

ORDINANCE NO. 1601 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (FIRESTONE  
TIRE AND RUBBER COMPANY)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 12-3-8 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D (154):

Parcel 1

All that portion of the Northwest quarter of the Southwest quarter of  
Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian,  
described as follows, to-wit:

COMMENCING at the quarter section corner between Sections 11 and 12, above  
Township and Range, and being in the center of a 50 foot County Road (Dale  
Road); thence South  $0^{\circ} 48'$  East 1245.25 feet along the said Section line to the  
true point of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25  
feet; thence North  $0^{\circ} 48'$  West 80.0 feet; thence North  $89^{\circ} 12'$  East 134.75 feet;  
thence South  $0^{\circ} 48'$  East 163.40 feet to the North boundary line of Lateral No. 7  
of the Modesto Irrigation District; thence along the said North boundary line of  
Lateral No. 7 the following three courses and distances: South  $85^{\circ} 23'$  West  
135.35 feet; South  $89^{\circ} 15'$  West 100.5 feet; North  $86^{\circ} 37'$  West 172.00 feet to the  
section line between Sections 11 and 12, above Township and Range; thence North  
 $0^{\circ} 48'$  West along the said section line 80.0 feet to the true point of beginning  
of this description.

Parcel 2

COMMENCING at the quarter section corner between Sections 11 and 12, above  
township and range and being in the center of a 50 foot County Road (Dale Road);  
thence South  $0^{\circ} 48'$  East 1165.25 feet along the section line to the true point  
of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25 feet; thence  
South  $0^{\circ} 48'$  East 80.0 feet; thence South  $89^{\circ} 12'$  West 272.25 feet to the said  
Section line; thence North  $0^{\circ} 48'$  West 80.0 feet along the section line to the  
true point of beginning.

The above said Parcels being also described as a portion of Lot 4 of the  
McKinney Colony according to the Official Map thereof, filed in the office of  
the Recorder of Stanislaus County, California, on November 21, 1903, in Volume 1  
of Maps, page 37.

SECTION 2. USES. The following uses shall be permitted in said P-D (154) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Commercial uses as permitted in the H-1 Zone.
2. An off-street parking area.

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, by Councilmember Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William M. Mids  
Department of Planning and  
Community Development

**Ordinance 1601 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1601-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE ADDING ARTICLE 33 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO THE AIRPORT ZONE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 33 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 33. AIRPORT ZONE

SEC. 10-2.3301. PURPOSE. This article regulates and restricts the height of structures and objects of natural growth and otherwise regulates the use of property in the vicinity of the Modesto City-County Airport/Harry Sham Field to serve the public health, safety, and general welfare and to safeguard the utility of the airport and the public investment therein.

SEC. 10-1.3302. DEFINITIONS. For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) Airport. The Modesto City-County Airport/Harry Sham Field.

(b) Airport Elevation. The highest point of the airport's usable landing area.

(c) Airport Hazard. Any structure, object of natural growth, source of electrical interference, or light source located on or in the vicinity of the airport, or any use of land near the airport, which is in violation of these regulations and which obstructs the airspace required for the flight of aircraft in landing or takeoff or which is otherwise hazardous to such landing or takeoff of aircraft.

(d) Airport Zone. The land area underneath the approach, transitional, horizontal, and conical surfaces as described in this article.

(e) Approved Airport Layout Plan. That certain airport layout plan adopted by Resolution No. 74-865 of the Modesto City Council on October 7, 1974, and on file in the office of the City Clerk of the City of Modesto.

(f) Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation (avigation) facilities with only horizontal guidance, or area type avigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on the approved airport layout plan. This is the north runway at the airport, but only for aircraft approaching from the west and designated Runway 10L.

(g) Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, or a trustee, receiver, assignee, or similar representative of any of the foregoing.

(h) Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on the approved airport layout plan. This is the north runway at the airport but only for aircraft approaching from the east and designated as Runway 28R.

(i) Primary Surface. The surface longitudinally centered on each runway which extends 200 feet beyond each end of each runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway shall be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) dated May 1, 1965, as may be amended from time to time.

(j) Runway. A defined area on the airport prepared for landing and takeoff of aircraft along its length.

(k) Tree. Any object of natural growth.

(l) Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. This is the south runway at the airport designated 10R for aircraft approaching from the west and 28L for aircraft approaching from the east.

(m) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on the approved airport layout plan.

SEC. 10-2.3303. AIRPORT ZONE SURFACES AND HEIGHT LIMITATIONS. In order to carry out the provisions of this article, there are hereby created and established certain surfaces, which include the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the airport. Such surfaces are shown on the Modesto City-County Airport Approach and Clear Zone Plan, consisting of one (1) sheet, prepared by the City of Modesto Planning and Community Development Department, and dated January 18, 1977, which is attached hereto. Said map and all notations, references, and other information shown thereon are hereby made a part of this article. Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in the airport zone created by this article to a height in excess of the surfaces herein established. An area located beneath more than one (1) of the following surfaces is subject only to the more restrictive height limitation.

(a) Utility Runway Visual Approach Surfaces. The utility runway visual approach surfaces are located at each end of the primary surface of the south runway. Each surface width is two hundred fifty (250') feet wide where it adjoins the primary surface. These approach surfaces expand outward uniformly from each end of the primary surface to a width of one thousand two hundred fifty (1,250') feet at a horizontal distance of five thousand (5,000') feet, the centerline being the continuation of the centerline of Runway 10R/28L. These approach surfaces slope upward one (1) foot vertically for each twenty (20') feet horizontally, beginning at each end of and at the same elevation as the primary surface.

(b) Nonprecision Instrument Approach Surface. The nonprecision instrument approach surface is located at the west end of the primary surface of the north runway. This approach surface width is one thousand (1,000') feet wide where it adjoins the primary surface. This approach surface expands outward uniformly from the west end of the primary surface to a width of three thousand five hundred (3,500') feet at a horizontal distance of ten thousand (10,000') feet, its centerline being the continuation of the centerline of Runway 10L. This approach surface slopes upward one (1) foot vertically for each thirty-four (34') feet horizontally beginning at the end of and at the same elevation as the primary surface.

(c) Precision Instrument Runway Approach Surface. The precision instrument runway approach surface is located at the east end of the primary surface of the north runway. This approach surface width is one thousand (1,000') feet wide where it adjoins the primary surface. This approach surface expands outward uniformly from the east end of the primary surface to a width of sixteen thousand (16,000') feet at a horizontal distance of fifty thousand (50,000') feet, its centerline being the continuation of the centerline of Runway 28R. This approach surface slopes upward one (1) foot vertically for each fifty (50') feet horizontally beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000') feet along the extended runway centerline; it then slopes upward one (1') foot vertically for each forty (40') feet horizontally to an additional horizontal distance of forty thousand (40,000') feet along the extended runway centerline.

(d) Transitional Surfaces. The transitional surfaces extend outward from the primary surfaces and the approach surfaces at a ninety (90°) degree angle to the runway centerlines to where the transitional surfaces intersect the horizontal surface. The transitional surfaces adjacent to that portion of the precision instrument approach surface beyond the limit of the conical surface, extend a distance of five thousand (5,000') feet measured from the edge of said approach surface at a ninety (90°) degree angle to the extended runway centerline. The transitional surfaces slope upward one (1') foot vertically for each seven (7') feet horizontally beginning at the sides of and at the same elevation as the primary surfaces and the approach surfaces.

(e) Horizontal Surface. The periphery of the horizontal surface is located by swinging arcs of ten thousand (10,000') feet radii from the center of each end of the primary surface of Runway 10L/28R and connecting the adjacent arcs by drawing lines tangent thereto and parallel to the runway centerline. The inner edge of the horizontal surface is defined by its intersection with the transitional surfaces. The horizontal surface is one hundred fifty (150') feet above the airport elevation.

(f) Conical Surface. The conical surface commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000') feet. The conical surface slopes upward one (1') foot vertically for each twenty (20') feet horizontally beginning at the periphery of the horizontal surface.

(g) Exception to Height Limitations. Nothing in this article shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five (35') feet above the land beneath any surface in the airport zone. This exception does not apply to any land over which the City of Modesto owns an aviation easement.

SEC. 10-2.3304. USE RESTRICTIONS. Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zone in such a manner as to create electrical interference with avigational signals or with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and others, to result in glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or otherwise in any way to create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SEC. 10-2.3305. NONCONFORMING USES.

(a) Regulations Not Retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration to any structure or tree not conforming to these regulations as of July 1, 1977, or otherwise to interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to said date, if such construction or alteration is diligently pursued.

(b) Marking and Lighting. Notwithstanding the provisions of subparagraph (a) of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Modesto.

SEC. 10-2.3306. ENFORCEMENT.

(a) Proposed Uses. No building permit shall be issued for a use of land or to erect, alter, install, or otherwise establish any structure or other object which would not conform to the regulations herein prescribed.

(b) Existing Uses. No building permit shall be issued that would allow the establishment or creation of an airport hazard or permit a nonconforming use or structure to become a greater hazard to air avigation than it was on July 1, 1977, or on the effective date of any amendment hereto.

(c) Height Limit For Trees. Any person owning or in possession of real property shall keep all trees trimmed to a height not exceeding any of the height limits set forth herein. Nonconforming trees in existence on July 1, 1977, shall be kept trimmed at their existing height, and if removed or cut back shall not be allowed to grow above said height or the applicable height limit, whichever is higher.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property contrary to the provisions of this article may apply to the Board of Zoning Adjustment for a variance from such regulations pursuant to the provisions of Article 20 of this chapter. Any variance granted may be conditioned to require the owner of the structure or tree in question to permit the City of Modesto, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(e) Abatement. Every airport hazard shall be deemed to be a dangerous building or structure subject to the abatement procedures set forth in the Dangerous Building Code adopted by Section 9-8.01 of this Code, except that every airport hazard which is an immediate danger to flying aircraft may be summarily abated. The provisions of this article may be enforced by either the Airport Manager or the Chief Building Official.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ordinance 1602 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1602-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SECTION MAPS 11-3-8 AND 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (C. J. RUMBLE AND SONS, INC.)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Sections 11-3-8 and 12-3-8 of the Zoning Map are hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(155):

ALL that certain real property being a portion of Lots 8 and 9 of the McKinney Colony, located in the Southeast quarter of Section 11 and the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California.

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ}48'40''$  West, along the West line of said Section 12, a distance of 205.84 feet to an intersection with the center line of the 110.00 foot wide Hetch Hetchy right-of-way; thence North  $69^{\circ}42'07''$  East, along said center line of Hetch Hetchy right-of-way, a distance of 0.19 feet to the new center line of Dale Road, a 60.00 foot wide public road, as shown on the State of California, Division of Highway's right-of-way Record Map at Sheet 85 of Dale Road, Sisk Road, Standiford Avenue intersection and the point of beginning of this description; thence North  $1^{\circ}02'03''$  West, along said center line of Dale Road, a distance of 93.84 feet to a tangent curve; thence 785.90 feet along said curve being concave to the Southwest through a central angle of  $41^{\circ}41'36''$  having a radius of 1080.00 feet to an intersection with the center line of proposed Standiford Avenue, filed in Volume 1 of Official Plan Lines, Page 66, as Instrument No. 49992, Stanislaus County Records; thence in a Northeasterly direction along said center line of Standiford Avenue 311.70 feet along a curve concave to the Southeast from a radial bearing of North  $31^{\circ}18'50''$  West, through a central angle of  $17^{\circ}51'33''$  having a radius of 1000.00 feet to a point of compound curve; thence continuing in a Northeasterly direction 154.57 feet along a curve concave to the South from a radial bearing of North  $13^{\circ}34'12''$  West, through a central angle of  $8^{\circ}51'22''$  having a radius of 1000.00 feet; thence continuing along said center line of Standiford Avenue, North  $85^{\circ}17'10''$  East, 489.23 feet to an intersection with the East line of the West 18.25 acres of said Lot 9; thence South  $0^{\circ}48'40''$  East, along said East line of the West 18.25 acres, a distance of 749.92 feet to an intersection with said center line of Hetch Hetchy right-of-way; thence South  $69^{\circ}42'07''$  West, along said center line of Hetch Hetchy right-of-way, a distance of 692.53 feet to the point of beginning.

Containing 14.469 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(155) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A community shopping center with land uses as permitted in the H-1 Zone.
2. Off street parking areas.

SECTION 3. ZONING MAP. Section Maps 11-3-8 and 12-3-8 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Althea Nichols  
Department of Planning and  
Community Development

Ordinance 1603 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1603-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of March, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

APPROVED

*Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 27, 1977

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF  
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DANITA CORPORATION)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 13-3-8 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (158):

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel No. 1

All that portion of the Northeast quarter of the Southeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Commencing at the East quarter corner of said Section 13; thence South  $89^{\circ} 36' 30''$  West along the East and West quarter section line, a distance of 20 feet to a point on the West line of a 40 foot County Road (Prescott Road); thence continuing South  $89^{\circ} 36' 30''$  West, 1306.67 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 13; thence South  $0^{\circ} 01' 30''$  East along the West line of the Northeast quarter of the Southeast quarter of said Section, 204 feet to the true point of beginning of this description; thence North  $89^{\circ} 36' 30''$  East, 961.08 feet; thence South  $0^{\circ} 23' 30''$  East, 192 feet to a point on the South line of the property conveyed to Perry L. McCoy, et ux by Deed recorded February 5, 1937, as Instrument No. 1548; thence South  $89^{\circ} 36' 30''$  West, along the South line of the said McCoy property 962.31 feet to the Southwest corner thereof and being a point on the West line of the Northeast quarter of the Southeast quarter of said Section; thence North  $0^{\circ} 01' 30''$  West along last mentioned line 192 feet to the point of beginning.

Parcel No. 2

Commencing at the East quarter corner of said Section 13; thence South  $89^{\circ} 36' 30''$  West along the East and West quarter section line, a distance of 20 feet to a point on the West line of a 40 foot County Road (Prescott Road) and being the true point of beginning of this description; thence continuing South  $89^{\circ} 36' 30''$  West, 1306.67 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 13; thence South  $0^{\circ} 01' 30''$  East along the West line of the Northeast quarter of the Southeast quarter of said Section, 204 feet; thence North  $89^{\circ} 36' 30''$  East, 1306.59 feet to the West line of said Prescott Road; thence North along the West line of said Prescott Road 204 feet more or less to the true point of beginning.

Including also the westerly 20 feet of Prescott Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(158) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

101 single-family attached dwelling units.

SECTION 3. ZONING MAP. Section Map 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Alberta Pichada  
Department of Planning and  
Community Development

Ordinance 1604 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1604-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of April, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 4, 1977

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO DEVELOPMENT - EVERGREEN AVENUE)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(160):

R-1 to P-D

ALL that certain real property situate in the Southwest quarter of the Southwest quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

COMMENCING at the Northwest corner of Parcel "A", as shown on the map filed in Book 20 of Parcel Maps at Page 82, Stanislaus County Records, said corner being on the Southerly right-of-way line of Briggsmore Avenue; thence Easterly along said Southerly right-of-way of Briggsmore Avenue, along a curve concave to the South, a distance of 125.77 feet, having a radius of 890.00 feet and a central angle of 8°05'48" to a point from which a radial line bears South 1°37'18" East, and the point of beginning; thence continuing Easterly along said curve concave to the South, a distance of 114.38 feet, having a radius of 890.00 feet, and a central angle of 7°21'48"; thence South 84°15'30" East, 10.81 feet; thence South 0°13'50" West, along the Westerly line of Park Manor No. 2-B, as shown on map filed in Volume 19 of Maps at Page 46, Stanislaus County Records, Park Manor No. 2-A, as shown on the map filed in Volume 19 of Maps at Page 39, Stanislaus County Records, and Park Manor No. 1, as shown on the map filed in Volume 19 of Maps at Page 27, Stanislaus County Records, a distance of 1315.17 feet to a point on the center line of EVERGREEN AVENUE: thence North 89°20' West, along said center line of EVERGREEN AVENUE, a distance of 125.00 feet; thence North 0°13'50" East, 1318.91 feet to the point of beginning.

INCLUDING ALSO the southerly 60 feet of Briggsmore Avenue immediately adjacent to the above described property.

Containing 3.783 acres.

R-2 to P-D

ALL that certain real property situate in the Southwest quarter of the Southwest quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Northwest corner of Parcel "A", as shown on the map filed in Book 20 of Parcel Maps at Page 82, Stanislaus County Records, said corner being on the Southerly right-of-way line of Briggsmore Avenue; thence Easterly along said Southerly right-of-way of Briggsmore Avenue, along a curve concave to the South, a distance of 125.77 feet, having a radius of 890.00 feet and a central angle of 8°05'48" to a point from which a radial line bears South 1°37'18" East; thence South 0°13'50" West, 1318.91 feet to the center line of Evergreen Avenue; thence North 89°20' West, along said center line of Evergreen Avenue, a distance of 125.01 feet; thence North 0°13'50" East along the Southerly prolongation of the Easterly line of said Parcel "A" and Parcel "B" of said Parcel Maps, a distance of 1305.05 feet to the point of beginning.

INCLUDING ALSO the southerly 60 feet of Briggsmore Avenue immediately adjacent to the above described property.

Containing 3.769 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(160) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

1. Thirty-five duplexes
2. Four triplexes
3. Off-street parking

SECTION 3. ZONING MAP. Section Map 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Loney  
Department of Planning and  
Community Development

Ordinance 1605 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1605-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

APPROVED

Peggy Mensinger  
~~XXXXXXXXXXXXXXXXXXXX~~  
PEGGY MENSINGER, Vice Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 11, 1977

AN ORDINANCE AMENDING SECTION 10-2.502 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.255.1 THERETO RELATING TO THE ZONING REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.502 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

**SEC. 10-2.502. PERMITTED USES.** In an R-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Single family dwelling.
- (b) Storm drainage basins and related facilities which serve residentially zoned property.
- (c) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:
  - (1) Church; wedding chapel.
  - (2) Child day care for more than six (6) children, in addition to members of the family.
  - (3) Rest home.
  - (4) Public buildings or grounds operated by any governmental agency.
  - (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the building apparatus or appurtenances thereto.
  - (6) Radio or television transmitter.
  - (7) Tower.
  - (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
  - (9) Family care home serving a maximum of six (6) persons except that no conditional use permit is required if not more than three (3) persons are being served. A similar facility serving seven (7) or more persons shall be deemed an unclassified use.
  - (10) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.
  - (11) For homes with families related by blood, marriage, or adoption only the renting of sleeping quarters to more than three (3) lodgers or the providing of table board to more than three (3) boarders, or both, by a proprietor who lives on the premises. Lodgers or boarders may be allowed kitchen privileges in the proprietor kitchen, but there shall be no eating, cooking or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(12) A maximum of fifty (50) racing homer pigeons as defined in Section 10-2.255.1 to be maintained in pens or lofts on a lot or parcel which contains at least one dwelling unit, subject also to the limitations of Section 10-2.502 (f) (3). The Board of Zoning Adjustment may restrict the number of pigeons to less than fifty (50) birds.

