

RECORDING REQUESTED BY: *and*
RECORD AND WHEN
RECORDED RETURN TO:

CITY ATTORNEY
CITY OF ROSEVILLE
311 Vernon Street
Roseville, California 95678

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94-010860

Total .00

Recorded
Official Records
County of
Placer
Jim McCauley
Recorder
2:33pm 9-Feb-94

5/5/94

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CITY ATTORNEY

THIRD AMENDMENT
TO
THE THIRD AMENDED AND RESTATED
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ROSEVILLE
AND
SOUTHFORK PARTNERSHIP
REGARDING A PORTION OF JOHNSON RANCH
SOUTHEAST ROSEVILLE SPECIFIC PLAN

DECEMBER 1993

FILED

JUN 21 1994

CITY OF ROSEVILLE
BY hwr

CF: 0403-06-01
the Village

(SersP Para 8B)

0902 0000 0011 0061

THIRD AMENDMENT TO THE THIRD AMENDED AND RESTATED
DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ROSEVILLE AND
SOUTHFORK PARTNERSHIP REGARDING
A PORTION OF JOHNSON RANCH
SOUTHEAST ROSEVILLE SPECIFIC PLAN

DECEMBER 1993

This Third Amendment to the Third Amended and Restated Development Agreement is entered into by and between the City of Roseville (hereinafter "City") and Southfork Partnership (hereinafter "Southfork") on the date set forth below:

RECITALS

A. On August 16, 1989, City and Southfork entered into a Third Amended and Restated Development Agreement (hereafter the "Development Agreement") regarding certain property included within the Southeast Roseville Specific Plan. The Development Agreement was recorded at Page 1, et seq., Book 3717 of the Official Records of Placer County on September 20, 1989.

B. On September 4, 1991, City and Southfork, by Ordinance No. 2449, adopted the First Amendment to the Development Agreement described in Section A, above. The First Amendment was recorded as Instrument No. 91-073528 of the Official Records of Placer County on November 26, 1991.

C. On May 5, 1993, City and Southfork, by Ordinance No. 2697, adopted the Second Amendment to the Development Agreement described in Section A, above. The Second Amendment was recorded as Instrument No. 93-044801 of the Official Records of Placer County on ~~April~~ ^{June} 23, 1993.

D. On December 15, 1993, pursuant to Resolution No. 93-322, City amended the Southeast Roseville Specific Plan and, in accordance with CEQA (Section 21000 et seq. of the Public Resources Code), exempted the project from additional environmental review.

E. City and Southfork wish to further amend the Development Agreement, as amended, to conform to the Specific Plan, as amended.

F. Such an amendment is authorized pursuant to Section 1.E. of the Development Agreement and Section 65868 of the Government Code of the State of California.

G. The Property subject to this Amendment is described in Exhibit A-1, and shown on Exhibit A-2 (Amended 12/93), both attached hereto and incorporated by this reference. All such Property is owned by either Southfork or the City.

NOW, THEREFORE, City and Southfork agree as follows:

1. The second line of Section 2.E.1. of the Agreement is amended to read as follows: ".... 318 units will be reserved for residents...."

2. Line 19 of Section 2.E.1 of the Agreement is amended to read:

Parcel 8a: Ten percent (10%) of the units approved pursuant to a duly issued use permit.

3. Line 25 of Section 2.E.1 of the Agreement is amended to read:

Parcel 9: 145 units

4. A new Line 26 is added to Section 2.E.1 of the Agreement

to read:

Parcel 11: 80 units

5. Lines 1 and 2 of Section 2.E.2 of the Agreement are amended to read:

2.E.2 Landowner agrees that of the 80 units for which sites are reserved on Parcel 11, all such

6. The prior Exhibit C, (Amended 4/93), is superseded and is amended by substitution herewith and Exhibit C (Amended 12/93), attached hereto, is substituted therefor.

