



PLACER, County Recorder
RYAN RONCO
DOC- 2023-0026229-00

Recording Requested By And
When Recorded Mail To:
CITY OF ROSEVILLE
City Clerk
311 Vernon Street
Roseville, CA 95678

MONDAY, MAY 22, 2023 08:28 AM
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | SB2 \$0.00 | * \$0.00
ADD \$0.00

Ttl Pd \$0.00 Rcpt # 03242338
CLK6BFXJ93/CG/1-15

Exempt from Recording Fees
Pursuant to Cal. Govt Code § 27383

(THIS SPACE RESERVED FOR RECORDER'S USE)

DEVELOPMENT AGREEMENT AMENDMENT TEN – WEST ROSEVILLE SPECIFIC PLAN
PARCELS F-22A and F-22B

**TENTH AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND AMONG THE CITY OF ROSEVILLE AND JEN CALIFORNIA 15, LLC,
TAYLOR MORRISON OF CALIFORNIA, LLC, AND
WEST ROSEVILLE DEVELOPMENT COMPANY, INC
RELATIVE TO THE WEST ROSEVILLE SPECIFIC PLAN**

This Tenth Amendment of Development Agreement (“Tenth Amendment”) is entered into this 5th day of April, 2023, by and between the CITY OF ROSEVILLE, a municipal corporation (“City”) and West Roseville Development Company, Inc., a Delaware corporation (“Developer”), pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Developer’s predecessor in interest, Roseville Fiddymment Land Venture, LLC (“RFLV”) and City entered into a Development Agreement (the “Development Agreement”) which was approved by the City Council of City on February 23, 2004, and recorded on June 21, 2004, in the Official Records of Placer County as Document No. 2004-0080708. The Development Agreement governs a portion of the West Roseville Specific Plan Area (“Specific Plan”, “WRSP”, or “Plan Area”). Except as otherwise defined herein, all capitalized terms used herein shall the meanings ascribed thereto in the Development Agreement.

B. Certain terms of settlement agreements arising out of two lawsuits regarding the WRSP (Catalano v. Roseville and Defenders of Wildlife v. Norton) imposed additional conditions on the WRSP that required implementation through the amendment of Development Agreement.

C. On January 4, 2006, City and RFLV, by Ordinance No. 4324, entered into the First Amendment of the Development Agreement (“First Amendment”). The First Amendment was recorded on March 2, 2006, in the Official Records of Placer County as Instrument No. 2006-0022488.

D. On June 18, 2008, City and RFLV, by Ordinance No. 4668, entered into the Second Amendment of the Development Agreement (“Second Amendment”). The Second Amendment was recorded on July 22, 2008, in the Official Records of Placer County as Instrument No. 2008-0059263.

E. On September 2, 2009, City and RFLV, by Ordinance No. 4767, entered into the Third Amendment of the Development Agreement (“Third Amendment”). The Third Amendment was recorded on September 10, 2009, in the Official Records of Placer County as Instrument No. 2009-0078876.

F. On July 17, 2013, City and ATC Realty One, LLC, by Ordinance No. 5211, entered into the Fourth Amendment of the Development Agreement (“Fourth Amendment”). The Fourth Amendment was recorded on August 20, 2013, in the Official Records of Placer County as Instrument No. 2013-082174.

G. On May 7, 2014, City and ATC Realty One, LLC, by Ordinance No. 5337, entered into the Fifth Amendment of the Development Agreement (“Fifth Amendment”). The Fifth Amendment was recorded on June 18, 2014, in the Official Records of Placer County as Instrument No. 2014-0040699.

H. On August 6, 2014, City and West Roseville Development Company, Inc., by Ordinance No. 5385, entered into the Sixth Amendment of the Development Agreement (“Sixth Amendment”). The Sixth Amendment was recorded on August 14, 2014, in the Official Records of Placer County as Instrument No. 2014-0055752.

I. On September 15, 2017, City and ATC Realty One, LLC and Fiddymment 116 Lots, LLC, by Ordinance No. 5863, entered into the Seventh Amendment of the Development Agreement (“Seventh Amendment”). The Seventh Amendment was recorded on September 22, 2017, in the Official Records of Placer County as Instrument No. 2017-0073441.

