

ORDINANCE NO. 751-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 678-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D(17). (ZAMORA AND PRICE)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 678-C.S.

Section 2 of Ordinance No. 678-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(17) 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 of the Modesto Municipal Code:

(a) Fourteen (14) structures containing forty-four (44) dwelling units with a total of one hundred two (102) bedrooms, and off-street parking for sixty-six (66) automobiles.

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 Tribune, 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 November, 1965, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: [Signature] APPROVED: Peter W. Johansen
REX E. GAILFUS, City Clerk PETER W. JOHANSEN, Mayor

(SEAL)
APPROVED AS TO FORM: [Signature]
ELWYN L. JOHNSON, City Attorney

Ord. No. 751-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 November, 1965, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 8, 1965

AN ORDINANCE AMENDING SECTION 3-2.1401 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. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly city limits	35 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
COFFEE ROAD, Norwegian to Floyd	30 miles per hour
<u>COLLEGE AVENUE, between Durant and Rumble</u>	<u>25 miles per hour</u>
DEL VALE, entire length in city	25 miles per hour
EL VISTA, within the city limits	35 miles per hour

EMERALD , from Maze Road to the southerly city limits	25 miles per hour
ENCINA , Covena to Santa Ana	25 miles per hour
ENSLER , between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE , between Virginia and McHenry	25 miles per hour
FLOYD AVENUE , within the city limits	30 miles per hour
FRANKLIN , between California and Laurel	25 miles per hour
GRANGER , from Tully to McHenry	25 miles per hour
GRISWOLD , from Virginia to McHenry	25 miles per hour
HADDON , between La Loma and Conejo Avenue	25 miles per hour
HATCH ROAD , within the city limits	35 miles per hour
JEFFERSON , from Paradise Road to 8th Street	25 miles per hour
K STREET , between Washington Avenue and 9th Street	25 miles per hour
KEARNEY , entire length in city	25 miles per hour
LA LOMA , entire length in city	25 miles per hour
LUCERNE AVENUE , from Johnson Street to Coffee Road	25 miles per hour
MADISON , entire length in city	25 miles per hour
MILLER , from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD , entire length in city	25 miles per hour
NEECE DRIVE , from Tuolumne Boulevard to the southerly city limits	25 miles per hour
OLD OAKDALE ROAD , Scenic Drive to north city limits	30 miles per hour
ORANGEBURG AVENUE , east of McHenry Avenue	35 miles per hour
ROBLE AVENUE , Santa Ana to Rosina	25 miles per hour
ROSE AVENUE , Crestview to north city limits	35 miles per hour

<u>RUMBLE ROAD, between Tully and Tidewater Southern tracks</u>	<u>25 miles per hour</u>
<u>RUMBLE ROAD, between Highgate and the east city limits</u>	<u>25 miles per hour</u>
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
TULLY ROAD, between Rumble and the northerly city limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the city limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour

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 Tribune, 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 November, 1965, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon

roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *REX E. GAILFUS*
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 752-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 November, 19⁶⁵, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 15, 1965

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BOMBERGER)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Robert P. Bomberger and Muriel F. Bomberger on September 17, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, and Multiple-Family Zone, R-3, / the hereinafter described property, and

WHEREAS, after public hearing held on October 19, 1965, 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. 65-133, adopted on October 19, 1965, the Planning Commission recommended to the Council that the application of Robert P. Bomberger and Muriel F. Bomberger to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family Zone, R-2 and Multiple-Family Zone, R-3, / be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2 / and Multiple-Family Zone, R-3:

R-1 to R-2:

Parcel 1: Commencing at the West quarter corner of Section 15, T. 3 S., R. 9 E., M.D.B.&M; thence along the East-West quarter section line of said Section 15 North 89° 45' 50" East 700.98 feet to the true point of beginning of this description; thence North 0° 53' West 305.00 feet; thence South 89° 45' 50" West 125.98 feet; thence South 0° 53' East 305.00 feet to a point on said East-West quarter Section line; thence along said East-West quarter section line North 89° 45' 50" East 125.98 feet to the true point of beginning, located in Coffee Plaza Subdivision west of San Blas Court.

R-1 to R-3:

Commencing at the West quarter corner of Section 15, T. 3 S., R. 9 E., M.D.B.&M.; thence along the West line of said Section 15 North 0° 53' West 355.00 feet to the true point of beginning of this description; thence continuing along the West line of said Section 15 North 0° 53' West 45.00 feet; thence North 89° 45' 50" East 700.98 feet; thence South 0° 53' East 95.00 feet; thence South 89° 45' 50" West 125.98 feet; thence North 0° 53' West 50.00 feet; thence South 89° 45' 50" West 575.00 feet to the true point of beginning, located in Coffee Plaza Subdivision, south of Ensenada Drive.

SECTION 3. ZONING MAP. Section 15-3-9 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 Tribune, 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 November, 1965, by Councilman Mitchell,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning Department

Ord. No. 753-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 December, 19 65, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~REX E. GATLIS~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 5, 1966

Ordinance 753 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BOMBERGER)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Robert P. Bomberger and Muriel F. Bomberger on September 30, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 19, 1965, 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. 65-134, adopted on October 19, 1965, the Planning Commission recommended to the Council that the application of Robert P. Bomberger and Muriel F. Bomberger to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Lots 1 to 8 inclusive in Block 12856 and lots 18 to 20 inclusive in Block 12859 of Coffee Plaza Subdivision, including also the area contained in San Lucas Court and that portion of Ensenada Drive immediately adjacent to the parcel involved, being located north and south of Ensenada Drive and east and west of San Lucas Court as shown on the map of Coffee Plaza Subdivision recorded September 21, 1965, in Volume 21 of Maps at Page 22, Stanislaus County Records.

SECTION 3. ZONING MAP. Section 15-3-9 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 Tribune, 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 November, 19 65, by Councilman VanderWall,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: ^{all} Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY *Russell E. Fry*
Planning Department

Ord. No. 754-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 December, 1965, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~XXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 5, 1966

Ordinance 754 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TALLENT AND MORRISON)

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by C. A. Tallent and James A. Morrison III on September 30, 1965, to reclassify from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1, the following described property:

Lot 23 and Lot 24 in Block 506, City of Modesto, including also the westerly one-half of College Avenue and the easterly one-half of the north-south alley in Block 506 immediately adjacent to the parcel requested for rezoning, and

WHEREAS, after public hearing held on October 19, 1965, it was found and determined by the Planning Commission that rezoning of a portion of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 65-135, adopted on October 19, 1965, the Planning Commission recommended to the Council that a portion of the application of C. A. Tallent and James A. Morrison III to amend Section 29-3-9 of the Zoning Map to reclassify the above described property from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that a portion of 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.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described

property from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1:

Lot 23 in Block 506, City of Modesto, including also the westerly one-half of College Avenue and the easterly one-half of the north-south alley in Block 506 immediately adjacent to the parcel requested for rezoning.

SECTION 3. ZONING MAP. Section 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 Tribune, 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 November, 1965, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: Shastid

ABSENT: Councilmen: None

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk
(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: Wesley H. Fey
Planning Department

Ord. No. 755-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 December, 1965, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~XXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: January 5, 1966

Ordinance 755 C.S.
Exhibit A – Map

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

AN ORDINANCE GRANTING TO TIDEWATER SOUTHERN RAILWAY COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO OPERATE, MAINTAIN, REPAIR AND RENEW A COMMERCIAL RAILROAD FOR THE TRANSPORTATION OF PROPERTY AS A COMMON CARRIER, IN, UPON, OVER, UNDER, ALONG AND ACROSS VARIOUS PUBLIC STREETS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS. As used in this franchise, the singular number includes the plural, and the plural number includes the singular. Unless it shall be apparent from the context that they have a different meaning the following words and phrases shall have the meaning herein specified:

(a) City. The word "City" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or any reorganized, consolidated or reincorporated form.

(b) City Attorney. The words "City Attorney" shall mean the duly appointed, qualified and acting City Attorney of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(c) City Clerk. The words "City Clerk" shall mean the duly appointed, qualified and acting City Clerk of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(d) City Manager. The words "City Manager" shall mean the duly appointed, qualified and acting City Manager of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(e) Council or City Council. The word "Council" or words "City Council" shall mean the present governing body of the City or any future board constituting the legislative body of the City.

(f) Franchise Property. The words "franchise property" shall mean all property constructed, installed, operated, or maintained in a public street pursuant to any right or privilege granted by this franchise, provided that any such property shall retain its character as "franchise property" only so long as it shall remain in or upon a street pursuant to any right or privilege

granted by this franchise.

(g) Grantee. The word "grantee" shall mean Tidewater Southern Railway Company, a California corporation, and any person, firm, or corporation to which this franchise may hereafter be lawfully transferred as herein provided.

(h) Grantor. The word "grantor" shall mean the City of Modesto, a municipal corporation of the State of California.

(i) Public Utilities Commission. The words "Public Utilities Commission" shall mean the Public Utilities Commission of the State of California or any state officer or board succeeding to its function.

(j) Street. The word "street" shall mean any public street, road, highway, lane, alley, court, sidewalk, parkway, bridge, or similar public place, or above or below same, which now exists or which may hereafter exist within the City.

(k) Superintendent of Streets. The words "Superintendent of Streets" shall mean the duly appointed, qualified and acting Superintendent of Streets of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

SECTION 2. NATURE OF GRANT. The City of Modesto hereby grants to Tidewater Southern Railway Company, a California corporation, a commercial railroad franchise to operate, maintain, repair and renew a common carrier rail transportation line as hereinafter described and in accordance with the terms and conditions contained in this ordinance, that is, a franchise:

(a) Rail Service. To engage, during the term of this franchise, as a common carrier, in the business of transporting property for hire, by rail in, upon, over, under, along and across the various public streets now or hereafter traversed by the route and tracks designated in Section 3 hereof and to construct, install, use, operate, maintain, repair and renew, in such public streets, any such physical property as may be reasonably necessary to the conduct of such business, including rails and track structure, poles and overhead or underground wires or cables.

(b) Power and Communication Lines. To construct, install, use, operate, maintain, repair and renew in the streets along such route such poles, wires, cables and conduits as are necessary for the transmission of

communications and electrical energy for the use of grantee, provided no such energy shall be sold by grantee.

(c) Non-Exclusive Feature of Franchise. The granting of this franchise or any of the terms or conditions contained herein shall not be construed to prevent the City from granting over the route herein specified or elsewhere any identical, similar or other type of franchise to any person, firm or corporation other than grantee.

(d) Acceptance by Grantee. The acceptance by grantee of this franchise shall not constitute, or be deemed to constitute, a waiver or abandonment or surrender by grantee of such franchises, rights or privileges as it may own or possess in connection with its operations in, upon, over, under, along or across any public streets in the City of Modesto other than in the area traversed by the route and tracks designated in Section 3 hereof.

SECTION 3. DESIGNATION OF RAIL ROUTE AND STREET AREAS. The route and tracks referred to in Section 2 hereof are shown in red on that certain print Drawing No. 34-4 attached to the Application for Franchise for Commercial Railroad, dated June 15, 1965, and filed with the City Council of the City of Modesto on June 21, 1965; the center line of such route and tracks is described as follows:

(a) Main Track. Beginning at the north city limit line of the City of Modesto, County of Stanislaus, State of California, as said city limit line was located in 1911; said city limit being the center line of Stoddard Avenue; thence southwesterly across the south half of Stoddard Avenue and across private property to a point on the northeast line of College Avenue; thence across College Avenue and into private property to a point on the north line of Needham Avenue, 50 feet, more or less, westerly of the west line of Nellie Street; thence curving to the left across Needham Avenue across private property between Needham Avenue, 9th Street and "P" Street to a point on the northwesterly line of "P" Street; thence continuing on a curve to the left across "P" Street and across 9th Street to a point 33.0 feet, more or less, northeasterly measured at a right angle from the southwest line of 9th Street; thence southeasterly along a line parallel to said southwest line of 9th Street and across the intervening

streets to a point 140 feet, more or less, northwesterly from the northwest line of "E" Street; thence southeasterly along a curve to the left across 9th Street and "E" Street to a point on the southeast line of "E" Street; thence across private property to a point on the northwest line of "D" Street, thence across "D" Street and across private property to a point on the northwest line of "C" Street; thence across "C" Street and across private property to a point on the northwest line of "B" Street; thence southerly and southeasterly along a curve to the left across "B" Street and 9th Street to a point 33.0 feet, more or less, northeasterly measured at a right angle from the southwest line of 9th Street; thence southeasterly on a curve to the right along 9th Street and crossing Morton Street to the southerly line of Morton Street; thence across private property to the southerly city limit line of the City of Modesto, as said city limit line existed in 1911 at the Tuolumne River.

(b) Additional Tracks.

(1) Beginning at a point on the center line of Tidewater Southern Railway Company main track as described in Main Track at a point 140 feet, more or less, northwesterly from the northwest line of "E" Street in said City of Modesto; thence southeasterly along a line parallel to the southwest line of 9th Street and 33.0 feet, more or less, northeasterly measured at a right angle therefrom to a point 40.0 feet, more or less, northwesterly of the northwest line of "C" Street produced southwesterly; thence southerly along a curve to the right to the edge of pavement on 9th Street.

(2) Beginning at a point on the northwest line of "D" Street, said point being 150.0 feet, more or less, northeasterly along said northwest line from the northeast line of 9th Street; thence easterly across "D" Street to a point on the southeast line of "D" Street, said point being 200.0 feet, more or less, northeasterly along said southeast line from the northeast line of 9th Street.

SECTION 4. DURATION, REVOCATION AND TERMINATION OF GRANT.

(a) This grant shall endure in full force and effect for a period of twenty (20) years from and after the effective date hereof, unless the same, with the consent of the appropriate state or federal agency, shall be voluntarily surrendered or abandoned by grantee, or unless the franchise shall be forfeited for noncompliance with its terms by grantee.

(b) Grantee shall comply with the provisions of the City Charter and all lawful ordinances of the City, heretofore or hereafter adopted, relating to the operations hereunder. If grantee shall at any time fail to comply with or to fulfill any one or more of the terms or conditions of this franchise, the City Council may, by lawful ordinance, revoke this franchise, provided, however, that if such failure of compliance or fulfillment shall be due to a cause beyond the control of grantee, then this franchise shall not be so revoked until such failure shall have continued for a period of six (6) months after grantee has power to comply.

(c) If any term or condition of this franchise shall be or become invalid or unenforceable the City Council may, by ordinance, terminate the franchise, provided the City Council shall find and declare that the invalid or unenforceable term or condition constituted a consideration material to the grant of this franchise.

SECTION 5. LIMITATION UPON SERVICE.

(a) The use or operation of grantee's franchise property shall be subject to all lawful ordinances of the City now or hereafter in effect relating thereto.

(b) Trains, cuts or strings of cars or single cars or locomotives shall not be permitted to stop or stand on any track or tracks covered by this franchise, except in connection with the switching of cars to or from industrial tracks connecting with such tracks and except to do so for vehicular traffic, traffic signals and railroad or grade crossings or in the event of emergencies such as derailments, mechanical failures, and the like.

(c) Provided, however, that written permission to deviate from any of the requirements of this Section 5 may be given by the City Manager when, in the judgment of such City Manager, unforeseen conditions or emergencies so warrant.

SECTION 6. JOINT USE OF FACILITIES. If there be available on any pole or in any conduit or duct installed, operated or maintained pursuant to this franchise, space not required by grantee for use in the operation of the railroad authorized by this franchise, then grantee shall, free of charge, permit the City, for the period of such availability, to use such space for the placing of

facilities necessary or appropriate for the operation of police and fire signals and communications systems or for the direction of or control of traffic.

SECTION 7. STREET WORK BY GRANTEE.

(a) Grantee shall have the right to make all necessary excavations in the streets for installation, construction, maintenance, repair, replacement, reconstruction and removal of franchise property.

(b) Before grantee shall engage in any work in the streets for the installation, construction, maintenance, repair, replacement, reconstruction, or removal of franchise property, written notice thereof shall be given to the Superintendent of Streets. Except in the case of emergency work necessary to avoid an immediate interruption of service, or for the immediate preservation of the public safety, such notice shall be given at least forty-eight (48) hours, exclusive of Saturdays and Sundays and holidays, prior to commencement of such work.

(c) The Superintendent of Streets shall have authority to regulate and restrict the time and manner of performing any work in the public streets to the extent necessary, in his opinion, to provide for the public safety and convenience.

(d) Whenever the City or other governmental agency shall pave or repave the street or shall reconstruct a street with a higher type of pavement, grantee shall simultaneously pave or repave the portion of the street used by the track or tracks of grantee and between the rails and for two (2) feet on each side thereof, and between the tracks, if there be more than one, and shall cause such street work to be done with the same kind of material as is used in the remaining width of each street, all to the satisfaction of the Superintendent of Streets.

(e) Whenever the City or other governmental agency shall have previously constructed pavement or shall pave or repave a street under item (d) above, the grantee shall maintain and keep the portion of the street used by the track or tracks of grantee and between the rails and for two (2) feet on each side thereof, and between the tracks, if there be more than one, constantly in repair, flush with the street and with good crossings, all to the satisfaction of the Superintendent of Streets.

SECTION 8. PUBLIC IMPROVEMENTS BY PUBLIC BODIES.

(a) The City, the State and any political subdivision or governmental agency or instrumentality may construct, improve, install, repair, maintain and remove any public improvements or facilities such as sewers, drains, water or gas pipes, electric or other lines or conduits, and the like, in, under or above any street or portion thereof covered by this franchise.

(b) If the Superintendent of Streets shall give to grantee twenty (20) days' written notice of the fact that work is to be done pursuant to any right reserved in subdivision (a) of this section, specifying the general nature of the work and the area in which the same is to be performed, then grantee shall at its own expense do all things necessary to support and protect its franchise property during the progress of such work, and, if ordered by the Superintendent of Streets, the grantee shall at its own expense disconnect, remove, or relocate its franchise property within the street to such extent, in such manner, and for such period as shall be necessary to permit the performance of such work in an economical manner and in accordance with generally recognized engineering and construction methods, and to permit the maintenance, operation and use of such public improvement or of the street as so improved. If the location of grantee's franchise property in such streets or portion thereof increases the cost of such work described in paragraph (a) above, grantee shall be liable and pay for such increased cost caused by the location of such franchise property.

SECTION 9. CONSTRUCTION AND RECONSTRUCTION OF TRACKS.

(a) The rails of the tracks constructed or reconstructed after the effective date of this franchise in the improved or paved streets pursuant to this franchise, shall be guarded tee rail satisfactory to the Superintendent of Streets. All tracks so constructed or reconstructed pursuant to this franchise shall be placed and maintained at grades and alignments prescribed by the Superintendent of Streets.

(b) In the event the City shall from time to time prescribe any change of grade or alignment for the street in which the track or tracks is located, the grantee shall at its own expense cause its rails to conform to the newly prescribed grade or alignment at the request of the City.

(c) All future installations, and the grade to which they

shall be constructed, shall all be satisfactory to the Superintendent of Streets.

SECTION 10. GRADE SEPARATIONS. Grantee shall bear such costs of installation, alteration, maintenance or operation of crossing protections or of grade separations as may be ordered by the Public Utilities Commission.

SECTION 11. DAMAGE TO PUBLIC PROPERTY. Grantee shall pay to the City on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of grantee under this franchise, ordinary wear and tear excepted.

SECTION 12. INSTALLATION OF OTHER UTILITIES. The City reserves to itself, as against the grantee, the following rights:

(a) To permit others to construct, install, maintain, repair and renew property of any character in and upon all of the streets covered by this franchise.

(b) To permit others to operate and use, for every lawful purpose, any property, other than property of grantee, constructed, installed, maintained or renewed in the streets covered by this franchise.

Provided, however, that City shall include in any authority granted to others pursuant to the rights reserved in (a) and (b) above reasonable provisions for the protection by and at the expense of such others of the franchise property of grantee, including, but not limited to, reasonable provisions as to the method and time of performance of work by such others on, under, over and adjacent to grantee's franchise property.

Grantee shall bear the expense of all repairs, reconstruction or support and protection of its franchise property made necessary by the use, operation, maintenance, repair or renewal of any property constructed or installed in the streets prior to the construction or installation therein of grantee's franchise property.

(c) The rights reserved to the City in and by this section are independent of, and in addition to, the rights of the City with respect to public improvements under Section 8 of this franchise.

SECTION 13. TERMINATION OF SERVICE.

(a) Unless otherwise authorized by ordinance, in the event of abandonment of service, grantee shall at its expense within three (3) months thereafter remove its franchise properties from streets and reconstruct the

pavement and other street improvements adjacent to franchise properties so that the work will join and be contiguous with work done in adjoining portions of the street; all of said work to be done under the supervision of and to the satisfaction of the Superintendent of Streets.

(b) For the purpose of this section, failure to maintain service for a period of six (6) months shall constitute abandonment of service, except where such failure is due to strikes, acts of God, or other causes beyond the reasonable control of grantee.

(c) In the event grantee fails or refuses to remove its franchise properties from the streets as provided for in subsection (a) hereinabove, the City Council may declare a breach of the conditions of this franchise and grantee shall be liable and pay to the City the reasonable cost of doing the work required by said subsection (a).