7. The prior Exhibit D, (Amended 4/93), is superseded and is amended by substitution herewith and Exhibit D (Amended 12/93), attached hereto, is substituted therefor.

8. With respect to land subject to the Development Agreement which is not part of the Property subject to this 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.1 and 1.B.3 of such Agreement).

9. All provisions of the Development Agreement not otherwise inconsistent with this Amendment, are and shall remain in full force and effect with respect to the Property. Such provisions are herewith re-enacted, adopted, approved and ratified herewith as if fully set forth herein. Adoption of this Amendment and the readoption and ratification are consistent with the Roseville General Plan, the Southeast Roseville Specific Plan as amended and the EIR certified by the City of Roseville on April 20, 1988.

Approved and adopted pursuant to Ordinance No. 2759, this
7th day of February, 1994.

FOR SOUTHFORK:

By: SOUTHFORK PARTNERSHIP, a California
General Partnership

By: COKER-EWING COMPANY, L.P., a
California Limited Partnership,
General Partner

By: COKER DEVELOPMENT, INC.,
a California corporation,
General Partner

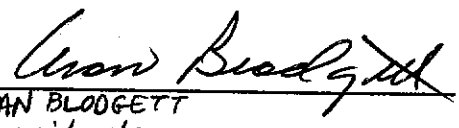
By: 
ROBERT B. COKER, JR.,
President

By: EWING DEVELOPMENT, INC.,
a California corporation,
General Partner

By: 
HARRY W. EWING,
President

By: HOME CAPITAL CORPORATION,
a California corporation,
General Partner

By: 
DON BURNS
Its: Vice President

By: 
ALAN BLOODGETT
Its: President

FOR THE CITY OF ROSEVILLE:

By:

W. Craig Ramsey
for ALLEN JOHNSON,
City Manager

ATTEST:

Helen Florance
HELEN FLORANCE,
City Clerk

APPROVED AS TO FORM:

Michael Dean
MICHAEL DEAN,
City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California }
 County of San Diego }
 On 11/18/93 before me, S. Anthony
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
 personally appeared Don Burns and Alan Blodgett
NAME(S) OF SIGNER(S)

☒ 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.

S. Anthony
SIGNATURE OF NOTARY

OPTIONAL SECTION

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

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT _____
 NUMBER OF PAGES _____ DATE OF DOCUMENT _____
 SIGNER(S) OTHER THAN NAMED ABOVE _____

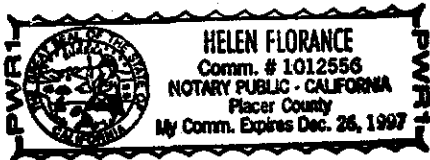
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California }
 County of Placer }
 On 2/7/94 before me, Helen Florance
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
 personally appeared W. Craig Robinson
NAME(S) OF SIGNER(S)

☒ 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.

Helen Florance
SIGNATURE OF NOTARY

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TITLE OR TYPE OF DOCUMENT _____
 NUMBER OF PAGES _____ DATE OF DOCUMENT _____
 SIGNER(S) OTHER THAN NAMED ABOVE _____

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ INDIVIDUAL
☐ CORPORATE OFFICER(S)

TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California
County of Placer

On 11-10-93 before me, Barbara J. Clark
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert B. Coker, Jr.
NAME(S) OF SIGNER(S)

☒ 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.

Barbara J. Clark
SIGNATURE OF NOTARY

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☐ CORPORATE OFFICER(S)
TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

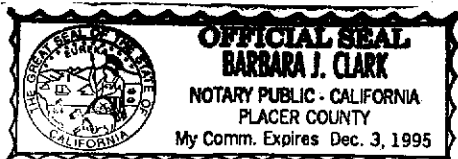
No. 5193

State of California
County of Placer

On 11-10-93 before me, Barbara J. Clark
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Harry W. Ewing
NAME(S) OF SIGNER(S)

☒ 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.

