

Assessor's Parcel Number: N/A

Date: DECEMBER 10, 2008

Recording Requested By:

Name: MIMI MOSS, COMMUNITY DEVELOPMENT

Address: _____

City/State/Zip: _____

Real Property Transfer Tax: \$ N/A

Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 11 Fee: 0.00
BK-1208 PG- 2427 RPTT: 0.00



AGREEMENT AMENDMENT #2008.267

(Title of Document)

FILED

NO. 2008.267

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT 2008 DEC 10 PM 2:34

Between
GREGORY C. LYNN AND SUZANNE TOWSE, TRUSTEES OF
"THE 1995 GREGORY C. LYNN AND SUZANNE TOWSE TRUST
AGREEMENT, DATED MAY 16, 1995"

1222 Bobwire Lane
Gardnerville, NV 89460
(hereafter referred to as DEVELOPERS)

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

TED THIRAN
CLERK

[Signature]
DEPUTY

This First Amendment to the Development Agreement is entered into between DEVELOPERS, as legal owners of the project known as Aloha Ranch planned development, also known as the Rain Shadow Ranch, located in Douglas County, Nevada, and the COUNTY pursuant to Nevada Revised Statutes, Chapter 278; Douglas County Code, Chapter 20.400; and the following terms and conditions:

RECITALS

A. DEVELOPERS are the owners of certain real property located in Douglas County, Nevada approved as the Aloha Ranch planned development, also known as the Rain Shadow Ranch, by the Douglas County Board of County Commissioners as Planned Development Application, PD 04-002 and Ordinance 2004-1083.

B. The DEVELOPERS and DOUGLAS COUNTY entered into a Development Agreement as required by the conditions of approval placed on the Aloha Ranch planned development, also known as the Rain Shadow Ranch. The Development Agreement is dated December 8, 2004, document 0631475, book 1204, pages 04230-04243, and provides, among other things, for the DEVELOPERS monetary contribution toward off-site road and transportation improvements, including the COUNTY's construction of Drayton Boulevard. Ordinance 2004R-1096 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, DEVELOPERS and the COUNTY agreed to certain obligations with regard to the timing and amount of each payment by the DEVELOPERS to meet their obligation to contribute \$200,000.00 toward off-site road and transportation improvements and the COUNTY's use of the contributions to the construction of Drayton Boulevard or other improvements related to the traffic generated by Aloha Ranch planned development, also known as the Rain Shadow Ranch.

D. Based on changed conditions and efficient development of the planned development, the Parties desire to modify the approved phasing plan and development schedule for the Aloha Ranch planned development, also known as the Rain Shadow Ranch, to include a total of seven phases, allowing the final map for successive phases to be presented within two years of the preceding phase recording; adjusting the payment amounts to be applied toward off-site road and transportation improvements; and extending the timing of construction of Drayton Boulevard by the COUNTY 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, DEVELOPERS and COUNTY agree all provisions of the original Development Agreement dated December 8, 2004, document 0631475, book 1204, pages 04230-04243 remain in full force and effect with the exception of the following amendments or additions:

AMENDMENTS

A) Page 1, recitals of the Development Agreement recorded as document 0631475, Book 1204, page 04230 incorporating by reference Exhibit B is amended to adopt, incorporate and add Exhibit B-1, a September 21, 2004, letter from Community Development regarding Revised Conditions for Aloha Ranch planned development, also known as the Rain Shadow Ranch, PD 04-002.

B) Page 2, Paragraph 1 of the Development Agreement recorded as document 0631475, Book 1204, page 04231 is amended to adopt and incorporate the modified phasing plan and development schedule reflected in Exhibit D, into the Development Agreement and Planned Development Application, PD 04-002, Paragraph 1 shall now read as follows:

1. *The Developers agree to pay Douglas County the sum of \$200,000.00 toward off-site road and transportation improvements.*

1.A Phasing Plan and Development Schedule:

Development for phases two through seven of the Aloha Ranch planned development, also known as the Rain Shadow Ranch, will be constructed per the phasing plan and development schedule as delineated in Exhibit D, which is attached and incorporated by reference. The final map for phase one of the Aloha Ranch planned development, also known as the Rain Shadow Ranch, has been recorded and thus has not been included. Overlapping of phases is permitted as allowed in Title 20 and subject to approval of the Community Development Director. The final map for successive phases, after the recording of Phase two, must be presented within two years of the preceding phase recording. No modifications or extensions of time regarding the recording of final maps may be granted under Nevada Revised Statutes or Douglas County Code. Any changes to the phasing plan and development schedule must be made by amendment to this Development Agreement as allowed by law.