SECTION 14. CITY'S RIGHT TO INSPECT PROPERTY AND RECORDS AND OBTAIN REPORTS.

(a) At all reasonable times, grantee shall permit the City Manager, or any person designated by him, to examine all property of grantee constructed, installed, maintained, or operated pursuant to this franchise, together with any appurtenant property of grantee.

(b) Grantee shall at the request of the City Manager prepare and furnish the City Manager, at its expense within thirty (30) days, such reports with respect to its operations, affairs, transactions, property and financial conditions as may be reasonably necessary or appropriate to the performance of any of the duties of the City Manager with relation to this franchise.

SECTION 15. INDEMNIFICATION OF CITY.

(a) Grantee does hereby indemnify, save and hold harmless the City and its officers and employees from any and all liability for damages proximately resulting from any operations by grantee under this franchise.

(b) The City shall notify grantee in writing, within sixty (60) days after the service upon the City, of any claim or of any summons or complaint in connection with which grantee may be obligated to hold the City harmless under this section and shall take such action as may be necessary to insure that no default may be entered until a reasonable time after such notice in

connection with which grantee may be obligated to hold the City harmless under this section.

SECTION 16. FORFEITURE. If grantee shall fail, neglect or refuse to comply with any of the terms or conditions of this grant, and if such failure, neglect or refusal shall continue for more than sixty (60) days after written demand by the City, or its City Manager, for compliance therewith, then, and in that event, the City, by its legislative body, in addition to all rights and remedies allowed by this franchise or by law, may thereupon declare a forfeiture of the franchise, right and privilege granted by this ordinance. Upon any such forfeiture all the franchise rights and privileges of grantee granted hereby shall thereupon be at an end.

No provision herein made for the purpose of securing the enforcement of the terms and conditions of this franchise shall be deemed an exclusive remedy or to afford the exclusive procedure for the enforcement of said terms and conditions, but the remedies and procedure outlined herein or provided, including forfeiture, shall be deemed to be cumulative.

SECTION 17. TRANSFER OF FRANCHISE RIGHT. No transfer, assignment or lease, or attempted transfer, assignment or lease, of this franchise, in whole or in part, or of any right, privilege or interest therein to any person, firm or corporation, shall have any force, effect or validity without the express consent of the City given by ordinance, provided, however, that nothing herein shall be construed to prevent grantee from including this franchise in a mortgage or deed of trust without such express consent.

SECTION 18. DELIVERY OF NOTICE.

(a) Any written notice herein required to be given by City, or any of its officers or agents, to grantee shall be delivered in person or sent by registered mail to the President of grantee.

(b) Any written notice herein required to be given by grantee to the City, or any of its officers or agents, shall be delivered in person to the individual for whom it is intended, or to the City Manager of the City, or sent by registered mail to the City Manager of the City.

SECTION 19. ACCEPTANCE OF FRANCHISE. Grantee shall within thirty (30) days after the effective date of this ordinance file with the City Clerk a written instrument satisfactory to the City Attorney accepting the terms and

conditions hereof, and at the same time pay to the City the purchase price and the first annual payment referred to in Section 20. If grantee shall fail to file its acceptance with the City Clerk and to make said payments to City within the aforesaid time, the franchise hereby granted shall be ipso facto void.

SECTION 20. CONSIDERATION FOR FRANCHISE. As a consideration for the granting of this franchise grantee shall pay to the City the sum of Ten Thousand and no/100ths (\$10,000.00) Dollars, and shall also pay to the City annually, in advance, on the anniversary of the effective date hereof an amount equivalent to the sum of fifty (50¢) cents per track foot, or fraction thereof, for the portion of all tracks in street areas as measured along the center line of each track described in Section 3. The foregoing payments and the agreements and obligations of grantee hereunder are deemed by the City Council to be an adequate consideration for the privilege hereby granted.

SECTION 21. 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 22. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, 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 December, 1965, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
Mayor Johansen

NOES: Councilmen: VanderWall

ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

By Pauline P. Stanley
PAULINE P. STANLEY, City Clerk
(SEAL) Acting

APPROVED AS TO FORM:

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

Ord. No. 756 C. S.

FINAL ADOPTION CLAUSE

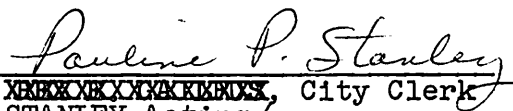
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of December, 1965, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith
Mayor Johansen
NOES: Councilmen: VanderWall
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


~~XXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: January 12, 1966

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS) (EAST SIDE OF ROSE AVENUE)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Lance E. Ellis on September 29, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 19, 1965, 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. 65-142, adopted on October 19, 1965, the Planning Commission recommended to the Council that the application of Lance E. Ellis to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Ordinance 757 C.S.
Exhibit A – Map

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

Beginning at the Northwest corner of the South half of the Northwest quarter of the Southeast quarter of said Section 15, said corner being on the center line of Rose Avenue; thence South along the quarter section line and said center line of Rose Avenue 1320.74 feet; thence South 89° 20' East 130.01 feet; thence North 1190.79 feet; thence North 89° 21' 25" West 29.75 feet; thence North 0° 38' 35" East 130.00 feet; thence North 89° 21' 25" West 101.38 feet to the point of beginning; located north of Modesto Irrigation District Lateral No. 3, east of Rose Avenue.

SECTION 3. ZONING MAP. Section 15-3-9 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 Tribune, 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 December, 1965, by Councilman Hughes,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~XXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting/
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Russell Fry*
Planning Department

Ord. No. 757-C.S.

FINAL ADOPTION CLAUSE

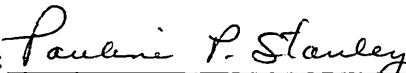
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of December, 1965, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


~~XXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS)
(WEST SIDE OF OLD OAKDALE ROAD)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Planned Development Zone, P-D (23) :

Commencing at the northeast corner of the southeast quarter of the southeast quarter of Section 15; thence North 89° 20' 41" West a distance of 300.00 feet to the true point of beginning of this description; thence continuing North 89° 20' 41" West a distance of 1011.94 feet to the northwest corner of the southeast quarter of the southeast quarter of said Section 15; thence North 0° 01' 06" East along the west line of the northeast quarter of the southeast quarter of said Section 15 a distance of 530.05 feet; thence South 89° 41' 49" East a distance of 1311.89 feet to the east line of said Section 15; thence South 0° 01' 26" West along the east line of said Section 15 a distance of 393.00 feet; thence North 89° 20' 41" West a distance of 300.00 feet; thence South 0° 01' 26" West parallel to the east line of said Section 15 a distance of 145.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (23) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms as required by Section 10-2.2704 of the Modesto Municipal Code, 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) Mobile home park with spaces for a maximum of one hundred seven (107) units.

(b) Apparel store and related accessories (one thousand (1,000) square feet maximum).

(c) Baby sitter agency.

- (d) Barber shop and beauty shop.
- (e) Drug and proprietary medicine.
- (f) Dry cleaners.
- (g) Eating establishment (one thousand, four hundred (1,400) square feet maximum).
- (h) Food store and general merchandise store (two thousand, five hundred (2,500) square feet maximum).
- (i) Laundry and dry cleaning agency, including self service (one thousand, two hundred (1,200) square feet maximum).
- (j) Parking area.
- (k) Child day care for more than six (6) children.
- (l) Private recreational grounds and facilities not open to the public.

SECTION 3. ZONING MAP. Section Map 15-3-9 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 Tribune, 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 December, 1965, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
~~XXXXXXXXXXXX~~ City Attorney
ELWYN L. JOHNSON

APPROVED AS TO DESCRIPTION:

Paul W. Jay
Planning Department

Ord. No. 758- C.S.

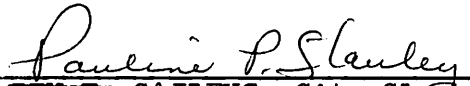
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 19⁶⁵, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST: 
~~XXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION MAP15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS) (WEST SIDE OF OLD OAKDALE ROAD)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Lance E. Ellis on September 30, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 19, 1965, 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. 65-141, adopted on October 19, 1965, the Planning Commission recommended to the Council that the application of Lance E. Ellis to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Commencing at the northeast corner of the southeast quarter of the southeast quarter of Section 15; thence North 0° 01' 26" East along the east line of said Section 15 a distance of 538.00 feet to the true point of beginning of this description; thence North 89° 41' 49" West a distance of 1311.89 feet to the west line of the northeast quarter of the southeast quarter of said Section 15; thence North 0° 01' 06" East along the west line of the northeast quarter of the southeast quarter of said Section 15 a distance of 138.00 feet; thence South 89° 41' 49" East a distance of 1311.91 feet to the east line of said Section 15; thence South 0° 01' 26" West along the east line of said Section 15 a distance of 138.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 15-3-9 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 Tribune, 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 December, 1965, by Councilman Hughes,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
~~REC. CLERK~~ / City Clerk
PAULINE P. STANLEY, Acting
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Russell C. Fry
Planning Department

**Ordinance 759 C.S.
Exhibit A – Map**

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

Ord. No. 759- C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 1965, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Pauline P. Stanley
~~XXXXXXXXXXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION 3-2.1401 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. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly city limits	35 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
COFFEE ROAD, Norwegian to Floyd	30 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
DEL VALE, entire length in city	25 miles per hour
EL VISTA, within the city limits	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour

ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in city	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
OLD OAKDALE ROAD, Scenic Drive to north city limits	30 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Crestview to north city limits	35 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east city limits	25 miles per hour

SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
TULLY ROAD, between Rumble and the northerly city limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the city limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
<u>9TH STREET, from north end of Tuolumne River Bridge to south city limits</u>	<u>40 miles per hour</u>
<u>9TH STREET, from north end of Tuolumne River Bridge to D Street</u>	<u>30 miles per hour</u>
<u>9TH STREET, from P Street to Tully Road</u>	<u>35 miles per hour</u>
<u>9TH STREET, from Tully Road to north city limits</u>	<u>50 miles per hour</u>

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 Tribune, 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 December, 1965, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes,

was upon roll call carried and ordered printed and published by the following
vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
PAULINE P. STANLEY / City Clerk
Acting

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 760 C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 December, 1965, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Pauline P. Stanley
~~XXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 12, 1966

AN ORDINANCE ADDING SECTION 4-3.07.2 TO CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO MOVING OF BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-3.07.2 is hereby added to Chapter 3 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-3.07.2. CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(b) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely cap and seal all gas, water and oil pipelines disconnected from the building.

(2) Securely close and seal any sanitary piping located on the property.

(3) Fill with dirt or sand any septic tanks or cesspools located on the property.

(4) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Director of Public Works.

(5) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(6) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Director of Public Works.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Director of Public Works when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

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 Tribune, 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 December, 1965, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 761 C.S.

FINAL ADOPTION CLAUSE

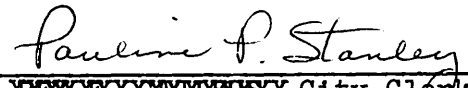
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of December, 19 , Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


~~XXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, ACTING/

EFFECTIVE DATE: January 12, 1966

AN ORDINANCE ADDING SECTION 9-1.07.1 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-1.07.1 is hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.07.1. DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. That Section 307 be added to said Building Code to read as follows:

Section 307. Prior to the issuance of a permit to demolish a building, the owner or lessee of the property on which the building is to be demolished shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(b) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely cap and seal all gas, water and oil pipelines disconnected from the building.

(2) Securely close and seal any sanitary piping located on the property.

(3) Fill with dirt or sand any septic tanks or cesspools located on the property.

(4) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Director of Public Works.

(5) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(6) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the Director of Public Works.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Director of Public Works when, in his discretion, circumstances justify such an extension; but no such extension shall release

any bond or other security furnished pursuant to this section.

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 Tribune, 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 December, 1965, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
~~REX GAYLUS~~ City Clerk
PAULINE P. STANLEY, Acting
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 762 C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 December, 19 , Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen

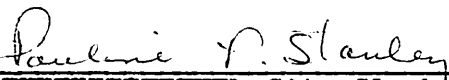
NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


~~XXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: January 12, 1966

AN ORDINANCE AMENDING SECTION MAP 23-3-90F THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PIERCE)

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

SECTION 1. ZONING CHANGE. Section 23-3-90f 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 (22):

Beginning at the Northeast corner of Block 1405 and running thence South 89° 53' 15" West 245.04 feet to the Northeast corner of the parcel of land described in the Deed to Union Oil Company of California, a corporation, recorded July 16, 1965, in Book 2044 of Official Records, page 536; thence along the East and South lines of said last mentioned parcel of land, South 135 feet and West 135 feet to the West line of said Block 1405; thence along the exterior boundary of said Block 1405 the following courses and distances: South 0° 51' 45" East 143.43 feet; North 89° 08' 15" East 125.00 feet; South 0° 51' 45" East 181.78 feet; North 89° 57' 15" East 255.03 feet and North 0° 51' 45" West 458.87 feet to the point of beginning; including also the easterly one-half of Old Oakdale Road immediately adjacent to the property requested for rezoning, the southerly one-half of Surrey Avenue and the north-south alley bordering the eastern boundary of the property requested for rezoning.

SECTION 2. USES. The following uses shall be permitted in said P-D (22) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms as required by Section 10-2.2704 of the Modesto Municipal Code, 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) C-1 commercial uses, including medical offices.
- (b) The following C-2 uses:

A bar in conjunction with	
a restaurant	4,800 square feet maximum
Hardware store	4,000 square feet maximum
Furniture store	6,000 square feet maximum
Laundry and dry cleaners	2,000 square feet maximum

Ordinance 763 C.S.
Exhibit A – Map

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

SECTION 3. ZONING MAP. Section Map 23-3-9 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 Tribune, 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 December, 1965, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Pauline P. Stanley
~~XXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
~~XXXXXXXXXXXX~~ City Attorney
ELWYN L. JOHNSON

-2-

APPROVED AS TO DESCRIPTION:

By Bunell J. Fry
Planning Department

Ord. No. 763- C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 1965, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~ROY R. CALDWELL~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO PARKING.

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 LIMITS 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 10 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.

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

- (a) PM-1 One (1¢) cent per twelve (12) minutes or fraction.
- (b) PM-2 Five (5¢) cents per one half ($\frac{1}{2}$) hour or fraction.
- (c) PM-3 Five (5¢) cents per one half or fraction.
- (d) PM-4 Five (5¢) cents per two and one half ($2\frac{1}{2}$) hours or fraction.
- (e) PM-5 Ten (10¢) cents first two (2) hours or fraction; ten (10¢) cents next two (2) hours or fraction; ten (10¢) cents next five (5) hours or fraction; thirty (30¢) cents for nine (9) hours.
- (f) PM-6 Five (5¢) cents per one half ($\frac{1}{2}$) hour or fraction.
- (g) PM-7 Five (5¢) cents per one half ($\frac{1}{2}$) hour or fraction.
- (h) PM-8 Five (5¢) cents per one half ($\frac{1}{2}$) hour or fraction.
- (i) PM-9 Five (5¢) cents per one half ($\frac{1}{2}$) hour or fraction.
- (j) PM-10 Five (5¢) cents per one hour or fraction.
- (k) PM-11 Ten (10¢) cents per one half ($\frac{1}{2}$) hour or fraction.

SECTION 2. AMENDMENT OF CODE. Section 3-2.1601 of Article 16 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1601. ESTABLISHMENT. Municipal off-street parking lots are hereby established in the City. There shall be two (2) types of lots:

(a) Those municipal off-street parking lots which are to be controlled by parking meters.

(1) Parking Meter Lots. The municipal off-street parking lots which are controlled by meters are shown on the Parking Meter Zoning Map adopted by Section 3-2.1501 of this Code and are as follows:

- (aa) PML-1 11th and G Street parking lot (PM-5 Zone)
- (ab) PML-3 12th and I Street parking lot (southeast corner) (PM-9 Zone)

- (ac) PML-4b 11th Street between H and I Street (lower level) parking lot (PM-7 Zone)
- (ad) PML-7 12th and I Street parking lot (northeast corner) (PM-6 Zone)
- (ae) PML-9 13th Street between J and K Street parking lot (PM-3 Zone)
- (af) PML-10 8th Street between I and K Street parking lot (PM-4 Zone)
- (ag) PML-11 10th and H Street parking lot (PM-8 Zone)
- (ah) PML-12 9th Street between J and K Street parking lot (PM-2 Zone)
- (ai) PML-21 11th and K Street parking lot (PM-11 Zone)

(2) Installation and Maintenance. On those municipal off-street parking lots which are to be controlled by parking meters, the Director of Parking and Traffic shall cause parking meters to be installed and maintained.

(b) Those municipal off-street parking lots operated by attendants or other appropriate means.

(1) Attendant Lots. The following municipal off-street parking lots are hereby established as attendant lots:

- (aa) PAL-2 9th Street between I and J Street parking lot
- (ab) PAL-4a 11th Street between H and I Street (street level) parking lot
- (ac) PAL-5 10th Street between K and L Street parking lot
- (ad) PAL-17 Bank of California parking lot at 12th and J Streets
- (ae) PAL-18 Seely Tower parking lot at 12th and J Streets
- (af) PAL-22 Sears parking lot, 11th Street between K and L Streets

(2) Free Lots. The following municipal off-street parking lots are free lots:

- (aa) PL-13 15th Street parking lot
- (ab) PL-15 Fire Station parking lot
(north side)
- (ac) PL-16 Fire Station parking lot
(south side)

(3) Parking Ticket Lots. The following municipal off-street parking lot is controlled by a ticket dispensing device:

- (aa) PTL-20 10th Street between G and H Street parking lot
(Old City Hall)

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 Tribune, 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 December, 1965, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY, City Clerk
Acting

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 764 C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been printed and 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 December, 19 , Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting /

EFFECTIVE DATE: January 12, 1966

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 CHANGE. The Parking Meter Zoning Map is hereby amended to add the following described property thereto as Parking Meter Zone, PM-11:

Off-street parking lot located at 11th and K Streets in the City of Modesto.

SECTION 2. 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 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 Tribune, 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 December, 1965, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon

roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Pauline P. Stanley*
~~RENE EXCELSIS~~, City Clerk
PAULINE P. STANLEY, Acting
(SEAL)

APPROVED AS TO FORM:

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

Ordinance 765 C.S.
Exhibit A – Map

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

Ord. No. 765-C.S.

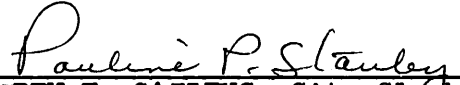
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 19 65, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST: 
~~BRECKEN CAHILL~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1709 of Article 17 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1709. REQUIRED REMOVAL OF COMMERCIAL SIGNS AND BILLBOARDS. Commercial signs and billboards which do not conform with the provisions of this chapter may be maintained for a period of three (3) years from and after May 12, 1965, or three (3) years from and after the date on which they become nonconforming, whichever is the latter. At the expiration of said three (3) year period, any such nonconforming signs and billboards and their supporting members shall be completely removed by their owners.

At any time during said three (3) year period, the owner of a nonconforming sign or billboard, except outdoor advertising displays and structures which are adjacent to freeways and prohibited by Section 10-2.1504 hereof, may appeal to the City Council for an extension of time beyond said three (3) year period during which said nonconforming sign or billboard may be maintained. Said appeal shall be in writing and filed with the City Clerk. Upon receipt of such an appeal, the City Council shall cause the matter to be set for a public hearing. The City Council shall base its decision on whether or not the nonconforming sign or billboard should be allowed to remain for longer than the three (3) year period on the following factors, to wit: the type of sign or billboard; the location of the sign or billboard; the relationship of the sign or billboard to other properties; the cost of the sign or billboard and the time necessary to amortize said cost. All decisions of the City Council shall be final.

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 Tribune, 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 13th day of December, 1965, by Councilman Shastid.

who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST:

By *Pauline P. Stanley*
~~DELOREY CALLEPS~~ City Clerk
PAULINE P. STANLEY, Acting/
(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

Ord. No. 766- C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 1965, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Pauline P. Stanley
~~BESSIE K. GARDNER~~, City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE ADDING SECTION 4-2.11.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO ABANDONED, WRECKED OR JUNKED VEHICLES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.11.1 is hereby added to Chapter 2 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-2.11.1. ABANDONED, WRECKED OR JUNKED VEHICLES OR PART(S) THEREOF: UNLAWFUL TO LEAVE ON PRIVATE PROPERTY.

(a) It shall be unlawful to park, store, or leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city limits of the City of Modesto for a period of time in excess of seventy-two (72) hours, unless such vehicle or part(s) thereof is completely enclosed within a building, or is stored in connection with a used car junk area lawfully established pursuant to the zoning regulations of the City of Modesto.

(b) The accumulation and storage of one or more of such vehicles or part(s) thereof, as defined in subsection (a) above, on private property shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City of Modesto, and it shall be the duty of the owner of such vehicle or part(s) thereof, and/or it shall also be the duty of the owner of the private property, or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located, to remove the same from such property or to have the same housed in a building where it will not be visible from the street or other private property.