Barbara J. Clark
SIGNATURE OF NOTARY

OPTIONAL SECTION

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SIGNER(S) OTHER THAN NAMED ABOVE _____

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

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☐ CORPORATE OFFICER(S)
TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

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October 20, 1993
92-0143



MORTON & PITALO, INC.
Civil Engineering Planning Surveying
1788 Tribute Road, Suite 200
Sacramento, CA 95815
916/927-2400
Fax: 916/567-0120

**DESCRIPTION
PARCEL 8B**

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

Parcel 8B as shown and so designated on the plat of "SOUTHFORK" filed in Book Q of Maps, Page 14, Placer County Records.

EXHIBIT A-1
Development Agreement Amendment
December, 1993

9
0902 0000 0011 0069

SOUTHEAST ROSEVILLE SPECIFIC PLAN

CITY OF ROSEVILLE

(PORTION)

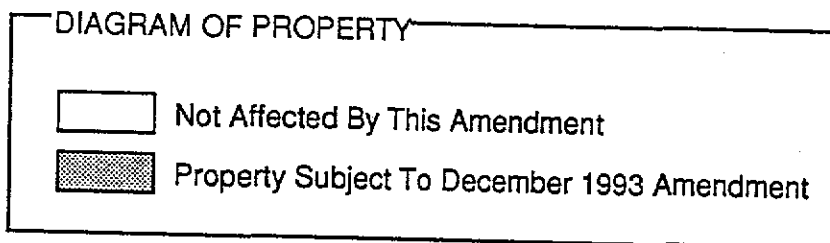
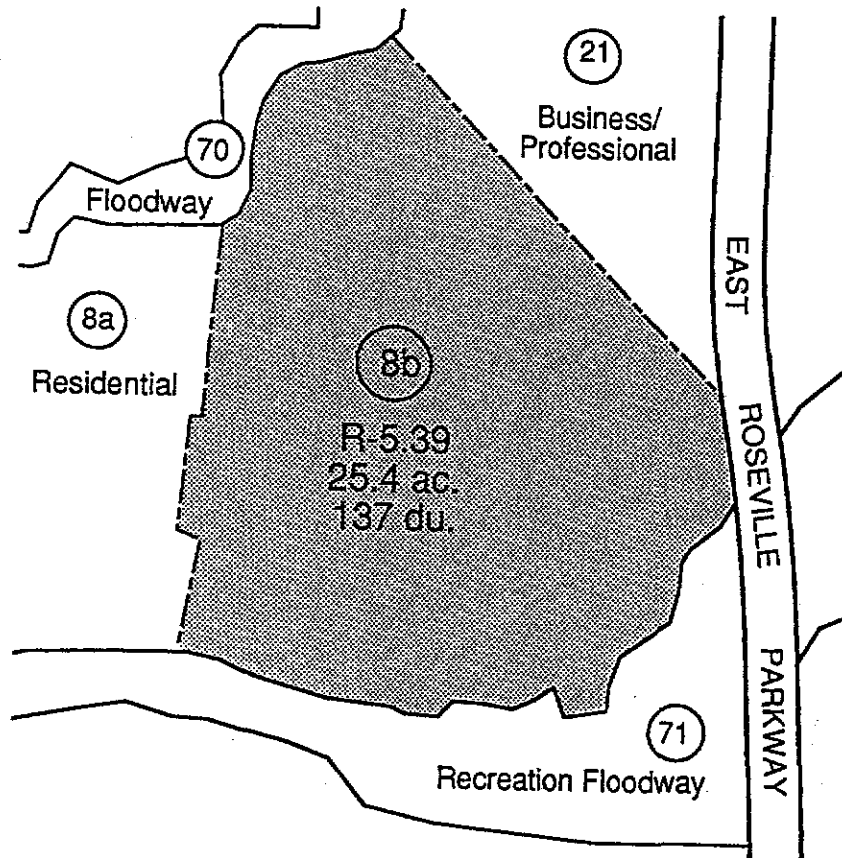