J. On April 1, 2020, City and ATC Realty One, LLC, and Roseville Schools, LLC, by Ordinance No. 6208, entered into the Eighth Amendment of the Development Agreement (“Eighth Amendment”). The Eighth Amendment was recorded on June 9, 2020, in the Official Records of Placer County as Instrument No. 2020-0054607.

K. On April 1, 2020, City, Taylor Morrison of California, JEN California 15, LLC, and Developer, by Ordinance No. 6209, entered into the Ninth Amendment of the Development Agreement (“Ninth Amendment”). The Ninth Amendment was recorded on August 27, 2020, in the Official Records of Placer County as Instrument No. 2020-0092428.

L. This Tenth Amendment affects that property owned by Developer within the Plan Area (the “Tenth Amendment Property”) as described in Exhibit “A” and depicted in Exhibit “B” attached to this Tenth Amendment.

M. This Tenth Amendment affects the Tenth Amendment Property and shall run with the land described herein.

N. The Tenth Amendment is authorized by Section 1.4 of the Development Agreement.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT. The following sections and exhibits of the Development Agreement are hereby amended as follows:

a. REVISED SECTION 2.6.1. Section 2.6.1 is revised in its entirety to read as follows:

“2.6.2.1 Affordable Obligation. Developer agrees that 586 affordable rental units will be reserved within the Property, including 235 units for rental to very low income households and 235 units for rental to low income households, and 116 units for rental to middle-income households, as follows:

Parcel F-6B	66 very low income rental units 66 low income rental units 63 middle-income rental units
Parcel F-8A	0 very low income rental units 0 low income rental units 53 middle-income rental units

Parcel F-20	78 very low income rental units 76 low income rental units
Parcel F-22A	81 very low income rental units
Parcel F-22B	10 very low income rental units 93 low income rental units"

2. EXHIBITS. The following revised exhibits (Revised Exhibits) are attached hereto and incorporated herein by reference and hereby replace and supersede the respective exhibits previously attached to the Development Agreement. Accordingly, all references to the applicable exhibits in the Development Agreement, as amended hereby, shall mean and refer to the corresponding Revised Exhibits below:

Revised Exhibit D	Land Use Plan
Revised Exhibit E	Affordable Housing Sites

3. CONSISTENCY WITH GENERAL PLAN. The City Council has found and determined that this Amendment of the Development Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan and the Creekview Specific Plan.
4. AMENDMENT. This Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein. In the event of any conflict, the language of this Amendment shall be controlling in all events or circumstances. As amended hereby, the Development Agreement remains in full force and effect.
5. FORM OF AMENDMENT. This Amendment is executed in two duplicate originals, each of which is deemed to be an original.

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized of this Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 6639, adopted by the Council of the City of Roseville on the 5th day of April, 2023.

[Signatures on the following page]

CITY:

CITY OF ROSEVILLE,
a municipal corporation

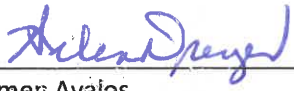
BY: 
Dominick Casey
City Manager

DEVELOPER:

WEST ROSEVILLE DEVELOPMENT COMPANY, INC.
a California corporation

BY: 
James C. Ghielmetti
ITS: President

ATTEST:

BY: 
for Carmen Avalos
Assistant City Clerk

BY: _____
Donald H. Kuemmeler
ITS: Vice President

APPROVED AS TO FORM:

BY: 
Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

BY: 
Mike Isom
Development Services Director

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda)

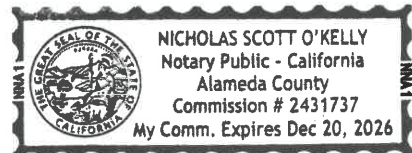
On February 14, 2023 before me, Nicholas Scott O'Kelly, Notary Public
(insert name and title of the officer)

personally appeared James C. Ghichetti,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Nicholas Scott O'Kelly* (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer

On May 8, 2023 before me, Adilia Keller Notary Public
(insert name and title of the officer)

personally appeared Dominick Casey,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



