

ORDINANCE NO. 1301 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (JAMES R. CLARKE - MC HENRY AND UNION AVENUES.)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by James R. Clarke and Sylvia J. Clarke on July 16, 1973, to prezone to Two-Family Residential Zone, R-2, and Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on October 16, 1973, it was found and determined by the Planning Commission that prezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 73-118, adopted on October 16, 1973, the Planning Commission recommended to the Council that the application of James R. Clarke and Sylvia J. Clarke to amend Section 8-3-9 of the Zoning Map to prezone the hereinafter described property to Two-Family Residential Zone, R-2, and Highway Frontage Zone, H-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 the requested prezoning 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 8-3-9 of the Zoning Map is hereby amended to prezone the following described property to Two-Family Residential Zone, R-2, and Highway Frontage Zone, H-1:

Prezone to R-2

All that portion of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the northeast corner of Parcel "B" as shown on the map filed in Volume 17 of Parcel Maps, at Page 3, Stanislaus County Records; thence South 1° 20' 40" East, along the east line of said Parcel "B", a distance of 823.52 feet to the intersection with the center line of Union Avenue; thence North 89° 40' 25" West, along said center line of Union Avenue, a distance of 250.00 feet; thence North 1° 20' 40" West, a distance of 823.13 feet to the intersection with the north line of Parcel "B", thence South 89° 45' 45" East, along said north line of Parcel "B", a distance of 249.99 feet to the point of beginning.

CONTAINING 4.72 acres.

Prezone to H-1

All that portion of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the northwest corner of Parcel "A" as shown on the map filed in Volume 17 of Parcel Maps, at Page 3, Stanislaus County Records; thence South 89° 45' 45" East, along the north line of said Parcel "A", a distance of 701.76 feet to the intersection with the East line of said Section 8, and the centerline of McHenry Avenue; thence South 1°20'50" East, along said East line of Section 8, and the centerline of McHenry Avenue, a distance of 484.31 feet; thence North 89° 40' 25" West, a distance of 701.81 feet to the southwest corner of said Parcel "A", thence North 1°20'40" West, along the West line of said Parcel A, a distance of 483.22 feet to the point of beginning.

CONTAINING 7.791 acres.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Shields  
Planning Department

**Ordinance 1301 C.S.**  
**Exhibit A – Map**

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

Ord. No. 1301-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 10th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 9, 1974

ORDINANCE NO. 1302 -c.s.

AN ORDINANCE AMENDING SECTION MAP 8-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING  
CERTAIN PROPERTY LOCATED THEREON. ( JAMES R. CLARKE -  
P-PD(120) MC HENRY AND UNION AVENUES.)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(120):

All that portion of the Northeast quarter of Section 8, Township 3, South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the northwest corner of Parcel "C" as shown on the map filed in Volume 17 of Parcel Maps, at Page 3, Stanislaus County Records; thence South 89° 40' 25" East, along the north line of said Parcel "C", a distance of 701.81 feet to the intersection with the East line of said Section 8, and the centerline of McHenry Avenue; thence South 1° 20' 50" East, along said East line of Section 8, and the centerline of McHenry Avenue, a distance of 340.30 feet to the centerline intersection with Union Avenue; thence North 89° 40' 25" West along said centerline of Union Avenue a distance of 701.83 feet; thence North 1° 20' 40" West, a distance of 340.30 feet to the point of beginning.

CONTAINING 5.48 acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(120) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. Automobile sales and service buildings including accessory body and paint shop.
2. Outdoor new and used vehicle display and storage areas.
3. Outdoor storage for disabled and wrecked cars.
4. Employee and customer off-street parking area as specified in the off-street parking standards of the Municipal Code.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bea, 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 26th day of November, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

Ordinance 1302 C.S.  
Exhibit A – Map

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

Ord. No. 1302-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 10th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 9, 1974

ORDINANCE NO. 1303 -C. S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN QUARESMA - TULLY & ROSEBURG)

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

SECTION 1. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from One-Family Residenaitl Zone, R-1, to Planned-Development Zone, P-D(118):

R-1 to P-D

Part 1

All that portion of the East half of the Northwest quarter of the Southwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of the East half of the Northwest quarter of the Southwest quarter of said Section 20, and run thence East along the North line thereof, 82.5 feet, thence South parallel with the West line thereof, 166 feet; thence East parallel with the North line thereof, 82.5 feet; thence South parallel with the West line thereof, 164 feet; thence West parallel with the North line thereof 165 feet to the West line of said East half; thence North along the West line of said East half, 330 feet to the point of beginning.

Part 2

All that portion of the West half of the Northwest quarter of the Southwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the northeast corner of the West half of the Northwest quarter of the Southwest quarter of said Section 20; thence South along the East line of the West half of the Northwest quarter of the Southwest quarter of said Section 20, a distance of 330 feet more or less to its point of intersection with Quaresma Tract No. 1 as per map filed August 30, 1957 in Volume 18 of Maps, at Page 70, Stanislaus County Records, thence North 87° 56' 30" West along the North line of Lot 10 and its Easterly prolongation of said Quaresma Tract No. 1, 145 feet more or less to its intersection with the west line of that certain alley designated on the map hereinabove referred to; thence North 0° 01' 15" East along the East line of said alley a distance of 330 feet more or less to the North line of the Northwest quarter of the Southwest quarter, thence South 87° 56' 50" East, a distance of 145.09 feet more or less to the point of beginning.

Part 3

Parcel A as shown upon that certain Parcel Map filed March 6, 1967, in Volume 3 of Parcel Maps, Page 13, Stanislaus County Records; being a portion of the Northwest quarter of the Southwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the southerly 30 feet of Roseburg Avenue immediately adjacent to the north line of above mentioned Parcel A.

EXCEPTING THEREFROM the West 90 feet as measured along the South line of above mentioned Parcel A.

Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Multiple-Family Residential Zone, R-3, to Planned-Development Zone, P-D(118):

R-3 to P-D

The West 90 feet, measured along the South line thereof, of Parcel A as shown upon that certain Parcel Map filed March 6, 1967 in Volume 3 of Parcel Maps, Page 13, Stanislaus County Records; being a portion of the Northwest quarter of the Southwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

INCLUDING ALSO the easterly 45 feet of Tully Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(118) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) Four one-story professional offices and accompanying off-street parking spaces at the ratio of one space per 200 square feet of gross building area.
- (b) A maximum of 77 one and two-story apartments with accompanying off-street parking at the minimum ratio of one and one-half parking spaces per dwelling unit.
- (c) A maximum of three one-story single family dwellings all fronting on Notre Dame Avenue, each dwelling having a two-car garage and a separate lot for each as shown on the subdivision map.
- (d) Utility and maintenance buildings.
- (e) A storage, laundry and recreation building, and swimming pool.

SECTION 3. ZONING MAP. Section Map 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 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 26th day of November, 1973, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols  
Planning Department

Ord. No. 1303-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 10th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

APPROVED

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

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 9, 1974

AN ORDINANCE AMENDING SECTION 5-4, 201 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO LICENSING OF DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4, 201 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4, 201. LICENSING AND FEES. Every person who owns, controls, harbors, possesses or keeps any dog over the age of four (4) months in the City shall, on or before March 1st of each year, procure a license from the Director of Finance for said dog, and shall be required to pay an annual license fee of Four and no/100ths (\$4.00) Dollars for each such dog; provided, however, that if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, the license fee shall be Two and no/100ths (\$2.00) Dollars; provided further, that no license fee shall be required to be paid for guide dogs for the blind. Thereafter, during the year, within fifteen (15) days after a dog reaches the age of four (4) months, or within fifteen (15) days after any dog over the age of four (4) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fees herein required of such owner. Any owner who fails to procure such a dog license within the time allowed, shall in addition to any other penalty provided by this Code, be subject to a penalty of one hundred (100%) per cent of the amount due, and said penalty shall be added to the license fee hereinabove provided for, and shall be collected therewith.

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 26th day of November, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

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

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

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

Ord. No. 1304-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 10th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 9, 1974

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 10th day of December, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensingher, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ordinance 1305 C.S.  
Exhibit A – Map

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

Ord. No. 1305-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 17th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 16, 1974

ORDINANCE NO. 1306 -C. S.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) PM-11 Ten (10¢) cents per one-half (1/2) hour or fraction.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1306-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 17th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 16, 1974

ORDINANCE NO. 1307 C. S.

AN ORDINANCE ADDING SECTION 9-8.04.1 TO CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS BUILDINGS CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-8.04.1 is hereby added to Chapter 8 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-8.04.1. GENERAL. That Section 501 of said Dangerous Buildings Code be amended to read as follows:

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

1. A heading in the words: "Before the Board of Appeals of the City of Modesto".
2. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and consise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signatures of all parties named as appellants, and their official mailing addresses.

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

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 10th day of December, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1307-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 17th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Simon, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 16, 1974

ORDINANCE NO. 1308 -C. S.

AN ORDINANCE ADDING SECTION 9-9.04 TO CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-9.04 is hereby added to Chapter 9 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-9.04. GENERAL. That Section H-1201 of said Housing Code be amended to read as follows:

Section H-1201. (a) Form of Appeal. Any person entitled to service under Section H-1101 (c) may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

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

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

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

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

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

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

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

SECTION 2. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing amendment to the Uniform Housing Code, 1970 Edition, is necessary in order to facilitate the filing of appeals from orders and actions of the Building Official and to expedite the scheduling of such appeals for hearing by the Board of Appeals.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Mayor Daviea

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1308-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 17th day of December, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 16, 1974

ORDINANCE NO. 1309 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 1047-C.S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 4-3-9 AND 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (LANCE E. ELLIS)"

WHEREAS, by Ordinance No. 1047-C.S., entitled "An Ordinance Amending Section Maps 4-3-9 and 9-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Lance E. Ellis)", effective October 8, 1970, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(75) for a 209-unit mobile home park, property located on the west side of Coffee Road both north and south of Mable Avenue extended, and described as follows:

Beginning at the section corner common to Sections 3, 4, 9, and 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 1° 35' 45" West along the east line of said Section 4 a distance of 961.97 feet; thence North 89° 10' 30" West a distance of 1319.90 feet to the north-south quarter quarter section line; thence South 1° 36' 45" East along said north-south quarter quarter section line a distance of 962.25 feet to the south line of said Section 4; thence South 0° 48' 43" East along the north-south quarter quarter section line of Section 9 a distance of 540.76 feet; thence South 89° 11' 10" East a distance of 1319.50 feet to the east line of said Section 9; thence North 0° 48' West along said east line of Section 9; thence North 0° 48' West along said east line of Section 9 a distance of 540.76 feet to the point of beginning.  
Containing 45.498 acres gross,

and

WHEREAS, by Resolution No. 70-830, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(75). (Lance E. Ellis)", adopted on August 24, 1970, the Council of the City of Modesto approved a Development Plan for P-PD(75) specifying that construction was to begin on or before July 31, 1972, and completion to be not later than July 31, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in Planned Development Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-PD(75) from the Zoning Map and set a public hearing for November 20, 1973, and

WHEREAS, after a public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of the pre-zoning of the above-described property, as initiated, is required, and

WHEREAS, after a public hearing held on January 7, 1974, the Council found and determined that repeal of prezoning of the above-described property, as initiated by the Planning Commission, is required by public necessity, convenience and general welfare,

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

SECTION 1. REPEAL OF PRESENT ZONE CLASSIFICATION. Sections 4-3-9 and 9-3-9 of the Zoning Map of the City of Modesto are hereby amended to repeal prezoned Planned Development Zone, P-PD(75).

SECTION 2. ZONING MAP. Sections 4-3-9 and 9-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

SECTION 3. REPEALS. Ordinance No. 1047-C.S. adopted by the Council of the City of Modesto is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded

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

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

Ordinance 1309 C.S.  
Exhibit A – Map

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

Ord. No. 1309-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1310 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 1150-C.S.  
ENTITLED "AN ORDINANCE AMENDING SECTION MAP 6-4-9  
OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING  
CERTAIN PROPERTY LOCATED THEREON. (THE BRITTANY)".

