

OFFICIAL BUSINESS
Document entitled to free recording
Government Code Section 27383

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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



PLACER, County Recorder
RYAN RONCO
DOC- 2021-0067691-00

THURSDAY, MAY 20, 2021 11:01 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 # 03039132
CLK6BFTJ93/TN/1-11

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

**NINTH AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ROSEVILLE AND MOURIER INVESTMENTS, LLC
AS ASSIGNEE OF VC ROSEVILLE, LLC
RELATIVE TO THE WEST ROSEVILLE SPECIFIC PLAN**

This Ninth Amendment of Development Agreement ("Ninth Amendment") is entered into this 7th day of April, 2021, by and between the CITY OF ROSEVILLE, a municipal corporation ("City") and Mourier Investments, LLC, a California limited liability company ("Landowner") pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Landowner's first predecessor in interest, 1600 Placer Investors, LP ("1600 Placer") 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 May 28, 2004, in the Official Records of Placer County as Document No. 2004-0069488, which Development Agreement 1600 Placer assigned to PL Roseville, LP ("PL Roseville") pursuant to that certain Assignment and Assumption Agreement of Development Agreement Relative to the West Roseville Specific Plan dated as of March 21, 2005, and recorded March 21, 2005, as Document No. 2005-0032912 in the Official Records of Placer County, California. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Development Agreement.

B. City and 1600 Placer entered into the Development Agreement relative to development within a portion of the West Roseville Specific Plan Area ("Specific Plan", "WRSP" or "Plan Area"), as such is more precisely defined in Exhibits "A" and "B" of the Development Agreement (the "Property").

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B. City and 1600 Placer entered into the Development Agreement relative to development within a portion of the West Roseville Specific Plan Area ("Specific Plan", "WRSP" or "Plan Area"), as such is more precisely defined in Exhibits "A" and "B" of the Development Agreement (the "Property").

C. 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 require implementation through amendment of the Development Agreement.

D. On April 17, 2006, City and PL Roseville entered into the First Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County, California on April 20, 2006, as Document No. 2006-0042921.

E. On March 18, 2009, City and PL Roseville entered into the Second Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County, California on May 5, 2009, as Document No. 2009-0037209.

F. On January 5, 2011, City and West Roseville, LLC ("West Roseville") entered into the Third Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on April 5, 2012, as Document No. 2012-0030092.

G. On July 17, 2013, City, West Roseville and KB Home Sacramento, Inc., and Meritage Homes of California, Inc., PL Roseville's assignees on a portion of Phase 3 of the Property, entered into the Fourth Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on August 20, 2013, as Document No. 2013-0082173-00.

H. On August 7, 2013, City and West Roseville entered into the Fifth Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on August 20, 2013, as Document No. 2013-0082447-00.

I. On December 17, 2014, City and KB Home Sacramento, Inc., PL Roseville's assignee on a portion of Phase 3 of the Property, entered into the Sixth Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on December 22, 2014, as Document No. 2014-0091940-00.

J. On May 4, 2016, City and West Roseville entered into the Seventh Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on May 11, 2016, as Document No. 2016-0035987-00.

K. On October 20, 2017, City and VC Roseville entered into the Eighth Amendment to the Development Agreement, which amendment was recorded in the Official Records of Placer County on October 20, 2017, as Document No. 2017-0082175-00.

L. PL Roseville assigned a portion of its interest in the Property to Landowner pursuant to that certain Assignment and Assumption Agreement Relative to the West Roseville Specific Plan Development Agreement dated as of February 19, 2021, and recorded February 22, 2021, as Document No. 2021-0024790-00, in the Official Records of Placer County, California.

M. This Ninth Amendment to the Development Agreement (the "Ninth Amendment") affects certain portions of the Property (the "Ninth Amendment Property"), as described in Exhibit "A" and Exhibit "B" attached to this Ninth Amendment, and shall run with the land described in Exhibits "A" and "B" hereto. Landowner and City intend for this Ninth Amendment to document certain land use designation changes and unit transfers within the Plan Area.