(d) The following residential uses:

(1) The renting of sleeping quarters to not more than three (3) lodgers or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof by a proprietor who lives on the premises. For families consisting of persons who are not related by blood, marriage, or adoption, the total number of persons in a dwelling unit including members of the family, lodgers, and boarders, shall not exceed five (5) persons. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking, or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(2) The day care of not more than six (6) children in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the Modesto Fire Department, the County Health Department and the Secretary of the Commission.

(e) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502.

(f) The following fowl and animals under the following conditions:

(1) Household pets, subject to the provisions of Section 10-2.233.

(2) Not more than four (4) rabbits and/or hares; and domestic fowl (hens only), providing not more than twelve (12) of any one or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above and Section 10-2.502 (c) (12) shall conform to all other provisions of law governing same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40') feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one-third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(g) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, P-O, C-1, C-2, C-M, M-1 or M-2, but in no case shall the property used for such two-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width whichever is the lesser.

(h) Servants' quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20 of this chapter.

(2) Development is as required by Article 18 of this chapter.

(3) The parking area is clearly incidental and accessory to a use permitted in this section or is accessory to a commercial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

(j) Garage sales, subject to the following conditions:

(1) No garage sale shall be held or conducted on the same premises for more than three (3) consecutive days.

(2) Not more than two (2) garage sales may be held or conducted on the same premises in any one calendar year.

(k) Accessory uses and buildings customarily incidental to the above.

(l) Any business activities conducted in or from an R-1 Zone shall meet all of the following criteria unless otherwise excepted by this chapter:

(1) Any business activities conducted in or from a dwelling shall be clearly incidental and secondary to the use of the premises for dwelling purposes and shall not change the residential character thereof. The business shall be conducted entirely within a structure and shall be limited to telephone, mail, radio communication, and office uses conducted by an occupant. Any other business activity shall be conducted entirely away from the premises.

(2) No more than one (1) vehicle connected with any such business activities shall be parked on or near the premises. As used herein a vehicle means one car, pickup, or small van driven by a person living on the premises. Parking of trucks, as defined in Section 10-2.271 of this chapter, or construction equipment on or near the premises or the dispatching of employees from the premises is not permitted.

(3) No person, other than a resident of the dwelling, may be engaged in business activities at the premises.

(4) All equipment, supplies, samples, or other business goods or articles shall be kept or maintained within a business vehicle and shall not otherwise be kept or maintained on the premises except for personal office use such as stationary and bookkeeping materials.

(5) No vehicle, equipment, or activity shall be conducted or operated in such a manner as to cause a disturbance in the neighborhood, nor create a public nuisance with noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(6) No residential address, excepting a post office box number, shall be included in any advertising including telephone directory, newspaper, radio, or television advertising.

(7) No signs shall be displayed on the premises except one (1) unlighted, wall mounted name plate not to exceed one (1) square foot in area.

(8) No business deliveries shall be made to the premises in conjunction with any such business activities.

(9) This subsection (1) on business activities shall not apply to activities conducted pursuant to a home occupation permit.

SECTION 2. AMENDMENT OF CODE. Section 10-2.255.1 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.255.1. RACING HOMER PIGEON. A pigeon trained to return home from a distance and which is identified by a non-removable seamless leg band issued by a nationally recognized Racing Homer Association.

SECTION 3. EFFECTIVE DATE: This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1606-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Vice Mayor Mensinger

NOES: Councilmembers: Dunlap

ABSENT: Councilmembers: Mayor Davies

APPROVED

Peggy Mensinger  
~~KEENA DAVIES, Mayor~~  
PEGGY MENSINGER, Vice Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 11, 1977

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1504. TIME LIMIT AND RATES OF FEES. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space for more than the time indicated by proper signs placed on such parking meter or zone indicating the maximum parking time allowed in such parking space or any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking. Each period of overparking for more than the period stated on the time limit sign constitutes a separate offense.

The time limits for the parking of vehicles in parking meter zones are hereby established as follows:

(a) PM-1 The time limits for legal parking in PM-1 zone shall be those established by the Director based on engineering surveys.

(b) PM-2 Three (3) hour limit, 9 a.m. to 10 p.m. daily.

(c) PM-3 No time limit, 9 a.m. to 10 p.m. daily.

(d) PM-4 No time limit, 7:30 a.m. to 5:00 p.m., Sundays excepted.

(e) PM-5 No time limit, 9:00 a.m. to 4:30 p.m., Sundays excepted.

(f) PM-6 Three (3) hour limit, 9 a.m. to 6 p.m., Sundays excepted.

(g) PM-7 No time limit, 9 a.m. to 10 p.m. daily.

(h) PM-8 Five (5) hour limit, 9 a.m. to 6 p.m. daily.

(i) PM-9 No time limit, 9 a.m. to 6 p.m., Sundays excepted.

(j) PM-10 No time limit, 9 a.m. to 10 p.m. daily.

(k) PM-11 No time limit, 9 a.m. to 9 p.m. daily.

(l) PM-12 24-minute time limit and one hour time limit, 8 a.m. to 5 p.m., Saturdays and Sundays excepted.

The rates of fees for parking in the parking meter zones shall be as follows:

(a) PM-1 One cent per twelve (12) minutes or fraction.

(b) PM-2 Five (5¢) cents per one-half (1/2) hour or fraction.

(c) PM-3 Five (5¢) cents per one hour or fraction.

(d) PM-4 Five (5¢) cents per two and one-half (2 1/2) hours or fraction.

(e) PM-5 Five (5¢) cents for one and one-half (1 1/2) hours or fraction; thirty (30¢) cents for all day.

(f) PM-6 Five (5¢) cents per one-half (1/2) hour or fraction.

(g) PM-7 Five (5¢) cents per one-half (1/2) hour or fraction.

(h) PM-8 Five (5¢) cents per one-half (1/2) hour or fraction.

(i) PM-9 Five (5¢) cents per one-half (1/2) hour or fraction.

(j) PM-10 Five (5¢) cents per one hour or fraction.

(k) PM-11 Twenty-five (25¢) cents per one hour or fraction.

(l) PM-12 One (1¢) cent per six (6) minutes or fraction.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly second by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1607-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of April, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 4, 1977

AN ORDINANCE AMENDING SECTIONS 9-8.03 AND 9-8.04.1 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 9-8.04.2, 9-8.04.3, 9-8.04.4 AND 9-8.09.1 THERETO RELATING TO THE DANGEROUS BUILDING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-8.03 and 9-8.04.1 of Chapter 8 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-8.03. BOARD OF APPEALS. That Section 205 of said Dangerous Building Code be amended to read as follows:

Sec. 205. In order to provide for interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby created a Board of Appeals, consisting of five (5) members who by experience or training are capable of passing upon matters pertaining to building construction. The Board of Appeals shall be appointed by the Council in accordance with the provisions of Article XI of the City Charter. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 of this Code.

SEC. 9-8.04.1. NOTICE AND ORDER. That subsection (b)5 of Section 401 of said Dangerous Building Code be amended to read as follows:

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) days from the date of service of such notice and order; (ii) that any appellant may further appeal any decision of the Board of Appeals to the City Council, provided the appeal is made in writing as provided in this Code and filed with the City Clerk within thirty (30) days from the date of the decision of the Board of Appeals; and (iii) that failure to file such appeals will constitute a waiver of all right to administrative hearings and determination of the matter.

SECTION 2. AMENDMENT OF CODE. Sections 9-8.04.2, 9-8.04.3, 9-8.04.4 and 9-8.09.1 are hereby added to Chapter 8 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-8.04.2. STANDARDS TO BE FOLLOWED. That Section 403 of said Dangerous Building Code be amended to read as follows:

Section 403. (a) Standards to be Followed. The following standards shall be followed by the Building Official (and by the Board of Appeals, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

Sec. 501. (a) Form of Appeal. Any person entitled to service under section 401(c) may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the City of Modesto".

2. A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

6. The signatures of all parties named as appellants, and their official mailing addresses.

(b) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal the Building Official shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the Building Official. Written Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Building Official either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

(c) Form of Appeal to City Council. Decisions of the Board of Appeals shall become final and effective as stated therein unless applicant, within thirty (30) days after the date of such decision files a written appeal with the City Clerk. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board until such time as the City Council has acted on the appeal as hereafter set forth in this section. Said written appeal shall contain a heading in the words "Before the City Council of the City of Modesto" and shall contain that information described in subparagraphs (2), (3), (4), (5) and (6) of subsection (a) above.

(d) Processing of Appeal to the City Council. Upon being notified that a written appeal has been filed with the City Clerk as provided herein, the Secretary of the Board of Appeals shall thereupon transmit to the City Council the Board's complete record of the case.

(e) Scheduling and Noticing of Appeal for Hearing Before the City Council. Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall conduct a public hearing. Written notice of the time and place of the hearing shall be given by the City Clerk at least ten (10) days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Said hearing may be continued by the City Council from time to time.

(f) Decision of the City Council. The decision of the City Council shall be by resolution adopted not more than forty (40) days following the close of the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Council, made the affirmance, modification or reversal of the order or action necessary.

SEC. 9-8.04.4. EFFECT OF FAILURE TO APPEAL. That Section 502 of said Dangerous Building Code be amended to read as follows:

Section 502. Failure of any person to file appeals in accordance with the provisions of Section 501 shall constitute a waiver of his/her right to administrative hearings and adjudication of the notice and order, or to any portion thereof.

SEC. 9-8.09.1. COMPLIANCE. That subsections (a) and (b) of Section 701 of said Dangerous Building Code be amended to read as follows:

(a) General. After any order of the Building Official, the Board of Appeals, or the City Council made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to Obey Order. If, after any order of the Building Official, the Board of Appeals, or the City Council made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1608-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Siefkin,  
Vice Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

Peggy Mensinger  
~~Mayor~~  
PEGGY MENSINGER, Vice Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 11, 1977

AN ORDINANCE AMENDING SECTIONS 9-9.03 AND 9-9.04 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 9-9.03.1, 9-9.03.2, 9-9.04.1 AND 9-9.09.1 THERETO RELATING TO THE HOUSING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-9.03 and 9-9.04 of Chapter 9 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-9.03. BOARD OF APPEALS. That Section 203 of said Housing Code be amended to read as follows:

Sec. 203. In order to provide for interpretation of the provisions of this Code and to hear appeals provided for hereunder, the Board of Appeals created by Section 205 of the "Dangerous Building Code" is hereby designated as the Housing Advisory and Appeals Board for this Code. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code.

SEC. 9-9.04. GENERAL. That Section 1201 of said Housing Code be amended to add subsections (c), (d), (e), (f), (g) and (h) thereto to read as follows:

(c) Form of Appeal to City Council. Decisions of the Housing Advisory and Appeals Board shall become final and effective as stated therein unless applicant, within thirty (30) days after the date of such decision files a written appeal with the City Clerk. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board until such time as the City Council has acted on the appeal as hereafter set forth in this section. Said written appeal shall contain a heading in the words "Before the City Council of the City of Modesto" and shall contain that information described in subparagraphs (2), (3), (4), (5) and (6) of subsection (a) above.

(d) Processing of Appeal to the City Council. Upon being notified that a written appeal has been filed with the City Clerk as provided herein, the Secretary of the Housing Advisory and Appeals Board shall thereupon transmit to the City Council the Board's complete record of the case.

(e) Scheduling and Noticing of Appeal for Hearing Before the City Council. Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall conduct a public hearing. Written notice of the time and place of the hearing shall be given by the City Clerk at least ten (10) days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Said hearing may be continued by the City Council from time to time.

(f) Decision of the City Council. The decision of the City Council shall be by resolution adopted not more than forty (40) days following the close of the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Council, made the affirmance, modification or reversal of the order or action necessary.

(g) Finality of Decision of the City Council. The action by the City Council on such matters shall be final and conclusive.

(h) Notice of Decision of City Council. Not later than ten (10) days following the City Council's adoption of a resolution setting forth the Council's decision, a copy of such resolution shall be mailed to the applicant and one copy shall be attached to the Housing Advisory and Appeals Board file of the case and said file returned to the Secretary of the Housing Advisory and Appeals Board.

SECTION 2. AMENDMENT OF CODE. Sections 9-9.03.1, 9-9.03.2, 9-9.04.1 and 9-9.09.1 are hereby added to Chapter 9 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-9.03.1. NOTICE AND ORDER. That subsection (b)5 of Section 1101 of said Housing Code be amended to read as follows:

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Housing Advisory and Appeals Board, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) days from the date of service of such notice and order; (ii) that any appellant may further appeal any decision of the Housing Advisory and Appeals Board to the City Council, provided the appeal is made in writing as provided in this Code and filed with the City Clerk within thirty (30) days from the date of the decision of the Housing Advisory and Appeals Board; and (iii) that failure to file such appeals will constitute a waiver of all right to administrative hearings and determination of the matter.

SEC. 9-9.03.2. STANDARDS TO BE FOLLOWED. That Section 1103 of said Housing Code be amended to read as follows:

Section 1103. (a) Standards to be Followed. The following standards shall be followed by the Building Official (and by the Housing Advisory and Appeals Board, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any substandard building or structure:

1. If any building is declared a substandard building under this ordinance it shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

SEC. 9-9.04.1. EFFECT OF FAILURE TO APPEAL. That Section 1202 of said Housing Code be amended to read as follows:

Section 1202. Failure of any person to file appeals in accordance with the provisions of Sections 1101 and 1201 shall constitute a waiver of his/her right to administrative hearings and adjudication of the notice and order, or to any portion thereof.

SEC. 9-9.09.1. COMPLIANCE. That subsections (a) and (b) of Section 1401 of said Housing Code be amended to read as follows:

(a) General. After any order of the Building Official, the Housing Advisory and Appeals Board, or the City Council made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to Obey Order. If, after any order of the Building Official, the Housing Advisory and Appeals Board, or the City Council made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

SECTION 3. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares the foregoing amendments to the Uniform Housing Code 1973 Edition, are necessary to provide and facilitate appeals from the Housing Advisory and Appeals Board to the Council of the City of Modesto.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1609-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Vice Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

Peggy Mensinger  
~~MAYOR DAVIES~~  
PEGGY MENSINGER, Vice Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 11, 1977

ORDINANCE 1610 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1259-C.S. RELATING TO PLANNED DEVELOPMENT ZONE, P-D(109) (VINTAGE FAIRE)

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1259-C.S.

Section 2 of Ordinance No. 1259-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(109) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A regional shopping center containing a maximum of one million, three hundred thousand (1,300,000) square feet of gross floor area. Uses within the shopping center shall be limited to those uses permitted in the H-1 Zone.
2. A minimum of two thousand, six hundred (2,600) off-street parking spaces.
3. A family amusement machine center.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Lang, Siefkin, Vice Mayor Mensinger

NOES: Councilmembers: Elliott, Kullijian

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger  
~~NORRINE COYLE, City Clerk~~  
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk.

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1610-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of April, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 18, 1977

AN ORDINANCE GRANTING TO ECOLOGY ACTION EDUCATIONAL INSTITUTE, INC.  
A LIMITED LICENSE FOR THE COLLECTION OF SALVAGEABLE WASTE IN THE  
CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A limited license to collect salvageable waste in the City of Modesto is hereby granted to Ecology Action Educational Institute, Inc. subject to the following terms and conditions:

(a) Said license shall be for a term commencing on April 1, 1977, and ending on March 31, 1982, unless terminated at an earlier date under the provisions of this license.

(b) Said license shall be a non-exclusive license to collect salvageable waste only from residentially zoned areas of the City of Modesto.

(c) For purposes of said license, salvageable waste is limited to glass, metal cans, and newsprint, except that cardboard may also be picked up with other salvageable waste.

(d) In accepting this license, Licensee thereby agrees that the services provided during the term herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(e) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code from time to time, as required in order to protect the public health, safety and welfare of the City.

(f) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(g) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the term of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

(h) The Licensee shall not litter any premises or public property in making collections of salvageable waste nor shall salvageable waste be allowed to leak, blow, or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances.

(i) All equipment and containers used for the collection and hauling of salvageable waste shall be approved by the Director of Public Works, and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. All trucks and equipment shall be clearly identified by an assigned equipment number and with the Licensee's name and local telephone number affixed thereto.

(j) All collection vehicles shall be well maintained, painted, clean and in satisfactory mechanical condition.

(k) Salvaging or scavenging by the Licensee, or any of its employees, is prohibited during collection.

