

ORDINANCE NO. 951-C.S.

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

WHEREAS, the Planning Commission on November 19, 1968, initiated proceedings to amend Section 20-3-9 of the Zoning Map to reclassify from R-A to R-1; R-1 to R-2; R-1 and R-A to P-O; R-1 and ~~C-M~~ to C-2, the property as described in Planning Commission Resolution No. 68-157, and

WHEREAS, after public hearing held on December 3, 1968, it was found and determined by the Planning Commission that rezoning as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-159, adopted on December 3, 1968, the Planning Commission recommended to the Council that Section Map 20-3-9 of the Zoning Map be amended to reclassify the property described in Planning Commission Resolution No. 68-159 from R-A to R-1; R-1 to R-2; R-1 and R-A to P-O; R-1 and C-M to C-2,

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

SECTION 1. COUNCIL FINDINGS: After public hearings, this Council finds and determines as follows:

(1) That the proposed rezonings described in said Planning Commission Resolution No. 68-159 and designated as R-A to R-1; R-1 to R-2; R-1 and R-A to P-O; and R-1 to C-2, are not required by public necessity, convenience and general welfare; and

(2) That the proposed amendment to Section Map 20-3-9 of the Zoning Map to rezone the property as hereinafter described from C-M to C-2 is required by public necessity, convenience and general welfare and will provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from C-M to C-2:

Beginning at the intersection of the centerlines of McHenry Avenue and West Granger Avenue; thence, southerly along the centerline of McHenry Avenue to its intersection with the easterly extension of the north line of the Mira Loma Tract as recorded in Volume 11, Page 48 of the Stanislaus County Records; thence, westerly along the north line of said Mira Loma Tract 329.57 feet; thence, northerly abng a line parallel to McHenry Avenue a distance of 63.92 feet; thence, easterly 4.57 feet; thence, northerly parallel to McHenry Avenue a distance of 467.51 feet to the centerline of West Granger Avenue; thence, easterly along the centerline of West Granger Avenue a distance of 325.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 20-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 January, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

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

APPROVED AS TO DESCRIPTION: *Lee H. Davies*
Planning Department

**Ordinance 951 C.S.
Exhibit A – Map**

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

Ord. No. 951-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 February, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mithhell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

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

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

EFFECTIVE DATE: March 12, 1969

AN ORDINANCE AMENDING SECTIONS 8-2.702, 8-2.703, 8-2.704, 8-2.705 and 8-2.706 OF ARTICLE 7 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PARK AND RECREATION FACILITIES TAX.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.702, 8-2.703, 8-2.704, 8-2.705 and 8-2.706 of Article 7 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.702. PURPOSE. The Council of the City of Modesto hereby declares that the taxes required to be paid hereby are assessed pursuant to the taxing power of the City of Modesto and solely for the purpose of producing revenue. The continued increase in the development of dwelling units and mobile home spaces in the City of Modesto with the attendant increase in the population of the City has created an urgent need for the planning, acquisition, improvement and expansion of public parks, playgrounds, and recreation facilities to serve the increasing population of the City and the means of providing additional revenues with which to finance such public facilities.

SEC. 8-2.703. DEFINITIONS. Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

(a) The term "person" includes every person, firm, or corporation constructing a dwelling unit or mobile home space itself, or through the services of any employee, agent or independent contractor.

(b) The term "dwelling unit" includes each single-family dwelling and each unit of an apartment, duplex or multiple dwelling structure designed as a separate habitation for one or more persons.

(c) The term "mobile home space" includes each space in a mobile home park designed to be used for parking a mobile home on a temporary, semipermanent or permanent basis.

SEC. 8-2.704. TAXES: APPLICATION. The taxes imposed by this article shall be applicable to every dwelling unit or mobile home space constructed in the City of Modesto, except the following:

(a) Every dwelling unit or mobile home space constructed on a lot of record created by a subdivision of land, the final map of which subdivision was filed on or before March 9, 1964.

(b) Every dwelling unit or mobile home space constructed on a lot of record created by a subdivision of land for which the City of Modesto entered into an agreement between March 9, 1964, and January 1, 1965, relating to the payment of park fees or taxes for said subdivision.

SEC. 8-2.705. TAXES: AMOUNT. Every person constructing any dwelling unit or mobile home space in the City of Modesto, for which a Park and Recreation Facilities Tax is required to be paid by Section 8-2.704 of this article, shall pay to the City the following taxes:

(a) The sum of Fifteen and no/100ths (\$15.00) Dollars for each dwelling unit containing not more than one bedroom and the sum of Five and no/100ths (\$5.00) Dollars for each additional bedroom contained therein; provided, however, that in no event shall the total tax for any dwelling unit exceed the sum of Thirty and no/100ths (\$30.00) Dollars.

(b) The sum of Twenty and no/100ths (\$20.00) Dollars for each mobile home space.

SEC. 8-2.706. TAXES: WHEN PAYABLE. The taxes imposed by Section 8-2.705 of this article shall be due and payable upon application to the City for a building permit for the construction of any such dwelling unit or mobile home space; provided, however, that there shall be a refund of such taxes in the event the building permit is not approved, or is not used, for such construction.

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

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


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1969, by Councilman Shastid, who moved its introduction and passage to print, which motion, being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

AN ORDINANCE AMENDING SECTION 10-2.602 OF ARTICLE 6 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGNS IN AN R-2 ZONE.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.602 of Article 6 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.602. PERMITTED USES. In an R-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Any use permitted in the R-1 family zone.
- (b) Two-family dwellings.
- (c) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for P-O, C-1, C-2, C-M, M-1, or M-2 and when the lot complies with the provisions set forth in Section 10-2.705 of this chapter. In no case shall the property used for such three-family or four-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width, whichever is the lesser.
- (d) Multiple-dwelling or group-dwelling when the lot area complies with the provisions set forth in Section 10-2.606 of this chapter. In no case shall any dwelling structure contain more than four (4) dwelling units.

(e) Signs:

- (1) Any signs permitted in the R-1 zone.
- (2) In addition, where development is in accordance with Section 10-2.706, SPECIAL PROVISIONS FOR GROUP DWELLINGS, and contains more than four (4) dwelling units, one identification sign, not to exceed four (4) square feet in area, is permitted subject to the lighting limitations for signs in the R-1 zone.

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

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

adjourned

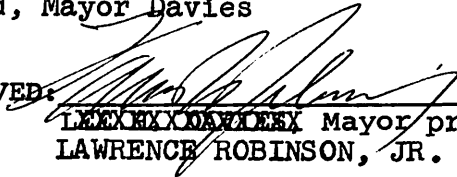
The foregoing ordinance was introduced at a/regular meeting of the Council of the City of Modesto held on the 25th day

of February, ¹⁹⁶⁹~~1968~~, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

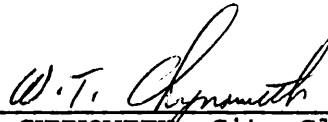
AYES: Councilmen: Mitchell, Robinson, Simon, Smith,

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Shastid, Mayor Davies

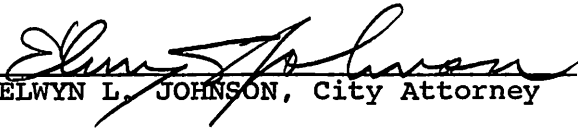
APPROVED: 
~~LEE H. COVILEY~~ Mayor pro tem
LAWRENCE ROBINSON, JR.

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 953-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 March, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith,
Vice Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Shastid, Mayor Davies

APPROVED


~~XXXXXXXXXXXX~~
LAWRENCE ROBINSON, JR.
Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 2, 1969

AN ORDINANCE AMENDING SECTION MAP 20-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(E. D. THOMPSON)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by E. D. Thompson

on November 27, 1968, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 21, 1969, 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. 69-10, adopted on January 21, 1969, the Planning Commission recommended to the Council that the application of E. D. Thompson

to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family 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, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

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

R-1 , to Two-Family Residential Zone,

R-2 :

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

The West 77.5 feet of the East $1 \frac{7}{8}$ acres of the West 3 acres of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

SECTION 3. ZONING MAP. Section 20-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

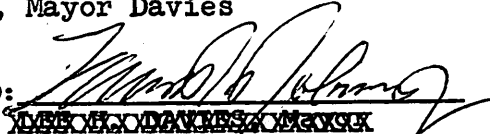
SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


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

The foregoing ordinance was introduced at ~~a~~ ^{an} adjourned regular meeting of the Council of the City of Modesto held on the 25th day of February, 19 69, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Simon, Smith, Vice Mayor Robinson
NOES: Councilmen: None
ABSENT: Councilmen: Hughes, Shastid, Mayor Davies

APPROVED:


~~VICE MAYOR DAVIES~~
LAWRENCE ROBINSON, JR.
Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning Department

**Ordinance 954 C.S.
Exhibit A – Map**

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

Ord. No. 954-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 March, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: April 16, 1969

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (WARNER M.
SOELLING)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Warner M. Soelling on December 16, 1968, to reclassify from One-Family Residential, Zone, R-1, and Planned-Development Zone, P-D(27), to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on January 21, 1969, 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. 69-12, adopted on January 21, 1969, the Planning Commission recommended to the Council that the application of Warner M. Soelling to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, and Planned-Development Zone, P-D(27), to Professional Office Zone, P-O, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, and Planned-Development Zone, P-D(27), to Professional Office Zone, P-O:

From R-1 to P-O

All that portion of the northwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northwest corner of the southwest quarter of the northwest quarter of Section 15; thence South 0° 53' East along the west section line of said Section 15 a distance of 1209.00 feet to the true point of beginning; thence North 89° 45' 45" East parallel to the south line of Lots 1, 2 and 3, Block 12857, Coffee Plaza Subdivision, and its westerly extension thereof as shown on the map filed in Volume 21 of Maps at Page 22, Stanislaus County Records, a distance of 385.00 feet; thence North 0° 53' West parallel to the aforementioned west line of Section 15 a distance of 245.00 feet to said south line of Lots 1, 2 and 3, Block 12857, Coffee Plaza Subdivision; thence North 89° 45' 45" East along said south line of Lots 1, 2 and 3, Block 12857 a distance of 190.24 feet to the west line of Lots 6, 7, 8 and 9, Block 12857 and its northerly prolongation thereof; thence South 0° 52' 53" East along said West line of Lots 6, 7, 8 and 9, Block 12857 and its northerly prolongation thereof a distance of 355.12 feet to the east-west quarter section line of the aforementioned Section 15; thence South 89° 46' 07" West along said east-west quarter section line a distance of 575.22 feet to the aforementioned west line of Section 15; thence North 0° 53' West along said west line of Section 15 a distance of 110.05 feet to the point of beginning.

Containing 2.524 acres gross.

