es parsació és ortorrocció Osde 27383

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

City Clerk City of Roseville 311 Vernon Street, #208 Roseville, CA 95678 99-0033378 Moorded 4-15-99 10:40:09

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND THE OWNER(S) OF THE NORTHEAST ROSEVILLE SPECIFIC PLAN PARCEL 3

THIS AMENDMENT TO DEVELOPMENT AGREEMENT relative to the Northeast Roseville Specific Plan is made and entered into this 16th day of March, 1999, by and between the City of Roseville, a municipal corporation, ("CITY") and the owner(s) of Northeast Roseville Specific Plan Parcel 3, specifically listed on the signature block at the end of this document ("Landowner"). Parcel 3 is specifically described on Exhibit A attached hereto.

WITNESSETH:

WHEREAS, CITY and Landowners entered into a Development Agreement relative to the Northeast Roseville Specific Plan, recorded July 6, 1987, in Book 3221, Page 151 of the Placer County Official Records (the "Development Agreement"); and

WHEREAS, at the request of the Landowner, the Planning Commission held a public

hearing on August 14, 1998 in compliance with California Government Code Section 65867

Wer Copy and Government Code Section 65867

Wer Copy and Government Code Section 65867

Wer Copy and Government Code Section 65867

Find use Element / Grandint Code Section 65867

Open Copy and Code Section 65867

Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use Element / Grandint Code Section 65867

No Find use E

and recommended approval of a General Plan Amendment, Specific Plan Amendment and Rezone to allow additional permissible uses on parcel 3 and a corresponding amendment to the Development Agreement; and

WHEREAS, on September 16, 1998, the City Council held a public hearing in compliance with Government Code Section 65867 and approved execution of this Agreement.

NOW THEREFORE, City and Landowner hereby agree to amend the Agreement as follows:

1. <u>Section 2.</u> <u>DEVELOPMENT OF THE PROPERTY.</u>

2(A). Permitted Uses. The permitted uses of said property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes, location of public improvements, and other terms and conditions of development applicable to said property shall be those set forth in this Agreement, the Northeast Roseville Specific Plan and the Schematic Development Plan; provided, however, that the size, configuration, height and location of the buildings shown on the Schematic Development Plan and the size and shape of particular parcels of the subject property shown on the Schematic Development Plan are illustrative only and are, therefore, subject to change as provided in Section 1(F).

City is bound with respect to the uses permitted under this Agreement only insofar as this Agreement so provides or as otherwise set forth in law or ordinance.

City agrees that land use to granted and grants herewith to the property subject to this Agreement as follows: 1240 acres, more or less, of Research and Development Park; 216 acres, more or less, of Business and Professional Offices 50.1 acres, more or less, of

Highway Commercial; 97 acres, more or less, of Regional Commercial; 80 acres, more or less, of Community Commercial; 1,080 dwelling units for residential use, all as set forth on Exhibit B and C, and Open Space and Urban Reserve uses in the entire Plan Area. The square footage of structures constructed on land allocated to nonresidential land uses shall not exceed 40% of the gross square footage of the parcel upon which the structure is constructed is such structure is a single story. The square footage of each floor of such structure shall not exceed 35% of the gross land area if such structure is two or more stories.

- 2. <u>Exhibit B</u> Amend the Northeast Roseville Specific Plan to substitute

 Business Park and Professional Office land use on a 32.9± acre portion of Parcel 3 in place of the existing Medium Density Residential (R-9, 330 units) land use designation (see Proposed Amendments to the Northeast Roseville Specific Plan).
- 3. Exhibit C Amend the Schematic Development Plan to substitute Business Park and Professional Office land use on a 32.9± acre portion of Parcel 3 in place of the existing Medium Density Residential (R-9, 330 DU) land use designation; and delete the 330 DUs allocated to such MDR (R-9) acreage; and to increase the Business Park and Professional Office acreage from 187.41 acres to 215.69 acres.
- 4. Landowner acknowledges and agrees that in the event any portion of the pooled unit transfer neighborhood park fees resulting from the transfer of units originally assigned to this Northeast Roseville Specific Plan Area Parcel 3 to North Central Roseville Specific Plan Area Parcels 21B and 42B, as provided in paragraph 3.B.8 of the RPIP North Central Roseville Specific Plan Development Agreement, in the amount of \$541.00 per transferred unit (\$178,530.00 total), is not paid as provided therein, then Landowner shall be responsible for full payment of any and all such pooled unit transfer park fees when due.