(l) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

(m) Licensee shall, within ten (10) days after the end of each calendar quarter during the term of this license, file a report with the City Manager. Said report shall set forth the areas of the City in which salvageable waste collection services authorized by this license have been provided during the preceding quarter, the method of operation followed by Licensee during the preceding quarter in making collections pursuant to this license, the amounts of salvageable waste which were collected pursuant to this license during the preceding quarter, the amounts of income received during the preceding quarter by Licensee from the sale of salvageable waste collected pursuant to this license, areas of the City proposed to be served by Licensee during the following quarter and any changes proposed in Licensee's method of operation during the following quarter in making collections pursuant to this license.

n) The City Council reserves the right to review said license annually on or about April 1st of each year of the term hereof and as a result of such review to make such changes or revisions in said license as the City Council deems necessary or appropriate in order to protect the public health, safety and welfare of the City.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Vice Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger  
~~PEGGY MENSINGER, Vice Mayor~~  
PEGGY MENSINGER, Vice Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1611-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of April, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 18, 1977



3. The proposed zoning will allow development to be integral with a larger subdivision development pattern and will provide a variety of housing types called for in the General Plan.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of the Northwest quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the West quarter corner of said Section 8, said point being the centerline intersection of Tully Road and Standiford Avenue; thence North  $1^{\circ}13'30''$  West, along the West line of said Section 8, and said center line of Tully Road, a distance of 969.50 feet to the Westerly prolongation of the South line of Hollywood Park No. 1, as filed in Book 25, of Maps, at Page 85, Stanislaus County Records; thence South  $89^{\circ}39'17''$  East, along said Westerly prolongation and said South line of Hollywood Park, a distance of 1040.74 feet to the center line of Colonial Drive, a 60.00 foot wide public road; thence South  $1^{\circ}13'30''$  East, 0.82 feet to a tangent curve; thence in a Southerly direction 151.94 feet along said tangent curve concave to the West, having a central angle of  $8^{\circ}42'19''$  and a radius of 1000.00 feet to a point of reverse curve; thence in a Southerly direction 151.96 feet along said curve concave to the East, having a central angle of  $8^{\circ}42'24''$  and a radius of 1000.00 feet to a tangent line; thence South  $1^{\circ}13'35''$  East, 256.10 feet to a tangent curve; thence in a Southerly direction 97.41 feet along said tangent curve concave to the East, having a central angle of  $5^{\circ}34'53''$  and a radius of 1000.00 feet to a point from which a radial line bears South  $83^{\circ}11'32''$  West; thence South  $89^{\circ}29'00''$  East, 875.66 feet to the West line of property conveyed to Effie G. Rathburn by deed filed in Volume 387 of Official Records, at Page 452, Stanislaus County Records; thence South  $1^{\circ}13'35''$  East, along said West line of Rathburn property, a distance of 315.15 feet to a point on the East-West quarter section line of said Section 8, and the center line of Standiford Avenue; thence North  $89^{\circ}29'00''$  West, along said East-West quarter section line and the center line of Standiford Avenue, a distance of 1898.20 feet to the point of beginning.

Containing: 29.128 acres.

SECTION 3. ZONING MAP. Section 8-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael C. Herrero  
Department of Planning and Community  
Development

**Ordinance 1612 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1612-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of April, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 25, 1977

ORDINANCE NO. 1613 -C. S.

AN ORDINANCE AMENDING SECTIONS 4-4.102, 4-4.401, AND 4-4.502 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 4-4.506 AND 4-4.507 THERETO RELATING TO SUBDIVISION REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-4.102, 4-4.401 and 4-4.502 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.102. POWERS AND DUTIES OF PLANNING COMMISSION.

(a) The Modesto City Planning Commission, hereinafter referred to as the Planning Commission, is hereby designated as the Advisory Agency with respect to subdivisions as provided by the Subdivision Map Act.

(b) The Planning Commission shall have all the powers and duties with respect to tentative maps, parcel maps, final maps, and lot line adjustments, and the procedure relating thereto, which are specified by law and by this chapter.

SEC. 4-4.401. FILING AND DISTRIBUTION.

(a) Number and Time of Filing. Twenty (20) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least thirty-five (35) days prior to the meeting of the Commission at which consideration is desired.

(b) Acceptance. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with the law and of this article as to form, the data, information and other matters required to be shown thereon or furnished therewith. The tentative map shall not be considered as filed until stamped, signed and dated by said representative.

(c) Distribution. Within ten (10) days of the filing of a tentative map, the Secretary of the Planning Commission shall transmit copies of such map and notice of the filing of the map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Copies of the tentative map shall also be sent to the City Engineer, Chief Engineer of the Modesto Irrigation District, District Manager of the Pacific Gas and Electric Company, District Manager of the Pacific Telephone and Telegraph Company, and such other department heads and agencies as deemed advisable, and if a state highway is concerned, to the District Engineer of the Department of Transportation, State of California.

(d) Action by Interested Agency or Department. The governing board of any school district or other agency or department receiving a notice of the filing of a tentative map or a copy of the tentative map may respond in writing to such notice or tentative map within twenty (20) working days of the date on which such notice or tentative map was mailed by the Secretary of the Planning Commission. In the event that the governing board of any school district or other agency or department fails to respond to a notice of filing or a tentative map within said period, such failure to respond shall be deemed approval of the proposed subdivision by the school district, agency, or department.

SEC. 4-4.502. TENTATIVE PARCEL MAPS. (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18') inches by twenty-six (26'') inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
- (2) Name and address of record owner or owners.
- (3) Name and address of the subdivider, if other than owner.
- (4) Name and business address of the person who prepared the map, if other than owner.
- (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(6) Locations and size of all pipe lines and structures used in connection therewith.

(7) Location and character of all existing public utilities.

(8) Location and character of all existing and proposed street improvements.

(9) The widths, locations and purpose of all existing and proposed easements.

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

(12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

(1) The public health and safety; or

(2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

SECTION 2. AMENDMENT OF CODE. Sections 4-4.506 and 4-4.507 are hereby added to Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.506. LOT LINE ADJUSTMENTS. A lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by resolution of the Planning Commission, without the approval and filing of a parcel map. Applications for lot line adjustments shall be filed with the Secretary of the Planning Commission and shall be in the form and contain the information required by the Planning Commission. A lot line adjustment shall not be approved unless the diminished parcel and any structures or parking spaces located thereon will comply with area, width, frontage, and yard requirements of the zone in which the parcel is located. The lot line adjustment shall not be complete until a deed is recorded in the office of the County Recorder.

SEC. 4-4.507. WAIVER OF PARCEL MAP REQUIREMENTS. The Planning Commission may waive the requirements for a parcel map which are established by this chapter and the Subdivision Map Act provided it is shown by the subdivider and findings are made by the Planning Commission that the proposed division of land complies with all requirements for a parcel map which have been established by the Modesto

Municipal Code and the Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Modesto Municipal Code and the Subdivision Map Act. A request for waiver of parcel map requirements shall be made in writing to the Planning Commission and shall include necessary information to demonstrate that the requested waiver will comply with all conditions for such waiver which are established by this section and the Subdivision Map Act. A request for waiver of parcel map requirements shall be filed at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired and shall be accompanied by fifteen (15) copies of a tentative parcel map which has been prepared in accordance with the requirements for tentative parcel maps established by Section 4-4.502. Acceptance, distribution, and agency action on such tentative parcel maps shall be in accordance with the provisions of Section 4-4.502 relating to tentative parcel maps.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1613-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of April, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 25, 1977



SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of the Southwest quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the Southwest corner of said Section 25; thence North 89° 34' 28" East along the South line of said Section 25 a distance of 20.00 feet to the intersection of the centerline of Lincoln Avenue with the centerline of Yosemite Boulevard; thence North 0° 32' 24" West along said centerline of Lincoln Avenue 787.00 feet to the point of beginning of this description; thence continuing North 0° 32' 24" West along said centerline 1748.75 feet to the Westerly extension of the South line of Lincoln Square No. 2 filed in Volume 25 of Maps at page 10, Stanislaus County Records; thence North 89° 33' 09" East along said Westerly extension and South line of Lincoln Square No. 2 a distance of 283.88 feet; thence South 0° 32' 24" East 124.57 feet; thence South 89° 27' 36" West 13.88 feet; thence South 0° 32' 24" East 752.00 feet; thence South 89° 27' 36" West 27.00 feet; thence South 0° 32' 24" East 253.40 feet; thence North 89° 27' 36" East 27.00 feet; thence South 0° 32' 24" East 497.00 feet; thence South 89° 27' 36" West 26.00 feet; thence South 0° 32' 24" East 121.81 feet; thence South 89° 34' 28" West 244.00 feet to the point of beginning.

Containing 10.649 Acres

SECTION 3. ZONING MAP. Section 25-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Sanchez  
Department of Planning and Community Development

**Ordinance 1614 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1614-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger,

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 1, 1977

AN ORDINANCE AMENDING SECTION MAP 17-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(RULE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section  
17-3-9 of the Zoning Map was filed by Rule Development  
on February 16, 1977, to reclassify from Low Density Residential  
Zone, R-1, to Medium Density  
Residential Zone, R-2, the hereinafter described  
property, and

WHEREAS, after public hearing held on March 15, 1977,  
it was found and determined by the Planning Commission that rezoning of the  
property as requested is required by public necessity, convenience and general  
welfare, and

WHEREAS, by Resolution No. 77-54, adopted on March 15,  
1977, the Planning Commission recommended to the Council that the applica-  
tion of Rule Development  
to amend Section 17-3-9 of the  
Zoning Map to reclassify the hereinafter described property from Low Density  
Residential Zone, R-1, to Medium  
Density Residential Zone, R-2, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain  
as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on  
April 25, 1977, in the City Council Chambers, City Hall, 801  
11th Street, Modesto, California, this Council finds and determines that the  
requested rezoning is in accordance with the general plan and will serve the  
public health, safety and general welfare and provide the economic and social  
advantages resulting from orderly, planned use of land resource for the  
following reasons:

1. The subject property is bounded on three sides by religious  
and parochial school facilities, a two-story apartment  
complex, and is bounded on the fourth side by the  
Briggsmore Expressway.

2. The subject property was previously zoned P-D(28) to allow a four-story, 105-unit elderly housing complex, considerably more than the maximum 43 units that would be permitted under R-2 zoning.
3. The subject property does not lend itself to efficient single-family subdivision and development.

**SECTION 2. ZONING CHANGE.** Section 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential zone, R-1, to Medium Density Residential zone, R-2:

All that portion of Lot 7 of the Fresno Tract, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on March 14, 1903, in Volume 1 of Maps, page 76, described as follows:

COMMENCING at the Southeast corner of said Lot 7 and running thence North 0° 48' West, 551.10 feet to a point, which is south 0° 48' East, 537.18 feet from the Northeast corner of said Lot 7; thence North 88° 48' West, 326 feet to the true point of beginning of the land herein described; thence continuing North 88° 48' West, 334 feet, more or less, to the West line of said Lot 7; thence North 0° 48' West, 516.94 feet and along the West line of said Lot 7; to the Northwest corner thereof and the centerline of Modesto Irrigation District Lateral No. 3; thence North 89° 27' East, along North line of said Lot and centerline of Modesto Irrigation District Lateral No. 3, 333.84 feet; thence South 0° 48' East, 527.04 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 17-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael C. Herrero  
Department of Planning and Community  
Development

**Ordinance 1615 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1615-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 1, 1977

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT  
ERICKSON)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 18-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Neighborhood Commercial Zone, C-1,  
to Planned-Development Zone, P-D (159):

Parcels A and B as shown and designated on that certain  
Parcel Map filed February 11, 1975, in Volume 20 of Parcel  
Maps, at page 82, being a portion of the southwest quarter  
of Section 18, Township 3 South, Range 9 East, Mount Diablo  
Base and Meridian.

SECTION 2. USES. The following uses shall be permitted in said P-D (159) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A recreation complex including the following:
  - a. Roller skating rink
  - b. Miniature golf course
  - c. Trampoline center
  - d. Family amusement machine center
2. An off-street parking area

SECTION 3. ZONING MAP. Section Map 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1977, by Councilmember Mensingher, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Urban Nichols  
Department of Planning and  
Community Development

**Ordinance 1616 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1616-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 1, 1977

AN ORDINANCE AMENDING SECTION 6-1.101 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI AND SECTION 6-1.223 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 6-1.101 of Article 1 of Chapter 1 of Title VI and Section 6-1.223 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.101. DEFINITIONS. For the purpose of this chapter, the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

(a) Commission Broker. One who, for a commission or fee, handles the buying and/or selling of commodities, or an agent or an agency for marketing manufactured goods or other commodities, but who does not take ownership of commodities sold.

(b) Business. All professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

(c) Business District. Any area zoned for business purposes by the zoning regulations of the City.

(d) Director. The Director of Finance, or his duly authorized deputies or assistants who may be charged with the collection of license taxes and the issuance of licenses.

(e) Fixed Place of Business. A place of business in the City of Modesto occupied for the particular purpose of conducting the business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business.

(f) Gross Receipts. The total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service, or employment for whatever nature it may be, for which a charge is made or credit allowed. Included in gross receipts shall be all receipts, cash, credits and property of any kind or nature and any amount for which credit is allowable by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or payable, or losses or other expenses whatever.

The following shall be excluded from gross receipts:

- (1) Cash discounts allowed and taken on sales;
- (2) Value of property accepted as part of the purchase price;
- (3) Any taxes collected which are separately stated and collected for and paid to a governmental agency;
- (4) Such part of the sale price of property returned by the purchaser upon rescision of the contract of sale as is refunded either in cash or by credit;
- (5) Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;
- (6) Collection for others where the business is acting as an agent or trustee to the extent that payments are made to those for whom collected;

(7) Sales of real estate by an agent or sales of commodities by a commission broker, except that portion of the sale which represents commissions or other income to the agent;

(8) That portion of the receipts of a general contractor which represents payments to subcontractors, providing such subcontractors are licensed under Article 2 of this chapter and further provided that the general contractor furnishes the Director with the names and addresses of the subcontractors and the amounts paid each subcontractor; and

(9) The amount of gross receipts which has been subject to a license tax paid to any other city.

(g) Itinerant Vendor. Any person who shall travel from town to town, house to house, apartment to apartment, office to office, place to place, person to person, or any combination thereof for the purpose of selling, offering for sale, or soliciting orders for, goods, wares, or merchandise at retail, but shall not include selling and delivering, or offering to sell and deliver, items of food and drink for human consumption by a vendor to regular customers along established routes in accordance with invitations previously made to such vendor to make regular calls at specific intervals at such premises for said purpose.

An itinerant vendor shall include but not be limited to a hawker, peddler, street vendor, sidewalk vendor, flower vendor, arts or crafts vendor, or a vendor from a truck or vehicle. An itinerant vendor shall not include any authorized agent or representative of a person having a fixed place of business in the City of Modesto, nor shall it include a charitable institution which sponsors an occasional bazaar, festival, or rummage sale at which the goods, wares or merchandise have been purchased by, prepared by, or donated to the charitable institution and at which no other person makes a profit.

(h) Manufacturing. One who engages in the business of manufacturing, fabricating or processing any materials, raw or partly wrought, into goods, wares or merchandise, or assembling or packaging any manufactured or processed material, whether such manufactured or processed goods are sold or distributed to wholesalers, brokers, or other channels for the purpose of resale.

(i) Person. All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or commonlaw trusts, societies, and individuals transacting and carrying on any business in the City of Modesto, other than as an employee.

(j) Processor. One who engages in business of converting an article, substance or commodity into marketable form for the purpose of resale by changing its physical or chemical composition.

(k) Public Utility. Any person furnishing the public with communication, water, light, heat, power or other public utility or service subject to regulation by the Public Utilities Commission of the State of California.

(l) Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway.

(m) Wholesaler. One who engages in the business of selling or soliciting the sale of goods, wares, merchandise, or services for the purpose of resale and not to consumers or users thereof.

SEC. 6-1.223. ITINERANT VENDORS. Any person who does not maintain a fixed place of business in the City, who is not otherwise specifically licensed under other sections of this chapter, and who is conducting, carrying on, or managing the business of an itinerant vendor, shall pay a business license tax in the sum of Five and no/100ths (\$5.00) Dollars per day or Fifty and no/100ths (\$50.00) Dollars per month except as provided hereafter.

person, group of persons, business, corporation, shopping center, or charitable institution which sponsors a bazaar, sale, fair, trade show, swap meet, or similar occasional event in which any person conducts, carries on or maintains the business of an itinerant vendor may purchase a single license in advance for all itinerant vendors participating in any such event at the following scheduled rates:

<u>Number of Itinerant Vendors</u>	<u>Daily Group Rate</u>
1 to 10	No group rate (\$5.00 each)
11 to 15	\$ 50.00
16 to 20	\$ 75.00
21 to 30	\$100.00
31 to 40	\$125.00
41 to 50	\$150.00
51 to 60	\$175.00
61 to 70	\$200.00
71 to 80	\$225.00
81 to 90	\$250.00
91 to 100	\$275.00
100 and above	\$300.00

SECTION 2. DECLARATION OF EMERGENCY MEASURE. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health, and safety for the following reasons. The purpose of this ordinance is to promote the types of events set forth in the City of Modesto, to alleviate the time consuming responsibility imposed upon the Finance Department in obtaining licenses from individual vendors at such events and to provide an expeditious and equitable method for the sponsoring organization to provide licenses for the vendors who have been invited. The Modesto Junior College has scheduled an arts and crafts "Renaissance Festival" for June 4 and 5, 1977, at which event 75 to 100 vendors are anticipated. It is necessary and urgent that this ordinance be effective prior to that date.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1977, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Siefkin, Mayor Davies

NOES: Councilmembers: None

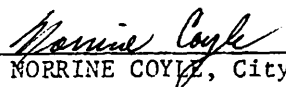
ABSENT: Councilmembers: None

APPROVED:



LEE H. DAVIES, Mayor

ATTEST:

By   
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION 6-1.101 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI AND SECTION 6-1.223 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 6-1.101 of Article 1 of Chapter 1 of Title VI and Section 6-1.223 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.101. DEFINITIONS. For the purpose of this chapter, the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

(a) Commission Broker. One who, for a commission or fee, handles the buying and/or selling of commodities, or an agent or an agency for marketing manufactured goods or other commodities, but who does not take ownership of commodities sold.

(b) Business. All professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

(c) Business District. Any area zoned for business purposes by the zoning regulations of the City.

(d) Director. The Director of Finance, or his duly authorized deputies or assistants who may be charged with the collection of license taxes and the issuance of licenses.

(e) Fixed Place of Business. A place of business in the City of Modesto occupied for the particular purpose of conducting the business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business.

(f) Gross Receipts. The total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service, or employment for whatever nature it may be, for which a charge is made or credit allowed. Included in gross receipts shall be all receipts, cash, credits and property of any kind or nature and any amount for which credit is allowable by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or payable, or losses or other expenses whatever.

