

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT MC DONALD, D.V.M.)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Robert McDonald, D.V.M.

on June 18, 1981, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on August 3, 1981, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 81-193, adopted on August 3, 1981, the Planning Commission recommended to the Council that the application of Robert McDonald, D.V.M.

to amend Section 8-4-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, 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 held on September 1, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

The proposed R-2 and H-1 zoning exactly conforms to the zoning pattern existing across Algen Avenue to the north as well as the pattern established by the Bret Harte Zoning and Development Policy, adopted in February, 1981.

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2 :

R-1 to R-2

All that certain real property situate in the southeast quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps, at page 84, Stanislaus County Records; thence North 0°02'00" East on the east line of said Parcel 3, a distance of 120.00 feet to the present south line of 60 foot wide Algen Avenue; thence continuing on said east line North 0°06'24" East, 30.00 feet to the centerline of said Algen Avenue; thence South 89°19'05" East on the centerline of Algen Avenue 228.70 feet; thence South 0°02'00" West, 150.00 feet to the south line of the northeast quarter of the southeast quarter of said Section 8; thence North 89°19'05" West, on said south line 228.74 feet to the point of beginning of this description.

Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1,
to Highway Frontage Zone, H-1 :

R-1 to H-1

All that certain real property situate in the Southeast Quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

Commencing at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps at Page 84, Stanislaus County Records, said point being on the south line of the northeast quarter of the southeast quarter of said Section 8; thence South 89°19'05" East on said south line 228.74 feet to the POINT OF BEGINNING: thence North 0°02'00" East, parallel with the east line of said Parcel 3, a distance of 150.00 feet to the centerline of present 60 foot wide Algen Avenue; thence South 89°19'05" East, on said centerline, 431.26 feet to the east line of said Section 8; thence South 0°02'00" West on said east line, 150.00 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 8; thence North 89°19'05" West, on the south line of the Northeast quarter of the Southeast quarter of said Section 8, a distance of 431.26 feet to the point of beginning of this description.

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1,
to Medium Density Residential Zone, R-2 :

R-1 to R-2

All that certain real property situate in the southeast quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps, at page 84, Stanislaus County Records; thence North 0°02'00" East on the east line of said Parcel 3, a distance of 120.00 feet to the present south line of 60 foot wide Algen Avenue; thence continuing on said east line North 0°06'24" East, 30.00 feet to the centerline of said Algen Avenue; thence South 89°19'05" East on the centerline of Algen Avenue 228.70 feet; thence South 0°02'00" West, 150.00 feet to the south line of the northeast quarter of the southeast quarter of said Section 8; thence North 89°19'05" West, on said south line 228.74 feet to the point of beginning of this description.

Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1,
to Highway Frontage Zone, H-1 :

R-1 to H-1

All that certain real property situate in the Southeast Quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

Commencing at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps at Page 84, Stanislaus County Records, said point being on the south line of the northeast quarter of the southeast quarter of said Section 8; thence South 89°19'05" East on said south line 228.74 feet to the POINT OF BEGINNING; thence North 0°02'00" East, parallel with the east line of said Parcel 3, a distance of 150.00 feet to the centerline of present 60 foot wide Algen Avenue; thence South 89°19'05" East, on said centerline, 431.26 feet to the east line of said Section 8; thence South 0°02'00" West on said east line, 150.00 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 8; thence North 89°19'05" West, on the south line of the Northeast quarter of the Southeast quarter of said Section 8, a distance of 431.26 feet to the point of beginning of this description.

Including also all of that portion of Crows Landing Road located between the above described area and the centerline of 100-foot wide Crows Landing Road.

SECTION 3. ZONING MAP. Section 8-4-9 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 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 two (2) 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 September, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Richard A. Lang
~~REGGY MENSINGER, Mayor~~
RICHARD A. LANG, Acting Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Purdie
Department of Planning and
Community Development

Ordinance 2076 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 8th day of September, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Reggy Mensinger*
MAYOR REGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 8, 1981

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1861-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (REX PROPERTIES)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1861-C.S.

Section 2 of Ordinance No. 1861-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(234) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Those uses permitted in the Professional Office (P-O) Zone
- b. Restaurant and cocktail lounge
- c. Off-street parking."

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 two (2) 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 September, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember

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 September, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 8, 1981

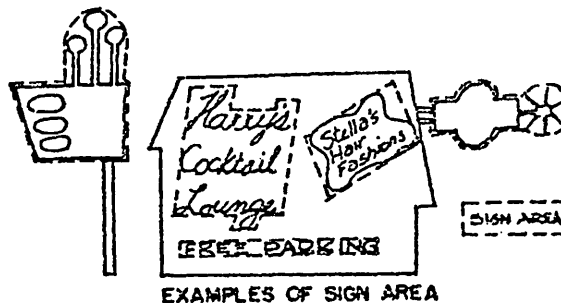
AN ORDINANCE AMENDING SECTION 10-2.3502 OF ARTICLE 35 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.3502 of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.3502. DEFINITIONS. For the purpose of these sign regulations the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.



Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

(b) "Bench Sign" shall mean a City franchised bus bench located outdoors with advertising matter thereon.

(c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.

(d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.

(e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:

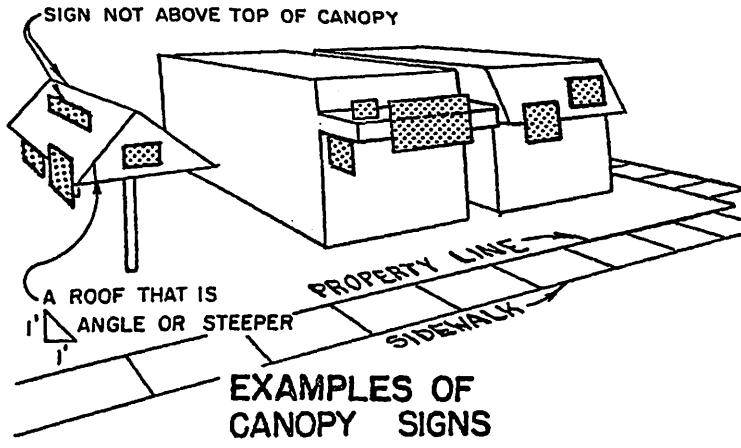
(1) is mounted in a vertical plane.

(2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.

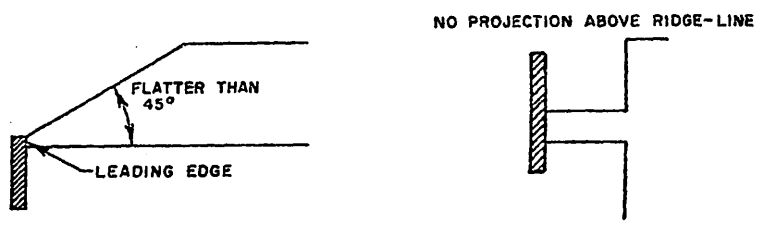
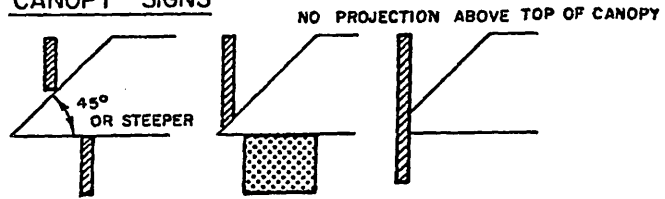
(3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45°) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.

(4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45°) degrees.

(5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS



MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

SIGNS ON CANOPIES, ROOFS, MARQUEES

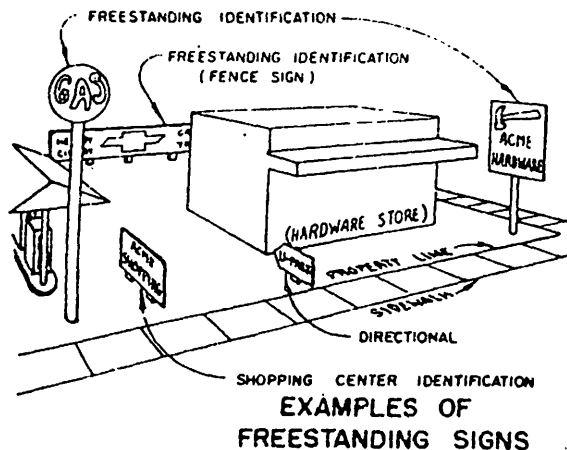
(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

(g) "Corporate Flag" shall mean a flag identifying a business or firm.

(h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.

(i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.

(j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



(k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

(l) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

(m) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

(n) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.

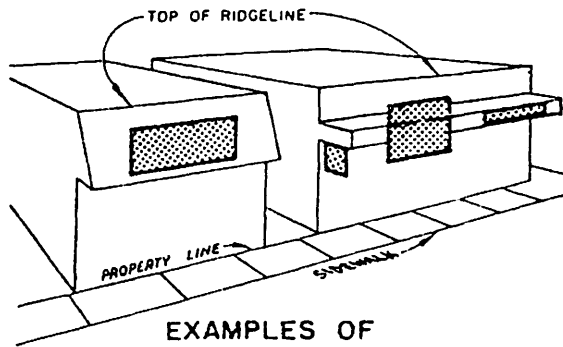
(o) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.

(p) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:

(1) is mounted in a vertical plane.

(2) is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.

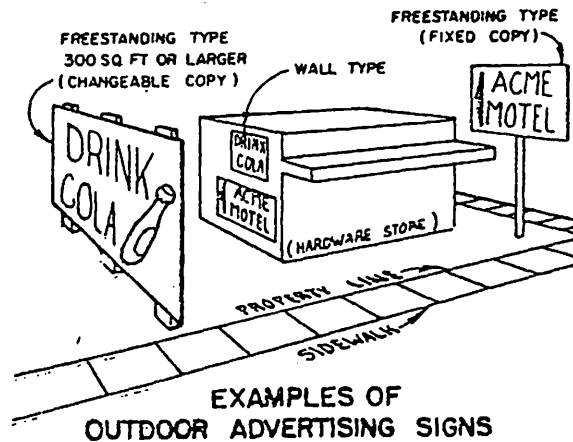
(3) does not project higher than the wall of the building to which the marquee is attached.



EXAMPLES OF
MARQUEE SIGNS

(q) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.

(r) "Outdoor Advertising Sign" shall mean a sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service sold, manufactured, conducted, or offered on the site on which the sign is located.



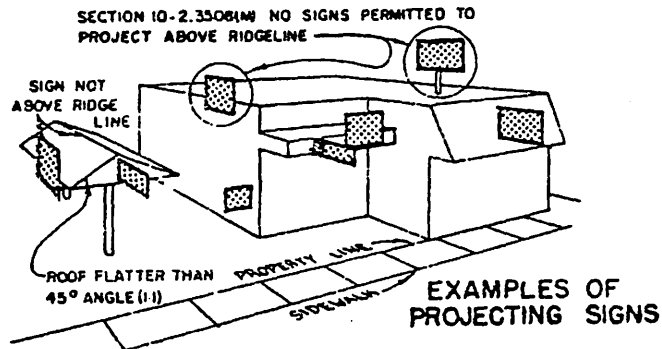
(s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.

(t) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.3510(a)(4) of these regulations.

(u) "Projecting Sign" shall mean any of the following:

(1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

(2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).



(v) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.

(w) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

(1) Official notices authorized by a court, public body or public officer.

(2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

(4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.

(5) Signs within a building except window or wall signs as hereinafter defined.

(6) Christmas decorations and Christmas lights, from November 15 to January 15.

