

ORDINANCE NO. 959

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING
THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ROCKLIN AND S360 GRANITE LAKES, LLC. FOR
DEVELOPMENT OF THE PROPERTY KNOWN AS GRANITE LAKES ESTATES
EXTENDING THE TERM OF THE AGREEMENT TO JULY 11, 2020, AND
CHANGING THE LIMITATION ON THE NUMBER OF BUILDING PERMITS
THAT MAY BE ISSUED WITHIN THE PROJECT AREA PRIOR TO THE
COMPLETION OF THE MONUMENT SPRINGS DRIVE BRIDGE FROM 40 TO 48
(Granite Lakes Estates Modification / DA 2000-01A)

The City Council of the City of Rocklin does ordain as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. City and Developer's predecessor in interest have previously entered into a Development Agreement (the "Agreement"), approved by the City Council in Ordinance No. 856, and by this reference is incorporated herein. The effective date of the Agreement is July 11, 2002. City and Developer (collectively, "Parties") have determined that it is reasonable and appropriate to make certain changes to the Agreement in the form of a First Amendment to the Development Agreement (the "Amendment") extending the term of the agreement to July 11, 2020 and changing the limitation on the number of building permits that may be issued within the project area prior to the completion of the Monument Springs Drive Bridge from 40 to 48.

B. The Amendment has been analyzed as required by the California Environmental Quality Act (CEQA) and pursuant to Section 15162 of the CEQA Guidelines, as the Amendment is within the scope of the Granite Lakes Estates Environmental Impact Report, approved and certified by City Council Resolution No. 2002-165 which adequately describes these activities for purposes of CEQA.

C. The Amendment is consistent with and implements the policies of the City of Rocklin's General Plan, including the Housing Element. The Agreement, as amended, will implement a project that has been determined to be consistent with the General Plan.

D. The Agreement and amendment are is compatible with the land uses and development regulations prescribed by the concurrent General Development Plan Amendment for the site (PDG-2000-08A).

E. The Agreement and amendment will not be detrimental to the health, safety, and welfare of person residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.

F. The Agreement and amendment will not adversely affect the orderly development of property or the preservation of property, on or off the project site.

G. The Agreement and amendment are consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section 2. The City Council of the City of Rocklin hereby approves the First Amendment to the Development Agreement by and between the City of Rocklin and Granite Lakes, LLC, attached hereto and incorporated by reference herein as Exhibit A.

Section 3. The City Council of the City of Rocklin hereby directs the mayor to sign the Amendment on behalf of the City of Rocklin and, when fully executed, directs the City Clerk to record the Amendment in the office of the Placer County Recorder.

Section 4. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on February 23, 2010, by the following vote:

AYES: Councilmembers: Magnuson, Lund, Hill, Storey, Yuill

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on March 9, 2010, by the following roll call vote:

AYES: Councilmembers: Magnuson, Storey, Hill, Yuill

NOES: Councilmembers: None


ABSENT: Councilmembers: Lund

ABSTAIN: Councilmembers: None



Scott Yuill, Mayor

ATTEST:



Barbara Ivanusich, City Clerk

First Reading: 02/23/10
Second Reading: 3/9/10
Effective Date: 4/9/10

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Recording Requested by
City of Rocklin

When recorded return to:
City Clerk
City of Rocklin
3970 Rocklin Road
Rocklin, California 95677


PLACER, County Recorder
JIM MCCAULEY
DOC- 2010-0020396-00
Thursday, MAR 18, 2010 11:53:43
NOC \$0.00
Ttl Pd \$0.00 Rcpt # 0002032978
gmv/GV/1-10

Title: First Amendment to Development Agreement By and Between the City of Rocklin and
S360 Granite Lakes, LLC. for development of the property know as Granite Lakes
Estates.

Original Development Agreement Recorded on July 10, 2002
Instrument No. 2002-0079207
Ordinance 856

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROCKLIN AND S360 GRANITE LAKES, LLC.
FOR DEVELOPMENT OF THE PROPERTY KNOWN AS GRANITE LAKES
ESTATES**

(Granite Lakes Estates Modification / DA 2000-01A)

THIS FIRST AMENDMENT to the Development Agreement By and Between the City of Rocklin and S360 Granite Lakes, LLC. for development of the property known as Granite Lakes Estates is entered into on the date set forth below, by and between the City of Rocklin, a municipal corporation of the State of California, ("City"), and S360 Granite Lakes, LLC., ("Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of the State of California.

RECITALS

A. The City and Developer's predecessor in interest Alleghany Properties, Inc. entered into a Development Agreement regarding certain property known as Granite Lakes Estates ("the Development Agreement"), which was approved by the City Council of the City Of Rocklin by Ordinance Number 856 on June 11, 2002, and which was recorded on July 10, 2002, in the Official Records of Placer County as Instrument No. 2002-0079207.