WHEREAS, by Ordinance No. 1150-C.S., entitled "An Ordinance Amending Section Map 6-4-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (The Brittany)", effective December 8, 1971, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(94) for a 96-unit apartment complex, property located on the south side of Paradise Road opposite Mayette Avenue, described as follows:

All of Parcels No. 1 and No. 2 as shown and designated on that certain Parcel Map filed in the Office of the County Recorder of Stanislaus County, California on February 25, 1966 in Volume 1 of Parcel Maps, Page 63, and being a portion of the northwest quarter of the northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the southerly 25 feet of Paradise Road immediately adjacent to said Parcel No. 1 and the northerly 15 feet of Rouse Avenue immediately adjacent to Parcel No. 2,

and

WHEREAS, by Resolution No. 71-912, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(94). (The Brittany)", adopted on October 18, 1971, the Council of the City of Modesto approved a Development Plan for P-PD(94) specifying that construction was to begin on or before July 1, 1973, and completion to be not later than July 1, 1974, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in Planned Development Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-PD(94) from the Zoning Map and set a public hearing for November 20, 1973, and

WHEREAS, after a public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of the rezoning of the above-described property, as initiated, is required, and

WHEREAS, after a public hearing held on January 7, 1974, the Council found and determined that repeal of rezoning of the above-described property, as initiated by the Planning Commission, is required by public necessity, convenience and general welfare,

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

SECTION 1. REPEAL OF PRESENT ZONE CLASSIFICATION.

Section 6-4-9 of the Zoning Map of the City of Modesto is hereby amended to repeal rezoned Planned Development Zone, P-PD(94).

SECTION 2. ZONING MAP. Section 6-4-9 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 3. REPEALS. Ordinance No. 1150-C.S. adopted by the Council of the City of Modesto is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded

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

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols  
Planning Department

**Ordinance 1310 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 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1311 -C.S.

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REPEAL A P-D ZONE AND REZONE THE PROPERTY TO R-3.  
(O. B. PHILLIPS, JR., CALAVERAS AVENUE)

WHEREAS, the Modesto City Council, by Ordinance No. 1211-C.S., effective September 6, 1972, rezoned from Multiple-Family Residential Zone, R-3, to Planned Development Zone, P-D(100), for a two-story, 61-unit motel with a freestanding pole sign, property located between Calavares Avenue and the U. S. 99 Freeway north of Tuolumne Boulevard and hereinafter described, and

WHEREAS, Resolution No. 72-870, adopted by the City Council on July 17, 1972, included a development schedule for P-D(100) specifying that construction was to begin on or before September 1, 1973, and completion to be not later than September 1, 1974, and

WHEREAS, the property owners have not met the approved development schedule of P-D(100), and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of property in P-D zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 73-133, adopted November 6, 1973, initiated proceedings to repeal P-D(100) and rezone the property to R-3, and

WHEREAS, after a public hearing held on November 20, 1973, it was found and determined by the Planning Commission that repeal of P-D(100) and rezoning the property back to R-3 is required by public necessity, convenience and general welfare because the expiration date, September 1, 1973, has passed and the applicant has failed to commence construction of P-D(100), and

WHEREAS, by Resolution No. 73-147, adopted on November 20, 1973, the Planning Commission recommended to the City Council that

Section 32-3-9 of the Zoning Map be amended to repeal P-D(100) and rezone the property hereinafter described to Multiple-Family Residential Zone, R-3, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, 801 11th Street, in the City of Modesto, at 4:10 o'clock P.M. on January 7, 1974, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(100), back to Multiple-Family Residential Zone, R-3, is required by public necessity, convenience and general welfare because the expiration date, September 1, 1973, has passed and the applicant has failed to commence construction of P-D(100).

SECTION 2. ZONING CHANGE. Section 32-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(100), to Multiple-Family Residential Zone, R-3:

All that portion of Block 306, and of Block 307, and of Tuolumne Boulevard and of Center Street and alley as said blocks, boulevard, street and alley are shown on the official map of the City of Modesto, as per map thereof filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records, said portions lying within the following described boundaries:

BEGINNING at the intersection of the centerline of Calaveras Avenue (70.0 feet in width) with the easterly prolongation of the northerly line of Lot 27 in said Block 306; thence along said centerline the following two courses: (1) South  $0^{\circ} 21' 24''$  East, 87.07 feet; and (2) South  $42^{\circ} 50' 00''$  East, 166.0 feet to the Northerly line of said Tuolumne Boulevard; thence (3) along last said Northerly line South  $47^{\circ} 10'$  West 35.00 feet to the intersection of the Westerly line of said Calaveras Avenue with last said Northerly line; thence (4) along the prolongation of said Westerly line South  $42^{\circ} 50'$  East, 85.48 feet; thence (5) South  $47^{\circ} 17' 45''$  West, 48.03 feet; thence (6) North  $88^{\circ} 02' 18''$  West, 151.54 feet; thence (7) North  $51^{\circ} 47' 31''$  West, 80.56 feet; thence (8) North  $11^{\circ} 45' 31''$  West, 268.36 feet; thence (9) North  $08^{\circ} 18' 35''$  West 14.88 feet to said Northerly line of Lot 27; thence along last said Northerly line and its Easterly prolongation South  $88^{\circ} 21' 41''$  East, 161.10 feet to the point of beginning,

SECTION 3. ZONING MAP. Section 32-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols  
Planning Department

**Ordinance 1311 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 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1312 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 937-C.S. OF  
THE CITY OF MODESTO AND AMENDING SECTION MAP  
9-3-9 OF THE ZONING MAP OF THE CITY OF  
MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON.  
(HAIG BERBERIAN)

WHEREAS, by Ordinance No. 937-C.S. entitled "An Ordinance Amending Section Map 9-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Nonprofit Fraternal Organization)", effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(48), property hereinafter described, and

WHEREAS, by Resolution No. 68-1143, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(48), (Haig Berberian Prezoning - Nonprofit Fraternal Organization)", adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(48) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(48) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(48) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(48) from the Zoning Map and reclassify from Planned Development Zone, P-D(48) to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(48) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 937-C.S. and to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(48), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 937-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 937-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(48), to One-Family Residential Zone, R-1:

Parcel 2

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

Commencing at the east quarter section corner of said Section 9; thence North 0° 48' 00" West along the east line of said Section 9 a distance of 225.00 feet to the true point of beginning of this description; thence continuing North 0° 48' 00" West along said east line of Section 9 a distance of 355.00 feet; thence South 89° 12' 00" West a distance of 280.00 feet; thence along a curve concave to the north, through a central angle of 4° 36' 33" having a radius of 1000.0 feet, a curve distance of 80.44 feet; thence South 0° 39' West a distance of 573.93 feet to the east-west quarter section line of the aforementioned Section 9; thence South 89° 21' 00" East along said east-west quarter section line a distance of 150.00 feet; thence North 0° 39' East a distance of 219.38 feet; thence North 89° 12' East a distance of 219.38 feet to the point of beginning.

Containing 3.725 acres gross. Excepting that portion rezoned to P-D(107).

SECTION 4. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:  
BY *John L. Dorey*  
Planning Department

Ordinance 1312 C.S.  
Exhibit A – Map

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

Ord. No. 1312-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1313 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 938-C.S. OF  
THE CITY OF MODESTO AND AMENDING SECTION MAP  
9-3-9 OF THE ZONING MAP OF THE CITY OF  
MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON.  
(HAIG BERBERIAN)

WHEREAS, by Ordinance No. 938-C.S. entitled "An Ordinance Amending Section Map 9-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel 3)" , effective February 5, 1969 , the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(49) , property hereinafter described, and

WHEREAS, by Resolution No. 68-1144 , entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(49) \* (Haig Berberian Prezoning - Parcel 3)" \_\_\_\_\_ , adopted on December 16, 1968 , the Council of the City of Modesto approved a Development Plan for P-PD(49) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(49) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(49) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(49) from the Zoning Map and reclassify from Planned Development Zone. P-D(49) , to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(49) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 938-C.S. and to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(49), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 938-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 938-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(49), to One-Family Residential Zone, R-1:

Parcel 3

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

Commencing at the east quarter section corner of said Section 9; thence North 89° 21' West along the east-west quarter section line of said Section 9 a distance of 789.00 feet to the true point of beginning of this description; thence continuing North 89° 21' West along said east-west quarter section line of Section 9 a distance of 530.12 feet to the north-south quarter section line of said Section 9; thence North 0° 49' West along said north-south quarter section line a distance of 200.07 feet; thence South 89° 21' East parallel to and 200.00 feet distant northerly at right angles from the aforementioned east-west quarter section line a distance of 535.24 feet; thence South 0° 39' West a distance of 200.00 feet to the true point of beginning.

Containing 2.446 acres gross.

SECTION 4. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwin L. Johnson  
ELWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY John R. Gray  
Planning Department

Ordinance 1313 C.S.  
Exhibit A – Map

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

Ord. No. 1313-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1314 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 939-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON. (HAIG BERBERIAN)

WHEREAS, by Ordinance No. 939-C.S., entitled "An Ordinance Amending Section Map 9-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel 4)", effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(50), property hereinafter described, and

WHEREAS, by Resolution No. 68-1145, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(50), (Haig Berberian Prezoning - Parcel 4)", adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(50) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(50) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(50) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(50) from the Zoning Map and reclassify from Planned Development Zone, P-D(50) to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(50) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 939-C.S. and to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(50), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 939-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 939-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(50), to One-Family Residential Zone, R-1:

Parcel 4

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

Commencing at the east quarter section corner of said Section 9; thence North 89° 21' West along the east-west quarter section line of said Section 9 a distance of 375.00 feet to the true point of beginning of this description; thence North 0° 39' East a distance of 573.93 feet; thence in a westerly direction along a curve concave to the north, through a central angle of 6° 54' 43", having a radius of 1000.00 feet, a curve distance of 120.64 feet; thence South 10° 43' 16" West a distance of 87.97 feet; thence in a southerly direction along a curve concave to the east, through a central angle of 10° 04' 16", having a radius of 250.00 feet, a curve distance of 43.94 feet; thence South 0° 39' West a distance of 257.48 feet; thence North 89° 21' West a distance of 275.00 feet; thence South 0° 39' West a distance of 200.00 feet to the aforementioned east-west quarter section line of Section 9; thence South 89° 21' East along said east-west quarter section line a distance of 414.00 feet to the point of beginning.

Containing 3.091 acres gross. Excepting that portion rezoned to P-D(107).

SECTION 4. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM  
BY *Evelyn L. Johnson*  
EVELYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
BY *John R. Gray*  
Planning Department

Ordinance 1314 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 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

AN ORDINANCE REPEALING ORDINANCE NO. 941-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON. (HAIG BERBERIAN)

WHEREAS, by Ordinance No. 941-C.S., entitled "An Ordinance Amending Section Map 9-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel 6)" effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(52), property hereinafter described, and

WHEREAS, by Resolution No. 68-1147, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(52), (Haig Berberian Prezoning - Parcel 6)" adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(52) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(52) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(52) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(52) from the Zoning Map and reclassify from Planned Development Zone, P-D(52) to One-Family Residential Zone, R-1. the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(52) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 941-C.S. and to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(52), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 941-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 941-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(52), to One-Family Residential Zone, R-1:

Parcel 6

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

Commencing at the east quarter section corner of said Section 9; thence North 0° 48' West along the east line of said Section 9 a distance of 580.00 feet to the true point of beginning of this description, thence continuing North 0° 48' West along said east line of Section 9 a distance of 737.60 feet to the east-west quarter quarter section line of said Section 9; thence North 89° 16' 00" West along said east-west quarter quarter section line of Section 9 a distance of 220.08 feet; thence south 0° 48' East parallel to and 220.00 feet distant westerly at right angles from the aforementioned east line of Section 9 a distance of 743.49 feet; thence North 89° 12' East a distance of 220.00 feet to the point of beginning.

