Recording Requested by:

CITY OF ROSEVILLE

When Recorded Mail to: City Clerk City of Roseville 311 Vernon Street Roseville, CA 95678

Exempt from recording fees Pursuant to Govt. Code 27383

PLACER, County Recorder
JIM MCCAULEY
DOC— 2004—0058294
Friday, MAY 07, 2004 14:30:00
NOC \$0.00!;

Nbr-0001074258

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(THIS SPACE RESERVED FOR RECORDER'S USE)

00.02

Fourth Amendment of Development Agreement By and Between the City of Roseville and Diamond Creek Partners Relative to the North Roseville Specific Plan

Ttl Pd

ENW

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)

FOURTH AMENDMENT OF DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND DIAMOND CREEK PARTNERS RELATIVE TO THE NORTH ROSEVILLE SPECIFIC PLAN

THIS AMENDMENT is entered into this 20th day of April , 2004, by and between the CITY OF ROSEVILLE, a municipal corporation ("CITY"), and DIAMOND CREEK PARTNERS, LTD., a California limited partnership ("LANDOWNER"), pursuant to the authority of sections 65864 through 65869.5 of the Government Code of California.

WITNESSETH:

- A. LANDOWNER and CITY entered into a Development Agreement (the "Development Agreement"), which was approved by the City Council of CITY on August 20, 1997 and which was recorded on September 29, 1997 in the Official Records of Placer County, California, as Instrument No. 97-059806. LANDOWNER and CITY entered into the First Amendment to the Development Agreement on August 31, 1998, which amendment was recorded on September 15, 1998 in the Official Records of Placer County, California, as Instrument No. 98-0073814. LANDOWNER and CITY entered into the Second Amendment to the Development Agreement on September 17, 1999, which amendment was recorded on September 17, 1999 in the Official Records of Placer County, California, as Instrument No. 99-0082604. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Development Agreement.
- B. On February 16, 2002, LANDOWNER and CITY, by Ordinance No. 3788, entered into the Third Amendment of the Development Agreement (the "Third Amendment") amending, in relevant part, Section 2.2 of the Development Agreement to reflect changes to the North Roseville Specific Plan (Resolution No. 02-15) concerning a change in the land use designation of Parcel DC-32 from Business Professional to Single Family, Low Density Residential.

- C. The City Council has approved an amendment to the North Roseville Specific Plan by Resolution No. <u>04-63</u> (the "Specific Plan Amendment") which reflects the transfer of 0.3 acres from Parcel DC-53 (Parks and Recreation) to Parcel DC-30 (Community Commercial).
- D. The City Council has determined that this Amendment (the "Fourth Amendment") to the Development Agreement is consistent with the General Plan and North Roseville Specific Plan.

E. Entitlements

- 1. The City of Roseville General Plan, as amended by Resolution # 04-62.
- 2. The North Roseville Specific Plan, as amended by Resolution $\#_{.04-63}$.
- 3. The City of Roseville Zoning Ordinance, as amended by Ordinance #_4055.

NOW, THEREFORE, the parties mutually agree as follows:

- 1. <u>Amendment of Development Agreement</u>. The following sections and exhibits of the Development Agreement are hereby amended as follows:
- a. Revised Section 2.2 Vested Entitlements. The approximate land use designations and acreages as set forth in section 2.2 of the Development Agreement are hereby revised to amend the land use designation of Parcel DC-32 from Business-Professional to Single Family, Low Density Residential and the acreages to read as follows:

Single Family, Low Density Residential:	725 units on 175.2 acres;
Single Family, Medium Density Residential:	72 units on 9.3 acres;
Multi-Family Residential:	200 units on 10.00 acres;
Community Commercial:	28.4 acres;
Public/Quasi Public (School)	7.9 acres;
Other Public (Electric Substation, Pump and ROW)	25.1 acres;
Park:	34.8 acres; and
Open Space:	22.2 acres.

b. New Exhibit "B." The previous Exhibit "B" is hereby deleted and replaced by Exhibit "B" attached to this Agreement.