The following shall be excluded from gross receipts:

- (1) Cash discounts allowed and taken on sales;
- (2) Value of property accepted as part of the purchase price;
- (3) Any taxes collected which are separately stated and collected for and paid to a governmental agency;
- (4) Such part of the sale price of property returned by the purchaser upon rescision of the contract of sale as is refunded either in cash or by credit;
- (5) Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;
- (6) Collection for others where the business is acting as an agent or trustee to the extent that payments are made to those for whom collected;

(7) Sales of real estate by an agent or sales of commodities by a commission broker, except that portion of the sale which represents commissions or other income to the agent;

(8) That portion of the receipts of a general contractor which represents payments to subcontractors, providing such subcontractors are licensed under Article 2 of this chapter and further provided that the general contractor furnished the Director with the names and addresses of the subcontractors and the amounts paid each subcontractor; and

(9) The amount of gross receipts which has been subject to a license tax paid to any other city.

(g) Itinerant Vendor. Any person who shall travel from town to town, house to house, apartment to apartment, office to office, place to place, person to person, or any combination thereof for the purpose of selling, offering for sale, or soliciting orders for, goods, wares, or merchandise at retail, but shall not include selling and delivering, or offering to sell and deliver, items of food and drink for human consumption by a vendor to regular customers along established routes in accordance with invitations previously made to such vendor to make regular calls at specific intervals at such premises for said purpose.

An itinerant vendor shall include but not be limited to a hawker, peddler, street vendor, sidewalk vendor, flower vendor, arts or crafts vendor, or a vendor from a truck or vehicle. An itinerant vendor shall not include any authorized agent or representative of a person having a fixed place of business in the City of Modesto, nor shall it include a charitable institution which sponsors an occasional bazaar, festival, or rummage sale at which the goods, wares or merchandise have been purchased by, prepared by, or donated to the charitable institution and at which no other person makes a profit.

(h) Manufacturing. One who engages in the business of manufacturing, fabricating or processing any materials, raw or partly wrought, into goods, wares or merchandise, or assembling or packaging any manufactured or processed material, whether such manufactured or processed goods are sold or distributed to wholesalers, brokers, or other channels for the purpose of resale.

(i) Person. All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or commonlaw trusts, societies, and individuals transacting and carrying on any business in the City of Modesto, other than as an employee.

(j) Processor. One who engages in business of converting an article, substance or commodity into marketable form for the purpose of resale by changing its physical or chemical composition.

(k) Public Utility. Any person furnishing the public with communication, water, light, heat, power or other public utility or service subject to regulation by the Public Utilities Commission of the State of California.

(l) Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway.

(m) Wholesaler. One who engages in the business of selling or soliciting the sale of goods, wares, merchandise, or services for the purpose of resale and not to consumers or users thereof.

SEC. 6-1.223. ITINERANT VENDORS. Any person who does not maintain a fixed place of business in the City, who is not otherwise specifically licensed under other sections of this chapter, and who is conducting, carrying on, or managing the business of an itinerant vendor, shall pay a business license tax in the sum of Five and no/100ths (\$5.00) Dollars per day or Fifty and no/100ths (\$50.00) Dollars per month except as provided hereafter.

Any person, group of persons, business, corporation, shopping center, or charitable institution which sponsors a bazaar, sale, fair, trade show, swap meet, or similar occasional event in which any person conducts, carries on or maintains the business of an itinerant vendor may purchase a single license in advance for all itinerant vendors participating in any such event at the following scheduled rates:

<u>Number of Itinerant Vendors</u>	<u>Daily Group Rate</u>
1 to 10	No group rate (\$5.00 each)
11 to 15	\$ 50.00
16 to 20	\$ 75.00
21 to 30	\$100.00
31 to 40	\$125.00
41 to 50	\$150.00
51 to 60	\$175.00
61 to 70	\$200.00
71 to 80	\$225.00
81 to 90	\$250.00
91 to 100	\$275.00
100 and above	\$300.00

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1977, by Council-member Kullijian, who moved its introduction and passage to print, which

motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1618-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 22, 1977

AN ORDINANCE AMENDING SECTIONS 11-1.07 AND 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 11-1.07 and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.07. CHARGES FOR METERED WATER SERVICES:

(a) All water delivered through the meter shall be charged as follows for the period ending June 30, 1977:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For the next thirty-four thousand (34,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet. For all over one hundred thousand (100,000) cubic feet per bi-monthly period, eighty-five (85¢) cents per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

CUBIC FEET FOR MINIMUM RATE

Size of Meter	Bi-Monthly Rate	Cubic Feet
3/4"	\$ 5.20	3,355
1"	\$ 6.90	4,452
1 1/2"	\$ 8.65	5,581
2"	\$10.35	6,808
3"	\$13.80	9,462
4"	\$18.00	12,692
6"	\$27.60	20,077
8"	\$34.50	25,385
10"	\$41.50	30,769
12"	\$48.50	36,152

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above minimum meter rate based upon the size of the service or services off the city main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.

(b) All water delivered through the meter shall be charged as follows for the period commencing on July 1, 1977, and ending on December 31, 1977.

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For all over sixty-six thousand (66,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

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12"	\$48.50	36,152

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above minimum meter rate based upon the size of the service or services off the city main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.

(c) All water delivered through the meter shall be charged as follows for the period commencing on January 1, 1978, and ending on December 31, 1978:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For all over six thousand cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

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If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.

(d). All water delivered through the meter shall be charged as following commencing on January 1, 1979:

Ready to serve charge:

Size of Meter	Bi-Monthly Rate
3/4"	\$ 5.20
1"	\$ 6.90
1 1/2"	\$ 8.65
2"	\$10.35
3"	\$13.80
4"	\$18.00
6"	\$27.60
8"	\$34.50
10"	\$41.50
12"	\$48.50

Commodity charge:

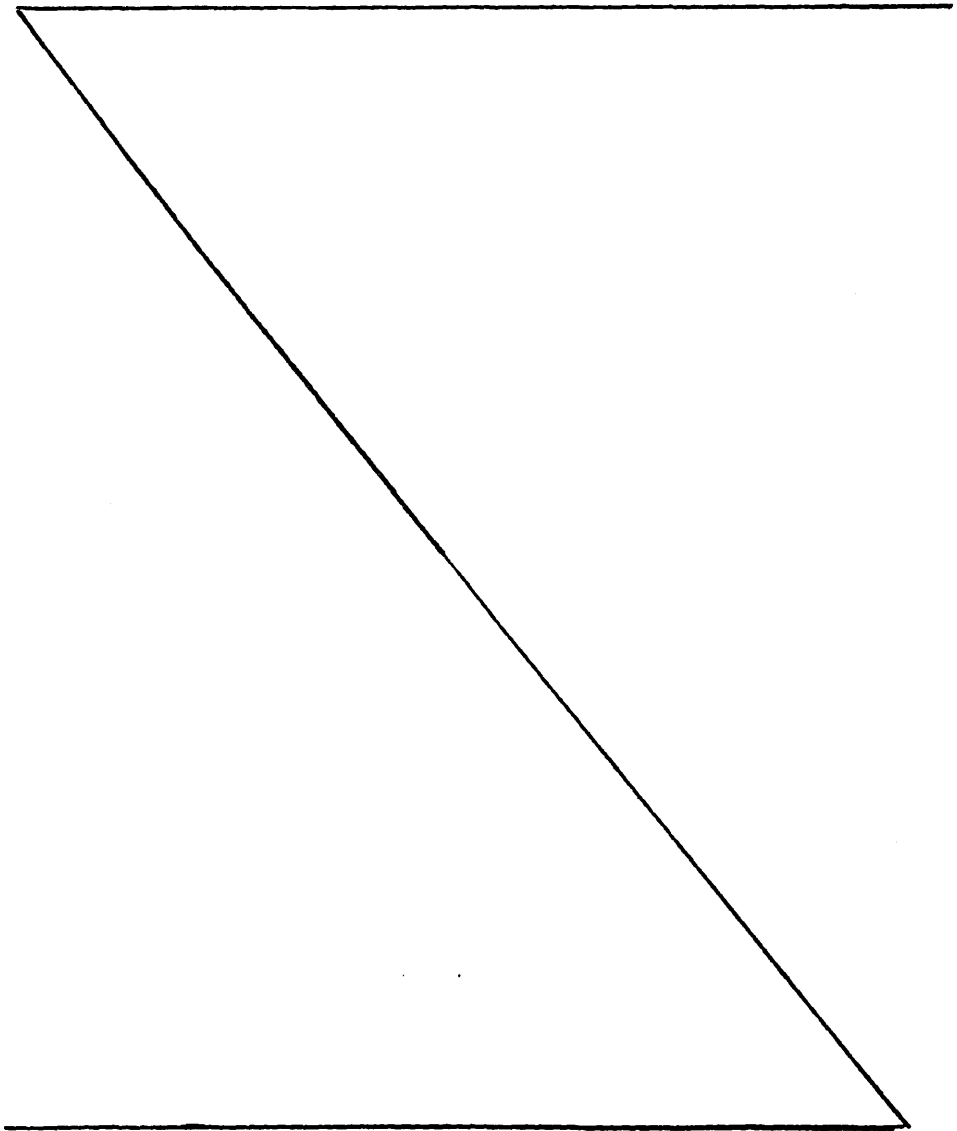
For the first three thousand three hundred fifty-five (3,355) cubic feet (ninety-four thousand nine hundred eighty (94,980) litres) per bi-monthly period the bi-monthly ready to serve charge shall apply for all meter sizes. For all over three thousand three hundred fifty-five (3,355) cubic feet (ninety-four thousand nine hundred eighty (94,980) litres) per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet (five and one-half (\$0.055) cents per one thousand (1,000) litres).

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above ready to serve charge based upon the size of the service or services off the city main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate ready to serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.



SEC. 11-1.14. RULES AND REGULATIONS. In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established:

(a) Consumers shall not waste water. The city shall have the right, after giving written notice of water waste, to take one or more of the following actions at the discretion of the Director of Public Works, if the waste continues:

(1) Install a water meter at the consumer's expense.

(2) Install a flow restrictive device at the consumer's expense in accordance with guidelines established by the Director of Public Works and on file in the office of the City Clerk and Director of Public Works.

(3) Install or require the installation of any other water conservation device required by resolution of the City Council.

(b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.

(c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Departments of Public Health. Such regulations prohibit (1) unprotected cross connections between a public supply and any unapproved source of water, and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced, or processed. The Director of Public Works shall determine the type, design and layout of backflow control devices required at each premises and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Director of Public Works as a condition of service to the premises.

(d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for water tightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for water tightness by the city at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the city. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

(e) Water bills for unmetered services shall be issued on a bi-monthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge of Two and no/100ths (\$2.00) Dollars shall be added to the regular service charges, and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be re-connected until the amount of the delinquent bill, including the delinquent charges of Two and no/100ths (\$2.00) Dollars and an additional Two and no/100ths (\$2.00) Dollar charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred.

(f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent and the same procedure and charges as for the unmetered service shall apply.

(g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant, except by permission from the Director of Public Works.

(h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.

(i) Access to service connections and water meters must be provided at all times.

(j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

(k) It shall be unlawful for any person to interfere with the city service lines, valves or meters or to construct a by-pass around a meter or service.

(l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

(m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.

(n) All sprinkler systems installed for the irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon a sidewalk. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray the water upon sidewalks or so as to prevent pedestrians from using the sidewalks at all times without being struck or wet by the spray from the sprinklers.

(o) Independent fire sprinkler systems and private fire hydrant systems shall have a check valve and bypass meter assembly furnished, installed and maintained by the city with the consumer to pay the cost of the check valve and bypass meter assembly and installation plus ten (10%) percent. The Director of Public Works may waive the check valve and bypass meter assembly requirement for a fire sprinkler system if the system is supervised by means of an alarm direct to the Communications Center.

(p) For the purpose of this chapter, waste is causing, suffering or permitting water:

(1) To run into any street, road or highway without taking reasonable steps to prevent the same from occurring.

(2) To run upon the land of any person or of any public agency unless it is used thereon for irrigation or domestic, commercial or industrial use.

(3) To be used for any purpose during hours or day when such use is prohibited by resolution of the City Council.

(4) To be used in plumbing fixtures and/or appliances without installation of water conservation devices required by resolution of the City Council.

(q) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety, and the following is a statement of reasons for its urgency:

(a) A drought in the San Joaquin Valley of California and in the adjacent watershed areas of the Sierra Nevada mountain range has created a shortage of surface water for agricultural irrigation and for hydroelectric power generation. Because of said shortage of surface water, there is an urgent need to conserve the underground water which is the source of water for Modesto's municipal water system and to conserve electrical energy which is used to pump said municipal water.

(b) The months of June through October are the months when the largest quantities of water and electrical energy are consumed because of the warm weather experienced during those months.

(c) It is necessary to amend the Municipal Code immediately so that rules and regulations requiring the conservation of water (which will also conserve electrical energy) can be effective June 1, 1977, and the water rates which provide for incremental reduction for large consumers of water can be revised effective July 1, 1977.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1977, by Councilmember Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 1620 -C. S.

AN ORDINANCE AMENDING SECTIONS 11-1.07 AND 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 11-1.07 and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.07. CHARGES FOR METERED WATER SERVICES:

(a) All water delivered through the meter shall be charged as follows for the period ending June 30, 1977:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For the next thirty-four thousand (34,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet. For all over one hundred thousand (100,000) cubic feet per bi-monthly period, eighty-five (85¢) cents per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

CUBIC FEET FOR MINIMUM RATE

Size of Meter	Bi-Monthly Rate	Cubic Feet
3/4"	\$ 5.20	3,355
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4"	\$18.00	12,692
6"	\$27.60	20,077
8"	\$34.50	25,385
10"	\$41.50	30,769
12"	\$48.50	36,152

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above minimum meter rate based upon the size of the service or services off the city main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.

(b) All water delivered through the meter shall be charged as follows for the period commencing on July 1, 1977, and ending on December 31, 1977.

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For all over sixty-six thousand (66,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

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(c) All water delivered through the meter shall be charged as follows for the period commencing on January 1, 1978, and ending on December 31, 1978:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For all over six thousand cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

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Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.

(d). All water delivered through the meter shall be charged as following commencing on January 1, 1979:

Ready to serve charge:

Size of Meter	Bi-Monthly Rate
3/4"	\$ 5.20
1"	\$ 6.90
1 1/2"	\$ 8.65
2"	\$10.35
3"	\$13.80
4"	\$18.00
6"	\$27.60
8"	\$34.50
10"	\$41.50
12"	\$48.50

Commodity charge:

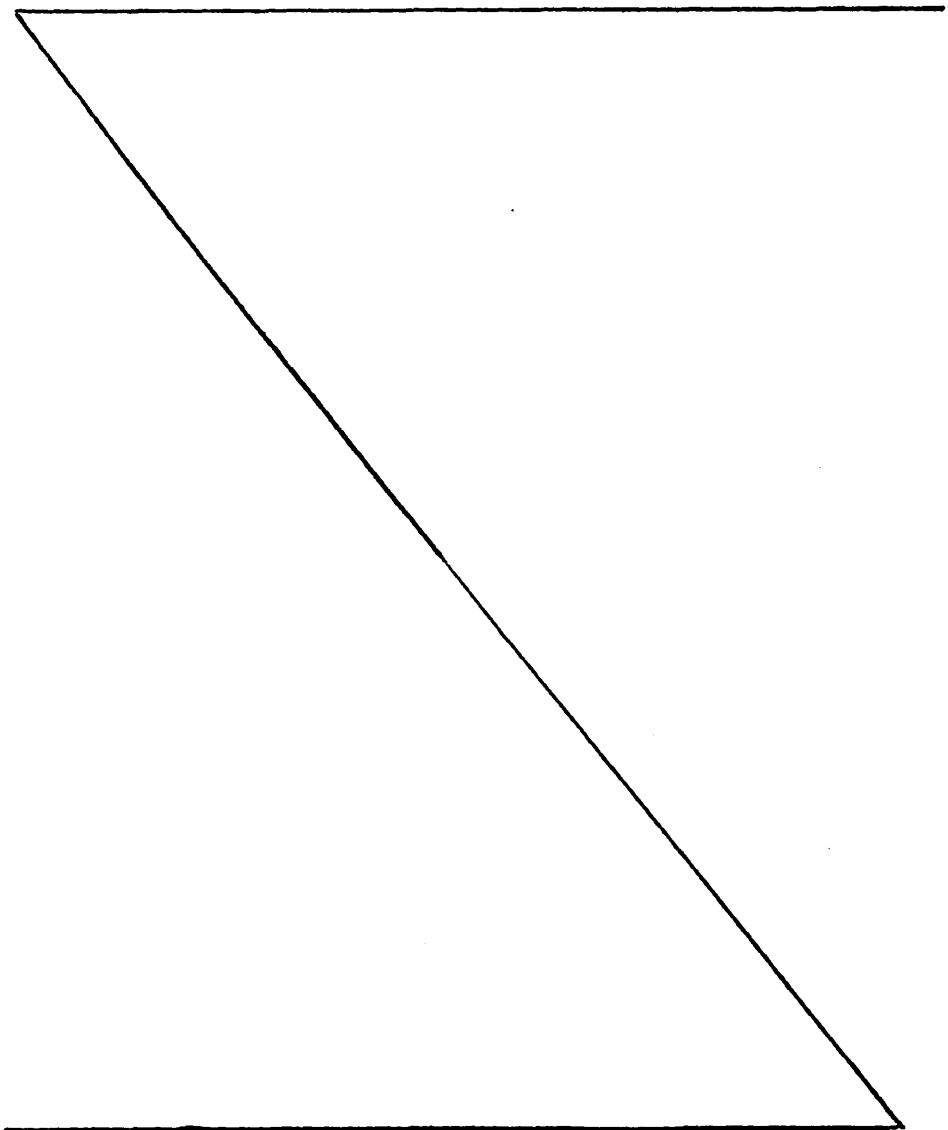
For the first three thousand three hundred fifty-five (3,355) cubic feet (ninety-four thousand nine hundred eighty (94,980) litres) per bi-monthly period the bi-monthly ready to serve charge shall apply for all meter sizes. For all over three thousand three hundred fifty-five (3,355) cubic feet (ninety-four thousand nine hundred eighty (94,980) litres) per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet (five and one-half (\$0.055) cents per one thousand (1,000) litres).

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Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without consent of the Director of Finance.