(x) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

(y) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

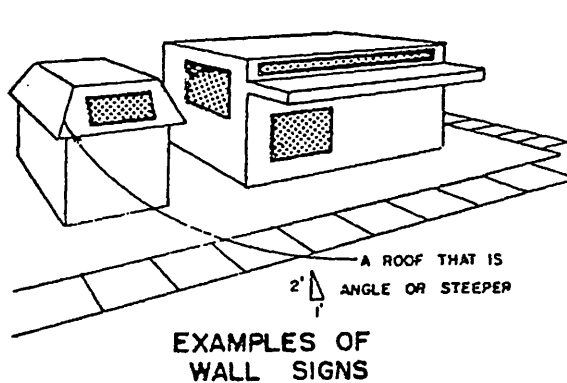
(z) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:

- (1) For Sale or Rent Sign.
- (2) Garage Sale Sign.
- (3) Open House Directional Sign.
- (4) Political Sign.
- (5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers' markets.
- (6) Window Sign.
- (7) Corporate Flag.

Paper signs tacked or otherwise fastened to a side of a building or bulletin board or outside a window are temporary signs unless enclosed in a frame with a glass, plexiglass, or equivalent cover. The sign area will be subject to the wall and canopy sign standards.

(aa) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to (2) vertical, with the horizontal plane.

(ab) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building or structure with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



(ac) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.

(ad) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

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

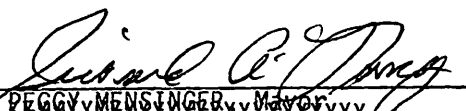
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1981, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

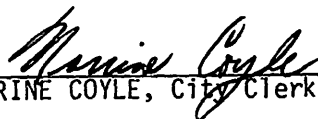
AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
~~PEGGY MENSINGER, Mayor~~
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
RICHARD A. LANG, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 2078-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 September, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 8, 1981

ORDINANCE NO. 2079 -C. S.

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 hereof as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The City Manager of the City of Modesto 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 two (2) 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 September, 1981, by Councilmember Bright, who moved its introduction and passage

AMENDMENT TO CONTRACT BETWEEN THE
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 governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective August 1, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978 and November 1, 1980, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 10 are hereby stricken from said contract as executed effective November 1, 1980, and hereby replaced by the following paragraphs numbered 1 through 11 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 local miscellaneous and age 55 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after August 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 shall become members of said Retirement System except such in each such class 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 local miscellaneous members).

In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES
PERSONS COMPENSATED ON AN HOURLY BASIS HIRED AFTER OCTOBER 1, 1962

Assets accumulated with respect to safety members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred representing the accumulated contributions (plus interest thereupon) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

5. The fraction of final compensation to be provided for local 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 or after January 1, 1956 and prior to June 30, 1978 for members whose service has been included in Federal Social Security.
6. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55).
7. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:
 - a. Section 20952.5 (Age 50 voluntary retirement) for local safety members only.
 - b. Section 21222.1 (Special 5% increase - 1970).
 - c. Section 21222.2 (Special 5% increase - 1971).
 - d. Section 21222.6 (Special 15% increase for certain local miscellaneous members).
 - e. Sections 21380-21387, (1959 Survivors Program), excluding Section 21382.2 (Increased 1959 Survivors benefits), for local safety members.
 - f. Sections 21380-21387; including Section 21382.2 (1959 Survivors Program with increased benefits), for local miscellaneous members.
 - g. Section 20024.2 (One-year final compensation), for local miscellaneous members hired prior to the effective date of this contract amendment.
 - h. Section 21298 (Increased non-industrial disability allowance), for local miscellaneous members.
 - i. Sections 21263/21263.1 (Post-retirement survivor allowance), for local miscellaneous members hired prior to the effective date of this contract amendment.
 - j. Sections 21263/21263.1 (Post-retirement survivor allowance), for local safety members.

- k. Section 21222.85 (Special 3%-15% increase to pre-1-1-74 retirees).
- l. Section 20461.6 (Reduction of benefits for future miscellaneous employees)', applied to Sections 21263/21263.1 and 20024.2.
8. Public Agency, in accordance with Section 20740, Government Code, ceased to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective on March 28, 1978. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Section 20759, Government Code, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Section 20759, Government Code.
9. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:
- (1) 0.427 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 14.888 percent on account of the liability for current service benefits.
 - (3) 0.311 percent on account of the liability for the 1959 Survivor Program.
- b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
- (1) 0.100 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 14.583 percent on account of the liability for current service benefits.
 - (3) 0.004 percent on account of the liability for the 1959 Survivor Program.
- c. A reasonable amount per annum, as fixed by the 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 periodic investigation and valuations required by law.
- d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
10. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

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 or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the 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 be effective on the 20th day of October, 1981

Witness our hands the _____ day of _____, 19__.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
Carl J. Blechinger, Executive Officer

BY _____
Presiding Officer

Approved as to form:

Attest:

Cynthia G. Besemer 8/10/81
Cynthia G. Besemer, Legal Office, Date

Clerk
PERS CON-702

EXHIBIT ONLY

DATE: September 8, 1981

PUBLIC EMPLOYEES RETIREMENT SYSTEM
P. O. Box 1953
Sacramento, California 95809

I hereby certify:

That the City Council of the City of Modesto
(Governing Body) (Public Agency)

adopted on September 8, 1981, by an affirmative
(Date)

vote of a majority of the members of said Governing Body, Ord.
(Ordinance or Resolution)

No. 2079-C.S. approving the attached contractual agreement between the Governing
Body of said Agency and the Board of Administration of the Public Employees'

Retirement System, a certified copy of said Ordinance in the form
(Ordinance or Resolution)

furnished by said Board of Administration being attached hereto.

Clerk ~~XXXXXXXXXX~~ Norrine Coyle

City of Modesto
Name of Agency

Ord. No. 2079-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 September, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE City Clerk

EFFECTIVE DATE: October 8, 1981

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (DOCTORS MEDICAL CENTER)

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 Professional Office Zone, P-0, and Medium Density Residential Zone, R-2, to Planned-Development Zone, P-D (317) :

All that certain real property situate in a portion of the Northeast quarter of Section 20, 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:

R-2 to P-D

A portion of lots 2 and 3 of Mensinger Colony as per map filed May 18, 1909 in Volume 4 of Maps at page 25, Stanislaus County Records, described as follows:

Beginning at the point of intersection of the centerline of Sherwood Avenue with the centerline of Granger Avenue; thence southerly along the centerline of Sherwood Avenue 500.55 feet; thence easterly 659.49 feet to a point on the centerline of Florida Avenue located 499.56 feet south of the point of intersection of the centerline of Granger Avenue with the centerline of Florida Avenue; thence northerly along the centerline of Florida Avenue 499.56 feet to the point of intersection with the centerline of Granger Avenue; thence westerly along the centerline of Granger Avenue 659.38 feet to the point of beginning.

P-0 to P-D

Lots 2, 3, 6, and 7 of Mensinger Colony as per map filed May 18, 1909 in Volume 4 of Maps at page 25, Stanislaus County Records.

Excepting therefrom the following described northern portion of said lots 2 and 3, described as follows:

Beginning at the point of intersection of the centerline of Sherwood Avenue with the centerline of Granger Avenue; thence southerly along the centerline of Sherwood Avenue 500.55 feet; thence easterly 659.49 feet to a point on the centerline of Florida Avenue located 499.56 feet south of the point of intersection of the centerline of Granger Avenue with the centerline of Florida Avenue; thence northerly along the centerline of Florida Avenue 499.56 feet to the point of intersection with the centerline of Granger Avenue; thence westerly along the centerline of Granger Avenue 659.38 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(317) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Hospital and related facilities, medical office building,
single family houses.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1981, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed


and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:


~~RICHARD A. LANG, Acting Mayor~~
RICHARD A. LANG, Acting Mayor

ATTEST:



~~NORRINE COYLE, City Clerk~~
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
~~ELWYN L. JOHNSON, City Attorney~~
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
~~Department of Planning and
Community Development~~
Department of Planning and
Community Development

Ordinance 2080 C.S.
Exhibit A – Map

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

Ord. No. 2080-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Richard A. Lang
ACTING MAYOR RICHARD A. LANG

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1981

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BRIGHT DEVELOPMENT CO.)

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Bright Development Co.

on July 9, 1981, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 1981, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 81-201, adopted on August 17, 1981, the Planning Commission recommended to the Council that the application of Bright Development Co.

to amend Section 13-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 8, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-2 zoning would allow about 78 dwelling units on the 5.5 acre site, a density that conforms to the revised Chrysler-99 Neighborhood Zoning and Development Policy.
2. Development under R-2 zoning will require Planning Commission plot plan review which will assure that any development will be in the best interest of the general public as well as the adjoining residents.

SECTION 2. ZONING CHANGE. Section 13-3-8 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2 :

The west 528 feet of the most northerly 475 feet of the following described parcel. Parcel A of the Parcel Map filed June 2, 1966, in Volume 1 of Parcel Maps, at page 153 and being a portion of the Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.

Including also the easterly 20 feet of Conant Avenue and the southerly 20 feet of Rumble Road immediately adjacent to the said west 528 feet of the most northerly 475 feet of said Parcel A.

SECTION 3. ZONING MAP. Section 13-3-8 of the Zoning

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William D. ...
Department of Planning and
Community Development

Ordinance 2081 C.S.
Exhibit A – Map

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

Ord. No. 2081-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger.

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1981

ORDINANCE NO. 2082 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1930-C.S.
TO REVISE THE USES PERMITTED IN PLANNED DEVELOPMENT ZONE,
P-D(258). (FIRST BAPTIST CHURCH)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1930-C.S. Section 2 of
Ordinance No. 1930-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in
said P-D(258) Zone subject to securing approval of the Secretary
of the Planning Commission if the plan for construction conforms
in principle to the approved plan, as required by Section
10-2.2704 of the Modesto Municipal Code, 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.

Church facilities, radio broadcasting tower and off-street
parking."

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 two (2) days prior to its final adoption in The Modesto Bee,
the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council
of the City of Modesto held on the 8th day of September, 1981,
by Councilmember Lang, who moved its introduction and passage to
print, which motion being duly seconded by Councilmember Siefkin, was

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

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2082-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1981

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Bright Development)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by Bright Development

on July 10, 1981, to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 1981, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 81-202, adopted on August 17, 1981, the Planning Commission recommended to the Council that the application of Bright Development

to amend Section 26-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 15, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-3 zoning is essentially the same as the previous P-D(77) zone granted in 1970 when the entire surrounding zoning pattern was established.
2. The proposed R-3 zoning provides a land use intensity transition, the parcel being bounded on the west by H-1 zoning, the south by P-O zoning, the east by R-3, and the north by P-D(82) (R-2 density).

SECTION 2. ZONING CHANGE. Section 26-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1,
to Medium-High Density Residential Zone, R-3;

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in Stanislaus County, California, described as follows:

Beginning at a point on the north line of Yosemite Avenue on the northerly prolongation of the centerline of Beard Avenue, which said point of beginning is located North 0°33'30" West 33.00 feet and South 89°53'24" East 1,321.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning along the said Northerly line of Yosemite Avenue North 89°53'24" West 491.00 feet; thence North 0°33'30" West 667.00 feet; thence South 89°53'24" East 552.57 feet; thence South 27°27' West 31.16 feet; thence 195.46 feet along the arc of a 400-foot radius curve concave to the East, subtended by a central angle of 27°59'50" and having a chord bearing of South 13°27'05" West with a chord length of 182.21 feet; thence South 0°32'50" East 451.00 feet, more or less, to the point of beginning.

Excepting therefrom all of the southerly 334.00 feet of the above described property.

SECTION 3. ZONING MAP. Section 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 two (2) 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 September, 1981, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Shields
Department of Planning and
Community Development

Ordinance 2083 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 22nd day of September, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1981

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Gary E. Bright)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Gary E. Bright

on July 15, 1981, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 1981, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 81-203, adopted on August 17, 1981, the Planning Commission recommended to the Council that the application of Gary E. Bright

to amend Section 32-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential R-1 Zone, to Medium Density Residential R-2 Zone, R-2, be approved,

Ordinance 2084 C.S.
Exhibit A – Map

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

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 15, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-2 zoning will allow a development density conforming with that previously established by the City and County zoning and development.
2. The proposed R-2 zoning will be compatible with surrounding properties, being across Sutter from commercial and institutional land uses.