EXHIBIT A-2

DEVELOPMENT AGREEMENT
Southeast Roseville Specific Plan
(12/93)

EXHIBIT B

[Not Used]

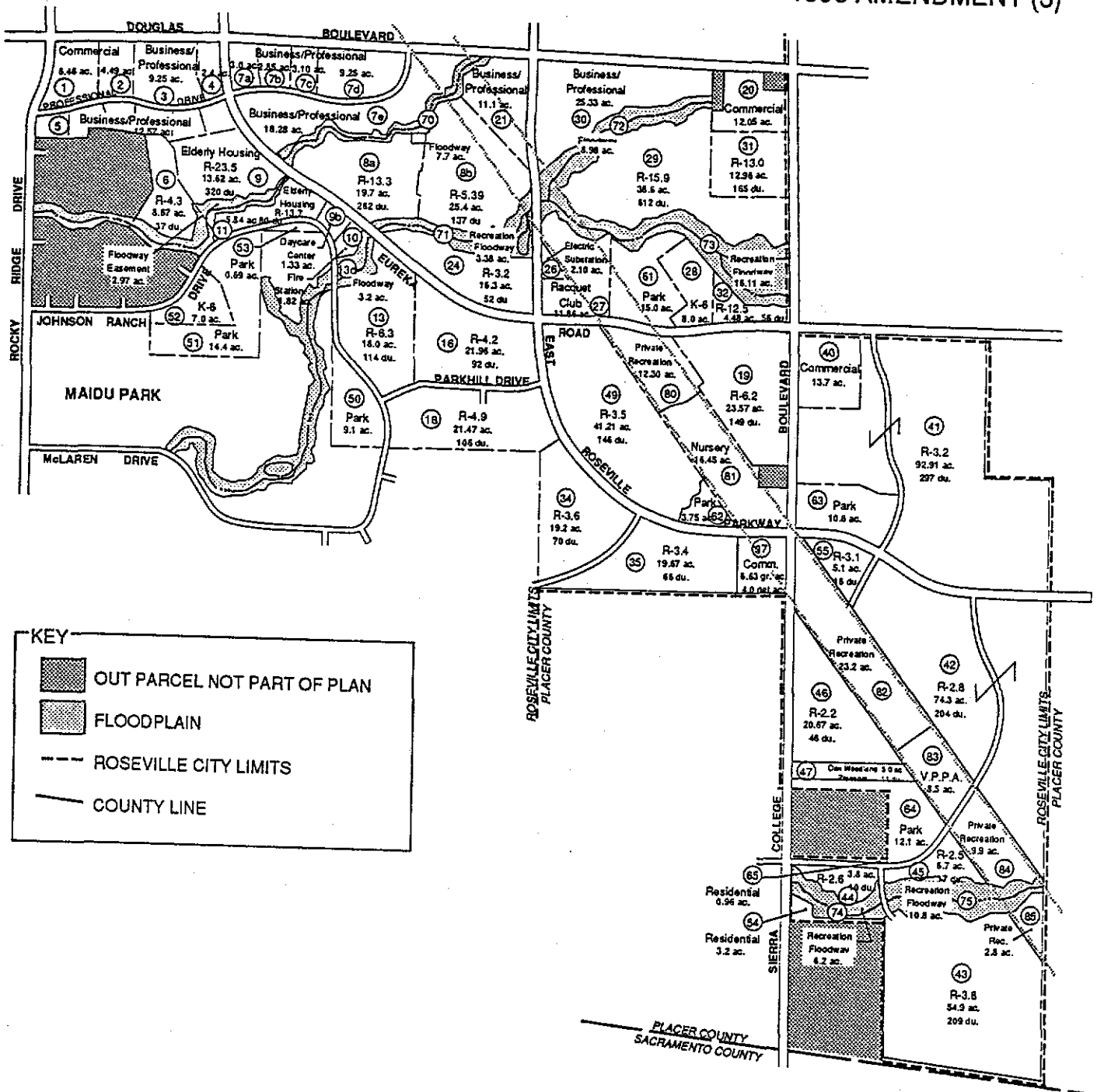
Exhibit B

0902 0000 0011 0012

SOUTHEAST ROSEVILLE SPECIFIC PLAN

CITY OF ROSEVILLE

1993 AMENDMENT (3)



SCHEMATIC DEVELOPMENT PLAN
EXHIBIT C
(AMENDED 12/93)