(Seal)

CITY:

CITY OF ROSEVILLE,
a municipal corporation

BY: _____
Dominick Casey
City Manager

ATTEST:

BY: _____
Carmen Avalos
City Clerk

APPROVED AS TO FORM:

BY: _____
Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

BY: _____
Mike Isom
Development Services Director

DEVELOPER:

WEST ROSEVILLE DEVELOPMENT COMPANY, INC.
a California corporation

BY: _____
James C. Ghielmetti
ITS: President

BY: _____
Donald H. Kuemmeler
ITS: Vice President

SEE ATTACHED CA NOTARY Pg.

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On this 24th day of FEBRUARY, 2023, before me, Astrid Martinez, Notary Public, personally appeared Donald H. Kuemmeler, 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/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Seal)

Signature of Notary Public

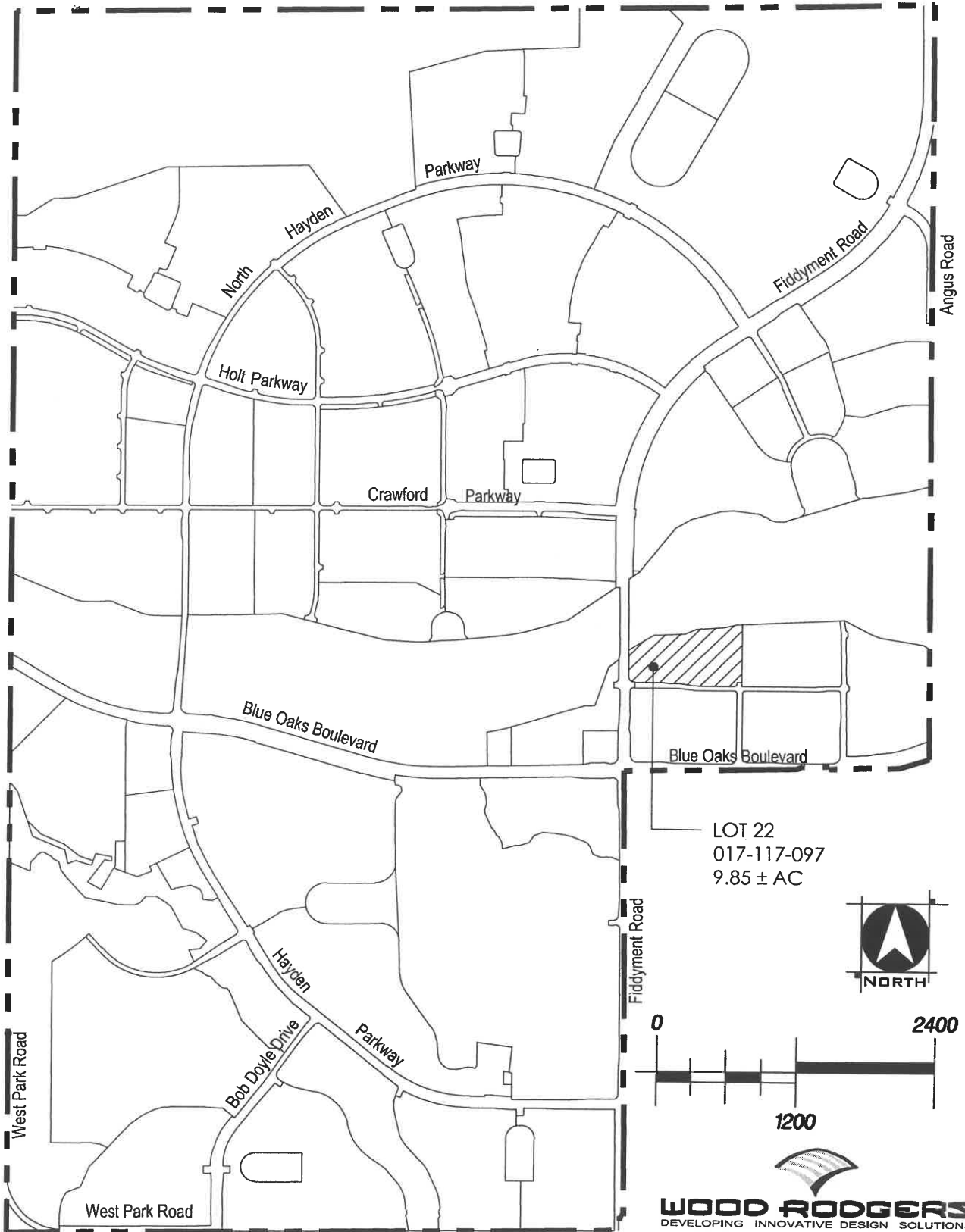


Exhibit A
Tenth Amendment Property
Legal Description

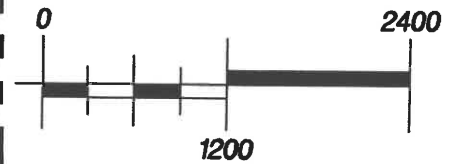
Lot 22, as shown on the Final Map of Fiddymment Ranch Phase 1 Large Lot Subdivision , Subdivision No. 03-11, recorded in Book AA of Maps, at page 10, Placer County records.

EXHIBIT B

WRSP FIDDYMENT RANCH DEVELOPMENT AGREEMENT AMENDMENT NO.10
PROPERTIES SUBJECT TO DEVELOPMENT AGREEMENT AMENDMENT NO.10
NOVEMBER 2022



