

**AGREEMENT TO CANCEL DEVELOPMENT AGREEMENT**

This AGREEMENT TO CANCEL DEVELOPMENT AGREEMENT NO. 23575 (the "Agreement") is entered into as of October 2, 2018, by and among MERG INVESTMENTS, LLC ("Applicant") and COUNTY OF TULARE ("County"), each referred to as "Party" and collectively referred to as the "Parties."

WHEREAS, the Parties have entered into a Development Agreement effective as of June 3, 2008 (the "Development Agreement");

WHEREAS, the Development Agreement provides for amendment or cancellation by mutual consent of the parties;

WHEREAS, the Parties now desire to cancel the Development Agreement effective October 2, 2018.

NOW THEREFORE, in consideration of the agreements, promises, covenants and provisions contained in this Agreement, the receipt and legal sufficiency of which are hereby acknowledged for all purposes, the Parties, intending to be legally bound, agree as follows:

1. The Development Agreement is cancelled effective as of October 2, 2018.

IN WITNESS WHEREOF, the Parties have signed as of the date set forth above.

FOR APPLICANT:

MERG INVESTMENTS, LLC

By: \_\_\_\_\_

Michael Fishback

By: \_\_\_\_\_

FOR COUNTY OF TULARE:

By: \_\_\_\_\_

APPROVED AS TO FORM:

COUNTY COUNSEL

By: \_\_\_\_\_

Deputy 9/4/18