

Exempt from recording fees
pursuant to Gov. Code 27363



PLACER, County Recorder
JIM MCCAULEY Co Recorder Office
DOC- 2000-0003095

Monday, JAN 17, 2000 11:34:14

NOC \$0.00

Ttl Pd \$0.00

Nbr-0000272512

rec/R2/1-8

Recording Requested by
City of Roseville

When Recorded Mail to:
City Clerk
City of Roseville
311 Vernon Street, Office #208
Roseville, CA 95678

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND SIERRA WOODCREEK, LLC, RELATIVE TO THE NORTHWEST ROSEVILLE SPECIFIC PLAN AREA

*CF: 0401-03-08 # 8
General Plan
Land use element/Amendments
Northwest Roseville specific plan*

FILED
MAR 27 2000
CITY OF ROSEVILLE
BY *[Signature]*

KOB

Record and When Recorded
Return Original To:

City Attorney's Office
City of Roseville
316 Vernon Street
Roseville, California 95678

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ROSEVILLE AND SIERRA WOODCREEK, LLC,
RELATIVE TO THE NORTHWEST ROSEVILLE SPECIFIC PLAN AREA**

THIS FIRST AMENDMENT is entered into this 7th day of January, 2000, by and between the City of Roseville, a municipal corporation ("City") and Sierra Woodcreek, LLC, a California limited liability company ("Landowner"), as assignee of Sammis Roseville Associates, a California general partnership ("SRA"), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

RECITALS:

A. SRA and City entered into a Development Agreement (the "Development Agreement"), which was approved by the City Council of City on October 6, 1989 and which was recorded on October 11, 1989, in the Official Records of Placer County as Instrument No. 56567. Book 3732 Page 348

B. Pursuant to that Purchase and Sale Agreement dated September 19, 1997, SRA sold to Landowner certain real property identified in the attached Exhibit "A" which is subject to the Development Agreement. In conjunction with the purchase and sale, SRA assigned and transferred to Landowner all of SRA's interests in the Development Agreement.

C. Landowner submitted a petition (the "Petition") to the City and the City Council on April 14, 1999, pursuant to which Landowner petitioned the City Council to implement proceedings for the adoption of a resolution of consideration to make amendments, changes and alterations to the Development Agreement, wherein the Landowner would no longer be required to develop a park and ride location on Parcel 15 in consideration of Landowners payment of a fee not to exceed ten thousand dollars (\$10,000) to the City to be used towards the construction of a regional transit site to be located at Mahany Park.

C. The City Council held a public hearing on September 15, 1999, and adopted and approved the Petition; and

D. The City Council has found and determined that this amendment (the "Amendment") of the Development Agreement is consistent with the General Plan and the North Central Roseville Specific Plan, and is in the best interest of the public health, safety and general welfare.

E. This Amendment is authorized by Section 1(F) of the Development Agreement and California Government Code section 65868.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Amendment of Section 2(F)(1) of the Development Agreement. Section 2(F) of the Development Agreement, pages 10 through 11, is hereby superseded and amended in its entirety and now reads as follows:

2(F)(1). Regional Transit Center Fee. Landowner will pay a fee not to exceed ten thousand dollars (\$10,000) to the City for use in the construction of a regional transit center to be located at Mahany Park.

2. Amendment. This Amendment amends, but does not replace or supersede, the Development Agreement except as specifically amended herein.


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. 3414, adopted by the Council of the City of Roseville on the 15th day of September, 1999, and Landowner have caused this Agreement to be executed.

CITY OF ROSEVILLE:


By: 
City Manager

Landowner:

SIERRA WOODCREEK, LLC,
a California limited liability company

By: 
David T. Econome
Its: Managing Member

APPROVED AS TO FORM:

City Attorney
By: 
MARK DOANE
(printed name)

ATTEST:

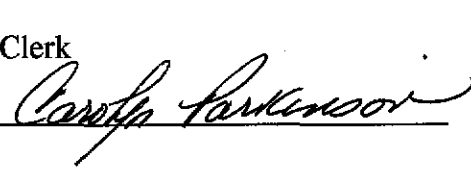
City Clerk
By: 
Carolyn Parkinson
(printed name)

EXHIBIT "A"

PROPERTY DESCRIPTION

PARCEL 1:

Parcel 3, as shown on the Parcel Map filed August 10, 1989, in Book 25 of Parcel Maps, Page 13.

PARCEL 2:

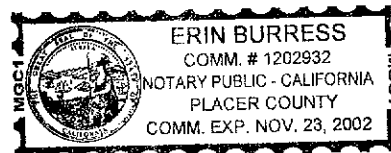
Lot 15, as said lot is shown and designated on the plat of "Northwest Roseville Specific Plan Unit No. 2", recorded in the office of the Recorder of Placer County on October 11, 1989 in Book "Q" of Maps, at Page 56.

STATE OF CALIFORNIA
COUNTY OF Sacramento

On January 6, 2000
before me, Erin Burress
a Notary Public in and for said State, personally appeared
** David T. Econome **

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 *David T. Econome*

(This area for official notarial seal)

STATE OF CALIFORNIA)
)
) ss.
COUNTY OF PLACER)

On this 12 day of January in the year of 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Allen E. Johnson personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose names 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.

Carolyn Parkinson
Notary Public in and for said State



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

Title or Type of Document Level Agmt. Amend.
Date of Document 1.7.2000

Acknowledgment - All Purpose

ORDINANCE NO. 3414

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH THE
SAMMIS ROSEVILLE ASSOCIATES AND SIERRA WOODCREEK, LLC, REGARDING
NORTHWEST ROSEVILLE SPECIFIC PLAN PARCEL 15 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 the Sammis Roseville Associates and Sierra Woodcreek, LLC, to alter and clarify provisions in the existing Development Agreement.

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 for the Northwest Roseville Specific Plan, 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 the Northwest 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 public health, safety and welfare;
4. The First Amendment to Development Agreement ~~will not adversely affect the~~ orderly development of property or the preservation of property values; and
5. The First Amendment to Development Agreement ~~will provide sufficient benefit~~ to the City of Roseville to justify entering into the First Amendment to Development Agreement.

SECTION 3. The First Amendment to Development Agreement by and between the Sammis Roseville Associates, Sierra Woodcreek, LLC 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 First 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.