- 2. <u>Consistency With the General Plan</u>. The City hereby finds and determines that execution of this Amendment is in the best interest of the public health, safety and general welfare and is consistent with the General Plan.
- 3. <u>Amendment</u>. This Amendment amends but does not replace or supersede the Development Agreement except as specified herein. As amended hereby, the Development Agreement remains in full force and effect.
- 4. <u>Exhibits</u>. The following exhibits are attached hereto and incorporated herein by reference:

Exhibit "B" - Land Uses

6. <u>Form of Amendment</u>. This Amendment is executed in two duplicated 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 Fourth Amendment in duplicate by its City Manager and the attestation to this Amendment by its City Clerk under the authority of Ordinance No. 4056, adopted by the Council of the City of Roseville on 17th day of March, 2008, and LANDOWNER has caused this Amendment to be executed.

Ву

CITY OF ROSEVILLE, a municipal

corporation

W. Craig Robinson, City Manager

ATTEST:

Sonia Orozco, City Clerk

APPRÓVED AS

Mark J. Doane, City Attorney

DIAMOND CREEK PARTNERS LTD., a California limited partnership

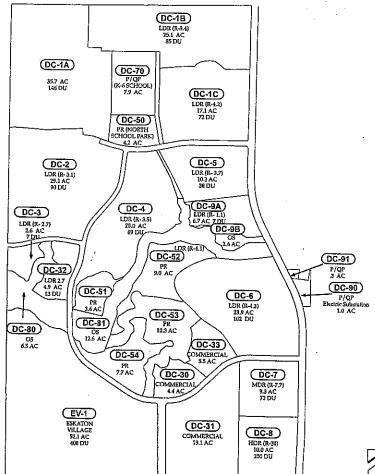
Stephen L. Des Jardins

President of Diamond Equities, Inc.

EXHIBIT "B" Land Uses

Table 2-2 Land Use By Parcel Phase 1: Neighborhood A

FIGURE 2-2 LAND USE MAP PHASE 1: NEIGHBORHOOD A



Land	Use by 1	Parcel Table			
Parcel	Zonin	g Land Use	Density	Net Acreage	Units
DIAMO	ND CRE	EK	Maryl e en annyser de puerant de plan		
DC-1A	!R1	LDR	4.6	57.3	26
DC-1B	RI	LDR	4.7	21.2	10
DC-2	RI	LDR	4.7	28.6	13
DC-3	R1	·LDR	4,0	2,6	1
DC-4	RI	LDR	4.0	19.8	***************************************
DC-5	Ri	LDR	4.2	10.9	86
DC-6	RS	LDR	5.0		40
DC-7	RS/DS	MDR	7.7	23,9	120
DC-8	R3	HDR	20.0	9.3	72
DC-9A	R1/SA	LDR	1.2	10.0	200
DC-9B	OS	· Open Space	1,2	6.0	7
DC-30	CC/SA	Community Con		2.6	
DC-31	cc	Community Com	marketin in terms of inches managed of course	4.4	
DC-32	BP	Business-Profess		19.1	
DC-33	CC/SA	Community Com		4.9	
DC-50	PR	North School Par		4.9	
DC-51	PR	-	management a series are proper transfer and the series	4.2	namanaridhan mana
C-52	PR	Diamond Creek P		3.6	
OC-52	PR	Diamond Creek P		9.0	
C-54		Diamond Creek P		10.3	
C-70	PR	Diamond Creek P		7.7	proportion agric
	P/QP	Elementary School	al	7.9	i
C-80 C-81	OS	Open Space		6.5	
	OS	Open Space		13.1	
C-90	P/QP	Electric Substatio)B	1.0	
C-91	P/QP		un -delectronamental-decements at 1	0.3	umatedy-byroung.
		ROW- Diamond C	reek	23.8	
ubtotal D	iamond Cr	eek		312.9	1,032
SKATO	N				
V-1	Eskaton V	illage			
		Attached Housing	armodeledmana summon mi	50.4	
-	-,	ROW - Eskaton		52.1	400
	tached Ho			0.0	