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 Tribune, 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 13th day of December, 1965, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

(SEAL)

APPROVED AS TO FORM:

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

ATTEST: Pauline P. Stanley
Acting City Clerk
PAULINE P. STANLEY

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

Ord. No. 767- C.S.

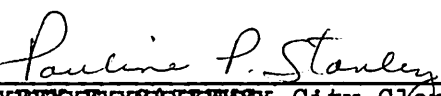
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 20th day of December, 19 65, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST: 
~~XXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting/

EFFECTIVE DATE: January 19, 1966

AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1802 AND 10-2.1807 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2204 OF ARTICLE 22 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2906 OF ARTICLE 29 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.253.1 AND 10-2.268.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.253.1 and 10-2.268.1 are hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.253.1. PATIO, COVERED. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences, or walls used as fences, less than six (6') feet in height.

SEC. 10-2.268.1. SWIMMING POOL OR WADING POOL. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences, or walls used as fences, less than six (6') feet in height.

SECTION 2. AMENDMENT OF CODE. Section 10-2.901 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

(a) Primary uses:

- (1) Any use permitted in the C-1 (Neighborhood Commercial) zone.
- (2) Advertising signs and structures.
- (3) Amusement and recreation services.
- (4) Antique store.
- (5) Appliance sales, household.
- (6) Armored car service.
- (7) Automobile or trailer rental.
- (8) Automobile repair, excluding painting, upholstery, and body and fender work, except that which is incidental to general repair.
- (9) Bus terminal.
- (10) Carnival.
- (11) Circus.
- (12) Coin operated machine rental service.
- (13) Department store; mail order house.
- (14) Detective and watching agency.
- (15) Drinking place.
- (16) Eating place.
- (17) Electrical supply store.
- (18) Employment agency.

- (19) Express office.
- (20) Farm and garden supply store.
- (21) Farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.
- (22) Floor covering sales.
- (23) Funeral service.
- (24) Furniture.
- (25) Furrier and fur shop, including repair and storage.
- (26) Hardware store.
- (27) Heating and plumbing equipment dealer.
- (28) Hobby shop.
- (29) Hospital supply.
- (30) House equipment display.
- (31) Ice dealer.
- (32) Insulation sales.
- (33) Leather goods, repair.
- (34) Mobile home dealer, including travel trailers, campers and camp cars.
- (35) Motion picture distributor.
- (36) Motion picture theater, indoor.
- (37) Motor vehicle dealer, new and used cars.
- (38) News syndicate.
- (39) Nonprofit educational and scientific research agency.
- (40) Nonprofit membership organization, except a church.
- (41) Orthopedic and artificial limb store.
- (42) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer.
- (43) Printing shop.
- (44) Private museum or art gallery.
- (45) Public address system business.
- (46) Radio or television broadcasting studio.
- (47) Research agency, commercial and testing laboratory.
- (48) Roofing sales.
- (49) Secondhand store.
- (50) Sign painting shop.
- (51) Steam bath; massage.
- (52) Taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering and body and fender work, except that which is incidental to general repair.
- (53) Taxidermist shop.
- (54) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.
- (55) Travel bureau.
- (56) Upholstery and furniture repair.
- (57) Vocational school.
- (58) Weather stripping sales.

(b) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

- (1) Car laundry.
- (2) Kennel.
- (3) Small animal hospital.

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

(d) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

SECTION 3. AMENDMENT OF CODE. Section 10-2.1401 of Article 14 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1401. PERMITTED USES. All of the following, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of an unclassified use permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with type of use permitted in surrounding area and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this Chapter shall be served. Factors to be considered are (1) damage or nuisance from noise, smoke, odor, dust, vibration, etc.; (2) hazard from explosion, contamination or fire; (3) hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles. Unclassified use permits shall be processed in the manner specified in Article 21 of this Chapter.

- (a) Airport and landing field.
- (b) Borrow pit to a depth of over three (3') feet.
- (c) Cemetery.
- (d) Columbarium, crematory, and mausoleum, provided these uses are specifically excluded from the R-A, R-1, and R-2 zones, unless inside of a cemetery.
- (e) Dump.
- (f) Educational institutions.
- (g) Equestrian establishment.
- (h) Labor camp.
- (i) Open air theater.
- (j) Race track and rodeo.
- (k) Stone monument business, retail sales only, excluding stone cutting and blasting, other than lettering.
- (l) Trailer camp.
- (m) Institution for treatment of alcoholics.
- (n) Hospital; mental hospital; sanitarium.

SECTION 4. AMENDMENT OF CODE. Sections 10-2.1802 and 10-2.1807 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.1802. PARKING SPACES REQUIRED. Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

- Bowling alleys -- eight (8) for each lane.
- Children's dancing school -- one for each six hundred (600) square feet of gross floor area.
- Churches -- one for each five (5) seats.
- Clubs and lodges not having sleeping rooms -- adequate number as determined by the Planning Commission.
- Dance halls -- one for each fifty (50) square feet of gross floor area used for dancing.
- Dwellings --
 - Single-family -- one for each dwelling unit.
 - Two-family -- one for each dwelling unit.
 - Multiple-family -- one and a half (1.5) for each dwelling unit.

Eating and drinking establishments (on premises consumption) -- one for each four (4) seats, including stools, benches and booths, or one for each sixty (60) square feet of dining area when the number of seats is unknown.

Hospitals -- adequate number as determined by the Planning Commission.

Hotels -- one for each three (3) guest rooms.

Libraries -- one for each five hundred (500) square feet of gross floor area.

Manufacturing plants and kindred uses -- one for each four (4) employees on the site at any one time, including changes of shifts.

Motels -- one for each sleeping unit or dwelling unit.

Motor vehicle and machinery repair -- one for each six hundred (600) square feet of gross floor area, with repair space for motor vehicles or machinery not counted as parking space.

Mortuaries and funeral homes -- one for each five (5) seats in the assembly room used for services.

Offices--

Business or profession offices, banks -- one for each five hundred (500) square feet of gross floor area.

Medical or dental clinics or offices -- one for each two hundred (200) square feet of gross floor area.

Pool halls -- two (2) for each table.

Retail stores -- one for each five hundred (500) square feet of gross floor area.

Rooming and lodging houses, clubs and fraternity houses having sleeping rooms -- one for each two (2) sleeping rooms.

Sanitariums, children's homes, homes for the aged, nursing homes -- one for each four (4) beds.

Schools -- adequate number as determined by the Planning Commission.

Stadiums, sports arenas, auditoriums -- one for each five (5) seats of maximum seating capacity.

Theaters -- one for each five (5) seats.

Transportation terminal facilities -- adequate number as determined by the Planning Commission.

SEC. 10-2.1807. REQUIRED IMPROVEMENT AND MAINTENANCE OF PARKING AREA. Every lot used as a public or private parking area and having a capacity of five (5) or more vehicles shall be developed and maintained in the following manner:

(a) Surface of Parking Area. Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks.

(b) Border Barricades, Screening and Landscaping.

(1) Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6") inches in height; located not less than two (2') feet from such street or alley property lines, and such curb or barrier shall be securely installed and maintained, provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area that abuts a fence, wall or hedge required by provisions of this Chapter shall be separated from such fence, wall or hedge by a suitable concrete curb or timber barrier not less than six (6) inches in height, located not less than two (2') feet from such fence, wall or hedge; and such curb or barrier shall be securely installed and maintained.

(3) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge six (6') feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous "R" zone property provided that in all zones which require a front yard, fences on corner lots shall meet the vision clearance requirements of Section 10-2.1609. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6') feet or more below the elevation of such "R" zone property along the common property line.

(4) Any lights provided to illuminate any parking area, or used car sales area permitted by this Chapter shall be arranged so as to reflect the light away from any premises upon which a dwelling is located.

(5) Every parking area and appurtenances thereto shall be maintained in a safe and sightly manner.

SECTION 5. AMENDMENT OF CODE. Section 10-2.2106 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2106. TIME FOR HEARING. (a) The hearing by the Planning Commission for any zone boundary change initiated under the provisions of Section 10-2.2102(a) shall be held during the month of April for amendments initiated during the period of December 16 to March 15, inclusive; during the month of July for amendments initiated during the period of March 16 to June 15, inclusive; during the month of October for amendments initiated during the period of June 16 to September 15, inclusive; and during the month of January for amendments initiated during the period of September 16 to December 15, inclusive.

(b) The hearing by the Planning Commission for an unclassified use permit shall be held not less than ten (10) days nor more than forty (40) days following the filing of an application for such unclassified use permit, unless such maximum time is waived in writing by the applicant.

SECTION 6. AMENDMENT OF CODE. Section 10-2.2204 of Article 22 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2204. FILING FEES. The following fees shall be paid upon the filing of any application, except that public agencies shall be exempt from the payment of said fees:

(a) Appeals	\$10.00
(b) Conditional Use Permit	\$10.00
(c) <u>Highway Frontage Use Permit</u>	\$25.00
(d) Home Occupation Permit	\$ 2.50
(e) Unclassified Use Permit	\$10.00
(f) Variance	\$25.00
(g) Zone Boundary Change	\$50.00

SECTION 7. AMENDMENT OF CODE. Section 10-2.2906 of Article 29 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2906. SIGNS. That no outdoor advertising structure or outside advertising display be permitted except as follows:

(a) Signs used exclusively for:

(1) The display of official notices used by any public body.

(2) Directional, warning or informational purposes of a public or semi-public nature, directed and maintained by an official body.

(b) A single sign be permitted which is used exclusively to advertise the ownership, sale or lease of the property upon which such sign is placed, or to advertise any lawful activity conducted upon such premises, provided:

(1) Signs shall not rotate or otherwise move, nor shall they be so designed and operated as to simulate action.

(2) Illuminated signs shall be nonflashing and shall not be located so that any light thereon will tend to create a traffic hazard.

SECTION 8. 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 9. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, 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 3rd day of January, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion

being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid, Smith

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 768-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 10th day of January, 19 66, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 9, 1966

AN ORDINANCE AMENDING SECTION 11-2.14 OF CHAPTER 2 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO PUBLIC UTILITY FRANCHISES.

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

SECTION 1. AMENDMENT OF CODE. Section 11-2.14 of Chapter 2 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-2.14. FRANCHISE PAYMENTS AND OBLIGATIONS. No new franchise shall be granted without reserving to the City just and adequate compensation. As part of the consideration for the granting of each franchise, the grantee shall agree to pay the purchase price, if any, for said franchise as set forth in the franchise, and to make any franchise payments fixed by the Council, and the grantee shall also agree to perform all covenants and agreements set out in said franchise to be performed by the grantee.

The Council shall have the right to recognize that extensions of service, betterment of services, surrendering of existing franchises or parts thereof, settling litigation between the grantee and the City, or the performance by grantee of franchise obligations, may be considerations (other than the franchise payment) of benefit to the City and its inhabitants, and in determining the amount of adequate consideration for the franchise or the amount of any franchise payments to be paid by a grantee, the Council shall have the right to give weight to such factors.

Where the Council has fixed a percentage of gross receipts to be paid for the exercise of grantee's franchise, and where the operations of the grantee extend beyond the territorial boundaries of the City, the Council shall have the right to allocate such percentage payments so that such grantee shall pay only for its operations, for which a franchise is required, within the City.

The Council may likewise in the case of communication companies collecting tolls for both local and out of city business, interurban transportation companies and other companies as to which practical difficulties may arise as to the segregation between local and other tolls, fares or charges, provide for an allocation as between such local and other tolls, fares, or charges. In franchises covering operations as to which the requirement of payment of a percentage of gross receipts is not practical, the Council shall fix a basis for computing the franchise payments to be paid by grantee which will provide an equivalent sum.

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 Tribune, 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 17th day of January, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Patton, Smith, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 769-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 January, 19 66, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 23, 1966

AN ORDINANCE AMENDING SECTION 2-5.12 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM.

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

SECTION 1. AMENDMENT OF CODE. Section 2-5.12 of Chapter 5 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-5.12. RIGHT TO HEARING. Any regular employee in the Classified Service shall have the right to request in writing a hearing before the Personnel Commission relative to any suspension, demotion, or dismissal and/or alleged violation of this chapter or the personnel rules, except in instances where the right of appeal is denied by this chapter. Such a request must be filed with the Director of Personnel within thirty (30) days following the mailing of written notice to said employee of such suspension, demotion, or dismissal or the occurrence of said alleged violation. Within twenty (20) days after receipt by the Director of Personnel of a written request for a hearing before the Personnel Commission, the Commission shall hold a hearing. The hearing may be informally conducted and the rules of evidence need not apply.

Within ten (10) days after concluding the hearing, the Personnel Commission shall certify its findings and recommendations to the City Manager or to any other official from whose action the appeal was taken, and to the employee affected. The City Manager, or other official from whose action the appeal was taken, shall review the findings and recommendations of the Personnel Commission and may then affirm, revoke, or modify the action taken, as in his judgment seems warranted in the public interest, and the action taken shall be final.

Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure of the State of California. Such petition shall be filed within sixty (60) days from the date of the final action of the City Manager, or other official from whose action the appeal was originally taken.

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 Tribune, 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 7th day of February, 1966, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

By Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 770-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 14th day of February, 19⁶⁶, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 16, 1966

AN ORDINANCE AMENDING SECTION 8-2.223 OF ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAXES.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.223 of Article 2 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.223. EXEMPTIONS. The provisions of this article shall not apply to any admissions charged by and used exclusively by nonprofit corporations incorporated under the California nonprofit corporation law and associated student organizations connected with public and private schools.

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 Tribune, 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 February, 1966, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:
By REX E. GAILFUS, City Clerk
(SEAL)

APPROVED AS TO FORM: By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 771-C. S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 February, 1966, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 23, 1966

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN CORGIAT)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by John Corgiat on December 30, 1965, to reclassify from Multiple-Family Zone, R-3, to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 18, 1966, 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. 66-11, adopted on January 18, 1966, the Planning Commission recommended to the Council that the application of John Corgiat to amend Section 21-3-9 of the Zoning Map to reclassify the hereinafter described property from Multiple-Family Zone, R-3, to General Commercial Zone, C-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, 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.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-Family Zone, R-3, to General Commercial Zone, C-2:

Ordinance 772 C.S.
Exhibit A – Map

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

Commencing at the northeastern corner of Lot 8 of the Coolidge Colony; thence along the eastern line of said Lot 8 South 00° 10' East, 150.00 feet to the true point of beginning; thence continuing along said eastern line of Lot 8 South 00° 10' East, 180.00 feet to the center line of a 50 foot public road known as Orangeburg Avenue as shown on the map of said Coolidge Colony; thence along said center line of Orangeburg Avenue North 89° 00' West 110.00 feet; thence North 00° 10' West 180.00 feet; thence South 89° 00' East 110.00 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 213-9 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 Tribune, 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 February, 19 66, by Councilman VanderWall,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Russell Key
Planning Department

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 February, 1966, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Vice Mayor VanderWall
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Johansen

APPROVED


RICHARD VANDERWALL, Vice Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 30, 1966

AN ORDINANCE AMENDING SECTION MAP20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GEORGE GROUND)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by George Ground on December 29, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 18, 1966, 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. 66-10, adopted on January 18, 1966, the Planning Commission recommended to the Council that the application of George Ground to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Lots 1 to 12 inclusive in Block 6000A, including also the easterly one-half of Alma Avenue adjacent to said lots.

SECTION 3. ZONING MAP. Section 20-3-9 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 Tribune, 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 February, 1966, by Councilman Shastid,

who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
By Russell C. Fry
Planning Department

**Ordinance 773 C.S.
Exhibit A – Map**

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

Ord. No. 773-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 February, 1966, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Vice Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Johansen

APPROVED: 
RICHARD VANDERWALL, Vice Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 30, 1966

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DON PEDRO REALTY)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Don Pedro Realty on December 23, 1965, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 18, 1966, 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. 66-9, adopted on January 18, 1966, the Planning Commission recommended to the Council that the application of Don Pedro Realty to amend Section 22-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

All that portion of Lot 7 lying west of the southern extension of the center line of Gemini Court, and all of Lots 8 to 13 inclusive in Block 1322; including also the south one-half of Wylie Drive and the west one-half of Gemini Court adjacent to the lots described above.

SECTION 3. ZONING MAP. Section 22-3-9 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 Tribune, 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 February, 19 66, by Councilman Smith,

who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Russell J. Fry
Planning Department

**Ordinance 774 C.S.
Exhibit A – Map**

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

Ord. No. 774-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 February, 1966, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Vice Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Johansen(Mayor)

APPROVED 
RICHARD VANDERWALL, Vice Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 30, 1966

AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.1505.1 THERETO, RELATING TO ZONING.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1505 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1505. PREZONING OF UNINCORPORATED TERRITORY.

(a) The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning that will apply to the property in such territory in the event of subsequent annexation to the City.

(b) The method and procedure for establishing such prezones shall be the same as provided in Articles 21 and 22 of this chapter for the establishment of zones within the City; except that the initiation of pre zoning of unincorporated territory shall not be limited to the quarterly rezoning hearing schedule set forth in Section 10-2. 2106 of this Code.

(c) Unincorporated territory which has been pre-zoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.

(d) The zone classification which has been established by pre zoning procedure for unincorporated territory shall become effective at the time that the annexation of such territory to the City becomes effective. At such time, the "P" prefix shall be deemed automatically removed from the zone classification.

SECTION 2. AMENDMENT OF CODE. Section 10-2.1505.1 is hereby added to Article 15 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1505.1. CLASSIFICATION OF ANNEXED TERRITORY.

(a) All territory annexed to the City which has not been pre zoned pursuant to Section 10-2.1505 shall automatically be classified with the City's zone classification most comparable to the County's zone classification held immediately prior to its annexation to the City, as shown on the following conversion table, except as provided in subsections (b) and (c) hereof.

A-2
 R-A
 R-1
 R-2
 R-3
 H-1
 C-1
 C-2
 L-M
 M

R-1
 R-1
 R-1
 R-2
 R-3
 H-1
 C-1
 C-2
 M-1
 M-2

(b) Any territory annexed to the City which in the County was unclassified or in a zoning classification that does not appear in the table specified in subsection (a) above, shall be classified as R-1, Single Family Residential.

(c) The application of County zoning in accordance with the provisions of subsections (a) and (b) of this section shall not prejudice the right of the Council or the Planning Commission to initiate rezoning of any land within the City at a date subsequent to annexation in accordance with the procedures set forth in Articles 21 and 22 of this Chapter.

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 Tribune, 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 February, 1966, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST:

APPROVED:

Peter W. Johansen
 PETER W. JOHANSEN, Mayor

By *Rex E. Galfus*
 REX E. GALFUS City Clerk
 (SEAL)

APPROVED AS TO FORM:

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

Ord. No. 775-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 February, 1966, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 23, 1966

AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE TRANSADTISE COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS. (a) Bench: A seat located upon public property along the public way for the accommodation of passers-by or persons awaiting transportation.

(b) Street: Any public thoroughfare or way including the sidewalk, the parkway and other public property fronting upon a public way.

(c) Quarterly Period: A period of three (3) consecutive months. The quarters begin on the first day of January, April, July and October of each year.

SECTION 2. BENCHES PROHIBITED. No person shall install or maintain any bench with advertising thereon upon any street in the City except in accordance with the provisions of this franchise.

SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby grants to W. R. TOMSON, doing business as The Transadtise Company, for the term of five (5) years beginning January 20, 1966, the exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto. The term of this franchise may be extended for an additional term of five (5) years at the option of the City Council.

SECTION 4. PAYMENT. For the privilege herein granted, the Grantee shall pay to the City of Modesto Three and no/100ths (\$3.00) Dollars per quarter per bench installed and in place. No later than the tenth day of the month following the close of each quarterly period, Grantee shall submit a report to the Director of Finance stating the total number of benches on location on the last day of the preceding month and the number installed during the preceding quarterly period. The fee shall be paid according to

the number of benches in place on the last day of the quarterly period, whether or not there is advertising thereon, and shall be paid on or before the tenth day of the month following the close of the quarterly period. These payments shall be in lieu of payment to the City of a percentage of gross receipts or other license fees under the provisions of Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 5. COMMENCEMENT OF WORK. No work shall be commenced under the provisions of this franchise until plans and specifications have been filed with and approved by the City Manager, nor until a map showing the precise location of the benches proposed to be installed shall be filed with the City Manager, nor until the insurance policy and performance bond required by Sections 14 and 15, respectively, of this franchise shall be filed with the City Clerk. After complying with the provisions of this section, the Grantee shall be required to place and install not less than twenty-five (25) benches within ninety (90) days after being awarded the franchise. Thereafter, Grantee shall maintain a minimum of twenty-five (25) benches in place during the term of any franchise awarded under these specifications.

SECTION 6. GENERAL CONDITIONS. This franchise is granted upon and subject to each and all of the conditions set forth in the following sections.

SECTION 7. ADVERTISING SPACE. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surface of the backrest and not more than seventy-five (75%) per cent of each such surface shall be used. No advertisement or sign on any bench shall display the words, "Stop", "Look", "Drive-in", "Danger" or any other word, phrase, symbol or character that might interfere with, mislead or distract traffic. The City may require bus schedules to be placed on any bus bench. No advertising other than bus schedules shall be placed on any benches erected and maintained in areas zoned as residential by the zoning regulations of the City. Commercial

advertising shall not be placed on any bench where such advertising is prohibited by the laws of the City. No advertising which does not meet with the approval of the City Manager shall be placed or maintained on any of said benches. Bus schedules shall be of a maximum size of nine inches by twelve inches (9" x 12") and shall be placed on the front of the bench back.

