

OFFICIAL RECORD

Requested By:  
DC/COMMUNITY DEVELOPMENT

Assessor's Parcel Number: N/A

Date: JULY 11, 2008

Recording Requested By:

Name: MIMI MOSS, COMMUNITY DEVELOPMENT

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Real Property Transfer Tax: \$ N/A

Douglas County - NV  
Werner Christen - Recorder  
Page: 1 Of 11 Fee: 0.00  
BK-0708 PG-2254 RPTT: 0.00



DEVELOPMENT AGREEMENT #2008.147

(Title of Document)

FILED

NO. 2008.147

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT**

2008 JUL 11 AM 10:47

**Between**  
**MONTERRA 270, LLC.**  
990 Ironwood Drive  
Minden, NV 89423  
(hereafter referred to as LANDOWNER)

BARBARA J. GRIFFIN  
CLERK

BY *[Signature]*  
DEPUTY

**And**  
**DOUGLAS COUNTY,**  
a political subdivision of the State of Nevada  
P.O. Box 218  
Minden, NV 89423  
(hereafter referred to as DOUGLAS COUNTY)

This First Amendment to the Development Agreement is made this 1st of May, 2008, by and between LANDOWNER, as Developer of the project known as MONTERRA planned development (PD 02-05), located in Douglas County, Nevada, and DOUGLAS COUNTY pursuant to Nevada Revised Statutes, Chapter 278; Douglas County Code, Chapter 20.400; and the following terms and conditions:

**RECITALS**

A. LANDOWNER is the owner and developer of certain real property located in Douglas County, Nevada known as Monterra, (initially called Park Place) which is part of the "Park Place Planned Development" and was approved by the Douglas County Board of County Commissioners as PD 02-05.

B. The LANDOWNER and DOUGLAS COUNTY have entered into a Development Agreement dated July 6, 2006, document # 0680554, book 0706, pages 8995-9058, providing, among other things, for the design and construction of Muller Lane Parkway from U.S. Highway 395 to the northeastern boundary of the Park Place Planned Development, PD 02-

05, known as the "Muller Parkway Extension." Ordinance 2006-1177 was passed by the Douglas County Board of County Commissioners adopting the Development Agreement between the Parties.

C. Pursuant to the terms of the Development Agreement, LANDOWNER and DOUGLAS COUNTY agreed to certain obligations with regard to the dedication, construction, and improvements to the Muller Parkway Extension, and Heybourne Road as delineated in Exhibit D to the Development Agreement as well as the timing of the obligations pursuant to an approved phasing plan.

D. On or about January 9, 2003, DOUGLAS COUNTY approved MONTERRA allowing for the development of 270 single family residential lots and 46 multi-family residential units.

E. Additionally, the conditions of approval for MONTERRA, obligated the LANDOWNER to dedicate, construct and improve a portion of the Muller Parkway Extension, and Heybourne Road as delineated in Exhibits B and C to the Development Agreement pursuant to the approved phasing plan.

F. Based on changed conditions and efficient development of the planned development, the Parties desire to modify the approved phasing plan for MONTERRA; and to modify the LANDOWNERS obligations with regard to the timing and completion of portions of the Muller Parkway Extension and Heybourne Road in accordance with the terms of this Amendment to the Development Agreement.

NOW THEREFORE, based upon the foregoing recitals and in consideration of the terms and provisions described in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, LANDOWNER and

DOUGLAS COUNTY agree all provisions of the original Development Agreement approved on July 6, 2006, remain in full force and effect with the exception of the following:

**AMENDMENTS**

A) The Development Agreement recorded as document 0680554, Book 0706, Page 9001, is amended by adopting and incorporating the modified phasing plan and development schedule reflected in Exhibit F, into the Development Agreement.

B) Page 4, Paragraph 1 of the Development Agreement recorded as document 0680554, Book 0706, Page 9001, is amended to incorporate the modified phasing plan and development schedule regarding the timing of improvements to the Muller Parkway Extension, and Heybourne Road as delineated in Exhibit D to the Development Agreement as follows:

1. LANDOWNER agrees to complete construction of the improvements referenced in Exhibit "D" in accordance *with the approved modified phasing plan and development schedule as set forth in Exhibit "F" which is attached and incorporated by reference* and the conditions of approval set forth in Exhibits "B" and "C." It is acknowledged that completion of said improvements is essential to the construction of the regional road known as Muller Parkway Extension and the fulfillment of the terms of the Nevada Northwest Agreement previously entered into by DOUGLAS COUNTY.