From P-D(27) to P-O

Commencing at the northwest corner of the southwest quarter of the northwest quarter of Section 15; thence South 0° 53' East along the west section line of said Section 15 a distance of 964.00 feet to the true point of beginning; thence North 89° 45' 50" East along the south line of Lots 1, 2 and 3 of Block No. 12857 and the westerly projection thereof of said south line a distance of 385.00 feet; thence South 0° 53' East parallel to said west section line a distance of 245.00 feet; thence South 89° 45' 50" West a distance of 385.00 feet to said westerly section line; thence North 0° 53' West along said section line a distance of 245.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

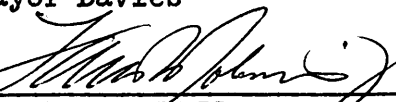
SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.


The foregoing ordinance was introduced at ^{an adjourned} ~~a~~ regular meeting of the Council of the City of Modesto held on the 25th day of February, 1969, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Simon, Smith, ^{Vice} Mayor Robinson

NOES: Councilmen: None

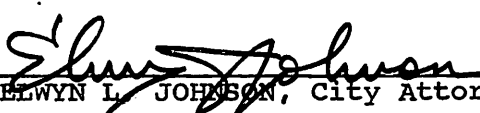
ABSENT: Councilmen: Hughes, Shastid, Mayor Davies

APPROVED: 
~~XXXXXXXXXXXXXXXXXXXX~~
LAWRENCE ROBINSON, JR.
Vice Mayor

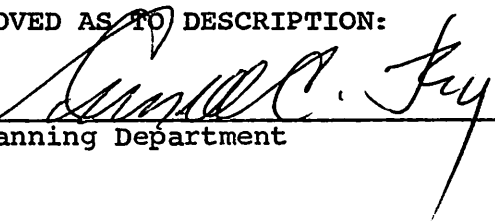
ATTEST: 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning Department

Ord. No. 955-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 March, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: April 16, 1969

Ordinance 955 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly city limits	35 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly city limits at the Tuolumne River and Robertson Road	35 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
COFFEE ROAD, Scenic Drive to M.I.D. Lateral #3	30 miles per hour
COFFEE ROAD, M.I.D. Lateral #3 to 200 feet north of Floyd Avenue	35 miles per hour

COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
DEL VALE, entire length in city	25 miles per hour
EL VISTA, within the city limits	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in city	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour

OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg (within city limits)	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
PRESCOTT ROAD, Briggsmore to Rimble	25 miles per hour
RIVER ROAD, Herndon Road to 1200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Scenic Drive to 400 feet north of Kruger Avenue	30 miles per hour
ROSE AVENUE, 400 feet north of Kruger Avenue to Floyd Avenue	35 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east city limits	25 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from 300 feet north of Woodrow to the north city limits	<u>35 miles per hour</u>
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the city limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to south city limits	40 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour

9TH STREET, from P Street to
Tully Road

35 miles per hour

9TH STREET, from Tully Road to
north city limits

50 miles per hour

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 March, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith,
Vice Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Shastid, Mayor Davies

APPROVED:


~~LAWRENCE ROBINSON, JR.~~
LAWRENCE ROBINSON, JR.
Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 956-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 March, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

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

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

EFFECTIVE DATE: April 9, 1969

AN ORDINANCE ADDING SECTION 9-1.07.2 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-1.07.2 is hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.07.2. CERTIFICATE OF OCCUPANCY. That subsection (d) of Section 306 of said Building Code be amended to read as follows:

(d) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official may as a condition of issuing a temporary Certificate of Occupancy require the owner of a building or structure to post a cash bond or savings and loan certificate in the amount of the estimated cost of the work remaining to be completed to guarantee that such remaining work will be completed within the time specified by the Building Official.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1969, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 957-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 14th day of April, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Simon

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

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

EFFECTIVE DATE: May 14, 1969

AN ORDINANCE AMENDING SECTIONS 6-1.129 AND 6-1.130 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSE TAXES.

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

SECTION 1. AMENDMENT OF CODE. Sections 6-1.129 and 6-1.130 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.129. WAIVER AND REFUND OF PENALTY CHARGES.

(a) There is hereby established a "License Tax Appeals Board", hereinafter referred to as the "Board". The Board shall consist of the City Manager, City Attorney and City Clerk. The City Manager shall act as the Chairman of the Board. The Board shall have the powers set forth in this section. The Board shall establish reasonable rules and regulations for the conduct of its business and all decisions of the Board shall be final.

(b) Every request for a waiver or claim for a refund of payment of any penalty charges imposed shall be filed by taxpayer in writing with the Board within thirty (30) days after payment, in case of a claim for a refund, or within thirty (30) days from the date of mailing of written notice to taxpayer of penalty charges, in the case of a waiver, and shall state the specific grounds upon which the request or claim is founded. Failure of taxpayer to file a request within the time prescribed constitutes a waiver of any such demand against the City.

(c) The Board may waive any penalty charges heretofore or hereafter applicable to any delinquent license tax payment due the City if the Board determines that the failure of taxpayer to pay all taxes due on time was not intentional or by reason of carelessness.

(d) The Board, may refund any penalty charges imposed by the Director on any license tax payment heretofore paid under written protest to the City if the Board finds that the failure of taxpayer to pay all taxes due on time was not intentional or by reason of carelessness.

SEC. 6-1.130. REFUNDS. Except as otherwise provided in Section 6-1.129 of this chapter, license taxes, penalties and costs collected or received by the City may be refunded as herein provided and not otherwise if a signed and verified claim therefor is filed with the Director within two (2) years after the date of payment. Such refund may be made only under the following conditions:

(a) Where a refund is specifically authorized by the provision of law requiring payment of the license, permit or application tax.

(b) Where the money is paid to secure a license or permit not required by law.

(c) Where the amount paid was in excess of the amount required by law.

(d) Where the money paid was not required by law.

(e) Where the application for any license has not, at any time after the commencement of the period or term during which the requested license would have been effective, commenced or engaged in the business or occupation, or performed any act, for which the license was required.

(f) Where the money paid was not required by law, or, was erroneously or illegally collected or received by the City through mistake, inadvertence or error of law or of fact, and whether paid or charged under color of any provision of this chapter, or otherwise.

If the refund is for Five Hundred and no/100ths (\$500.00) Dollars or more it shall be made only by the Council. If it is less than Five Hundred and no/100ths (\$500.00) Dollars it may be made by the Director after approval in writing by the City Attorney.

This section is remedial in purpose. Its terms and requirements shall not be deemed to limit or qualify the lawful right of any person to bring or maintain an action or proceeding based upon the general law of this State for any remedy provided by law.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1969, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: 

~~XXXXXXXXXXXXXXXXXXXX~~
LAWRENCE ROBINSON, JR., Vice Mayor

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

Ord. No. 958-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 14th day of April, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Simon

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

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

EFFECTIVE DATE: May 14, 1969

AN ORDINANCE AMENDING SECTION 7-1.401 OF ARTICLE 4 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO DRIVEWAY REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.401 of Article 4 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(g) The Director of Public Works may grant variances from these standards in accordance with resolutions passed by the Council from time to time which establish conditions under which variances may be granted. In each case the applicant shall agree in writing to the conditions of the variance. In the event that the Council has not established conditions for a particular type of variance, the application shall be submitted to the Council for action. A variance granted pursuant to this subsection is revocable at any time by the Council.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1969, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: _____

~~XXXXXXXXXXXXXXXXXXXX~~
LAWRENCE ROBINSON, JR.
Vice Mayor

APPROVED AS TO FORM:

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

ATTEST:

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

(SEAL)

Ord. No. 959-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 14th day of April, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Simon

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

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

EFFECTIVE DATE: May 14, 1969

ORDINANCE NO. 960 -C.S.

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

WHEREAS, a petition was filed with the City Clerk by

Peter P. Spiros, Mabel A. Spiros, Waldo R. Nelson, M.D., Patricia J. Nelson, Tony Arcure, Clara Arcure and the City of Modesto by John C. Keefe, City Manager,

on November 26, 1968, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the SCENIC NO. 2

ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 10th day of February, 1969, set said petition for hearing at the hour of 7:50 o'clock P.M. on the 14th day of April, 1969, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on February 20, 1969, and on February 27, 1969; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 21, 1969, and on February 28, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the

last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on November 22, 1968, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 14th day of April, 1969, at the hour of 7:50 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto, did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto, to be effective upon the filing with the Secretary of State of the State of California of a certified copy of this ordinance.

SECTION 2. The area or territory so annexed, designated as the SCENIC NO. 2 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of

1939, as amended, and is more particularly described as attached hereto.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1969, by Councilman Smith, who moved its adoption and passage to print, which motion being duly

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

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

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

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

(SEAL)

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

APPROVED AS TO DESCRIPTION: R. A. Rosewood
Public Works Department
2-11-69

SCENIC NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Eastern line of the GRANT ADDITION (32), as per description filed May 18, 1950 as Instrument 11062, Stanislaus County Records, said point being the Southwestern corner of property conveyed to Walter H. Pingle, et ux, by Deed recorded in Volume 849, Page 431, Stanislaus County Records, and also being South 0° 04' East, 69.00 feet from the Northeastern corner of said Grant Addition and the Southern line of a 60 foot public road known as East Morris Avenue; thence along the existing City Limits on the Eastern line of said Grant Addition the following bearings and distances: South 0° 04' East, 75.00 feet; South 8° 45' 40" West, 66.93 feet; South 0° 28' East, 198.00 feet; and South 73° 56' West, 25.41 feet, to the Northwestern corner of property conveyed to Birdie Henderson by Deed recorded in Volume 1269, Page 602, Stanislaus County Records; thence leaving the existing City limits and along the Western line of said Henderson property, South 0° 43' East, 373.05 feet, to a point on the center line of a 50 foot public road known as Scenic Drive; thence along said center of Scenic Drive, North 68° 23' 30" East, 362.25 feet, to a point on the center line of a 90 foot public road known as Coffee Road, said center line being the East line of Section 28; thence along said center line of Coffee Road, North 0° 04' West, 581.74 feet, to a point which is South 0° 04' South, 99.00 feet from the center line of East Morris Avenue, said point being on the Easterly extension of the Southern line of Pingle property; thence along said extension and the Southern line of said Pingle property, North 89° 15' West, 308.00 feet to the point of beginning, containing 4.876 Acres, more or less.