SECTION 8. APPROVAL OF LOCATION. Benches shall be placed only in locations approved by the City Manager. The benches contemplated are designed for the convenience of those using the buses in the City and shall be placed upon the streets traversed by any holder of any bus franchise in the City. The benches may not be installed at any place except public carrier stops except with the express approval of the Council. No bench shall be installed or maintained:

(a) In any alley;

(b) At any location where the distance from the face of the curb to the property line is less than ten (10') feet; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager; or

(c) At any location distant more than fifty (50') feet from the nearest intersecting street; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager.

SECTION 9. APPROVAL OF PROPERTY OWNER REQUIRED. No bench shall be placed against the desire of the owner or his representative and the person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, or their representatives. Such persons may veto the placing of the bench by written request to the City Manager. If there is a change in the ownership of the property abutting the bench, the Grantee shall not maintain the bench against the desire of the new owner.

SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESIDENTIAL AREAS. For each seven (7) benches installed in areas zoned for commercial uses, at least one bench shall be installed in areas zoned for residential uses.

SECTION 11. MAINTENANCE OF BENCHES. All benches must be cleaned regularly and when needed and must be maintained in good repair in a safe and sightly condition. The City Manager's decision as to the state of repair and condition shall be conclusive. Grantee shall inspect each bench periodically to assure full compliance with the provisions of this section.

SECTION 12. REMOVAL OF BENCHES. No bench after being installed on the streets or sidewalks of the City shall be removed from said street or other place by the Grantee during the term of the franchise except with the consent of the City Manager. The City Manager may, for a cause considered by him reasonable, order the Grantee to remove any bench. When the City Manager orders the bench removed, the Grantee shall remove it within thirty (30) days at his own expense. If he shall fail to do so, the City Manager may order the removal of the bench, and destroy or sell it at his discretion, and may, in addition, bill Grantee for the removal or destruction in a sum not in excess of Five and no/100ths (\$5.00) Dollars per bench.

SECTION 13. LOCATION OF BENCHES. The front of all benches shall be placed not less than eighteen (18") inches nor more than thirty (30") inches from the curb line and parallel thereto. No bench shall seat fewer than four (4) people. No bench shall be placed so as to injuriously obstruct passage on the sidewalk or street. No bench shall be placed within fifteen (15') feet of any fire hydrant. No bench shall be more than forty-two (42") inches high nor more than thirty (30") inches wide, nor more than eight (8') feet long, except that, with the consent of the City Manager, two (2) eight (8') foot long benches may be attached together.

SECTION 14. HOLD HARMLESS AND INSURANCE. The Grantee shall save the City harmless from any and all claims of damage to any person or property arising from the installation, maintenance or existence of the benches. The Grantee shall carry public liability insurance, said insurance policy shall be filed with the City Clerk and shall be maintained throughout the existence of this franchise. The liability policy and the certificate of insurance which is to be furnished the City shall contain a contractual liability endorsement stating that the policy is extended to cover the liability assumed by the Grantee under the terms of the franchise, and shall also contain a cancellation endorsement that the insurance coverage may not be cancelled nor the amount of coverage reduced until ten (10) days after receipt by the City Clerk of the City of Modesto of a written notice of such cancellation or reduction in coverage.

The insurance policy shall insure the City against loss or liability for injury to, or death of, any person, or damage to property growing out of the installation or maintenance or existence of any bench to the amount of or limit of One Hundred Thousand and no/100ths (\$100,000.00) Dollars for bodily injuries to or death of one person, and Ten Thousand and no/100ths (\$10,000.00) Dollars for property damage. The required limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby and shall not be less than the amount specified in the following schedule:

NUMBER OF BENCH PERMITS	LIMITS OF PUBLIC LIABILITY	PROPERTY DAMAGE
1 to 100	\$100,000.00	\$10,000.00
101 or more	\$200,000.00	\$20,000.00

SECTION 15. PERFORMANCE BOND. The Grantee shall post a performance bond in the sum of One Thousand and no/100ths (\$1,000.00) Dollars guaranteeing its performance of the conditions of this permit and stating that the said sum of One Thousand and no/100ths (\$1,000.00) Dollars shall be forfeited to the City as

liquidated damages in the event that Grantee shall fail to perform the conditions of its franchise. Said bond shall be furnished by a surety company authorized to do business in the State of California and shall be approved by the City Attorney.

SECTION 16. ACCEPTANCE OF FRANCHISE. Grantee shall be required to file in the Office of the City Clerk of the City an acceptance in writing of the provisions of the franchise and shall agree to perform all the conditions thereof. Said acceptance in writing shall be filed on or before thirty (30) days following the adoption of this ordinance.

SECTION 17. DEFAULT. In the event that either party shall fail or neglect to do or perform each and all of the terms and conditions of this franchise on his or its part to be performed, the aggrieved party may give the party in default thirty (30) days' written notice to correct the conditions in default, and if party in default refuses or neglects to make such corrections within the thirty (30) day period, the aggrieved party may terminate this franchise. Should Grantee herein default, it will remove all benches within thirty (30) days of the termination of this franchise if requested to do so by City.

SECTION 18. INSPECTION OF BOOKS. The City shall have the right at all reasonable times to examine all books, papers and records of the Grantee for the purpose of verifying the statements or reports required and for any other purpose whatsoever connected with this franchise.

SECTION 19. EXEMPTION. The provisions of Chapter 6 of Title IX of the Modesto Municipal Code (Sign Regulations) shall not be applicable with respect to the construction and maintenance of benches with advertising thereon under this franchise.

SECTION 20. DEFACING BENCHES PROHIBITED. No person shall tamper with or deface any bench placed under the franchise granted by this ordinance.

SECTION 21. PENALTY. It shall be unlawful for any person to violate the provisions of Section 20 of this franchise,

or to cause, permit or suffer the same to be done; and any person who does shall be deemed guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 22. 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 23. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, 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 February, 1966, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Vice Mayor VanderWall
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Johansen

APPROVED: Richard VanderWall

~~XXXXXXXXXXXXXXXXXXXX~~ Mayor
RICHARD VANDERWALL, Vice/

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 776-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 7th day of March, 196⁶5, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 6, 1966

AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO", FIXING THE BOUNDARIES THEREOF AND FIXING THE ADDITIONAL LEVY OF LICENSE TAX TO BE IMPOSED ON THE BUSINESSES IN SUCH AREA, AND ADDING CHAPTER 3 ENTITLED "BUSINESS IMPROVEMENT AREA A" TO TITLE VI OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AUTHORITY. The proceedings herein taken are taken pursuant to the authority of the "Parking and Business Improvement Area Law of 1965", being Section 36,000 et seq. of the Streets and Highways Code of the State of California.

SECTION 2. RESOLUTION OF INTENTION. This ordinance is adopted pursuant to that certain Resolution of Intention adopted by this City Council, being Resolution No. 66-73, adopted on the 24th day of January, 1966, and entitled "A Resolution of the Council of the City of Modesto Declaring Its Intention to Form a Business Improvement Area to Be Known as 'Business Improvement Area A of the City of Modesto', Fixing the Time and Place for Hearing, and Giving Notice Thereof," which Resolution of Intention was adopted by the City Council and proceedings thereunder taken pursuant to the authority of said "Parking and Business Improvement Area Law of 1965".

SECTION 3. NOTICE AND HEARING. Said Resolution No. 66-73 was published and mailed as provided by law, and a hearing thereon was held by the City Council on February 28, 1966, at the hour of 8:00 o'clock P.M. in the Council Chambers of the City Council of said City of Modesto, in the City Hall, 801 - 11th Street, Modesto, California.

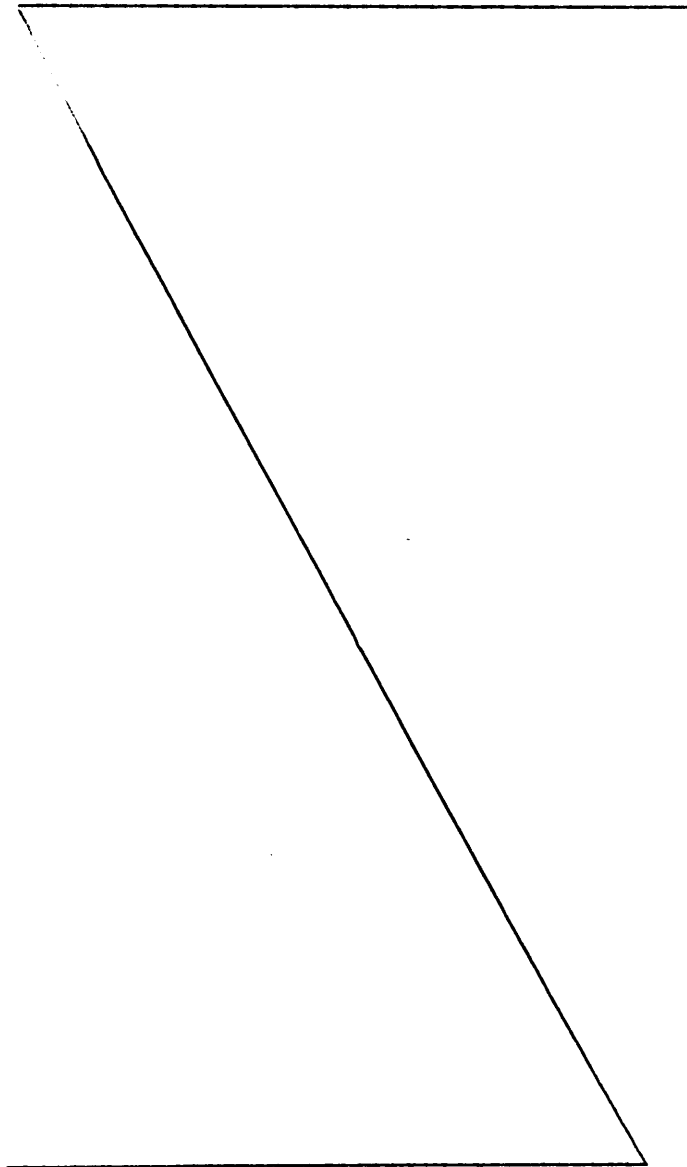
SECTION 4. AMENDMENT OF CODE. Chapter 3 entitled "Business Improvement Area A" is hereby added to Title VI of the Modesto Municipal Code to read as follows:

CHAPTER 3 -- BUSINESS IMPROVEMENT AREA A

SEC. 6-3.01. AUTHORITY. This chapter is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1965", being Section 36,000 et seq. of the Streets and Highways Code of the State of California.

SEC. 6-3.02. DESIGNATION. There is hereby created and established a Parking and Business Improvement Area designated as: "BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO", hereinafter for brevity and convenience sometimes referred to as "Area".

SEC. 6-3.03. "AREA" DESCRIPTION. A description of the exterior boundaries of said "Business Improvement Area A of the City of Modesto" is as follows:



BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO

All that portion of Sections 28, 29 and 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the CITY OF MODESTO, as per maps filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the intersection of the center lines of 9th Street and Needham Street; thence Easterly along the center line of Needham Street to its intersection with the Northwesterly extension of the center line of 17th Street; thence Southeasterly along said extension and the center line of 17th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 4 of Block 125; thence Southwesterly along said line to its intersection with the center line of the alley of Block 125; thence Southeasterly along the center of said alley to its intersection with the Northeasterly extension of the Southeastern line of the Northwestern half of Lot 26 of Block 125; thence Southwesterly along said line to its intersection with the center line of 16th Street; thence Northwesterly along said center line of 16th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 4 of Block 122; thence Southwesterly along said line to its intersection with the center line of the alley of Block 122; thence Northwesterly along the center line of said alley to its intersection with the northeasterly extension of the Southeastern line of Lot 31 of Block 122; thence Southwesterly along said line to its intersection with the center line of 15th Street; thence Southeasterly along said center line of 15th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 5 of Block 112; thence Southwesterly along said line to its intersection with the center line of the alley in Block 112; thence Southeasterly along the center line of the alleys of Block 112, 113, 114, and 115 to its intersection with the Northeasterly extension of the Southeastern line of Lot 29 of Block 115; thence Southwesterly along said line to its intersection with the center line of 14th Street and the Northeasterly extension of the Southeastern line of Lot 4 of Block 103; thence continuing Southwesterly along said line to its intersection with the center line of the alley of Block 103; thence Northwesterly along the center line of said alley to its intersection with the Northeasterly extension of the Southeastern line of Lot 31 of Block 103; thence Southwesterly along said line to its intersection with the center line of 13th Street; thence Southeasterly along said center line of 13th Street to its intersection with the Northeasterly extension of the Southeastern line of the Northwestern half of Lot 3 of Block 96; thence Southwesterly along said line to a point which is parallel with and 45.00 feet, measured at right angles, Northeasterly from the Southwestern line of Lots 3 and 4 of Block 96; thence Southeasterly along said parallel line to its intersection with the Southeastern line of said Lot 4; thence Southwesterly along the Southeastern line of said Lot 4 to its intersection with the center line of the alley of Block 96; thence Northwesterly along the center line of said alley to its intersection with the Northeasterly extension of the Southeastern line of Lot 31 of Block 96; thence Southwesterly along said line to its intersection with the center line of 12th Street; thence Southeasterly along said center line of 12th Street to its intersection with the center line of F Street; thence

Southwesterly along said center line of F Street to its intersection with the center line of the alley of Block 81; thence Northwesterly along the center line of said alley to its intersection with the Northeasterly extension of the Southeastern line of Lot 30 of Block 81; thence Southwesterly along said line to its intersection with the center line of 11th Street; thence Southeasterly along said center line of 11th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 4 of Block 71; thence Southwesterly along said line to its intersection with the center line of the alley of Block 71; thence Southeasterly along the center line of said alley to its intersection with the Northeasterly extension of a line which is parallel with and 5.75 feet Northwesterly from the Southeastern line of Lot 27 of Block 71; thence Southwesterly along said line to its intersection with the center line of 10th Street; thence Northwesterly along said center line of 10th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 4 of Block 53; thence Southwesterly along said line and the Southeastern line of Lot 29 of Block 53 to its intersection with the center line of 9th Street; thence Southeasterly along said center line of 9th Street to its intersection with the Northeasterly extension of the Southern line of Block 137; thence Southwesterly along the Southern line of Block 137 to the Southwestern corner of Block 137; thence Northwesterly along the Southwestern line of Block 137 to its intersection with the Southern line of Block 140; thence Southwesterly along the Southern line of Block 140 to its intersection with the center line of 8th Street; thence Northwesterly along said center line of 8th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 6 of Block 45; thence Southwesterly along said line to its intersection with the center line of the alley of Block 45; thence Northwesterly along the center line of said alley to its intersection with the Northeasterly extension of the Southeastern line of Lot 29 of Block 45; thence Southwesterly along said line to its intersection with the center line of 7th Street; thence Southeasterly along said center line of 7th Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 5 of Block 31; thence Southwesterly along said line to its intersection with the center line of the alley of Block 31; thence Southeasterly along the center line of said alley to its intersection with the Northeasterly extension of the Southeastern line of Lot 25 of Block 31; thence Southwesterly along said line and the extension thereof to its intersection with a line which is half way between the center lines of 5th Street and 6th Street, said line being the approximate center line of California State Freeway, U. S. Highway 99; thence Northwesterly along said line to its intersection with the center line of North Washington Street; thence Northerly along said center line of North Washington Street to its intersection with the center line of 8th Street; thence Northwesterly along said center line of 8th Street to its intersection with the center line of Kansas Avenue; thence Northeasterly along said center line of Kansas Avenue to its intersection with the center line of 9th Street; thence Southeasterly along said center line of 9th Street to the point of beginning.

SEC. 6-3.04. BUSINESSES SUBJECT TO ADDITIONAL TAX. All businesses within the boundaries of said "Area", not exempt by law, shall be subject to the provisions of the additional tax imposed by this chapter.

SEC. 6-3.05. ADDITIONAL LEVY OF LICENSE TAX. An additional levy of business license tax on businesses conducting their activities in the "Area", which is in addition to the ordinary business license tax imposed upon such businesses by Chapter 1 of this title, is hereby imposed. Such additional levy of business license tax shall be as fixed and determined by the following schedule:

(a) Class I Businesses.

Every person conducting, carrying on, or managing a business from a fixed place of business within the "Area", and who is subject to a business license tax equal to one mill on each dollar of gross receipts as defined in Section 6-1.201 of this Code shall be subject to an additional one-half (1/2) mill on each dollar of gross receipts. Exception: The tax rate for the sale of new and used motor vehicles shall be one-fourth (1/4) mill on each dollar of gross receipts. Sales of parts and services shall not be considered as the sale of new or used motor vehicles. The maximum payment for the additional levy for any single business shall not exceed One Thousand, Five Hundred and no/100ths (\$1,500.00) Dollars during any fiscal year.

(b) Class II Businesses.

Every person conducting, carrying on, or managing a business from a fixed place of business within the "Area", and who is subject to a business license tax equal to two (2) mills on each dollar of gross receipts as defined in Section 6-1.202 of this Code, shall be subject to an additional one mill on each dollar of gross receipts. The maximum payment for the additional levy for any single business shall not exceed One Thousand, Five Hundred and no/100ths (\$1,500.00) Dollars during any fiscal year.

SEC. 6-3.06. DEFINITIONS AND CLASSIFICATIONS. The definitions and classifications of businesses, as hereinabove set forth, shall be determined by the definitions and classifications as set forth in Chapter 1 of this title.

SEC. 6-3.07. COLLECTION OF ADDITIONAL TAX. The collection of the additional levy to the license tax imposed by this chapter shall be made at the same time and in the same manner as the ordinary business license tax of the City under the provisions of Chapter 1 of this title, and such tax shall be computed in the manner provided in said Chapter 1 for each business, but according to the schedule set forth herein, and shall be due and payable as provided in said Chapter 1 of this title.

SEC. 6-3.08. EXEMPTION: VOLUNTARY CONTRIBUTION. Any business, person, or institution located within said "Area", which is exempt from the payment of the ordinary business license tax of the City by reason of the provisions of the United States or State Constitutions, is not to be taxed under this chapter but may make a voluntary contribution to the City. Such contribution shall be used for the purposes provided in Section 6-3.09 of this chapter.

SEC. 6-3.09. PROPOSED USES. The uses to which the proceeds from the additional tax revenue realized from the additional levy of license tax imposed by this chapter shall be put are:

- (a) Decoration of any public place in the "Area".
- (b) Promotion of public events which are to take place on or in public places in the "Area".
- (c) Furnishing of music in any public place in the "Area".
- (d) The general promotion of retail trade activities in the "Area".

SEC. 6-3.10. LIMITATION ON EXPENDITURE. Not more than forty (40%) per cent of the proceeds from the additional tax revenue realized from the additional levy of license tax imposed by this chapter shall be expended for the decoration of or the furnishing of music in public places in the "Area".

SEC. 6-3.11. ADVISORY BOARD. For the purpose of advising the Council and making recommendations as to how the revenue derived from the additional levy of license tax imposed by this chapter shall be used within the scope of the purposes set forth in Section 6-3.09 of this chapter, and to have and perform such other powers and duties as the Council may determine, there is hereby created an advisory board consisting of fifteen (15) members to be appointed by the Mayor with the concurrence of the Council, said members to be persons who have businesses within the "Area", and pay an additional levy of license tax as provided for by this chapter.

SECTION 5. 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 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, 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 February, 1966, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Johansen

APPROVED: Richard VanderWall
~~REUBEN JOHNSON, Mayor~~
RICHARD VANDERWALL, Vice Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. A. Rosewood
Public Works Department
GP
3-1-66

Ord. No. 777-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 7th day of March, 19~~65~~⁶⁶, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 6, 1966

AN ORDINANCE AMENDING SECTION 10-2, 2204 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO FILING FEES UNDER THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2, 2204 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2, 2204. FILING FEES. A filing fee for each application filed pursuant to this Chapter shall be paid at the same time as the application is filed, 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. 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 Tribune, 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 7th day of March, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS 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 14th day of March, 1966, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 13, 1966

AN ORDINANCE ADOPTING AN AMENDED 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 Tribune, 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, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

By REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM: By ELWYN L. JOHNSON
ELWYN L. JOHNSON, City Attorney

Ordinance 781 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 4th day of April, 1966, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES:	Councilmen:	Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Hughes

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *R. E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 4, 1966

AN ORDINANCE AMENDING SECTION MAP17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORTHGATE ENTERPRISES)

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

SECTION 1. ZONING CHANGE. Section17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Planned Development Zone, P-D (24):

Lot 10 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 at page 76.

SECTION 2. USES. The following uses shall be permitted in said P-D (24) 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: A maximum of two hundred one (201) multiple-family dwelling units with a minimum of one and one-half (1½) off-street parking spaces per unit as shown on the

Ordinance 779 C.S.
Exhibit A – Map

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

plan titled, "Planned Unit Development for Northgate Enterprises, Modesto, California", dated December 31, 1965, as amended in red on its face, and on file in the office of the Planning Director.

