

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING ORDINANCE NO. 1906 TO
MODIFY THE TERM OF THE DEVELOPMENT
AGREEMENT FOR BELLEVUE RANCH FOR
THE REMAINING PORTION OF BELLEVUE
RANCH WEST FROM 25 YEARS TO 40 YEARS**

WHEREAS, Pursuant to Ordinance No. 1906 adopted on June 5, 1995, the City Council approved a Development Agreement for Bellevue Ranch between the City of Merced and Bellevue Ranch (the “Development Agreement”); and,

WHEREAS, Pursuant to Ordinance No. 1929 adopted on February 5, 1996, the City Council approved a First Amendment to the Development Agreement that made minor changes to the Development Agreement; and,

WHEREAS, Pursuant to Ordinance No. 1944 adopted on September 16, 1996, the City Council approved a Second Amendment to the Development Agreement that made additional minor changes to the Development Agreement; and,

WHEREAS, Pursuant to Ordinance No. 2331 adopted on May 4, 2009, the City Council approved modifications to the Development Agreement which terminated the agreement for Villages 1, 2, 3, 4, 5 and 10 and modified the term of the Agreement for the remaining portion of Bellevue Ranch West from 40 years to 25 years; and,

WHEREAS, The rights, duties, and obligations under the Development Agreement as it relates to the portion of Bellevue Ranch commonly known as Bellevue Ranch West have been transferred to Baxter Ranches, LLC, and Stonefield Home, Inc. (hereafter, collectively “Stonefield”); and,

WHEREAS, On June 24, 2020, the Planning Commission held a public hearing to consider the request by Stonefield to modify the terms of the Agreement for the remainder of Bellevue Ranch West from 25 years to 40 years; and,

WHEREAS, The Planning Commission recommended that the City Council modify the term of the Development Agreement for the remaining parcels in

Bellevue Ranch West owned by Stonefield from the existing 25-year term (terminating in 2020 to a 40-year term (terminating in 2035); and,

WHEREAS, On June 29, 2020, the City Council held a public hearing to consider modifying the term of the Agreement from 25 to 40 years, providing all those who wished to speak the opportunity to do so.

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds that:

A. Stonefield is in good-faith compliance with the terms of the Development Agreement, as it relates to the properties in Bellevue Ranch West, which are more fully described in Exhibits “A” and “B” attached to this Ordinance and incorporated herein by this reference. Stonefield has been fulfilling its obligations to construct various improvements and is actively constructing homes in the area and thus, merits an extension of the terms of the Agreement from 25 to 40 years (the original term).

SECTION 2. MODIFICATION OF THE TERM OF THE DEVELOPMENT AGREEMENT FOR BELLEVUE RANCH AS TO A PORTION OF BELLEVUE RANCH WEST. Based upon the findings in Section 1 of the Development Agreement and pursuant to Section 20.3 of the Development Agreement and Government Code Section 65865.1, the City Council hereby amends Ordinance No. 1906 to modify the term of the Development Agreement from twenty-five (25) years to forty (40) years as to those portions of Bellevue Ranch West that are more fully described in Exhibit “A”. The Development Agreement is hereby modified from 25 years to 40 years as to those parcels described in Exhibit “A”.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause,

phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2020, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2020, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

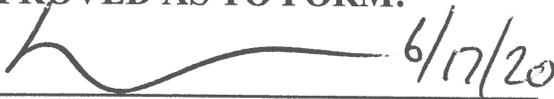
Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney Date

ALL THAT CERTAIN REAL PROPERTY BEING PORTIONS OF SECTIONS 6 AND 7, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING LOTS V17-B, V17-C, V18-A, V18-B, V18-C, V19-A, V19-B, V19-C, V21-A, V21-B, V22-A, V22-B AND THE UNSURVEYED REMAINDER AS SHOWN ON THE MAP OF BELLEVUE RANCH WEST VILLAGES 17-22 FILED IN VOLUME 81 OF OFFICIAL PLATS, AT PAGES 1-9, MERCED COUNTY RECORDS.

TOGETHER WITH

PARCEL FOUR AS DESCRIBED IN DOCUMENT NO. 2012-032102, MERCED COUNTY RECORDS.

TOGETHER WITH

ALL OF THE RESIDENTIAL LOTS AS SHOWN ON THE FOLLOWING EIGHT (8) MAPS:

- 1) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 1, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 1-6, MERCED COUNTY RECORDS; EXCEPTING THEREFROM LOTS 25, 27, 97-103, AND 105-117, AS SHOWN ON SAID MAP;
- 2) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 2, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 7-11, MERCED COUNTY RECORDS; EXCEPTING THEREFROM LOTS 142, 144, 146, 148-151, AND 184-190, AS SHOWN ON SAID MAP;
- 3) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 3, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 12-16, MERCED COUNTY RECORDS;
- 4) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 4, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 41-44, MERCED COUNTY RECORDS;
- 5) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 5, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 45-47, MERCED COUNTY RECORDS;
- 6) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 6, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 17-20, MERCED COUNTY RECORDS;
- 7) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 7, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 48-51, MERCED COUNTY RECORDS;
- 8) BELLEVUE RANCH WEST, VILLAGE 12, LOT A, FILED IN VOLUME 81 OF OFFICIAL PLATS, AT PAGES 17-19, MERCED COUNTY RECORDS.

SAID PROPERTY ALSO BEING KNOWN AS ASSESSOR'S PARCEL NUMBERS (APN) 224-300-002 THROUGH 013; 224-300-015; 230-010-012; 230-010-023; 224-220-001 THROUGH 007, 224-220-009, 224-220-011 THROUGH 023; 224-220-031; 224-220-047; 224-220-049; 224-220-051; 224-220-056 THROUGH 065; 224-230-001 THROUGH 054; 224-240-001 THROUGH 018; 224-250-001 THROUGH 030; 224-260-001 THROUGH 015; 224-270-001 THROUGH 019; 224-270-021 THROUGH 063; AND 224-280-001 THROUGH 035.

CONTAINING A TOTAL OF 235.68 ACRES, MORE OR LESS.