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

WHEREAS, a petition was filed with the City Clerk by Reverend J. Paul Keisler, President, and Margena Webb, Clerk of the Prescott Baptist Church; George W. Eisenhut, Authorized Agent and Secretary, Stanislaus Union School District; Gene Thomas, Pre-Built Homes, Inc.; and the City of Modesto by John C. Keefe, City Manager, on November 26, 1968, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the PRESCOTT NO. 2 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 10th day of February, 1969, set said petition for hearing at the hour of 7:45 o'clock P. M. on the 14th day of April, 1969, in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on February 20, 1969, and on February 27, 1969; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 21, 1969, and on February 28, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on November 22, 1968, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 14th day of April, 1969, at the hour of 7:45 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear oral protests made to the proposed annexation and closed the public hearing and continued the matter for further consideration to the 28th day of April, 1969, at 7:45 o'clock P.M. in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, and

WHEREAS, on the 28th day of April, 1969, at the hour of 7:45 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto further considered the matter and did pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the PRESCOTT NO. 2 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1969, by Councilman Mitchell, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

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

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

(SEAL)

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

APPROVED AS TO DESCRIPTION: R. A. Hasegood
Public Works Department
64-25-69

PRESCOTT NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being portions of Sections 12 and 13, Township 3 South, Range 8 East, and portions of Sections 7 and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the VENT ADDITION (120), as per description filed June 27, 1961 as Instrument 20144, Stanislaus County Records, said point being at the intersection of the Southern line of 40 foot Rumble Road and the center line of 40 foot Prescott Road, said point being South 0° 15' East, 185.53 feet along the center line of Prescott Road from the section corner common to Sections 12 and 13, Township 3 South, Range 8 East, and Sections 7 and 18, Township 3 South, Range 9 East; thence along the existing City Limits on the Western line of said Addition (120) and the center line of Prescott Road, South 0° 15' East, 1138.92 feet, to the Northeastern corner of the PRESCOTT ADDITION (190), as per description filed May 16, 1966 as Instrument 17484, Stanislaus County Records; thence along the existing City Limits on the Northern and Western lines of said Addition (190), South 89° 21' 30" West, 1327.43 feet, and South 0° 16' 30" East, 339.27 feet, to the Northeastern corner of the KLEMM ADDITION (133), as per description filed July 23, 1962 as Instrument 27723, Stanislaus County Records; thence along the Northern and Western lines of said Addition (133) the following bearings and distances: South 89° 21' 30" West, 816.06 feet; South 0° 16' 30" East, 323.13 feet; and South 89° 01' West, 471.10 feet, to a point on the Western line of said Addition (133) and the Eastern line of 40 foot Conant Avenue; thence leaving the City Limits and along the Westerly extension of the Northern line of said Addition (133), South 89° 01' West, 20.00 feet, to a point on the center line of 40 foot Conant Avenue; thence along the center line of Conant Avenue, said line being 20.00 feet, measured at right angles, Easterly from the North-South quarter section line of Section 13, Township 3 South, Range 8 East, North 0° 18' West, 2008.34 feet, to its intersection with the center line of 40 foot Rumble Road; thence along the center line of Rumble Road, said line being 20.00 feet, measured at right angles, Northerly from the Section line common to Sections 12 and 13, Township 3 South, Range 8 East, North 89° 19' 40" East, 1247.86 feet, to a point on the Southerly extension of the Western line of property conveyed to the Stanislaus Union School District by Deed recorded March 3, 1965 as Instrument 8610, Stanislaus County Records; thence along the boundaries of said School District property the following bearings and distances: North 0° 18' 10" West, 1486.38 feet; North 70° 15' 20" East, 63.62 feet; South 0° 18' 10" East, 203.45 feet, to a point on its Northerly boundary, said line being the Northern line of Lot 12 of the MCKINNEY COLONY, as per map recorded November 21, 1903 in Volume 1 of Maps, Page 57, Stanislaus County Records; thence along said Northern line of Lot 12, North 89° 20' 10" East, 1327.48 feet, to the township line common to Section 12, Township 3 South, Range 8 East, and Section 7, Township 3 South, Range 9 East; thence along said township line, South 0° 19' 50" East, 661.62 feet, to a point on the Northern line of the South half of Lot 3 of the KNAPP TRACT, as per map filed November 16, 1904 in Volume 2 of Maps, Page 2, Stanislaus County Records; thence along said Northern line of the South half of Lot 3 and the Northern line of the South half of Lot 4 of said Knapp Tract and its easterly extension, South 88° 30' 05" East, 2656.60 feet, to a point on the Eastern line of 40 foot Carver Road, said point also being on the existing City Limits on the Western line of RENEE MANOR ADDITION (139), as per description filed October 18, 1962 as Instrument 39841, Stanislaus County Records; thence along the existing City Limits on the Western line of said Addition (139) and the Eastern line of Carver Road, South 0° 15' 40" East, 660.34 feet, to a point on the section line common to Sections 7 and 18, Township 3 South, Range 9 East; thence continuing along the existing City Limits on the Western line of said Addition (139) and the Eastern line of Carver Road, South 0° 23' East, 185.53 feet, to a point on a Northern line of the CARVER ADDITION (212), as per description filed March 14, 1968 as Instrument 8061, Stanislaus County Records; thence along the existing City Limits on the Northern line of said Addition (212),

North 88° 32' 05" West, 40.02 feet, to the Northwestern corner of said Addition (212) and the Northeastern corner of the Vent Addition (120), said point also being the intersection of the Western line of Carver Road and the Southern line of Rumble Road; thence along the existing City Limits on the Northern line of said Addition (120) and the Southern line of Rumble Road, North 88° 32' 05" West, 2616.15 feet to the point of beginning, containing 188.536 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE EL VISTA SCHOOL ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Walter A. Shively, Retha M. Shively, Inger Madsen, James W. Clark, Inez M. Clark, William Bettencourt, Carolyn Bettencourt, Tommy W. Maples, Shirley E. Maples and Bette Nelson; and Bert C. Corona,
Superintendent of Schools, Modesto City School District,
on February 24, 1969, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the EL VISTA SCHOOL
ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 24th day of March, 1969, set said petition for hearing at the hour of 7:45 o'clock P.M. on the 12th day of May, 1969, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on March 27, 1969, and on April 3, 1969; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on April 3, 1969, and on April 10, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the

last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on February 21, 1969, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 12th day of May, 1969, at the hour of 7:45 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto, did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto, to be effective upon the filing with the Secretary of State of the State of California of a certified copy of this ordinance.

SECTION 2. The area or territory so annexed, designated as the EL VISTA SCHOOL ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of

1939, as amended, and is more particularly described as attached hereto.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1969, by Councilman Robinson, who moved its adoption and passage to print, which motion being duly

seconded by Councilman Simon, was upon roll call

carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R. Mitchell
~~KEECH XX DAVIES XX MAYOR~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

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

APPROVED AS TO DESCRIPTION: R. A. Hayward
Public Works Department
4-10-69

EL VISTA SCHOOL ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Sections 26 and 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northeastern corner of the LA LOMA-YOSEMITE ADDITION (55), as per description filed December 4, 1953, as Instrument 30045, and a Southeastern corner of the MORAN ADDITION (102), as per description filed December 24, 1959, as Instrument 37564, Stanislaus County Records, said point being at the intersection of the Northerly extension of the Eastern line of a 20 foot alley in Block 2258 and the Northern line of a 60 foot public road known as Encina Avenue, said Northern line also being the Southern line of the Modesto Irrigation District Lateral Number 2; thence along the existing City Limits on an Eastern boundary of the Moran Addition (102) and across said Lateral Number 2, North 0° 35' 30" West, 75.00 feet, to a point on the Northern line of said Lateral Number 2; thence along the existing City Limits on a Southern boundary of the Moran Addition (102) and the Northern line of said Lateral Number 2, South 89° 46' East, 114.24 feet, to a Southeastern corner of the Moran Addition (102) and a Southwestern corner of the DRY CREEK ADDITION (197), as per description filed October 26, 1966, as Instrument 37059, Stanislaus County Records, said point also being on the Western line of a public road known as El Vista Avenue; thence along the existing City Limits on the Southern boundary of said Addition (197) and the Northern line of Lateral Number 2, South 89° 46' East, 50.00 feet, to the Southeastern corner of said Addition (197), said point being on the section line common to Sections 26 and 27; thence leaving the existing City Limits and along said section line, said line also being the center line of El Vista Avenue, South 0° 36' East, 37.50 feet, to the quarter section corner common to Sections 26 and 27, said point also being on the center line of Lateral Number 2; thence along the North line of the Southwest quarter of Section 26 and the center line of said Lateral Number 2, South 89° 57' 35" East, 656.95 feet, to the Eastern line of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 26, said line being the center line of a 60 foot public road known as Colfax Avenue; thence along said center line of Colfax Avenue, South 0° 35' 25" East, 780.96 feet, to a point on the center line of a 60 foot public road known as Roble Avenue; thence along said center line of Roble Avenue, North 89° 55' 40" West, 656.83 feet, to a point on the center line of an 80 foot public road known as El Vista Avenue; thence along said center line of El Vista Avenue, North 0° 36' West, 110.00 feet, to a point on the center line of a 60 foot public road known as Roble Avenue; thence along said center line of Roble Avenue, North 89° 46' West, 164.33 feet, to a point on the Southerly extension of the Eastern line of a 20 foot alley in Block 2258 and a point on the Eastern boundary of the La Loma-Yosemite Addition (55); thence along the existing City Limits on the Eastern boundary of said Addition (55), North 0° 35' 30" West, 633.12 feet, to the point of beginning, containing 14.444 Acres, more or less.

AN ORDINANCE REPEALING ORDINANCE NO. 883-C.S. ENTITLED, "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON (BOMBERGER)" OF THE CITY OF MODESTO.

WHEREAS, by Ordinance No. 883-C.S. entitled, "An Ordinance Amending Section Map 15-3-9 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon (Bomberger)", adopted on April 8, 1968, the Council of the City of Modesto prezoned to Planned-Development Zone, P-PD(38) for development of a mobile home park, unincorporated property at the northeast corner of Coffee and Floyd Avenues, the following described property:

Beginning at the southwest corner of the northwest quarter of the northwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian. Thence North 0° 53' West along the West line of Section 15, 659.00 feet; thence North 89° 42' 10" East 1312.12 feet to the East line of the Northwest quarter of the Northwest quarter of Section 15; thence South 0° 52' 30" East along said East quarter-quarter section line 659.70 feet to the South line of the Northwest quarter of the Northwest quarter of Section 15; thence South 89° 44' West along the said South quarter-quarter section line 1312.02 feet to the point of beginning,

and

WHEREAS, by Resolution No. 68-275 entitled, "A Resolution Approving a Development Plan for Prezoned Planned-Development Zone, P-PD(38) (Bomberger)", adopted on March 25, 1968, the Council of the City of Modesto included a Development Plan for P-PD(38) specifying that construction was to begin by March 1, 1969, and be completed not later than March 1, 1972, and

WHEREAS, the property owner has not met the approved development schedule included in the Development Plan and the developers of the property have stated their intention to drop their plans for construction, and

WHEREAS, Section 10-2,2709(c) of the Municipal Code provides that if the owner or owners of the property in Planned-Development Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned-Development Zone, and

WHEREAS, on April 1, 1969, the Planning Commission initiated proceedings to remove P-PD(38) from the Zoning Map and set a public hearing for April 15, 1969, and

WHEREAS, after a public hearing held on April 15, 1969, the Planning Commission found and determined that revocation of the rezoning of the above-described property, as initiated, is required, and

WHEREAS, after a public hearing held on May 12, 1969, the Council found and determined that revocation of rezoning of the above-described property, as initiated by the Planning Commission, is required by public necessity, convenience and general welfare,

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

SECTION 1. REVOCATION OF PRESENT ZONE CLASSIFICATION. Section 15-3-9 of the Zoning Map of the City of Modesto is hereby amended to revoke rezoned Planned-Development Zone, P-PD(38).