SECTION 3. ZONING MAP. Section Map 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 Tribune, 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, 1966, by Councilman Patton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
~~ALLEN K. SMITH~~, City Attorney
ELWYN L. JOHNSON

APPROVED AS TO DESCRIPTION: 2- Russell A. Fry
Planning Department

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, 1966, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, VanderWall,
Mayor Johansen
NOES: Councilmen: Smith
ABSENT: Councilmen: Mitchell

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 27, 1966

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE DOWNEY PARK NO. 2 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Homer H. Copeland, Minnie N. Copeland, J. L. McMillin, Mrs. J. L. McMillin, William F. Wiegman, Phyllis Wiegman, David T. Young, La Von G. Young, Alfred L. Flory, Gertrude E. Flory, Joe L. Brewer, and Doris M. Brewer, James E. Price, and Melba L. Price on December 24, 1965, 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 DOWNEY PARK NO. 2 ADDITION, situate 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 7th day of February, 1966, set said petition for hearing at the hour of 4:30 o'clock P.M. on the 21st day of March, 1966, 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 Tribune, a newspaper published in the City of Modesto on February 10, 1966, and on February 17, 1966; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 10, 1966, and on February 17, 1966, 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,

8/6/65

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 October 27, 1965, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766~~ of the Government Code, and

WHEREAS, on the 21st day of March, 1966, at the hour of 4:30 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 DOWNEY PARK NO. 2 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

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 the Northeastern corner of the ZLAB No. 2 ADDITION, as per description filed October 20, 1958, as Instrument 26117, Stanislaus County Records; thence along the existing City Limits and the Eastern line of ZLAB No. 2 ADDITION, South $0^{\circ} 27'$ East, 493.41 feet, to the Southeastern corner of ZLAB No. 2 ADDITION; said corner being a point on the Northern line of the ZLAB ADDITION, as per description filed January 18, 1956, as Instrument 1481, Stanislaus County Records; thence along said Northern line of the ZLAB ADDITION, South $89^{\circ} 59' 45''$ East, 25.00 feet, to the Northeastern corner of the ZLAB ADDITION and the Northwestern corner of the DOWNEY HIGH SCHOOL ADDITION, as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records; thence along the Northern line of the DOWNEY HIGH SCHOOL ADDITION, South $89^{\circ} 59' 45''$ East, 357.00 feet, to the Southwestern corner of the DOWNEY PARK ADDITION, as per description filed February 21, 1963, as Instrument 6991, Stanislaus County Records; thence along the Western line of the DOWNEY PARK ADDITION, North $0^{\circ} 27'$ West, 493.51 feet, to the Northwestern corner of the DOWNEY PARK ADDITION; thence along the Northern line of the DOWNEY PARK ADDITION, North $89^{\circ} 57' 45''$ East, 958.39 feet, to the Northeastern corner of the DOWNEY PARK ADDITION and a point on the Western line of the LORENZEN ADDITION, as per description filed June 27, 1961, as Instrument 20145, Stanislaus County Records; thence along said Western line of the LORENZEN ADDITION, North $0^{\circ} 29' 30''$ West, 329.70 feet, to the Northwestern corner of the LORENZEN ADDITION and the Southwestern corner of the LIBERINI ADDITION, as per description filed January 15, 1965, as Instrument 1768, Stanislaus County Records; thence along the existing City Limits as established by the boundary of the LIBERINI ADDITION, North $0^{\circ} 29' 30''$ West, 329.70 feet; thence, South $89^{\circ} 56' 15''$ West, 328.01 feet; thence, North $0^{\circ} 26' 30''$ West, 659.45 feet, to the Northwestern corner of the LIBERINI ADDITION, said corner being a point on the Northern line of Lot 12 of the BROUGHTON COLONY, according to the map filed March 17, 1904, in Volume 1 of Maps, Page 78, Stanislaus County Records, said line being also the center line of a Public Road known as Orangeburg Avenue; thence along said Northern line of Lot 12 and center line of Orangeburg Avenue, South $89^{\circ} 54'$ West, 550.99 feet, to the Western line of property conveyed to JESSIE L. McMILLIN, et ux, by Deed recorded August 5, 1959, as Instrument 22581 in Volume 1562 at Page 282, Stanislaus County Records; thence along said Western line, South $0^{\circ} 27'$ East, 459.20 feet, to the Northern line of property conveyed to LOUIS G. Mc ARTHUR, et ux, by Deed recorded February 29, 1952, as Instrument 5167 in Volume 1073 at Page 548, Stanislaus County Records; thence along said Northern line, South $89^{\circ} 54'$ West, 436.00 feet, to the center line of a 50 foot Public Road known as Coffee Road; thence along said center line, South $0^{\circ} 27'$ East, 858.40 feet, to quarter section corner common to Sections 21 and 22, said point being also on the Easterly extension of the Northern line of ZLAB No. 2 ADDITION, thence along said Easterly extension, North $89^{\circ} 46' 40''$ West, 25.00 feet, to the point of beginning, containing 34.563 acres, more or less.

SECTION 3. No change in school district boundaries shall

be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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, 19 66, by Councilman Smith, who moved its adoption and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

W. A. Hasegood
Public Works Department

8/6/65

Ord 781-C.S.

missing

See after 778-C.S.

AN ORDINANCE AMENDING TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO PUBLIC WORKS.

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

SECTION 1. AMENDMENT OF CODE. Title VII of the Modesto Municipal Code is hereby amended to read as follows:

TITLE VII -- PUBLIC WORKS

CHAPTER 1 -- STREET IMPROVEMENTS

ARTICLE 1. GENERAL

SEC. 7-1.101. STATEMENT OF POLICY. It is recognized that provisions must be made for curbs, gutters and sidewalks along the street frontages of property and vehicular access to property from streets and alleys, and in so doing, due consideration must be given to on-street parking and to pedestrian and vehicular safety.

In establishing permissible driveways for access to private property, it shall be the policy of the City to authorize the same only where they are necessary and only where they will not unreasonably interfere with the rights of the public in the sidewalk area and in the adjacent street or alley, or unreasonably interfere with vehicular traffic, or unreasonably eliminate on-street parking spaces.

SEC. 7-1.102. DEFINITIONS. (a) Street. 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.

(b) 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.

(c) 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 determine the location of the sidewalk area.

(d) Planting Strip. "Planting strip" is that portion of the sidewalk-planting strip not required for sidewalk, driveway or curb use.

(e) 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.

(f) Driveway. "Driveway" is the area required for vehicular access to a property across the sidewalk-planting strip.

SEC. 7-1.103. GENERAL. The sidewalk-planting strip may have power or telephone poles, underground gas and electrical distribution facilities, street lights, fire hydrants, street trees, or other facilities of general public benefit located within it. Lawn only is permissible in the sidewalk area of the planting strip in those areas where a sidewalk has not been constructed in the sidewalk-planting strip. Lawn, a plant ground cover, or shrubbery less than eighteen (18") inches high may be planted in the planting strip, or the planting strip may be surfaced with materials approved by the Council from time to time by resolution, provided that the property owner first obtains written permission from the Director of Public Works. It shall be the property owner's responsibility to maintain the sidewalk-planting strip in a good state of repair at all times so that it will not be dangerous to the users thereof for any reason; and the property owner shall hold the City harmless of and 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) An encroachment as herein defined is any permanent or temporary fixture such as a structure or 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 defined in Section 7-1.102(b) of this article.

(b) 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 a permit from the City of Modesto, granted as herein provided, except as modified in Section 7-1.103 of this article.

(c) Any person, firm or corporation desiring to place, erect, or maintain an encroachment as hereinabove defined in the sidewalk-planting strip shall make application for a permit to do so 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.

(d) 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.

(e) A permit granted pursuant to this section is revocable at any time by the Council. Upon the revocation of any such permit, the Director of Public Works shall give notice in the form and manner specified in paragraph (f) of this section, to the person maintaining said encroachment, to remove said encroachment. 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 after his permit has expired, or after his permit has been revoked and the time specified in the notice from the Director of Public Works for removal of the same has expired.

(f) Any person, firm or corporation, whose property encroaches in any manner upon, over or under the sidewalk-planting strip, who 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 requiring such removal. Notice of such removal shall be by registered 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 the removal of said encroachment shall be specified in the notice.

SEC. 7-1.105. PERMIT REQUIRED. It shall be unlawful for any person to construct, repair, or remove, or cause to be constructed, or repaired, or removed in the City, any sidewalk, driveway, curb or curb and gutter without first obtaining a permit from the Director of Public Works so to do. In no case, however, shall a permit be granted to construct sidewalks, curbs, or curbs and gutters when the Council has instituted improvement proceedings under the general laws of the State relating to such work.

SEC. 7-1.106. APPLICATION FOR PERMIT. Any person desiring a permit for the construction, repair, or removal of curb, gutter, sidewalk, or driveway 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 in front of which the proposed construction or repair is to be made;
- (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 construction, repair or removal of curb, gutter, sidewalk or driveway shall be readily available at the work site upon request.

SEC. 7-1.108. FEES. All fees for services performed by City personnel, as required by this chapter, shall be in accordance with a schedule of fees approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

SEC. 7-1.109. RESPONSIBILITY FOR ACCIDENTS: LIABILITY INSURANCE. Permittee shall be responsible for any and all claims and liabilities for damages caused by any of the work herein permitted or caused by permittee's

failure to perform his obligations under the permit. In the event any such claim or liability for damages is made against or imposed upon the City or any department, officer, or employee thereof, permittee shall and by acceptance of the permit agrees to defend, indemnify, and hold each of them harmless from such claim or liability. Permittee shall provide and keep in force during the life of the permit a policy of public liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage, which may arise in any way out of the exercise of the rights granted by the permit. The amounts of such insurance shall be as follows:

Public Liability Insurance, in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars for injury or death to any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for injury or death arising from any one accident or occurrence; and

Property Damage Insurance, in an amount not less than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of the permit and shall contain a provision that such policy may not be cancelled except after ten (10) days' notice in writing to the City Clerk.

A copy of the policy or certificate of insurance evidencing the insurance coverage shall be filed with the City Clerk.

SEC. 7-1.110. POSTING OF BOND. If permittee fails, in the opinion of the Director of Public Works, to comply with the provisions hereof or the conditions of any permit, the Director may refuse to grant and may withhold issuance of any subsequent permits to permittee until the latter has paid all costs due City for prior permits and has posted with the City a cash bond in the sum of Five Hundred and no/100ths (\$500.00) Dollars, which bond or any part thereof shall be used as follows:

(a) To pay the actual cost of work completed by the Director of Public Works in connection with any permit issued, including overhead costs.

(b) To pay the actual cost of work done by the Director of Public Works to repair or restore any public improvements damaged or destroyed by permittee during the course of any operations performed under any permit, including overhead costs.

(c) To pay the actual cost of placing lighted barricades placed on or about the permittee's work, including overhead costs, and the costs of the furnishing by City of any other safety barricades or warnings in connection with any permit issued.

SEC. 7-1.111. REFUND OF CASH BOND. Permittee shall be entitled to refund in whole or in part, as the case may be, of any cash bond posted with City pursuant to this chapter when all work to be done by permittee under permit issued prior to or subsequent to posting of said bond has been completed by permittee and has been

approved or completed by City, from which bond shall be first deducted all amounts due City under the terms of said bond and all amounts which may otherwise be due City pursuant to this chapter.

SEC. 7-1.112. APPEALS. In order that the provisions of this article may be reasonably applied in instances where practical difficulties are apparent or unnecessary hardship will result from carrying out the strict letter hereof, or in cases where the applicant deems himself aggrieved, appeal may be made to the Council and the Council shall have the power to vary, by resolution, the mandatory provisions hereof, or to modify or reverse the decision of the Director of Public Works in any specific case in such manner that substantial justice is done and the spirit and purpose of this article are upheld.

Such an appeal shall be made in writing to the Council by filing with the City Clerk a written notice of such appeal, setting forth specific grounds or basis thereof. Such notice must be filed within thirty (30) days after the action appealed from. The Council shall set said matter for hearing and notice thereof shall be given to the applicant not less than five (5) days prior to such hearing. At such hearing the applicant shall show cause why the action excepted to should not be approved. The Council may continue such hearings from time to time, and its findings on appeal shall be final and conclusive in the matter.

ARTICLE 2. CURBS AND GUTTERS

SEC. 7-1.201. STANDARDS. Curbs and gutters shall be constructed or repaired in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

In addition to said standards, all curb and gutter construction or repair shall comply with the following regulations:

(a) All curb and gutter construction or repair shall be under the direction, supervision and to the satisfaction of the Director of Public Works.

(b) All debris and surplus materials shall be removed promptly upon the completion of the work.

(c) When curb and gutter is constructed in areas where there is no sidewalk, the area behind the curb and gutter shall be graded as shown on the standard drawings.

(d) Applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent street or sidewalk area, and shall hold the City free and harmless from any and all damages or liability incurred because of his operations.

ARTICLE 3. SIDEWALK REGULATIONS

SEC. 7-1.301. STANDARDS. Sidewalks on public rights of way shall be constructed or repaired in accordance

with current standard drawings and specifications as approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

In addition to said standards, all sidewalk construction or repair shall comply with the following regulations:

(a) All sidewalk construction or repair shall be under the direction, supervision and to the satisfaction of the Director of Public Works.

(b) All debris and surplus materials shall be removed promptly upon completion of the work.

(c) Applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent street or sidewalk area, and shall hold the City free and harmless from any and all damages or liability incurred because of his operations.

SEC. 7-1.302. SIDEWALK REPAIR. It shall be unlawful for any person owning any building, lot or premises in the City, fronting on any portion of a street where a sidewalk has been installed to allow any portion of such sidewalk in front of such building, lot or premises to be out of repair, or to become, be or remain defective or to become, be or remain dangerous to the users thereof for any reason. Every person must at all times keep his sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic.

SEC. 7-1.303. SIDEWALK MAINTENANCE. The provisions of Sections 5600 through 5629, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, or added to, are hereby adopted as the procedure governing the maintenance and repair of sidewalks in the City.

ARTICLE 4. DRIVEWAY REGULATIONS

SEC. 7-1.401. STANDARDS. Driveways shall be constructed or repaired in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

In addition to said standards, driveway construction or repair shall comply with the following regulations:

(a) The maximum width of any driveway shall not be more than forty-one (41') feet as measured at the top of the curbing.

(b) The minimum distance between driveways serving the same lot or parcel of land shall not be less than twenty (20') feet as measured at the top of the curbing.

(c) The total width of driveway serving any lot or parcel of land or adjacent lots or parcels of land in single ownership shall not exceed fifty (50%) per cent of the street frontage of the property.

(d) No driveway shall be so located that it interferes with intersecting sidewalks, traffic signals, lamp standards, fire hydrants, or other public improvements unless specific approval is given by the Director of Public Works and the necessary adjustments to sidewalks, traffic signals, light standards, fire hydrants, or other public improvements or installations are accomplished without cost to the City.

(e) All work shall be done under the supervision of the Director of Public Works and in accordance with City standards and specifications in effect at the time of such work. All debris and surplus materials shall be promptly removed upon completion of the work.

(f) Applicant shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks and shall hold the City free and harmless from any and all charges or damages or liability incurred because of his operation.

(g) The Council shall have the authority to rescind any permit heretofore or hereafter granted for a driveway when it finds such action to be in the public interest. Such driveways shall be removed and replaced as provided in Section 7-1.404 of this article.

SEC. 7-1.402. DRIVEWAY REPAIR. It shall be unlawful for any person owning property within the City which is served by a driveway to fail to keep such driveway in a good state of repair at all times.

SEC. 7-1.403. DRIVEWAY MAINTENANCE. The provisions of Sections 5600 through 5629, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, or added to, are hereby adopted as the procedure governing the maintenance and repair of driveways in the City. For the purpose of this section, the term "sidewalk", as defined in Section 5600 of said Streets and Highways Code, shall also include the term "driveway", as defined in Section 7-1.102 of this chapter.

SEC. 7-1.404. REPLACEMENT OF DRIVEWAYS. (a) When Required. Driveways which are no longer required for reasonable vehicular access to the property served shall be removed and standard curb, gutter and sidewalk installed by the property owner. When the Director of Public Works finds that driveways which have been constructed are no longer so required, he may notify the owner or person in possession of the property to remove said driveway and to replace the driveway opening with standard curb and gutter. Notice to replace may be given by delivering a written notice personally to the owner of the property, or by mailing said notice to the owner thereof at his last known address as the same appears on the assessment rolls.

(b) Form of Notice. The notice shall specify what work is required to be done, and what materials shall be used in construction, and shall further specify that if construction is not commenced within thirty (30) days after notice is given, and diligently and without interruption prosecuted to completion, the Director of Public Works shall cause the construction to be done and the cost of the same shall be a lien on the property.

(c) Construction by Director of Public Works. If the construction is not commenced and prosecuted to completion with due diligence, the Director of Public Works shall forthwith perform the necessary work to remove the driveway and eliminate the curb cut.

(d) Collection of Cost of Construction. Upon completion of the work, the Director of Public Works shall notify the property owner and the Director of Finance of the cost of the construction. The Director of Finance shall bill the property owner for the cost of the work and if the amount thereof is not paid within thirty (30) days from the date of billing, he shall record a notice of lien against the parcel of property fronting upon the curb so constructed, which lien shall continue until the cost has been paid. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel.

(e) Notice of Lien. The notice of lien shall be delivered by the Director of Finance to the County Auditor who shall enter the amount thereof on the County assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the County Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

(f) Manner of Collection of Lien. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes.

(g) Exemptions. The provisions of this section shall not apply to driveways which were constructed prior to July 9, 1959, and for which a curb replacement fee was paid.

SEC. 7-1.405. OBSTRUCTIONS DECLARED A PUBLIC NUISANCE. Every driveway which is so constructed as to obstruct the free flow of storm waters, drainage waters, or water in a street gutter, or so constructed as to be a hazard to vehicular travel, is hereby declared to be a public nuisance. It shall be unlawful for any person to maintain a public nuisance as defined by this section.

ARTICLE 5. CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES WITH BUILDING PERMITS

SEC. 7-1.501. PURPOSE. In enacting this article, the Council hereby finds that land development and increases in population density cause existing streets and highways to become inadequate in width and development to provide minimum acceptable service to the lands being developed, and therefore the public is being denied streets and highways of minimum urban standards for safe and convenient vehicular and pedestrian use and travel.

SEC. 7-1.502. REQUIRED LOCATIONS. Curbs, gutters, sidewalks and driveway approaches shall be provided

along all street frontages of property in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works for all new buildings or structures, property development, or any building or structure altered or expanded in excess of fifty (50%) per cent of the value of such building or structure or for any building or structure in which there is a change from a lesser to a more restrictive occupancy where a building permit is required, with the following exceptions:

(a) In One-Family (R-1) and Two-Family (R-2) zones as defined in Title X of this Code, sidewalks shall not be required unless more than fifty (50%) per cent of the front footage of the block on which the property is located:

(1) Has sidewalks existing or to be installed under some proceeding or requirement of law.

(2) Is undeveloped property.

(3) Is a combination of subparagraphs (1) and (2) above.

(b) In commercial or manufacturing zones, as defined in Title X of this Code, sidewalks, curbs, gutters and driveway approaches shall be provided, except that in C-M, M-1 and M-2 zones, special permits may be issued to omit the sidewalk upon approval of the Council.

(c) On large sized properties on which only a portion of the property is to be occupied by the construction of a building, structure or property development, sidewalks, curbs, gutters and driveway approaches may be confined, upon approval of the Director of Public Works, to that portion of the street frontage abutting the portion of property being developed, including areas used for parking of motor vehicles.

SEC. 7-1.503. APPROVAL BY THE CHIEF BUILDING OFFICIAL. The Chief Building Official shall deny final approval of any building or its occupancy until the work required by this article is completed or construction is guaranteed within a specified time limit approved by the Director of Public Works by an improvement security in the form of cash, a savings and loan certificate, or an instrument of credit. Said improvement security shall be approved by the City Attorney and the Director of Finance in an amount to be fixed by the Director of Public Works. The improvement security shall be returned to the depositor upon the completion of the work. In the event the work is not completed within the specified time limit, the City may perform the required work in which case the improvement security shall be applied by the City toward the cost of the work.

CHAPTER 2 -- STREET CUTS

SEC. 7-2.01. PURPOSE. The control of excavations within the public right of way is essential to protect the public health, safety and welfare in its use of the public right of way. In so doing it is necessary to establish minimum requirements controlling such items as safety, workmanship and insurance responsibilities.

SEC. 7-2.02. DEFINITIONS. For the purposes of this chapter certain words and phrases are defined and certain provisions are to be construed as herein set out unless it shall be apparent from the context that a different meaning is intended.

(a) "Director of Public Works" shall mean Director of Public Works for the City of Modesto, acting either

directly or through properly authorized agents; providing such agents are acting within the scope of the particular duties delegated to them.

(b) "Street cut" shall mean the action of or the result of opening, tearing-up, excavating, repairing, installing, adding to, removing or otherwise altering any portion of any public roadway, street, alley, or thoroughfare for any purpose whatsoever.