C) Page 2, Paragraph 2 of the Development Agreement recorded as document 0631475, Book 1204, page 04231 and Planned Development Application, PD 04-002 is amended to adjust the number of payments and amount due prior to the issuance of each residential building permit, Paragraph 2 shall now read as follows:

2. The DEVELOPERS have been issued three building permits and have contributed \$33,333.33 to meet their obligation to contribute \$200,000 to the COUNTY. Payments in the amount of \$11,904.76 each will be made at or prior to the issuance of the next 14 residential building permits within the planned development, for a total of 17 payments, corresponding with the issuance of the first 17 building permits. Failure to make or collect a payment(s) when due, regardless of the reason, does not constitute a waiver or modification of this obligation, and will result in suspension of the issuance of further building permits until such time payment(s) due and owing have been made.

D) Page 3, Paragraph 3 of the Development Agreement recorded as document 0631475, Book 1204, page 04232 and Planned Development Application, PD 04-002 is amended to extend the timing of the COUNTY's construction of Drayton Boulevard to correspond with the timing of payments and the modified phasing plan and development schedule, Paragraph 3 shall now read as follows:

3. The funds will be held by the COUNTY in a separate account and applied toward the COUNTY's construction of Drayton Boulevard from the project to Pleasantview Drive. The COUNTY will construct the described section of Drayton Boulevard within ten years after the final, seventeenth, payment is received.

The COUNTY's construction of this section of Drayton Boulevard will include compliance with the conditions stated in Amended Exhibit C, Appendix to Development Agreement, attached and incorporated by reference.

E) The Development Agreement and Exhibits A thru C recorded as document 0631475 are incorporated by reference, as well as Exhibit B-1 and Exhibit D which are attached, are incorporated by reference and made a part of this Amendment.

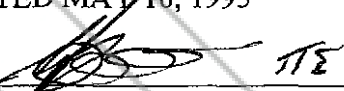
F) The express provisions of this Amendment will control and govern as to any inconsistency or contradiction between the provisions of this Amendment and the provisions of the Development Agreement.

DOUGLAS COUNTY,
a political subdivision of the state of Nevada

THE 1995 GREGORY C. LYNN AND SUZANNE
TOWSE TRUST AGREEMENT,
DATED MAY 16, 1995




Kelly D. Kite, Chairman



Gregory C. Lynn, Trustee

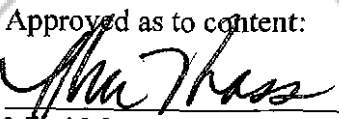
Dated: 12-4-2008

Dated: 11.6.08




Suzanne Towse, Trustee

Dated: 11-6-08

Approved as to content:


Mimi Moss
Community Development Director

Attest: 

Ted Thran, Clerk
By:  Clerk to Board

ATTACHMENT

*Exhibit B-1, September 21, 2004, letter from Community Development re: Revised Conditions

*Exhibit D, Modified Phasing Plan and Development Schedule

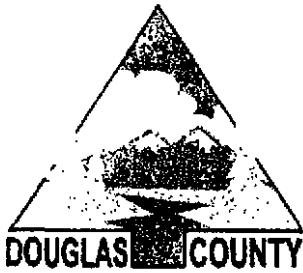
DRAFT

EXHIBIT B-1

SEPTEMBER 21, 2004, LETTER FROM COMMUNITY DEVELOPMENT RE:
REVISED CONDITIONS

COPY





COMMUNITY DEVELOPMENT

1594 Esmeralda Avenue, Minden, Nevada 89423

Bob Nunes
DIRECTOR

775-782-9005
775-782-9010
FAX: 775-782-9007

Planning Division
Engineering Division
Building Division
Regional Transportation
Water/Sewer Utility
Road Maintenance
Code Enforcement