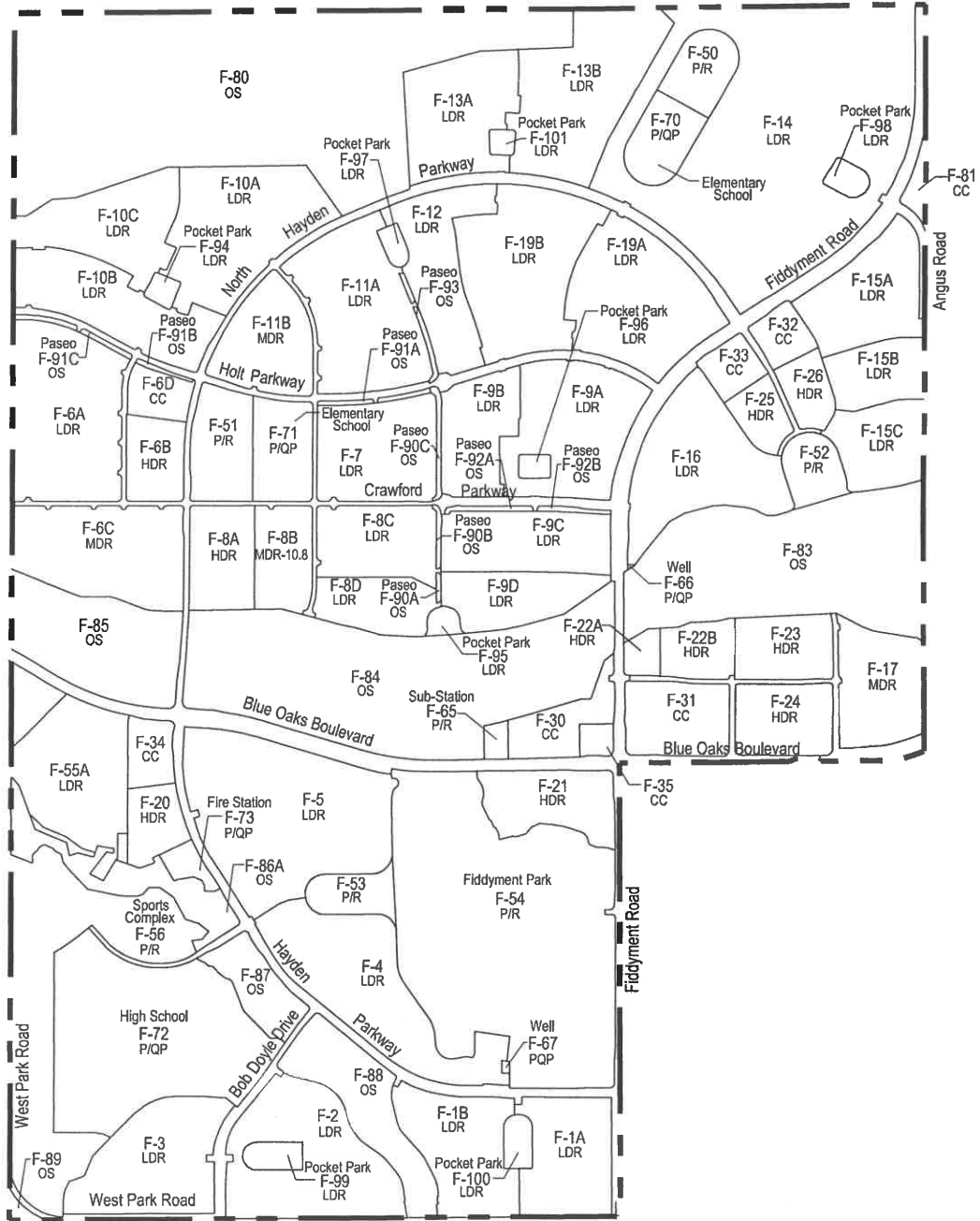
LOT 22
017-117-097
9.85 ± AC



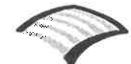
WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St, Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767

Exhibit D Land Use Plan

