Exempt from recording fees pursuant to Government Code 27383

> RECORD AND WHEN RECORDED RETURN TO:

**RECORDING REQUESTED BY:** 

CITY ATTORNEY CITY OF ROSEVILLE 311 Vernon Street Roseville, California 95678 96-002 2 Rec Fee .00 Total .00 Recorded Official Records County of Placer Jim McCauley Recorder 9:49am 12-Jan-96 | 27-96 JE 16

FOURTH AMENDMENT

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

**NOVEMBER 1995** 

FILED

FEB 12 1996

CITY OF ROSEVILLE

CF', 0401-03-07 SERSP folder #9

# FOURTH 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

#### **NOVEMBER 1995**

This Fourth 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 January 8 \_\_\_\_\_\_, 1996:

#### 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. 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. The Second Amendment was recorded as Instrument No. 93-044801 of the Official Records of Placer County on June 23, 1993.
- D. On January 5, 1994, City and Southfork, by Ordinance No. 2759, adopted the Third Amendment to the Development Agreement.

11/1/95

SF95027

The Third Amendment was recorded as Instrument No. 94-010360 of the Official Records of Placer County on February 9, 1994.

- E. On November 15, 1995, pursuant to Resolution No. 95-316, 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.
- F. City and Southfork wish to amend the Development Agreement, as amended, to conform to the Specific Plan, as amended.
- G. This Fourth Amendment is authorized pursuant to Section 1.E. of the Development Agreement and Section 65868 of the Government Code of the State of California.
- H. The Property subject to this Amendment is described in Exhibit A-1, and shown on Exhibit A-2, both attached hereto and incorporated by this reference. All such Property is owned either by Southfork or by the City. No other property encumbered by the Development Agreement, as amended, is or shall be subject to the Fourth Amendment.

NOW, THEREFORE, City and Southfork agree as follows:

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

Parcel 9-C 61 units

2. A new line 26 is added to Section 2.E.1 of the Agreement to read:

Parcel 9-D 84 units

The former line 26 becomes new line 27.

11/1/95

- 4. The prior Exhibit C (Amended 12/93) is superseded and is amended by substitution, and the attached Exhibit C (Amended 11/95) is substituted therefor.
- 5. The prior Exhibit D (Amended 12/93) is superseded and is amended by substitution, and the attached Exhibit D (Amended 11/95) is substituted therefor.
- 6. With respect to land subject to the Development Agreement which is not part of the Property subject to this Fourth 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).
- 7. 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 Fourth 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.
- 8. Notwithstanding any of the provisions hereof, this agreement shall not be effective unless and until a final subdivision map, creating Parcels 9A, 9B, 9C, 9D, and 76 in the form shown on Exhibit C hereof, is ordered to be approved and filed by the Roseville City Council. In the event that such final map has not been filed on or before the expiration of the tentative map approved by the Roseville Planning Commission on October 26, 1995,

11/1/95

with any extensions to that map, this Agreement shall be deemed void ab initio.

Approved and adopted pursuant to Ordinance No. 2938 , this
8th day of January 1996

SOUTHFORK PARTNERSHIP, a California general partnership

By: Coker-Ewing Company, L.P., a California Limited Partnership, a general partner

> By: Coker Development, Inc. a California corporation, a general partner

> > y:\_\_\_\_\_\_\_Robert B. Coker, Jr.,
> > President

By: Ewing Development, Inc., a California corporation, a general partner

By: Harry W. Ewing,
President

By: Coker-Ewing Company Four, a California general partnership, a general partner

By: CODI 4,
a California corporation,
a general partner

Robert B. Coker, Jr.,
President

By: UD4,

a California corporation,

a general partner

Bv:

Harry W. Ewing,

President

FOR THE CITY OF ROSEVILLE

By:

ALLEN JOHNSON, City Manager

ATTEST:

CAROLYN PARKINSON,

City Clerk

APPROVED AS TO FORM:

MARK DOANE,

City Attorney

CITATION OF CALL PROPERTY.
STATE OF CALIFORNIA )
COUNTY OF PLACER : ss.
On this day of the first of 1996, before me the undersigned, a Notary Public in and for said State, personally appeared the first personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose names 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 which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.
Notary Public in and for said State  Notary Public in and for said State  CAROLYN PARKINSON Commission # 1061031 Notary Public — Colifornia Placer County My Comm. Expires Oct 8, 1999
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AS FOLLOWS:
Title or Type of Document Aculopust Agent South fork furthers his

Acknowledgment - All Purpose

STATE OF CALIFORNIA )
county of Placer;
on November 3, 1995, before me, the undersigned notary public, personally appeared Robert B. Coker, Jr.
[ $\times$ ] personally known to me [ ] 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 on behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.
Parsara J. Clark Comm. # 949362 Notary Public Notary Public No Comm. Expres Dec. 3, 1986
STATE OF CALIFORNIA )
county of Placer
on November 3, 1995, before me, the undersigned notary public, personally appeared Harry W. Ewing,
<pre>[×] personally known to me [ ] proved to me on the basis of satisfactory evidence</pre>