SECTION 2. REPEALS. Ordinance No. 883-C.S., adopted by the Council of the City of Modesto on the 8th day of April, 1968, is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1969, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Vice Mayor Mitchell
NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell

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

~~WILLIAM R. MITCHELL~~
WILLIAM R. MITCHELL
Vice Mayor

(SEAL)

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

APPROVED AS TO DESCRIPTION: Russell C. Fay
Planning Department RSC

Ordinance 963 C.S.
Exhibit A – Map

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

Ord. No. 963-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 26th day of May, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 25, 1969

AN ORDINANCE AMENDING SECTION MAP 8-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(WOLVERINE BUILDING SERVICE)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Wolverine Building Service, Inc.,
on March 12, 1969, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on April 15, 1969, 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. 69-49, adopted on April 15, 1969, the Planning Commission recommended to the Council that the application of Wolverine Building Service, Inc.,

to amend Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family 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, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1 , to Two-Family Residential Zone,

R-2 :

The westerly 124.92 feet of Lot 10, Block 13100 shown on the Bel-Air Subdivision No. 3 map recorded in Volume 20 of maps at Page 44 in Stanislaus County Records.

Including also, the easterly 45 feet of Tully Road adjacent to the above described property.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell
~~KEEYIK DAVIESIK MAYORIK~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Russell C Fay
Planning Department RSC

**Ordinance 964 C.S.
Exhibit A – Map**

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

FINAL ADOPTION CLAUSE

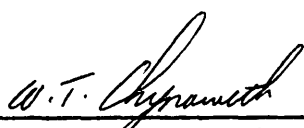
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of May, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 25, 1969

AN ORDINANCE AMENDING SECTIONS 10-2.1801, 10-2.1802, 10-2.1803 AND 10-2.1805 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 10-2.2103, 10-2.2113 AND 10-2.2114 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.2903, 10-2.2904 AND 10-2.2905 OF ARTICLE 29 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.3002 AND 10-2.3003 OF ARTICLE 30 OF CHAPTER 2 OF TITLE X; ADDING SECTION 10-2.2103.1 TO ARTICLE 21 OF CHAPTER 2 OF TITLE X; AND REPEALING ARTICLE 31 OF CHAPTER 2 OF TITLE X RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.1801, 10-2.1802, 10-2.1803 and 10-2.1805 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.1801. GENERAL. (a) Every building hereafter erected shall be provided with parking space as provided in Section 10-2.1802 subject to the other provisions of this article. Such parking space shall be made permanently available and be permanently maintained for parking purposes.

(b) Every building hereafter enlarged, reconstructed, remodeled or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such enlargement, reconstruction, remodeling or structural alteration. The parking spaces required by this subsection shall be determined by subtracting the number of parking spaces required by the provisions of Section 10-2.1802 of this chapter for the building as used prior to its enlargement, reconstruction, remodeling or structural alteration from the number of spaces required by said section for the building for its proposed use after its enlargement, reconstruction, remodeling or structural alteration. Such parking space shall be made permanently available and be permanently maintained for parking purposes. For buildings other than dwellings, if the number of parking spaces thus determined does not exceed the number of spaces required by the provisions of Section 10-2.1802 for the building as used prior to its enlargement, reconstruction, remodeling or structural alteration by five (5) spaces, no parking space need be provided by reason of the enlargement, reconstruction, remodeling or structural alteration of the building. In the event it is not possible to determine the number of parking spaces required for a particular building in the manner prescribed by this subsection, the Board of Zoning Adjustment shall determine an adequate number of parking spaces for such a building based on standards comparable to those contained in Section 10-2.1802 of this chapter.

(c) Notwithstanding the provisions of subsection (a) above, if any existing building is hereafter removed or demolished to provide a site for a building, the new building shall be provided with parking spaces in conformance with subsection (b) of this section.

(d) When the computation of the number of off-street parking spaces required by this article results in a fractional space, such fractional space shall be counted as a parking space only if it is equivalent to one-half (1/2) space or more.

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

Beauty college - two and one-half (2.5) for each training station.

Bowling alley - eight (8) for each lane.

Children's dancing school - one for each six hundred (600) square feet of gross floor area.

Churches - one for each five (5) seats.

Clubs and lodges not having sleeping rooms - adequate number as determined by the Board of Zoning Adjustment.

Dance halls - one for each fifty (50) square feet of gross floor area used for dancing.

Dwellings -

Single-family - one for each dwelling unit.

Two-family - one for each dwelling unit.

Multiple-family - one and one-half (1.5) for each dwelling unit.

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

Hospitals - adequate number as determined by the Board of Zoning Adjustment.

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

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

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

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

Motels - one for each sleeping unit or dwelling unit.

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

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

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

Pool halls - two (2) for each table.

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

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

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

Schools - adequate number as determined by the Board of Zoning Adjustment.

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

Theaters - one for each five (5) seats.

Transportation terminal facilities - adequate number as determined by the Board of Zoning Adjustment.

Warehouse and storage buildings - one for each four (4) employees.

Wholesale stores - one for each eight hundred (800) square feet of gross floor area.

SEC. 10-2.1803. PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Board of Zoning Adjustment and such determination shall be based upon the requirements for the most comparable uses specified herein.

SEC. 10-2.1805. GENERAL REQUIREMENTS. The following general requirements shall apply:

(a) Size and Access: Each off-street parking space shall have an area of not less than one hundred seventy (170) square feet, exclusive of drives or aisles, and a width of not less than eight and one-half (8 1/2') feet. Each such space shall be provided with adequate ingress and egress. When the required parking space for a one- or two-family structure is not provided in a covered garage, such space shall be not less than two hundred (200) square feet and shall be so located and/or constructed that it may later be covered by a garage structure in accordance with the provisions of this chapter.

(b) Location: Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

(1) For one-, two-, or multiple-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, not more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, not over four hundred (400') feet from the building they are required to serve.

(c) **Mixed Occupancies in a Building:** In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(d) **Joint Use:** The Board of Zoning Adjustment may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein.

(1) Up to fifty (50%) per cent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50%) per cent of the parking facilities required by this article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(2) Up to one hundred (100%) per cent of the parking facilities required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(3) The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(4) **Conditions required for joint use:**

(aa) The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within four hundred (400') feet of such parking facility.

(ab) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

(ac) If the building, structure or improvement requiring parking space is in one ownership, and the required parking space provided in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of Stanislaus County, California, of a covenant by such owner or owners for the benefit of the City of Modesto in the form first approved by said City that such owner or owners will continue to maintain such parking space so long as said building, structure or improvement is maintained within said City. The covenant herein provided must stipulate that the title to and right to use the lot or lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that it is warranted that said lot or lots is not and will not be made subject to any other covenant or contract for use without prior written consent.

(e) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Board of Zoning Adjustment as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15%) per cent upon approval of development plans by the Board of Zoning Adjustment in the manner prescribed for a conditional use permit as set forth in Article 20 of this chapter.

(f) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking areas are located.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.2103, 10-2.2113 and 10-2.2114 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2103. APPLICATION FOR ZONE BOUNDARY CHANGE. Whenever the owner of any land or building desires a zone boundary change for his property, or for an area of which his property is a part, he shall file with the Planning Commission an application

therefor, verified by him, requesting such amendment. No application for a zone boundary change shall be accepted by the Planning Commission for any property or area for which a zone boundary change has been denied until one year has elapsed from the date of such denial, except that the Planning Commission may waive the one year limitation, when in its judgment the applicant has shown substantially changed circumstances which justify a shorter period of time and the Planning Commission determines that the interest of the general public will not be adversely affected.

SEC. 10-2.2113. COUNCIL TO ANNOUNCE FINDINGS AND DECISION BY RESOLUTION OR ORDINANCE. The Council shall announce its findings and decision by resolution or ordinance not more than forty (40) days following the hearing, and said resolution or ordinance shall recite, among other things, the facts and reasons which, in the opinion of the Council, make the approval or denial of the application for unclassified use permits or recommendation for the amendment necessary to carry out the general purpose of this Chapter.

SEC. 10-2.2114. DECISION OF COUNCIL SHALL BE FINAL. The action by the Council on the application for amendment or unclassified use permit shall be by a majority vote of the entire membership of the Council and shall be final and conclusive except, however, if the decision is contrary to the recommendation of the Planning Commission, the Council may request a further report of the Planning Commission before it makes its decision final. The Planning Commission shall act on such request within forty (40) days of receipt of notice of the Council's request.

SECTION 3. AMENDMENT OF CODE. Sections 10-2.2903, 10-2.2904 and 10-2.2905 of Article 29 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2903. PERMITTED USES. The following uses, subject to securing a conditional use permit from the Board of Zoning Adjustment, are permitted in an H-1 Zone, unless the Board of Zoning Adjustment finds that the specific use applied for on a particular site does not meet the purposes set forth in Section 10-2.2901 above.

(a) Major Utility and Transportation Installations.

(1) Utilities.

(aa) Communications equipment buildings.

(ab) Transmitter towers, radio and television.

(ac) Gas metering stations.

(b) Multi-Family Uses.

- (1) Boarding or rooming house.
- (2) Multiple dwelling unit.
- (3) Nonprofit membership organization with residential accommodations for members only.

(c) Educational and Institutional Uses with Residential Accommodations.

- (1) Convent.
- (2) Home for the aged.
- (3) Hospital, general.
- (4) Monasteries.
- (5) Nursing home.
- (6) Orphanages.
- (7) Rest home.

(d) Residential Planned Unit Development. (A development planned as a unit and consisting of single-family, two-family, or multiple dwellings and other related uses.)

- (1) Dwellings.
 - (aa) Single-family.
 - (ab) Two-family.
 - (ac) Multiple.
- (2) Related public uses or private recreational or institutional uses or cultural facilities.
- (3) Necessary service installations.
- (4) Commercial services designed to serve the residents of the development.

(e) Educational, Cultural, Institutional and Recreational Uses Serving Urban Region or Major Subareas.

- (1) Public.
 - (aa) Art gallery.
 - (ab) Botanical garden.
 - (ac) Administrative office.
 - (ad) Meeting hall (capacity unlimited).
 - (ae) Museum.
 - (af) Recreation center.
 - (ag) School.
- (2) Private (noncommercial).

- (aa) Church.
- (ab) Club or recreation facility.
- (ac) Parish house.
- (ad) Art gallery.
- (ae) Club or recreation facility
(membership not limited).
- (af) Meeting hall (capacity unlimited).
- (ag) Museum.
- (ah) School.

(f) Traveler's Living Accommodations. (Transient living service establishments depending on a large trade area.)

- (1) Hotel.
- (2) Motel.
- (3) Trailer park.

(g) Business and Professional Offices.

(h) Retail Trade and Consumer Services Establishments.

- (1) Apparel and accessories.
- (2) Automobile dealers, new and used cars.
- (3) Automobile tire, battery and accessory shops.
- (4) Eating and drinking places.
- (5) Furniture, home furnishings and equipment.
- (6) General merchandise stores.
- (7) Miscellaneous retail stores.
- (8) Parking lots or parking structures for passenger automobiles.
- (9) Radio and television studios.