Containing 3.740 acres gross.

SECTION 4. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY

John L. Long  
Planning Department

**Ordinance 1315 C.S.**  
**Exhibit A – Map**

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

Ord. No. 1315-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1316 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 943-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON. (HAIG BERBERIAN)

WHEREAS, by Ordinance No. 943-C.S., entitled "An Ordinance Amending Section Map 10-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel B)" \_\_\_\_\_, effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(54), property hereinafter described, and

WHEREAS, by Resolution No. 68-1149, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(54), (Haig Berberian Prezoning - Parcel B)" \_\_\_\_\_, adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(54) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(54) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(54) zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(54) from the Zoning Map and reclassify from Planned Development Zone, P-D(54) to One-Family Residential Zone, R-1. the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(54) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.
2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 943-C.S. and to amend Section 10-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(54), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 943-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 943-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(54), to One-Family Residential Zone, R-1:

Parcel B

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the west quarter corner of said Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 0° 48' 00" West along the west line of said Section 10, a distance of 580.00 feet to the true point of beginning of this description, thence continuing North 0° 48' 00" West along said West line of Section 10 a distance of 476.00 feet; thence North 89° 23' 52" East a distance of 275.94 feet; thence in a southeasterly direction along a curve concave to the southwest through a central angle of 42° 06' 42", having a radius of 250.00 feet, a curve length of 183.75; thence South 48° 29' 26" East a distance of 122.22 feet; thence at right angles South 41° 30' 34" West a distance of 332.57 feet; thence along a curve concave to the northwest, through a central angle of 47° 41' 26", having a radius of 250.00 feet, a curve distance of 208.09 feet; thence South 89° 12' West a distance of 125.00 feet to the point of beginning.

Containing 4.366 acres gross.

SECTION 4. ZONING MAP. Section 10-3-9 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 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Kullijian

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *John R. Riley*  
Planning Department

**Ordinance 1316 C.S.**  
**Exhibit A – Map**

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

Ord. No. 1316-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974



WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(55) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 944-C.S. and to amend Section 10-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(55), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 944-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 944-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(55), to One-Family Residential Zone, R-1:

Parcel C

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the west quarter corner of said Section 10; thence North 0° 48' 00" West along the west line of said Section 10 a distance of 580.00 feet; thence North 89° 12' 00" East a distance of 125.00 feet; thence along a curve concave to the northwest, through a central angle of 45° 41' 26" having a radius of 250.00 feet, a curve length of 208.09 feet; thence North 41° 30' 34" East a distance of 192.57 feet to the true point of beginning of this description; thence continuing North 41° 30' 34" East a distance of 140.00 feet; thence South 48° 29' 26" East, a distance of 508.70 feet; thence South 41° 30' 34" West a distance of 140.00 feet; thence North 48° 29' 26" West, a distance of 508.70 feet to the point of beginning.

Containing 1.635 acres gross.

SECTION 4. ZONING MAP. Section 10-3-9 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 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY

John R. Long  
Planning Department

Ordinance 1317 C.S.  
Exhibit A – Map

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

Ord. No. 1317-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1318 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 945-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON. (HAIG BERBERIAN)

WHEREAS, by Ordinance No. 945-C.S., entitled "An Ordinance Amending Section Map 10-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel D)", effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(56), property hereinafter described, and

WHEREAS, by Resolution No. 68-1151, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(56), (Haig Berberian Prezoning - Parcel D)", adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(56) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(56) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(56) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(56) from the Zoning Map and reclassify from Planned Development Zone, P-D(56), to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(56) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 945-C.S. and to amend Section 10-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(56), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 945-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 945-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(56), to One-Family Residential Zone, R-1:

Parcel D

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the west quarter corner of said Section 10, thence North  $89^{\circ} 26' 27''$  East along the east-west quarter section line of said Section 10 a distance of 580.00 feet to the true point of beginning of this description; thence North  $0^{\circ} 33' 33''$  West a distance of 110.00 feet; thence along a curve concave to the southeast having a radius of 250.00 feet, a central angle of  $42^{\circ} 04' 07''$ , and a curve length of 183.56 feet; thence North  $41^{\circ} 30' 34''$  East a distance of 392.74 feet; thence South  $48^{\circ} 29' 26''$  East a distance of 357.49 feet; thence along a curve concave to the southwest through a central angle of  $47^{\circ} 37' 06''$  having a radius of 250.00 feet, a curve length of 207.77 feet; thence South  $0^{\circ} 52' 20''$  East a distance of 145.31 feet to the aforementioned east-west quarter section line; thence South  $89^{\circ} 26' 27''$  West along said east-west quarter section line a distance of 676.22 feet to the point of beginning of this description.

Containing 6.144 acres gross.

SECTION 4. ZONING MAP. Section 10-3-9 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 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *John R. Coyle*  
Planning Department

Ordinance 1318 C.S.  
Exhibit A – Map

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

Ord. No. 1318-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None


ABSENT: Councilmen: Kullijian, Simon

APPROVED



LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1319 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 946-C.S. OF  
THE CITY OF MODESTO AND AMENDING SECTION MAP  
10-3-9 OF THE ZONING MAP OF THE CITY OF  
MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON.  
(HAIG BERBERIAN)

WHEREAS, by Ordinance No. 946-C.S., entitled "An Ordinance  
Amending Section Map 10-3-9 of the Zoning Map of the City of Modesto  
Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning -  
Parcel E)", effective February 5, 1969,  
the Council of the City of Modesto prezoned to Planned Development Zone,  
P-PD(57), property hereinafter described, and

WHEREAS, by Resolution No. 68-1152, entitled "A Resolution  
Approving a Development Plan for Prezoned Planned Development Zone,  
P-PD(57). (Haig Berberian Prezoning - Parcel E)"  
\_\_\_\_\_, adopted on December 16, 1968, the Council of the  
City of Modesto approved a Development Plan for P-PD(57) specifying  
that construction was to begin on or before four years from date of  
annexation, and completion to be not later than seven years from date  
of annexation, and

WHEREAS, the land area containing P-D(57) was annexed  
to the City of Modesto on October 9, 1969, with the result that the  
time to begin construction on P-D(57) Zone expired on October 9, 1973,  
and

WHEREAS, the property owner has not met the approved develop-  
ment schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides  
that if the owner or owners of the property in a Planned Development  
Zone have failed to meet the approved development schedule, the Planning  
Commission shall initiate proceedings to repeal the Planned Development  
Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated  
proceedings to remove P-D(57) from the Zoning Map and reclassify  
from Planned Development Zone, P-D(57), to One-Family Residential  
Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(57) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.
2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 946-C.S. and to amend Section 10-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(57), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 946-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 946-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(57), to One-Family Residential Zone, R-1:

Parcel E

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the west quarter corner of said Section 10; thence North 0° 48' 00" West along the west line of said Section 10 a distance of 580.00 feet; thence North 89° 12' 00" East a distance of 125.00 feet; thence along a curve concave to the northwest, through a central angle of 47° 41' 26", having a radius of 250.00 feet, a curve length of 208.09 feet; thence North 41° 30' 34" East a distance of 332.57 feet to the true point of beginning of this description; thence continuing North 41° 30' 34" East a distance of 165.00 feet; thence South 48° 29' 26" East a distance of 766.35 feet; thence in a southerly direction along a curve concave to the northwest, through a central angle of 7° 51' 48", having a radius of 250.00 feet, a curve distance of 34.31 feet; thence South 41° 30' 34" West a distance of 130.80 feet; thence North 48° 29' 26" West a distance of 768.70 feet to the point of beginning.

Containing 2.911 acres gross.

SECTION 4. ZONING MAP. Section 10<sup>2</sup>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 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY

John R. Gray  
Planning Department

Ordinance 1319 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 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

ORDINANCE NO. 1320 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 947-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY THEREON. (HAIG BERBERIAN)

WHEREAS, by Ordinance No. 947-C.S., entitled "An Ordinance Amending Section Map 10-3-9 of the Zoning Map of the City of Modesto Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Parcel F)", effective February 5, 1969, the Council of the City of Modesto prezoned to Planned Development Zone, P-PD(58), property hereinafter described, and

WHEREAS, by Resolution No. 68-1153, entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(58), (Haig Berberian Prezoning - Parcel F)", adopted on December 16, 1968, the Council of the City of Modesto approved a Development Plan for P-PD(58) specifying that construction was to begin on or before four years from date of annexation, and completion to be not later than seven years from date of annexation, and

WHEREAS, the land area containing P-D(58) was annexed to the City of Modesto on October 9, 1969, with the result that the time to begin construction on P-D(58) Zone expired on October 9, 1973, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on November 6, 1973, the Planning Commission initiated proceedings to remove P-D(58) from the Zoning Map and reclassify from Planned Development Zone, P-D(58), to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 20, 1973, the Planning Commission found and determined that repeal of P-D(58) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The expiration date for development has passed and the applicant has not yet submitted development plans for approval.

2. The subject P-D Zone does not apparently represent current plans for developing the subject property as is witnessed by the recent approval of P-D(107) and also the tentative Sylvan East Meadows subdivision, and

WHEREAS, by Resolution No. 73-144, adopted on November 20, 1973, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 947-C.S. and to amend Section 10-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(58), to One-Family Residential Zone, R-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 the recommended rezoning and repealing of Ordinance No. 947-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 947-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(58), to One-Family Residential Zone, R-1:

Parcel F

All that portion of the northwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the west quarter corner of said Section 10; thence North 0° 48' West along the west line of said Section 10 a distance of 1056.00 feet to the true point of beginning of this description; thence continuing North 0° 48' West along said west line of Section 10 a distance of 140.00 feet; thence North 89° 23' 52" East a distance of 330.00 feet; thence South 80° 23' 31" East a distance of 104.65 feet; thence South 64° 29' 26" East a distance of 125.00 feet; thence South 48° 29' 26" East a distance of 135.00 feet; thence South 41° 30' 34" West a distance of 165.00 feet; thence North 48° 29' 26" West a distance of 122.22 feet; thence along a curve concave to the southwest, through a central angle of 42° 06' 42", having a radius of 250.00 feet, a curve distance of 183.75 feet; thence South 89° 23' 52" West a distance of 275.94 feet to the point of beginning.

Containing 2.701 acres gross.

SECTION 4. ZONING MAP. Section 10-3-9 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 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 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 7th day of January, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:  
By John K. Casey  
Planning Department

Ord. No. 1320-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Simon

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 20, 1974

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR THE  
RIGHT-OF-WAY OF VENEMAN AVENUE FROM DALE ROAD  
TO M. I. D. LATERAL NO. 7.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR VENEMAN AVENUE. The Stanislaus County Board of Supervisors has renamed the existing Standiford Avenue right-of-way west of M. I. D. Lateral No. 7 to Veneman Avenue, due to the planned relocation of that section of Standiford Avenue located west of said M. I. D. Lateral No. 7 to the south side of said lateral. Therefore, with the commencement of urban development activity within the Veneman Avenue area, in order to conserve the public interest and assure the public safety and welfare, it is necessary to adopt a specific plan to establish an appropriate alignment for Veneman Avenue and to protect the future right-of-way from encroachment by new construction and permanent physical improvements, the existence of which would make unnecessarily difficult or make impractical the creation of Veneman Avenue as a 2-lane collector street.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Veneman Avenue from Dale Road to M. I. D. Lateral No. 7 titled "Veneman Avenue Specific Plan for Right-of-Way from Dale Road to M. I. D. Lateral No. 7" consisting of two (2) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Veneman Avenue from Dale Road to M. I. D. Lateral No. 7 is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

SECTION 4. USE OF BUILDING LINE SETBACKS. Within the right-of-way adopted by this ordinance, it shall be unlawful to erect buildings of any kind, or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any subsurface structure except those subsurface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structure, well excavation or subsurface structure existing on the effective date of this ordinance, or to signs, canopies or marquees permitted by the Municipal Code.