SEC. 11-1.14. RULES AND REGULATIONS. In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established:

(a) Consumers shall not waste water. The city shall have the right, after giving written notice of water waste, to take one or more of the following actions at the discretion of the Director of Public Works, if the waste continues:

(1) Install a water meter at the consumer's expense.

(2) Install a flow restrictive device at the consumer's expense in accordance with guidelines established by the Director of Public Works and on file in the office of the City Clerk and Director of Public Works.

(3) Install or require the installation of any other water conservation device required by resolution of the City Council.

(b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.

(c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Departments of Public Health. Such regulations prohibit (1) unprotected cross connections between a public supply and any unapproved source of water, and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced, or processed. The Director of Public Works shall determine the type, design and layout of backflow control devices required at each premises and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Director of Public Works as a condition of service to the premises.

(d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for water tightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for water tightness by the city at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the city. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

(e) Water bills for unmetered services shall be issued on a bi-monthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge of Two and no/100ths (\$2.00) Dollars shall be added to the regular service charges, and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges of Two and no/100ths (\$2.00) Dollars and an additional Two and no/100ths (\$2.00) Dollar charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred.

(f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent and the same procedure and charges as for the unmetered service shall apply.

(g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant, except by permission from the Director of Public Works.

(h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.

(i) Access to service connections and water meters must be provided at all times.

(j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

(k) It shall be unlawful for any person to interfere with the city service lines, valves or meters or to construct a by-pass around a meter or service.

(l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

(m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.

(n) All sprinkler systems installed for the irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon a sidewalk. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray the water upon sidewalks or so as to prevent pedestrians from using the sidewalks at all times without being struck or wet by the spray from the sprinklers.

(o) Independent fire sprinkler systems and private fire hydrant systems shall have a check valve and bypass meter assembly furnished, installed and maintained by the city with the consumer to pay the cost of the check valve and bypass meter assembly and installation plus ten (10%) percent. The Director of Public Works may waive the check valve and bypass meter assembly requirement for a fire sprinkler system if the system is supervised by means of an alarm direct to the Communications Center.

(p) For the purpose of this chapter, waste is causing, suffering or permitting water:

(1) To run into any street, road or highway without taking reasonable steps to prevent the same from occurring.

(2) To run upon the land of any person or of any public agency unless it is used thereon for irrigation or domestic, commercial or industrial use.

(3) To be used for any purpose during hours or day when such use is prohibited by resolution of the City Council.

(4) To be used in plumbing fixtures and/or appliances without installation of water conservation devices required by resolution of the City Council.

(q) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1620-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of June, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

EFFECTIVE DATE: July 6, 1977

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LAND RESOURCES DEVELOPMENT CORPORATION - TULLY AT BRIGGSMORE).

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Professional Office Zone, P-O, to Planned-Development Zone, P-D(162):

PARCEL B as shown on that certain parcel map filed December 27, 1976, in Book 24 of Parcel Maps, at Page 24; being a portion of the southeast 1/4 of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

INCLUDING also the westerly 45 feet of Tully Road adjacent to the east line of the above described property and also that portion of Briggsmore Avenue and Modesto Irrigation District Lateral No. 3 that is zoned P-O and immediately adjacent to the south line of the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(162) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

Professional offices as permitted in the P-O Zone.

An off-street parking area.

SECTION 3. ZONING MAP. Section Map 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensingher

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Shields  
Department of Planning and  
Community Development

**Ordinance 1621 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1621-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of June, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

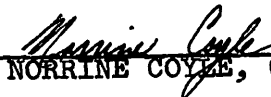
NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger,

APPROVED

  
\_\_\_\_\_  
LEE H. DAVIES, Mayor

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 13, 1977

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ordinance 1622 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1622-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of June, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 27, 1977

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 78, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 19 77 - 78 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. That the "City of Modesto Preliminary Budget 1977 - 78", presented by the City Manager to the City Council at its meeting held May 2, 19 77, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 19 78, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserves for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: salaries, operating expenses and capital outlay; and to transfer between departmental capital budgets budgeted within the same capital fund; and to transfer and expend funds from the Contingency Reserve of the General Fund for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1977, by Council member Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmember: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmember: None

ABSENT: Councilmember: Siefkin

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION 10-2.1806 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO IN LIEU PARKING PAYMENTS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.1806 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1806. IN LIEU PARKING PAYMENTS. This section applies only to property in the area bounded by the centerlines of the following streets: Needham Avenue, Downey Avenue, Burney Street, D Street, Ninth Street and O Street.

(a) All or a portion of the requirement for furnishing parking spaces as set forth in this article may be satisfied by one of the following:

(1) A one time payment to the City, prior to the issuance of a building permit of an in lieu parking payment of One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars per parking space.

Said funds shall be held by the City of Modesto in a special fund and shall be used exclusively for the purpose of acquiring and developing off-street parking facilities located in said area.

(2) Quarterly in advance payments to the City of in lieu parking payments based on the cost of operating and maintaining off-street parking in said area, as from time to time established by resolution of the City Council. Said funds shall be used for operating and maintaining off-street parking facilities located in said area.

(b) An in lieu parking payment made pursuant to subsection (a) (1) above may be refunded by the City, without interest, to the person who made such payment, or his assignee or designee, if, prior to the date said funds are spent or committed by the City to acquisition or development of off-street parking facilities a written demand for refund is made and additional off-street parking spaces are provided for such building, other than by the City, so as to satisfy the parking requirement for which the in lieu parking payment was made or the use for which the parking is required is discontinued.

(c) Quarterly in lieu parking payments made pursuant to subsection (a) (2) above may be terminated upon request in writing at such time as the property owner has satisfied the parking requirement for which such payment was made, or the use for which the parking is required is discontinued.

(d) If subsequent to the payment of in lieu parking payments a parking district is formed:

(1) Those having made in lieu parking payments under subsection (a) (1) above may receive all or partial credit for having provided required parking spaces as determined at the time assessments are made for such a parking district.

(2) Those making, or having made, in lieu parking payments under subsection (a) (2) above shall not receive any credit for having provided required parking spaces in determining assessments for such a parking district. Thereafter such in lieu parking payments shall be terminated.

(3) In no case shall payment of in lieu parking payments under either subsections (a) (1) or (a) (2) above exempt a property from inclusion in a parking district.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Dunlap, Kullijian

ABSENT: Councilmembers: Siefkin

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1624-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of July, 1977, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Dunlap, Kullijian

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1977

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. ( EARL H. AND NOEL WARNER, JR.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Earl H. and Noel Warner, Jr.

on April 13, 1977, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on May 17, 1977, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 77-98, adopted on May 17, 1977, the Planning Commission recommended to the Council that the application of Earl H. and Noel Warner, Jr.

Earl H. and Noel Warner, Jr. to amend Section 21-3-9 of the Zoning Map to reclassify the hereinafter described property from

Low Density Residential Zone, R-1, to Professional Office Zone, P-0, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on July 5, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The property proposed for P-0 zoning fronts upon a four lane major street, is surrounded on three sides by a church and day school, and is across the street from Downey High School.
2. The proposed P-0 zoning allows compatible land uses with the surrounding institutional uses as well as the nearby residential, commercial, and other office development sites.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,  
to Professional Office Zone, P-0 :

ALL that portion of Section 21, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

Commencing at the point of intersection of the West Line of Coffee Road with the North Line of East Fairmont Avenue: Thence northerly along the West Line of Coffee Road 101.92 feet to the point of Beginning: Thence westerly 105.18 feet along a line that is parallel with the North Line of said East Fairmont Avenue: Thence northerly 98.95 feet along a line that is parallel with the West Line of Coffee Road: Thence easterly 105.18 feet along a line that is parallel with the North Line of East Fairmont Avenue to the point of intersection with the West Line of Coffee Road: Thence southerly 98.95 feet along said West Line of Coffee Road to the point of Beginning.

Including also the westerly 45 feet of Coffee Road immediately adjacent to the above described property.

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1977, by Councilmember Lang; who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Siefkin

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and Community Development

Ordinance 1625 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1625-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of July, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1977

AN ORDINANCE AMENDING SECTION MAP 9-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
( HAIG BERBERIAN )

WHEREAS, a verified application for an amendment to Section

9-3-9 of the Zoning Map was filed by Haig Berberian

on April 18, 1977, to reclassify from Low Density Residential  
Zone, R-1, to Professional Office  
Zone, P-0, the hereinafter described  
property, and

WHEREAS, after public hearing held on May 17, 1977,  
it was found and determined by the Planning Commission that rezoning of the  
property as requested is required by public necessity, convenience and general  
welfare, and

WHEREAS, by Resolution No. 77-99, adopted on May 17,  
1977, the Planning Commission recommended to the Council that the applica-  
tion of Haig Berberian

to amend Section 9-3-9 of the  
Zoning Map to reclassify the hereinafter described property from

Low Density Residential Zone, R-1, to

Professional Office Zone, P-0, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain  
as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on  
July 5, 1977, in the City Council Chambers, City Hall, 801  
11th Street, Modesto, California, this Council finds and determines that the  
requested rezoning is in accordance with the general plan and will serve the  
public health, safety and general welfare and provide the economic and social  
advantages resulting from orderly, planned use of land resource for the  
following reasons:

1. The subject property proposed for P-0 Zoning is located at the  
intersection of two 100-foot wide major streets, and is immediately  
across Coffee Road from a neighborhood shopping center and across  
Sylvan Avenue from an M.I.D. electrical substation.

2. The property proposed for P-0 Zoning possesses optimum locational criteria for P-0 zoning and would allow a good transition of land uses from the intersection to potential residential uses to the north and west.

**SECTION 2. ZONING CHANGE.** Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

ALL that certain real property situate in a portion of the Northeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the East quarter corner of said Section 9, said corner being the center line intersection of Coffee Road and Sylvan Avenue; thence North 89°20'50" West, along the East-West quarter section line of said Section 9 and the center line of Sylvan Avenue, a distance of 255.00 feet to the Southerly prolongation of the West line of Parcel 1, as filed in Volume 24, of Parcel Maps, at Page 7, Stanislaus County Records; thence North 0°39'10" East, along said Southerly prolongation of the West line of Parcel 1, and the West line of Parcel 1, a distance of 248.62 to the Northwest corner of Parcel 1; thence North 89°12' East, along the North line of said Parcel 1, a distance of 248.62 feet to a point on the East line of said Section 9 and the center line of Coffee Road; thence South 0°48' East, along said East line of Section 9 and the center line of Coffee Road, a distance of 255.00 feet to the point of beginning.

Containing: 1.455 Acres.

SECTION 3. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Siefkin

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Smith*  
Department of Planning and Community Development

**Ordinance 1626 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1626-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of July, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1977

AN ORDINANCE ADDING SECTIONS 4-4.508, 4-4.509, 4-4.510, 4-4.511, 4-4.512, 4-4.513, 4-4.514, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.519, 4-4.520, 4-4.521, 4-4.522, 4-4.523, 4-4.524, AND 4-4.525 TO ARTICLE 5 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-4.508, 4-4.509, 4-4.510, 4-4.511, 4-4.512, 4-4.513, 4-4.514, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.519, 4-4.520, 4-4.521, 4-4.522, 4-4.523, 4-4.524, and 4-4.525 are hereby added to Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.508. ENFORCEMENT OF CONDITION TO CONSTRUCT IMPROVEMENTS. Whenever improvements which are required to be constructed as a condition of approval of a parcel map have not been so constructed within the period of time allowed, the City shall have the authority to cause said improvements to be constructed according to the following procedure.

SEC. 4-4.509. NOTICE. The Director of Public Works shall give at least thirty (30) days notice in writing to the owner(s) of said parcel(s) to construct said improvements. Said notice shall set forth the location of the parcel, the improvements to be constructed, and the number of the resolution approving the parcel map and the volume and page at which the parcel map is recorded in the Stanislaus County Records. Said notice shall be deemed to have been delivered five (5) days after deposit in the United States mail.

SEC. 4-4.510. FAILURE TO COMMENCE WORK. Whenever the required construction is not commenced within thirty (30) days after delivery of notice or within any period of extension granted pursuant to this article, the City Council may authorize the Director of Public Works to have said improvements constructed.

SEC. 4-4.511. EXTENSION OF TIME TO PERFORM WORK. Upon receipt of an application from the person required to construct said improvements and an agreement by such person that he will comply with the requirements if allowed additional time, the Director of Public Works may, in his discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said improvements.

SEC. 4-4.512. INTERFERENCE WITH CONSTRUCTION PROHIBITED. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, engaged in the work of constructing said improvements pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.

SEC. 4-4.513. PROCEDURE. When any work is to be done pursuant to this article, the Director of Public Works shall cause the work to be accomplished by City personnel or by contract. Plans and specifications therefor may be prepared by the Director of Public Works, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.

**SEC. 4-4.514. COSTS.** Initially, the cost of such work shall be paid by the City. Such costs may be recovered by a special assessment against the property involved, or may be made a personal obligation of the property owner or both, whichever the City Council may determine appropriate.

**SEC. 4-4.515. ACCOUNT OF EXPENSE, FILING OF REPORT; CONTENTS.** The Director of Public Works shall keep an itemized account of the expense incurred by the City in the construction of any improvements done pursuant to the provisions of this article. Upon the completion of the work, the Director of Public Works shall prepare and file with the City Clerk a report specifying the work done, the itemized and total cost of the work, a description of the location and type of improvements, and the names and addresses of the persons entitled to notice.

**SEC. 4-4.516. REPORT TRANSMITTED TO COUNCIL, SET FOR HEARING.** Upon receipt of said report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report, and any protests or objections thereto. The City Clerk shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the Clerk. Such notice shall be given at least ten (10) days prior to the date set for hearing and shall specify the day, hour, and place when the Council will hear and pass upon the Director of Public Works' report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

**SEC. 4-4.517. PROTESTS AND OBJECTIONS, HOW MADE.** Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the report of the Director of Public Works. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received and shall present such protests or objections to the City Council at the time set for the hearing.

**SEC. 4-4.518. HEARING OF PROTESTS.** Upon the day and hour fixed for the hearing the City Council shall hear and pass upon the report of the Director of Public Works together with any such objections or protests. The Council may make such revision, correction or modification in the report or the charge as it may deem just; and when the Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge, and on all protests or objections, shall be final and conclusive.

**SEC. 4-4.519. PERSONAL OBLIGATION OR SPECIAL ASSESSMENT.**

(a) General. The City Council may thereupon order that said charge shall be made a personal obligation of the property owner and/or assess said charge against the property involved.

(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it may direct the Director of Finance and/or the City Attorney to collect the same on behalf of the City by use of all appropriate legal remedies.

(c) Special Assessment. If the City Council orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SEC. 4-4.520. CONTEST: The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein.

SEC. 4-4.521. AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST. The City Council, in its discretion, may determine that an assessment in the amount of Five Hundred and no/100ths (\$500.00) Dollars or more shall be payable in not to exceed five (5) equal annual installments. The Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by resolution.

SEC. 4-4.522. LIEN OF ASSESSMENT.

(a) Priority. Immediately upon its being placed on the assessment roll the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens except for state, county and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(b) Interest. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of seven (7%) percent per annum from and after said date.

SEC. 4-4.523. REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL. After confirmation of the report, certified copies of the assessment shall be given to the County Assessor and the County Tax Collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SEC. 4-4.524. COLLECTIONS OF ASSESSMENT: PENALTIES FOR FORECLOSURE. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such assessment.

If the City Council has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary municipal taxes.

SEC. 4-4.525. REPAYMENT OF COSTS. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Treasurer, who shall deposit it in the appropriate fund.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of July, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Siefkin

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1977

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (ALLEN  
GRANT INC.)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 8-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Low Density Residential Zone, R-1.  
to Planned-Development Zone, P-D (163) :

All that portion of the Northwest quarter of Section 8,  
Township 3 South, Range 9 East, Mount Diablo Base and  
Meridian, described as follows, to wit.

Beginning at a point on the East and West quarter section  
line in said Section 8, said point being West 65.00 feet from  
the interior quarter corner of Section 8; thence North 1° 45'  
West, 500.00 feet and along the Tidewater Southern Railway  
right-of-way; thence East 35.00 feet and along said right-of-  
way; thence North 1° 45' west 1291.22 feet and along said  
right-of-way to the southeast corner of Wessen Land; thence  
along said Wessen Land South 89° 50' West 325.00 feet;  
thence North 1° 45' West 150.00 feet; thence South 89° 50'  
West 385.92 feet; and the last mentioned line being parallel  
to the north line of Section 8; thence South 1° 45' East 1939.17  
feet, to the East and West quarter line of Section 8; thence  
East 672.96 feet to the point of beginning.

Including also the Southerly 20 feet of Standiford Avenue  
immediately adjacent to the South line of the above described  
property.

