

FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF COLUSA
AND AMARJIT CHEEMA
RELATIVE TO THE
COLUSA TOWN CENTER PROJECT

The City and Amarjit Cheema desire to Amend the current Development Agreement approved by City Council Ord. 544 on the 15th day of December 2020, by and between the CITY OF COLUSA, a municipal corporation ("City"), and Amarjit Cheema ("Developer"), (the "Agreement") pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

This First Amendment to the Agreement is entered into on this 6th Day of September 2023, by and between the City and Developer, as referenced above.

Section 1. All findings, recitals and the portions of the approved Agreement are reconfirmed by the parties and no changes other than those specifically made by this Amendment shall modify the Agreement.

Section 2. Subsection 3.02 A.1. is amended to read as follows:

1. The parties estimate that the total WRI Costs, if the Westcott Road Improvements were built on or about the date of this First Amendment pursuant to the building standards and specifications used to determine such estimate, is \$ 2,428,363.

Section 3. Subsection 3.02 A.4. is deleted in its entirety and replaced to read as follows:

- 1.) Developer's reimbursement right for construction of said improvements, under this Section 3.02 shall be in an amount not to exceed \$1,214,181.00. This becomes fixed, and any construction cost overages, change orders, price increases etc.. become the sole burden of the developer. Reimbursement payments will be paid by the City on a monthly basis within 30 days of approval by the City Engineer of submitted invoices and supporting documentation for any of the approved WRI costs.

IN WITNESS WHEREOF, this First Amendment to the Development Agreement has been executed by the parties hereto on the day and year first above written.

CITY:
CITY OF COLUSA,
A Municipal Corporation

Greg Ponciano, Mayor

ATTEST:

Shelly Kittle, City Clerk

DEVELOPER:
AMARJIT CHEEMA

APPROVED AS TO FORM:

Ryan R. Jones City Attorney