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Veneman Avenue from Dale Road to M. I. D. Lateral No. 7 as adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

SECTION 6. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 7. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California, for a period not exceeding one year, or by both such fine and imprisonment.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues and shall be punishable therefor as herein provided.

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a

reasonable time.

SECTION 9. 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 10. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1974, by Councilman Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

JLC  
1-15-74

Specific Plan for Right of Way, from Dale Road to the Modesto Irrigation District Lateral No. 7.

A sixty (60.00) foot right of way being thirty (30.00) feet each side of a center line described as follows:

Beginning at a point on the Western line of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, said point being the West quarter section corner of said Section 12, said point also being on the center line of a public road known as Dale Road; thence along the center line of a 60.00 foot right of way, said line being the East-West quarter section line of Section 12, North  $88^{\circ} 47' 00''$  East, 3,693.00 feet; thence along a tangent curve concave to the Northwest, having a Radius of 1,000.00 feet, a Central Angle of  $22^{\circ} 30' 00''$  and an Arc Length of 392.70 feet, to its tangency on a line which is parallel with and 130.00 feet, measured at right angles, Northwesterly from the Northwestern line of the 100.00 foot wide Modesto Irrigation District Lateral No. 7, and the end of this description.

Ord. No. 1321-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 January, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 27, 1974

ORDINANCE NO. 1322 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 AND SECTION MAP 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WILLO CONSTRUCTION - 9-UNIT APARTMENTS)

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

SECTION 1. ZONING CHANGE. Sections 28-3-9 and 33-3-9 of the Zoning Map are hereby amended to reclassify the following-described property from Neighborhood Commercial Zone, C-1, to Planned-Development Zone, P-D(119):

All that portion of Sections 28 and 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian as follows:

Parcel 1

All of Lots 21 and 22 in Block 102, in the City of Modesto and the northerly 40 feet of 13th Street immediately adjacent to said Lots 21 and 22. Also including the southerly 10 feet of the 20 foot alley immediately adjacent to said Lots 21 and 22 in Block 102.

Parcel 2

All of Lots 25 and 26 in Block 102, in the City of Modesto and the northerly 40 feet of 13th Street immediately adjacent to said Lots 25 and 26. Also, including the southerly 10 feet of the 20 foot alley immediately adjacent to said Lots 25 and 26 in Block 102.

Parcel 3

All of Lots 5 and 6 in Block 115, in the City of Modesto and the southerly 40 feet of 15th Street immediately adjacent to said Lots 5 and 6. Also, including the northerly 10 feet of the 20 foot alley immediately adjacent to said Lots 5 and 6 in Block 115,

SECTION 2. USES. The following uses shall be permitted in said P-D(119) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. One nine-unit, two-story apartment building on each building site described above.
2. A minimum of one off-street, on-site parking space per dwelling unit.

SECTION 3. ZONING MAP. Section Map 28-3-9 and Section Map 33-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

Ord. No. 1322-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 January, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 27, 1974

ORDINANCE NO. 1323 -C. S.

AN ORDINANCE AMENDING SECTION 2-1.10 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.10 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.10. RULES OF DEBATE.

(a) Presiding Officer May Debate. The Mayor or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. He shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.

(b) Getting the Floor. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. ~~Such motion must~~ be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein, shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

(f) Remarks of Councilman. A Councilman may request through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(g) Synopsis of Debate. The Clerk may be directed by the Presiding Officer with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

(h) Rules of Order. Except as otherwise provided in this chapter, the latest edition of Robert's Rules of Order shall govern the conduct of the meetings of the City Council.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 19 74, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1323-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of February, 1974, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Simon

APPROVED

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

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 6, 1974

ORDINANCE NO. 1324 - C. S.

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1401.1 THERETO 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. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour
BRIGGSMORE AVENUE, between McHenry Avenue and Tully Road	30 miles per hour
BRIGGSMORE AVENUE, between Tully Road and 9th Street	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 miles per hour

CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1, 350 feet south of Blue Gum Avenue	50 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
COFFEE ROAD, between Scenic Drive and M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue	35 miles per hour
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour
COLLEGE AVENUE, between Durant Street and Rumble Road	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRANGER AVENUE, between Tully Road and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	25 miles per hour

LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg Avenue within the City limits	50 miles per hour
ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east of Oakdale Road	40 miles per hour
ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue	45 miles per hour
ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
RUMBLE ROAD, between Dale Road and Conant Avenue	35 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue	30 miles per hour
RUMBLE ROAD, between Tully Road and McHenry Avenue	25 miles per hour
RUMBLE ROAD, between Highgate Road and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road	35 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour

STANDIFORD AVENUE, between Tully Road and 1,106' west of Tully Road	45 miles per hour
STANDIFORD AVENUE, between Tidewater Southern Railroad and McHenry Avenue	35 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
SUNRISE AVENUE, between Lucern Avenue and Sheffield Lane	25 miles per hour
SYLVAN AVENUE, between McHenry Avenue and 2,637 feet east of McHenry Avenue	50 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road and 3,250 feet east of Coffee Road	45 miles per hour
VENEMAN ROAD, between Dale Road and easterly City limits	55 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks	50 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

hereby added to Article 14 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973
BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Standiford Avenue	35 miles per hour	July 26, 1973
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974

FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	July 26, 1973
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	May 16, 1973
TUOLUMNE BOULEVARD, between 7th Street and Paradise Avenue	35 miles per hour	May 21, 1973

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1324-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 February, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 13, 1974

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS  
 THE SCENIC-ENCINA ADDITION TO THE  
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by James E. Price, Melba L. Price, Velma Johnson, and Edward Johnson

on December 17, 1973, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the SCENIC-ENCINA ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 26th day of December, 1973, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 11th day of February, 1974, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on January 3, 1974, and on January 10, 1974; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 11, 1974, and on January 18, 1974, 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 November 30, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 11th day of February, 1974, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the SCENIC-ENCINA ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk 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

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1974, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:  
By Ross Campbell  
Public Works Department

RHJ  
1-30-74

## SCENIC-ENCINA ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southwest corner of the MORAN ADDITION (102), as per description filed December 24, 1959, as Instrument 37564, Stanislaus County Records, said point also being on the boundary of LA LOMA - YOSEMITE ADDITION (55), as per description filed December 4, 1953, as Instrument 30045, Stanislaus County Records; thence along the boundary of ADDITION (55) the following six bearings and distances, South  $00^{\circ}29'50''$  East, 1,282.76 feet; North  $89^{\circ}44'10''$  West, 329.37 feet; North  $00^{\circ}29'50''$  West, 1,283.06 feet; North  $89^{\circ}40'30''$  West, 329.70 feet; South  $00^{\circ}28'45''$  East, 335.54 feet; North  $89^{\circ}44'30''$  West, 659.44 feet, to a point on the Eastern boundary of LA LOMA SCHOOL ADDITION (73), as per description filed January 24, 1957, as Instrument 2170, Stanislaus County Records; thence along the Eastern boundary of ADDITION (73), and its Northerly extension, North  $00^{\circ}38'00''$  West, 411.18 feet, to the Northern line of 75.00 foot Modesto Irrigation District Lateral Number 2 right of way; thence along said Northern line, South  $89^{\circ}41'00''$  East, 30.94 feet; thence along a line parallel with and 29.40 feet, at right angles, Easterly from the quarter section line of Section 27, North  $00^{\circ}33'03''$  West, 1,525.56 feet, to the approximate center line of Dry Creek; thence along said approximate center line of Dry Creek, the following five bearings and distances, North  $72^{\circ}53'00''$  East, 49.09 feet; North  $61^{\circ}38'29''$  East, 111.35 feet; North  $72^{\circ}48'01''$  East, 112.04 feet; North  $61^{\circ}36'43''$  East, 133.83 feet; North  $53^{\circ}50'45''$  East, 314.34 feet; thence leaving the approximate center line of Dry Creek, North  $00^{\circ}36'00''$  West, 451.83 feet, to a point on the Southern boundary of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records; thence along said Southern boundary of ADDITION (226), North  $73^{\circ}46'45''$  East, 669.73 feet; thence North  $80^{\circ}14'45''$  East, 15.14 feet; thence leaving the existing City Limits, South  $00^{\circ}36'00''$  East, 146.33 feet, to the Northwest corner of DRY CREEK PARK NO. 1 ADDITION (290), as per description filed May 16, 1972, as Instrument 19654, Stanislaus County Records; thence along the Western boundary of ADDITION (290), South  $00^{\circ}36'00''$  East, 764.17 feet; to the Northwest corner of DRY CREEK ADDITION (197), as per description filed October 26, 1966, as Instrument 37059, Stanislaus County Records, thence along the Western boundary of ADDITION (197), South  $00^{\circ}36'00''$  East, 330.14 feet, to the Southwest corner of ADDITION (197); thence leaving the existing City Limits, South  $00^{\circ}36'00''$  East, 660.84 feet, to the Northwestern corner of the MORAN ADDITION (102), first above mentioned; thence South  $00^{\circ}36'00''$  East, 697.26 feet, to the point of beginning, containing 78.027 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (MARTIN  
OPTICAL COMPANY)

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Neighborhood Commercial Zone, C-1,  
to Planned-Development Zone, P-D (121) :

Lots 23, 24, 25 and 26, Block 120, City of Modesto  
including also the northerly 40 feet of 15th Street  
and the southwesterly 10 feet of the 20-foot alley  
immediately adjoining the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(121) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A commercial building to house a manufacturing, wholesale, and retail optical business containing approximately 6,000 square feet of floor area.
2. A minimum of fifteen off-street parking places as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols  
Planning Department

Ordinance 1326 C.S.  
Exhibit A – Map

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

Ord. No. 1326-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 21, 1974

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1019-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON (JAMES E. PRICE - GARDEN COURT HOMES)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1019-C.S. Section 2 of Ordinance No. 1019-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-PD(69) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. Three hundred twenty-five Garden Court Homes.
2. A recreational vehicle storage area.
3. Two tennis courts.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk  
(SEAL)

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



AN ORDINANCE AMENDING SUBSECTION (g) OF SECTION 2 OF ORDINANCE NO. 1243-C. S. ENTITLED "AN ORDINANCE GRANTING TO RUDY BONZI, INC. LICENSES FOR THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (g) of Section 2 of Ordinance No. 1243-C. S. entitled "An Ordinance Granting To Rudy Bonzi, Inc. Licenses For The Collection Of Industrial Garbage And Salvageable Waste In The City Of Modesto" is hereby amended to read as follows:

(g) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within ninety (90) days of the end of the preceding fiscal year ending June 30th with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

ATTEST: W. T. Chynoweth APPROVED: Lee H. Davies  
W. T. CHYNOWETH, City Clerk LEE H. DAVIES, Mayor

(SEAL)

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

Ord. No. 1328-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED



~~XXXXXXXXXXXXXXXXXXXX~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

ORDINANCE NO. 1329 -C. S.

AN ORDINANCE AMENDING SUBSECTIONS (k) and (e) OF SECTION 2 OF ORDINANCE NO. 1207 - C. S. ENTITLED "AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL, dba ORANGE LINE SANITATION COMPANY" A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1207 -C. S.

entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company"

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1240 -C. S., is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

SECTION 2. Subsection (e) of Section 2 of Ordinance No. 1207,

C. S. entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company"

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
1 1/2 cy	7.88	15.76	23.64	31.52	39.40	47.28
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	47.50	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	1 1/2 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.25	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY  
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Elliott

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

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

Ord. No. 1329-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 19 74, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED

  
~~XXXXXXXXXXXXXXXXXXXX~~  
RAYMOND G. SIMON, Vice Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

AN ORDINANCE AMENDING SUBSECTIONS (k) and (e) OF SECTION 2 OF ORDINANCE NO. 1205 - C. S. ENTITLED "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON" A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1205 -C. S.

entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1238 -C. S., is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

SECTION 2. Subsection (e) of Section 2 of Ordinance No. 1205

C. S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	47.50	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY  
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

Ord. No. 1330-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED

  
~~XXXXXXXXXXXXXXXXXXXX~~  
RAYMOND S. SIMON, Vice Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

ORDINANCE NO. 1331 -C. S.