SECTION 2. USES. The following uses shall be permitted in said P-D (163) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 207-dwelling unit zero lot line small lot subdivision.
2. Off-street parking

SECTION 3. ZONING MAP. Section Map 8-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Lang  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By David Fitzsimons  
for ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Urban Prichard  
Department of Planning and  
Community Development

Ordinance 1628 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1628-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of July, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Siefkin

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1977

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE STANDIFORD-SNYDER ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Norman Winsor,

Lola Jean Winsor, Fritz Hutcheson, Betty Hutcheson, James D. Haub, and

Sheila Ann Sabean

on May 31, 19 77, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the

Standiford-Snyder Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 6th day of June, 19 77, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 25th day of July, 19 77, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on June 10, 19 77, and on June 17, 19 77; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 15, 19 77, and on June 22, 19 77, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 24, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 25th day of July, 19 77, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Standiford-Snyder Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1977, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By J. David Fitzsimons  
for EDWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Leo Campbell  
Public Works Department  
EAH

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, and the Northwest quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of STANDIFORD-CARVER NO. 1 ADDITION (320), as per description filed September 12, 1974, as Instrument 10197, Stanislaus County Records;

1. thence along the existing City Limits South  $0^{\circ} 42' 30''$  East, 1728.00 feet, to the center line of 40' Standiford Avenue;
2. thence along the center line of Standiford Avenue, North  $88^{\circ} 55' 20''$  West, 1317.89 feet, to the West line of Section 7;
3. thence along said West line of Section 7, North  $0^{\circ} 42' 30''$  West, 1005.28 feet, to the Southeastern corner of that property conveyed to Norman J. Winsor and Lola Jean Winsor as described in deed recorded in Volume 2825 of Official Records, Page 460, Stanislaus County Records;
4. thence along the Southern line of said Winsor property, South  $89^{\circ} 00' 00''$  West 530.64 feet.
5. thence along the Western line of said Winsor property, North  $0^{\circ} 42' 30''$  West, 1641.82 feet, to the North line of Section 12;
6. thence along the North line of Section 12, North  $89^{\circ} 00' 00''$  East, 530.64 feet, to the Northwest corner of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian;
7. thence along the North line of Section 7, South  $88^{\circ} 47' 00''$  East, 1397.70 feet;
8. thence South  $1^{\circ} 21' 30''$  West, 505.72 feet;
9. thence along a tangent curve concave to the Northwest, having a Radius of 571.67 feet, a Central Angle of  $24^{\circ} 49' 22''$ , and an Arc Length of 247.67 feet, to a point from which a radial line bears North  $63^{\circ} 49' 08''$  West;
10. thence along a non tangent line, South  $0^{\circ} 42' 30''$  East, 169.90 feet, to the point of beginning, containing 101.040 Acres, more or less.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of

Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour

CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between Colloge Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour

ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks	50 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973
BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
W. BRIGGSMORE AVENUE, (east and Westbound) between McHenry Avenue and Tully Road	40 miles per hour	August 16, 1975
W. BRIGGSMORE AVENUE, (east and westbound) between Tully Road and Prescott Road	45 miles per hour	August 16, 1975
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Standiford Avenue	35 miles per hour	July 26, 1973
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Briggs- more Avenue and Floyd Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Floyd Avenue and Rumble Road	35 miles per hour	October 19, 1974
COFFEE ROAD, between Rumble Road and Sylvan Avenue	45 miles per hour	November 8, 1974

COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
COLLEGE AVENUE, between W. Rumble Road and Bowen Avenue	35 miles per hour	May 27, 1976
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	June 4, 1976
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	30 miles per hour	May 1, 1974
EVERGREEN AVENUE, between W. Orangeburg Avenue and Carver Road	35 miles per hour	May 6, 1976
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	February 5, 1974
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974
FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
GRANGER AVENUE, between Tully Road and Sunrise Avenue	30 miles per hour	April 30, 1974
KEARNEY AVENUE, between Cold- well Avenue and Glenwood Drive	30 miles per hour	May 28, 1976
KELLER STREET, between Sylvan Avenue and Rumble Road (excluding County portion)	30 miles per hour	September 26, 1974
LA LOMA AVENUE, between Buena Vista and Yosemite Boule- vard	30 miles per hour	August 2, 1973
LINCOLN AVENUE, between Yose- mite Boulevard and 650' north of MID Lateral #2	35 miles per hour	August 7, 1975
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973

MT. VERNON AVENUE, between Prescott Road and College Avenue	30 miles per hour	May 1, 1974
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 1, 1974
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	May 27, 1976
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	April 30, 1974
E. ORANGEBURG AVENUE, between Oakdale Road and Peppertree Lane	35 miles per hour	July 24, 1975
E. ORANGEBURG AVENUE, between Coffee Road and Flowood Court	35 miles per hour	July 1, 1977
PRESCOTT ROAD, between Briggs- more Avenue and Rumble Road	35 miles per hour	October 9, 1974
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	May 28, 1976
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggs- more Avenue and Floyd Avenue	30 miles per hour	July 26, 1973
ROSEBURG AVENUE, between Carver Road and McHenry Avenue	30 miles per hour	April 30, 1974
E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	March 13, 1974
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	April 8, 1974
W. RUMBLE ROAD, between Sisk Road and Conant Avenue	35 miles per hour	March 31, 1977
W. RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 27, 1976
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 31, 1977
SCENIC DRIVE, between Oak- dale Road and Lakewood Avenue	45 miles per hour	May 27, 1977

SISK ROAD, between Briggsmore Avenue and 600' north of Brenner Way	50 miles per hour	July 1, 1977
SISK ROAD, between 600' north of Brenner Way and Standiford Avenue	40 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Dale Road and Veneman Avenue	50 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Veneman Avenue and Carver Road	40 miles per hour	June 30, 1977
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	September 26, 1974
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	June 3, 1976
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	30 miles per hour	March 19, 1974
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	July 9, 1975
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	March 8, 1974
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	March 31, 1977
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	May 16, 1973
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	May 21, 1973
VENEMAN AVENUE, between Dale Road and Standiford Avenue	45 miles per hour	June 11, 1976
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	April 12, 1974
WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits	30 miles per hour	February 4, 1974
9TH STREET, between L Street and P Street	35 miles per hour	June 23, 1977

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: **Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies**
- NOES: Councilmembers: **None**
- ABSENT: Councilmembers: **None**

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *J. David Fitzsimons*  
*for* ELWYN L. JOHNSON, City Attorney

Ord. No. 1630-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of August, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

*Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 31, 1977

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE SCENIC BEND ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Richard E. Fleming, Ray L. Nichols, Jack E. Goodwin, Joe A. Randy, Gloria L. Goodwin, May C. Randy and Elaine M. Fleming

on June 6, 19 77, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Scenic Bend Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 13th day of June, 19 77, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 1st day of August, 19 77, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on June 17, 19 77, and on June 24, 19 77; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 22, 19 77, and on June 29, 19 77, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 24, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 1st day of August, 19 77, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Scenic Bend Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 19 77, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn E. Johnson*  
ELWYN E. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Rose Campbell*  
Public Works Department  
7-8-77 *J. Christensen*

## SCENIC BEND ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23 and the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records, said point being on the center line of 50.00 foot Scenic Bend;

1. thence along the Eastern line of said ADDITION (285), North 00° 45' 00" West, 1073.56 feet, to a Southwestern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;
2. thence along a Southern line of said ADDITION (332), North 67° 29' 00" East, 225.80 feet;
3. thence along a Western line of said ADDITION (332), South 00° 45' 00" East, 467.30 feet, to a Southwestern corner of said ADDITION (332);
4. thence leaving the existing City Limits, South 00° 45' 00" East, 533.68 feet, to the Northern line of 50.00 foot Scenic Bend;
5. thence South 60° 20' 20" East, 25.00 feet, to the center line of said 50.00 foot Scenic Bend;
6. thence along the center line of said 50.00 foot Scenic Bend, South 29° 39' 40" West, 81.92 feet, to a point on the existing City Limits as established by a Western line of LINCOLN NO. 3 ADDITION (340), as per description filed February 4, 1976, as Instrument 35053, Stanislaus County Records;
7. thence continuing along said center line of 50.00 foot Scenic Bend and a Western line of said ADDITION (340), South 29° 39' 40" West, 37.95 feet;
8. thence along a Southern line of said ADDITION (340), South 53° 56' 04" East, 146.52 feet;
9. thence leaving the existing City Limits along the center line of Dry Creek, South 26° 18' 40" West, 50.50 feet;
10. thence continuing along the center line of Dry Creek, South 38° 54' 10" West, 208.85 feet;
11. thence South 63° 48' 10" West, 145.64 feet;
12. thence South 00° 45' 00" West, 38.55 feet, to the Southeastern corner of the property conveyed to Jack E. Goodwin, et ux, by deed recorded January 6, 1977, as Instrument 35756, Stanislaus County Records;
13. thence along the Southern line of said Goodwin property, South 54° 02' 09" West, 134.78 feet;
14. thence leaving the centerline of Dry Creek along the Western line of said Goodwin property, North 00° 45' 00" West, 435.73 feet, to a point on the Southern boundary of said ADDITION (285), said point also being on the center line of 50.00 foot Scenic Bend;
15. thence along said center line and Southern line of said ADDITION (285), South 88° 52' 45" East, 110.05 feet, to the point of beginning, containing 7.730 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 7-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO  
PREZONING CERTAIN PROPERTY LOCATED THEREON,  
(NORTHWEST CORNER OF CARVER ROAD AND SHELDON  
DRIVE - FANNY S. MORENO)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Fanny S. Moreno on May 17, 1977, to prezone to Medium Density, R-2, Zone, the hereinafter described property:

All that portion of Section 7, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

Parcel B as shown on that certain Parcel Map filed November 21, 1967, in Book 4 of Parcel Maps, Page 73, Stanislaus County Records.

INCLUDING also the westerly 50 feet of Carver Road immediately adjacent to the east line of said Parcel B, but excepting therefrom the northerly 11.64 feet of the easterly 20 feet of said portion of Carver Road,

and

WHEREAS, after a public hearing scheduled on June 21, 1977, and continued to and held on June 28, 1977, it was found and determined by the Planning Commission that pre zoning of the property as requested was not required by public necessity, convenience and general welfare for the following reasons:

1. The subject property is located in the interior of the Goldsworthy Neighborhood away from the perimeter of major streets of that neighborhood;
2. The proposed Medium Density, R-2, pre zoning does not conform to the locational criteria as contained in the zoning and development policy prototype of the Modesto Urban Area General Plan.
3. Approval of the requested Medium Density, R-2, zoning would proliferate strip R-2 zoning along Carver Road, a collector street, an outmoded zoning pattern no longer employed by the City of Modesto,

and

WHEREAS, by Resolution No. 77-114 adopted on June 28, 1977, the Planning Commission recommended that the application of Fanny Moreno to prezone to Medium Density Residential Zone, R-2, property located at the northwest corner of Carver Road and Sheldon Drive, described above, be denied, and

WHEREAS, Fanny S. Moreno filed an appeal with the City Clerk of the City of Modesto on June 30, 1977, to the decision of the Planning Commission denying her request for an amendment to Section 7-3-9 of the Zoning Map to prezone the above described property to Medium Density Residential Zone, R-2, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, at 4:05 o'clock p.m. on August 1, 1977, at which time evidence both oral and documentary was taken and introduced,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. This Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- (a) It will not encourage strip zoning because there is a church directly to the north.
- (b) Carver Road is a heavily traveled street that justifies higher density development.
- (c) There is a need for higher density zoning in the community.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to prezone the following described property to Medium Density Residential Zone, R-2:

All that portion of Section 7, Township 3 South, Range 9 East, of the Mount Diablo Base and Meridian described as follows:

Parcel B as shown on that certain Parcel Map filed November 21, 1967, in Book 4 of Parcel Maps, Page 73, Stanislaus County Records.

INCLUDING also the westerly 50 feet of Carver Road immediately adjacent to the east line of said Parcel B, but excepting therefrom the northerly 11.64 feet of the easterly 20 feet of said portion of Carver Road.

SECTION 3. ZONING MAP. Section 7-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1977, by Councilmember

Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Dunlap

APPROVED:   
LEE H. DAVIES, Mayor

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and Community  
Development

**Ordinance 1632 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1632-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of August, 1977, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies


NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: None

APPROVED

  
\_\_\_\_\_  
LEE H. DAVIES, Mayor

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 14, 1977



SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Professional Office Zone, P-0:

A portion of the East 27.68 acres of Lot 21 of COFFEE COLONY, as per Map filed January 13, 1906 in Vol. 2 of Maps, page 22, Stanislaus County Records, described as follows:

BEGINNING at a true Southeast corner of said Lot 21, running thence along the East line of Lot 21, North 0°50' West 245.94 feet to the Northeast corner of the land conveyed to Harry G. Russell and Hilda A. Russell, husband and wife, by Deed recorded August 7, 1945, Instrument No. 13899, as the point of beginning of the land herein described, thence North 89°27 1/4" West along the North line of said Russell land 506 feet to the Southeast corner of the land conveyed to Arthur D. Macomber and Rose M. Macomber, husband and wife, by Deed recorded September 12, 1946, Instrument No. 25641, thence along the East line of said Macomber land North 0°50' West 144 feet to the Northeast corner thereof, thence South 89°27 1/4' East 506 feet to the East line of said Lot 21, thence along said line South 0°50' East 144 feet to the point of beginning. Including also the westerly 25 feet of Coffee immediately adjacent to the East line of the above described property.

EXCEPTING THEREFROM the West 346 feet.

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1977, by Councilmember Lang; who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Casey  
Department of Planning and Community Development

**Ordinance 1633 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.


Ord. No. 1633-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of August, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 7, 1977

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE EL VISTA-ELLIS ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Charles E. Bakke,

Myrna E. Bakke, Susan J. Childress, David J. Childress, Roma Teel and

Sara Lee Teel

on May 31, 19 77, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the El Vista-Ellis Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 20th day of June, 19 77, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 8th day of August, 19 77, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on June 24, 19 77, and on July 1, 19 77; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 29, 19 77, and on July 6, 19 77, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 24, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 8th day of August, 1977, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the El Vista-Ellis Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 19 77, by Councilmember Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Rosa Campbell  
Public Works Department  
7-8-77 J. Christensen

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeaster corner of MORAN ADDITION (102), as per description filed December 24, 1959, as Instrument 43098, Stanislaus County Records;

1. thence along the existing City Limits on the Northern line of said ADDITION (102), North  $89^{\circ} 46' 30''$  West, 616.66 feet;
2. thence leaving the existing City Limits North  $0^{\circ} 13' 30''$  East, 14.00 feet;
3. thence North  $12^{\circ} 10' 00''$  East, 52.16 feet;
4. thence North  $00^{\circ} 36' 00''$  West, 83.20 feet;
5. thence North  $89^{\circ} 48' 00''$  West, 5.00 feet;
6. thence North  $00^{\circ} 36' 00''$  West, 181.50 feet, to a Southwestern corner of DRY CREEK ADDITION (197), as per description filed October 26, 1966, as Instrument 37059, Stanislaus County Records;
7. thence along a Southern boundary of said ADDITION (197), South  $89^{\circ} 48' 00''$  East, 609.92 feet;
8. thence along an Eastern line of said ADDITION (197), South  $00^{\circ} 36'$  East, 330.00 feet, to the point of beginning, containing 4.612 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE COFFEE-COOLIDGE ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Edith K. Dennis,  
John W. Baggett, Sr., Lyndell Baggett, James J. Malone, Grace H. Malone, Zula H.  
Jenkins, Roy Rampley, Helen Rampley, John G. Hanson and Marcella M. Hanson

on June 14, 19 77, to annex to the City of Modesto under the  
provisions of the Annexation of Uninhabited Territory Act of 1939, as amended,  
certain uninhabited territory, hereinafter described and designated as the  
Coffee-Coolidge Addition, situated in the County of  
Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 20th day of  
June, 19 77, set said petition for hearing at the hour of 7:35  
o'clock P.M. on the 8th day of August, 19 77, in the Council  
Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a  
copy of the resolution giving notice of the proposed annexation and fixing the  
time and place for hearing objections to the proposed annexation was published  
in newspapers of general circulation, to wit: The Modesto Bee, a newspaper  
published in the City of Modesto on June 24, 19 77, and on July 1,  
19 77; and in The Ceres Courier, a newspaper published outside  
the City of Modesto, but in the County of Stanislaus, on June 29, 19 77,  
and on July 6, 19 77, for the time and in the manner required by  
law, which publications were completed at least twenty (20) days prior to the  
date set for hearing; that written notice of the proposed annexation has been  
mailed by the City Clerk of the City of Modesto to each person to whom land  
within the territory proposed to be annexed was assessed on the last equalized  
assessment roll available on the date the proceedings were initiated, at the  
address as shown thereon, or as known to said Clerk, and to any person who  
has filed his name and address and the designation of the lands in which he  
has any interest, either legal or equitable, with said Clerk, which notices were  
mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 24, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 8th day of August, 19 77, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Coffee-Coolidge Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 19 77, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department  
EAM

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southern line and an Eastern line of MEMORIAL HOSPITAL NORTH ADDITION (261), as per description filed November 9, 1970, as Instrument 36348, Stanislaus County Records, said point being common with the corner of Sections 15, 16, 21 and 22;

1. thence along the North line of Section 22 and a Southern line of said ADDITION (261), North  $89^{\circ} 52' 00''$  East, 274.00 feet;
2. thence leaving the existing City Limits along the center line of 50.00 foot Water Street, South  $00^{\circ} 27' 00''$  East, 659.20 feet;
3. thence along the center line of 60.00 foot East Coolidge Avenue, South  $89^{\circ} 55' 00''$  West, 274.00 feet, to an Eastern line of ADDITION (261);
4. thence along the West line of Section 22 and an Eastern line of said ADDITION (261), North  $00^{\circ} 27' 00''$  West, 658.96 feet, to the point of beginning, containing 4.146 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF  
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL ZAGARIS, WOODLAND AVENUE)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 24-3-8 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (167) :

PARCEL A - Lots 12, 13, 14, 15, & 16, Block 5123

ALL that certain real property situate in a portion of Lot 16, of the Carmichael Colony, and a portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southwest corner of said Lot 16, of the Carmichael Colony, as filed in Volume 7 of MAPS, at Page 20, Stanislaus County Records, said corner also being the South quarter corner of said Section 24, and the intersection of the center line of Rosemore Avenue with the center line of Woodland Avenue; thence North  $1^{\circ}05'12''$  West, along the West line of said Lot 16, and the center line of Rosemore Avenue, a distance of 140.00 feet; thence North  $88^{\circ}36'41''$  East, parallel with and 140.00 feet Northerly measured at right angles from the South line of said Lot 16, a distance of 321.53 feet; thence North  $82^{\circ}19'26''$  East, 73.03 feet to a point on the West line of property conveyed to Wesley R. Brendler, by deed filed in Volume 1017 Official Records at Page 16, Stanislaus County Records; thence South  $1^{\circ}06'02''$  East, along said West line of Brendler property, a distance of 148.00 feet to a point on said South line of Lot 16, and said center line of Woodland Avenue; thence South  $88^{\circ}36'41''$  West, along said South line of Lot 16, and the said center line of Woodland Avenue, a distance of 394.11 feet to the point of beginning.

Containing 1.273 Acres.