(i) General Consumer and Business Services. (Depending on trade from a large area.)

- (1) Business services.
- (2) Catering establishments.
- (3) Motion picture production distribution service.
- (4) Printing, job or commercial.
- (5) Vending machine rental.

(j) Special Retail Trade and Consumer Service Establishments. (Depending on trade from a wide area and with some objectionable elements likely because of processes used, materials handled, or character of traffic generated.)

(1) Ambulance service (when not a part of a hospital).

(2) Automotive repair, services and garages, excluding:

(aa) Body repair shops.

(ab) Paint shops.

(ac) Tire recapping and retreading.

(ad) Truck repair.

(3) Carpentry shop or custom woodworking or custom furniture.

(4) Food lockers, rental for individual households.

(k) Special Business, Consumer and Miscellaneous Repair Services. (Serving a large area.)

(1) Animal hospital.

(2) Animal shelter or pound.

(3) Miscellaneous repair shops.

(4) Package delivery service.

(1) Commercial Amusement and Entertainment Establishments Requiring Large Site and/or Generating Large Traffic Volumes.

(1) Arena, auditoriums or stadiums, unlimited capacity.

(2) Golf course.

(3) Golf driving range.

(4) Miniature golf course.

(5) Skating rink.

(m) Warehousing and Storage. (To be conducted in an entirely enclosed building.)

SEC. 10-2.2904. STANDARDS. In order to accomplish the purpose of Section 10-2.2901, the following general standards shall constitute guidelines to the Board of Zoning Adjustment in considering and determining appropriate and reasonable conditions to apply to any conditional use permit granted in an H-1 Zone.

It is not intended that these standards be mandatorily imposed but that they be applied when reasonable under the facts and circumstances developed through the study and consideration of a particular application for a use authorized in the zone.

(a) Uses Conducted Within Buildings. That uses in the H-1 Zone be conducted wholly within a building except such uses as drive-in restaurants, gasoline stations, plant materials nurseries, and similar enterprises customarily conducted in the open as determined by the Board of Zoning Adjustment.

(b) Nuisances. That no operation be conducted on the premises to cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

(c) Front Yard. That every lot have a front yard, including the building line setback area, of no less than fifteen (15') feet from the street right-of-way line. That the front yard be permitted to be used for either landscaping or vehicular parking, but that it be the policy of the city that landscaping be preferred.

(d) Side Yard. That each lot have at least one side yard a minimum of twelve (12') feet in width or ten (10%) per cent of the lot width, whichever is greater, but that in no event need the side yard exceed the maximum width of thirty (30') feet.

That on the side street of all corner lots no structure be built closer than fifteen (15') feet from the property line.

(e) Rear Yards. That no structure be built closer than forty (40') feet to the nearest residential or agricultural zone boundary at the rear of the property except for accessory buildings customarily incidental to residential uses.

(f) Screening. That an ornamental masonry wall six (6') feet in height measured from the finish grade of the H-1 property at the footing of the wall be constructed along the boundary separating the H-1 uses fronting on the major street from adjoining residential or agricultural zones. On corner lots, an ornamental masonry wall, six (6') feet in height shall be constructed along the side street of the property, fifteen (15') feet in from the property line or along the building setback line, whichever is greater, from the rear property line to a point even with the rear of the main building furthest to the rear of the parcel or to a point even with the H-1 Zone boundary across the side street, whichever is greatest.

(g) Driveways.

(1) Where a wall is required on the side street side of a corner lot, no driveway shall be permitted.

(2) All existing lots of record as of October 21, 1964, are permitted adequate access to the major street by this Code. For lots created after October 21, 1964, access to the major street should be granted only to parcels with two hundred (200') feet or more of frontage and at the rate of not more than two (2) curb cuts with a thirty-six (36') foot maximum width each, for each two hundred (200') foot increment in lot width. On parcels with extremely wide frontages, ordinarily less than the maximum number of access points should be permitted.

(h) Projections Into Yards and Courts. That every part of a required yard or court be open from its lowest point to the sky unobstructed as provided in Section 10-2.1610 of this chapter.

(i) Street Width. That every applicant for a proposed development which will involve a use which is a potential traffic generator be required to dedicate and improve sufficient right of way to provide a street width commensurate with standard city right-of-way widths or such other right of way as might be adopted by the Council.

The Board of Zoning Adjustment may impose such other and additional reasonable conditions as it deems will promote the public interest and general welfare based on the facts and circumstances of the individual case and the proposed development.

SEC. 10-2.2905. PLOT PLAN. The applicant for a use authorized in the H-1 Zone is required to provide a complete plot plan drawn to a scale of not less than one inch equals twenty (20') feet for the proposed use to assist the Planning staff and Board of Zoning Adjustment in evaluating the requested conditional use permit.

SECTION 4. AMENDMENT OF CODE. Sections 10-2.3002 and 10-2.3003 of Article 30 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.3002. PERMITTED USES. (a) On major streets which are designated on the General Plan, only the following uses are permitted in a Professional Office Zone:

(1) Medical and dental offices and laboratories, not including the manufacture, sale, or distribution of pharmaceutical or other similar products.

(2) Nonprofit membership organizations, private clubs, fraternities, sororities, lodges.

(3) Professional offices for any of the following: Accountants, Architects, Attorneys, Chiropractors, Optometrists, Chiropractists, Real Estate Sales and Management, Insurance Sales and Service, Engineers, Surveyors, Stock Brokers.

(4) Public and quasipublic uses except Corporation Yards, Storage or Repair Yards, or Warehouses.

(5) Residential uses of R-3 density, or less.

(6) The following uses, upon securing of a conditional use permit from the Board of Zoning Adjustment, may be permitted:

(aa) Pharmacies.

(ab) Veterinarians

(ac) Laboratories including the manufacture, sale and distribution of pharmaceuticals and other similar products.

- (ad) Ambulance service.
- (ae) Florists.
- (af) Commercial schools.
- (ag) Hospital supply
- (ah) Nonprofit educational and scientific agencies.

(ai) Any other use not otherwise listed in this article, which is determined by the Board to be of the same general character of the uses permitted by this article, and is not inconsistent with the purpose of this article.

(b) On collector streets only the following uses are permitted in a Professional Office Zone:

(1) Medical and dental offices and laboratories, not including the manufacture, sale or distribution of pharmaceutical or other similar products.

(2) Professional offices for any of the following: Accountants, Architects, Attorneys, Chiropractors, Optometrists, Chiroprodists, Engineers.

(3) Residential uses of R-2 density or less.

(c) In any Professional Office Zone the following uses are permitted upon securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

(1) Churches.

(2) Convalescent hospitals.

(3) Rest homes, nursing homes.

SEC. 10-2.3003. HEIGHT. In a Professional Office Zone fronting on a major street no building or structure shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height. A building may exceed said limits upon issuance of a conditional use permit by the Board of Zoning Adjustment. In a Professional Office Zone fronting on a collector street no building or structure shall exceed two (2) stories or thirty (30') feet whichever is the lesser height.

SECTION 5. AMENDMENT OF CODE. Section 10-2.2103.1 is hereby added to Article 21 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2103.1. BURDEN OF PROOF. The applicant for a zone boundary change or an unclassified use permit shall have the burden of proof of showing that:

(a) The requested zone change is required by public convenience and necessity;

(b) The requested change will result in an orderly, planned use of land resources;

(c) The requested zone change is in accordance with the community's objectives as set forth in the General Plan;

(d) The existing zone on the property does not serve the public health, safety and general welfare;

(e) The existing zone on the property no longer represents an orderly, planned use of land resources; and

(f) The existing zone on the property is contrary to the community's objectives as set forth in the General Plan.

SECTION 6. REPEALS. Article 31 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

SECTION 7. 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 8. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

LEE H. DAVIES, Mayor

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

Ord. No. 965-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 26th day of May, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon,
Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 25, 1969

AN ORDINANCE AMENDING SECTION MAP 23-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
PREZONING CERTAIN PROPERTY LOCATED THEREON.
(LANCE E. ELLIS)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Lance E. Ellis on February 28, 1969, to prezone to Multiple-Family Zone, R-3, and Two-Family Zone, R-2, property described in Planning Commission Resolution No. 69-48 attached hereto and made a part hereof as though set forth in full herein, and

WHEREAS, after a public hearing held on March 18, 1969, and at which time said public hearing was continued to April 15, 1969, it was found and determined by the Planning Commission that pre zoning of all of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in said Planning Commission Resolution No. 69-48 attached hereto and made a part hereof as though set forth in full herein, and

WHEREAS, by Resolution No. 69-48, adopted on April 15, 1969, the Planning Commission recommended to the Council that:

1. A portion of the area requested for pre zoning to Multiple-Family Zone, R-3, as hereinafter described, be approved;
2. A portion of the area requested for pre zoning to Two-Family Zone, R-2, as hereinafter described, be approved; and
3. The portion of the area requested for pre zoning to Two-Family Zone, R-2, which is not included in the description of the area recommended for Two-Family Zone, R-2, pre zoning, be and is hereby denied,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended prezonings are in accordance with the general plan and will service the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to prezone the following described properties to Multiple-Family Zone, R-3, and Two-Family Zone, R-2:

R-3

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the Northwest quarter corner of the Southwest quarter of said Section 23; thence North $89^{\circ} 59'$ East along the east-west quarter section line of said Section 23 a distance of 16.50 feet; thence South $0^{\circ} 45'$ East parallel to and 16.50 feet distant easterly at right angles from the west line of said Section 23 a distance of 612.15 feet to the south line of Parcel No. 1 conveyed to Lance E. Ellis, et ux, by deed recorded in Volume 2136 of Official Records at Page 99, Stanislaus County Records, and the true point of beginning of this description; thence North $89^{\circ} 59'$ East along said south line of the Ellis parcel a distance of 318.50 feet; thence North $24^{\circ} 39' 12''$ West a distance of 140.00 feet; thence North $9^{\circ} 38' 38''$ West a distance of 210.00 feet; thence in a westerly direction along a curve concave to the northwest thru a central angle of $27^{\circ} 30'$, having a radius of 250.00 feet, a curve distance of 119.99 feet; thence South $89^{\circ} 59'$ West a distance of 113.50 feet; thence South $0^{\circ} 45'$ East parallel to and 16.50 feet distant easterly at right angles from the aforementioned west line of Section 23 a distance of 306.08 feet to the point of beginning.

Containing: 2.100 acres gross.

R-2

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the Northwest quarter corner of the southwest quarter of said Section 23; thence North $89^{\circ} 59'$ East along the east-west quarter section line of said Section 23 a distance of 369.10 feet to the true point of beginning of this description; thence continuing North $89^{\circ} 59'$ East along said east-west quarter section line of Section 23 a distance of 885.50 feet; thence at right angles South $0^{\circ} 01'$ East a distance of 142.11 feet; thence South $89^{\circ} 59'$ West parallel to said east-west quarter section line a distance of 35.18 feet; thence South $10^{\circ} 09' 24''$ West a distance of 132.11 feet; thence South $0^{\circ} 45'$ East a distance of 90.00 feet; thence South $89^{\circ} 59'$ West parallel to said east-west quarter section line a distance of 678.70 feet; thence North $17^{\circ} 19' 30''$ West a distance of 229.09 feet; thence in a westerly direction along a curve concave to the southeast thru a central angle of $6^{\circ} 00'$ having a radius of 250.00 feet a curve distance of 26.18 feet; thence North $20^{\circ} 01'$ West a distance of 160.77 feet to the point of beginning.