B. Concurrent with its consideration of this First Amendment, City is processing a General Development Plan Amendment (PDG-2000-08A) for purposes of changing the limitation on the number of building permits that may be issued within the Granite Lakes Estates ("the Project") prior to the completion of the Monument Springs Drive Bridge from 40 to 48. City and Developer desire to enter into this First Amendment in order to provide consistency with the General Development Plan modification, which constitutes "Subsequent Approvals" as defined in Section 1 of the Development Agreement.

C. This First Amendment is authorized by Section 6 of the Development Agreement and Section 65868 of the Government Code of the State of California.

D. The property subject to the First Amendment is described in Exhibit A of the Development Agreement, incorporated herein by reference.

AGREEMENT

1. Recital F of the Development Agreement is hereby amended to read as follows:

F. Entitlements.

The City Council of the City of Rocklin has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

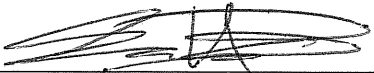

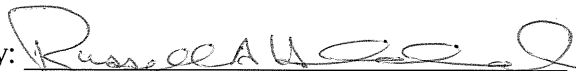

1. Tentative Subdivision Map (SD-2000-02), Resolution No. 2002-166

2. Oak Tree Preservation Permit (TRE-2000-33), Resolution No. 2002-166

3. General Development Plan. (PDG-2000-08), Ordinance No. 855
 4. General Development Plan Modification (PDG-2000-08A) Ordinance No. 958
 5. Mitigation Monitoring Program (EIR-2000-01), Resolution No. 2002-165
2. The term of the development agreement shall be extended for an additional eight years. Agreement subsection 2.a, Initial Term, is hereby amended to read as follows:
 - a. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of eighteen (18) years thereafter (Expiring July 11, 2020), unless said term is terminated, modified, or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto.
 3. The obligation to construct the bridge over Secret Ravine Creek shall be extended to allow construction of 48 homes. Under section 5, IMPLEMENTATION, subsection b., Developer Improvements and Other Obligations, subpart ii (5) is amended to read as follows:
 - (5) Extend Monument Springs Drive from the entrance of the Project on Greenbrae Road, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive. This extension of Monument Springs Drive connecting China Garden Road with Greenbrae Road is consistent with the Southeast Rocklin Circulation Element, and shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The bridge shall be completely constructed and open to the public prior to issuance of the 49th building permit for the project.
 4. All provisions of the Development Agreement not otherwise inconsistent with this First Amendment are and shall remain in full force and effect. Such provisions are herewith reenacted, readopted and approved and ratified herewith as if fully set forth herein. Adoption of this First Amendment and the readoption and ratification of the Agreement are consistent with the Rocklin General Plan.

Approved and adopted pursuant to Ordinance No. 959, this 9th day of March, 2010.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the day and year first above written.

<p>CITY:</p> <p>CITY OF ROCKLIN, A municipal corporation</p> <p>By: <u></u> Scott Yuill, Mayor</p> <p>ATTEST</p> <p>By: <u></u> Barbara Ivanusich, City Clerk</p> <p>APPROVED AS TO FORM</p> <p>By: <u></u> Russell A. Hildebrand, City Attorney</p>	<p>DEVELOPER:</p> <p>S360 GRANITE LAKES LLC</p> <p>By: <u></u> RAY SAHADEO</p> <p>Its: <u>Managing Member</u></p> <p>See Attached California All-Purpose Acknowledgement</p>

ACKNOWLEDGMENT

State of California

County of Sacramento

On February 22, 2010 before me, Kip Meade, Notary Public
(insert name and title of the officer)

personally appeared Ray Sahadeo
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.

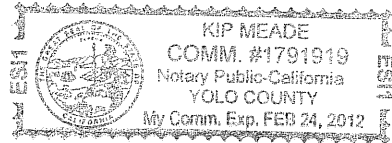
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Kip Meade

(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Placer

On 3-10-10

Date

before me,

Terry Stemple, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Scott Yuill

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

Terry Stemple
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another 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: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

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: Terry Stemple

Date Commission Expires: October 31, 2012

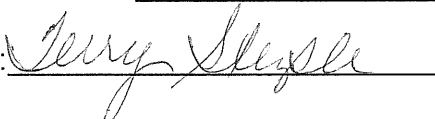
Commission Number: 1818305

County of Commission: Placer

State of Commission: California

Manufacturer Number: NNA1

Place of Execution: Rocklin, CA

Signature: 

Date: 3-10-10

Firm Name: City of Rocklin

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INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on February 23, 2010, by the following vote:

AYES: Councilmembers: Magnuson, Lund, Hill, Storey, Yuill

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on March 9, 2010, by the following roll call vote:

AYES: Councilmembers: Magnuson, Storey, Hill, Yuill

NOES: Councilmembers: None


ABSENT: Councilmembers: Lund

ABSTAIN: Councilmembers: None



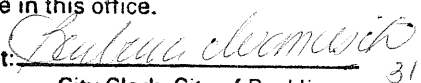
Scott Yuill, Mayor

ATTEST:


Barbara Ivanusich, City Clerk

First Reading: 02/23/10
Second Reading: 3/9/10
Effective Date: 4/9/10

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

Attest: 
City Clerk, City of Rocklin

3/11/10

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