

OFFICIAL BUSINESS
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Government Code Section 27383

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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

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

**THIRD AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ROSEVILLE AND MOURIER INVESTMENTS, LLC
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN**

This Third Amendment of Development Agreement is entered into this ____ day of _____, 2022, by and between the CITY OF ROSEVILLE, a municipal corporation (“City”) and SVC1, LLC, a California limited liability company (“SVC1” or “Landowner”) pursuant to Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Mourier Investments, LLC, a California limited liability company (“Mourier”), Computer Deductions, Inc., a California corporation (“Computer”), and City entered into a Development Agreement (the “Original Development Agreement”) which was approved by the City Council of City on May 19, 2010, and recorded on June 18, 2010, in the Official Records of Placer County as Document No. 2010-0045931-00.

B. Mourier, Computer, and City entered into the Original Development Agreement relative to development within a portion of the Sierra Vista Specific Plan Area, as such is more precisely defined in Exhibits “A” and “B” of the Original Development Agreement (the “Property”). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Original Development Agreement.

C. Computer assigned its interest in the Original Development Agreement to Mourier pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated January 13, 2012, and recorded January 31, 2012, as Document No. 2012-0008251-00, in the Official Records of Placer County, California.

D. Mourier transferred a portion of its interest in the Original Development Agreement to John Mourier Construction, Inc., a California corporation (“JMC”) pursuant

to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of November 7, 2019, and recorded November 8, 2019, as Document No. 2019-0089192-00, in the Official Records of Placer County, California.

E. City, Mourier, and JMC entered into a First Amendment to the Original Development Agreement (the "First Amendment") which was approved by the City Council of City on March 4, 2020, and recorded on April 13, 2020, in the Official Records of Placer County as Document No. 2020-0032964-00.

F. City and Mourier entered into a Second Amendment to the Original Development Agreement (the "Second Amendment") which was approved by the City Council of City on February 3, 2021, and recorded on April 16, 2021, in the Official Records of Placer County as Document No. 2021-0052864-00. The Original Development Agreement, the First Amendment, and the Second Amendment are hereinafter collectively referred to as the "Development Agreement."

G. Mourier assigned a portion of its interest in the Development Agreement to SCV1, LLC pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of December 17, 2021, and recorded December 23, 2021, as Document No. 2021-0154747-00, in the Official Records of Placer County, California.

H. This Third Amendment to the Development Agreement (the "Third Amendment") affects certain portions of the Property owned by SVC1 (the "Third Amendment Property"), as described in Exhibit "A" and depicted in Exhibit "B" attached to this Third Amendment and shall run with the land described in Exhibit "A" hereto. SVC1 and City intend for this Third Amendment to document certain density increases within the Plan Area.

I. This Third Amendment is authorized by Section 1.4 of the Development Agreement.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT.

- a. The land use designations, approximate acreages, and unit counts in Section 2.2 of the Development Agreement for the Third Amendment Property are hereby revised as follows:

High Density Residential	176 units on 7.1 Net Acres;
Community Commercial	13.9 Net Acres;
Right of Way	0 Net Acres.

2. **CONSISTENCY WITH GENERAL PLAN.** The City Council has found and determined that this Third Amendment of the Development Agreement is consistent with the General Plan and the Sierra Vista Specific Plan.

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

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

5. **FORM OF AMENDMENT.** This Third 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 Third Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. _____, adopted by the Council of the City of Roseville on the ____ day of _____, 2022.

CITY OF ROSEVILLE,
a municipal corporation

By: _____
Dominick Casey
City Manager

ATTEST:

By: _____
Carmen Avalos
City Clerk

APPROVED AS TO FORM;

By: _____
Michele Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

By: *Mike Isom*
Mike Isom
Development Services Director

SVC1, LLC, a
California limited liability company

By: *John L. Mourier, III*
John L. Mourier, III
President
Raul Yamamoto VP & CFO
Karen Hedley Secretary

Exhibit 'A'

Legal Description

Development Agreement

Sierra Vista Specific Plan Lots JM-30 and JM-41

All that real property situate in the City of Roseville, County of Placer, State of California located in Section 36, Township 11 North, Range 5 East, M.D.M. and being all of Lots 1 and 2 as said Lots are shown on that certain Large Lot Final Map entitled, "The Villages at Sierra Vista", filed for record in the office of the Recorder on July 29, 2015, in Book 'DD' of Maps, at Page 26, Official Records of said County.

EXHIBIT 'B'



BAKER WILLIAMS
ENGINEERING GROUP

SCALE: 1" = 200'
JOB #: 21-06-017
DATE: JUNE, 2022

SIERRA VISTA SPECIFIC PLAN
Lots JM-30 and JM-41
CITY OF ROSEVILLE, CALIFORNIA

CALIFORNIA 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 July 20, 2022 before me, Vicky Wingate, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Rod Yamataka & Karen Headley
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.



Place Notary Seal and/or Stamp Above

Signature [Handwritten Signature]
Signature of Notary Public

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: Third Amendment of Development Agreement By and Between the City of Roseville and Mourier Investments, LLC relative to the Sierraville Specific Plan
Document Date: 07-20-2022 Number of Pages: _____

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Rod Yamataka
 Corporate Officer - Title(s): VP + CFO
 Partner - Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: Karen Headley
 Corporate Officer - Title(s): secretary
 Partner - Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer is Representing: SVC1, LLC a California limited liability company

Signer is Representing: SVC1, LLC a California limited liability company