Containing: 6.447 acres gross.

SECTION 3. ZONING MAP. Section 23-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 2nd day of June, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell
~~W. R. MITCHELL, Mayor~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

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

APPROVED AS TO DESCRIPTION: James A. King
Planning Department

**Ordinance 966 C.S.
Exhibit A – Map**

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

PLANNING COMMISSION
RESOLUTION NO. 69-48

A RESOLUTION RECOMMENDING TO THE COUNCIL AN AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP (LANCE E. ELLIS)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Lance E. Ellis on February 28, 1969, to prezone to R-3 and R-2, the following described unincorporated territory:

To R-3

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the west quarter corner of said Section 23; thence North 89° 59' East along the east-west quarter section line of said Section 23 a distance of 16.50 feet to the point of beginning; thence continuing North 89° 59' East along said east-west quarter section line a distance of 352.60 feet; thence South 20° 01' East a distance of 160.77 feet; thence in a southwesterly direction along a curve concave to the southeast thru a central angle of 28° 42' 28" having a radius of 250.00 feet, a curve length of 125.26 feet to a point of reverse curvature; thence in a westerly direction along a curve concave to the northwest thru a central angle of 21° 12' 28", having a radius of 250.00 feet; a curve distance of 94.54 feet; thence South 9° 38' 38" East a distance of 210.00 feet; thence South 24° 39' 12" East a distance of 140.00 feet to the south line of Parcel No. 1 conveyed to Lance E. Ellis et ux, by deed recorded in Volume 2136 of Official Records at Page 99, Stanislaus County Records; thence South 89° 59' West parallel to the aforementioned east-west quarter section line of Section 23 along the south line of said Ellis parcel a distance of 318.50 feet; thence North 0° 45' West parallel to and 16.50 feet distant easterly at right angles from the aforementioned west line of Section 23 a distance of 612.15 feet to the point of beginning.

Containing: 4.445 acres gross.

To R-2

Beginning at the west quarter corner of said Section 23; thence North 89° 59' East along the east-west quarter section line of said Section 23 a distance of 369.10 feet to the true point of beginning of this description; thence continuing North 89° 59' East along said east-west quarter section line a distance of 1073.50 feet to the northeast corner of Parcel No. 2 conveyed to Lance E. Ellis, et ux, by deed recorded in Volume 2136 of Official Records at Page 99, Stanislaus County Records; thence South 0° 45' East along the east line of said Ellis parcel a distance of 142.01 feet; thence South 89° 59' West parallel with the aforementioned east-west quarter section line a distance of 225.00 feet; thence South 10° 09' 24" West a distance of 132.11 feet; thence South 0° 45' East parallel to said east line of the Ellis parcel a distance of 90.00 feet; thence South 89° 59' West parallel to said east-west quarter section line a distance of 680.00 feet; thence North 17° 19' 30" West a distance of 228.97 feet; thence in a southwesterly direction along a curve concave to the southeast thru a central angle of 6° 00', having a radius of 250.00 feet, a curve distance of 26.18 feet; thence North 20° 01' West a distance of 160.77 feet to the point of beginning.

Containing: 7.060 acres gross.

WHEREAS, a public hearing was held on March 18, 1969, and continued to April 15, 1969.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. That a portion of the area requested for rezoning to R-3 is required by public necessity, convenience, and general welfare for the following reasons:
 - a) The proposed R-3 zoning will be oriented toward a major street;
 - b) The proposed R-3 zoning will be an integral part of a subdivision and will provide a transition between more restrictive and less restrictive zones.
 - c) The proposed R-3 zoning will allow for a mixture of housing types and will not overload the density in the neighborhood as specified in the General Plan.
2. That the major portion of the area requested for rezoning to R-2 is required by public necessity, convenience, and general welfare for the following reasons:
 - a) The proposed R-2 zoning will be oriented toward a collector street;
 - b) The proposed R-2 zoning will be an integral part of a subdivision and will provide a transition between more restrictive and less restrictive zones;
 - c) The proposed R-2 zoning will allow for a mixture of housing types and will not overload the density in the neighborhood as specified in the General Plan.
3. That rezoning of the two most easterly lots proposed for R-2 zoning, is not required by public necessity, convenience, and general welfare for the following reasons:
 - a) These two lots will face directly across from lots to be developed as R-1;
 - b) R-1 zoning of these two lots will provide a logical break between the remaining proposed R-2 to the west and the R-1 to be located to the east.
4. That the northerly portion of property requested for rezoning to R-3 is being considered by the Planning Commission as a Planned Development Zone.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council as follows:

1. That a portion of the area requested for rezoning to R-3 as described below be approved:

R-3

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Meridian described as follows:

Commencing at the Northwest quarter corner of the Southwest quarter of said Section 23; thence North 89° 59' East along the east-west quarter section line of said Section 23 a distance of 16.50 feet; thence South 0° 45' East parallel to and 16.50 feet distant easterly at right angles from the west line of said Section 23 a distance of 612.15 feet to the south line of Parcel No. 1 conveyed to Lance E. Ellis, et ux, by deed recorded in Volume 2136 of Official Records at Page 99, Stanislaus County Records, and the true point of beginning of this description; thence North 89° 59' East along said south line of the Ellis parcel a distance of 318.50 feet; thence North 24° 39' 12" West a distance of 140.00 feet; thence North 9° 38' 38" West a distance of 210.00 feet; thence in a westerly direction along a curve concave to the northwest thru a central angle of 27° 30', having a radius of 250.00 feet, a curve distance of 119.99 feet; thence South 89° 59' West a distance of 113.50 feet; thence South 0° 45' East parallel to and 16.50 feet distant easterly at right angles from the aforementioned west line of Section 23 a distance of 306.08 feet to the point of beginning.

Containing: 2.100 acres gross

2. That a portion of the area requested for rezoning to R-2, as described below be approved:

R-2

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Meridian described as follows:

Commencing at the North west quarter corner of the southwest quarter of said Section 23; thence North 89° 59' East along the east-west quarter section line of said Section 23 a distance of 369.10 feet to the true point of beginning of this description; thence continuing North 89° 59' East along said east-west quarter section line of Section 23 a distance of 885.50 feet; thence at right angles South 0° 01' East a distance of 142.11 feet; thence South 89° 59' West parallel to said east-west quarter section line a distance of 35.18 feet; thence South 10° 09' 24" West a distance of 132.11 feet; thence South 0° 45' East a distance of 90.00 feet; thence South 89° 59' West parallel to said east-west quarter section line a distance of 678.70 feet; thence North 17° 19' 30" West a distance of 229.09 feet; thence in a westerly direction along a curve concave to the southeast thru a central angle of 6° 00' having a radius of 250.00 feet a curve distance of 26.18 feet; thence North 20° 01' West a distance of 160.77 feet to the point of beginning.

Containing: 6.447 acres gross

3. That the portion of the area requested for rezoning to R-2, which is not included in the description of the area recommended for R-2 rezoning, be and is hereby denied.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 15, 1969, by Frank Muratore, who moved its adoption, which motion was seconded by Kenneth Marple, and carried by the following vote:

Ayes: Alexander, Gagos, Marple, Muratore, Nicholson, Sutton, and Dunlap
Noes: None
Absent: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Phillip W. Jones RSC
Phillip W. Jones, Acting Secretary

Ord. No. 966-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 16th day of June, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: July 16, 1969

**AN ORDINANCE AMENDING SECTION MAP 23-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (LANCE E. ELLIS)**

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

SECTION 1. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(62):

All that portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northwest quarter corner of the southwest quarter of said Section 23; thence North $89^{\circ} 59'$ East along the east-west quarter section line of said Section 23 a distance of 16.50 feet to the point of beginning; thence continuing North $89^{\circ} 59'$ East along said east-west quarter section line a distance of 352.60 feet; thence South $20^{\circ} 01'$ East a distance of 160.77 feet; thence in a southwesterly direction along a curve concave to the southeast thru a central angle of $28^{\circ} 42' 28''$, having a radius of 250.00 feet, a curve length of 125.26 feet to a point of reverse curvature; thence in a westerly direction along a curve concave to the northwest thru a central angle of $48^{\circ} 42' 28''$, having a radius of 250.00 feet, a curve distance of 212.53 feet; thence South $89^{\circ} 59'$ West a distance of 113.50 feet; thence North $0^{\circ} 45'$ West parallel to and 16.50 feet distant easterly at right angles from the west line of the aforementioned Section 23 a distance of 306.07 feet to the point of beginning.

Containing: 2.345 acres gross.

SECTION 2. USES. The following uses shall be permitted in said P-PD(62) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A total of forty (40) apartment units.
2. At least sixty (60) parking spaces.

SECTION 3. ZONING MAP. Section Map 23-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 2nd day of June, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R. Mitchell
~~KEE~~ ~~BY~~ ~~DAVIES~~ ~~BY~~ ~~DAVIES~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Planning Department

Ordinance 967 C.S.
Exhibit A – Map

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

Ord. No. 967-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 16th day of June, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: July 16, 1969

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Vice Mayor Mitchell
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED: William R. Mitchell
~~XXXXXXXXXXXXXXXXXXXX~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

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

Ordinance 968 C.S.
Exhibit A – Map

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

Ord. No. 968-C.S.

FINAL ADOPTION CLAUSE

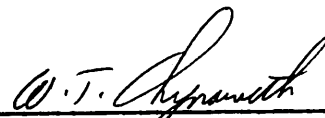
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 16, 1969

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

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

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

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

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

- (a) PM-1 The time limits for legal parking in PM-1 zone shall be those established by the Director based on engineering surveys.
- (b) PM-2 Three (3) hour limit, 9 a.m. to 10 p.m. daily.
- (c) PM-3 No time limit, 9 a.m. to 10 p.m. daily.
- (d) PM-4 No time limit, 7:30 a.m. to 5:00 p.m., Sundays excepted.
- (e) PM-5 No time limit, 9:00 a.m. to 4:30 p.m., Sundays excepted.
- (f) PM-6 Three (3) hour limit, 9 a.m. to 6 p.m., Sundays excepted.
- (g) PM-7 No time limit, 9 a.m. to 10 p.m. daily.
- (h) PM-8 Five (5) hour limit, 9 a.m. to 10 p.m. daily.
- (i) PM-9 No time limit, 9 a.m. to 6 p.m., Sundays excepted.
- (j) PM-10 No time limit, 9 a.m. to 10 p.m. daily.
- (k) PM-11 No time limit, 9 a.m. to 9 p.m. daily.