PARCEL B

ALL that certain real property situate in a portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of Lot 16, Carmichael Colony, as filed in Volume 7 of MAPS, at Page 20, Stanislaus County Records, said corner being on the center line of Woodland Avenue; thence North  $1^{\circ}05'02''$  West, along the East line of said Lot 16, a distance of 148.00 feet; thence South  $85^{\circ}54'40''$  East, 83.79 feet; thence North  $88^{\circ}36'41''$  East, parallel with and 140.00 feet, measured at right angles, Northerly, from said center line of Woodland Avenue, a distance of 197.63 feet; thence South  $1^{\circ}06'52''$  East parallel with and 250.00 feet Westerly measured at right angles from the most westerly line of Parcel 1, as filed in Volume 4, of PARCEL MAPS, at Page 126, Stanislaus County Records, a distance of 25.19 feet; thence North  $88^{\circ}53'08''$  East, 130.00 feet; thence South  $1^{\circ}06'52''$  East, parallel with and 120.00 feet measured Westerly from said West line of Parcel 1, a distance of 114.00 feet to a point on said center line of Woodland Avenue; thence South  $88^{\circ}36'41''$  West, along said center line of Woodland Avenue, a distance of 411.11 feet to the point of beginning.

Containing 1.255 Acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (167) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. One duplex dwelling on each of 9 residential lots.
2. Off-street parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Elliott, Siefkin

ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Orinda  
Department of Planning and  
Community Development

**Ordinance 1636 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1636-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger,  
Mayor Davies

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Kullijian

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 6, 1977

AN ORDINANCE ADDING SECTION 4-4.106 TO ARTICLE 1 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION 4-4.601 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV AND SECTION 4-4.701 OF ARTICLE 7 OF CHAPTER 4 OF TITLE IV RELATING TO FEES FOR DEVELOPMENT APPLICATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-4.106 is hereby added to Article 1 of Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.106. FEES. Filing fees shall be paid for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by this chapter, except that public agencies shall be exempt from such fees. The City Council shall establish the filing fees by resolution adopted from time to time.

SECTION 2. AMENDMENT OF CODE. Section 4-4.601 of Article 6 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.601. FILING.

(a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final map within eighteen (18) months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a final map for a period or periods not exceeding two (2) years if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within eighteen (18) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative map shall be required.

(b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map. Subdivider shall also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

(c) Filing of Traverse Sheets. At the time of the filing of final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand (10,000).

(d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the

benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedication shown thereon.

SECTION 3. AMENDMENT OF CODE. Section 4-4.701 of Article 7 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.701. REVERSION TO ACREAGE. Subdivided property may be reverted to acreage pursuant to provisions of this article.

(a) Initiation of Proceedings by Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall contain the following information and such other information as required by the Secretary of the Planning Commission:

- (1) Evidence of title to the real property;
- (2) Evidence of the consent of all the owners of an interest in the property;
- (3) A tentative map or a final map in the form prescribed by Section 4-4.602 which delineates dedications which will not be vacated and dedications required as a condition to reversion.

(b) Initiation of Proceedings by City Council. The City Council at the request of any person or on its own motion may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the Secretary of the Planning Commission to obtain the necessary information to initiate and conduct proceedings.

(c) Proceedings. A public hearing shall be held before the City Council on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearings shall be given as provided in Section 66451.3 of the Government Code. The City Council may give such other notice that it deems necessary or advisable. Prior to City Council consideration of the reversion to acreage and the holding of a public hearing the City Council may refer the proposed reversion to acreage to the Planning Commission for a report and recommendation.

(d) Approval. The City Council may approve a reversion to acreage only if it finds and records in writing that:

(1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(2) Either:

(aa) All owners of an interest in the real property within the subdivision have consented to reversion; or

(ab) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(ac) No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

(e) Conditions. The City Council may require as conditions of reversion:

(1) That the owners dedicate or offer to dedicate streets or easements.

(2) The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities, if the same are necessary to accomplish any of the provisions of this chapter.

(f) Return of Original Deposits; Release of Securities. Except as provided in subsection (e) of this section, upon filing of the final map for reversion to acreage with the County Recorder, all original deposits shall be returned to the subdivider and all improvement securities shall be released by the City Council.

(g) Recording of Final Map. After the hearing before the City Council and approval of the reversion, the final map shall be delivered to the County Recorder. The reversion to acreage shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

(h) Parcel Map. The Planning Commission may approve a parcel map in accordance with the provisions of Article 5 of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any parcel map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the parcel map. The filing of the parcel map in the office of the County Recorder shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the parcel map shall also constitute a merger of the separate parcels into one parcel.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1977,

by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1637-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of August, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 14, 1977

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1502-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (P-D(139) MODESTO CITY HOSPITAL, INC., OCTOMEDENT, INC., AND ANTASON'S).

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1502-C. S.

Section 2 of Ordinance No. 1502-C. S. is hereby amended to read as follows:

" SECTION 2. USES. The following uses shall be permitted in said P-D(139) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2, 2708(b) of the Modesto Municipal Code:

- (a). Hospital.
- (b). Medical and dental offices and laboratories.
- (c). Pharmacy.
- (d). Off-street parking.
- (e). Two (2) freestanding signs. "

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1638-C.S.

FINAL ADOPTION CLAUSE

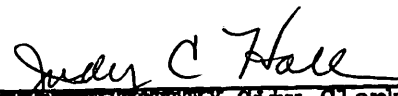
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of August, 19 77, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
~~XXXXXXXXXXXXXXXXXXXX~~ City Clerk  
JUDY C. HALL, Acting

EFFECTIVE DATE: September 21, 1977

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (DON COWDREY)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 29-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Neighborhood Commercial Zone, C-1,  
to Planned-Development Zone, P-D (165) :

All that portion of the northeast one quarter of Section 29,  
Township 3 South, Range 9 East, of the M.D.B. and M.,  
described as follows:

All of the southeasterly 6 feet of Lot 2 and all of Lots 3,  
4, and 5 in Block 86, in the City of Modesto.

Including also the southwesterly 40 feet of 12th Street  
immediately adjacent to the above described property.

Containing 11,421 square feet, or 0.262 net acre.

SECTION 2. USES. The following uses shall be permitted in said P-D (165) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Apartments
2. Offices
3. Off-street parking area

SECTION 3. ZONING MAP. Section Map 29-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Levy  
Department of Planning and  
Community Development

**Ordinance 1639 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1639-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Judy C. Hall*  
~~XXXXXXXXXXXX~~, City Clerk  
JUDY C. HALL, Acting

EFFECTIVE DATE: September 21, 1977



3. The requested R-2 zoning will provide for a varied housing type in the East McHenry Neighborhood as called for in the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2 :

All that certain real property situate in a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southwest corner of the Northeast quarter of the Northeast quarter of said Section 21, said corner being the intersection of the center lines of El Vecino Avenue and East Orangeburg Avenue; thence North 89° 40' 23" West along said centerline of East Orangeburg Avenue a distance of 324.55 feet; thence North 0° 42' 42" West along a line parallel with and 20.00 feet, measured at right angles, East from the Westerly line of a 14.00 foot wide alley as shown on the map of Geneva Heights, recorded in Volume 18 of Maps, Page 29, Stanislaus County Records, a distance of 282.03 feet; thence North 54° 55' 31" East 96.46 thence North 75° 21' 32" East 40.00 feet; thence North 89° 21' 30" East 241.92 feet; thence South 25° 25' 19" East 46.99 feet; thence South 0° 38' 30" East 310.00 feet to the aforementioned centerline of East Orangeburg Avenue; thence North 89° 40' 23" West along said centerline a distance of 55.15 feet to the point of beginning.

CONTAINING 2.97 Acres Gross

SECTION 3. ZONING MAP. Section 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Department of Planning and Community Development

**Ordinance 1640 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1640-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

Judy C. Hall  
~~NOBENNECKE~~, City Clerk  
JUDY C. HALL, Acting

EFFECTIVE DATE: September 21, 1977

AN ORDINANCE ADDING ARTICLE 10 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE TO PROVIDE FOR THE PAYMENT OF TAXES IN CONNECTION WITH CONSTRUCTION OF DWELLING UNITS, THE DEPOSIT OF SUCH TAXES IN A SCHOOL SITE AND FACILITIES TAX FUND, AND THE USE OF SUCH FUND FOR SCHOOL SITE ACQUISITION AND IMPROVEMENT AND BUILDINGS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 10 is hereby added to Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

ARTICLE 10. SCHOOL SITE AND FACILITIES  
TAX OF THE CITY OF MODESTO

SEC. 8-2.1001. TITLE. This tax shall be known as the "School Site and Facilities Tax of the City of Modesto".

SEC. 8-2.1002. PURPOSE. The Council of the City of Modesto hereby finds and declares:

(1) That the continued growth of the City of Modesto with its attendant increase in number of school age children, has created financial problems in the school districts in the City of Modesto in terms of capital outlays for school sites and building construction.

(2) That traditional capital revenue sources such as bonds and the State School Building Fund are not providing sufficient revenue to meet the capital expenditure needs of the school districts.

(3) That the needs of the school districts are critical and that provision for additional school sites and facilities is required for the public health, safety and welfare of the people of the City of Modesto.

(4) That it is the policy of the City of Modesto to locate a park site adjacent to school sites, and that the rapid subdivision and development of land poses the threat that suitable sites will no longer be available unless purchased in the near future.

(5) That the purpose of this tax is to provide an additional source of revenue for school site acquisition and improvement and buildings in the school districts so that complete neighborhood services can be provided in accordance with the neighborhood concept of the Modesto Urban Area General Plan.

(6) That the taxes required to be paid hereby are assessed pursuant to the taxing power of the City of Modesto and solely for the purpose of producing revenue.

SEC. 8-2.1003. DEFINITIONS. Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

(a) The term "person" includes every person, firm, or corporation constructing or installing a new dwelling unit or mobile home space, either directly or through the services of any employee, agent, or independent contractor.

(b) The term "dwelling unit" includes each single family dwelling and each unit of a multiple unit dwelling structure designed as a separate habitation for one or more occupants. The term "dwelling unit" also includes a new factory built housing installed in accordance with Section 19960 et seq. of the Health and Safety Code of the State of California.

(c) The term "mobile home space" includes each space in a mobile home park designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis.

(d) The term "School Districts" includes all elementary school districts and the Modesto High School District of Stanislaus County located in whole or in part within the City of Modesto.

(e) The term "square footage" includes the floor area of each dwelling unit, including all levels of the structure, which is within the surrounding exterior walls and beneath a roof, but does not include a "private garage" as defined in the Building Code of the City of Modesto. Square footage shall be determined by the Chief Building Official of the City of Modesto.

SEC. 8-2.1004. TAXES: APPLICATION. The taxes imposed by this article shall be applicable to every new dwelling unit or mobile home space constructed or installed in the City of Modesto.

SEC. 8-2.1005. TAXES: AMOUNT. Every person constructing or installing any new dwelling unit or mobile home space in the City of Modesto for which a School Site and Facility Tax is required to be paid by Section 8-2.1004 of this article, shall pay to the City the following taxes:

(a) The sum of Thirty-six (\$0.36) Cents per square foot of dwelling unit.

(b) The sum of Five Hundred and no/100ths (\$500.00) Dollars for each mobile home space.

SEC. 8-2.1006. TAXES: WHEN PAYABLE. The taxes imposed by Section 8-2.1005 of this article shall be due and payable upon issuance by the City of a building permit for the construction or installation of any dwelling unit or mobile home space; provided, however, that there shall be a refund of such taxes in the event the building permit is not used for such construction or installation.

SEC. 8-2.1007. SCHOOL SITE AND FACILITIES TAX FUND. There is hereby established a School Site and Facilities Tax Fund. All of the monies collected pursuant to this article shall be deposited in said School Site and Facilities Tax Fund.

SEC. 8-2.1008. APPLICABLE USES AND DISBURSEMENT OF FUNDS. (a) All of the monies collected pursuant to this article may be used for the following purposes:

(1) Purchase of land for elementary, junior high (senior elementary), and high schools within the school districts.

(2) Construction, purchasing or leasing of classroom buildings and site improvement for elementary and junior high (senior elementary) schools within the school districts.

(b) The Council shall by resolutions adopted from time to time set forth conditions to be required and the procedures to be used in determining disbursement of and accounting for monies from the School Site and Facilities Tax Fund. Monies may be expended only as authorized by the Council.

SEC. 8-2.1009. ADVANCEMENT OF MONIES. In the event the City of Modesto expends money after the effective date of this ordinance for the purpose of school site acquisition, improvement, and/or school building construction with monies not collected pursuant to this article, such monies shall be repaid to the city out of the School Site and Facilities Tax Fund. Such monies shall be repaid with interest as determined by the Council.

SEC. 8-2.1010. ADVISORY COMMITTEE. For the purpose of advising the Public Projects Committee and the Council and for making recommendations as to the criteria and priorities for applicable uses and disbursement of funds from the School Site Tax Fund pursuant to Section 8-2.1008 of this article, there is hereby created an advisory committee consisting of one elected official of each school district appointed by the school district. One Councilmember to be appointed by the Mayor with the concurrence of the Council shall be a non-voting member of the committee.

Upon request, the committee shall recommend to the Public Projects Committee criteria and priorities for applicable uses and disbursement of funds in the following fiscal year. The Public Projects Committee shall in turn recommend to the Council those projects which should be funded during the following fiscal year and any adjustments in the amount of tax specified in Section 8-2.1005. Adjustments in the amount of tax or disbursements may be necessary to compensate for inflation, changes in the dwelling unit mix affecting total square footage, additional sources of revenue available to the school districts, or reduced revenue needs.

SEC. 8-2.1011. AGREEMENT AND INDEMNITY. Each school district as a condition of receiving monies from the School Site and Facilities Tax Fund shall enter into an agreement with the City of Modesto including an indemnity provision in a form to be approved by the city.

SEC. 8-2.1012. LIMITED EFFECTIVE PERIOD. The provisions of this article shall terminate and no longer be in force and effect on or after September 28, 1982, unless this section is amended by ordinance of the Council of the City of Modesto.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this city hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.



Ord. No. 1641-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: Dunlap, Mayor Davies

ABSENT: Councilmembers: Kullijian

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 6, 1977

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1977-78 AND REPEALING ORDINANCE NO. 1548-C. S.

The Council of the City of Modesto does ordain as follows:

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1977, and ending June 30, 1978, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-01; 2-02; 2-03; 2-05; 2-06; 2-07; 2-08; 2-09; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-18; 2-19; 2-20; 2-21; 2-22; and 2-23.

For the General Fund	\$ 1.06
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For the Park Fund	<u>.04</u>
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The aggregate of said sums, to wit:	\$ 1.10
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SECTION 3. REPEALS. Ordinance No. 1548-C. S., adopted by the Council of the City of Modesto on the 30th day of August 1976, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1977, by Council-member Elliott, who moved its introduction and adoption, which motion being

duly seconded by Councilmember Kullijian , was upon roll call carried and ordered printed and published by the following vote:

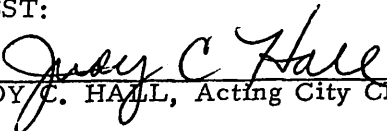
AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED:   
LEE H. DAVIES, Mayor

ATTEST:

By   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (T.M.I.  
CORPORATION)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 11-3-8 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D (166) :

All that portion of Section 11, Township 3 South, Range 8  
East, of the Mount Diablo Base and Meridian described as  
follows:

All of Parcel 2 of Maps filed July 3, 1974, in Volume 19,  
at page 56 in the Stanislaus County Records.

Contains: 19.76 net/gross acres.

**SECTION 2. USES.** The following uses shall be permitted in said P-D (166) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 158 room motel complex including a bar and restaurant.
2. A 60,000 square foot commercial building for uses permitted in the H-1 zone.
3. A 208 dwelling unit multiple family residential complex including tennis courts, swimming pools and recreation building.
4. Off-street parking for the above uses.

**SECTION 3. ZONING MAP.** Section Map 11-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

**SECTION 5. PUBLICATION.** This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and  
Community Development

**Ordinance 1643 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1643-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 19, 1977

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (DENNIS  
CUMMINS - SOUTH SIDE OF SYLVAN AVENUE, EAST  
OF MC HENRY)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 9-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Low Density Residential Zone, R-1, and Highway Frontage Zone, H-1,  
to Planned-Development Zone, P-D (164) :

R-1 to P-D

All that portion of the Northwest quarter of the Southwest quarter of  
Section 9, Township 3 South, Range 9 East, M. D. B. & M. described  
as follows:

Parcel No. 1

Beginning at a point 2 chains South 9° 53' East and South 89° 23'  
East, 6.35 chains from quarter corner common to Sections 8 and 9, in  
Township and Range aforesaid; thence South 0° 53' East, 3 chains;  
thence North 89° 23' West, 3.65 chains to center line of ditch, thence  
North 0° 53' West along center line of ditch 3 chains to the point of  
beginning. Excepting therefrom the westerly 5.9' thereof.

Parcel No. 2

Beginning at a point on the section line between Sections 8 and 9  
which point is 5 chains South 0° 53' East from the quarter corner  
common to Sections 8 and 9, in Township 3 South, Range 9 East, M.D.B.  
& M.; thence running South 89° 23' East, a distance of 10 chains to a  
point; thence running South 0° 53' East, a distance of 3 chains to a  
point; thence running North 89° 23' West, a distance of 10 chains to  
the point of intersection with the section line common to said Sections  
8 and 9; thence running North 0° 53' West, a distance of 3 chains to the  
point of beginning. Excepting therefrom the West 425 feet thereof.

Parcel No. 3

The east 61.50 feet of the following described property

Beginning at the quarter corner common to Sections 8 and 9, Township and  
Range aforesaid; thence running South 89° 23' East along the East and  
West quarter section line through said Section 9, a distance of 10  
chains to a point; thence running South 0° 53' East, a distance of 2  
chains to a point; thence running North 89° 23' West a distance of 10  
chains to the intersection with the section line between Sections 8  
and 9; thence North 0° 53' West along the Section line between Sections  
8 and 9, a distance of 2 chains to the point of beginning. Including also  
all that portion of Sylvan Avenue located between the north line of the  
above described property and the centerline of said Sylvan Avenue.