AN ORDINANCE AMENDING SUBSECTIONS (k) and (e) OF SECTION 2 OF ORDINANCE NO. 1206 - C. S. ENTITLED "AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1206 -C. S.

entitled "An Ordinance Granting to Modesto Garbage Company, Inc., A California corporation, dba Modesto Disposal Service

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1239 -C. S., is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

SECTION 2. Subsection (e) of Section 2 of Ordinance No. 1206

C. S. entitled "An Ordinance Granting to Modesto Garbage Company, Inc., A California corporation, dba Modesto Disposal Service

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	47.50	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY  
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

1. Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
2. Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1331-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijan, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED



~~RAYMOND C. SIMON, Vice Mayor~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

AN ORDINANCE AMENDING SUBSECTIONS (k) and (e) OF SECTION 2 OF ORDINANCE NO. 1208 - C. S. ENTITLED "AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY  
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1208 -C. S.

entitled "An Ordinance Granting to Sanders Brothers, Inc., a California corporation, dba Sanders Garbage Company

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1241 -C. S., is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

SECTION 2. Subsection (e) of Section 2 of Ordinance No. 1208

C. S. entitled "An Ordinance Granting to Sanders Brothers, Inc., a California Corporation, dba Sanders Garbage Company

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	47.50	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY  
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies**

NOES: Councilmen: **None**

ABSENT: Councilmen: **Elliott**

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1332-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED



~~RAYMOND C. SIMON, Vice Mayor~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

AN ORDINANCE AMENDING SECTIONS 5-5.20 AND 5-5.38 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-5.20 and 5-5.38 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.20. DELINQUENT LICENSE FEES.

(a) Penalty. To all license fees not paid within thirty (30) days following the close of the preceding quarter there shall be added a penalty of five (5%) percent of the amount of license fees due per month or fraction thereof until paid; the maximum penalty imposed on any one delinquency occurring heretofore or hereafter shall not exceed twenty-five (25%) percent of the amount of license fees due.

(b) Interest. In addition to any penalties imposed by this section, delinquent license fees heretofore or hereafter occurring shall be subject to interest at the rate of seven (7%) percent per annum until paid.

SEC. 5-5.38. ANNUAL FINANCIAL REPORT BY GARBAGE COLLECTORS. Each person granted a license to collect garbage or industrial garbage pursuant to the provisions of this chapter shall file each year with the Director of Finance a detailed financial statement including a balance sheet and profit and loss statement. Said statement shall be filed on or before the date set forth in said license for the fiscal or calendar year specified in said license. Any person granted such a license who fails to file said statement on or before said date shall pay a penalty of Five and no/100ths (\$5.00) Dollars a day for each calendar day, or part thereof, until said statement is filed.

This section shall not apply to swill or salvageable waste collectors.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February,

1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, 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 February, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED



~~XXXXXXXXXXXXXXXXXXXX~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1974

AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.204 AND 5-4.211 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-4.201, 5-4.204 and 5-4.211 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-4.201. LICENSING AND FEES. Every person who owns, controls, harbors, possesses or keeps any dog over the age of five (5) months in the City shall, on or before September 1st of each year, procure a license from the Director of Finance for said dog, and shall be required to pay an annual license fee of Four and no/100ths (\$4.00) Dollars for each such dog; provided, however, that if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, the license fee shall be Two and no/100ths (\$2.00) Dollars; provided further that no license fee shall be required to be paid for guide dogs for the blind. Thereafter, during the year, within fifteen (15) days after a dog reaches the age of five (5) months, or within fifteen (15) days after any dog over the age of five (5) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fees herein required of such owner. Any owner who fails to procure such a dog license within the time allowed, shall in addition to any other penalty provided by this Code, be subject to a penalty of one hundred (100%) percent of the amount due, and said penalty shall be added to the license fee hereinabove provided for, and shall be collected therewith.

SEC. 5-4.204. IMMUNIZATION REQUIRED. It shall be unlawful for any person to keep, own or harbor any dog or dogs in the City over the age of five (5) months unless such dog or dogs have been vaccinated with an approved canine anti-rabies vaccine by a veterinarian authorized to practice veterinary medicine or surgery in this State.

SEC. 5-4.211. DUTY OF CHIEF OF POLICE TO IMPOUND UNLICENSED DOGS. It shall be the duty of the Chief of Police to impound all dogs over the age of five (5) months that are unlicensed and/or unidentified, as provided for in this article, or that are in and upon any public street, alley, park, parkway or public place unleashed.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of the facts showing its urgency: Some veterinarians will not vaccinate smaller dogs at an age earlier than five (5) months. In addition, the County of Stanislaus has extended its 1973 dog licensing period to September 1st and inasmuch as the new animal shelter is used jointly by the City and the County, it is confusing to the public unless the City of Modesto's regulations for dog licensing are in conformity with those of the County of Stanislaus.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1974, by Councilman Simon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM

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

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

WHEREAS, a petition was filed with the City Clerk by A. G. Spanos Construction Co., Inc., on December 17, 1973, and by Jerry Rule Imports, and Multi Benefit Realty Fund III, on January 8, 1974, 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 MC HENRY-STANDIFORD ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 14th day of January, 1974, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 25th day of February, 1974, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on January 18, 1974, and on January 25, 1974; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 23, 1974, and on January 30, 1974, 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 November 30, 1973, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 25th day of February, 1974, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the MC HENRY-STANDIFORD ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk 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

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1974, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: [Signature]  
~~RAYMOND C. SIMON, Vice Mayor~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST:  
By [Signature]  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:  
By [Signature]  
Public Works Department

[Signature]  
1-30-74

McHENRY-STANDIFORD ADDITION

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

Beginning at a point on the existing City Limits as established by the Southeastern corner of the GREENWOOD ESTATES ADDITION (173), as per description filed March 17, 1965, as Instrument 10621, Stanislaus County Records, said point being on the East-West quarter section line of said Section 8; thence along the existing City Limits on the Eastern line of said Addition (173), North  $00^{\circ}19'40''$  East, 452.30 feet, to the Southwestern corner of the GREENWOOD ESTATES NO. 2 ADDITION (200), as per description filed August 4, 1967, as Instrument 24433, Stanislaus County Records; thence along the existing City Limits on the Southern line of said Addition (200), South  $89^{\circ}40'20''$  East, 250.00 feet, to the Southwestern corner of the GREENWOOD ESTATES NO. 3 ADDITION (213), as per description filed March 14, 1968, as Instrument 8062, Stanislaus County Records; thence continuing along the existing City Limits on the Southern line of said Addition (213), South  $89^{\circ}40'20''$  East, 250.00 feet, to the Southeastern corner of said Addition (213); thence continuing along the existing City Limits on the Eastern line of said Addition (213); North  $00^{\circ}19'40''$  East, 870.00 feet, to the Northeastern corner of said Addition (213); thence leaving the existing City Limits, North  $1^{\circ}20'40''$  West, 165.68 feet, to the center line of a 60.00 foot public road known as Union Avenue; thence along said center line of Union Avenue, South  $89^{\circ}40'25''$  East, 951.83 feet, to a point on the section line common to Sections 8 and 9, Township and Range aforesaid; thence along said section line, said line also being the center line of a 110.00 foot public road known as McHenry Avenue, South  $1^{\circ}20'50''$  East, 457.88 feet, to a point on the existing City Limits as established by a Northwestern corner of the McHENRY SYLVAN ADDITION (276), as per description filed October 15, 1971, as Instrument 39501, Stanislaus County Records; thence continuing along the existing City Limits on the Western line of said Addition (276) and said center line of McHenry Avenue, South  $1^{\circ}20'50''$  East, 1033.00 feet, to the Northeastern corner of the STANDIFORD ADDITION (264), as per description filed November 3, 1970, as Instrument 36118, Stanislaus County Records; thence along the existing City Limits on the Northern line of said Addition (264) and said East-West quarter section line of Section 8, North  $89^{\circ}35'$  West, 1490.58 feet, to the point of beginning, containing 38.331 Acres, more or less.

AN ORDINANCE AMENDING SECTIONS 11-4.09, 11-4.10, 11-4.14 AND 11-4.18 OF CHAPTER 4 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO PROCEDURE FOR GRANTING COMMUNITY ANTENNA TELEVISION FRANCHISES.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-4.09, 11-4.10, 11-4.14 and 11-4.18 of Chapter 4 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-4.09. PERMITS, INSTALLATION AND SERVICE.

(a) Within sixty (60) days after acceptance of any franchise, the grantee shall make application for and diligently pursue the obtaining of all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, their associated microwave transmission facilities, or any other associated facility.

(b) Grantee shall commence construction and installation of the CATV system either within ninety (90) days after obtaining all necessary permits, licenses and authorizations, or within ninety (90) days after not less than nine (9) VHF and/or UHF stations provide predicted Grade B or better signal levels to any portion of the City, whichever occurs first.

(c) Within one hundred eighty (180) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all parts of the franchise area shall be provided within two (2) years from the date that service was first provided, except as may be otherwise provided in any franchise issued hereunder.

(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements or any requirements for installation of its system or providing of service set forth in any franchise issued hereunder, and to complete each of said matters, shall be grounds for termination of such franchise, under and pursuant to the terms of Section 11-4.05 hereof; provided, however, that the Council in its discretion may extend the time for obtaining of permits, authorizations, and utility pole clearances, and for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond its control.

SEC. 11-4.10. LOCATION OF PROPERTY OF GRANTEE.

(a) Any poles, wires, cable lines, conduits, or other properties of the grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the Director of Public Works acting in the exercise of his reasonable discretion.

(b) The grantee shall not install or erect any facilities or apparatus in or on other public property, places or rights-of-way, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, except those installed or erected upon public utility facilities

now existing, without obtaining the prior written approval of the Director of Public Works.

(c) In those areas and portions of the City where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground, then the grantee shall likewise construct, operate and maintain all of its transmission and distribution facilities underground. In those areas and portions of the City where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are hereafter placed underground, then the grantee shall construct its transmission and distribution facilities underground concurrently with and at the same time as the transmission and distribution facilities of said telephone service and electric service are placed underground, and the grantee shall thereafter operate and maintain all of its transmission and distribution facilities underground in said areas and portions of the City. For the purpose of this subsection, "underground" shall include a partial underground system, e.g. streamlining. Amplifiers in grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground as approved by the Director of Public Works. The City shall not in any manner be responsible for any costs incurred by grantee in placing grantee's facilities underground.

#### SEC. 11-4.14. FAITHFUL PERFORMANCE BOND.

(a) The grantee shall, concurrently with the filing of and acceptance of award of any franchise granted under this chapter, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at grantee's sole expense, a corporate surety bond in a company authorized to do business in the State of California and in a form approved by the City Attorney, in the amount of One Hundred Thousand and no/100ths (\$100,000.00) Dollars, renewable annually, and conditioned upon the faithful performance of grantee and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee hereunder, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from its exercise of any privilege therein granted. The bond shall provide that thirty (30) days' prior written notice of intention not to renew, cancellation or material change, be given to the City.

(b) Neither the provisions of this section, nor any bond accepted by the City pursuant hereto, nor any damages recovered by the City thereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued hereunder or for damages either to the full amount of the bond or otherwise.

#### SEC. 11-4.18. MISCELLANEOUS PROVISIONS.

(a) When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Clerk.

(b) Grantee shall, without charge, provide all subscriber services of its system, including a multiple connection service, to all public and nonprofit private schools, City police and fire stations, City recreation centers, and such other buildings owned or controlled by the City, which shall from time to time be designated by the City Manager, provided, that such buildings shall be located

within the franchise area. Grantee shall install, without charge to City or such public or private schools, up to two hundred (200') feet of service connection from the transmission cable otherwise maintained or required to be maintained by grantee for the service of paying subscribers of grantee. The City or any such public or private schools shall pay to grantee the costs of all labor and materials supplied by grantee for the installation of any service connection in excess of the initial two hundred (200') feet.

