

ORDINANCE NO. _____

**AN ORDINANCE APPROVING THIRD AMENDMENT TO
DEVELOPMENT AGREEMENT NO. 07-275**

WHEREAS, the County of Yolo (“County”) entered into a development agreement (“Development Agreement”) with Emerald Homes LT, LLC (“Emerald Homes”) on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project (“Project”); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation (“Tribe”) acquired the E. Parker subdivision property (“E. Parker Property”) from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Parties wish to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, the Board of Supervisors of the County of Yolo, State of California, ordains as follows:

SECTION 1. Agreement No. _____ between the County of Yolo and the Yocha Dehe Wintun Nation, attached hereto and incorporated herein by this reference, is hereby approved.

SECTION 2. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof, shall be

published by title and number only in the Davis Enterprise together with the names of the members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the Board of Supervisors of the County of Yolo, at the regular meeting of the Board of Supervisors of said County, held on the ____ day of _____, 2023, by the following vote:

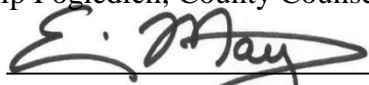
AYES:
NOES:
ABSENT:
ABSTAIN:

Oscar Villegas, Chair
Yolo County Board of Supervisors

ATTEST:
Julie Dachtler, Senior Deputy Clerk of the Board

By: _____
Deputy
(Seal)

APPROVED AS TO FORM:
Philip Pogledich, County Counsel

By:  _____
Eric May, Senior Deputy

Attachment: Agreement

AGREEMENT NO. __-__

(Third Amendment to Development Agreement No. 07-275)

This Third Amendment to Development Agreement No. 07-275 (“Agreement”) is made and entered into this ____ day of _____, 2023, by and between the County of Yolo, a political subdivision of the State of California (“County”), and the Yocha Dehe Wintun Nation, a federally recognized Indian Tribe (“Tribe”).

WHEREAS, the County of Yolo (“County”) entered into a development agreement (“Development Agreement”) with Emerald Homes LT, LLC (“Emerald Homes”) on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project (“Project”); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation (“Tribe”) acquired the E. Parker subdivision property (“E. Parker Property”) from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Parties wish to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, County and Tribe agree to amend the Development Agreement as follows:

I. Article 1, Section 1.02 shall be amended as follows:

Section 1.02. Term. The term of this Agreement (the “Term”) shall commence upon the Effective Date and shall continue until December 31, ~~2022~~ 2024. In the event the Developer does not complete construction of the Project in

accordance with all Project Approvals, and all Subsequent Approvals, with the understanding that the nature or scope of the Project may hereinafter change consistent with all legally required environmental and regulatory permitting processes, this Agreement shall automatically terminate, with the exception of those provisions that impose post-termination obligations upon Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

YOCHA DEHE WINTUN NATION

COUNTY OF YOLO

By _____
Anthony Roberts
Tribal Chairman

By _____
Oscar Villegas, Chair
Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

By _____
Deputy (Seal)

Approved as to Form:
Philip J. Pogledich, County Counsel

By:  _____
Eric May, Senior Deputy County Counsel