BLUEOAKS BOULEVARD

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California	
	ss.
County of Placer	∫ ^{u.}
on MUUL 5, 2014, before m	ne, John British, Manual Public's Name and Title of Officer (e.g., "Jane Doe! Notary Public")
U	Expersonally known to me
	proved to me on the basis of satisfactory
	<u>,evidence</u>
JEANANNE BRICKER Commission # 1437620 Notary Public - California Placer County My Comm. Expires Sep 14, 2007	to be the person(s) whose name(e) 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(e) acted, executed the instrument.
Place Notary Seal Above	WITNESS my hand and official seal. Signature of Notary Public OPTIONAL
	nd by law, it may prove valuable to persons relying on the document noval and reattachment of this form to another document.
Description of Attached Document Title or Type of Document: 441 HMV	ndment of Development Agreement
Document Date:	Number of Pages:
1	_
• , ,	,
Capacity(ies) Claimed by Signer Signer's Name:	RIGHT THUMBPRINT
☐ Individual	OF SIGNER Top of thumb here
	Top of titum nere
□ Partner — □ Limited □ General	
☐ Attorney in Fact	
☐ Trustee	
□ Guardian or Conservator □ Other:	

GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:
Name of Notary Jeananne Bricker.
Date Commission Expires Sep. 16, 2007 Commission # 1437620
County of Commission Placer Mfg. I.D. # NNA/
State of Commission California 100
May 3, 2004 Jeangine Buckel
Pate and Place Signature (Firm name, if any) ROSCVIIVE, CA

STATE OF CALIFORNIA)
COUNTY OF PLACER)
On this 20 th day of April in the year of 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared W. Craig Robinson, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.
Notary Public in and for and State Comm. #1296954 State Placer county Placer county
My Comm. Expires Mar. 12, 2005
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AS FOLLOWS:
Title or Type of Document: Fourth Amendment of Development Agreement
Date of Document: April 20, 2004

Acknowledgment - All Purpose



ORDINANCE NO. 4056

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING A FOURTH AMENDMENT OF DEVELOPMENT AGREEMENT WITH THE
DIAMOND CREEK PARTNERS, LTD., 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 Fourth Amendment of Development Agreement with the Diamond Creek Partners Ltd., to alter and clarify provisions in the existing Development Agreement to reflect the change in acreages between commercial and park property.

SECTION 2. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Fourth Amendment of Development Agreement for the North Roseville Specific Plan, and makes the following findings:

- 1. The Fourth Amendment of Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City of Roseville General Plan and the North Roseville Specific Plan;
- The Fourth Amendment of Development Agreement is consistent with the City of Roseville Zoning Ordinance and Zoning Map;
 - 3. The Fourth Amendment of Development Agreement is in conformance with public health, safety and welfare;
 - 4. The Fourth Amendment of Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
 - 5. The Fourth Amendment of Development Agreement will provide sufficient benefit to the City of Roseville to justify entering into the Fourth Amendment to Development Agreement.
 - SECTION 3. The Fourth Amendment of Development Agreement by and between the Diamond Creek Partners Ltd. 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 Fourth Amendment of Development Agreement within ten (10) days of the execution of the amendment 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 17th day of 2004, by the following vote on roll call: March

AYES

COUNCILMEMBERS:

John Allard, Richard Roccucci, Jim Gray, Gina Garbolino,

Rocky Rockholm

NOES

COUNCILMEMBERS:

None

ABSENT

COUNCILMEMBERS:

None

ATTEST:

The foregoing instrument is a correct copy of the original on file in the City Clerks Department.

ille. California

Ord. 4056