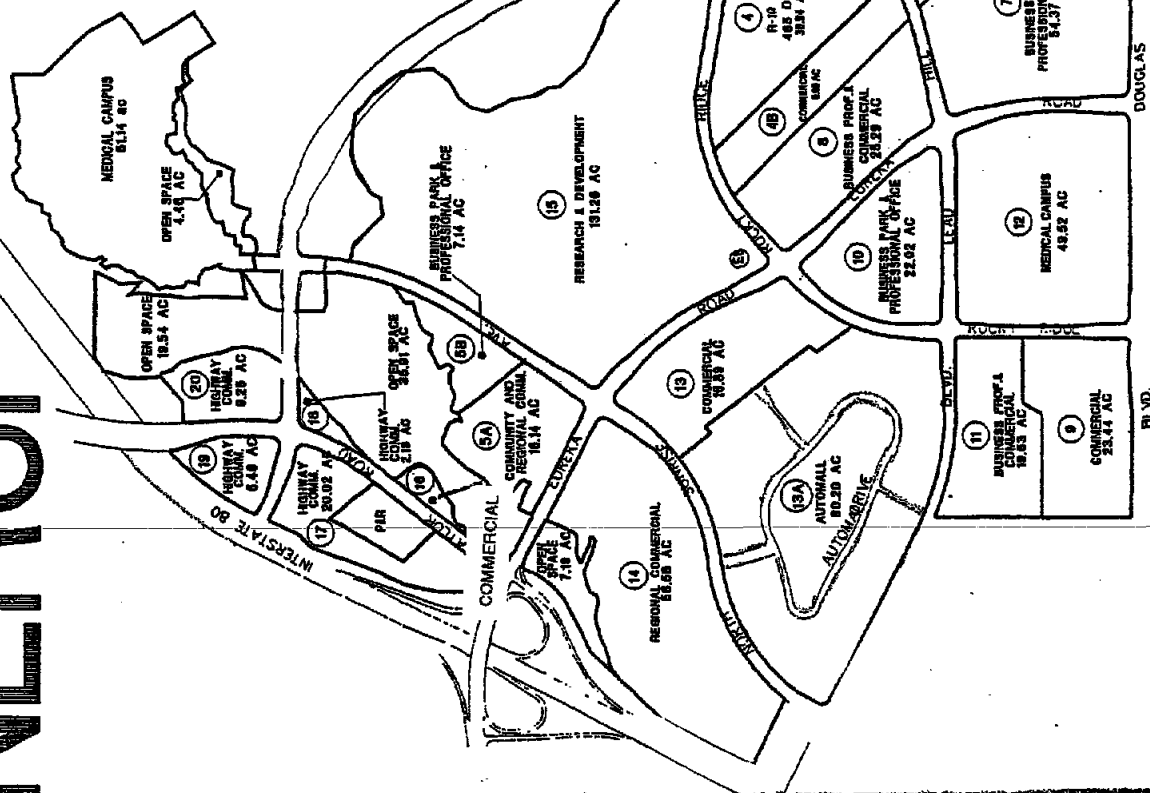
**015-450-024-000 (Affects Parcel One)
015-450-025-000 (Affects Parcel**

Two)

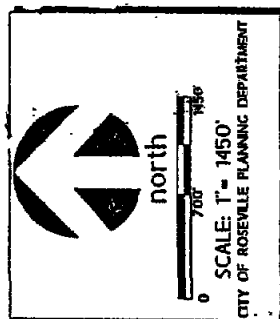
NORTHEAST ROSEVILLE SPECIFIC PLAN

LAND USE

Adopted April 8, 1987



Land Use	Units	Acres
LOW DENSITY RESIDENTIAL	357 DU	40.30 AC
LOW DENSITY RESIDENTIAL	258 DU	38.26 AC
MEDIUM DENSITY RESIDENTIAL	465 DU	30.94 AC
COMMERCIAL/REGIONAL COMMERCIAL		159.17 AC
AUTOMALL		90.20 AC
HIGHWAY COMMERCIAL		37.87 AC
BUSINESS PARK & PROFESSIONAL OFFICE		191.00 AC
MEDICAL CAMPUS		100.64 AC
RESEARCH & DEVELOPMENT		131.26 AC
OPEN SPACE		67.10 AC
PARK		6.60 AC
SCHOOL		10.70 AC
PARK & RIDE PIA		6.00 AC
FIRE STATION		1.00 AC
ELECTRIC SUBSTATION		1.00 AC
TOTAL	1,080 DU	884.38 AC