(ORIGINAL EXHIBITS ARE AVAILABLE AT THE ROSEVILLE CITY CLERK DEPARTMENT)



SCALE: 1" = 1500'±



WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

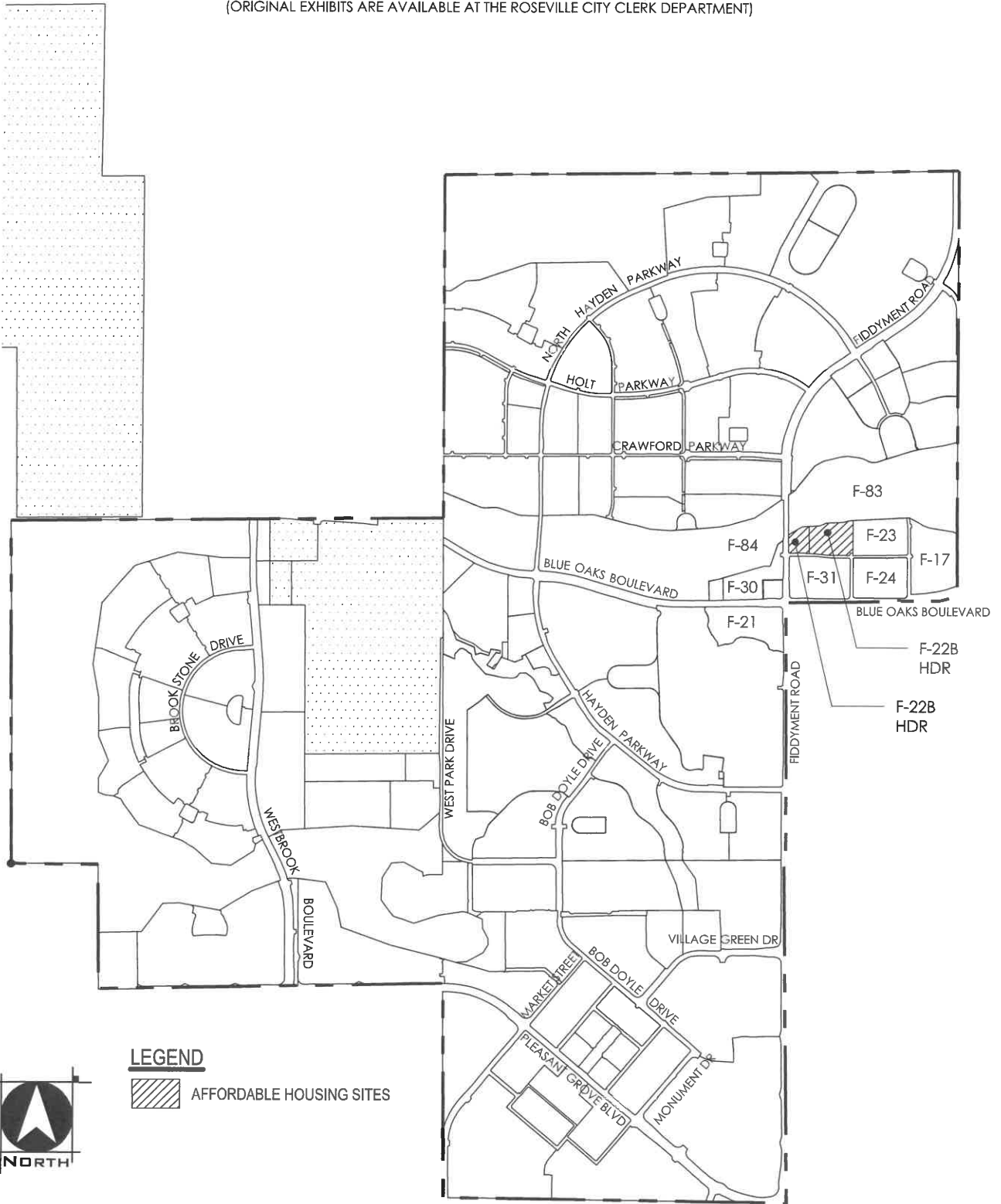
3301 C St, Bldg. 100-B
Sacramento, CA 95816

