

REQUESTED BY
AND WHEN RECORDED
MAIL TO:

CITY OF BREA
1 CIVIC CENTER CIRCLE
BREA, CA 92821
ATTN: CITY CLERK

Space Above This Line for Recorder's Use

EXEMPT FROM RECORDING FEE PER GOVERNMENT CODE SECTION 27383

CANCELLATION OF DEVELOPMENT AGREEMENT

This Cancellation of Development Agreement ("Cancellation") is dated _____, 2026 for reference purposes and is executed by the CITY OF BREA, a California municipal corporation ("City"), and Brea Mercury LP, a California corporation ("Developer").

RECITALS

A. Mercury CXIV, LLC ("Mercury CXIV") was the previous owner of the property located primarily at the southeast corner of Mercury Lane and Berry Street Brea, California, as more fully described in Exhibit A, attached hereto, and incorporated herein by reference ("Subject Property").

B. Pursuant to Government Code Sections 65864-65869.5, the City and Mercury CXIV executed Development Agreement No. 19-01 ("DA 19-01"), recorded as Instrument No. 2020000458788 on September 1, 2020 in the Office of the Orange County Recorder, with respect to the Mercury Lane Workforce Housing Project ("Prior Project") proposed to be constructed on the Subject Property.

C. The Prior Project was never constructed due to changing circumstances related to the COVID-19 pandemic.

D. A new development project has been approved for the Subject Property subject to a different development agreement with Developer, which is the current owner of the Subject Property.

E. Developer and the City desire to cancel DA 19-01 as permitted by Government Code Section 65868.

F. Notice of intention to cancel has been given in the manner provided by Government Code Section 65867.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. DA 19-01 is terminated as of the recordation of this Cancellation and shall be of no further force or effect.

2. The City Manager or designee is authorized to make any necessary additional consent or approval of any instrument that may be granted, given, or executed to effectuate the full cancellation of DA 19-01, and any covenants or restrictions required by DA 19-01, without further authorization from the City Council.

3. The City Clerk shall record this Cancellation in the Office of the Orange County Recorder within 10 days of execution.

EXECUTED:

CITY:

CITY OF BREA

By: Kristin Webster, City Manager

Attest:

_____(SEAL)
Victoria Popescu
City Clerk

DEVELOPER:

Brea Mercury LP,
a California limited partnership

By: C&C Brea Mercury LLC,
a California limited liability company
its general partner

By: C&C Development Co., LLC
a California limited liability company,
its sole member and manager

By: 
Todd R. Cottle,
Trustee of the 2007 Todd R. Cottle
and Jennifer N. Cottle Revocable
Trust, its member

Approved as to Form:

Terence Boga
City Attorney

ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this

State of California)

) ss

County of Orange)

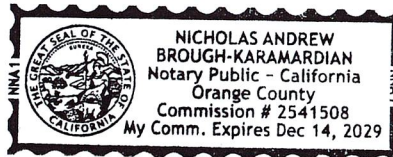
On September 24, 2026, before me, Nicholas Andrew Brough-Karamardian,
(Name of Notary)

notary public, personally appeared Todd Cottle
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]
(Notary Signature)



ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this

State of California)

) ss

County of _____)

On _____, before me, _____,
(Name of Notary)

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.

(Notary Signature)

Exhibit A

PROPERTY LEGAL DESCRIPTION

(APN No. 296-141-05)

Parcel No. 3 in the city of Brea, County of Orange, State of California, as shown on a map filed in Book 96, Pages 32 and 33 of Parcel Maps, in the office of the County Recorder of Orange County, California.