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 on behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Bonbara J Clark Notary Public



11/1/95

\$F95027

STATE OF CALIFORNIA )
county of Placer;
on November 3, 1995, before me, the undersigned notary public, personally appeared Robert B. Coker, Jr.
<pre>[ &gt;] personally known to me [ ] proved to me on the basis of satisfactory evidence</pre>
to be the person(s) whose name(s) is/are subscribed to the withir 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 on behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.  Darboura   Clark Comm. # 949362 NOTARY PUBLIC CALFORNIA PROMETORIAL COMPANS PROMETORIAL CO
STATE OF CALIFORNIA ) COUNTY OF Placer )
on byember 3, 1995, before me, the undersigned notary public, personally appeared Harry w. Ewing
personally known to me 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 on behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

11/1/95

8

SF95027

#### **LEGAL DESCRIPTION**

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

That portion of Parcel A of Book 22 of Parcel Maps, Page 156, being a portion of Section 8, Township 10 North, Range 7 East, M.D.B.&M., included within the land shown and designated as Parcel "9" of Parcel Map filed for record in the Office of the County Recorder of Placer County, California on November 16, 1986 in Book 25 of Parcel Maps, at page 52, Placer County Records.

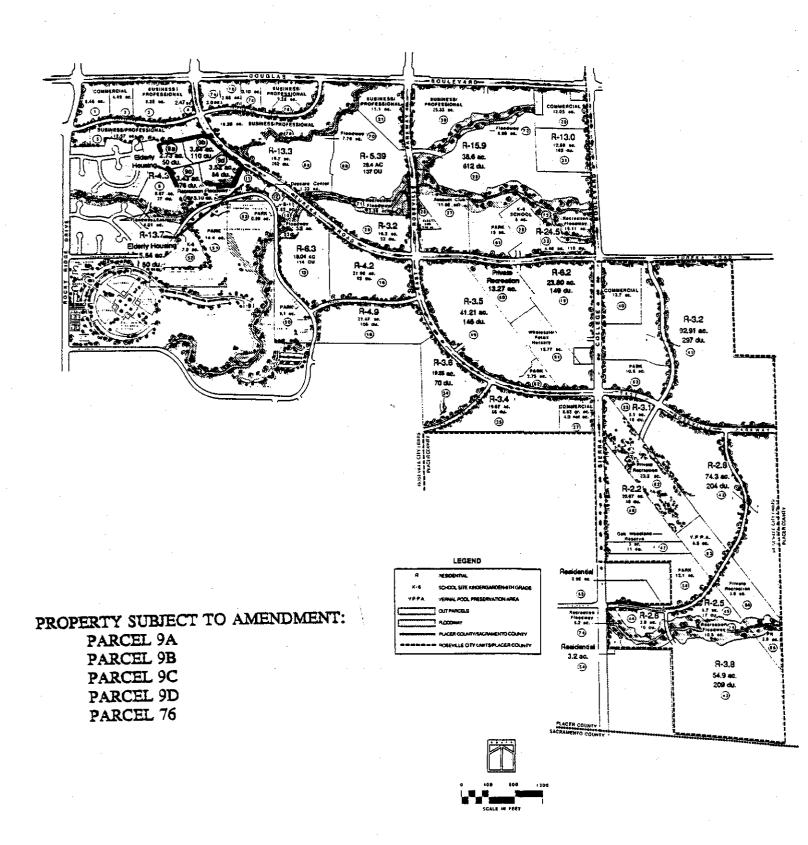
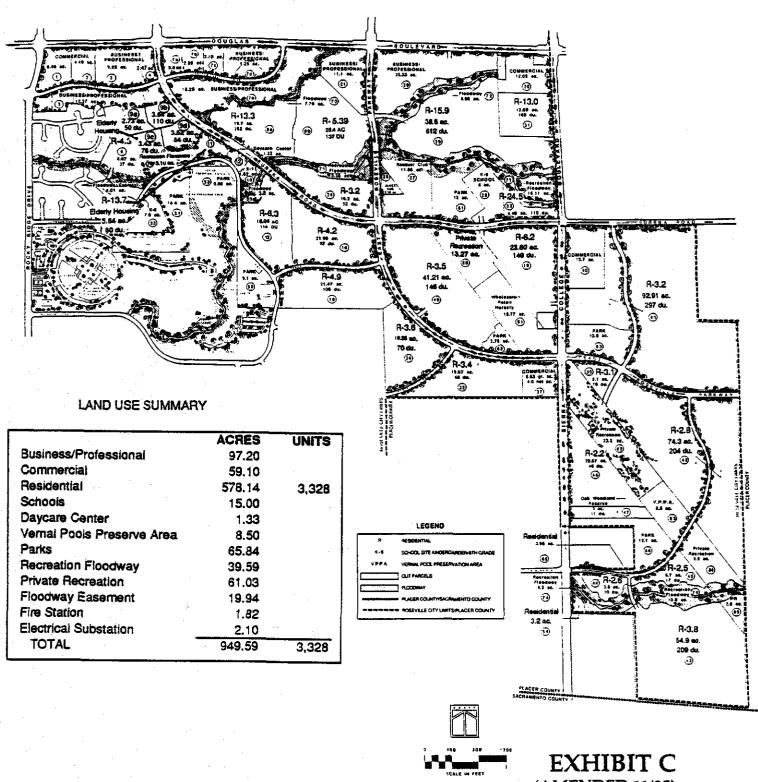