SECTION 2. ZONING CHANGE. Section 32-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2 :

All that certain real property situate in a portion of the Southwest quarter of Section 32, 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:

City of Modesto Block 336, lots 25 through 48.

Including also the East 30.00 feet of Sutter Avenue, North 30.00 feet of South Avenue, South 30.00 feet of Western Way, and the West 10.00 feet of the alley in said Block 336 all immediately adjacent to the above described property.

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 two (2) 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 September, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. Smith
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1981

AN ORDINANCE AMENDING SECTIONS 7-1.602 AND 7-1.603 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.602 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.602. AREAS OF BENEFIT. The following described areas are hereby established as the areas which will be benefited from the construction of a major or collector street crossing of an irrigation canal:

(a) All that portion of the south one-half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the center lines of Dale Road and Veneman Avenue; thence along said center line of Veneman Avenue, easterly, 550 feet; thence south, 30 feet, to the southern line of Veneman Avenue and the true point of beginning of this description; thence easterly along said southern line of Veneman Avenue, 2506 feet, to the western line of Sunset Country Estates Subdivision, as per map filed October 5, 1972, in Book 24 of Maps, Page 4, Stanislaus County Records; thence southerly along said western line of Sunset Country Estates, 1325 feet, to the southern line of Standiford Avenue; thence westerly along said southern line of Standiford Avenue, 2600 feet; thence northerly and parallel to said center line of Dale Road, 1393 feet, to the point of beginning.

(b) All that portion of the north one-half of Section 12, Township 3 South, Range 8 East, and the north one-half of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the south line of the Modesto Irrigation District Lateral No. 6 and the west line of said Section 7; thence along said south line of Modesto Irrigation District Lateral No. 6, easterly, 1275 feet, to the west line of Modesto Irrigation District Lateral No. 7; thence south, 2400 feet, to the northern line of Standiford Avenue; thence westerly along said north line of Standiford Avenue, 2015 feet, to the south line of Modesto Irrigation District Lateral No. 7; thence northerly along a line parallel to said west line of Section 7, 1290 feet, to the north line of the proposed Cheyenne Way; thence easterly

along said north line of proposed Cheyenne Way; 700 feet, to its intersection with the east line of said Section 12; thence northerly along said section line, 1210 feet to the point of beginning.

(c) All that real property in the State of California, County of Stanislaus, being a portion of Sections 13 and 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the center line of 120.00 foot East Briggsmore Avenue with the Western line of Lot 6 of the O. McHENRY RANCH Subdivision, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, said point being 5.44 feet Southerly from the Southern line of Lot 2 of said O. McHenry Ranch; thence along said Western line of Lot 6 and the Western line of said Lot 2, Northerly, 2649.73 feet, more or less, to the Northwestern corner of Lot 2 and the Southwestern corner of Lot 13 of the OREGON COLONY, as per map filed February 19, 1910 in Volume 4 of Maps, Page 48, Stanislaus County Records; thence along the Western line of said Lot 13, Northerly, 1322.63 feet, more or less, to the Northwestern corner of Lot 13, said corner being on the center line of a public road known as Floyd Avenue; thence along said center line of Floyd Avenue, said line also being the East-West quarter quarter section line of the North one-half of Section 14, Easterly, 2632.08 feet, more or less, to the East line of Section 14; thence continuing along said center line of Floyd Avenue, said line being the East-West quarter quarter section line of the North one-half of Section 13, Easterly, 2609.32 feet, more or less, to a point on the North-South quarter section line of Section 13, said line also being the Western line of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records; thence along said North-South quarter section line, Southerly, 1323.04 feet, more or less, to the interior quarter corner of Section 13, said corner being the Northeastern corner of Lot 1 of said O. McHenry Ranch Subdivision; thence continuing along the North-South quarter section line of Section 13, said Western line of the Adams Colony and the Eastern line of said lot 1 of the McHenry Ranch, Southerly, 2646 feet, more or less, to the South quarter corner of Section 13; thence continuing Southerly, 130 feet, more or less, to the center line of 120.00 foot Briggsmore Avenue; thence along said center line of East Briggsmore Avenue, Westerly, 4043 feet, more or less; thence continuing along the center line of East Briggsmore Avenue, Northwesterly along a tangent curve concave to the North, having a Radius of 3970 feet, a Central Angle of 7° 26' 20" and an Arc Length of 515.44 feet; thence continuing along the center line of East Briggsmore Avenue on a tangent line, Northwesterly, 699 feet, more or less, to the point of beginning.

(d) All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of Sections 7 and 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the RIO GRANDE COLONY, as per map filed July 5, 1912, in Volume 6, Page 47, Stanislaus County Records, described as follows:

Beginning at the intersection of the North-South quarter quarter section line of the Northwest quarter of Section 7 and the center line of 90 foot Hatch Road; thence along said center line, North 88° 10' 25" East, 2366.68 feet; thence along a tangent curve concave to the North, having a Radius of 1000.00 feet, a Central Angle of 15° 43' 37", and an Arc Length of 274.49 feet, to the Southerly extension of the Western line of property conveyed to World Investments Number 4, by deed Recorded December 31, 1980, in Volume 3398, Page 370, Stanislaus County Records; thence along said extension and Western line, North 00° 12' 00" East, 333.80 feet, to a line of the left bank of the Tuolumne River; thence along said left bank the following bearings and distances; North 62° 52' 00" East, 550.57 feet; thence North 59° 25' 00" East, 273.11 feet; thence North 56° 07' 00" East, 383.14 feet; thence North 57° 28' 00" East, 262.68 feet; thence North 62° 01' 00" East, 252.98 feet; thence North 71° 15' 00" East, 324.85 feet; thence North 84° 12' 00" East, 308.88 feet, thence North 71° 26' 00" East, 324.19 feet; thence North 46° 56' 00" East, 366.70 feet, to the Eastern line of the property conveyed to Manuel C. George by deed recorded in Volume 2084, Page 665, Stanislaus County Records; thence leaving the left bank of the Tuolumne River along said Eastern line, South 00° 26' 00" West, 751.63 feet, to the center line of 90 foot Hatch Road; thence along said center line, South 71° 14' 42" West, 281.37 feet, to the Northerly extension of the Eastern line of the property conveyed to John Caruso, et al, by decree of distribution recorded August 21, 1978, in Volume 3090, Page 218, Stanislaus County Records; thence along said extension and Eastern line, South 00° 26' 00" West, 708.06 feet, to the Northern line of the Turlock Irrigation District Lateral Number 1; thence along the Northern line of said Lateral Number 1 the following bearings and distances, South 35° 00' 00" West, 1029.17 feet; thence South 33° 55' 00" West, 87.98 feet; thence South 26° 29' 33" West, 656.16 feet; thence South 51° 00' 08" West, 147.37 feet; thence North 89° 11' 00" West, 1277.71 feet; thence South 00° 12' 00" West, 10.40 feet; thence North 89° 32' 00" West, 1079.75 feet; thence South 63° 27' 00" West, 152.79 feet; thence South 41° 23' 00" West, 429.36 feet; thence leaving the Northern line of Lateral Number 1, North 00° 17' 00" West, 392.50 feet, to the East-West quarter section line of Section 7; thence along said quarter section line, North 89° 59' 00" West, 1137.36 feet, to the North-South quarter quarter section line of the Northwest quarter of Section 7; thence along said quarter quarter section line, North 00° 25' 00" East, 1374.83 feet, to the point of beginning, containing 202.771 Acres more or less.

SECTION 2. AMENDMENT OF CODE. Section 7-1.603 of Chapter 1 of

Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.603. ESTABLISHMENT OF FEES. (a) A fee of one and eight-tenths (1.8) cents per square foot of property shall be charged all property described in Section 7-1.602(a) and (b) above as the property's share in the cost of constructing street crossings of irrigation canals.

(b) A fee of seven-tenths (0.7) cents per square foot of property shall be charged all property described in Section 7-1.602(c) above as the property's share in the cost of constructing street crossings of irrigation canals.

(c) A fee of one and three-tenths (1.3) cents per square foot of property shall be charged all property described in Section 6-1.602(d) above as the property's share in the cost of constructing street crossings of irrigation canals.

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 two (2) 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 22nd day of September, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By _____
Public Works Department

Ord. No. 2085-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of October, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED _____

MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 5, 1981

AN ORDINANCE AMENDING SECTIONS 7-1.602 AND 7-1.603 OF
CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE
RELATING TO CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.602 of Chapter 1 of
Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.602. AREAS OF BENEFIT. The following described areas
are hereby established as the areas which will be benefited
from the construction of a major or collector street crossing
of an irrigation canal:

(a) All that portion of the south one-half of Section 12,
Township 3 South, Range 8 East, Mount Diablo Base and Meridian,
described as follows:

Commencing at the intersection of the center lines of Dale
Road and Veneman Avenue; thence along said center line of
Veneman Avenue, easterly, 550 feet; thence south, 30 feet,
to the southern line of Veneman Avenue and the true point
of beginning of this description; thence easterly along
said southern line of Veneman Avenue, 2506 feet, to the
western line of Sunset Country Estates Subdivision, as
per map filed October 5, 1972, in Book 24 of Maps, Page 4,
Stanislaus County Records; thence southerly along said
western line of Sunset Country Estates, 1325 feet, to the
southern line of Standiford Avenue; thence westerly along
said southern line of Standiford Avenue, 2600 feet; thence
northerly and parallel to said center line of Dale Road,
1393 feet, to the point of beginning.

(b) All that portion of the north one-half of Section 12,
Township 3 South, Range 8 East, and the north one-half of
Section 7, Township 3 South, Range 9 East, Mount Diablo Base
and Meridian, described as follows:

Commencing at the intersection of the south line of the
Modesto Irrigation District Lateral No. 6 and the west line
of said Section 7; thence along said south line of Modesto
Irrigation District Lateral No. 6, easterly, 1275 feet, to
the west line of Modesto Irrigation District Lateral No. 7;
thence south, 2400 feet, to the northern line of Standiford
Avenue; thence westerly along said north line of Standiford
Avenue, 2015 feet, to the south line of Modesto Irrigation
District Lateral No. 7; thence northerly along a line
parallel to said west line of Section 7, 1290 feet, to
the north line of the proposed Cheyenne Way; thence easterly

along said north line of proposed Cheyenne Way, 700 feet, to its intersection with the east line of said Section 12; thence northerly along said section line, 1210 feet to the point of beginning.

(c) All that real property in the State of California, County of Stanislaus, being a portion of Sections 13 and 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the center line of 120.00 foot East Briggsmore Avenue with the Western line of Lot 6 of the O. McHENRY RANCH Subdivision, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, said point being 5.44 feet Southerly from the Southern line of Lot 2 of said O. McHenry Ranch; thence along said Western line of Lot 6 and the Western line of said Lot 2, Northerly, 2649.73 feet, more or less, to the Northwestern corner of Lot 2 and the Southwestern corner of Lot 13 of the OREGON COLONY, as per map filed February 19, 1910 in Volume 4 of Maps, Page 48, Stanislaus County Records; thence along the Western line of said Lot 13, Northerly, 1322.63 feet, more or less, to the Northwestern corner of Lot 13, said corner being on the center line of a public road known as Floyd Avenue; thence along said center line of Floyd Avenue, said line also being the East-West quarter quarter section line of the North one-half of Section 14, Easterly, 2632.08 feet, more or less, to the East line of Section 14; thence continuing along said center line of Floyd Avenue, said line being the East-West quarter quarter section line of the North one-half of Section 13, Easterly, 2609.32 feet, more or less, to a point on the North-South quarter section line of Section 13, said line also being the Western line of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records; thence along said North-South quarter section line, Southerly, 1323.04 feet, more or less, to the interior quarter corner of Section 13, said corner being the Northeastern corner of Lot 1 of said O. McHenry Ranch Subdivision; thence continuing along the North-South quarter section line of Section 13, said Western line of the Adams Colony and the Eastern line of said lot 1 of the McHenry Ranch, Southerly, 2646 feet, more or less, to the South quarter corner of Section 13; thence continuing Southerly, 130 feet, more or less, to the center line of 120.00 foot Briggsmore Avenue; thence along said center line of East Briggsmore Avenue, Westerly, 4043 feet, more or less; thence continuing along the center line of East Briggsmore Avenue, Northwesterly along a tangent curve concave to the North, having a Radius of 3970 feet, a Central Angle of 7° 26' 20" and an Arc Length of 515.44 feet; thence continuing along the center line of East Briggsmore Avenue on a tangent line, Northwesterly, 699 feet, more or less, to the point of beginning.