(c) In the case of any emergency or disaster, the grantee shall upon request of the City Manager, make available its facilities to the City for emergency use during the emergency or disaster period.

(d) The grantee shall not engage directly or indirectly in the business of selling, leasing, renting, furnishing, providing, repairing, or servicing any television, radio or other receiving apparatus or any component part thereof within the City; and such prohibition shall extend and apply to the officers and directors of grantee, to all general and limited partners of grantee, to any person or combination of persons owning, holding, or controlling five (5%) per cent or more of any corporate stock or other ownership interest of grantee, or any affiliated or subsidiary entity, owned or controlled by grantee, or in which any officer, director, stockholder, general or limited partner, or person or group of persons holding, or controlling any ownership interest in grantee, shall own, hold or control five (5%) per cent or more of any corporate stock or other ownership interest; and such prohibition shall likewise apply to any person, firm, or corporation acting or serving in the capacity of a holding or controlled company of grantee.

(e) Grantee shall be prohibited from deleting, revising, adding to, or substituting any program of any television or FM radio broadcast station carried by grantee, whether with or without the consent of such station, without the prior written approval for good cause shown of the City Council and then only upon such terms as the Council shall prescribe.

(f) The grantee shall maintain an office within the City limits or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers.

(g) No person, firm, or corporation in the franchise area of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge.

(h) Before grantee shall provide service to any subscriber, grantee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

Subscriber understands that in providing service grantee is making use of public rights-of-way within the City of Modesto, and that the continued use of these public rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. Subscriber agrees he will make no claim nor undertake any action against the City, its officers, its employees, or grantee if a service to be provided by grantee hereunder is interrupted or discontinued because the continued use of such rights-of-way is denied to grantee for any reason.

The form of grantee's contract with its subscribers shall be subject to approval of the City Attorney with respect to the inclusion of this provision.

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 4th day of March, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,

NOES: Councilmen: Newton, Mayor Davies

ABSENT: Councilmen: Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1336-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 March, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,

NOES: Councilmen: Newton, Mayor Davies

ABSENT: Councilmen: Simon

APPROVED

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

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 17, 1974

ORDINANCE NO. 1337 -C. S.

AN ORDINANCE AMENDING ORDINANCE NO. 934-C. S. ENTITLED "AN ORDINANCE GRANTING TO CABLECOM GENERAL OF MODESTO, A CALIFORNIA CORPORATION, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF MODESTO" TO AMEND SECTIONS 3, 4 AND 5 THEREOF, AND ADD SECTION 7A THERETO.

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

SECTION 1. Section 3 of Ordinance No. 934-C. S. is hereby amended to read as follows:

SECTION 3. Pursuant to the provisions of said Chapter 4 of Title XI of the Modesto Municipal Code, a nonexclusive franchise to construct, operate and maintain a CATV system within the City of Modesto, for a term of fifteen (15) years commencing on the 5th day of February, 1969, is hereby granted to Grantee with all the rights and privileges and subject to each and all of the terms, conditions and limitations as set forth in the "Franchise Documents".

The area included within the nonexclusive franchise granted hereby includes all areas within the City Limits of the City of Modesto, including all territory heretofore and hereafter annexed thereto, except that the City Council reserves the right to exclude territory from the franchise area at the time it is annexed to the City.

A. Grantee shall construct, install and make operable its CATV system within the following areas of the City, where its system does not now exist, in accordance with the following schedule:

Areas of City Where System  
is to be Installed

Date by Which Installation of  
System is to be Completed

Applegate 4	April 30, 1974
Daisy Park 1	April 30, 1974
Daisy Park 2	April 30, 1974
Old Orchard 1	April 30, 1974
Erin Estates 1	April 30, 1974
Erin Estates 2	April 30, 1974
Newcastle Estates 2	April 30, 1974
Capistrano 1	April 30, 1974
Ridel Estates 1	June 30, 1974
Ridel Estates 2	June 30, 1974
Eastridge 1	June 30, 1974
Eastridge 2	June 30, 1974
Sonoma Gardens	June 30, 1974
McHenry Estates 2	June 30, 1974
Poppypatch	June 30, 1974
Dragoo Park 2	June 30, 1974
Old Orchard 2	June 30, 1974
Kingswood Est. 2	June 30, 1974
Lincoln Manor 1	June 30, 1974
Sunset Country Estates	Aug. 31, 1974
Applegate 3	Aug. 31, 1974
Coffee Plaza 7-8	Aug. 31, 1974
Wyldwood 3	Aug. 31, 1974
Arlington Manor	Aug. 31, 1974
Lincoln Square	Aug. 31, 1974
Coffee Villa	Aug. 31, 1974
Greenfield Village 4	Aug. 31, 1974
Flintridge	Aug. 31, 1974
Smoketree	Aug. 31, 1974
Northridge 1	Aug. 31, 1974
Northampton Park	Aug. 31, 1974

B. In areas hereafter added to Grantee's franchise area, Grantee shall provide service within One Hundred Twenty (120) days after such an area becomes a part of Grantee's franchise area. The City Council may, in its discretion, extend said time for undeveloped or remote, relatively inaccessible areas.

SECTION 2. Section 4 of Ordinance No.934-C. S. is hereby amended

to read as follows:

SECTION 4. The following schedule of maximum rates and charges which Grantee may charge subscribers to the CATV system is hereby approved:

A. Installation Charges

- (1) Commercial and Residential (Including individual service to multiple apartments and mobile-home spaces)

Primary television outlet, normal installation

- |                                |         |
|--------------------------------|---------|
| (a) From an overhead system    | \$ 5.00 |
| (b) From an underground system | 15.00   |

Additional television outlets

- |  |           |
|--|-----------|
| (a) When installed at same time as Primary--each | No Charge |
| (b) When installed at different time--each       | 5.00      |

FM radio outlets

- |  |           |
|--|-----------|
| (a) When installed at same time as TV primary outlet--each | No Charge |
| (b) When installed at different time--each                 | 5.00      |

- (2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)

Primary television outlet, normal installation	Actual Cost of Installation
--	-----------------------------

Additional television outlets--each	Actual Cost of Installation
-------------------------------------	-----------------------------

FM radio outlets--each	Actual Cost of Installation
------------------------	-----------------------------

For special installations involving unusual construction problems, long aerial cable run (over 150 feet), underground cable, etc., actual additional cost of installation at subscriber's expense.

B. Monthly Service Charges

- (1) Commercial and Residential (Including individual service to multiple apartments and mobile-home spaces)

Primary television outlet	\$ 4.75
Additional television outlets--each	1.00

FM radio outlet (with TV service)--each	\$ .50
FM radio outlet (without TV service)	4.75
Additional FM outlets--each	.50
(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)--per dwelling unit	
Primary television outlet	\$ 2.00
Additional television outlets--each	1.00
FM radio outlet (with TV service)--each	.50
FM radio outlet (without TV service)	2.00
Additional FM outlets--each	.50
TV dealer and licensed TV service shops, multiple outlets, regardless of number	No Charge
C. Other Charges	
(1) Relocation of existing outlet	\$ 5.00
(2) Connection of new customer to existing television service	5.00
(3) Disconnection of service	No Charge
D. Converter charges (converter at option of subscribers)	
(1) Subscribers to have choice of following:	
(a) Deposit refundable after 24 months	\$17.50
(b) Rental per month	.45
E. Subscribers shall receive a Ten (10%) Percent discount on service charges paid one year in advance	
F. In areas where Grantee's system has been installed, if service is not provided to a new residential sub- scriber within fifteen (15) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.	
G. In areas where Grantee's system must be extended to serve a subscriber in a new subdivision or development in its franchise area, the system shall be constructed, installed and made operable so that service shall be provided within thirty (30) days after an application for service.	

If service is not provided to such a subscriber within thirty (30) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.

Said schedule of rates and charges may be changed only with the prior approval of the City Council expressed by resolution.

SECTION 3. Section 5 of Ordinance No. 934-C. S. is hereby amended to read as follows:

SECTION 5. As consideration for the granting of this franchise and the rights and privileges thereof, Grantee shall during the term hereof, make periodic payments to the City, in manner, times and amounts as follows:

A sum equal to Five (5%) Percent of the gross annual receipts of Grantee.

In any calendar year, or portion thereof, during which payments amount to less than One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars, Grantee shall pay the City as a minimum the sum of One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars. In addition thereto, Grantee shall pay the City, as an additional minimum payment, the sum of Twelve Thousand and no/100ths (\$12,000.00) Dollars per year, commencing on the date of connection of the first subscriber to Grantee's system; said additional payment shall be prorated for any portion of the first calendar year in which it becomes payable.

Concurrently with the filing of an acceptance of award of this franchise, Grantee shall pay to the City the sum of Thirty-Two Thousand and no/100ths (\$32,000.00) Dollars advance payment to be credited against the annual percentage payments payable to City under the above schedule.

Grantee shall also pay to City annually Five (5%) Percent of the gross annual receipts received directly or indirectly by Grantee from the construction, operation and maintenance of any CATV franchise awarded Grantee by the County of Stanislaus, State of California.

SECTION 4. Section 7A is hereby added to Ordinance No. 934-C. S. to read as follows:

SECTION 7A. In addition to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code, in the event Grantee has failed to comply with any provisions of the franchise documents, the City shall have the right to acquire the property of Grantee at net book value which is equal to the cost of the property less depreciation less any outstanding liens or encumbrances. In the event the City exercises this right, or its right of eminent domain, Grantee shall continue to operate the system, subject to the direction and account of the City, so as to prevent interruption of service to subscribers until the acquisition can be completed.

SECTION 5. This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided that Grantee, prior to said effective date, shall have filed with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and of Chapter 4 of Title XI of the Modesto Municipal Code, as amended by Ordinance No. 1336 -C. S., and delivers to the City Clerk the bond required to be furnished pursuant to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code, as amended by Ordinance No. \_\_\_\_\_ - C. S.

SECTION 6. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger

NOES: Councilmen: Newton, Mayor Davies

ABSENT: Councilmen: Simon

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

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1337-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 March, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger


NOES: Councilmen: Newton, Mayor Davies

ABSENT: Councilmen: Simon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 17, 1974

ORDINANCE NO. 1338 -C. S.

AN ORDINANCE AMENDING SECTIONS 6-1.125 AND 6-1.126 OF OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING.

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

SECTION 1. AMENDMENT OF CODE. Sections 6-1.125 and 6-1.126 of Article 1. of Chapter 1 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.125. INFORMATION CONFIDENTIAL. The Financial information furnished or secured pursuant to this chapter, the disclosure of which would result in unfair competitive disadvantage to the person supplying such information, shall be deemed confidential in character, and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this chapter.

SEC. 6-1.126. REVELATION OF CONFIDENTIAL MATERIAL PROHIBITED. No officer or deputy officer or employee of the City shall in any manner reveal the contents of any part or portion of the contents of any confidential information except in a legal action to enforce the provisions of this chapter or pursuant to a court order.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of the facts showing its urgency: Because of a conflict between the Modesto Municipal Code and the laws of the State of California, questions have arisen in pending legal actions as to whether nonfinancial information furnished on applications for business licenses is confidential in character. It is necessary to resolve those questions as soon as possible by adoption of this ordinance as an emergency measure.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1974,

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

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

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

ORDINANCE NO. 1339 -C. S.

AN ORDINANCE AMENDING SECTIONS 6-1.125 AND 6-1.126 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING.

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

SECTION 1. AMENDMENT OF CODE. Sections 6-1.125 and 6-1.126 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.125. INFORMATION CONFIDENTIAL. -The Financial information furnished or secured pursuant to this chapter, the disclosure of which would result in unfair competitive disadvantage to the person supplying such information, shall be deemed confidential in character, and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this chapter.

SEC. 6-1.126. REVELATION OF CONFIDENTIAL MATERIAL PROHIBITED. No officer or deputy officer or employee of the City shall in any manner reveal the contents of any part or portion of the contents of any confidential information except in a legal action to enforce the provisions of this chapter or pursuant to a court order.

