

FIRST AMENDMENT TO AGREEMENT FOR DEPOSIT AND REIMBURSEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this ____ day of _____, 2025, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Gardner Ranch 2, LLC, a California Limited Liability Company, whose address of record is 755 E. Yosemite Ave., Ste. J, Merced, Ca 95341-8040 (“Developer”)

WHEREAS, City and Developer desire to annex approximately 70 acres of land generally located at the northeast corner of Yosemite Avenue and Gardner Avenue; and

WHEREAS, City and Developer have previously entered into an Agreement for Deposit and Reimbursement Agreement (“Agreement”) dated October 2, 2023; and,

WHEREAS, City and Developer desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 15. “ADDITIONAL DEPOSIT,” is hereby added to the Agreement to read as follows:

Developer shall pay the City the not to exceed the sum of Sixty-Four Thousand One-Hundred Nineteen Dollars (\$64,119) for additional services provided by consultant for environmental services, of which Fifty-Eight Thousand Two Hundred and Ninety Dollars (\$58,290) shall fund services rendered by Consultant, and Five Thousand Eight Hundred Twenty-Nine Dollars (\$5,829) shall fund City staff management fee for environmental review reports. Within thirty (30) days of execution of this Agreement the Developer shall deposit Sixty-Four Thousand One-Hundred Nineteen Dollars (\$64,119). All payments shall be made by check and be delivered or mailed to the City of Merced Planning Department, 678 W. 18th Street, Merced, Ca 95340.

2. Except as herein amended, the Agreement dated October 2, 2023, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
D. Scott McBride,
City Manager

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

BY: Craig Cornwell 6/9/2025
City Attorney Date

ACCOUNT DATA:
M. VENUS RODRIGUEZ, FINANCE OFFICER

BY: _____
Verified by Finance Officer

CONSULTANT
GARDNER RANCH 2, LLC,
A California Limited Liability Company

BY: _____
Signature

Warren Wainwright
Print Name

Managing Member
Title

BY: _____
Signature

Print Name

Title

Taxpayer I.D. No. _____

ADDRESS: 755 E. Yosemite Ave., Ste. J
Merced, Ca 95340-8040

TELEPHONE: _____

FAX: _____

E-MAIL: warrenw@hmgmt.com