



1620 N. CARPENTER ROAD  
BUILDING B  
MODESTO, CALIFORNIA 95351

**RECEIVED**  
By Planning Dept at 2:42 pm, Jul 22, 2020

PHONE: 209.526.8242  
BRIGHT-HOMES.COM  
BRE#0978136

July 22, 2020

Via Email [NelsonJ@cityofmerced.org](mailto:NelsonJ@cityofmerced.org)

Ms. Julie Nelson  
Associate Planner  
City of Merced  
678 West 18<sup>th</sup> Street  
Merced, CA 95340

Dear Ms. Nelson:

I write on behalf of Bright Development concerning any requests to modify/amend that certain Pre-Annexation Development Agreement dated April 17, 2006 ("Development Agreement"), to which Bright Development is a party and which does not expire until 2026.

Paragraph 22.7 of the Development Agreement is titled "Changes and Amendments". There is a list of changes described therein which are excluded from those items which "shall be deemed 'minor'" and therefore require an amendment to the Development Agreement. Based on the memo for the Planning Commission hearing of this date, we understand that there is a request to make non-minor modifications to the Development Agreement.

While we will continue to try to work with the Vesting Tentative Subdivision Map #1312 applicant to agree upon certain items, we have not yet reached an agreement with the applicant. As a result, Bright Development continues to assert the requirement of Paragraph 25 of the Development Agreement that any non-minor amendments are approved by all parties to the Development Agreement. Such consent has not been provided at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "John M. Dunn".

John M. Dunn  
Vice-President/General Counsel  
Bright Development