0902 0000 0011 0072

Land Use
1993 Amendment (3)

PARCEL	LAND USE	ACRES	UNITS	PARCEL	LAND USE	ACRES	UNITS
1	Commercial	6.46		40	Commercial	13.70	
2	Commercial	4.49		41	Residential	92.91	297
3	Business/Professional	9.25		42	Residential	74.30	204
4	Business/Professional	2.47		43	Residential	54.90	209
5	Business/Professional	12.57		44	Residential	3.80	10
6	Residential	8.67	37	45	Residential	6.70	17
7(a)	Business/Professional	3.00		46	Residential	20.67	46
7(b)	Business/Professional	2.85		47	Oak Reserve/Residential	5.00	11
7(c)	Business/Professional	3.10		49	Residential	41.21	146
7(d)	Business/Professional	9.25		50	Maidu Park Addition	9.10	
7(e)	Business/Professional	18.28		51	Maidu Park Addition	14.40	
8(a)	Residential	19.70	262	52	School (K-6)	7.00	
8(b)	Residential	25.40	137	53	Maidu Park Addition	0.69	
9	Elderly Housing	13.62	320	54	Residential	3.20	0
9(b)	Daycare Facility	1.33		55	Residential	5.10	16
10	Fire Station 1	1.82		61	Park	15.00	
11	Elderly Housing	5.84	80	62	Park	3.75	
13	Residential	18.04	114	63	Park	10.80	
13(d)	Floodway	3.20		64	Park	12.10	
16	Residential	21.96	92	65	Residential	0.96	0
18	Residential	21.47	106	70	Floodway	7.76	
19	Residential	23.57	149	71	Recreation Floodway	3.38	
20	Commercial	12.05		72	Floodway	8.98	
21	Business/Professional	11.10		73	Recreation Floodway	16.11	
24	Residential	16.30	52	74	Recreation Floodway	6.20	
26	Electrical Substation	2.10		75	Recreation Floodway	10.80	
27	Racquet Club	11.86		80	Private Recreation	12.30	
28	School (K-6)	8.00		81	Whistle./Ret. Nursery	16.45	
29	Residential	38.60	612	82	Private Recreation	23.20	
30	Business/Professional	25.33		83	Vernal Pool Pres. Area	8.50	
31	Residential	12.69	165	84	Private Recreation	9.90	
32	Residential	4.48	56	85	Private Recreation	2.80	
34	Residential	19.25	70				
35	Residential	19.67	66				
37	Commercial	6.63					
					TOTAL	946.59	3,274

TABLE OF LAND USES
EXHIBIT D
(AMENDED 12/93)

CONSENT

We, the undersigned, have received the above Third Amendment to Third Amended and Restated Development Agreement regarding Parcel 8b as described in Exhibit A-1 and as shown on Exhibit A-2 of such Amendment, and hereby consent to its recordation against the subject property defined therein.

Dated:

12/10, 1993

BANK OF AMERICA NT&SA

By:

Name: James C. Berry
Its: Vice President

By:

Name: _____

Its: _____

STATE OF CALIFORNIA

COUNTY OF San Diego

(See Attached)

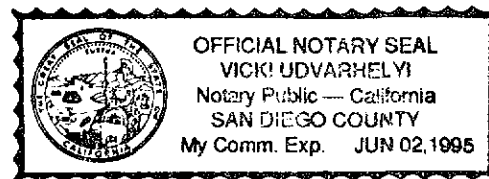
On 12-10, 1993, before me, the undersigned notary public,
personally appeared James C. Berry

(X)
()

personally known to me
proved to me on the basis of satisfactory evidence

to be the person who executed this instrument.