N. This Ninth 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 summary table of Section 2.2 ("Vested Entitlements") of the Development Agreement is hereby amended as follows:

Low Density Residential	2,662 units on 595.9 Net Acres
Low Density Residential (age restricted)	704 units on 146.9 Net Acres
Medium Density Residential	0 units on 0 Net Acres
High Density Residential	420 units on 20.1 Net Acres
Community Commercial	3.6 Net Acres
General Industrial	32.9 Net Acres
Light Industrial	55.2 Net Acres
Open Space	350.8 Net Acres
Open Space (paseo)	7.7 Net Acres
Schools	38.7 Net Acres
Treatment Plant Expansion	15.0 Net Acres
Water Tank Sites	5.4 Net Acres
Well Sites	0.6 Net Acres
Other Public (right-of-way)	138.5 Net Acres
<u>Village Center</u>	
High Density Residential	386 units on 21.8 Net Acres
Medium Density Residential	387 units on 46.1 Net Acres
Community Commercial	40 units on 14.5 Net Acres
Park	13.8 Net Acres
Church	10.8 Net Acres
Other Public (right-of-way)	13.1 Net Acres

2. **CONSISTENCY WITH GENERAL PLAN.** The City Council has found and determined that this Ninth Amendment is consistent with the General Plan and the West Roseville Specific Plan.

3. **AMENDMENT LIMITED TO NINTH AMENDMENT PROPERTY.** This Ninth Amendment is limited to and applies only to development of the Ninth Amendment Property and does not affect or apply in any manner with respect to the development of any other property within the West Roseville Specific Plan Area, including without limitation, any other portion of the Property.

4. **AMENDMENT.** This Ninth Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein. As amended hereby with respect to the Ninth Amendment Property, the Development Agreement remains in full force and effect.

5. **FORM OF AMENDMENT.** This Ninth 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 the execution of this Ninth Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. 6342, adopted by the Council of the City of Roseville on the 7th day of April, 2021.

CITY OF ROSEVILLE,
a municipal corporation

By: 

Dominick Casey
City Manager

MOURIER INVESTMENTS, LLC, a
California limited liability company

By: 

John L. Mourier, III
Managing Member

ATTEST:

By: 

Sonia Orozco
City Clerk

APPROVED AS TO FORM;

By: 

Robert R. Schmitt
City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 March 1, 2021 before me, Karen Headley, a notary public,
Date Here Insert Name and Title of the Officer

personally appeared John L. Mowrie III
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

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 5.10, 2021 before me, CARY CAMILLERI, 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 Cary Camilleri (Seal)