REVISED

September 21, 2004

Greg Lynn
1222 Bobwire Lane
Gardnerville, NV 89460

Re: Planned Development (PD) 04 - 002, for Greg Lynn
South of Centerville Lane, Adjacent to Drayton Boulevard; APN 1220-17-601-001

FAXED / MAILED

APRIL REED
CLERK

2004 SEP 23 PM 4:50

FILED

Dear Mr. Lynn:

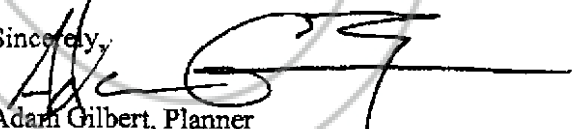
On September 9, 2004, the Douglas County Board of Commissioners took the following actions: A) introduced Ordinance Number 2004-1083, establishing a SFR 1/2 / PD (Single-family Residential, minimum one-half net acre parcel size) Planned Development overlay zone, and B) approved a Tentative Subdivision Map dividing 38.13 acres into 43 single-family residential parcels, the smallest being 0.52 acre in area and including one, 0.09-acre parcel to support a well site within the SFR-2 (Single-family Residential, 2-acre minimum parcel size) zoning district within a master plan Receiving Area, within the Gardnerville Ranchos Planning Area, generally at the terminus of Kingston Lane, 1,320 feet south of Centerville Lane and west of Drayton Boulevard (APN 1220-17-601-001). The second reading of the ordinance will be heard by the Board of Commissioners on October 7, 2004.

At your request staff has modified two of the twenty-four conditions as follows:

- 1.B The road tentatively known as Gitalong Way shall be renamed and shall be constructed to the standards described in detail A-02 of the Douglas County Design Criteria and Improvements Standards Manual. The road shall be extended to the east, intersecting with Drayton Boulevard, and shall be barricaded until such time that Drayton Boulevard is constructed.
- 1.G Construction traffic for Aloha phase 1 shall use Rubio Way; all subsequent phases shall Rubio Way or Drayton Boulevard once Drayton is improved. All construction traffic shall be limited to Rubio Way.

This is the final decision regarding your Development Application for a Planned Development / Tentative Subdivision Map. Should you have any questions, I can be reached at (775) 782-6215 or by e-mail at agilbert@co.douglas.nv.us

Sincerely,


Adam Gilbert, Planner
Douglas County Community Development


HAB

Cc: R.O. Anderson Engineering
Cathe Pool, Douglas County Engineering
Karen Lommori, Douglas County Accounting
file PD 04-002
County Clerk
Building
Planning Division


0734433 Page: 8 Of 11 12/11/2008
BK- 1208
PG- 2434

EXHIBIT D

**DEVELOPMENT SCHEDULE AND PHASING PLAN MAP
FOR ALOHA RANCH PLANNED DEVELOPMENT, ALSO KNOWN AS RAIN
SHADOW RANCH**

Development Schedule-

Phase 2: Final Map required to be recorded by September 30, 2010.

Phase 3: Final Map required to be recorded by September 30, 2012.

Phase 4: Final Map required to be recorded by September 30, 2014.

Phase 5: Final Map required to be recorded by September 30, 2016.

Phase 6: Final Map required to be recorded by September 30, 2018.

Phase 7: Final Map required to be recorded by September 30, 2020.

Phasing Plan Map is on the following page.