(c) "Emergency street cut" shall mean any street cut which must be made to repair a defective or broken underground facility, the condition of which facility constitutes an evident and immediate hazard to life, health or property, and it is impractical to secure a permit before work is commenced.

(d) "Underground facility" shall mean any pipes, conduits, tiles, manholes, valves or pull-boxes, vaults, or any other material installed within and below the surface of any public roadway, street, alley, sidewalk-planting strip, thoroughfare or any other public place.

(e) "Major project" shall mean the installation or replacement of any underground facility other than a service.

SEC. 7-2.03. PERMIT. It shall be unlawful for any person, other than the officers, agents, contractors, or employees of the City, to make or cause to be made any street cut in the City without first having obtained a permit therefor as herein provided. Any permit issued hereunder shall not be assignable to any other person.

SEC. 7-2.04. APPLICATION FOR PERMIT. Every application for a permit shall be made in writing upon forms furnished by the Director of Public Works, and applicants shall furnish thereon such information as is required by the Director of Public Works.

On major projects, if requested to do so by the Director of Public Works, applicants shall furnish plans and profiles, in duplicate, showing the work to be done, location, limits of work, location of pavements, replacement types, together with such further information as the Director of Public Works may require.

If the street cut is to be made in a State Highway, applicant shall comply with all lawful regulations of the Division of Highways, Department of Public Works, State of California, and procure from such Division all necessary permits required therefor by the State of California.

SEC. 7-2.05. TIME OF ISSUANCE OF PERMIT. Permits required by this chapter shall be secured at least two (2) working days prior to the time the work under such permit is proposed; except, however, where an emergency street cut is to be performed, applicant shall immediately give prior notice thereof to the Police and Fire Departments of the City; shall secure or make a reasonable effort to secure the consent to such work from the Director of Public Works as soon as reasonably practicable; and shall make application for a permit for such work on the next working day following.

SEC. 7-2.06. CONDITIONS OF PERMIT. The validity of any permit issued shall be subject to permittee's compliance with all general provisions hereof, as well as any special provisions specified therein. All permits issued hereunder shall require that all underground facilities shall be of the quality and installed in a manner which may be prescribed or required by law. The issuance of a permit does not guarantee to permittee the exclusive use of any surface area occupied by permittee.

SEC. 7-2.07. PERMIT: EXTENSION OF COMPLETION DATE. Every permit issued pursuant to this chapter shall specify a completion date for the work. The Director of Public Works may, for good cause, grant a written extension of time to permittee, which grant shall extend the validity of said permit to said extended time.

SEC. 7-2.08. DENIAL OF PERMIT. The Director of Public Works shall have the right to refuse a permit to any person who is in violation of, or who has failed to comply with the provisions of this chapter in connection with the permit being applied for, or any permit previously issued except as provided otherwise by this chapter.

SEC. 7-2.09. REVOCATION OF PERMIT. The Director of Public Works may, for noncompliance with any of the provisions of this chapter, revoke any permit granted thereby.

SEC. 7-2.10. NOTICE OF COMMENCEMENT OF WORK. Permittee shall give notice to the Director of Public Works of the actual time of commencement of any work at least twenty-four (24) hours in advance. Similar notice shall be given to the Police Department and Fire Department if required on the permit. If the permittee is a utility company, the form and frequency of notifications on work to be performed shall be as agreed upon in writing by the Director of Public Works and the utility company. When work on any project ceases for any reason for a period of twenty-four (24) hours or more, permittee shall notify the Director of Public Works and the Police Department and Fire Department, when required, at least twenty-four (24) hours prior to recommencing said work.

SEC. 7-2.11. GENERAL REQUIREMENTS IN PERFORMANCE OF WORK. All work shall be performed in a neat and workmanlike manner and so programmed as to cause a minimum of interference with traffic and inconvenience to the public. Said work shall be coordinated whenever possible with other projects in the area to the end that the public convenience is least impaired to the satisfaction of the Director of Public Works.

SEC. 7-2.12. PUBLIC ACCESS. Permittee shall provide free and unobstructed access to all mailboxes, fire hydrants, water gates, valves, manholes, drainage structures and other public service structures and property that may be required for emergency use. Permittee shall not remove such public service facilities and property or relocate same without proper coordination with the authorities charged with control and maintenance of same.

SEC. 7-2.13. TEMPORARY ACCESS IN RIGHTS OF WAY. Temporary roadways, driveways, walks, and rights of way for vehicles and pedestrians shall be constructed where required.

Temporary walkways shall be not less than four (4') feet in width and shall be designed for uniform live load of one hundred fifty (150) pounds per square foot. Suitable ramps or stairs shall be provided with a handrail not less than three (3') feet high along each side, or with a railing on one side and a fence on the other, as the case may require. Said walkway around said street cut shall be located as close to the area formerly used for pedestrian travel as possible.

The permittee shall construct and maintain in good condition such detours, detour bridges and temporary crossings for public use as are deemed necessary for the proper execution of the work, or when same are ordered by the Director of Public Works.

SEC. 7-2.14. TEMPORARY CLOSING OF PUBLIC WAYS. The Director of Public Works may grant written permission to close or cause to be closed for limited periods City streets, alleys, driveways or areas not under control of the State of California Division of Highways if, in the opinion of the Director of Public Works, the public interest can best be served thereby.

SEC. 7-2.15. PUBLIC SAFETY BARRICADES AND WARNINGS. Permittee shall provide and maintain, during the performance of the work to insure public safety, such fences, barricades, warning and directional signals, flares, lights, watchmen and flagmen, as are or may be required by law or regulation or as may be deemed necessary by the Director of Public Works.

SEC. 7-2.16. PROVISION FOR PUBLIC SAFETY BARRICADES AND WARNINGS BY CITY: A LIABILITY FOR COSTS. In the event permittee fails to provide for the safety of the public in a manner provided in the foregoing section, the Director of Public Works may provide whatever facilities are necessary and charge permittee a fee for the work involved. The fee shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution and on file in the offices of the City Clerk and the Director of Public Works.

SEC. 7-2.17. STATE SAFETY ORDERS AND APPLICABLE LAWS. Permittee shall obey and enforce all safety orders, rules and regulations of the Division of Industrial Safety of the State of California applicable to the work, and permittee shall comply with all applicable State and local laws, ordinances, codes and regulations.

SEC. 7-2.18. EMERGENCY INFORMATION. On the major number of barricades at any single project there shall be clearly labeled, in letters not less than two (2") inches high, the name of the permittee or his agent.

SEC. 7-2.19. COMPLETION OF WORK BY CITY: LIABILITY FOR COSTS. If the work is unduly delayed by the permittee and if the public interests reasonably so demand, the Director of Public Works shall have the authority, upon written notice to the permittee, to complete the work or any portion thereof or to cause said work to be completed. The actual cost of such work by the City or its contractors, plus an overhead charge as determined by the Director of Finance, shall be charged to and paid for by the permittee.

SEC. 7-2.20. BACKFILL. Permittee shall backfill all trenches and excavations in streets between curb lines in such a manner as to obtain a relative compaction of the entire backfill of not less than ninety (90%) per cent as determined by Test Method No. California 216-5 Layer System. If the excavation material will not give the required relative compaction, an imported granular material that will give such relative compaction shall be used. The use of water shall not be permitted if the Director of Public Works determines that the soil will not readily drain and if the adjacent street may become damaged or if the paving may be unduly delayed thereby.

In trenches or excavations in unpaved parking strips or sidewalk -planting strip areas, backfill shall be compacted to a relative compaction which is at least as great as that of the native undisturbed soil in the area.

The Director of Public Works when he deems it necessary shall cause tests of the type specified in this section to be made.

SEC. 7-2.21. NOTICE OF COMPLETION OF BACKFILL. Except in the case of a major project, upon completion of the backfill, permittee shall notify the Director of Public Works of such completion. Utility companies who are authorized by the Director of Public Works to do their own paving are not required to give such notice.

The Director of Public Works, upon receipt of such notice and upon inspection and approval of work, shall cause street cuts, not in the category of major projects, to be paved.

SEC. 7-2.22. STREET PAVING FEES. On all projects other than major projects, street paving shall be performed by City and shall be paid for by permittee except that the Director of Public Works may authorize both public and private utilities to do their own street paving.

Said paving fees shall be in accordance with a schedule of fees approved by the Council from time to time by resolution and on file in the offices of the City Clerk and the Director of Public Works.

Street paving fees shall be paid at the time the permit is issued.

SEC. 7-2.23. STREET REPAVING: MAJOR PROJECTS. When major projects are involved, repaving of street cuts shall be done by the permittee in accordance with the Standard Specifications of the City of Modesto and in accordance with the terms indicated by the Director of Public Works on the permit for such work.

SEC. 7-2.24. RESTORATION OF IMPROVEMENTS. Curbs, gutters, sidewalks, sewers, drains, structures, conduits, cables, and all other improvements damaged, disturbed, or removed during the progress of the work shall be restored or replaced to as good or better condition than existed prior to work performed by permittee in accordance with Standard Specifications of the City of Modesto and to the satisfaction of the Director of Public Works.

SEC. 7-2.25. PRESERVATION OF MONUMENTS. Any monument of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines and/or

elevation of any public street or right of way, property, subdivision, or a precise survey point or reference point shall not be removed or disturbed without first obtaining permission from the Director of Public Works to do so. Replacement of removed or disturbed monumentation will be at the expense of the permittee.

SEC. 7-2.26. ALTERNATIVE METHODS AND MATERIALS. The Director of Public Works shall determine all questions concerning which alternative methods and materials may be used by permittee, and the decision of the Director of Public Works concerning same shall be final.

SEC. 7-2.27. INSPECTION AND INSPECTION FEES. All work done by the permittee shall be inspected by the City and the permittee shall pay the City for such inspection. Said inspection fees shall be in accordance with a schedule of fees approved by the Council from time to time by resolution and on file in the offices of the City Clerk and the Director of Public Works.

Inspection fees shall be paid at the time the permit is issued, except that utility companies may pay on a periodic basis as approved by the Director of Finance.

SEC. 7-2.28. STREET MAINTENANCE: MAJOR PROJECTS. After completion of the work, the permittee shall exercise reasonable care in inspecting for and immediately repairing and making good any injury or damage to the street resulting from defective work done under the permit. The obligation of permittee to inspect and repair work done under the permit shall continue for a period of one year following completion and approval of said work by the Director of Public Works, or in the event of repairs thereto, one year from the date of said repairs.

The permittee shall, upon notice from the Director of Public Works, immediately repair any injury or damage to the street occurring as a result of the work done under the permit.

In the event such repairs are not made by permittee within forty-eight (48) hours after notice, the Director of Public Works is hereby authorized to make such repairs and charge all costs, plus overhead and administrative costs, to the permittee. By acceptance of the permit, the permittee agrees to comply with the above.

SEC. 7-2.29. RESPONSIBILITY FOR ACCIDENTS: LIABILITY INSURANCE. Permittee shall be responsible for any and all claims and liabilities for damages caused by any of the work herein permitted or caused by permittee's failure to perform his obligations under the permit. In the event any such claim or liability for damages is made against or imposed upon the City or any department, officer, or employee thereof, permittee shall, and by acceptance of the permit agrees to, defend, indemnify, and hold each of them harmless from such claim or liability. Permittee shall provide and keep in force during the life of the permit a policy of public liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage, which may arise in any way out of the exercise of the rights granted by the permit. The amounts of such insurance shall be as follows:

Public Liability Insurance, in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars for injury or death to any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for injury or death arising from any one accident or occurrence; and

Property Damage Insurance, in an amount not less than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of the permit and shall contain a provision that such policy may not be cancelled except after ten (10) days' notice in writing to the City Clerk of the City of Modesto.

A copy of the policy or certificate of insurance evidencing the insurance coverage shall be filed with the City Clerk.

Utility companies that are self-insured may substitute for the public liability and property damage insurance required hereby a statement of the fact of such self-insurance and that they accept the responsibilities and liabilities imposed by this section. Such statement shall be in writing and in a form approved by the City Attorney.

SEC. 7-2.30. POSTING OF BOND. If permittee fails, in the opinion of the Director of Public Works, to comply with the provisions hereof or the conditions of any permit, the Director may refuse to grant and may withhold issuance of any subsequent permits to permittee until the latter has paid all costs due City for prior permits and has posted with the City a cash bond in the sum of Five Hundred and no/100ths (\$500.00) Dollars, which bond or any part thereof shall be used as follows:

(a) To pay the actual cost of work completed by the Director of Public Works in connection with any permit issued, including overhead costs.

(b) To pay the actual cost of work done by the Director of Public Works to repair or restore any public improvements damaged or destroyed by permittee during the course of any operations performed under any permit, including overhead costs.

(c) To pay the actual cost of all lighted barricades placed on or about the permittee's work, including overhead costs, and the costs of the furnishing by City of any other safety barricades or warnings in connection with any permit issued.

SEC. 7-2.31. REFUND OF CASH BOND. Permittee shall be entitled to refund in whole or in part, as the case may be, of any cash bond posted with City pursuant hereto when all work to be done by permittee under a permit issued prior to or subsequent to posting of said bond has been completed by permittee and has been approved or completed by City, from which bond shall be first deducted all amounts due City under the terms of said bond and all amounts which may otherwise be due City pursuant to the provisions of this chapter.

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 Tribune, 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, 1966, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 782-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, 1966, Councilman

Hughes moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 11, 1966

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE WESTVIEW GARDENS ADDITION TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913 and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as THE WESTVIEW GARDENS ADDITION, the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, and

WHEREAS, the City Council finds that each and every and all of the requirements of law pertaining to said annexation proceedings and the election in said territory have been fully complied with,

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

SECTION 1. That annexation of the following described territory lying and being in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and particularly described as follows, to wit:

WESTVIEW GARDENS ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Section 6, Township 4 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 Northwestern corner of the BELLENITA ADDITION, as per description filed October 19, 1964, as Instrument 41437, Stanislaus County Records, said point being also the Northeastern corner of Lot 1 of the RIO VISTA COLONY, as per Map filed May 24, 1911 in Volume 5 of Maps, Page 43, Stanislaus County Records; thence along the existing City Limits and the Eastern line of the RIO VISTA COLONY, South $0^{\circ} 03' 30''$ East, 662.17 feet to the Southwestern corner of the Bellenita Addition; thence continuing along the Eastern line of the Rio Vista Colony, South $0^{\circ} 03' 30''$ East, 662.16 feet, to the Southeastern corner of Lot 4 of said Colony and the center line of a 40 foot public road known as Robertson Road as shown on Map of said Rio Vista Colony; thence along the Southern line of said Colony, South $89^{\circ} 36' 00''$ West, 660.00 feet, to the Southwestern corner of Lot 4 of said Rio Vista Colony; thence along the Western line of Lots 1, 2, 3 and 4 of said Colony, North $0^{\circ} 03' 25''$ West, 1320.73 feet, to the Northwestern corner of said Lot 1; thence along the Northern line of said Lot 1, North $89^{\circ} 17' 15''$ East, 660.00 feet, to the point of beginning, containing 20.037 acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective upon the filing with the Secretary of State of the State of California of a copy of the record of the canvass of the returns of said election in such new territory and a certified copy of this ordinance.

SECTION 3. The Clerk of the City of Modesto is hereby authorized and directed to make and certify, under the seal of the City of Modesto, and transmit to the Secretary of State of the State of California, a copy of the record of the canvass of the returns of said election in such new territory, and a copy of this ordinance, giving the date of its passage in accordance with the statutes providing therefor,

SECTION 4. That the said territory hereinabove described shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election to be held to determine whether or not said property shall be annexed to the City.

SECTION 5. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation as of the date hereof.

SECTION 6. This ordinance shall be published in full in The Modesto Tribune, 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, 1966, by Councilman Hughes, who moved its adoption and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance ordered

printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

By Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Paul Rued
Public Works Department
6P
4-22-66

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON. (BIRD)

WHEREAS, a verified application for a rezoning amendment to Section 21-3-9 of the Zoning Map was filed by Charles V. Bird on March 16, 1966, to prezone to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on April 5, 1966, 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. 66-27, adopted on April 5, 1966, the Planning Commission recommended to the Council that the application of Charles V. Bird to amend Section 21-3-9 of the Zoning Map to prezone the hereinafter described property to Two-Family 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, 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.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to prezone the following described property to Two-Family Zone, R-2:

All of Lots 4 and 5 in Block 632 and all of Lot 10 in Block 633, including also the easterly one-half of Ramona Avenue adjacent to these lots; said property being located on the east side of Ramona Avenue north of Helen Avenue, extended.

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 Tribune, 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 2nd day of May, 1966, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Burcell E. Fry
Planning Department

Ordinance 784 C.S.
Exhibit A – Map

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

Ord. No. 784-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 9th day of May, 1966, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 8, 1966

AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1601 of Article 16 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1601. ESTABLISHMENT. Municipal off-street parking lots are hereby established in the City. There shall be two (2) types of lots:

(a) Those municipal off-street parking lots which are to be controlled by parking meters.

(1) **Parking Meter Lots.** The municipal off-street parking lots which are controlled by meters are shown on the Parking Meter Zoning Map adopted by Section 3-2.1501 of this Code and are as follows:

- (aa) PML-1 11th and G Street parking lot (PM-5 Zone)
- (ab) PML-3 12th and I Street parking lot (southeast corner) (PM-9 Zone)
- (ac) PML-4b 11th Street between H and I Street (lower level) parking lot (PM-7 Zone)
- (ad) PML-7 12th and I Street parking lot (northeast corner) (PM-6 Zone)
- (ae) PML-9 13th Street between J and K Street parking lot (PM-3 Zone)
- (af) PML-10 8th Street between I and K Street parking lot (PM-4 Zone)
- (ag) PML-11 10th and H Street parking lot (PM-8 Zone)
- (ah) PML-12 9th Street between J and K Street parking lot (PM-2 Zone)
- (ai) PML-21 11th and K Street parking lot (PM-11 Zone)

(2) Installation and Maintenance. On those municipal off-street parking lots which are to be controlled by parking meters, the Director of Parking and Traffic shall cause parking meters to be installed and maintained.

(b) Those municipal off-street parking lots operated by attendants or other appropriate means.

(1) Attendant Lots. The following municipal off-street parking lots are hereby established as attendant lots:

- (aa) PAL-2 9th Street between I and J Street parking lot
- (ab) PAL-4a 11th Street between H and I Street (street level) parking lot
- (ac) PAL-5 10th Street between K and L Street parking lot
- (ad) PAL-17 Bank of California parking lot at 12th and J Streets
- (ae) PAL-18 Seely Tower parking lot at 12th and J Streets
- (af) PAL-22 Sears parking lot, 11th Street between K and L Streets

(2) Free Lots. The following municipal off-street parking lots are free lots:

- (aa) PL-13 15th Street parking lot
- (ab) PL-15 Fire Station parking lot (north side)
- (ac) PL-16 Fire Station parking lot (south side)

(3) Parking Ticket Lots. The following municipal off-street parking lots are controlled by ticket dispensing devices:

- (aa) PTL-20 10th Street between G and H Street parking lot (Old City Hall)
- (ab) PTL-23 10th Street between G and H Street parking lot (Brack-Griffin)

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 Tribune, 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, 1966, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REK E. GAILFUS
REK E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 785-C.S.

FINAL ADOPTION CLAUSE

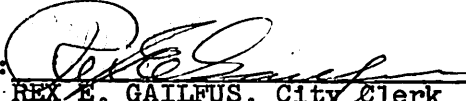
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of May, ¹⁹⁶⁶~~1965~~, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 22, 1966

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON. (NORTH 99 ADDITION)

WHEREAS, by Resolution No. 66-228, adopted April 4, 1966, the Council initiated proceedings to prezone portions of the proposed North 99 Addition as shown on the map attached to said resolution marked Exhibit "A", and referred the proposed amendment to the Planning Commission for public hearing, report and recommendation, and

WHEREAS, after public hearing held on April 19, 1966, it was found and determined by the Planning Commission that rezoning as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 66-43, adopted April 19, 1966, the Planning Commission recommended to the Council that Section 19-3-9 of the Zoning Map be amended to prezone the property as shown on Exhibit "A" attached to said Resolution No. 66-43,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended 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.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to prezone portions of the proposed North 99 Addition to One-Family Zone, R-1, Two-Family Zone, R-2, Multiple-Family Zone, R-3, and Highway Frontage Zone, H-1, as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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 Tribune, 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, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Galfus
REX E. GALFUS, City Clerk

(SEAL)

APPROVED AS TO FORM

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

**Ordinance 786 C.S.
Exhibit A – Map**

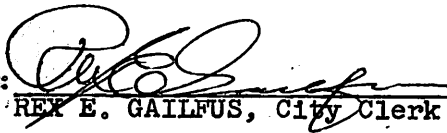
Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

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 23rd day of May, ~~1966~~¹⁹⁶⁶, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
NOES: Councilmen: VanderWall, Mayor Johansen
ABSENT: Councilmen: None

APPROVED 
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 22, 1966

AN ORDINANCE AMENDING SECTION MAPS / OF THE
 ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
 CERTAIN PROPERTY LOCATED THEREON. (NEESAN)

WHEREAS, a verified application for an amendment to
26-3-9, 27-3-9, 34-3-9 and 35-3-9
 Sections / _____ of the Zoning Map was filed by Alex A. _____

Neesan _____ on March 15 _____,
 19 66 _____, to reclassify from Neighborhood Commercial _____ Zone,
C-1 _____, to General Commercial _____ Zone, C-2 _____,
 the hereinafter described property, and

WHEREAS, after public hearing held on April 19 _____,
 1966 _____, 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. 66-37 _____, adopted on
April 19 _____, 19 66 _____, the Planning Commission recommended
 to the Council that the application of Alex A. Neesan _____
26-3-9, 27-3-9, 34-3-9 and 35-3-9
 _____ to amend Sections / _____ of the Zoning
 Map to reclassify the hereinafter described property from Neighborhood
Commercial _____ Zone, C-1 _____, to General Commercial
 Zone, C-2 _____, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,
 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.

