

**RECORDING REQUESTED BY:**

City of Merced, A California charter municipal corporation

**WHEN RECORDED MAIL TO:**

City of Merced  
City Clerk  
678 West 18<sup>th</sup> 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 September 25, 1992. This Agreement was recorded as Document Number 1992-036536 in Volume 3042, Pages 850-858, 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 General Plan Amendment #92-06 and Site Utilization Plan Revision #11 to Planned Development (P-D) #16.

D. A First Amendment to Agreement was entered into between the City of Merced and Bianchi Land Company on December 8, 1992. This First Amendment was recorded as Document Number 1992-044504 in Volume 3060, Pages 908-914, of Merced County Records.

E. 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.

F. 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.

G. 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

## 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)

APPROVED AS TO FORM:

BY:   
City Attorney

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](mailto:mkfero@aol.com)

APPROVED AS TO FORM:

BY:   
City Attorney

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](mailto:mkfero@aol.com)

**See Attached  
Acknowledgement**

## ACKNOWLEDGMENT

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State of California  
County of Orange

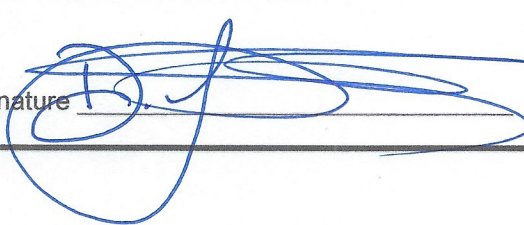
On March 25, 2023 before me, D. Loehren, Notary Public  
(insert name and title of the officer)

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



(Seal)

## **LEGAL DESCRIPTION**

### **BIANCHI LAND CO. COMMERCIAL PROPERTY**

All of hat real property in the City of Merced more particularly described as follows:

Lots 10, 11, and the northwesterly 7 acres of Lot 12 as shown on the map of Olivewood II filed October 9, 1980 in Book 27 of Maps, Pages 7 & 8, Merced County Records.