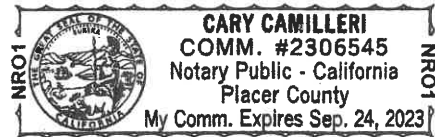


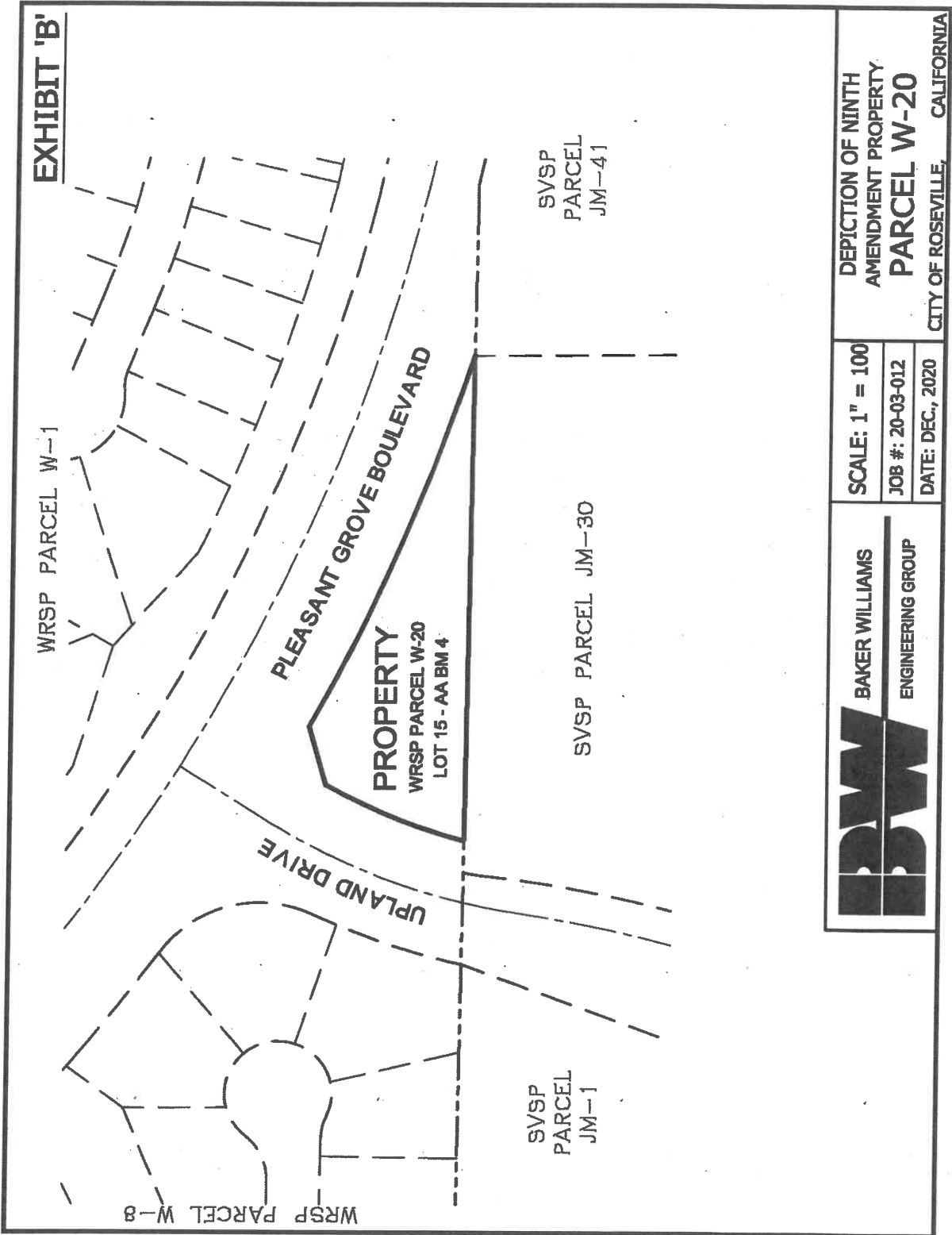
EXHIBIT A

LEGAL DESCRIPTION OF NINTH AMENDMENT PROPERTY

All that real property situate in the City of Roseville, County of Placer, State of California located in Section 25, Township 11 North, Range 5 East, M.D.M. and being all of Lot 15 as said Lot is shown on that Large Lot Subdivision Map entitled "Westpark~Phase 1", filed for record in the office of the Recorder of said County on October 21, 2004 in Book 'AA' of Maps, at Page 4, Official Records of Placer County.

EXHIBIT B

DEPICTION OF NINTH AMENDMENT PROPERTY



ORDINANCE NO. 6342

ADOPTING A NINTH AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND MOURIER INVESTMENTS, LLC AS ASSIGNEE OF VC ROSEVILLE, LLC 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 Ninth Amendment of the Development Agreement by and between the City of Roseville and Mourier Investments, LLC as assignee of VC Roseville, LLC, pertaining to property located within the West Roseville Specific Plan area.

SECTION 2. Prior to considering the proposed Ninth Amendment to Development Agreement, the City Council considered and adopted the WRSP PCL W-20 – Coffee Shack Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.*

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

1. The Ninth 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 Ninth Amendment to the Development Agreement is consistent with the City of Roseville Zoning Ordinance;
3. The Ninth Amendment to the Development Agreement is in conformance with the public health, safety and welfare;
4. The Ninth 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 Ninth Amendment to the Development Agreement will provide sufficient benefit to the City to justify entering into said Amendment.

SECTION 4. The Ninth Amendment to Development Agreement, by and between the City of Roseville and Mourier Investments, LLC as assignee of VC Roseville, LLC, 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 7th day of April, 2021, by the following vote on roll call:

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

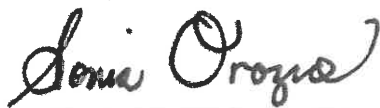
NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR

ATTEST:



City Clerk



City Clerk
311 Vernon Street
Roseville, California 95678-2649

May 10, 2021

Mourier Investments LLC
Attn: John Mourier III
1430 Blue Oaks Blvd STE 190
Roseville, CA 95747

**RE: NINTH AMENDMENT OF DEVELOPMENT AGREEMENT- WEST ROSEVILLE
SPECIFIC PLAN**

A the meeting of April 7, 2021 the City Council adopted Ordinance No. 6342 approving the ninth amendment agreement for the above project. The ordinance is now effective as it has been 30 days from the date of the adoption. The agreement has been executed by the City Manager. The agreement is enclosed as well as a certified copy of the ordinance.

The original agreement has been sent to Placer County for recording. When it is returned, we will send you the recording information.

If you have any questions, please contact Associate Planner Kinarik Shallow at (916) 746-1309.

SONIA OROZCO, MMC
CITY CLERK

by:

A handwritten signature in cursive script that reads "Cary Camilleri".

Cary Camilleri
City Clerk Technician

cc: Attorney
Finance
Kinnie Shallow, Brandy LeBeau/Development Services