SECTION 2. ZONING CHANGE. Sections 26-3-9, 27-3-9, 34-3-9 and 35-3-9
are _____ of the
 Zoning Map / ~~is~~ hereby amended to reclassify the following described
 property from Neighborhood Commercial _____ Zone, C-1 _____,
 to General Commercial _____ Zone, C-2 _____:

Beginning at a point on the existing City Limits as established by a corner of the La Loma-Yosemite Addition as per description filed December 4, 1953, as Instrument 30045, Stanislaus County Records, said point being on the northern line of a 20 foot alley in Block 2264 at the southeastern corner of Lot 1 in Block 2264, as said Block is shown on the map of Alta Vista Tract No. 2, filed in Volume 16 of Maps, at Page 43, Stanislaus County Records; thence along the easterly extension of the northern line of the 20 foot alley in Block 2264 and the northern line of a 20 foot alley in Block 2322, as shown on said Alta Vista Tract No. 2, South 89° 54' 15" East, a distance of 696.55 feet to the center line of Colfax Avenue, a 60 foot wide street; thence South 0° 35' 55" East along said center line and the southerly extension thereof a distance of 301.00 feet to the northern line of the Modesto and Empire Traction Company Railroad Right-of-Way; thence North 89° 54' 15" West along said northern line of the Modesto and Empire Traction Company Railroad Right-of-Way a distance of 656.51 feet to the intersection with the southerly extension of the center line of El Vista Avenue, an 80 foot wide street; thence South 0° 36' 30" East along said southerly extension a distance of 17.00 feet to the easterly extension of the southerly right-of-way line of Yosemite Boulevard, as shown on the recorded map of the Alta Vista Tract No. 2, filed in Volume 16 of Maps at Page 43, Stanislaus County Records; thence North 89° 50' West along said southerly right-of-way line of Yosemite Boulevard a distance of 1481.12 feet to the intersection with the southerly extension of Phoenix Avenue, a 60 foot wide street; thence North 0° 35' 40" West along said southerly extension and the center line of Phoenix Avenue a distance of 318.00 feet to the intersection of the westerly extension of the northern line of a 20 foot alley in Block 2223; thence South 89° 50' East along said extension and the northern line of said alley and along the northern line and the easterly extension of a 20 foot alley in Block 2264 a distance of 1451.06 feet to the point of beginning; said property being located on the north side of Yosemite Boulevard, between Phoenix and Colfax Avenues. 27-3-9, 34-3-9 and 35-3-9 SECTION 3. ZONING MAP. Sections 26-3-9,/ of the

Zoning Map of the City of Modesto/^{are}~~is~~ amended to appear as set
forth on the maps attached hereto, which/^{are}~~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 Tribune, 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, 1966, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Don Tomula
Planning Department

Ordinance 787 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 6th day of June, 1966, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Acting Mayor VanderWall
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Johansen

APPROVED 
~~PETER W. JOHANSEN~~ Mayor
RICHARD VANDERWALL, Acting/

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 6, 1966

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE COFFEE ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by

Willie L. Wise; Nancy A. Wise; Central Assembly of God by Pastor Donald J. Bogue, President, Jim Halvorson, Secretary of the Board, Lilla Pack, Secretary, and T. M. Truman, Treasurer; Irene M. Fernow and Delmar S. Fernow

on March 28, 1966, 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 ADDITION, situate 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 11th day of April, 1966, set said petition for hearing at the hour of 7:50 o'clock P.M. on the 23rd day of May, 1966, 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 Tribune, a newspaper published in the City of Modesto on April 21, 1966, and on April 28, 1966; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on April 21, 1966, and on April 28, 1966, 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,

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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 January 19, 1966, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766~~ the Government Code, and

WHEREAS, on the 23rd day of May, 1966, at the hour of 7:50 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

COFFEE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the East half of the Southeast quarter of Section 16, 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 Western line of the SHERWOOD MEADOWS NO. 2 ADDITION, as per description filed July 13, 1965, as Instrument 27284, Stanislaus County Records, said point being the intersection of the center line of a Public Road known as Norwegian Avenue and the Eastern line of Section 16; thence along the existing City Limits and the Eastern line of Section 16, South $0^{\circ} 59' 40''$ East, 88.25 feet, to the Southwestern corner of said Sherwood Meadows No. 2 Addition; thence continuing along the Eastern line of Section 16, South $0^{\circ} 59' 40''$ East, 1237.67 feet, to its intersection with the Easterly extension of the Southern line of a Public Road known as Briggsmore Avenue, as said right of way was conveyed to the County of Stanislaus by Deed recorded March 19, 1965, as Instrument 11075, Stanislaus County Records; thence along the Southern line of Briggsmore Avenue the following courses: South $89^{\circ} 29' 20''$ West, 189.67 feet; South $0^{\circ} 30' 40''$ East, 20.13 feet; North $89^{\circ} 54' 40''$ West, 482.73 feet, to the Western line of Briggsmore Avenue as described in said Deed; thence along said Western line, North $3^{\circ} 47' 10''$ West, 60.14 feet, to a point on the Northern line of Briggsmore Avenue, said point being on the Western line of property conveyed to the Central Assembly of God, Inc., by Deed recorded January 24, 1961, as Instrument 2509, Stanislaus County Records; thence along said Western line, North $3^{\circ} 47' 10''$ West, 475.57 feet, to the Southwest corner of CENTRAL HEIGHTS ESTATES, as per map filed November 26, 1965, in Volume 21 of Maps, Page 32, Stanislaus County Records; thence along the Western line of said Central Heights Estates and continuing North $3^{\circ} 47' 10''$ West, 509.39 feet, to the Northwest corner of said Central Heights Estates; thence continuing North $3^{\circ} 47' 10''$ West, 309.23 feet, to the center line of Norwegian Avenue; thence along said center line, South $89^{\circ} 38' 40''$ East, 738.62 feet, to the point of beginning, containing 21.766 Acres, more or less.

be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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, 1966, by Councilman Shastid, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL) APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: Public Works Department
8/6/65
GP
4-28-66

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE MORNINGSIDE HEIGHTS ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Lance Ellis; Gregory Development Company by Lance Ellis, President;
Carol L. Ellis; and City of Modesto by John C. Keefe, City Manager,
on April 4, 1966, 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 MORNINGSIDE HEIGHTS
ADDITION, situate 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
11th day of April, 1966, set said petition for hear-
ing at the hour of 8:00 o'clock P.M. on the 23rd day of
May, 1966, 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 Tribune, a newspaper pub-
lished in the City of Modesto on April 21, 1966,
and on April 28, 1966; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but
in the County of Stanislaus, on April 21, 1966, and
on April 28, 1966, 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 January 19, 1966, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766 of~~ the Government Code, and

WHEREAS, on the 23rd day of May, 1966, at the hour of 8:00 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 MORNINGSIDE HEIGHTS ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

MORNINGSIDE HEIGHTS ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Sections 22 and 23, 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 the ROSE AVENUE SCHOOL ADDITION, as per description filed March 30, 1965, as Instrument 12390, Stanislaus County Records, said corner being the intersection of the Easterly extension of the Northern line of the GEMINI MANOR subdivision, as per Map filed October 19, 1965, in Volume 21 of Maps, Page 27, Stanislaus County Records, and the section line common to Sections 22 and 23; thence along the existing City Limits and the Easterly extension of the Northern line of said Gemini Manor, South $89^{\circ} 59' 53''$ West, 23.50 feet, to the Western line of a Public Road known as Oakdale Road, said Western line being parallel with and 23.50 feet, measured at right angles, Westerly from the section line common to Sections 22 and 23; thence along said Western line of Oakdale Road, North $0^{\circ} 45'$ West, 661.80 feet, to a point on the quarter section line of Section 22; thence along said quarter section line, North $89^{\circ} 59' 53''$ East, 3.50 feet; thence continuing along the Western line of Oakdale Road, said Western line being parallel with and 20.00 feet, measured at right angles, Westerly from the section line common to Sections 22 and 23, North $0^{\circ} 45'$ West, 1323.70 feet, to a point on the Westerly extension of the center line of Public Road known as East Orangeburg Avenue; thence along said Westerly extension, East, 20.00 feet, to a point on the section line common to Sections 22 and 23; thence continuing along the center line of East Orangeburg Avenue, East, 1313.92 feet, to a point on the Northerly extension of the Eastern line of MORNINGSIDE HEIGHTS NO. 3 subdivision, as per Map filed August 10, 1965, in Volume 21 of Maps, Page 18, Stanislaus County Records; thence along said extension, South $0^{\circ} 45' 45''$ East, 20.00 feet, to the Northeastern corner of said subdivision; thence along the Eastern line of said subdivision and continuing South $0^{\circ} 45' 45''$ East, 648.95 feet, to the Southeastern corner of said subdivision; thence along the Southern line of said subdivision, South $89^{\circ} 36' 20''$ West, 1268.98 feet, to the Southwestern corner of said subdivision and the Eastern line of Oakdale Road as said Eastern line is shown on the Map of MORNINGSIDE HEIGHTS NO. 1, filed July 8, 1964, in Volume 20 of Maps, Page 76, Stanislaus County Records, said Eastern line being parallel with and 45.00 feet, measured at right angles, Easterly from the section line common to Sections 22 and 23; thence along said parallel line, South $0^{\circ} 45'$ East, 646.00 feet, to a point on the Southern line of Morningside Heights No. 1; thence along said Southern line, South $89^{\circ} 59'$ West, 28.50 feet, to a point on a line which is parallel with and 16.50 feet, measured at right angles, Easterly from the section line common to Sections 22 and 23; thence along said parallel line, South $0^{\circ} 45'$ East, 612.15 feet; thence North $89^{\circ} 59'$ East, 25.00 feet, to a point on a line which is parallel with and 41.50 feet Easterly from the section line common to Sections 22 and 23; thence along said parallel line, South $0^{\circ} 45'$ East, 489.72 feet, to a point on the existing City Limits as established by the ANGELO ADDITION, as per description filed August 13, 1965, as Instrument 31397, Stanislaus County Records; thence along the existing City Limits and the Northern line of said Angelo Addition, South $89^{\circ} 59'$ West, 41.50 feet, to a point on the section line common to Sections 22 and 23, said point being on the existing City Limits and the Eastern line of the Rose Avenue Addition; thence along the existing City Limits and the section line common to Sections 22 and 23, North $0^{\circ} 45'$ West, 440.07 feet, to the point of beginning, containing 22.644 Acres, more or less.

SECTION 3. No change in school district boundaries shall

be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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, 1966, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Ray E. Gailfus
RAY E. GAILFUS, City Clerk

(SEAL)
APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: Public Works Department
8/6/65
4-28-66

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE RAMONA NO. 2 ADDITION TO
THE CITY OF MODESTO. *Johnson*
abroad

WHEREAS, a petition was filed with the City Clerk by James F. Hildreth, Letha E. Hildreth, Louis A. Schwark, Ruth L. Schwark, J. O. Flanigan, Doreen Flanigan, Raymond D. York, Ann York, A. W. Byerly, Frances Byerly, Howard Seablom and Thelma Seablom

on March 20, 1966, 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 RAMONA NO. 2 ADDITION, situate 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 11th day of April, 1966, set said petition for hearing at the hour of 4:40 o'clock P.M. on the 6th day of June, 1966, 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 Tribune, a newspaper published in the City of Modesto on May 5, 1966, and on May 12, 1966; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 5, 1966, and on May 12, 1966, 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,

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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 March 16, 1966, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766 of~~ the Government Code, and

WHEREAS, on the 6th day of June, 1966, at the hour of 4:40 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 RAMONA NO. 2 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and also being a portion of the East half of Lot 7 of the Rice Colony, as per Map filed February 19, 1904, in Volume 1 of Maps, Page 54, and a portion of Lots 18 and 19 of the Tatum Tract, as per Map filed February 17, 1913, in Volume 7 of Maps, Page 29, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Eastern line of the Annexation of a Portion of the Tatum Tract, Bodem and Rice Colonies, as per description filed October 27, 1950, as Instrument 24730, Stanislaus County Records, said point being on the center line of a 60 foot Public Road known as Ramona Avenue and North 0° 32' West, 82.20 feet from the Southeastern corner of said Annexation; thence along the center line of Ramona Avenue and the Eastern line of said Annexation, North 0° 32' West, 468.51 feet, to the Westerly extension of the Northern line of property conveyed to Jimmy O. Flanigan, by Deed recorded November 5, 1952, as Instrument 26744, Stanislaus County Records; thence along said extension and the Northern line of said Flanigan property, South 89° 34' East, 170.00 feet, to the Eastern line of said Flanigan property; thence along said Eastern line, South 0° 32' East, 68.00 feet, to the Southern line of said Flanigan property; thence along said Southern line, North 89° 34' West, 8.00 feet, to the Eastern line of property conveyed to James F. Hildreth, et ux, by Deed recorded June 25, 1964, as Instrument 24907, Stanislaus County Records; thence along said Eastern line, South 0° 32' East, 73.20 feet, to the Southern line of said Hildreth property; thence along said Southern line, North 89° 34' West, 6.92 feet, to the Eastern line of property conveyed to Louis A. Schwark, et ux, by Deed recorded April 27, 1953, as Instrument 10406, Stanislaus County Records; thence along said Schwark property, South 0° 32' East, 80.00 feet, to a point on the Northern line of property conveyed to Arthur W. Byerly, et ux, by Deed recorded October 29, 1954, as Instrument 28762, Stanislaus County Records; thence along said Northern line, South 89° 34' East, 9.92 feet, to the Eastern line of said Byerly property; thence along said Eastern line, South 0° 32' East, 56.00 feet, to the Northeastern corner of property conveyed to Raymond Dale York, et ux, by Deed recorded April 24, 1956, as Instrument 11386, Stanislaus County Records; thence along the Eastern line of said York property and continuing South 0° 32' East, 55.00 feet, to the Northeastern corner of property conveyed to Howard D. Seablom, et ux, by Deed recorded March 9, 1951, as Instrument 5862, Stanislaus County Records; thence along the Eastern line of said Seablom property and continuing South 0° 32' East, 53.81 feet, to the Southern line of said Seablom property; thence along said Southern line, North 89° 34' West, 10.00 feet, to the Eastern line of property conveyed to Benjamin H. Robinson, et ux, by Deed recorded May 11, 1950, as Instrument 10551, Stanislaus County Records; thence along said Eastern line, South 0° 32' East, 82.50 feet to the Southern line of said Robinson property; thence along said Southern line, North 89° 34' West, 155.00 feet to the point of beginning, containing 1.740 Acres, more or less.

SECTION 3. No change in school district boundaries shall

be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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, 1966, by Councilman Shastid, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Mayor Johansen

APPROVED: Richard VanderWall
Richard VanderWall, Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL) APPROVED AS TO FORM: Elwyn L. Johnson, City Attorney

APPROVED AS TO DESCRIPTION: Public Works Department

8/6/65
4-28-66

AN ORDINANCE AMENDING SECTION MAP27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

(CASKEY)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Planned Development Zone, P-D (26):

Commencing at the Northwest corner of said Section 27; thence South 0° 03' West 1372.00 feet to the South line of a 50 foot County Road known as Scenic Drive; thence North 68° 32' 30" East 15.39 feet along the South line of said Scenic Drive; thence North 69° 31' East 125.11 feet along the South line of said Scenic Drive; thence South 89° 24' East 168.30 feet to the true point of beginning of this description; thence continue South 89° 24' East 1020.00 feet to the East line of the Southwest quarter of Northwest quarter of said Section 27; thence South 0° 04.5' West 111.01 feet along quarter quarter line to the center line of Beard Brook; thence continue downstream along said center line the following courses and distances: South 74° 07' West 167.72 feet; South 63° 07' West 129.67 feet; South 82° 40' West 208.10 feet; North 89° 23' West 404.65 feet; South 81° 29' West 133.29 feet; thence leaving said center line of said Beard Brook, North 268.17 feet to true point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (26) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms as required by Section 10-2.2704 of the Modesto Municipal Code, 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) Twenty-nine (29) dwelling units as follows:

- (1) Twenty-one (21) single-family residences.
- (2) Four (4) duplex residences.

(b) Maintenance and storage building for the manager and property owners in the area.

Ordinance 791 C.S.
Exhibit A – Map

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

(c) Clubhouse, swimming pool and outdoor recreational area.

SECTION 3. ZONING MAP. Section Map 27-3-9 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 Tribune, 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, 19 66, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Johansen

APPROVED Richard VanderWall
~~RECEIVED JOHANSEN~~ Mayor
RICHARD VANDERWALL, Acting

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
~~JOHANSEN~~ City Attorney
ELWYN L. JOHNSON

APPROVED AS TO DESCRIPTION: Planning Department
-2- Richard J. ...

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 20th day of June, 1966, Councilman

Smith moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Smith,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 20, 1966

AN ORDINANCE AMENDING SECTION MAP15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

(SOELLING)

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

SECTION 1. ZONING CHANGE. Section15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Planned Development Zone, P-D (27):

Commencing at the northwest corner of the southwest quarter of the northwest quarter of Section 15; thence South 0° 53' East along the west section line of said Section 15 a distance of 1319.00 feet to the true point of beginning; thence North 89° 45' 50" East along the south line of Lots 1, 2, and 3 of Block 12857 and the westerly projection thereof of said south line a distance of 385.00 feet; thence South 0° 53' East parallel to said west section line a distance of 245.00 feet; thence South 89° 45' 50" West a distance of 385.00 feet to said westerly section line; thence North 0° 53' West along said section line a distance of 245.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (27) 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: A medical center, including staff offices for psychiatrists, psychologists, and allied professionals; a multipurpose building for library, resource

reference room, pharmacy, dispensary, group meeting and activities room, kitchen and cafeteria, and space for caretaking staff; landscaping and off-street parking; recreation area for pool, volleyball court, and basketball court, but not including twenty-four (24) hour a day hospital care.

SECTION 3. ZONING MAP. Section Map 15-3-9 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 Tribune, 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 _____, 19 66, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith,
Acting Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Johansen

APPROVED: 

~~XXXXXXXXXXXXXXXXXXXX~~ Mayor
RICHARD VANDERWALL, Acting

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY 
~~XXXXXXXXXXXX~~ City Attorney
ELWYN L. JOHNSON

APPROVED AS TO DESCRIPTION: 

-2-
Planning Department

Ordinance 792 C.S.
Exhibit A – Map

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

Ord. No. 792-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 20th day of June, 1966, Councilman

Smith moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES:	Councilmen:	Hughes, Mitchell, Shastid, Smith, VanderWall Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Patton

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 20, 1966

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE RAMONA NO. 1 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Charles V. Bird, Mrs. Iris S. Bird, Jack Leach, Cornelia Leach, ~~Rev. Donald G. Weston, Kathryn B. Weston, Arthur C. Hiatt,~~
Mrs. Arthur C. Hiatt, Theo Gallup and Mrs. Theo Gallup

on March 13, 1966, 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 RAMONA NO. 1 ADDITION, situate 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 11th day of April, 1966, set said petition for hearing at the hour of 4:35 o'clock P.M. on the 6th day of June, 1966, 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 Tribune, a newspaper published in the City of Modesto on May 5, 1966, and on May 12, 1966; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 5, 1966, and on May 12, 1966, 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,

8/6/65 -1-

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 February 16, 1966, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766 of~~ the Government Code, and

WHEREAS, on the 6th day of June, 1966, at the hour of 4:35 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 RAMONA NO. 1 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and a portion of the East half of Lot 7 of the Rice Colony, as per Map filed February 19, 1904, in Volume 1 of Maps, Page 54, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the annexation of a Portion of Lots 2 and 7 of the Rice Colony, as per description filed October 9, 1951, as Instrument 23638, Stanislaus County Records, said point also being on the Eastern line of the annexation of a Portion of Bodem Colony and Rice Colony, as per description filed April 1, 1949, as Instrument 6922, Stanislaus County Records, said point is North $0^{\circ} 32'$ West, 65.00 feet from the intersection of the center lines of 60 foot Public Roads known as Helen Avenue and Ramona Avenue; thence along the center line of Ramona Avenue and the Eastern line of said Portion of Bodem Colony and Rice Colony annexation, North $0^{\circ} 32'$ West, 346.69 feet, to the Westerly extension of the Northern line of property conveyed to Jack Leach, et ux, by Deed recorded in Volume 1525, Page 371, Stanislaus County Records; thence along said Westerly extension and the Northern line of said Leach property, South $89^{\circ} 34'$ East, 153.00 feet, to a point on the Western line of property conveyed by Dehaven Gratz, by Record of Distribution recorded in Volume 1956, Page 529, Stanislaus County Records; thence along the Western line of said Gratz property, South $89^{\circ} 34'$ East, 2.00 feet, and North $0^{\circ} 32'$ West, 12.50 feet, to the Northwestern corner of said Gratz property; thence along the Northern line of said Gratz property and its Easterly extension, South $89^{\circ} 34'$ East, 175.00 feet, to a point on the Eastern line of Lot 7 of Rice Colony and the center line of a 40 foot Public Road known as El Vecino Avenue; thence along said Eastern line of Lot 7 and the center line of El Vecino Avenue, South $0^{\circ} 32'$ East, 359.19 feet, to the Northeastern corner of the annexation of a Portion of Lots 2 and 7 of Rice Colony, hereinbefore referred to; thence along the Northern line of said annexation, North $89^{\circ} 34'$ West, 330.00 feet, to the point of beginning, containing 2.676 Acres, more or less.