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 4th day of March, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: 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 11th day of March, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Newton

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

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 10, 1974

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment to the contract being attached hereto, marked Exhibit "A", and by such reference made a part hereto as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The Mayor of the City Council is hereby authorized, empowered and directed to execute said amendment to the contract for and on behalf of said Agency.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM

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

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE

CITY COUNCIL  
OF THE  
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the CITY COUNCIL of the CITY OF MODESTO, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective May 1, 1946, as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, and May 1, 1973, and as provided by Chapters 170 and 316, Statutes of 1971, which provide for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 9 are hereby stricken from said contract as executed effective May 1, 1946, and are hereby replaced by the following paragraphs numbered 1 through 8 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for miscellaneous members and age 55 for local safety members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after May 1, 1946, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
  3. Employees of Public Agency in the following classes and groups shall become members of said Retirement System except such in each such class and group as are excluded by law or this agreement:
    - a. Local firemen (herein referred to as local safety members);
    - b. Local policemen (herein referred to as local safety members);
    - c. Employees other than local safety members (herein referred to as miscellaneous members);

In addition to the employees excluded from membership by said Retirement Law, the following employees shall not become members of the Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES.

PERSONS COMPENSATED ON AN HOURLY BASIS  
HIRED AFTER OCTOBER 1, 1962.

Ret. Form 702-1

Exhibit "A"

4. The fraction of final compensation to be provided for miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on and after January 1, 1956 of members whose service has been included in the federal service.
5. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of contracting agency shall apply to retired members:
  - a. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be that provided in Section 21252.1 of the Government Code.
  - b. Section 20952.5 (providing for age 50 as the minimum voluntary retirement age for local safety members with benefit payments commencing prior to age 55 subject to actuarial discount).
  - c. Section 21380-7 (providing for allowances for survivors of Group A and local safety members covered under the program upon death before retirement).
  - d. Section 21222.1 (providing for increases in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment to or on account of persons retired or members deceased on or prior to December 31, 1970).
  - e. Section 21222.2 (providing for increases in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment to or on account of persons retired or members deceased on or after January 1, 1971 but prior to July 1, 1971).
6. Public Agency shall contribute to said Retirement System as follows:
  - a. With respect to miscellaneous members, the public agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said System:
    - (1) 0.93 percent until June 30, 2000 on account of the liability for prior service benefits.
    - (2) 7.18 percent on account of the liability for current service benefits.
    - (3) 0.08 percent on account of the liability for the 1959 Survivor program.
    - (4) 0.63 percent until May 31, 1976 to provide the benefits under Section 21222.1 of the Government Code.
    - (5) A lump sum of \$1,227 payable within 30 days of the effective date of this amendment on account of the provisions of Section 21222.2 of the Government Code.

as local safety members of said System:

- (1) 0.605 percent until June 30, 1986 on account of the liability for prior service benefits.
- (2) 8.567 percent on account of the liability for current service benefits.
- (3) 0.065 percent on account of the liability for the 1959 Survivor program.
- (4) 0.870 percent until May 31, 1976 to provide the benefits under Section 21222.1 of the Government Code.
- (5) A lump sum of \$5,102 payable within 30 days of the effective date of this amendment on account of the provisions of Section 21222.2 of the Government Code.

c. A reasonable amount per annum, as fixed by Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodical investigation and valuation required by law.

d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover costs of special valuations on account of employees of Public Agency, and costs of the periodical investigation and valuation required by law.

7. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement System, as determined by the periodical investigation and valuation required by said Retirement Law.

8. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer. If more or less than the correct amount of contribution is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in payments between the employee and Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

B. This amendment shall be attached to said contract and shall become effective on the \_\_\_\_\_ 1st \_\_\_\_\_ day of May, 1974.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL OF THE  
CITY OF MODESTO

BY \_\_\_\_\_  
Presiding Officer

BY \_\_\_\_\_  
William E. Payne, Executive Officer

Attest: \_\_\_\_\_  
Clerk

Ord. No. 1340-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 March, 1974, Councilman Dunlap, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies.

NOES: Councilmen: None


ABSENT: Councilmen: Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 17, 1974

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

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

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

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

(a) Said license shall be for a term commencing on April 1, 1974, and ending on the date Ordinance No. 1342-C. S. of the City of Modesto becomes effective, or June 1, 1974, whichever date occurs first.

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

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

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

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

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

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

(h) The Licensee shall not litter any premises or public property in making collections of salvageable waste nor shall salvageable waste be allowed to leak, blow, or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property.

the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

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

(i) All equipment and containers used for the collection and hauling of salvageable waste shall be approved by the Director of Public Works, and shall be so constructed and maintained as to prevent leakage, spillage, or overflow.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the Licensee's name and local telephone number affixed thereto.

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

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

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

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

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

(o) For purposes of determining and paying license fees and providing the City with reports, said license shall be considered supplementary to and a part of the license to collect salvageable waste to be granted by Ordinance No. 1342-C. S. of the City of Modesto.

SECTION 3. The Council of the City of Modesto hereby finds and declares, that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety because the existing license of Ecology Action Educational Institute, Inc. to collect salvageable waste in the City of Modesto expires on March 31, 1974, and the terms of the new license to collect salvageable waste in the City of Modesto to be granted by Ordinance No. 1342-C. S., introduced on March 18, 1974, will not commence until April 24, 1974, and therefore, unless the foregoing ordinance is adopted without delay, Ecology Action Educational Institute, Inc. will be unable to continue the collection of salvageable waste in the City of Modesto for the period of April 1, 1974, to April 23, 1974.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1974, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

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

ATTEST:

By W. T. Chynoveth  
W. T. CHYNOVETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

(a) Said license shall be for a term commencing on April 24, 1974, and ending on March 31, 1977, unless terminated at an earlier date under the provisions of this license.

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

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

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

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

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

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

(h) The Licensee shall not litter any premises or public property in making collections of salvageable waste nor shall salvageable waste be allowed to leak, blow, or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property,

the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kulljian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kulljian, Mensinger, Newton, Simon,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

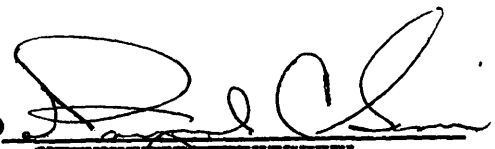
APPROVED AS TO FORM:


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 March, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED   
~~XXXXXXXXXXXXXXXXXXXX~~  
 RAYMOND C. SIMON, Vice Mayor

ATTEST:   
 W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 24, 1974

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ERNEST W. HAHN, INC.)

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

SECTION 1. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to reclassify the following-described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D (109):

All that certain real property situate in Lots 5 and 8 of the MCKINNEY COLONY, recorded in Volume 1 of Maps, at Page 57, Stanislaus County Records, in Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northerly extremity of course (8) as described in deed recorded on January 18, 1973, in Volume 2525 of Official Records, at Page 863, Stanislaus County Records, said point being at the intersection of the Westerly line of Beckwith Road overcrossing and the Southerly line of the right Frontage Road; thence Southwesterly along the Westerly line of said Beckwith Road overcrossing the following courses: South  $26^{\circ} 58' 04''$  West 72.09 feet; thence South  $53^{\circ} 12' 59''$  West 163.47 feet; thence South  $62^{\circ} 06' 46''$  West 152.57 feet; thence South  $86^{\circ} 23' 47''$  West 44.48 feet to a point on the Northerly line of State Highway 99 and the beginning of a tangent curve concave to the South with the radial line bearing South  $48^{\circ} 32' 26''$  West; thence Northwesterly along the arc of said curve having a radius of 1500.00 feet, through a central angle of  $20^{\circ} 13' 45''$ , an arc distance of 529.60 feet; thence North  $61^{\circ} 41' 19''$  West 402.97 feet; thence North  $33^{\circ} 38' 25''$  East 139.91 feet to a point on the Southerly line of the right Frontage Road; thence Easterly along said Frontage Road south  $74^{\circ} 08' 44''$  East 652.32 feet to the beginning of a tangent curve concave to the South; thence Easterly along the arc of said curve having a radius of 1050.00 feet, through a central angle of  $25^{\circ} 23' 17''$  an arc distance of 465.26 feet to the true point of beginning.

SECTION 2. USES. The following uses shall be permitted in the above-described area of said P-D (109) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A landscaped and fenced storm drainage ponding basin.

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

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

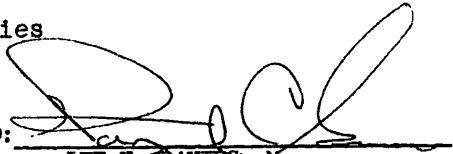
SECTION 5. PUBLICATION. This ordinance shall be published in full at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Newton, Vice Mayor Simon

NOES: Councilmen: Mensinger

ABSENT: Councilmen: Dunlap, Mayor Davies

APPROVED:   
~~LEE H. DAVIES, Mayor~~  
RAYMOND C. SIMON,  
Vice Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Planning Department

**Ordinance 1343 C.S.  
Exhibit A – Map**

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

Ord. No. 1343-C.S.

FINAL ADOPTION CLAUSE

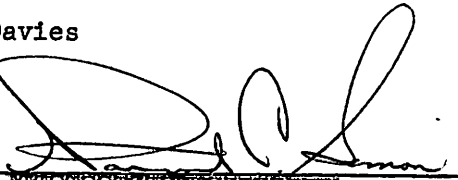
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of April, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Newton, Vice Mayor Simon

NOES: Councilmen: Mensinger


ABSENT: Councilmen: Dunlap, Mayor Davies

APPROVED



~~RAYMOND C. SIMON, Vice Mayor~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 8, 1974

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1401.1 THERETO 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. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

NAME OF STREET OR PORTION AFFECTED	DECLARED PRIMA FACIE SPEED LIMIT
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour
BRIGGSMORE AVENUE, between McHenry Avenue and Tully Road	30 miles per hour
BRIGGSMORE AVENUE, between Tully Road and 9th Street	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 miles per hour

CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet south of Blue Gum Avenue	50 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
COFFEE ROAD, between Scenic Drive and M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue	35 miles per hour
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour
COLLEGE AVENUE, between Durant Street and Rumble Road	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRANGER AVENUE, between Tully Road and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	25 miles per hour

LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg Avenue within the City limits	50 miles per hour
ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east of Oakdale Road	40 miles per hour
ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue	45 miles per hour
ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
RUMBLE ROAD, between Dale Road and Conant Avenue	35 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue	30 miles per hour
RUMBLE ROAD, between Tully Road and McHenry Avenue	25 miles per hour
RUMBLE ROAD, between Highgate Road and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road	35 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour

STANDIFORD AVENUE, between Tully Road and 1,106' west of Tully Road	45 miles per hour
STANDIFORD AVENUE, between Tidewater Southern Railroad and McHenry Avenue	35 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
SUNRISE AVENUE, between Lucern Avenue and Sheffield Lane	25 miles per hour
SYLVAN AVENUE, between McHenry Avenue and 2,637 feet east of McHenry Avenue	50 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road and 3,250 feet east of Coffee Road	45 miles per hour
VENEMAN ROAD, between Dale Road and easterly City limits	55 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks	50 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

SECTION 2. AMENDMENT OF CODE. Section 3-2, 1401.1 is hereby added to Article 14 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2, 1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973
BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Standiford Avenue	35 miles per hour	July 26, 1973
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973

McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974
FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	July 26, 1973
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	May 16, 1973
TUOLUMNE BOULEVARD, between 7th Street and Paradise Avenue	35 miles per hour	May 21, 1973
WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits	30 miles per hour	February 4, 1974

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon**


NOES: Councilmen: **None**

ABSENT: Councilmen: **Mayor Davies**

APPROVED,

  
RAYMOND C. SIMON, Vice Mayor

ATTEST:

By   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney



AN ORDINANCE AMENDING SECTION 7-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.502 of Article 5 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.502. REQUIRED LOCATIONS. Curbs, gutters, sidewalks and driveway approaches shall be provided and/or repaired 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 and/or repaired, 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, the providing and/or repairing of 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 the property being developed, including areas used for parking of motor vehicles.