STATE OF CALIFORNIA)
 : ss.
COUNTY OF PLACER)

On this 26th day of August in the year of 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared John Sprague, 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



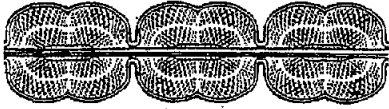
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AS FOLLOWS:

Title or Type of Document: Fourth Amendment to Development Agreement by and between the City of Roseville, Johnson Ranch Investors, and Johnson Ranch Developers relative to the Northeast Roseville Specific Plan Parcel 16

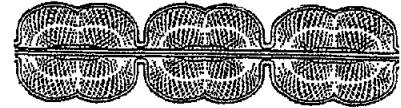
Date of Document: August 26, 2005

Acknowledgment – All Purpose

CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF Sacramento)

TIFFANY L. GAMBLE

On 17th August 2005 before me, _____, Notary Public
DATE

NAME, TITLE OF OFFICER E.G., "JANE DOE, NOTARY PUBLIC"

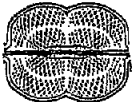
personally appeared, LEO LAGESSE AND CATHY TEAKOPOLOUS LAGESSE

personally known to me (or 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.

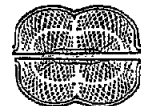
WITNESS my hand and official seal.



[Signature] (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT DEVELOPMENT AGREEMENT

DATE OF DOCUMENT 17 August 2005 NUMBER OF PAGES 3

SIGNER(S) OTHER THAN NAMED ABOVE _____

ORDINANCE NO. 4252

ADOPTING A FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE, JOHNSON RANCH INVESTORS AND JOHNSON RANCH DEVELOPERS RELATIVE TO PARCEL 16 IN THE NORTHEAST ROSEVILLE 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 Fourth Amendment to Development Agreement by and between the City of Roseville, Johnson Ranch Investors and Johnson Ranch Developers with the Leo and Cathy Tsakopoulos LaGessee, to alter and clarify provisions in the existing Development Agreement relating to Parcel 16 in the Northeast Roseville Specific Plan.

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

1. The Fourth 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 Northeast Roseville Specific Plan;
2. The Fourth Amendment to Development Agreement is consistent with the City of Roseville Zoning Ordinance and Zoning Map;
3. The Fourth Amendment to Development Agreement is in conformance with public health, safety and welfare;
4. The Fourth Amendment to Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
5. The Fourth Amendment to Development Agreement will provide sufficient benefit to the City of Roseville to justify entering into the Fourth Amendment to Development Agreement.

SECTION 3. The Fourth Amendment to Development Agreement by and between the Leo and Cathy Tsakopoulos LaGessee 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 the Fourth 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.

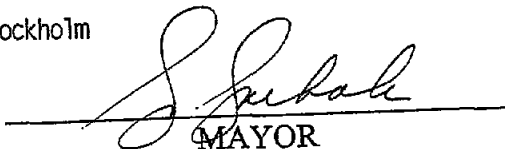
SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in 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 20th day of July, 2005 by the following vote on roll call:

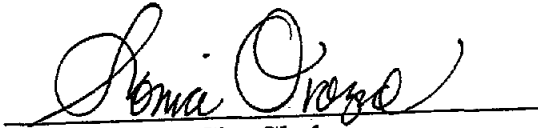
AYES COUNCILMEMBERS: Roccucci, Gray, Garbolino

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: Allard, Rockholm


MAYOR

ATTEST:


City Clerk

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:
City Clerk of the City of Roseville, California

DEPUTY CLERK