

RECORDING REQUESTED BY:

City of Merced, A California charter municipal corporation

WHEN RECORDED MAIL TO:

City of Merced
City Clerk
678 West 18th Street
Merced, California 95340

**Exempt Recording Per Gov't Code
Section 6103**

(Above for Recorder's Use Only)

RELEASE OF AGREEMENT

This Release of Agreement ("Release") is entered into this ____ day of _____, 2023, by the City of Merced, a California Charter Municipal Corporation ("City") and Devonwood 64, L.P., ("Devonwood 64"), (collectively "the Parties"), with respect to the following facts.

R E C I T A L S

A. An Agreement was entered into between the City of Merced and Bianchi Land Company on August 8, 1994. This Agreement was recorded as Document Number 1994-034325 in Volume 3271, Pages 273, of Merced County Records.

B. The Agreement affected a large parcel that has subsequently been subdivided into smaller parcels.

C. The Agreement was part of the approval of Site Utilization Plan Revision #13 to Planned Development (P-D) #16.

D. The property is now owned by Devonwood 64, L.P. The Agreement runs with the land, making Devonwood 64, L.P. a party to the Agreement and releases Bianchi Land Company from all obligations of the agreement.

E. Devonwood 64, L.P. is in the process of selling the property to a new developer and has requested this agreement be released from the property.

F. The Parties have agreed that it is in the best interest of the Parties to release the Agreement and the First Amendment to the Agreement from the property shown on Exhibit "A".

NOW THEREFORE, in light of the recitals and for other good and valuable consideration, the Parties agree as follows:

1. This Release may be recorded in Merced County Records upon City Council approval and being fully executed by the City Manager or Deputy City Manager. The Agreement shall be released from and shall no longer affect the property shown on Exhibit "A" from and after the date of recording of this Release.

2. This Release shall not affect the Agreement or its effectiveness as to other properties or as between the Parties themselves.

CITY OF MERCED
A California charter municipal corporation

BY: _____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  _____
City Attorney

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 _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
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.

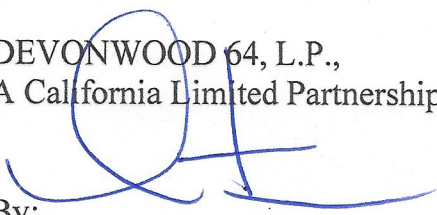
WITNESS my hand and official seal.

Signature _____ (Seal)

VERIFIED:

BY: _____
Finance Officer

DEVONWOOD 64, L.P.,
A California Limited Partnership

By:  _____
Michael Ferrero, President

ADDRESS: 5732 Engineer Dr., Ste. 102
Huntington Beach, CA 92649

TELEPHONE: _____

TAXPAYER I.D. NO: _____

EMAIL: mkfero@aol.com

**See Attached
Acknowledgement**

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 Orange

On March 25, 2023 before me, D. Loehren, Notary Public
(insert name and title of the officer)

personally appeared Michael A. Ferrero,
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 [Signature]

(Seal)



LEGAL DESCRIPTION

The property lies within Section 13 and 24 of Township 7 South, Range 13 East, M.D.B.&M., within the City of Merced, and is described as follows:

Lots 6, 7, 8, and 9 as shown on the map "MAP OF OLIVEWOOD II," recorded in Volume 27 of Plats on pages 7 and 8 of Merced County Records.

Also included is Parcel 2, as shown on "PARCEL MAP FOR BIANCHI LAND CO.," recorded in volume 73 of Parcel maps on pages 38 and 39 of Merced County Records.