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AND WHEN RECORDED RETURN
TO:
City of Stockton
425 N. El Dorado St, 1st Floor
Stockton, CA 95202
Attention: City Clerk
Record for the Benefit of
The City of Stockton
*Pursuant to Government Code
Section 27383*

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**SECOND AMENDMENT
TO
SPANOS PARK WEST
DEVELOPMENT AGREEMENT AND
DENSITY TRANSFER AGREEMENT
(DA3-01)**

By and Between

City of Stockton,
A California municipal corporation

And

A. G. Spanos Construction, Inc.,
a California corporation

**SECOND AMENDMENT TO SPANOS PARK WEST DEVELOPMENT AGREEMENT
AND DENSITY TRANSFER AGREEMENT (DA3-01)**

THIS SECOND AMENDMENT TO SPANOS PARK WEST DENSITY TRANSFER DEVELOPMENT AGREEMENT (DA3-01) (“**Second Amendment**”) is made and entered into as of this ___ day of July, 2023 by and between the CITY OF STOCKTON, a California municipal corporation (“**City**”) and A. G. SPANOS CONSTRUCTION, INC., a California corporation (“**Owner**”). City and Owner may be referred to herein individually as a “Party” and collectively as “Parties.”

RECITALS

WHEREAS, the Spanos Park West Density Transfer Development Agreement (DA3-01), dated January 29, 2002 and effective as of February 28, 2002, was authorized by City of Stockton Ordinance No. 007-02 and recorded on March 11, 2002, as Document No. 2002-041899 (“**DA3-01**”), as amended by that certain First Amendment to Spanos Park West Density Transfer Development Agreement (DA3-01) dated December 9, 2008 and recorded on January 16, 2009 as Documents No. 2009-007751 (“**First Amendment**”). The DA3-01 and the First Amendment are collectively referred to herein as the “**DDA**”; and

WHEREAS, DA3-01 was entered into and adopted for the purpose, among other things, of reserving land for high-density residential development consistent with the minimum acreage requirements contained in the City’s then current General Plan Housing Element; and

WHEREAS, the First Amendment amended, among other things, the High Density Residential construction obligations under Section 4.2 of DA3-01 to be performed on or before December 9, 2018; and

WHEREAS, the Parties desire to further amend the DDA to provide an extension to Owner to fulfill its High Density Residential obligations required under Section 4.2 of the DDA.

NOW THEREFORE, the Parties hereto agree as follows:

1. Notwithstanding any expiration and/or termination of the DDA because Owner did not timely extend the Term, the Parties hereby reinstate the DDA, ratify the same, and agree that the DDA remains in full force and effect as modified by this Second Amendment.
2. The Term of the DDA shall be extended by ten (10) years to expire on February 28, 2032.
3. Owner shall have until February 28, 2032, to fulfill its High Density Residential construction obligations required under Section 4.2 of the DDA.
4. All other provisions of the DDA not otherwise modified herein shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the date first set forth above.

CITY OF STOCKTON,
a California municipal corporation

By: _____
Harry Black
City Manager

Date: _____

Attest: _____
City Clerk

Date: _____

Approved as to Form:

By: _____
City Attorney

Date: _____

A. G. SPANOS CONSTRUCTION, INC.,
a California corporation

By: _____
Steven L. Cohen
Executive Vice President

Date: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, before me, _____,
Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, before me, _____,
Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)