Tel 916.341.7760
Fax 916.341.7767

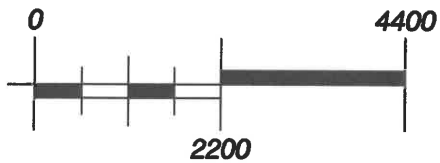
Exhibit E

AFFORDABLE HOUSING SITES

(ORIGINAL EXHIBITS ARE AVAILABLE AT THE ROSEVILLE CITY CLERK DEPARTMENT)



LEGEND
 AFFORDABLE HOUSING SITES



WOOD RODGERS
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS
 3301 C St, Bldg. 100-B
 Sacramento, CA 95816
 Tel 916.341.7760
 Fax 916.341.7767

ORDINANCE NO. 6639

ADOPTING A TENTH AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND JEN CALIFORNIA 15, LLC, TAYLOR MORRISON OF CALIFORNIA, LLC, AND WEST ROSEVILLE DEVELOPMENT COMPANY, INC. RELATIVE TO THE WEST 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 Tenth Amendment of the Development Agreement by and between the City of Roseville and Jen California 15, LLC, Taylor Morrison of California, LLC, and West Roseville Development Company, Inc., pertaining to property located within the West Roseville Specific Plan area.

SECTION 2. The Tenth Amendment to Development Agreement is exempt from environmental review pursuant to Section 15182 of the California Environmental Quality Act (CEQA) Guidelines, as a residential project pursuant to a Specific Plan. A project is eligible for this exemption if the public agency has prepared an EIR on a specific plan after January 1, 1980, and the criteria to require a subsequent or supplemental EIR are not met. The EIR for the West Roseville Specific Plan (SCH #2002082057) was certified by the City Council on February 4, 2004. No significant changes to the site or new, potentially significant impacts have been identified that would require the preparation of a subsequent or supplemental EIR, and the Development Agreement Amendment is consistent with the previously completed analysis.

SECTION 3. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Tenth Amendment to Development Agreement, and makes the following findings:

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

SECTION 4. The Tenth Amendment to Development Agreement by and between the City of Roseville and Jen California 15, LLC, Taylor Morrison of California, LLC, and West Roseville Development Company, Inc., 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 5. The City Clerk is directed to record the executed Development Agreement Amendment 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 6. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 7. 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 (3) 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 April, 2023, by the following vote on roll call:

AYES COUNCILMEMBERS: Bernasconi, Alvord, Roccucci, Mendonsa, Houdesheldt

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR

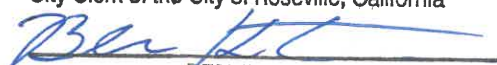
ATTEST:



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