C) The Development Agreement and Exhibits A thru E recorded as document 0680554 is incorporated by reference, as well as Exhibit F which is attached, is incorporated by reference and made a part of this Amendment.

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D) The express provisions of this Amendment will control and govern as to any inconsistency or contradiction between the provisions of this Amendment and the provisions of the Development Agreement.

DOUGLAS COUNTY,  
a political subdivision of the state of Nevada

Kelly D. Kite  
Kelly D. Kite, Chairman

Dated: July 3, 2008

MONTERRA 270, LLC.  
a Nevada Limited Liability Company  
By Sycon Homes, Its Manager

M. /  
President of Sycon Homes

Dated: 6/5/08

Approved as to content:

Mimi Moss  
Mimi Moss  
Community Development Director

Attest:  
Barbara J. Griffin  
Barbara J. Griffin, Clerk

BY: J. Sudders, Clerk to the Board

**ATTACHMENT**

\*Exhibit F, Modified Phasing Plan and Development Schedule



**EXHIBIT F**

**PHASING PLAN AND DEVELOPMENT SCHEDULE**

**Phase Two (2) will be sub-phased as outlined in the following development schedule:**

PHASE 2A: 9 parcels, with the final map being recorded by August 31, 2009.

PHASE 2B: 12 parcels, with the final map being recorded by August 31, 2010.

PHASE 2C: 20 parcels, with the final map being recorded by August 31, 2011.

PHASE 2D: 17 parcels, with the final map being recorded by August 31, 2012.

PHASE 2E: 16 parcels, with the final map being recorded by August 31, 2013.

PHASE 2F: 19 parcels, with the final map being recorded by August 31, 2014.

PHASE 2G: 14 parcels, with the final map being recorded by August 31, 2015.

PHASE 2H: 45 parcels, with the final map being recorded by August 31, 2016.

Phase Three (3), which includes the 46 multi-family residential units, may record a final map at anytime, but no later one year after the recording of the Phase 2(H) final map.

This development schedule contemplates the possibility the LANDOWNER may record multiple or concurrent phases based on market conditions.

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**Phase Two (2) off-site transportation improvements will be implemented based on the above modified phasing plan/development schedule as follows:**

\*When constructing the roadway structural section in phases, the Geotechnical Engineer must show that the phasing will not adversely affect the pavement design life. The final lift of asphalt concrete must have a minimum thickness of two (2) inches and extend from curb to curb.

**PHASE 2A:**

**Heybourne Road:** Improvements must be a two (2) lane rural collector road going North to Muller Parkway and must be constructed or secured with the Phase 2A final map. A site improvement permit must be issued before or concurrently with the recording of the Phase 2A final map.

**Muller Parkway West:** Improvements must be a two (2) lane rural collector road going west to the current Muller Parkway terminus, Southerly Lanes and connect the new westbound lane to one of the two existing westbound lanes with a transition that may be temporary. Improvements must be constructed or secured with the Phase 2A final map. A site improvement permit must be issued before or concurrently with the recording of the Phase 2A final map.

**PHASE 2B:**

**Heybourne Road and Muller Parkway West:** Actual construction of Phase 2A road improvements, as outlined above, must be substantially completed before the Phase 2B final map can be recorded, or no later than August 31, 2010, whichever is sooner.

**PHASE 2E:**

**Muller Parkway East:** Improvements must be a two lane rural collector road going east from Heybourne Road concurrently when Douglas County or other developer commensurate improvements to the East of Monterra, currently scheduled for 2013, or with the last phase of the Monterra Development, Phase 2H, whichever is sooner.

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**PHASE 2F:**

**Heybourne Road:** Improvements must be completed as an urban collector road as originally approved in the conditions as subdivision improvements adjacent to road are completed, or must be completed with the Phase 2F final map.

**PHASE 2G:**

**Heybourne Road:** Improvements must be completed as an urban collector road as originally approved in the conditions as subdivision improvements adjacent to road are completed, or must be completed with the Phase 2G final map.