Vicki Udvarhelyi
Notary Public



12/08/93

#193080

14
0902' 0000' 0011' 0074

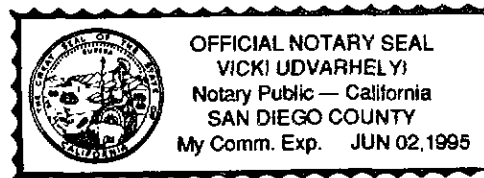
ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

On December 10, 1993 before me, Vicki Udvarhelyi, a Notary Public in and for the State of California, personally appeared James C. Berry, personally known to me (or proved to me on the basis of satisfactory evidence) 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.

Vicki Udvarhelyi
(Signature)



(Space above for official notarial seal)

16940\01-30-91\0506d

ORDINANCE NO. 2759

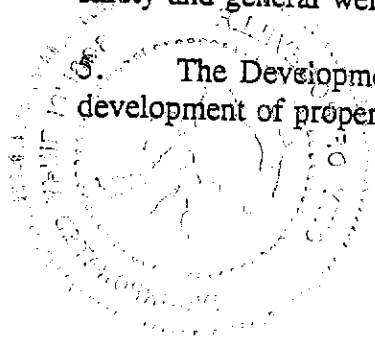
ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING THE THIRD AMENDMENT TO THE THIRD AMENDED
AND RESTATED DEVELOPMENT AGREEMENT WITH SOUTHFORK
PARTNERSHIP (SOUTHEAST ROSEVILLE SPECIFIC PLAN) AND
AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON
BEHALF OF THE CITY OF ROSEVILLE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. In accordance with Article 30 of Ordinance No. 802, 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 the Third Amendment to the Third Amended and Restated Development Agreement for a portion of property within the Southeast Roseville Specific Plan area.

SECTION 2. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Third Amendment to the Third Amended and Restated Development Agreement for a portion of property within the Southeast Roseville Specific Plan area, known as Parcel 8b; and makes the following findings:

1. The Development Agreement as amended is consistent with the objectives, policies, general land uses and programs specified in the City of Roseville General Plan and the Southeast Roseville Specific Plan;
2. The Development Agreement as amended is compatible with the uses authorized in and the regulations prescribed for the land use districts in which the real property is located;
3. The Development Agreement as amended is in conformity with public convenience, general welfare and good land use practice;
4. The Development Agreement as amended will not be detrimental to the health, safety and general welfare of residents in the City of Roseville;
5. The Development Agreement as amended will not adversely affect the orderly development of property or the preservation of property values; and



6. The development permitted by the Development Agreement as amended will provide sufficient benefit to the City of Roseville to justify entering into the amended Development Agreement.

SECTION 3. The Third Amendment to the Third Amended and Restated Development Agreement by and between Southfork Partnership and the City of Roseville, relating to a portion of the Southeast Roseville Specific Plan area, 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 Development Agreement Modification within 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 30 days from the date of its adoption, provided the General Plan Amendment, adopted by Resolution No. 93-321, and the Specific Plan Amendment, adopted by Resolution 93-322 first go into effect; and further provided no valid referendum regarding this Development Agreement amendment is filed with the City Clerk of the City during such 30-day period.

SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within 14 days after it is adopted in a newspaper of general circulation in the City, or shall within 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 5th day of January, 1994, by the following vote on roll call:

AYES COUNCILMEMBERS: Harry Crabb, Jr., Claudia Gamar, Pauline Roccucci, Bill Santucci, Mel Hamel

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None

Mel Hamel
MAYOR

ATTEST:

Helen Florence
CITY CLERK