(d) All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of Sections 7 and 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the RIO GRANDE COLONY, as per map filed July 5, 1912, in Volume 6, Page 47, Stanislaus County Records, described as follows:

Beginning at the intersection of the North-South quarter quarter section line of the Northwest quarter of Section 7 and the center line of 90 foot Hatch Road; thence along said center line, North 88° 10' 25" East, 2366.68 feet; thence along a tangent curve concave to the North, having a Radius of 1000.00 feet, a Central Angle of 15° 43' 37", and an Arc Length of 274.49 feet, to the Southerly extension of the Western line of property conveyed to World Investments Number 4, by deed Recorded December 31, 1980, in Volume 3398, Page 370, Stanislaus County Records; thence along said extension and Western line, North 00° 12' 00" East, 333.80 feet, to a line of the left bank of the Tuolumne River; thence along said left bank the following bearings and distances; North 62° 52' 00" East, 550.57 feet; thence North 59° 25' 00" East, 273.11 feet; thence North 56° 07' 00" East, 383.14 feet; thence North 57° 28' 00" East, 262.68 feet; thence North 62° 01' 00" East, 252.98 feet; thence North 71° 15' 00" East, 324.85 feet; thence North 84° 12' 00" East, 308.88 feet; thence North 71° 26' 00" East, 324.19 feet; thence North 46° 56' 00" East, 366.70 feet, to the Eastern line of the property conveyed to Manuel C. George by deed recorded in Volume 2084, Page 665, Stanislaus County Records; thence leaving the left bank of the Tuolumne River along said Eastern line, South 00° 26' 00" West, 751.63 feet, to the center line of 90 foot Hatch Road; thence along said center line, South 71° 14' 42" West, 281.37 feet, to the Northerly extension of the Eastern line of the property conveyed to John Caruso, et al, by decree of distribution recorded August 21, 1978, in Volume 3090, Page 218, Stanislaus County Records; thence along said extension and Eastern line, South 00° 26' 00" West, 708.06 feet, to the Northern line of the Turlock Irrigation District Lateral Number 1; thence along the Northern line of said Lateral Number 1 the following bearings and distances; South 35° 00' 00" West, 1029.17 feet; thence South 33° 55' 00" West, 87.98 feet; thence South 26°, 29' 33" West, 656.16 feet; thence South 51° 00' 08" West, 147.37 feet; thence North 89° 11' 00" West, 1277.71 feet; thence South 00° 12' 00" West, 10.40 feet; thence North 89° 32' 00" West, 1079.75 feet; thence South 63° 27' 00" West, 152.79 feet; thence South 41° 23' 00" West, 429.36 feet; thence leaving the Northern line of Lateral Number 1, North 00° 17' 00" West, 392.50 feet, to the East-West quarter section line of Section 7; thence along said quarter section line, North 89° 59' 00" West, 1137.36 feet, to the North-South quarter quarter section line of the Northwest quarter of Section 7; thence along said quarter quarter section line, North 00° 25' 00" East, 1374.83 feet, to the point of beginning, containing 202.771 Acres more or less.

SECTION 2. AMENDMENT OF CODE. Section 7-1.603 of Chapter 1 of

Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.603. ESTABLISHMENT OF FEES. (a) A fee of one and eight-tenths (1.8) cents per square foot of property shall be charged all property described in Section 7-1.602(a) and (b) above as the property's share in the cost of constructing street crossings of irrigation canals.

(b) A fee of seven-tenths (0.7) cents per square foot of property shall be charged all property described in Section 7-1.602(c) above as the property's share in the cost of constructing street crossings of irrigation canals.

(c) A fee of one and three-tenths (1.3) cents per square foot of property shall be charged all property described in Section 6-1.602(d) above as the property's share in the cost of constructing street crossings of irrigation canals.

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 two (2) 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 22nd day of September, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **None**

APPROVED: _____

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Bob Campbell*
Public Works Department
J.L.C. 10-9-81

Ord. No. 2085-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 November, 1981, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE:

December 17, 1981

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (JOE D. MORRIS)

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

SECTION 1. ZONING CHANGE. Section 5-4-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Medium Density Residential Zone, R-2, to

Planned-Development Zone, P-D (318) :

R-2 to P-D

All that certain real property situate in a portion of the Northwest quarter of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 132 feet of Lot 53 of Sunset Acres, as per map thereof filed in the office of the Recorder of Stanislaus County, California, on January 14, 1911, in Volume 5 of Maps, page 25.

SECTION 2. USES. The following uses shall be permitted in said P-D(318) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Condominiums and parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 5-4-9 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 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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Dicks*
Department of Planning and
Community Development

Ordinance 2086 C.S.
Exhibit A – Map

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

Ord. No. 2086-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of October, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Beggy Mensinger
MAYOR BEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 12, 1981

AN ORDINANCE ADOPTING A DRAINAGE PLAN FOR THE USTICK DRAINAGE AREA.

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

SECTION 1. That certain drainage plan entitled "Proposal for Formation of the Ustick Drainage Area" dated August, 1981, consisting of 8 pages, appendices A and B and Exhibits A, B and C, copies of which are on file in the offices of the City Clerk and the Director of Public Works of the City of Modesto is hereby adopted as the drainage plan for the removal of surface and storm waters from the following described area:

USTICK DRAINAGE AREA BOUNDARY DESCRIPTION

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of Sections 7 and 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the RIO GRANDE COLONY, as per map filed July 5, 1912, in Volume 6, Page 47, Stanislaus County Records, described as follows:

Beginning at the intersection of the Northerly extension of the Eastern line of the property conveyed to Lemmie C. McKinsey by deed recorded August 3, 1960, in Volume 1627, Page 22, Stanislaus County Records, and the center line of 90 foot Hatch Road; thence along said center line, North 88°10'25" East, 678.60 feet; thence along a tangent curve concave to the North, having a Radius of 1000.00 feet, a Central Angle of 15°43'37", and an Arc Length of 274.49 feet, to the Southerly extension of the Western line of property conveyed to World Investments Number 4, by deed recorded December 31, 1980 in Volume 3398, Page 370, Stanislaus County Records; thence along said extension and Western line, North 00°12'00" East, 333.80 feet, to a line of the left bank of the Tuolumne River; thence along said left bank the following bearings and distances; North 62°52'00" East, 550.57 feet; thence North 59°25'00" East, 273.11 feet; thence North 56°07'00" East, 283.14 feet; thence North 57°28'00" East, 262.68 feet; thence North 62°01'00" East, 252.98 feet; thence North 71°15'00" East, 324.85 feet; thence North 84°12'00" East, 308.88 feet; thence North 71°26'00" East, 324.19 feet; thence North 46°56'00" East, 366.70 feet, to the Eastern line of the property conveyed to Manuel C. George by deed recorded in Volume 2084, Page 665, Stanislaus County Records; thence leaving the left bank of the Tuolumne River along said Eastern line, South 00°26'00" West, 751.63

feet, to the center line of 90 foot Hatch Road; thence along said center line, South 71°14'42" West, 281.37 feet, to the Northerly extension of the Eastern line of the property conveyed to John Caruso, et al., by decree of distribution recorded August 21, 1978 in Volume 3090, Page 218, Stanislaus County Records; thence along said extension and Eastern line, South 00°26'00" West, 708.06 feet, to the Northern line of the Turlock Irrigation District Lateral Number 1; thence along the Northern line of said Lateral Number 1 the following bearings and distances; South 35°00'00" West, 1029.17 feet; thence South 33°55'00" West, 87.98 feet; thence South 26°29'33" West, 656.16 feet; thence South 51°00'08" West, 147.37 feet; thence North 89°11'00" West, 1277.71 feet; thence South 00°12'00" West, 10.40 feet; thence North 89°32'00" West, 947.75 feet, to the Eastern line of aforementioned McKinsey property; thence leaving the Northern line of Lateral Number 1 along the Eastern line of said McKinsey property, North 00°12'00" East, 1432.03 feet, to the point of beginning, containing 146.756 Acres, more or less.

Said drainage plan contains an estimate of the total cost of constructing the local drainage facilities required by the plan and includes a map of such area showing its boundaries and the location of such facilities.

SECTION 2. This Council does hereby find and determine that subdivision or other division of land and development of property within said Ustick Drainage Area will require construction of the facilities described in said drainage plan, and that the fees are fairly apportioned within said area on the basis of benefits conferred on property proposed for subdivision or other division and on the need for such facilities created by the proposed subdivision or other division and development of other property within said drainage area and that the estimated costs contained in said drainage plan are based upon these findings.

SECTION 3. Each subdivider of a subdivision, any part of which is located within the boundaries of said Ustick Drainage Area and each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of said Ustick Drainage Area, shall pay to the City of Modesto, as a condition of approval of the final subdivision map or the filing of the

final parcel map, a fee in the per acre amount specified in Table A, payable on a pro rata basis, or in lieu of payment of all or part of said fees, a subdivider may install drainage facilities in accordance with an agreement entered into with the City of Modesto, which agreement may provide for the reimbursement to the subdivider from the "Ustick Drainage Area Fund" of expenditures for such drainage facilities made in excess of the fees required herein.

TABLE A

<u>Land Use</u>	<u>Run Off Coefficient</u>	<u>Per Acre Fee</u>
	0 - 1.0	\$ 134
	0.11- 0.20	405
	0.21- 0.30	679
	0.31- 0.40	947
R-1	0.41- 0.50	1218
R-2	0.51- 0.60	1489
	0.61- 0.70	1760
	0.71- 0.80	2031
	0.81- 1.00	2284

In event there are land uses other than those listed in Table A, the Director of Public Works shall designate one of the fees listed in Table A as being applicable to such other land use and his determination shall be based on the similarity of said other land use, and the land use specified in Table A. Each calendar year the Director of Public Works shall calculate and make available a revised Table A which shall show the adjusted fees as of January 1 of each year. Said fees shall be adjusted in accordance with the following formula:

FORMULA:

$$\text{New fee per acre} = \frac{\text{1981 fee per acre}}{\text{January 1981 Building Cost Index}} \times \text{January 1 Building Cost Index for Year in which fee is to be paid.}$$

In no case shall the fee exceed \$2,284.00 per acre.

The building cost index shall be for the United States as published by the Engineering News-Record, a McGraw-Hill publication.

SECTION 4. This Council does hereby find and determine that, as to any property proposed for subdivision within the Ustick Drainage Area, the fee established by Section 3 hereof does not exceed the pro rata share of the amount of the total estimated costs of all facilities within the Ustick Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

SECTION 5. This Council does hereby find and determine that all of the properties within the Ustick Drainage Area will be benefited by the drainage plan for said area adopted by this ordinance.

SECTION 6. This Council does hereby find and determine that the drainage facilities planned and described in said drainage plan are in addition to existing facilities serving the area at this time.

SECTION 7. This Council does hereby find and determine that Stanislaus County does have a County-wide General Drainage Plan, and the Board of Supervisors of Stanislaus County has by resolution determined that the proposed Ustick Drainage Area is in conformity with such County Plan.

SECTION 8. The fees required by Section 3 hereof shall be paid into a planned local drainage facilities fund designated as the "Ustick Drainage Area Fund", to be expended in accordance with the provisions of Sections 66483 and 66488 of the Government Code of the State of California.