Parcel No. 4

The East 38.5 feet of the West 65 feet of the East 155 feet of the following:

Commencing at a point 553.5 feet East of the quarter corner common

to Sections 8 and 9 Township 3 South, Range 9 East, being the Northwest corner of the land described in the Deed to Annie A. Christian, recorded September 7, 1945 as Instrument No. 15765; thence South and along the West line of the land described in the Deed to said Christian, a distance of 132 feet to the Southwest corner of said Christian land; thence running North 89° 23' West and parallel with the North line of the Southwest quarter of said Section 9, a distance of 553.5 feet to the West line of said Section 9; thence running North along the West line of said Section 9, a distance of 132 feet to the quarter corner common to said Sections 8 and 9; thence East 553.5 feet to the point of commencement. Including also all that portion of Sylvan Avenue located between the north line of the above described property and the centerline of said Sylvan Avenue.

#### H-1 to P-D

All that portion of the Northwest quarter of the Southwest quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

#### Parcel No. 1

The westerly 5.9 feet of the following described property

Beginning at a point 2 chains South 9° 53" East and South 89° 23' East, 6.35 chains from quarter corner common to Sections 8 and 9, in Township and Range aforesaid; thence South 0° 53' East, 3 chains; thence North 89° 23' West, 3.65 chains to center line of ditch, thence North 0° 53' West along center line of ditch 3 chains to the point of beginning.

#### Parcel No. 2

The westerly 25 feet of the following described property

Beginning at a point on the section line between Sections 8 and 9, which point is 5 chains South 0° 53' East from the quarter corner common to Sections 8 and 9, in Township 3 South, Range 9 East, M. D. B. & M.; thence running South 89° 23' East, a distance of 10 chains to a point; thence running South 0° 53' East, a distance of 3 chains to a point; thence running North 89° 23' West, a distance of 10 chains to the point of intersection with the section line common to said Sections 8 and 9; thence running North 0° 53' West, a distance of 3 chains to the point of beginning. Excepting therefrom the West 400 feet thereof.

#### Parcel No. 3

The westerly 26.5 feet of the west 65 feet of the East 155 feet of the following:

Commencing at a point 553.5 feet East of the quarter corner common to Sections 8 and 9 Township 3 South, Range 9 East, being the Northwest corner of the land described in the Deed to Annie A. Christian, recorded September 7, 1945, as Instrument No. 15765; thence South and along the West line of the land described in the Deed to said Christian, a distance of 132 feet to the Southwest corner of said Christian land; thence running North 89° 23' West and parallel with the North line of the Southwest quarter of said Section 9, distance of 553.5 feet to the West line of said Section 9; thence running North along the West line of said Section 9, a distance of 132 feet to the quarter corner common to said Sections 8 and 9; thence East 553.5 feet to the point of commencement. Including also all that portion of Sylvan Avenue located between the north line of the above described property and the centerline of Sylvan Avenue.

SECTION 2. USES. The following uses shall be permitted in said P-D(164) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A racquetball and recreation club.
2. Off-street parking.

SECTION 3. ZONING MAP. Section Map 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Urban Prada  
Department of Planning and  
Community Development

**Ordinance 1644 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1644-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

EFFECTIVE DATE: October 19, 1977

AN ORDINANCE AMENDING SECTIONS 7-1.102, 7-1.103, 7-1.104, 7-1.106 AND 7-1.107 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 7-1.112 THEREOF, RELATING PUBLIC RIGHT-OF-WAY ENCROACHMENTS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 7-1.102, 7-1.103, 7-1.104, 7-1.106 and 7-1.107 of Article 1 of Chapter 1 of Title VII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 7-1.102. DEFINITIONS. (a) Curb Line. "Curb Line" is the line established by the curb face of a curb and gutter section. In those areas where curb and gutter does not exist, the City Engineer shall determine the location of the curb and gutter from which the curb line will be established.

(b) Driveway. "Driveway" is the area required for vehicular access to a property across the sidewalk-planting strip.

(c) Encroachment. An "encroachment" is any permanent or temporary structure of appurtenances thereto, fence, hedge, planter, shrub, sprinkler system, or any other thing, which intrudes into, upon, over, or under, or invades the sidewalk-planting strip.

(d) Planting Easement. "Planting easement" is that portion of land made available as a public easement for the purpose of planting and maintaining city street trees.

(e) Planting Strip. "Planting strip" is that portion of the sidewalk-planting strip not required for sidewalk, driveway or curb use.

(f) Sidewalk. "Sidewalk" is that portion of the sidewalk-planting strip established for pedestrian use. In those areas where a sidewalk does not exist, the City Engineer shall define the location of the sidewalk area.

(g) Sidewalk-Planting Strip. As used in this chapter "Sidewalk-planting strip" is that portion of the street between the property line and the curb line.

(h) Street. Street is a thoroughfare which has been dedicated to or acquired by the public and which affords the principal means of access to abutting property provided that utility and planting easements, walkways, and alleys shall not be considered as streets for the purpose of this chapter.

SEC. 7-1.103. GENERAL. (a) The following public facility encroachments shall be allowed within the sidewalk-planting strip: above or below ground telephone, gas, electrical and cable television distribution facilities, street lights, fire hydrants, fire alarms, street trees, or other facilities of general public benefit. No person shall plant a tree in the planting strip or in the planting easement except as provided in Chapter 5 of Title XII of this Code.

(b) The following encroachments or a combination thereof limited to a maximum of thirty-six (36") inches in height as measured from the top of the curb shall be allowed in residentially zoned areas without benefit of an encroachment permit within any planting strip not located between the sidewalk and the curb line:

- (1) Fences
- (2) Hedges
- (3) Planters
- (4) Shrubs and landscaping materials
- (5) Sprinkler systems
- (6) Retaining walls
- (7) Earth berms

(c) The following encroachments limited to a maximum of seventy-two (72") inches in height as measured from the top of the curb shall be allowed in residentially zoned areas without benefit of an encroachment permit within any planting strip not located between the sidewalk and the curb line and not located in the clear vision triangle, as defined in Section 10-2.1609 of this Code, provided that no portion of said encroachment shall overhang the sidewalk:

- (1) Mailboxes
- (2) Lamps and lampposts

(d) In residentially zoned areas where the planting strip is located between the sidewalk and the curb line no encroachments shall be allowed without a permit other than plant life no higher than eighteen (18") inches as measured from the top of the curb, underground sprinkler systems, and mailboxes, provided that no encroachment shall overhang the curb or sidewalk.

(e) Lawn only is allowed in the sidewalk area of the sidewalk-planting strip in those areas where a sidewalk has not been constructed.

(f) It shall be the property owner's responsibility to maintain the sidewalk-planting strip and any encroachments therein in a good state of repair at all times. The property owner shall hold the city harmless from all damages, costs, and charges of any kind or character arising out of, relating to, or in any way connected with the condition of the sidewalk-planting strip.

#### SEC. 7-1.104. ENCROACHMENTS IN SIDEWALK-PLANTING STRIP.

(a) It shall be unlawful for any person, firm, or corporation to place, erect or maintain, or to permit the placing, erection, maintenance, or existence of any encroachment, as hereinabove defined, upon, over, or under the sidewalk-planting strip, without an encroachment permit from the City of Modesto, granted as herein provided, unless such an encroachment is specifically allowed by Section 7-1.103 of this article.

(b) Any person, firm, or corporation desiring to place, erect, or maintain an encroachment in the sidewalk-planting strip which is not specifically allowed by Section 7-1.103 of this article, shall make application for an encroachment permit at the office of the Director of Public Works. The application shall be in writing on a form furnished by the city for that purpose and shall specify the information set forth in Section 7-1.106 of this article.

(c) The Director of Public Works may issue permits for encroachments in the sidewalk-planting strip in accordance with resolutions passed by the Council from time to time which establish conditions under which the permit may be issued. In each case the applicant shall agree in writing to the conditions of the permit. In the event that the Council has not established conditions for a particular type of encroachment the application shall be submitted to the Council for action.

(d) The Council may require removal of any encroachment or may revoke any encroachment permit at any time. The Director of Public Works shall give notice to remove or of revocation in the form and manner specified in subsection (h) of this section, to the person maintaining said encroachment.

(e) Any person, firm, or corporation, whose property encroaches in any manner upon, over, or under the sidewalk-planting strip, who is required to and has not obtained a permit for the placing, erection and/or maintenance of such encroachment, shall remove the same after written notice by the Director of Public Works.

(f) In case of an immediate hazard or danger, the Director of Public Works may cause such an encroachment to be summarily removed without notice.

(g) It shall be unlawful for a person, firm, or corporation to place, erect, or maintain or to permit the placing, erection, maintenance, or existence of an encroachment upon, over, or under the sidewalk-planting strip if an encroachment permit is required and has not been obtained, has expired, or has been revoked and the time specified in the notice from the Director of Public Works for removal of the same has expired.

(h) Notice of such removal shall be by registered or certified mail, addressed to the post office address of the owner or occupant of the premises where the encroachment exists, or by personal service of such notice upon the owner or occupant by a person authorized by the Director of Public Works to deliver such notice. The time required for removal of such encroachment shall be specified in the notice.

SEC. 7-1.106. APPLICATION FOR PERMIT. Any person desiring a permit for the construction, repair, or removal of any curb, gutter, sidewalk, or driveway, or an encroachment shall file with the Director of Public Works an application therefor in writing on a form furnished by the city for that purpose. Such forms shall specify the following:

- (a) The name and address of the applicant;
- (b) The location of the property at which the proposed construction, removal, repair, or encroachment is to be made or installed;
- (c) The name of the person who will perform the work;
- (d) The nature and dimensions of the proposed work; and
- (e) Such additional information as the Director of Public Works may require.

SEC. 7-1.107. DISPLAY OF PERMIT. All permits for the installation, construction, repair, or removal of curbs, gutters, sidewalks, driveways, or encroachments shall be readily available at the work site upon request.

SECTION 2. REPEALS: Section 7-1.112 of Article 1 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1645-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 19, 1977

ORDINANCE NO. 1646 -C.S.

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON, (WILBUR F. EARLEY - WEST SIDE OF COFFEE ROAD, SOUTHWEST OF THORSEN AVENUE)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Wilbur F. Earley on June 16, 1977, to prezone to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on July 19, 1977, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The subject property fronts on Coffee Road, a major street.
2. The proposed R-2 pre zoning complies with zoning and development policies previously adopted by the Planning Commission in addition to the zoning and development plan prototype of the Modesto Urban General Plan.
3. The proposed R-2 pre zoning would, upon annexation, allow medium density residential development offering a varied housing type for the Sherwood Neighborhood, as outlined in the General Plan,

and

WHEREAS, by Resolution No. 77-130, adopted on July 19, 1977, the Planning Commission recommended to the Council that the application of Wilbur F. Earley to amend Section 9-3-9 of the Zoning Map to prezone the hereinafter described property to Medium Density Residential Zone, R-2, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 12, 1977, this Council finds and determines that the requested pre zoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 77-130, and quoted above.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning

Map is hereby amended to prezone the following described property to Medium Density Residential Zone, R-2:

ALL that certain real property situate in a portion of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of said Section 9; thence North 0°50'30" West, along the East line of said Section 9, and the center line of Coffee Road, a distance of 815.00 feet to the Easterly prolongation of the South line of the land conveyed to WILBUR F. EARLEY, by Deed recorded in Volume 2211 of Official Records, at Page 118, Stanislaus County Records and the point of beginning of this description; thence continuing North 0° 50'30" West, along said East line of Section 9, a distance of 292.38 feet to the Easterly prolongation of the Northerly line of said Earley property; thence North 89°37' West, along said Easterly prolongation of the North line and the North line, a distance of 298.00 feet to a point on the East line of Sherwood Manor No. 3, as filed in Volume 21, of Maps, at Page 50, Stanislaus County Records; thence South 0°50'30" East, along said East line of Sherwood Manor No. 3, a distance of 292.38 feet to the Southwest corner of said Earley property; thence South 89°37' East, along the South line of said Earley property, a distance of 298.00 feet to the point of beginning.

Containing 2.00 acres.

SECTION 3. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Siefkin, Vice Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger  
~~XXXXXXXXXXXXXXXXXXXX~~  
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and  
Community Development

**Ordinance 1646 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1646-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final adjourned consideration at the/regular meeting of the Council of the City of Modesto held on the 29th day of September, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Judy C. Hall*  
~~NORRINE SCOTT, City Clerk~~  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 29, 1977



1. The subject property is located near the McHenry Village Community shopping center and professional office complexes and P-O zoning would allow development compatible with these existing establishments.
2. The proposed P-O zoning would provide a desirable land use transition separating the office-commercial-industrial uses on the west from the medium-high density residential area to the east.

**SECTION 2. ZONING CHANGE.** Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property  
 from Medium-High Density Residential Zone, R-3,  
 to Professional Office Zone, P-O:

ALL that portion of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

The West 132 feet of the North one-half of Lot 4 of Coolidge Colony as shown on the map filed in Volume 5 of Maps at Page 17.

Including also the East 140 feet of the West 150 feet of the south one-half of said Lot 4.

Contains: 1.94 acres gross.

SECTION 3. ZONING MAP. Section 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1977, by Councilmember Lang; who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Vice Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger  
~~XXXXXXXXXXXXXXXXXXXX~~  
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Melvin Smith  
Department of Planning and Community  
Development

**Ordinance 1647 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1647-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 19, 1977

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (KANSAS AVENUE-CARPENTER ROAD - PLANNING COMMISSION INITIATED)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was initiated by the Planning Commission on June 15, 1976, by Planning Commission Resolution No. 76-101 to prezone to Light Industrial Zone, M-1, the property located in the Kansas Avenue-Carpenter Road area, as shown on the map titled "Kansas-Carpenter Zoning Study Map, June 15, 1976," which map is on file in the office of the Director of Planning and Community Development, and

WHEREAS, after public hearing held on June 21, 1977, and continued to July 18, 1977, and August 2, 1977, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The subject area has an industrial designation on the Modesto Urban Area General Plan Map.
2. The M-1, Light Industrial Zone, is more appropriate for the area than the M-2, Heavy Industrial Zone, or the County M Zone equivalent which surrounds the subject area on three sides, since there are a considerable number of residences in the area.
3. The M-1 Zone is more appropriate for the area than a policy permitting P-D Zones for industrial uses since many of the properties in the area are smaller than the 1-acre minimum size required for P-D Zoning,
4. The residents in the area prefer the M-1 Zone to a policy permitting P-D Zones for industrial uses.

and

WHEREAS, by Resolution No. 77-140, adopted on August 2, 1977, the Planning Commission recommended to the Council that the Planning Commission initiated application to amend Section 30-3-9 of the Zoning Map to prezone property described on the map entitled "Kansas-Carpenter Zoning Study Map, June 15, 1976," to Light Industrial Zone, M-1, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 19, 1977, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons

set forth in Planning Commission Resolution No. 77-140 and quoted above.

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to prezone the property described on the map entitled "Kansas-Carpenter Zoning Study Map, June 15, 1976," to Light Industrial Zone, M-1.

SECTION 3. ZONING MAP. Section 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mayor Davies
- NOES: Councilmembers: Mensinger, Siefkin
- ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn I. Johnson  
ELWYN I. JOHNSON, City Attorney

**Ordinance 1648 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1648-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin,

ABSENT: Councilmembers: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Judy C. Hall*  
~~XXXXXXXXXXXXXXXXXXXX~~  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 2, 1977

ORDINANCE NO. 1649 -C. S.

AN ORDINANCE ADDING SECTION 4-2.09 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTOXICATING BEVERAGES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-2.09 is hereby added to Chapter 2 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-2.09. DRINKING ON PUBLIC STREET. No person shall drink any beer, wine or other intoxicating beverage on any public street, sidewalk, alley, playground, or walkway. Nor shall any person drink any intoxicating beverage on any private parking lot held open to the public or any public parking lot except those that directly abut a city park.

This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By Norrine C. Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney



AN ORDINANCE AMENDING SECTION MAPS 8-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES PRICE)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Sections 8-3-9 and 17-3-9 of the Zoning Map are hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(161):

ALL that certain real property situate in the Southeast quarter of Section 8, and the Northeast quarter of Section 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Northwest corner of Parcel 1, as shown on the map filed in Book 11 of Parcel Maps, at Page 1, Stanislaus County Records; thence South 0°52'20" East, along the West line of said Parcel 1, a distance of 561.78 feet to a point on the center line of Rumble Road, a 60.00 foot wide public road, said point also being on a curve; thence in a Westerly direction 50.51 feet along said curve being concave to the North from which a radial line bears North 12°40'08" West, thru a central angle of 2°13'35" having a radius of 1300.00 feet to a point to which a radial line bears South 10°26'33" East; thence South 10°26'33" East, along said radial line, a distance of 30.00 feet to the Northwest corner of Parcel 1A, as shown on the map filed in Book 14 of Parcel Maps, at Page 85, Stanislaus County Records; thence along the Westerly boundary of said Parcel 1A the following two courses; 1) South 10°10'21" West, 263.72 feet; 2) South 0°47'40" East, 631.26 feet to a point on the centerline of Leveland Lane; thence North 88°54'50" West, along said center line of Leveland Lane, a distance of 762.36 feet to an intersection with the center line of Sherwood Avenue; thence along the center line of Sherwood Avenue the following four courses; 1) North 1°05'10" East, 538.06 feet to a tangent curve; 2) thence in a Northeasterly direction 580.21 feet along said tangent curve being concave to the Southeast through a central angle of 36°56'15" having a radius of 900.00 feet to a point of reverse curve; 3) thence in a Northwesterly direction 611.05 feet along said reverse curve being concave to the Northwest through a central angle of 38°54'02" having a radius of 900.00 feet to a point of tangency, 4) thence North 0°52'37" West, 0.99 feet to an intersection with the Westerly prolongation of the South line of Northwood Manor, as shown on the map filed in Book 22 of Maps, at Page 59, Stanislaus County Records; thence South 88°59'10" East, along said Westerly prolongation of the South line of Northwood Manor and the South line of Northwood Manor, a distance of 441.24 feet; thence South 0°52'20" East, 159.00 feet to the point of beginning.

Containing 24.889 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(161) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 164 dwelling unit apartment complex with accompanying parking, recreational and open space areas.
2. A 100 dwelling unit condominium project with accompanying parking, recreational open space areas, and a recreational vehicle storage area.

SECTION 3. ZONING MAP. Section Maps 8-3-9 and 17-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 29th day of September, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: Judy C. Hall  
JUDY C. HALL,  
Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Tracy  
Department of Planning and  
Community Development

Ordinance 1650 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977