In the event that Landowner pays all or any portion of the pooled unit transfer fees, City shall assign all of its rights pertaining to the recovery of such pooled unit transfer fees against the landowner identified in the RPIP North Central Roseville Specific Plan Development Agreement or its successor, to Landowner. Further, the provisions of this paragraph shall in no way constitute a waiver or otherwise impair the rights that Landowner may have against the landowner identified in the RPIP North Central Specific Plan Development Agreement pursuant to a separate agreement between those landowners.

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation has

authorized the execution of this Agreement in duplicate by its City Manager and attested to by

Ordinance

Ordinance

Ordinance

Ordinance

No. 3282 , adopted by the Council of the

City of Roseville on the 21st day of October , 1999, and Landowner has

caused this Agreement to be executed.

CITY OF ROSEVILLE, a EAST ROSEVILLE PARKWAY PARTNERS, a California general partnership

ALLEN E. JOHNSON

O. MARK DeMICHELE

Partnership Manager

ATTEST:

CAROLYN PARKINSON

City Clerk

1199 0000 0057 0004

APPROVED AS TO FORM:

Richard Low Low MARK J. DOANE
City Attorney

APPROVED AS TO SUBSTANCE:

EXHIBIT "A"

The land referred to herein is situate in the City of Roseville, County of Placer, State of California, described as follows:

A portion of Section 5, Township 10 North, Range 7 East, MDB&M, more particularly described as follows:

Parcel "D", as said Parcel is shown on that certain Parcel Map filed for record on November 30, 1989, in Book 25 of Parcel Maps, Page 64, Official Records.

EXCEPTING THEREFROM all that portion lying within Parcel 1, as said Parcel is shown on that certain Parcel Map filed for record on December 23, 1994 in Book 28 of Parcel Maps, Page 43, Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and other hydrocarbon substances, inert gases, minerals and metals, lying below a depth of 500 feet from the surface of said land and real property, whether now known to exist or hereafter discovered, including, but not limited to the rights to explore for, develop and remove such oil, gas and other hydrocarbon substances, inert gases, minerals and metals without, however, any right to use the surface of such land and real property, or any portion thereof, above a depth of 500 feet from the surface of such land and real property, for any purposes whatsoever, as conveyed in the Deed from Johnson Ranch Investors, a California Limited Partnership, to Johnson Ranch, a joint venture, recorded December 31, 1987 in Book 3329 of Official Records, at Page 576, Placer County.

APN: 459-010-005-000

Order No.:

1015442

NOTE: Said Parcel described above also being shown as "Remainder", on Parcel Map filed for record on December 23, 1994 in Book 28 of Parcel Maps, Page 43, Official Records.

ORDINANCE NO. 3282

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING AN AMENDMENT TO DEVELOPMENT AGREEMENT REGARDING
NORTHEAST ROSEVILLE SPECIFIC PLAN PARCEL 3,
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 an Amendment to Development Agreement with East Roseville Parkway Partners, Johnson Ranch Investors, O K and B Partnership and Five Star Investments, 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 Amendment to Development Agreement, and makes the following findings:
- 1. The 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 Northeast Roseville Specific Plan;
- 2. The Amendment to Development Agreement is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located;
- 3. The Amendment to Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- 4. The Amendment to Development Agreement will not be detrimental to the health, safety and general welfare of residents in the City of Roseville;
- 5. The Amendment to Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
- 6. The development permitted by the Amendment to Development Agreement will provide sufficient benefit to the City of Roseville to justify entering into the Amendment to Development Agreement.

SECTION 3. The Amendment to Development Agreement by and between East Roseville Parkway Partners, Johnson Ranch Investors, O.K. and B Partnership and Five Star

Investments 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 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.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 6. 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 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 21st day of , 1998, by the following vote on roll call:

AYES

COUNCILMEMBERS: Harry Crabb, Jim Gray, Pauline Roccucci, Randy Graham, Claudia

Gamar

NOES

COUNCILMEMBERS:

None.

ABSENT

COUNCILMEMBERS:

None

Paudia Jamas

ATTEST:

The foregoing instrument is a correct copy of the original on file in this office.

DEPUTY CLEAN