SECTION 9. 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. This ordinance shall be published in full at least once at least two (2) 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 13th day of October, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

Attest:

BY: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ed Wallen for Ross Campbell
PUBLIC WORKS DEPARTMENT
J. Christian, on 10-13-81

Ord. No. 2087-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 24th day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

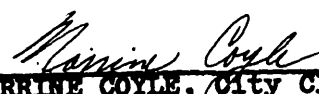
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

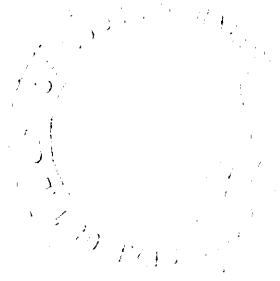
APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 24, 1981



ORDINANCE NO. 2088 -C. S.

AN ORDINANCE AMENDING SECTIONS 11-1.04, 11-1.05, 11-1.09, AND 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1.04, 11-1.05, 11-1.09, and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.04. WATER SERVICE INSTALLATION CHARGES. Water Service Installation Charges shall be paid by consumers and shall be in accordance with a schedule approved by the Council from time to time by resolution.

The Director of Public Works is hereby authorized to waive the water service installation charges and require water services to be installed in conjunction with the subdivision of land by developers of subdivisions.

SEC. 11-1.05. WATER MAIN CONNECTION CHARGES. In addition to the water service installation charges imposed by Section 11-1.04 of this chapter, and in case of metered services, the meter costs imposed by Section 11-1.06 of this chapter, water main connection charges shall be paid in accordance with this section.

(a) Territory Within the City. For water service in all areas within the City, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution.

(b) Territory Outside the City. For water services in territory outside the City limits, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution.

(c) Main Extensions. Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

(d) Allocation of Costs. Notwithstanding the provisions of subsections (a) and (b) above, the Director of Public Works is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by the municipal water system.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand (20,000) square feet and the portion of the parcel to be served shall not be less than six thousand (6,000) square feet in area.

(3) A fee shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above; and said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.

(4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Department of Public Works.

(7) In addition to the remedies for violations of the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue water service without requirement of notification in the event that he shall determine that water supplied to serve the area under the permit is used on other premises.

(e) Water Mains Installed by Developers. Notwithstanding the charges set forth in subsections (a) and (b) above, the Director of Public Works is hereby authorized to waive the square footage portion of the water main connection charge and require water mains to be installed in conjunction with the subdivision of land by the developers of subdivisions as follows:

(1) All water mains shall be sized in accordance with current City of Modesto Standard Specifications.

(2) All six-inch and eight-inch diameter mains and appurtenances thereto, such as, but not necessarily limited to, fire hydrants, blowoffs, valves and valve boxes to be furnished and installed by the developer.

(3) All ten-inch and larger water mains and all water pumping stations to be furnished and installed by the City.

(4) The cost of installation of all fire hydrants, whether connected to water mains installed by the developer or by the City, shall be the responsibility of the developer. Where fire hydrants are installed by the City, the developer shall pay to the City a fee for such installation, the amount of which shall be established by the City Council from time to time by resolution.

(f) Water Connection Charges to Subdivisions. Normally, all water mains smaller than ten (10) inches in inside diameter, and appurtenances thereto, will be installed by the developers of subdivisions as set forth in subsection (e) above. From time to time however, in its best interest, the City may elect to install all water mains, and appurtenances thereto, in a particular subdivision.

In the event the City so elects to install all water mains, and appurtenances thereto, water service shall be provided only if the developer of said subdivision agrees that if the water main connection charges set forth in subsection (a), (b) and (c) above have not been paid for eighty (80) per cent of all lots within said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the waterlines by the City, whichever is the longer period of time, developer, or his assignees shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

SEC. 11-1.09. CHARGES FOR USE OF FIRE HYDRANTS. Water used from a fire hydrant shall be metered when practicable, as determined by the Director of Public Works, with the meter to be provided by the City. Unmetered water shall be charged at the metered rate, based upon City estimates of the quantity of water use, and such estimates shall be conclusive. The charges shall be determined from Section 11-1.07 of this chapter plus a service charge, and shall be in accordance with a schedule approved by the Council from time to time by resolution.

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

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

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

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

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

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

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

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

(e) Water bills for unmetered services shall be issued on a bi-monthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a

delinquent charge shall be added to the regular service charges, and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges and an additional charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred. The delinquent charge and reconnection charge shall be in accordance with a schedule approved by the Council from time to time by resolution.

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

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

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

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

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

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

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

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

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

(o) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a by-pass meter assembly. If the Director of Public Works determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and by-pass assembly. The cost of such installation plus ten percent (10%) shall be paid by the consumer.

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

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

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

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

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

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

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 October, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Judy C. Hall
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2088-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Reggy Mensinger*
MAYOR REGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 3, 1981

AN ORDINANCE ADDING SECTION 4-4.802.1 TO CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION OF LAND.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.802.1 is hereby added to Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.802.1. REIMBURSEMENT FOR IMPROVEMENTS.

(a) Improvements shall be dedicated to the public and have sufficient size, capacity, and number to provide for orderly development both of the property being subdivided and for adjacent areas. The size, capacity, and number of improvements shall be determined by the City Engineer. The City will reimburse the subdivider that portion of the cost of improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve only the subdivision and the actual cost of such improvements. The reimbursement shall be provided in accordance with provisions of the Subdivision Map Act. The City may enter into an agreement with the subdivider to specify the details of the reimbursement procedure. Interest will not be paid to the subdivider.

(b) To pay for the reimbursement required hereby, the City may:

1. Collect a reasonable charge from other persons including public agencies, using such improvements for the benefit of the real property not within the subdivision.
2. Contribute to the subdivider that part of the cost of improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon real property benefited to reimburse the City for such costs.
3. Establish and maintain local benefit districts for the levy and collection of such charge or cost from property benefited.

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 two (2) 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 October, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson,
Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

APPROVED: Peggy Mensinger

PEGGY MENSINGER, Mayor

ATTEST:

By Judy C. Hall

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

Ord. No. 2089-(C.L.-5)

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Cook
NORRINE COOK, City Clerk

EFFECTIVE DATE: December 3, 1981

ORDINANCE NO. 2090 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.2006 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2006 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2006. NOTICE AND HEARING ON APPLICATION FOR VARIANCE AND CONDITIONAL USE PERMITS. Upon the filing of an application for a variance or conditional use permit, the Secretary of the Board shall set the matter for a public hearing before the Board of Zoning Adjustment and give notice as provided in Article 22 of this Chapter. No application for a variance or conditional use permit shall be accepted for a variance or use for which a previous application for a variance or conditional use permit has been denied until one year has elapsed from the date of such denial, except that the Council or the Board of Zoning Adjustment may waive the one year limitation, when in the Council's or the Board's judgment the applicant has shown substantially changed circumstances which justify a shorter period of time and the Council or Board determines that the interest of the general public will not be adversely affected.

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.

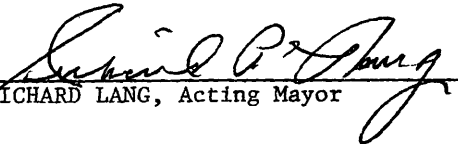
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

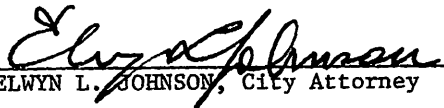
ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
RICHARD LANG, Acting Mayor

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 2090-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 3, 1981

AN ORDINANCE OF THE CITY OF MODESTO
ADOPTING A HOME MORTGAGE FINANCE
PROGRAM FOR THE CITY OF MODESTO

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

WHEREAS, the City Council of the City of Modesto (the "City") proposes to engage in a home mortgage finance program (the "Program") pursuant to Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") for persons and families within the income limits established by the Act, and proposes to issue revenue bonds pursuant to the Act to provide funds for the Program; and

WHEREAS, there is a shortage of decent, safe and sanitary housing, particularly of housing affordable by persons in the lower end of the purchasing spectrum, and a consequent need to encourage the construction and rehabilitation of homes affordable by such persons and otherwise to increase the housing supply in the City for such persons and that the authorization, issuance and sale of mortgage revenue bonds under the Act represents a means of providing funds at below market rates for the purpose of financing such housing:

NOW, THEREFORE:

SECTION 1. The City hereby adopts the Program for the purpose of increasing the housing supply in the City.

SECTION 2. The City shall operate the Program with respect to all property located within the incorporated area of the City.

SECTION 3. The provisions of this ordinance, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

SECTION 4. 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. This ordinance shall be published in full at least once at least two (2) 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 27th day of October, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

Richard A. Lang
RICHARD LANG, Acting Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2091-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger.

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 3, 1981

AN ORDINANCE ADDING SECTION 4-2.15 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTERFERENCE WITH POLICE DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.15 is hereby added to Chapter 2 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-2.15. INTERFERENCE WITH POLICE DOGS. It shall be unlawful for any person to wilfully tease, taunt, torment, strike, kick, mutilate, disable, or otherwise injure, or kill, or to interfere with any dog while such animal is being used by the Modesto Police Department, or any officer or employee thereof, in the performance of any function or duty of said department, or of such officer or employee.

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 two (2) 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 3rd day of November, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin,

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

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2092-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 November, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

December 10, 1981

AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SCHOOL SITE AND FACILITIES TAX FUND AND REPEALING ARTICLE 10 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE. (EMERGENCY)

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

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

ARTICLE 2. SCHOOL SITE AND
FACILITIES TAX FUND

SEC. 8-1.201. CREATION OF FUND. A fund is hereby created for financing school site acquisition and improvement and buildings in school districts in the City of Modesto.

SEC. 8-1.202. TITLE OF FUND. Such fund shall be known as the "School Site and Facilities Tax Fund."

SEC. 8-1.203. MONEYS TO BE PLACED IN SAID FUND. All moneys received by the City of Modesto from the "School Site and Facilities Tax of the City of Modesto" imposed by and under the provisions of Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code, as enacted by Ordinance No. 1641-C.S., amended by Ordinances No. 1662-C.S., 1758-C.S., and 1865-C.S. and thereafter repealed, and not heretofore expended, shall be placed in said fund.

SEC. 8-1.204. INTEREST ON MONEYS IN SAID FUND. All interest earned from investment of the moneys in said fund shall be placed in said fund.

SEC. 8-1.205. "SCHOOL DISTRICTS" DEFINED. The term "School Districts", as used in this Article, includes all elementary school districts and the Modesto High School District of Stanislaus County located in whole or in part within the City of Modesto.

SEC. 8-1.206. APPLICABLE USES AND DISBURSEMENT OF MONEYS IN THE FUND.

(a) All moneys in said fund shall be used for the following purposes:

(1) Purchase of land for elementary, junior high (senior elementary), and high schools within the school districts.

(2) Construction, purchasing or leasing of classroom buildings and site improvement for elementary and junior high (senior elementary) schools within the school districts.

(b) The Council shall, by resolutions adopted from time to time, set forth conditions to be required and the procedures to be used in determining disbursement of and accounting for moneys from said fund. Moneys in said fund may be expended only as authorized by the Council.

SEC. 8-1.207. ADVISORY COMMITTEE. For the purpose of advising the Council and for making recommendations as to the criteria and priorities for applicable uses and disbursement of moneys from said fund pursuant to Section 8-1.206 of this Article, there is hereby created an advisory committee consisting of one elected official of each school district appointed by the school district. One Councilmember to be appointed by the Mayor with the concurrence of the Council shall be a non-voting member of the committee.

The committee shall make recommendations to the Council regarding applicable uses and disbursement of moneys in said fund.

SEC. 8-1.208. AGREEMENT AND INDEMNITY. Each school district as a condition of receiving moneys from said fund shall enter into an agreement with the City of Modesto including an indemnity provision in a form to be approved by the City.