Exhibit A-2

EXHIBIT B NOT USED

## LAND USE PLAN 1995 AMENDMENT



(AMENDED 11/95)

## LAND USE 1995 AMENDMENT

PARCEL	LAND USE	ACRES	UNITS	PARCEL	LAND USE	ACRES	UNITS
1	Commercial	6.46		35	Residential	19.67	66
2	Commercial	4.49		37	Commercial	6.63	
3	Business/Professional	9.25		40	Commercial	13.70	- 1
4	Business/Professional	2.47		41	Residential	92.91	297
5	Business/Professional	12.57		42	Residential	74.30	204
6	Residential	8.67	37	43	Residential	54.90	209
7(a)	Business/Professional	3.00		44	Residential	3.80	10
7(b)	Business/Professional	2.85		45	Residential	6.70	17
7(c)	Business/Professional	3.10		46	Residential	20.67	46
7(d)	Business/Professional	9.25		47	Oak Reserve/Residential	5.00	11
7(e)	Business/Professional	18.28		49	Residential	41.21	146
8(a)	Residential	19.70	262	50	Maidu Park Addition	9.10	
8(b)	Residential	25.40	137	51	Maidu Park Addition	14.40	- 1
9(a)	Elderly Housing	2.73	50	52	School (K-6)	7.00	1
9(b)	Elderly Housing	3.84	110	53	Maidu Park Addition	0.69	
9(c)	Elderly Housing	3.43	76	54	Residential	3.20	ol
9(d)	Elderly Housing	3.52	84	55	Residential	5.10	16
12	Daycare Facility	1.33	_	61	Park	15.00	
10	Fire Station 1	1.82		62	Park	3.75	į
11	Elderly Housing	5.84	80	63	Park	10.80	
13	Residential	18.04	114	64	Park	12.10	1
13(d)	Floodway Easement	3.20		65	Residential	0.96	ol
16	Residential	21.96	92	70	Floodway Easement	7.76	٦
18	Residential	21.47	106	71	Recreation Floodway	3.38	
19	Residential	23.80	149	72	Floodway Easement	8.98	
20	Commercial	12.05		73	Recreation Floodway	16.11	
21	Business/Professional	11.10		74	Recreation Floodway	6.20	
24	Residential	16.30	52	75	Recreation Floodway	10.80	
26	Electrical Substation	2.10		76	Recreation Floodway	3.10	
27	Racquet Club	11.86		80	Private Recreation	13.27	
28	School (K-6)	8.00		81	Whisie./Ret. Nursery	15.77	
29	Residential	38.60	612	82	Private Recreation	23.20	
30	Business/Professional	25.33	~- <b>-</b>	83	Vernal Pool Pres. Area	8.50	
31	Residential	12.69	165	84	Private Recreation	9.90	
32	Residential	4.48	110	85	Private Recreation	2.80	
34	Residential	19.25	70	-			•
			. •		TOTAL	949.59	3,328

EXHIBIT D (AMENDED 11/95)

### ORDINANCE NO. 2938

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADOPTING THE FOURTH 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 COUNCIL OF THE CITY OF ROSEVILLE DOES ORDAIN AS FOLLOWS:

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 Fourth 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 Fourth Amendment to the Third Amended and Restated Development Agreement for a portion of property within the Southeast Roseville Specific Plan area, known as Parcel 9; 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 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 of 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 Fourth 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 Specific Plan Amendment adopted by Resolution 95-316 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.

PASSI of December		he Council of the City of Roseville this 6th de following vote on roll call;
AYES	COUNCILMEMBERS:	Mel Hamel, Claudia Gamar, Randolph Graham, Pauline Roccucci, Harry Crabb
NOES	COUNCILMEMBERS:	None
ABSENT	COUNCILMEMBERS:	None MAYOR
ATTEST:	2	The foregoing instrument is probriet copy of the original on file in this office.
<u>Caro fin</u>	City Clerk	City Clork of the City ophistorile, California  DEPUTY CLEP