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 25th day of March, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: 

~~RAYMOND G. SIMON, Mayor~~  
RAYMOND G. SIMON, Vice Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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







AN ORDINANCE AMENDING SECTION 4-6. 307 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 4-6. 217 THERETO, RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE, Section 4-6. 307 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6. 307. RATES. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

(a) Mileage rates: ~~60¢~~ 70¢ for the first ~~one-sixth~~ one-seventh mile or fraction thereof, 10¢ for each additional ~~one-sixth~~ one-seventh mile or fraction thereof.

(b) Waiting time: 10¢ for each minute of waiting time or fraction thereof.

(c) Trunks: \$1.00 for each trunk;

(d) Hand baggage: 10¢ for each piece of hand baggage in excess of fifty (50 lbs.) pounds; and

(e) Extra passengers: No charge shall be made for extra passengers. This applies only to those passengers whose point of pickup and point of destination are the same.

SECTION 2. AMENDMENT OF CODE. Section 4-6. 217 is hereby added to Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6. 217. ANNUAL OPERATING STATEMENT. Each person granted a certificate of public convenience and necessity to engage in the business of operating any taxicab within the City pursuant to the provisions of this chapter shall annually file with the Director of Parking and Traffic a detailed financial statement, including a balance sheet and profit and loss statement, for the operation of said taxicab business separate from any other business owned or operated by said person. Said financial statement shall cover the fiscal or calendar year used by said person for federal income tax purposes and shall be filed with the Director of Parking and Traffic on or before the filing date of said person's federal income tax return for said taxicab business. Any person who fails to file said statement on or before said date shall pay a penalty of Five and no/100ths (\$5.00) Dollars a day for each calendar day, or part thereof, until said statement is filed.

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

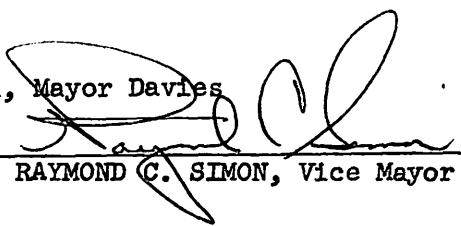
SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensingher, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton, Mayor Davies

APPROVED:   
RAYMOND C. SIMON, Vice Mayor

ATTEST:  
By   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By   
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 8th day of April, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Mayor Davies

APPROVED

  
~~RAYMOND C. SIMON, Vice Mayor~~  
RAYMOND C. SIMON, Vice Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 8, 1974

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS  
 THE CARPENTER-WOODLAND NO. 1 ADDITION TO THE  
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by \_\_\_\_\_  
 the Modesto City School District and Modesto Welding and Tank Works

on February 5, 1974, 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 Carpenter-Woodland No. 1 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 11th day of February, 1974, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 8th day of April, 1974, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on February 15, 1974, and on February 22, 1974; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 20, 1974 and on February 27, 1974, 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 2, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 8th day of April, 1974, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject annexation,

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 CARPENTER-WOODLAND 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 attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk 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. The Director of Planning of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject annexation.

SECTION 8. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 9. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1974,

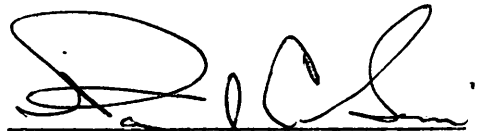
by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:

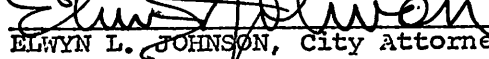
  
RAYMOND G. SIMON, Vice Mayor

ATTEST:

By   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Public Works Department JLC

4-11-74

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 19, and the Northwest quarter of Section 30, 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 Southwest corner of the CARPENTER ROAD NO. 2 ADDITION (286), as per description filed, May 3, 1972, as Instrument 17663, Stanislaus County Records; thence along the boundary of said Addition (286), the following courses and distances; South  $89^{\circ}49'$  East, 643.48 feet; North  $0^{\circ}11'$  East, 30.00 feet; thence along a curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of  $90^{\circ}44'$ , and an Arc Length of 23.75 feet; thence, North  $0^{\circ}33'$  West, 1060.80 feet; thence along a tangent curve, concave to the Southwest, having a Radius of 15.00 feet, a Central Angle of  $89^{\circ}28'20''$ , and an Arc Length of 23.42 feet; thence North  $0^{\circ}01'20''$  West, 30.00 feet, to the center line of a 60.00 foot public road known as Granite Lane; thence leaving the existing City Limits along said center line, North  $89^{\circ}58'40''$  East, 44.59 feet, to the center line of a 60.00 foot public road known as McWilliams Way; thence along said center line, South  $0^{\circ}33'$  East, 1150.97 feet, to the center line of a 60.00 foot public road known as Woodland Avenue; thence along said center line, South  $89^{\circ}49'$  East, 179.39 feet, to the center line of a 40.00 foot public road known as Reno Avenue; thence along said center line, South  $0^{\circ}53'15''$  East, 1320.14 feet, to the Easterly extension of the Northern line of Parcel 3 as per map filed December 5, 1967, in Volume 4 of Parcel Maps, Page 84, Stanislaus County Records; thence along said extension and Northern line of Parcel 3, North  $89^{\circ}48'30''$  West, 423.54 feet, to the Eastern line of Parcel 1 of last mentioned map; thence along said Eastern line of said Parcel 1, South  $0^{\circ}53'15''$  East, 148.85 feet, to the Southern line of said Parcel 1; thence along said Southern line and its Westerly extension, North  $89^{\circ}48'30''$  West, 419.11 feet, to the center line of a 90.00 foot public road known as Carpenter Road, which is on a curve from which a radial line bears North  $80^{\circ}43'28''$  East; thence along said curve, concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of  $8^{\circ}25'02''$ , and an Arc Length of 293.82 feet, to End of Curve; thence, South  $89^{\circ}08'30''$  West, 5.00 feet, to the section line common to Section 25, Township 3 South, Range 8 East and Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence along said section line, North  $0^{\circ}51'30''$  West, 1176.57 feet, to the point of beginning, containing 28.580 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS  
 THE MC HENRY-RUMBLE NO. 3 ADDITION TO THE  
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Jerold C. Rule, Ronald C. Dale, Judeth A. Rule, Patricia E. Dale, and Farmers and Merchants Bank of Central California

on February 5, 1974, 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 MC HENRY-RUMBLE NO. 3 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 11th day of February, 1974, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 8th day of April, 1974, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on February 15, 1974, and on February 22, 1974; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 22, 1974, and on March 1, 1974, 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 2, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 8th day of April, 1974, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject annexation,

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 MC HENRY-RUMBLE NO. 3 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk 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. The Director of Planning of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject annexation.

SECTION 8. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 9. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1974,

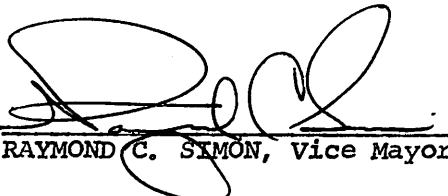
by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,  
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:

  
RAYMOND C. SIMON, Vice Mayor

ATTEST:


By   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Public Works Department J.C.  
4-11-74

## McHENRY-RUMBLE NO. 3 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 8 and a portion of the Northeast quarter of Section 17, 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 McHENRY-RUMBLE ADDITION (263), as per description filed November 3, 1970, as Instrument 36117, Stanislaus County Records, said corner also being on the Western line of the CROCCO ADDITION (171), as per description filed March 17, 1965, as Instrument 10620, Stanislaus County Records; thence along said Western line of ADDITION (171), North  $00^{\circ}52'20''$  West, 629.27 feet, to the Southeastern corner of the McHENRY ADDITION (241), as per description filed October 9, 1969, as Instrument 33951, Stanislaus County Records; thence along the Southern line of said ADDITION (241), North  $89^{\circ}00'06''$  West, 454.42 feet, to a Southeastern corner of the LEVELAND ADDITION (221), as per description filed August 14, 1968, as Instrument 25254, Stanislaus County Records; thence along the boundary of said ADDITION (221), North  $89^{\circ}00'06''$  West, 407.72 feet; thence Southwesterly along a curve concave to the Northwest, having a Radial line bearing of South  $89^{\circ}07'20''$  West, and Radius of 930.00 feet, a Central Angle of  $38^{\circ}54'02''$ , and an Arc Length of 631.42 feet; thence Southerly on a Reverse Curve concave to the Southeast, having a Radius of 870.00 feet, a Central Angle of  $36^{\circ}56'12''$ , and an Arc Length of 560.86 feet; thence South  $01^{\circ}05'10''$  West, 557.74 feet, to the Northern line of the NORTHGATE ADDITION (67), as per description filed November 29, 1955, as Instrument 34498, Stanislaus County Records; thence along the Northern line of said ADDITION (67), South  $88^{\circ}54'50''$  East, 731.91 feet, to the Southwestern corner of McHENRY-RUMBLE No. 2 ADDITION (284), as per description filed April 26, 1972, as Instrument 16759, Stanislaus County Records; thence along the Western and Northern boundary of said ADDITION (284), North  $00^{\circ}47'40''$  West, 651.28 feet; thence North  $10^{\circ}10'21''$  East, 263.72 feet, to the Southern line of a 60 foot public road known as West Rumble Road, said point being on a curve concave to the Northwest; thence on a Radial Line of said curve, North  $10^{\circ}26'33''$  West, 60.00 feet, to the Northern line of said West Rumble Road; thence Northeasterly along said Northern line on a curve concave to the Northwest, having a Radius of 1270.00 feet, a Central Angle of  $02^{\circ}47'52''$ , and an Arc Length of 62.01 feet; thence continuing Northeasterly along said Northern line, on a Reverse Curve concave to the Southeast, having a Radius of 1360.00 feet, a Central Angle of  $07^{\circ}55'08''$ , and an Arc Length of 187.97 feet, to the Northwestern corner of the McHENRY-RUMBLE ADDITION (263); thence Northeasterly along the Northern boundary of said ADDITION (263), continuing on a curve concave to the Southeast, having a Radius of 1360.00 feet, a Central Angle of  $06^{\circ}22'52''$ , and an Arc Length of 151.47 feet; thence South  $88^{\circ}56'25''$  East, 37.87 feet; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of  $91^{\circ}55'55''$ , and an Arc Length of 24.07 feet; thence North  $89^{\circ}07'40''$  East, 55.00 feet, to the point of beginning, containing 30.746 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (KEYSTONE INVESTMENT COMPANY)

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

SECTION 1. ZONING CHANGE. Section 26-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from One-Family Residential Zone, R-1, to Planned Development Zone, P-D(77):

A portion of the Southeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at a point located South 89° 53' 24" East 1641.71 feet and North 0° 32' 50" West 1290.33 feet from the South quarter corner of said Section 26; thence South 0° 32' 50" East 127.59 feet to the point of beginning; thence South 89° 57' 30" East 27.23 feet; thence South 0° 02' 27" West 245.00 feet; thence North 89° 57' 33" West 24.72 feet; thence North 0° 32' 50" West 245.01 feet to the point of beginning.

Containing 0.146 acre.

SECTION 2. USES. The following uses shall be permitted in the above-described area of said P-D(77) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A single-story triplex structure.
2. At least five off-street parking spaces.

SECTION 3. ZONING MAP. Section Map 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

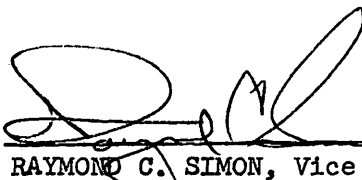
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,  
Vice Mayor Simon

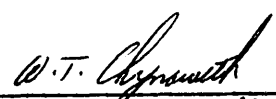
NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED:

  
RAYMOND C. SIMON, Vice Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY   
Planning Department