SECTION 3. No change in school district boundaries shall

be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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 13th day of June, 1966, by Councilman Smith, who moved its adoption and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Mitchell, Shastid, Smith, Acting Mayor VanderWall
- NOES: Councilmen: None
- ABSENT: Councilmen: Hughes, Patton, Mayor Johansen

APPROVED: Richard VanderWall
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
RICHARD VANDERWALL, Acting Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)
APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: Public Works Department
Public Works Department

AN ORDINANCE AMENDING SECTION 3-2.1601 OF
ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE
MODESTO MUNICIPAL CODE, RELATING TO OFF-
STREET PARKING.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1601 of
Article 16 of Chapter 2 of Title III of the Modesto Municipal
Code is hereby amended to read as follows:

SEC. 3-2.1601. ESTABLISHMENT. Municipal off-street
parking lots are hereby established in the City.
There shall be two (2) types of lots:

(a) Those municipal off-street parking lots which
are to be controlled by parking meters.

(1) Parking Meter Lots. The municipal off-
street parking lots which are controlled by meters are
shown on the Parking Meter Zoning Map adopted by
Section 3-2.1501 of this Code and are as follows:

- (aa) PML-1 11th and G Street parking
lot (PM-5 Zone)
- (ab) PML-3 12th and I Street parking
lot (southeast corner)
(PM-9 Zone)
- (ac) PML-4b 11th Street between H and
I Street (lower level)
parking lot (PM-7 Zone)
- (ad) PML-7 12th and I Street parking
lot (northeast corner)
(PM-6 Zone)
- (ae) PML-9 13th Street between J and
K Street parking lot
(PM-3 Zone)
- (af) PML-10 8th Street between I and K
Street parking lot (PM-4
Zone)
- (ag) PML-11 10th and H Street parking
lot (PM-8 Zone)
- (ah) PML-12 9th Street between J and K
Street parking lot (PM-2
Zone)
- (ai) PML-21 11th and K Street parking
lot (PM-11 Zone)

(aj) PML-24 9th and J Street parking lot (PM-2 Zone)

(2) Installation and Maintenance. On those municipal off-street parking lots which are to be controlled by parking meters, the Director of Parking and Traffic shall cause parking meters to be installed and maintained.

(b) Those municipal off-street parking lots operated by attendants or other appropriate means:

(1) Attendant Lots. The following municipal off-street parking lots are hereby established as attendant lots:

- (aa) PAL-2 9th Street between I and J Street parking lot
- (ab) PAL-4a 11th Street between H and I Street (street level) parking lot
- (ac) PAL-5 10th Street between K and L Street parking lot
- (ad) PAL-17 Bank of California parking lot at 12th and J Streets
- (ae) PAL-18 Seely Tower parking lot at 12th and J Streets
- (af) PAL-22 Sears parking lot, 11th Street between K and L Streets

(2) Free Lots. The following municipal off-street parking lots are free lots:

- (aa) PL-13 15th Street parking lot
- (ab) PL-15 Fire Station parking lot (north side)
- (ac) PL-16 Fire Station parking lot (south side)

(3) Parking Ticket Lots. The following municipal off-street parking lots are controlled by ticket dispensing devices:

- (aa) PTL-20 10th Street between G and H Street parking lot (Old City Hall)
- (ab) PTL-23 10th Street between G and H Street parking lot (Brack-Griffin)

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

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 5th day of July, 1966, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
- NOES: Councilmen: None
- ABSENT: Councilmen: Hughes, Smith

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 4, 1966

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 5th day of July, 1966, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Smith

ATTEST:

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

By Rex E. Gallfus
REX E. GALLFUS, City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Ordinance 795 C.S.
Exhibit A – Map

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

Ord. No. 795-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, 1966, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, VanderWall,

NOES: Councilmen: None
Mayor Johansen

ABSENT: Councilmen: Mitchell, Smith

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 17, 1966

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE NORTH 99 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Wesley W. Winn, Mrs. Velma A. Winn, Richard W. Fiscus, Pearl B.
Fiscus, A. Alfred Taubman and Robert Sills

on March 1, 1966, 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 NORTH 99
ADDITION, situate 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
25th day of April, 1966, set said petition for hear-
ing at the hour of 4:15 o'clock P.M. on the 6th day of
June, 1966, 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 Tribune, a newspaper pub-
lished in the City of Modesto on May 5, 1966,
and on May 12, 1966; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but
in the County of Stanislaus, on May 5, 1966, and
on May 12, 1966, 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,
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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 October 27, 1965, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to ~~Section 54766~~ of the Government Code, and

WHEREAS, on the 6th day of June, 1966, at the hour of 4:15 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th 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 NORTH 99 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 18 and the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Section Corner common to Sections 18 and 19, Township 3 South, Range 9 East, and Sections 13 and 24, Township 3 South, Range 8 East; thence along the Western line of Section 18, said line being the center line of a Public Road known as Prescott Road, North $0^{\circ} 39'$ West, 1324.06 feet, to a point on the existing City Limits which is 20.00 feet East of the Southwestern corner of the PARK MANOR ADDITION, as per description filed June 2, 1960, as Instrument 15668, Stanislaus County Records;

THENCE along the existing City Limits and the Southern boundary of said Park Manor Addition the following bearings and distances: South $89^{\circ} 17' 50''$ East, 644.18 feet; thence along a curve whose center bears South $48^{\circ} 37' 30''$ East, having a Radius of 265.00 feet, a Central Angle of $54^{\circ} 22' 37''$, and an Arc Length of 251.50 feet; thence South $84^{\circ} 14' 53''$ East, 432.17 feet, to its intersection with the Western line of the CARVERWOOD ADDITION, as per description filed March 11, 1959, as Instrument 6960, Stanislaus County Records;

THENCE continuing along the existing City Limits and the Western and Southern boundaries of said Carverwood Addition, the following bearings and distances: South $0^{\circ} 11' 30''$ West, 1375.66 feet, to a point on the section line common to Sections 18 and 19; thence along said section line, South $89^{\circ} 21' 30''$ East, 817.28 feet, to the Northerly projection of the Western line of the GARRISON SCHOOL ADDITION, as per description filed January 29, 1957, as Instrument 2646, Stanislaus County Records;

THENCE continuing along the existing City Limits and the Western boundary of said Garrison School Addition, the following bearings and distances: South $0^{\circ} 34' 30''$ East, 478.93 feet; thence North $89^{\circ} 21' 30''$ West, 41.48 feet; thence South $3^{\circ} 46' 30''$ West, 60.16 feet; thence North $89^{\circ} 21' 30''$ West, 113.73 feet; thence North $0^{\circ} 34' 30''$ West, 211.62 feet; thence North $89^{\circ} 21' 30''$ West, 588.85 feet; thence South $0^{\circ} 34' 30''$ East, 669.63 feet; thence South $89^{\circ} 44' 30''$ East, 282.91 feet; thence South $0^{\circ} 41'$ East, 868.78 feet; thence North $89^{\circ} 05' 30''$ East, 482.60 feet, to the Northwestern corner of the DODSON ADDITION, as per description filed December 13, 1962, as Instrument 46564, Stanislaus County Records;

THENCE continuing along the existing City Limits and the Western line of the Dodson Addition, South $0^{\circ} 29'$ East, 114.76 feet, to the Northern line of a Public Road known as Clayton Avenue;

THENCE leaving the existing City Limits and running along the Northern line of Clayton Avenue, South $89^{\circ} 07'$ West, 648.34 feet, to a point on the Eastern right of way line of the California State Freeway, U. S. 99; thence across said Freeway, South $34^{\circ} 38' 54''$ West, 329.28 feet, to a point on the Western line of said Freeway, said point being the Southeastern corner of property conveyed to Marcos P. Cruz, et ux, by Deed recorded April 5, 1957, in Volume 1420, Page 138, Stanislaus County Records; thence Southerly along the Western line of said Freeway, on a curve concave to the West, having a Radius of 1500.00 feet, a Central Angle of $12^{\circ} 56' 20''$, and an Arc Length of 338.74 feet; thence South $2^{\circ} 41' 35''$ East, 38.66 feet, to a point on the Eastern line of the former U.S. 99 Highway, now known as North Ninth Street; thence along a line at right angles across said North Ninth Street, South $46^{\circ} 37'$ West, 110.00 feet, to the Western line of said North Ninth Street; thence along said Western line, North $43^{\circ} 23'$ West, 936.45 feet, to the Westerly extension of the center line of Clayton Avenue; thence along said center line, North $89^{\circ} 07'$ East, 560.73 feet, to a point on the Western line of the California State Freeway, U.S. 99; thence along said Western line, North $32^{\circ} 02' 43''$ West, 242.89 feet, to a point on the Western line of property conveyed by the State of California to Leo C. Hammett, by Deed recorded June 15, 1965, in Volume 2038, Page 240, Stanislaus County Records; thence along the Northerly extension of said Western line, North $0^{\circ} 41'$ West, 329.99 feet, to a point on the Eastern line of said Freeway; thence along said Eastern line, North $48^{\circ} 01' 45''$ West, 236.12 feet, and North $43^{\circ} 21'$ West, 421.69 feet, to a point on the Westerly extension of the Southern line of property conveyed to Title Insurance and Trust Company, a California corporation, by Deed recorded April 5, 1961, in Volume 1674, Page 262, Stanislaus County Records; thence along said Westerly extension, South $89^{\circ} 42' 15''$ East, 323.42 feet, to the Southwestern corner of said Title Insurance property;

THENCE along the Western line of said Title Insurance property the following bearings and distances: North $0^{\circ} 33' 30''$ West, 701.39 feet; thence South $89^{\circ} 21' 30''$ East, 151.00 feet, to the Southwest corner of property conveyed to Vivian O. Harvey, by Deed recorded April 24, 1962, in Volume 1762, Page 1, Stanislaus County Records; thence along the Western line of said Harvey property, North $0^{\circ} 33' 30''$ West, 318.48 feet, to the Northwestern corner of said Harvey property, said corner being a point on the section line common to Sections 18 and 19;

THENCE along said section line, North $89^{\circ} 21' 30''$ West, 509.79 feet; thence along a tangent curve concave to the Southeast, having a Radius of 379.85 feet, a Central Angle of $35^{\circ} 41' 29''$, and an Arc Length of 236.62 feet; thence South $54^{\circ} 57' 01''$ West, 111.80 feet, to a point on the center line of a Public Road known as West Orangeburg Avenue; thence along said center line, on a curve the center of which bears South $54^{\circ} 57' 01''$ West, having a Radius of 300.00 feet, a Central Angle of $48^{\circ} 27' 51''$, and an Arc Length of 253.76 feet; thence North $83^{\circ} 30' 50''$ West, 24.30 feet, to a point on the Western line of Section 19; thence along said Western line, North $0^{\circ} 25'$ West, 10.69 feet, to the Section Corner common to Sections 18 and 19, and the true point of beginning, containing 79.598 Acres, more or less.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinabove described area to the City of Modesto, except that the following described area shall become a part of the Modesto City School District upon its annexation to the City of Modesto:

Beginning at the Section corner common to Sections 18 and 19, Township 3 South, Range 9 East, and Sections 13 and 24, T. 3 S., R. 8 E; Mount Diablo Base and Meridian; thence northerly along the western line of said Section 18, said line being the center line of a public road known as Prescott Road, to its intersection with the southerly line of M.I.D. Lateral No. 3; thence northeasterly along the southerly line of said M.I.D. Lateral No. 3 to its intersection with the westerly line of the Carverwood Addition to the City of Modesto as per description filed March 11, 1959, as Instrument 6960, Stanislaus County Records; thence South $0^{\circ} 11' 30''$ West 1,375.66 feet to the center line of Evergreen Avenue; thence South $89^{\circ} 21' 30''$ East, 817.28 feet along the center line of Evergreen Avenue; thence South $0^{\circ} 34' 30''$ East 478.93 feet along the westerly line of a 20 foot alley to the northern line of Pearl Street; thence North $89^{\circ} 21' 30''$ West 41.48 feet along the northern line of Pearl Street; thence South $3^{\circ} 46' 30''$ West 60.16 feet to the southern line of Pearl Street; thence North $89^{\circ} 21' 30''$ West 113.73 feet along the southern line of Pearl Street; thence North $0^{\circ} 34' 30''$ West 211.62 feet; thence North $89^{\circ} 21' 30''$ West 588.85 feet; thence South $0^{\circ} 34' 30''$ East 669.63 feet; thence South $89^{\circ} 44' 30''$ East 282.91 feet to the northerly extension of the easterly line of Martin Avenue; thence South $0^{\circ} 41' 30''$ East 327.22 feet along the easterly line of Martin Avenue to its intersection with the center line of West Orangeburg Avenue; thence westerly along the center line of West Orangeburg Avenue and its westerly straight line extension to its intersection with the northerly line of U.S. 99 Freeway; thence North $43^{\circ} 21' 30''$ West 421.69 feet along the northerly line of U.S. 99 Freeway; thence South $89^{\circ} 42' 15''$ East 323.42 feet; thence North $0^{\circ} 33' 30''$ West 701.39 feet; thence South $89^{\circ} 21' 30''$ East 151.00 feet; thence North $0^{\circ} 33' 30''$ West 318.48 feet to the center line of Evergreen Avenue; thence along the center line of Evergreen Avenue, said line being also the section line common to Sections 18 and 19, North $89^{\circ} 21' 30''$ West 509.79 feet; thence along a tangent curve concave to the southeast having a radius of 379.85 feet, a central angle of $35^{\circ} 41' 29''$, and an arc length of 236.62 feet; thence South $54^{\circ} 57' 01''$ West 111.80 feet, to a point on the center line of a public road known as West Orangeburg Avenue; thence along said center line on a curve, the center of which bears South $54^{\circ} 57' 01''$ West, having a radius of 300.00 feet, a central angle of $48^{\circ} 27' 51''$, and arc length of 253.76 feet; thence North $83^{\circ} 30' 50''$ West, 24.30 feet to a point on the western line of Section 19; thence along said western line, North $0^{\circ} 25' 30''$ West, 10.69 feet, to the section corner common to Sections 18 and 19, and the true point of beginning.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE EAST GRANGER ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by

Doric Investment Company by Burton H. Daniel, Evelyn McNulty,
Stanislaus Realty and Equipment Company by Lawrence Robinson, Jr.,
Lawrence D. Barry, William R. Barringer and Cathryn L. Barringer

on March 21, 1966, 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 EAST GRANGER ADDITION, situate 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 11th day of April, 1966, set said petition for hearing at the hour of 4:30 o'clock P.M. on the 6th day of June, 1966, 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 Tribune, a newspaper published in the City of Modesto on May 5, 1966, and on May 12, 1966; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 5, 1966, and on May 12, 1966, 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,

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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 December 15, 1965, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 6th day of June, 1966, at the hour of 4:30 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto held said public hearing and continued said hearing to the 27th day of June, 1966, at the hour of 7:45 o'clock P.M.; at said public hearing the Council 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 **EAST GRANGER ADDITION**, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Southwestern quarter of Section 16 and the Northwestern quarter of Section 21, 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 McHENRY VILLAGE ADDITION, as per description filed May 11, 1954, as Instrument 11745, Stanislaus County Records, said point being on the Northern line of a 40 foot Public Road known as East Granger Avenue and South $89^{\circ} 39'$ East, 200.00 feet from the center line of McHenry Avenue; thence along the Northern line of East Granger Avenue and the existing City Limits of said McHenry Village Addition and the Southern line of the McHENRY VILLAGE CENTER ADDITION, as per description filed October 28, 1963, as Instrument 41445, Stanislaus County Records, South $89^{\circ} 39'$ East, 790.84 feet, to the Northwestern corner of the HOYLE ADDITION, as per description filed March 17, 1965, as Instrument 10619, Stanislaus County Records; thence along the Western line of said Hoyle Addition and the Western line of Lot 3 of the COOLIDGE COLONY, as per Map filed November 15, 1910, in Volume 5 of Maps, Page 17, Stanislaus County Records, South $0^{\circ} 51' 30''$ East, 350.00 feet, to the Southwestern corner of said Hoyle Addition and the Northern line of the South half of said Lot 3; thence along said Northern line and the Southern line of the Hoyle Addition, South $89^{\circ} 39'$ East, 231.00 feet, to a point on a line which is parallel with and 99.00 feet, measured at right angles, Westerly from the Eastern line of said Lot 3; thence along said parallel line, South $0^{\circ} 51' 30''$ East, 210.00 feet, to a point on a line which is parallel with and 120.00 feet, measured at right angles, Northerly from the center line of a 40 foot Public Road known as East Coolidge Avenue; thence along said parallel line, North $89^{\circ} 39'$ West, 50.00 feet, to a point on a line which is parallel with and 149.00 feet, measured at right angles, Westerly from the Eastern line of said Lot 3; thence along said parallel line, South $0^{\circ} 51' 30''$ East, 120.00 feet, to the center line of East Coolidge Avenue; thence along said center line, North $89^{\circ} 39'$ West, 196.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from the Western line of Lot 3; thence along said parallel line, North $0^{\circ} 51' 30''$ West, 330.00 feet, to a point on the Northern line of the South half of Lot 4 of the Coolidge Colony; thence along said Northern line, North $89^{\circ} 39'$ West, 315.00 feet, to the Western line of said Lot 4 and a point on the existing City Limits as established by the McHenry Village Addition; thence along the existing City Limits the following courses: North $0^{\circ} 51' 30''$ West, 150.00 feet; thence North $89^{\circ} 31'$ West, 460.84 feet; thence North $0^{\circ} 51' 30''$ West, 200.00 feet, to the point of beginning, containing 6.492 Acres, more or less.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinabove 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 is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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 Tribune, 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 27th day of June, 1966, by Councilman Mitchell, who moved its adoption and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall

NOES: Councilmen: None

ABSENT: Councilmen: Smith, Mayor Johansen

APPROVED: Richard VanderWall

~~PETER O. JOHANSEN, Mayor~~

RICHARD VANDERWALL, Acting Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn E. Johnson, City Attorney

APPROVED AS TO DESCRIPTION: Public Works Department

8/6/65

GP
4-28-66

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1967,
AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto a proposed budget for the 1966-67 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 1966-1967", presented by the City Manager to the City Council at its meeting held May 2, 1966, 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, 1967, 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.

799-21
H. H. H. H.
m. h. h. h.

AN ORDINANCE AMENDING SECTION 3-2,1401 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. Section 3-2,1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2,1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly city limits	35 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
COFFEE ROAD, Norwegian to Floyd	30 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
DEL VALE, entire length in city	25 miles per hour
EL VISTA, within the city limits	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
ENCINA, Covenia to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour

FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
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LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in city	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
OLD OAKDALE ROAD, Scenic Drive to north city limits	30 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Crestview to north city limits	35 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east city limits	25 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour

STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
TULLY ROAD, between Rumble and the northerly city limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the city limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to south city limits	40 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour
9TH STREET, from P Street to Tully Road	35 miles per hour
9TH STREET, from Tully Road to north city limits	50 miles per hour

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 Tribune, 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 27th day of June, 1966, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
 NOES: Councilmen: None

ABSENT: Councilmen: Smith, Mayor Johansen

ATTEST: [Signature] APPROVED: [Signature]
 (Seal) Rex E. Gailfus, City Clerk RICHARD VANDERWALL, Acting Mayor

APPROVED AS TO FORM: [Signature]
 ELWYN L. JOHNSON, City Attorney

Ord. No. 799-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 5th day of July, ¹⁹⁶⁶~~1965~~, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Smith

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 4, 1966

AN ORDINANCE AMENDING SECTION 4-3.07.2 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO MOVING OF BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-3.07.2 of Chapter 3 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-3.07.2. CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(b) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(c) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Fill with dirt or sand any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Director of Public Works.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Director of Public Works.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Director of Public Works when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

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} ~~Tribune~~, 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 July, 1966, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell, Smith

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, 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 25th day of July, 1966, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance adopted by the following vote:

AYES:	Councilmen:	Hughes, Patton, Shastid, VanderWall, Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Mitchell, Smith

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *[Signature]*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 24, 1966

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