SECTION 2. REPEALS. Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby repealed.

SECTION 3. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety for the following reasons:

The School Site and Facilities Tax of the City of Modesto was imposed to raise money to finance critical needs of the school districts in the City of Modesto to provide additional school sites and facilities necessitated by continued growth of the City. Sufficient funds have now been generated by the tax to fulfill those critical needs. Inflation has increased the cost of housing in the City of Modesto and it is necessary to reduce housing costs where ever possible. The immediate repeal of the School Site and Facilities Tax will prevent unnecessary tax funds from being generated and will assist in reducing the cost of housing in the City of Modesto.

SECTION 4. 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 5. 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 10th day of November, 1981, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Siefkin; Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SCHOOL SITE AND FACILITIES TAX FUND AND REPEALING ARTICLE 10 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE.

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

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

ARTICLE 2. SCHOOL SITE AND
FACILITIES TAX FUND

SEC. 8-1.201. CREATION OF FUND. A fund is hereby created for financing school site acquisition and improvement and buildings in school districts in the City of Modesto.

SEC. 8-1.202. TITLE OF FUND. Such fund shall be known as the "School Site and Facilities Tax Fund."

SEC. 8-1.203. MONEYS TO BE PLACED IN SAID FUND. All moneys received by the City of Modesto from the "School Site and Facilities Tax of the City of Modesto" imposed by and under the provisions of Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code, as enacted by Ordinance No. 1641-C.S., amended by Ordinances No. 1662-C.S., 1758-C.S., and 1865-C.S. and thereafter repealed, and not heretofore expended, shall be placed in said fund.

SEC. 8-1.204. INTEREST ON MONEYS IN SAID FUND. All interest earned from investment of the moneys in said fund shall be placed in said fund.

SEC. 8-1.205. "SCHOOL DISTRICTS" DEFINED. The term "School Districts", as used in this Article, includes all elementary school districts and the Modesto High School District of Stanislaus County located in whole or in part within the City of Modesto.

SEC. 8-1.206. APPLICABLE USES AND DISBURSEMENT OF MONEYS IN THE FUND.

(a) All moneys in said fund shall be used for the following purposes:

(1) Purchase of land for elementary, junior high (senior elementary), and high schools within the school districts.

(2) Construction, purchasing or leasing of classroom buildings and site improvement for elementary and junior high (senior elementary) schools within the school districts.

(b) The Council shall, by resolutions adopted from time to time, set forth conditions to be required and the procedures to be used in determining disbursement of and accounting for moneys from said fund. Moneys in said fund may be expended only as authorized by the Council.

SEC. 8-1.207. ADVISORY COMMITTEE. For the purpose of advising the Council and for making recommendations as to the criteria and priorities for applicable uses and disbursement of moneys from said fund pursuant to Section 8-1.206 of this Article, there is hereby created an advisory committee consisting of one elected official of each school district appointed by the school district. One Councilmember to be appointed by the Mayor with the concurrence of the Council shall be a non-voting member of the committee.

The committee shall make recommendations to the Council regarding applicable uses and disbursement of moneys in said fund.

SEC. 8-1.208. AGREEMENT AND INDEMNITY. Each school district as a condition of receiving moneys from said fund shall enter into an agreement with the City of Modesto including an indemnity provision in a form to be approved by the City.

SECTION 2. REPEALS. Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby repealed.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 November, 1981, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Muratore

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwin L. Johnson*
ELWIN L. JOHNSON, City Attorney

Ord. No. 2094-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 24th day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang and Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 24, 1981

AN ORDINANCE AMENDING SECTIONS 7-3.108 AND 7-3.108.1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 7-3.108.2, 7-3.108.3 AND 7-3.108.4 THERETO RELATING TO AIRPORT INSURANCE REQUIREMENTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 7-3.108 and 7-3.108.1 of Chapter 3 of Title VII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 7-3.108. INSURANCE REQUIREMENTS: COMMERCIAL AIRCRAFT.

(a) All scheduled commercial aircraft owners or operators permitted use of Modesto City-County Airport/Harry Sham Field for the purposes of transporting passengers and/or freight, shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said owner or operator has in full force and effect a policy of public liability insurance, with combined single limits of Ten Million and no/100ths Dollars (\$10,000,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage. Said policy shall include passenger liability coverage in an amount not less than One Hundred Thousand and no/100ths Dollars (\$100,000.00) per passenger seat.

(b) All commercial aircraft owners or operators (except scheduled commercial aircraft operators referred to in subsection (a) above) permitted use of the Modesto City-County Airport/Harry Sham Field for any commercial purposes, shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said owner or operator has in full force and effect a policy of public liability insurance, with combined single limits of One Million and no/100ths Dollars (\$1,000,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage. Said policy shall include Passenger Liability Coverage in an amount not less than One Hundred Thousand and no/100ths Dollars (\$100,000.00) per passenger seat.

SEC. 7-3.108.1. INSURANCE REQUIREMENTS: PERMANENTLY-BASED PRIVATE AIRCRAFT. All owners or operators of private passenger aircraft, including owners or operators of corporate aircraft which are permitted use of permanent tie-downs or hangar space at Modesto City-County Airport/Harry Sham Field, shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said owner or operator has in full force and effect a policy

of public liability insurance, with combined single limits of Three Hundred Thousand and no/100ths Dollars (\$300,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage.

SECTION 2. AMENDMENT OF CODE. Sections 7-3.108.2, 7-3.108.3 and 7-3.108.4 are hereby added to Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.108.2. INSURANCE REQUIREMENTS: MOTOR VEHICLES AND MOTORIZED EQUIPMENT ON AIR OPERATIONS AREAS OF AIRPORT PREMISES. Every person or entity permitted to operate a motor vehicle or motorized equipment upon the air operations areas of Modesto City-County Airport/Harry Sham Field, as such air operations areas are designated in the Airport Security Plan adopted by the City Council, shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said person or entity has in full force and effect a policy of public liability insurance, with combined single limits in the following amounts:

(a) When the motor vehicle or motorized equipment is used solely for private transportation within the air operations areas, Three Hundred Thousand and no/100ths Dollars (\$300,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage.

(b) When the motor vehicle or motorized equipment is operated, maintained or used other than for solely private transportation within the air operations areas, One Million and no/100ths Dollars (\$1,000,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage.

SEC. 7-3.108.3. INSURANCE REQUIREMENTS: FIXED BASE OPERATORS. All fixed base operators situated at Modesto City-County Airport/Harry Sham Field shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said fixed base operator has in full force and effect a policy of public liability insurance, with combined single limits of One Million and no/100ths Dollars (\$1,000,000.00) for bodily injury, sickness, and disease, including death resulting therefrom, and for property damage. Said policy is to be a comprehensive form covering, but not limited to: General Liability, Automobile Liability, Products Liability (completed operations), Contractual Liabilities, and Hangar Keepers' Liability. The Hangar Keepers' Liability Coverage shall be in an amount not less than the value of the most valuable single aircraft under the fixed base operator's care, custody and control, and in an aggregate amount not less than the total value of all aircraft under the fixed base operator's care, custody and control, which

amounts are to be agreed upon in writing by the Airport Manager and the fixed base operator.

SEC. 7-3.108.4. INSURANCE MAINTENANCE REQUIREMENTS. All users of Modesto City-County Airport/Harry Sham Field required to maintain insurance coverage pursuant to Section 7-3.108 through Section 7-3.108.3, shall provide and maintain such insurance coverage throughout the period of use of the Airport premises/facilities, in form and content approved by the City of Modesto. Any policy of insurance, or Certificate of Insurance evidencing such policy, required by Section 7-3.108 through Section 7-3.108.3, shall contain contractual liability coverage covering any liability assumed by the insured under the terms of any agreement with the City of Modesto for use of Airport premises/facilities, and shall provide for written notice to be filed with the City Clerk thirty (30) days in advance of a policy cancellation, non-renewal, or any material change in policy coverage and/or content.

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 two (2) 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 17th day of November, 1981 by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore,

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

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED:

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

Ord. No. 2095-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 24th day of November, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 24, 1981

AN ORDINANCE AMENDING SECTION MAPS 22-3-9 AND 27-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (STANISLAUS MEDICAL
BUILDING CORPORATION)

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

SECTION 1. ZONING CHANGE. Sections 22-3-9 and 27-3-9 of the
Zoning Map are hereby amended to reclassify the following described property
from Medium Density Residential Zone, R-2, to Planned-Development Zone,
P-D(30):

R-2 to P-D(30)

All that real property in Section 22 and 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and being a portion of Lot 30 and a portion of Lot 31 of the BROUGHTON COLONY TRACT, as per Map filed March 17, 1904 in Volume 1 of Maps, at page 78, Stanislaus County Records, and a portion of Lots 3 and 4 of SUNNYSIDE ACRES, as per Map filed March 24, 1911 in Volume 5 of Maps, at page 45, Stanislaus County Records, more particularly described as follows:

Area "A"

BEGINNING at the Section corner common to Sections 21, 22, 27 and 28 in Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence Southerly along the West line of said Section 27, also being the center line of 90 foot wide Public Road known as Coffee Road 165.00 feet to the Southwest corner of Lot 4 of said Sunnyside Acres; thence Easterly along the South line of said Lot 4, a distance of 250 feet; thence Northerly 165 feet to the centerline of original 40 foot wide public road known as Lucern Avenue; thence Easterly along the center line of said Lucern Avenue, also being the South

line of Lot 30 of said Broughton Colony, 409.24 feet to the Southeast corner of said Lot 30, and centerline of a County Road (Sunnyside Avenue); thence Northerly along the East line of said Lot 30 also being the centerline of Sunnyside Avenue 30.00 feet; thence Westerly along the Easterly prolongation and north line and Westerly prolongation of Lucern Avenue 659.24 feet to the west line of said Lot 30 and centerline of Coffee Road; thence Southerly 30.00 feet to the point of beginning.

Area "B"

The North 175.427 feet of the South 339.601 feet of the West 264 feet of Lot 31 of said Broughton Colony Tract.

SECTION 2. ZONING MAP. Section Maps 22-3-9 and 27-3-9 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. 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 two (2) 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 24th day of November, 1981, by Councilmember Elliott, who moved its introduction and passage

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

AYES: Councilmembers: Elliott, Lang, Muratore, Patterson, Mayor
Mensingger

NOES: Councilmembers: Bright, Siefkin

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Althea Mink
Department of Planning and
Community Development

Ordinance 2096 C.S.
Exhibit A – Map

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

Ord. No. 2096-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 December, 1981, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: Bright

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED


ACTING MAYOR RICHARD A. LANG

ATTEST: 
MORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1982

AN ORDINANCE AMENDING SECTION 5-6.02 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.02 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.02. SEWER SERVICE CHARGES. Each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution and on file in the office of the City Clerk and the Director of Public Works.

Anything to the contrary contained in this chapter notwithstanding, the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, including school districts, private schools, and to any user outside the boundaries of the Sewer District at rates different from those established for persons owning property within the Sewer District.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 24th day of November, 1981, by Councilmember Lang, who moved its introduction and passage to print,

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

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2097-C.S.

FINAL ADOPTION CLAUSE

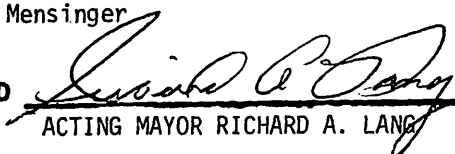
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of December, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED


ACTING MAYOR RICHARD A. LANG

ATTEST: 
MORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1982

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

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Highway Frontage Zone, H-1, to Planned-Development Zone, P-D (320) :

R-1 to P-D

All that portion of the South half of the Northwest quarter of Section 9, Township 3 South, Range 9 East, M. D. B. & M. described as follows:

Beginning at a point on the west line of the south half of the Northwest quarter of said Section 9 that bears North $0^{\circ} 53'$ West 1033.00 feet from the West quarter corner of said Section 9, said point being the centerline of McHenry Avenue; thence South $89^{\circ} 10' 30''$ East 447.81'; thence North $0^{\circ} 53'$ West, parallel to the center line of said McHenry Avenue, 292.86 feet to a point on the North line of the South half of said Northwest quarter; thence North $89^{\circ} 18'$ West along said North line 447.81 feet to the centerline of said McHenry Avenue; thence South $0^{\circ} 53'$ East along the centerline of said McHenry Avenue, 291.82 feet to the point of beginning.

