

13104-B



PLACER, County Recorder
RYAN RONCO
DOC- 2021-0060004-00

FOR THE BENEFIT OF PLACER COUNTY
PURSUANT TO GOVERNMENT CODE §6103

RECORDING REQUESTED BY BOARD CLERK
and
WHEN RECORDED MAIL TO:

MONDAY, MAY 3, 2021 11:45 AM
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | SB2 \$0.00 | * \$0.00
ADD \$0.00

County of Placer
Attn: Planning Director
3091 County Center Drive
Auburn, CA 95603

Ttl Pd \$0.00 Rcpt # 03032359
CLKBZQJ9T2/SM/1-7

Exempt from Recording Fees - Govt Code 27383

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

**AMENDMENT NO. 1 TO
SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT
BY AND BETWEEN THE COUNTY OF PLACER AND
B AND W 60, L.P.,
RELATIVE TO PROPERTY 4A
OF THE PLACER VINEYARDS SPECIFIC PLAN**

NOT OFFICIAL COPY

**AMENDMENT NO. 1 TO
SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT
RELATIVE TO PROPERTY 4A OF
THE PLACER VINEYARDS SPECIFIC PLAN**

This Amendment No. 1 (“**Amendment**”) to the Second Amended and Restated Development Agreement is entered into this 21 day of August, 2020, by and between the COUNTY OF PLACER, a political subdivision (“**County**”) and the entity(ies) and/or person(s) executing this Amendment as Developer on the signature page attached hereto (“**Developer**”) pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

A. Second Amended and Restated Development Agreement. The County and Developer, or Developer’s predecessor-in-interest (as reflected on the signature page attached hereto), previously entered into that certain Second Amended and Restated Development Agreement Relative to the Placer Vineyards Specific Plan, which was recorded in the Official Records of the County Recorder of Placer County on the date and with the Document Number assigned thereto described on the Developer signature page attached hereto (the “**Second Amended and Restated Development Agreement**” or “**SARDA**”). For purposes hereof, all references to “SARDA” shall include the SARDA as amended by any amendments thereto described on the Developer signature page attached hereto. All capitalized terms used and not otherwise defined herein shall mean and refer to those terms as defined in the SARDA.

B. Purpose of Amendment. In consideration of the extensive time, planning and design work undertaken by the parties to prepare for development of the Specific Plan since approval of the SARDA, and the significant investments to be made to realize the full development thereof, Developer desires to extend the Term of the SARDA to promote the continuing investments in and development of the Specific Plan.

C. Property. The subject of this Amendment is the development of the Property described in the SARDA. Developer owns or has the right to acquire the Property and represents that all persons holding legal or equitable interests in the Property shall be bound by the SARDA as amended by this Amendment.

D. Hearings. On October 22, 2020, the County Planning Commission, designated as the planning agency for purposes of development agreement review pursuant to Government Code Section 65867, in a duly noticed and conducted public hearing, considered this Amendment and recommended that the County Board of Supervisors approve this Amendment to the SARDA.

E. No New Impacts Associated with Approval of Amendment. The Board of Supervisors has determined that the adoption of this Amendment involves no new

impacts not considered in the Specific Plan EIR and its Addendums; therefore, no further environmental documents relating to the adoption of this Amendment are required.

F. Consistency with General Plan and Specific Plan. Having duly examined and considered this Amendment, County finds and declares that this Amendment is consistent with the General Plan and the Specific Plan.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, and as allowed by and consistent with the amendment provisions of Section 1.4 of the SARDA, the parties do hereby agree to amend the SARDA as follows:

1. Amendment of SARDA to Extend Term. The Initial 20 Year Term, as defined in Section 1.3.1 of the SARDA, is hereby extended from October 29, 2032, to December 31, 2050.

2. All Other Terms in Force. Except as modified by this Amendment, all other terms and provisions of the SARDA shall remain in full force and effect.

3. Amendment Effective Date. The effective date of this Amendment shall be the effective date of the ordinance approving this Amendment and the full execution by the parties hereto (the "**Amendment Effective Date**").

4. Recordation. The County shall record this Amendment in the Official Records of Placer County within ten (10) days of the Amendment Effective Date.

5. Form of Amendment; Execution in Counterparts. This Amendment is executed in duplicate originals, each of which is deemed to be an original, and may be executed in counterparts.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the County of Placer, a political subdivision of the State of California, has authorized the execution of this Amendment in duplicate by its Chair, and attested to by the Board Clerk under the authority of Ordinance No. 1051-B, adopted by the Board of Supervisors on the 17th day of December 2020.

COUNTY:

COUNTY OF PLACER,
a political subdivision

By: Bonnie M. Gore

Name: Bonnie M. Gore

Title: Chair, Board of Supervisors

Bonnie M. Gore

ATTEST:

Megan Wood

Megan Wood, Board Clerk

APPROVED AS TO FORM:

Karin Schwab
Karin Schwab, County Counsel

APPROVED AS TO SUBSTANCE:

Steve M. Pedretti
Steve Pedretti,
Community Development Resource
Agency Director

[DEVELOPER SIGNATURE(S) ON FOLLOWING PAGE(S)]

ACKNOWLEDGMENT

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

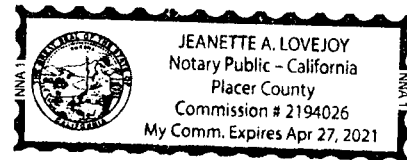
On 2-26-2021 before me, Jeanette A. Lovejoy, Notary Public
(insert name and title of the officer)

personally appeared Bonnie M. Gore
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 Jeanette A. Lovejoy (Seal)



DEVELOPER SIGNATURE PAGE:

PROPERTY ID: 4A

SARDA RECORDING INFORMATION:

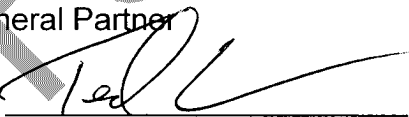
NAME OF SARDA DEVELOPER: B AND W 60, L.P.
DATE OF RECORDATION OF SARDA: February 9, 2015
DOCUMENT NO.: 2015-0008639-00

DEVELOPER:

**B AND W 60, L.P.,
a California limited partnership**

By: Evergreen Commercial,
a California general partnership,
General Partner

By: Evergreen California Retail,
a California general partnership,
General Partner

By: 
Ted Messner, Partner

CALIFORNIA ALL-PURPOSE 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 Sacramento)

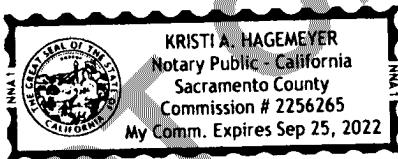
On August 21, 2020 before me, Kristi A. Hagemeyer, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Ted Messner
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 Kristi A. Hagemeyer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is 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: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____