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

- (a) PM-1 One cent per twelve (12) minutes or fraction.
- (b) PM-2 Five (5¢) cents per one-half (1/2) hour or fraction.
- (c) PM-3 Five (5¢) cents per one hour or fraction.
- (d) PM-4 Five (5¢) cents per two and one-half (2 1/2) hours or fraction.

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell

~~KENNETH DAVIES, Mayor~~

WILLIAM R. MITCHELL

Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 969-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of June, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: July 9, 1969

AN ORDINANCE AMENDING SECTIONS 8-2.603 AND 8-2.604 OF ARTICLE 6 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, RELATING TO TRANSIENT OCCUPANCY TAX.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.603 and 8-2.604 of Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.603. TAX IMPOSED. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of five (5%) per cent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require such tax shall be paid directly to the Tax Administrator.

SEC. 8-2.604. EXEMPTIONS. No tax shall be imposed upon:

(a) Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;

(b) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto, held on the 2nd day of June, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon.

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

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell
~~RESPECTABLY~~
WILLIAM R. MITCHELL
Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 970-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of June, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

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

EFFECTIVE DATE: July 9, 1969

AN ORDINANCE AMENDING SECTION 10-2.1805 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING STANDARDS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1805

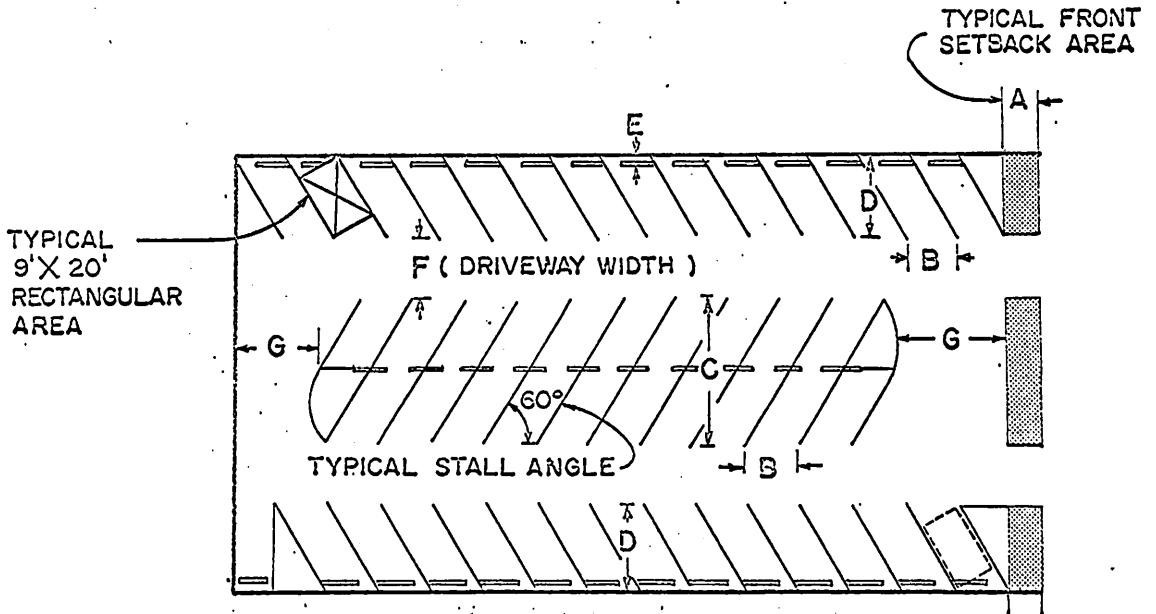
of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1805. GENERAL REQUIREMENTS. Every lot used as a public or private parking area shall be developed in accordance with the following general requirements:

(a) Size and Access: Each off-street parking space shall contain at least a rectangular area of a minimum width of nine (9') feet and a minimum length of twenty (20') feet. When the required parking space for a one- or two-family structure is not provided in a covered garage, such space shall contain a rectangle with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and located so that it may later be covered by a garage structure in accordance with the provisions of this chapter.

The following typical parking lot diagram and parking stall and driveway dimension table shall determine the minimum requirements for a parking lot plan:

TYPICAL PARKING LOT DIAGRAM



PARKING STALL AND DRIVEWAY DIMENSION TABLE

		<u>Parking Angle to Driveway</u>									
		<u>45°</u>	<u>50°</u>	<u>55°</u>	<u>60°</u>	<u>65°</u>	<u>70°</u>	<u>75°</u>	<u>80°</u>	<u>85°</u>	<u>90°</u>
Stall width	B	12.7'	11.8'	11.0'	10.4'	9.9'	9.6'	9.3'	9.1'	9.0'	9.0'
Stall depth	D	20.5'	21.1'	21.6'	21.8'	21.9'	21.9'	21.7'	21.3'	20.7'	20'
Stall depth	C	34.7'	36.4'	37.9'	39.1'	40.1'	40.7'	41.0'	41.0'	40.7'	40'
Driveway width	F	13'	15'	17'	19'	21'	23'	25'	27'	29'	31'

For any given parking angle between 45° and 90° not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking stalls at an angle less than 45° to the driveway, or any other plan for which the above table is not applicable, must be approved by the Planning Director and the Director of Parking and Traffic.

The minimum driveway width (F) at any parking stall angle less than 45°, including parallel stalls, is thirteen (13') feet.

When two (2) rows of stalls use the same driveway for access, requiring two-way traffic because of stall layout, the driveway shall either be a minimum of twenty (20') feet in width or that which is called for in the table above, whichever is greater.

The width of driveways that serve 90° stalls may be reduced to a minimum of twenty-six (26') feet if the stalls are at least ten (10') feet wide.

The turnaround or end driveway width (G) shall be a minimum of eighteen (18') feet.

The wheelstop setback dimension (E) shall be a minimum of two (2') feet for any parking plan. See Section 10-2.1807 of this chapter.

The required front setback dimension (A) is as specified in the Municipal Code for the zoning district in which the parking lot is to be located.

Any driveway used for both ingress and egress to and from a parking lot and not directly serving parking stalls shall have a minimum width of twenty (20') feet. Any driveway used only for either ingress or egress to or from a parking lot and not directly serving parking stalls shall be a minimum of ten (10') feet in width. All driveways connecting public rights-of-way to off-street parking lots shall comply with the improvement standards of Section 10-2.1807 of this chapter.

No parking stall shall be so located to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stalls serving one- and two-family dwelling structures. However, alleyways may be used for ingress and egress to and from parking stalls, providing the stalls are set back the proper distance from the property line so that the driveway width is sufficient, as recommended in the Parking Stall and Driveway Dimension Table.

Every parking lot shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. It should be possible to maneuver within any parking lot without use of the public rights-of-way in a forward manner.

If desired, one of each five (5) required parking stalls may be so sized and posted to be used for parking small cars. Small car stalls shall contain a rectangular area a minimum of seven (7') feet in width and a minimum of thirteen (13') feet in length.

(b) Location: Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

(1) For one-, two-, or multiple-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, not more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, not over four hundred (400') feet from the building they are required to serve.

(c) Mixed Occupancies in a Building: In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(d) Joint Use: The Board of Zoning Adjustment may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein.

(1) Up to fifty (50%) per cent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50%) per cent of the parking facilities required by this article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(2) Up to one hundred (100%) per cent of the parking facilities required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(3) The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(4) Conditions required for joint use:

(aa) The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within four hundred (400') feet of such parking facility.

(ab) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

(ac) If the building, structure or improvement requiring parking space is in one ownership, and the required parking space provided in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of Stanislaus County, California, of a covenant by such owner or owners for the benefit of the City of Modesto in the form first approved by said City that such owner or owners will continue to maintain such parking space so long as said building, structure or improvement is maintained within said City. The covenant herein provided must stipulate that the title to and right to use the lot or lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that it is warranted that said lot or lots is not and will not be made subject to any other covenant or contract for use without prior written consent.

(e) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Board of Zoning Adjustment as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15%) per cent upon approval of development plans by the Board of Zoning Adjustment in the manner prescribed for a conditional use permit as set forth in Article 20 of this chapter.

(f) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking areas are located.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1969, by Councilman Simon, who moved its introduction and passage

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

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson,
Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

APPROVED AS TO FORM:

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

ATTEST:

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

(SEAL)

Ord. No. 971-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of July, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

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

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

EFFECTIVE DATE: August 6, 1969

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE CARPENTER ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by K. C. Christensen, Sr. Vice President-Finance, and E. E. Manhard, Secretary, Pacific Gas and Electric Company; J. A. Saletta; Billie Saletta, by J. A. Saletta her attorney in fact; Mid-Way McKittrick Oil Company, by J. A. Saletta, President, and Armour Smith, Secretary; David O. Hannah; Natalie J. Hannah, by David O. Hannah her attorney in fact;

on April 18, 1969, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the CARPENTER ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 12th day of May, 1969, set said petition for hearing at the hour of 7:55 o'clock P.M. on the 23rd day of June, 1969, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on May 15, 1969, and on May 22, 1969; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 22, 1969, and on May 29, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the

last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on April 18, 1969, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 23rd day of June, 1969, at the hour of 7:55 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto, did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto, ~~to be effective upon the filing with the Secretary of State of the State of California of a certified copy of this ordinance~~

SECTION 2. The area or territory so annexed, designated as the CARPENTER ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of

1939, as amended, and is more particularly described as attached hereto.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1969, by Councilman Smith, who moved its adoption and passage to print, which motion being duly