H-1 to P-D

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

Commencing at the West quarter corner of said Section 9; Thence North $0^{\circ} 53'$ West on the West line of Section 9 and the centerline of present 110 foot wide McHenry Avenue, 754.00 feet to the centerline intersection of present 60 foot wide Warren Way with said McHenry Avenue; thence North $89^{\circ} 08' 49''$ East on the centerline of Warren Way, 235.01 feet; thence North $0^{\circ} 54' 08''$ West 30.00 feet to the north line of said Warren Way; and the point of beginning of this description; thence North $0^{\circ} 54' 08''$ West 242.13 feet to the South line of the property conveyed to Jerry Marsh and Ada Maxine Marsh as recorded in Volume 2323 of Official Records, at Page 440, Stanislaus County Records; thence South $89^{\circ} 10' 30''$ East on said Marsh South line, 212.77 feet to the West line of McHenry Estates No. 1 as shown on the map filed in Book 23 of Maps at Page 63, Stanislaus County Records; thence South $0^{\circ} 53'$ East on said West line 240.33 feet to the north line of said Warren Way; thence North $89^{\circ} 15'$ West on the North line of said Warren Way 143.88 feet to the beginning of a curve concave to the south, having a radius of 1030 feet and a central angle of $1^{\circ} 36'$; thence westerly on the arc of said curve and north line of Warren Way, 28.76 feet; thence continuing on said north line South $89^{\circ} 09'$ West 40.03 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(320) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Bowling alleys
Restaurant/cocktail lounge
Off-street parking as shown on the approved plan

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 December, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

Ordinance 2098 C.S.
Exhibit A – Map

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

Ord. No. 2098-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 December, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED


ACTING MAYOR RICHARD A. LANG

ATTEST:


MORRAINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1982

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1431-C.S. ENTITLED, "AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SANTA ANITA DEVELOPMENT CORPORATION)," AS AMENDED BY ORDINANCE NO. 1716-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1431-C.S.

Section 2 of Ordinance No. 1431-C.S., as amended by Ordinance No. 1716-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(125) 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, subject to compliance with Section 10-2.2704 of the Modesto Municipal Code prior to the issuance of a building permit:

1. A community shopping center containing a maximum of 140,000 square feet of retail space including a racquetball court facility and a family amusement machine center. Uses within the shopping center shall be limited to those uses permitted in the H-1 Zone.
2. 72 two-story apartment dwelling units with accessory recreation areas and structures and parking.
3. 33 one-story townhouse residential dwelling units with accessory parking."

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 two (2) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

Ord. No. 2099-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 December, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED


ACTING MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1982

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1697-C.S. ENTITLED, "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)" (BARNETT/RANGE CORPORATION)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1697-C.S.

Section 2 of Ordinance No. 1697-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(176) 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 principal to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. All uses as permitted in the P-O, Professional Office Zone.
2. Two banks or financial institutions.
3. Off-street parking as shown on the approved plan."

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 two (2) 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 December.

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 December, 1981, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED *Richard A. Lang*
ACTING MAYOR RICHARD A. LANG

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1982

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (BOWMAN, HUGHES, HICKS)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Medium Density Residential Zone, R-2, to

Planned-Development Zone, P-D (319) :

All that real property situate in the northwest quarter of
Section 27, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, City of Modesto, California, described as
follows:

All of Lot 20 and Lot 21 as shown on the map of Sunnyside
Acres, filed in Book 5 of Maps at Page 45, Stanislaus
County Records, more particularly described as follows:

BEGINNING at the southwest corner of said Lot 21, said
point being on the centerline of present 90 foot wide
Coffee Road; thence North 0° 15' West on the centerline
of Coffee Road and the west line of Lots 20 and 21, a
distance of 220 feet to the northwest corner of said Lot
20; thence South 89° 40' East on the north line of Lot 20,
a distance of 329.62 feet to the northeast corner of said
Lot 20; thence South 0° 15' East on the east line of Lots
20 and 21, a distance of 220 feet to the southeast corner
of said Lot 21; thence North 89° 40' West on the south line
of Lot 21, a distance of 329.62 feet to the point of begin-
ning of this description.

Containing 1.664 acres more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D(319) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Medical/professional offices.

SECTION 3. ZONING MAP. Section Map 27-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1981, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed


and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin, Mayor Mensinger

APPROVED:


~~RICHARD A. MENSINGER, Mayor~~
RICHARD A. LANG, Acting Mayor

ATTEST:

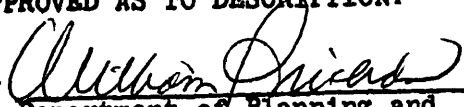

NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ordinance 2101 C.S.
Exhibit A – Map

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

Ord. No. 2101-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of December, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Patterson

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: Bright

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 14, 1982

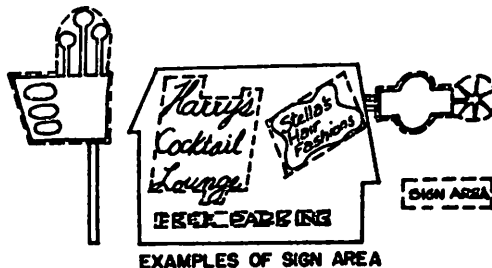
AN ORDINANCE AMENDING SECTIONS 10-2.3502, 10-2.3503 AND 10-2.3511 OF ARTICLE 35 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 10-2.3512 THERETO RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.3502, 10-2.3503 and 10-2.3511 of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.3502. DEFINITIONS. For the purpose of these sign regulations the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.



Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

(b) "Bench Sign" shall mean a City franchised bus bench located outdoors with advertising matter thereon.

(c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.

(d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.

(e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:

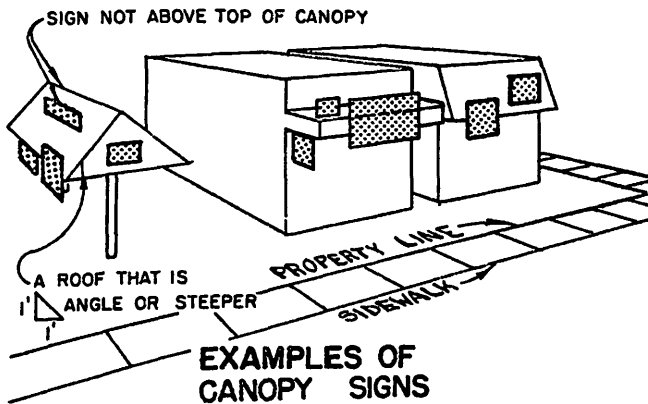
(1) is mounted in a vertical plane.

(2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.

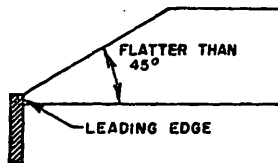
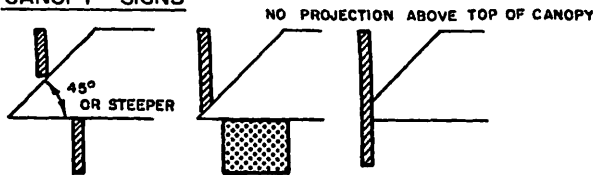
(3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45°) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.

(4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45°) degrees.

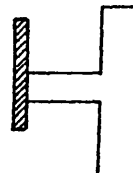
(5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPIES SIGNS



NO PROJECTION ABOVE RIDGE-LINE



MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

SIGNS ON CANOPIES, ROOFS, MARQUEES

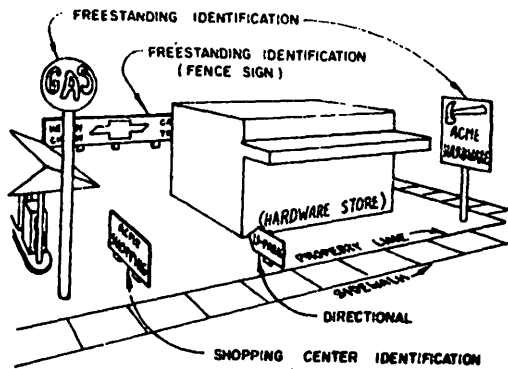
(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

(g) "Corporate Flag" shall mean a flag identifying a business or firm.

(h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.

(i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.

(j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



**EXAMPLES OF
FREESTANDING SIGNS**

(k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

(l) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

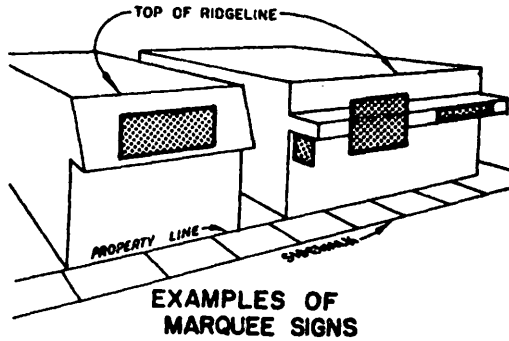
(m) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

(n) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.

(o) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.

(p) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:

- (1) is mounted in a vertical plane.
- (2) is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.
- (3) does not project higher than the wall of the building to which the marquee is attached.

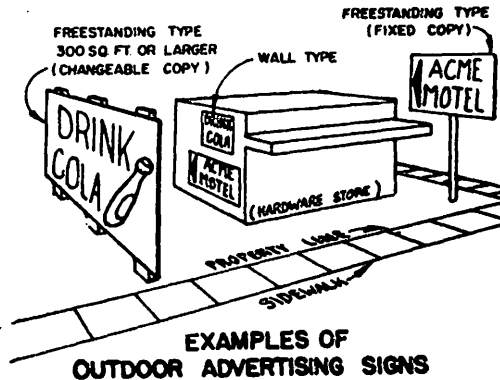


(q) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.

(r) "Outdoor Advertising Sign" shall mean any of the following:

(1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted or offered on the site on which the sign is located.

(2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes, but is not limited to, any sign expressing a personal, political, religious or social message, idea or point of view.



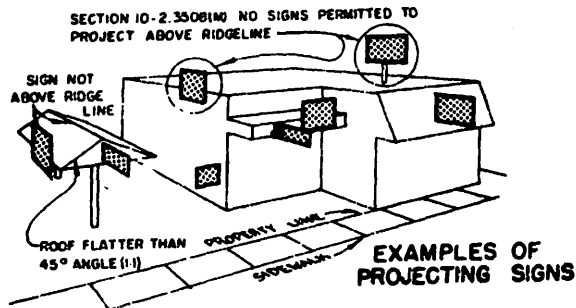
(s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.

(t) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.3510(a)(4) of these regulations.

(u) "Projecting Sign" shall mean any of the following:

(1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

(2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).



(v) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.

(w) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

(1) Official notices authorized by a court, public body or public officer.

(2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

(4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.

(5) Signs within a building except window or wall signs as hereinafter defined.

(6) Christmas decorations and Christmas lights, from November 15 to January 15.

(x) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

(y) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

(z) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:

(1) For Sale or Rent Sign.

(2) Garage Sale Sign.

(3) Open House Directional Sign.

(4) Political Sign.

(5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers' markets.

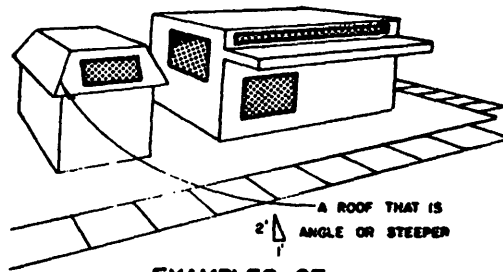
(6) Window Sign.