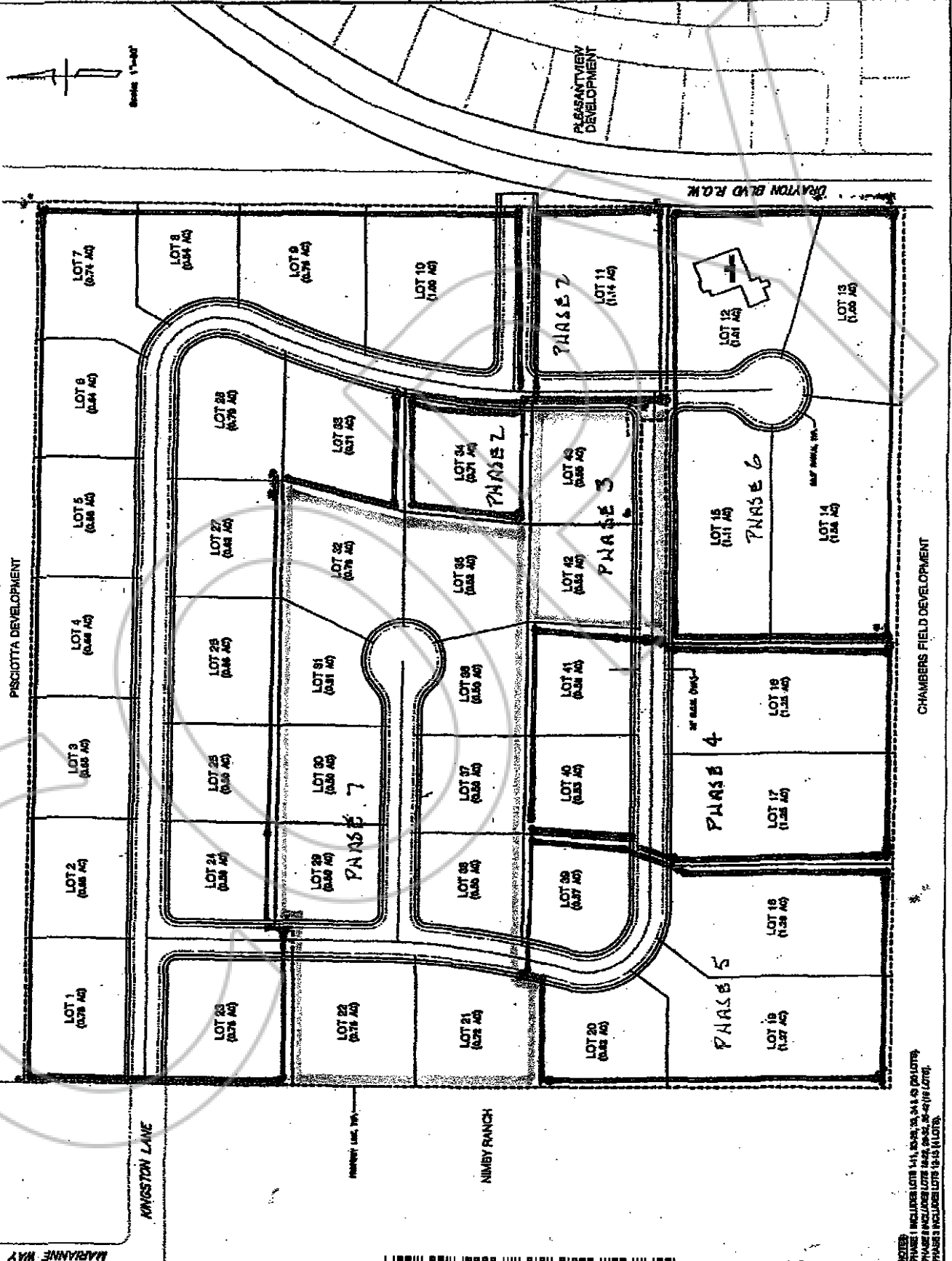
ENGINEERING • PLANNING • RESOURCE MANAGEMENT
RESOURCE CONCEPTS, INC.
 2000 W. HARRISON AVENUE
 SUITE 100, LAS VEGAS, NV 89102
 PHONE: 702.735.8888 FAX: 702.735.8889
 WWW.RESOURCECONCEPTS.COM



ALPHA RANCH DEVELOPMENT
 6282 LEAH PROPERTY
 DOUGLAS COUNTY, NEVADA
 A.P.N. 1220-17-601-01
 DEVELOPMENT PHASING PLAN



DATE: APR 1, 2008
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SHEET 1 OF 1



BK- 1208
 PG- 2436

NOTES:
 PHASE 1 INCLUDES LOTS 1-4, 20-23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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: Dec 10 2008

Tracy Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas.

By [Signature] Deputy



BK- 1208
PG- 2437