

Rancho Murieta North Park Development Agreement (June 1991)

Summary of Provisions

In February 1991, the Parks Development Agreement (“PDA”) was entered into between the Rancho Murieta Association (“RMA”), and Rancho Murieta Community Services District (“CSD”) and the Pension Trust Fund for Operating Engineers (“PTF”), Rancho Murieta Properties, Inc. (“RMPI”) and other participating landowners and developers of the property north of the Cosumnes River. The stated purpose of the PDA is to facilitate and coordinate the financing and development of park facilities on lands within Rancho Murieta.

The following is a summary of the significant provisions of the PDA. For ease of reference, the summary is organized to follow the agreement by Section.

Section 1 – Park Facilities

The PDA provides that parks within the Rancho Murieta community are to be developed in accordance with the Park Facility Matrix (Exhibit B to the PDA) and the Rancho Murieta PD Ordinance. The PDA provides that new facilities constructed under the PDA are in addition to then-existing park facilities and the golf course. The PDA provides that the RMA may construct park facilities, unless facilities are constructed by developers for credit. The RMA is to use funds collected in the Park Development Fund for park development purposes only, and within a reasonable time after funds have been collected.

Section 2 – Park Sites

With the exception of the 20-acre Clementia Community Park, the PDA requires park sites to be dedicated to the RMA at no cost and free of liens and encumbrances, upon the filing of a subdivision map creating the park site in question as a legal lot. The PDA provides that the Clementia Community Park site is to be acquired by the RMA for the sum of \$600,000, following creation of the site as a legal parcel. The MBA amended the requirement that RMA pay for Clementia Community Park and designates it as an oak tree mitigation area.

Section 3 – Pedestrian and Trail System

The PDA requires developers to complete a system of pedestrian and bicycle trails, in substantial accordance with Exhibit E of the PDA, constructed to specifications established by the Parks Committee. Upon completion, trail facilities are to be dedicated to the RMA at no cost. Trails may be incorporated into roadway sections or parks, or dedicated as separate easements or parcels. Changes to Exhibit E require approval of the Parks Committee.

Section 4 – Water Supply Units

The PDA contains an agreement by the CSD that the parks sites developed under the PDA are to participate in the Water Supply Augmentation Program and that water supply units reserved under the Second Amendment to the Acquisition and Services Agreement be allocated to the park sites. Park sites are to be subject to payment of Water Supply Augmentation Fees, from funds allocated from the Park Development Fund for this purpose.

Section 5 – Park Committee

The PDA provides for the establishment of a 5-member Parks Committee, with 2 representatives from the RMA, 1 from the CSD, 1 from the RMPI and one from landowners other than the RMPI. Upon the completion of park facilities, the 2 landowner representatives are to be replaced with representatives from the RMA.

Under the PDA, the Parks Committee shall approve plans for park facilities prior to construction, and may approve a park proposal inconsistent with the PDA if to do so would not interfere with the overall implementation and quality of the parks plan. If any proposal made to the Parks Committee requires an amendment to the PD Ordinance, the Parks Committee's determination shall be a recommendation to the County on the amendment application. Landowner objections may be made to the County in connection with the PD Ordinance amendment application.

Section 6 – Amendment to Rancho Murieta PD.

The PDA contains an agreement among the landowners to process an amendment to the PDO, consistent with the terms of the PDA.

Section 7 – Park Financing Plan

The PDA provides for a Parks Financing Plan (Exhibit D to the PDA) to be established, in order to provide for the joint financing of park facilities by the RMA and landowners. Under the PDA, developer payment of fees under the Parks Financing Plan shall be satisfaction in full of developer obligations.

The PDA provides for initial fees of \$605 for Neighborhood Parks and \$1,095 for Community Parks, per dwelling unit. These fees are subject to an annual ENR cost adjustment. The current fees are \$2,033 for Community Parks and \$1,123 for Neighborhood Parks. RMA provides a \$485 match when development contributions are made.

The PDA provides that RMPI may elect to construct park facilities, with the consent of the Parks Committee. In such event, RMPI shall be given credit against park fees, in the amount of the budgeted cost of the park improvements as set forth in Exhibit

D of the PDA. The Parks Committee is to review construction plans for consistency with the PDA, and to determine the amount of fee credit to be given.

The PDA provides an exemption from park fees for those units for which the CSD Community Facilities Fees had been paid prior to the effective date of the PDA.

Section 8 – Community Facilities Fee

The PDA contains an agreement by the CSD to exclude fees for park site acquisition and development from CSD development fees, and to amend its then-existing fees accordingly. In the event of a landowner default, the CSD may impose park facilities fees, with credit given to all non-defaulting landowners.