(7) Corporate Flag.

Paper signs tacked or otherwise fastened to a side of a building or bulletin board or outside a window are temporary signs unless enclosed in a frame with a glass, plexiglass, or equivalent cover. The sign area will be subject to the wall and canopy sign standards.

(aa) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to (2) vertical, with the horizontal plane.

(ab) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building or structure with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



**EXAMPLES OF
WALL SIGNS**

(ac) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.

(ad) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

SEC. 10-2.3503. ADMINISTRATION. (a) Duty to Enforce. It is the duty of the Chief Building Official to enforce all of the provisions of this article.

(b) Inspection. Every sign prior to erection in the City of Modesto shall be subject to approval by the Chief Building Official to assure compliance with all provisions of this article and all other laws and ordinances of the City.

(c) Compliance With Chapter; Nuisance; Abatement. The Council hereby determines that the public peace, safety, morals, health and welfare, require that all signs heretofore constructed, erected, or painted in violation of any law or ordinance of the City of Modesto in effect at the time such sign was constructed, erected, or painted be and they are hereby made subject to the provisions of this article, and shall conform and comply with such requirements forthwith, and that all signs which shall not so conform and comply and all signs which shall hereafter be constructed, erected, or painted in violation of the provisions of this article shall be and they are hereby declared public nuisances to be removed and abated in the manner provided herein.

(d) Permits Required. It shall be unlawful for any person to erect, alter, change copy, or relocate within the City any sign as defined in this article without first obtaining a permit from the Chief Building Official and making payment of the fee required in subsection (i) of this section; except that the following listed signs are not required to have permits or pay permit fees, but shall meet all other requirements of this article.

- (1) Construction Sign.
- (2) For Sale or Rent Sign.
- (3) Garage Sale Sign.
- (4) Unlighted Interior Directional, Warning, or Information Sign.
- (5) Name Plate, one (1) square foot maximum size.
- (6) Open House Directional Sign.
- (7) Political signs permitted by Sections 10-2.3509 or 10-2.3510 of these sign regulations.
- (8) Signs for Fireworks Stands, Pumpkin Sales, Christmas Tree Sale lots, and temporary certified farmers' markets.
- (9) Subdivision Directional Sign.

(10) Corporate Flag.

(11) Bench Sign.

Noncommercial outdoor advertising signs, as defined in Section 10-2.3502(r)(2), are required to obtain a permit, but shall not be required to pay permit fees. Such signs shall meet all other requirements of this article.

(e) Application for Permit. Application for sign permits shall be made upon forms provided by the Chief Building Official, and shall contain or have attached thereto the following information and material:

(1) Name, address and telephone number of the owner of the property.

(2) Name, address and telephone number of the applicant (owner of the sign).

(3) Name, address and telephone number of the sign contractor, and contractor's state license number.

(4) Location of the building, structure, or lot to which or upon which the sign is to be attached, erected, or painted.

(5) Two (2) copies of a plan showing:

(aa) The position of the sign in relation to adjacent buildings or structures.

(ab) The design and size, structural details and calculations, and proposed location on the premises of such signs.

(ac) A statement showing the type, size, and dimensions of all signs existing on the premises at the time of making such application.

(ad) For canopy or wall signs, a statement designating the principal frontage of the building or structure upon which the sign is to be located.

(6) Such other information as the Chief Building Official shall require to show full compliance with this article and all other laws and ordinances of the City of Modesto.

(7) The Chief Building Official may waive the requirement for plans to be filed for small signs, and for a previously approved standard plan for sign supports provided the application is otherwise in compliance with conditions of approval of the standard plan.

(f) Permit Issued If Application In Order. It shall be the duty of the Chief Building Official, upon the filing of an application for a sign permit, to investigate the application, and if it shall appear that the proposed sign is in compliance with all the requirements of this article and all other laws and ordinances of the City, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within one hundred and twenty (120) days after date of issuance, the permit shall become null and void.

(g) Signs Falling Within Definition of One or More Type Signs. Whenever any sign, as defined in this article, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.

(h) Permit Issued in Error. If a sign permit is issued in error by the Chief Building Official and the sign does not comply with all of the requirements of this article and all other laws and ordinances of the City, the sign permit shall be null and void and no rights or privileges shall be conferred upon the permittee by said permit. The Chief Building Official shall include or cause to be included on the sign permit for all signs a notice that the issuance of the permit does not grant any right or privilege to erect or install any sign which is in violation of this article or of any other laws or ordinances of the City.

(i) Permit Fees. Each application for a sign for which a permit is required by this article and each application for a change of copy of an existing sign shall be accompanied by a sign permit fee as established by City Council resolution from time to time. The required fees shall be doubled for any sign erected or painted prior to the securing of a sign permit when a sign permit is required.

(j) Maintenance of Signs. The owner of any sign as defined and regulated by this article, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs and all supporting structures of any sign shall be repainted to keep them in good condition whenever such action is requested in writing by the Chief Building Official.

(k) Unsafe and Unlawful Signs. If the Chief Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed, erected, or painted or is being maintained in violation of the provisions of this article, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure or sign so as to comply with the standards herein set forth within ten (10) days after such notice, or within three (3) days for temporary signs, such sign may be removed or altered to comply by the Chief Building Official and any expense incidental thereto shall be paid by the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(1) Removal of the Copy of Certain Signs. The copy of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down, removed, painted over, or covered as approved by the Chief Building Official, by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found. This action shall occur within ten (10) days after written notification from the Chief Building Official. Upon failure to comply with such notice within the time specified in such order, the Chief Building Official is hereby authorized to take down, remove, paint over, or cover such sign or sign copy, or to cause such action to be taken. Any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached, or by the owner of said sign.

SEC. 10-2.3511. OUTDOOR ADVERTISING SIGNS. It shall be unlawful for any person to erect, construct, or maintain on any lot or parcel an outdoor advertising sign in violation of the following specific requirements.

(a) In the C-2, C-M, M-1 and M-2 zones, only the following outdoor advertising signs are permitted:

(1) For freestanding tourist-oriented hotels, motels, and restaurants only, directional commercial outdoor advertising signs as defined in Section 10-2.3502(r)(1), each not to exceed seventy-two (72) square feet in area and twenty (20') feet in height subject to obtaining a conditional use permit for each sign from the Board of Zoning Adjustment.

Said use permit shall be dependent upon two (2) findings:

(aa) That the use or occupancy is a freestanding use. For the purpose of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity or through common advertising.

(ab) That the combined total of all approved directional commercial outdoor advertising signs for a motel, hotel, or restaurant be deemed necessary for the public welfare and not excessively promote said motel, hotel or restaurant.

(2) Noncommercial outdoor advertising signs, as defined in Section 10-2.3502(r)(2), not to exceed seventy-two (72) square feet in area and twenty (20') feet in height, except that:

(aa) Signs located on property within two hundred (200') feet of the Freeway 99 right-of-way may be as large as one hundred fifty (150) square feet and thirty-five (35') feet in height.

(ab) Signs located on property within two hundred (200') feet of the Freeway 99 right-of-way may be higher than thirty-five (35') feet subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(i) The Board of Zoning Adjustment shall grant approval if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. The applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(ii) In deciding whether to grant the conditional use permit, the Board of Zoning Adjustment shall not take into consideration the copy, subject matter or message of the proposed sign.

(b) In the C-1 Zone noncommercial outdoor advertising signs, as defined in Section 10-2.3502(r)(2), not to exceed seventy-two (72) square feet in area and twenty (20') feet in height, are permitted.

(c) In all zones other than those enumerated in subsections (a) and (b) above, outdoor advertising signs are not permitted.

SECTION 2. AMENDMENT OF CODE. Section 10-2.3512 is hereby added to Article 35 of Chapter 2 of Title 10 of the Modesto Municipal Code to read as follows:

SEC. 10-2.3512. NONCOMMERCIAL USE OF PERMITTED COMMERCIAL SIGNS. Notwithstanding any other provisions of this chapter to the contrary, any sign or portion thereof which is otherwise legally permitted as a result of the commercial use or occupancy of a building, lot or parcel may contain noncommercial messages in accordance with the definition provided by Section 10-2.3502(r)(2). When the commercial use or occupancy of the building, lot or parcel ceases, said sign must comply with the applicable provisions of this chapter relating to the removal of obsolete signs and outdoor advertising signs.

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 two (2) 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 December, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2102-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 21, 1982

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHALET MOTEL)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Alan Seslowe for the Chalet Motel

on October 15, 1981, to reclassify from Medium-High Density Residential Zone, R-3, to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on November 16, 1981, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Reselution No. 81-249, adopted on November 16, 1981, the Planning Commission recommended to the Council that the application of Alan Seslowe for the Chalet Motel

to amend Section 28-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium-High Density Residential Zone, R-3, to General Commercial Zone, C-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 15, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The property is already commercially developed as part of the McHenry commercial strip.
2. The proposed rezoning will allow the motel to have signs like any other commercial use. Because the rezoning does not extend to Jones Street, compatibility with the adjacent residential area can be assured.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Medium-High Density Residential Zone, R-3,
to General Commercial Zone, C-2 :

All that certain real property situate in a portion of the Southwest quarter of the northwest quarter of Section 28, 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:

All of Lots 5, 6, 7, 8, 9, and 10 of City of Modesto Block 568.

Including the South 12.5 feet of Lots 44 and 45 of City of Modesto Block 568.

Also including the north 40 feet of Downey Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 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 two (2) 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 December, 1981, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William D. ...
Department of Planning and
Community Development

Ordinance 2103 C.S.
Exhibit A – Map

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

Ord. No. 2103-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 21, 1982

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (LYONS BROTHERS)

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

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (321) :

All that certain real property situate in a portion of Lot 7 of the
Maze Ranch Subdivision, as shown on the map filed in Volume 4 of Maps,
at Page 18, lying in the Southwest Quarter of Section 30, Township 3
South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus,
State of California, more particularly described as follows:

Commencing at the Southeast corner of "Elmwood Estates No. 1" as shown
on the map filed in Book 21 of Maps, at Page 24, Stanislaus County
Records, said corner lying on the North right-of-way line of Elm Avenue;
thence North 0°30'00" West along the East line of said "Elmwood Estates
No. 1", 200.00 feet to the POINT OF BEGINNING of this description;
thence continuing North 0°30'00" West along said East line of "Elmwood
Estates No. 1", 272.99 feet to a point on the South right-of-way line
of the future State Highway 132; thence Easterly along said South right-
of-way line the following (2) courses; 1) South 87°01'00" East, 278.34 feet;
2) thence South 89°30'00" East, 267.02 feet to a point on the West right-of-way
line of original 40 foot wide Emerald Avenue; thence South 0°31'30" East
along said West right-of-way line of Emerald Avenue, 95.00 feet; thence
North 89°46'00" West, 113.00 feet; thence South 0°30'00" East, 240.48
feet to a point on the South line of Parcel 2, as shown on the map filed in
Volume 21 of Parcel Maps, Page 56, Stanislaus County Records; thence
North 89°46'00" West along said South line of Parcel 2, a distance of 90.00
feet to the Southwest corner of said Parcel 2; thence South 0°30'00" East,
125.89 feet to a point on the North right-of-way line of Elm Avenue;
thence North 89°46'00" West along said North right-of-way line of Elm
Avenue, 70.67 feet; thence North 0°30'00" West, 200.00 feet; thence North
89°46'00" West, 271.00 feet to the Point of Beginning of this Description.

Including also all of the Northerly one-half of Elm Avenue and the Westerly
one-half of Emerald Avenue immediately adjacent to the above described
property.

SECTION 2. USES. The following uses shall be permitted in said P-D(321) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Residential condominiums

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 December, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson,
Elliott, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

E. L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William D. ...
Department of Planning and
Community Development

Ordinance 2104 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 5th day of January, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 4, 1982