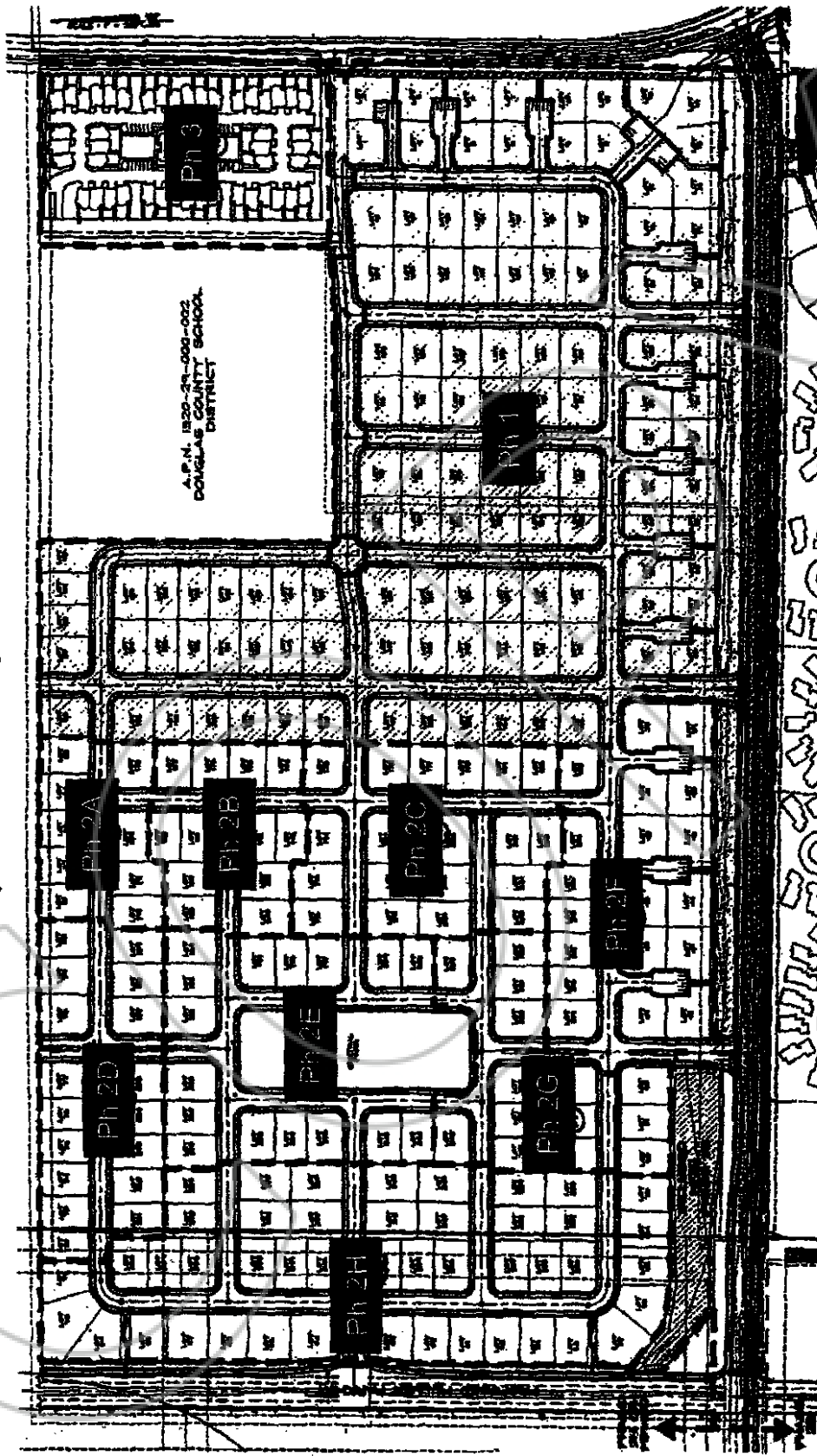
**PHASE 2H:**

**Heybourne Road:** Improvements must be completed as an urban collector road as originally approved in the conditions as subdivision improvements adjacent to road are completed, or must be completed with the Phase 2H final map.

**Muller Parkway West:** Improvements must be completed as a four (4) lane major urban collector road as originally approved in the conditions with the Phase 2H final map.

**Muller Parkway East:** Improvements must be completed to four (4) lane urban collector as originally approved in the conditions with the Phase 2H final map.

Monterra Subdivision Proposed Phasing Plan



R O Anderson

Douglas County Planning Commission  
April 2008

by Monterra, LLC



COPY

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and on record in my office.

DATE: July 11, 2008  
B. PITTIN Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas.

By Carol M. Mullock Deputy

