

DRAFT

AMENDMENT NO. 2 TO DEVELOPMENT AGREEMENT

THIS AMENDMENT NO. 2 TO DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the CITY OF COLUSA (CITY) and COLUSA INDUSTRIAL PROPERTIES, INC. (CIP).

The CITY and CIP desire to amend the current Development Agreement approved by the City Council, Ordinance No. 516 on April 18, 2017 by and between the CITY OF COLUSA (CITY) and COLUSA INDUSTRIAL PROPERTIES, INC. (CIP), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

No changes other than these specifically made by this Amendment shall modify the Agreement or the First Amendment.

Terms of a Settlement Agreement and Release of Claims are a result of a negotiated resolution of a lawsuit County of Colusa v. City of Colusa, Case No. 34-2022-8000385-I-CU-WMGDS, which will modify the Sunrise Landing project and the Development Agreement.

In Phase 6 of the Phasing Plan, (24) single family lots will be converted to Light Industrial and (4) lots in Phase 5 will be converted to Open Space.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

Pages 2-3 of 11

B. RESPONDENT AND REAL PARTIES' OBLIGATIONS

1. Project Amendments. Within 90 days of the effective date of this Agreement, CIP agrees to apply for City approval of the following changes to the Project and the City agrees to timely and lawfully process said applications for: (1) a General Plan Amendment and rezoning for lots #157-180 as shown on Tentative Parcel Map 01-18 (attached hereto as Attachment 1) to a low-intensity industrial/commercial use; and (2) a General Plan Amendment and rezoning to open space for lots #34-37 as shown on Tentative Parcel Map 01-18. Each will be submitted to the County ALUC for review, which review process will follow the statutory scheme governing said ALUC review. Processing of the General Plan amendment and rezone applications contemplated by this section with respect to the ALUC and any override thereof will occur per statute.

CITY OF COLUSA

COLUSA INDUSTRIAL PROPERTIES, INC.

Edwin Hulbert, CEO

ATTEST:

APPROVED AS TO FORM:

Shelly Kittle, City Clerk

Ryan R. Jones, City Attorney