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

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

R. A. Rosegood
Public Works Department

6-3-69

CARPENTER ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, and a portion of the Southwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and also being all of Lots 1, 2, 3, 4, 5, 8, 9 and 10, and a portion of Lots 11 and 12 of the CARMICHAEL COLONY, as per map filed December 16, 1912, in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the most Southeasterly line of the NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records, said point being at the intersection of the Western line of the State Freeway 99 right of way and the Northeastern line of North Ninth Street; thence along the existing City Limits on the Southeastern line of said Addition (195), South $46^{\circ} 30' 30''$ West, 110.00 feet, to a point on the Southwestern line of North Ninth Street, said line also being the Northeastern line of Southern Pacific Railroad right of way; thence along the existing City Limits on the line common to North Ninth Street and said Railroad right of way, North $43^{\circ} 29' 30''$ West, 166.50 feet, to its intersection with the center line of Blue Gum Avenue; thence leaving the existing City Limits and along said center line of Blue Gum Avenue and across said Railroad right of way, South $46^{\circ} 30' 30''$ West, 100.00 feet, to the Southwestern line of said right of way, said point being on the Northern line of the Southwest quarter of Section 19; thence along said Northern line, said line also being the center line of Blue Gum Avenue and the Northern line of Lots 1 and 2 of the Carmichael Colony, North $89^{\circ} 35' 30''$ West, 1065.90 feet, to the quarter corner common to Section 19, Township 3 South, Range 9 East, and Section 24, Township 3 South, Range 8 East; thence along the Northern line of the Southeast quarter of Section 24 and the Northern line of Lots 3, 4 and 5 of the Carmichael Colony, South $88^{\circ} 59'$ West, 1990.79 feet, to the Western line of Lot 5; thence along the Western line of Lots 5 and 8 of the Carmichael Colony, South $0^{\circ} 32'$ East, 1322.72 feet, to the Southern line of Lot 8; thence along the Southern line of Lots 8, 9 and 10 of the Carmichael Colony, North $89^{\circ} 09'$ East, 1991.19 feet, to a point on the section line common to Sections 24 and 19; thence along the Southern line of Lot 11 of the Carmichael Colony, North $89^{\circ} 59'$ East, 667.86 feet, to the Eastern line of Lot 11; thence along the Eastern line of Lot 11, North $0^{\circ} 28'$ West, 380.00 feet, to the line common to Parcels 1 and 2 as shown on the parcel map filed March 24, 1966, in Volume 1 of Parcel Maps, Page 79, Stanislaus County Records; thence along said line, South $89^{\circ} 59'$ West, 668.41 feet, to a point on the section line common to Sections 19 and 24; thence along said section line, North $0^{\circ} 33'$ West, 284.39 feet, to the Southern line of Lot 2 of the Carmichael Colony; thence along the Southern line of Lot 2, North $89^{\circ} 55' 12''$ East, 668.80 feet, to the Southeastern corner of Lot 2; thence along the Southern line of property conveyed to Robert M. Shurtz, et ux, by Deeds recorded August 26, 1959 as Instrument 24471, and September 11, 1959 as Instrument 26502, Stanislaus County Records, North $89^{\circ} 58'$ East, 334.29 feet, to the Western line of the East half of Lot 1; thence along said Western line, said line also being the Western line of property conveyed to William L. Shimmon, et ux, by Deed recorded August 14, 1951 as Instrument 18588, Stanislaus County Records, South $0^{\circ} 28'$ East, 10.00 feet; thence along the Southern line of said Shimmon property, North $89^{\circ} 58'$ East, 334.29 feet, to the Eastern line of Lot 1 of the Carmichael Colony, said line also being the Western line of State Freeway 99 right of way; thence along said line, North $0^{\circ} 24'$ West, 374.86 feet, to its intersection with the Southwestern line of the right of way of the Southern Pacific Railroad; thence along the Northerly extension of the Western line of State Freeway 99 across said Railroad right of way and North Ninth Street, North $1^{\circ} 32' 34''$ West, 314.14 feet, to the point of beginning, containing 86.880 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE JOHN SUTTER SCHOOL ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Bert C. Corona, Superintendent of Schools, Modesto City School District; Melvin C. Price; Bessie P. Price; Maria Palumbo; Lowell Bristow; Mrs. May Bristow; Mrs. Evelyn Mitchell; Frank J. Mitchell; Serafin Palumbo; Mrs. Sally Baleme; and George Baleme
on April 1, 1969, to annex to the City of Modesto under
the provisions of the Annexation of Uninhabited Territory Act of
1939, as amended, certain uninhabited territory, hereinafter
described and designated as the JOHN SUTTER SCHOOL
ADDITION, situated in the County of Stanislaus, State of California,
and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
12th day of May, 1969, set said petition for hear-
ing at the hour of 8:00 o'clock P.M. on the 23rd day of
June, 1969, in the Council Chambers at the City Hall,
801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections
to the proposed annexation was published in newspapers of general
circulation, to wit: The Modesto Bee, a newspaper published
in the City of Modesto on May 15, 1969,
and on May 22, 1969; and in The Riverbank News,
a newspaper published outside the City of Modesto, but in the County
of Stanislaus, on May 23, 1969, and on May 30,
1969, for the time and in the manner required by law, which pub-
lications were completed at least twenty (20) days prior to the date
set for hearing; that written notice of the proposed annexation has
been mailed by the City Clerk of the City of Modesto to each person to
whom land within the territory proposed to be annexed was assessed on the

1939, as amended, and is more particularly described as attached hereto.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1969, by Councilman Newton, who moved its adoption and passage to print, which motion being duly

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

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

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

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

(SEAL)

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

APPROVED AS TO DESCRIPTION: *R. A. Hazard*
Public Works Department
6-3-69

JOHN SUMTER SCHOOL ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the East half of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northern boundary of the SUNRISE ADDITION (206), as per description filed September 25, 1967, as Instrument 30334, Stanislaus County Records, said point being at the intersection of the center lines of Dawn Drive and Sunrise Avenue, said center line of Sunrise Avenue being the West line of the East half of Section 21; thence along the existing City Limits on the boundary of said Addition (206) and said quarter section line, North $0^{\circ} 41'$ West, 140.00 feet; thence leaving the existing City Limits and continuing along said quarter section line, North $0^{\circ} 41'$ West, 39.80 feet, to its intersection with the Westerly extension of the Northern line of a 20 foot East-West alley in Block 1140 as shown on the map of the SUNRISE HOMES subdivision, filed June 25, 1945, in Volume 14 of Maps, Page 36, Stanislaus County Records; thence along said Westerly extension and the Northern line of said alley, South $89^{\circ} 41' 30''$ East, 158.00 feet, to the Western line of a 20 foot North-South alley in said block; thence along the Western line of said alley and its Northerly extension, North $0^{\circ} 41'$ West, 480.00 feet, to the center line of East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue, North $89^{\circ} 41' 30''$ West, 158.00 feet, to its intersection with the center line of Sunrise Avenue and the West line of the East half of Section 21; thence along said quarter section line, North $0^{\circ} 41' 30''$ West, 660.61 feet, to its intersection with the Westerly extension of a Northern line of property conveyed to the Modesto City School District by Deed recorded February 26, 1948, as Instrument 4385, Stanislaus County Records; thence along said Northern line, South $89^{\circ} 38' 30''$ East, 330.50 feet, to its intersection with a Western line of property conveyed to the Modesto City School District by Deed recorded January 16, 1948, as Instrument 1120, Stanislaus County Records; thence along said Western line, North $0^{\circ} 41' 30''$ West, 263.60 feet, to its intersection with the Northern line of said property; thence along the Northern line of said property, South $89^{\circ} 38' 30''$ East, 330.72 feet, to its intersection with the Eastern line of said property, said line being the East line of the West half of the West half of the Northeast quarter of Section 21, and the Western line of the GENEVA HEIGHTS subdivision as shown on the map filed June 28, 1955, in Volume 18 of Maps, Page 29, Stanislaus County Records; thence along said line, South $0^{\circ} 40' 30''$ East, 923.62 feet, to its intersection with the center line of East Orangeburg Avenue; thence continuing along the East line of the West half of the West half of the Northeast quarter of Section 21, said line also being the center line of Sarah Avenue, South $0^{\circ} 40' 20''$ East, 659.22 feet, to a point on the existing City Limits on a Northern line of the Sunrise Addition (206), said point being the intersection of the center lines of Sarah Avenue and Dawn Drive; thence along the existing City Limits on a Northern line of said Addition (206), North $89^{\circ} 44' 30''$ West, 660.84 feet, to the point of beginning, containing 20.284 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (MC KEON
CONSTRUCTION COMPANY)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 of the
Zoning Map is hereby amended to reclassify the following-described
property from One-Family Residential Zone, R-1,
to Planned-Development Zone, P-D (63) :

The north one-half of the southeast one-quarter of the northeast
one-quarter of Section 13, Township 3 South, Range 8 East,
Mount Diablo Base and Meridian, and Lot 29 of Walter Heights
Subdivision and according to the Official Map thereof recorded
in Volume 20 of Maps at Page 50, Stanislaus County Records.

SECTION 2. USES. The following uses shall be permitted in said P-D (63) 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. Seventy-eight (78) four-plex structures on seventy-eight (78) subdivided lots for a total of three hundred twelve (312) dwelling units.
2. Onesubdivided lot to be developed for recreation purposes to include a swimming pool and cabana.
3. Off-street parking spaces to conform to current code requirements of one and one-half (1 1/2) spaces per dwelling unit.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell, Robinson

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Samuel J. Ky
Planning Department

**Ordinance 974 C.S.
Exhibit A – Map**

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

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1970, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1969 - 70 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Preliminary Budget 1969 - 70", presented by the City Manager to the City Council at its meeting held May 5, 1969, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1970, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1969, by Councilman New ton, who moved its adoption and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Simon; Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

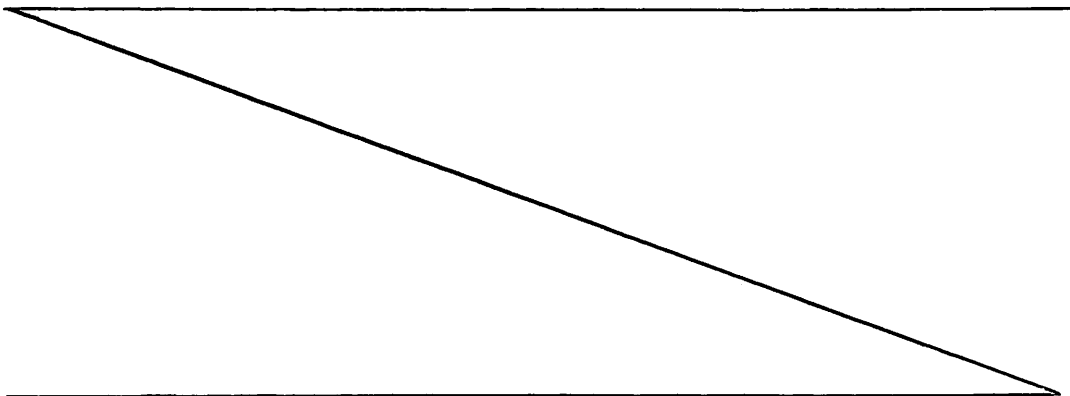
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN
TERRITORY KNOWN AS THE EL TERINO ADDITION
TO THE CITY OF MODESTO.

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

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

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

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



All that real property in the State of California, County of Stanislaus, Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the JOHN MUIR PARK TRACT (10), as per description filed January 20, 1941 as Instrument 886, Stanislaus County Records, said point being at the intersection of the Western line of 40 foot Sunrise Avenue and the Southeastern line of the Modesto Irrigation District Lateral Number 4, and also being on the Southeastern line of the SUNRISE ADDITION (206), as per description filed September 25, 1967 as Instrument 30334, Stanislaus County Records; thence along the existing City Limits on the Southeastern line of said Addition (206) and the Southeastern line of said Lateral Number 4, North 40° 48' 52" East, 439.22 feet, and North 49° 37' 40" East, 507.57 feet, to a point on the Western line of the EL VECINO NO. 2 ADDITION (182), as per description filed September 28, 1965 as Instrument 37540, Stanislaus County Records; thence along the existing City Limits on the Western and Southern lines of said Addition (182), South 0° 35' 30" East, 113.62 feet, and South 89° 42' East, 680.52 feet, to a point on the Western line of the YORKSHIRE ADDITION (90), as per description filed March 11, 1959 as Instrument 6961, Stanislaus County Records, said point being 20.00 feet Easterly from the center line of El Vecino Avenue; thence along the existing City Limits on the Western line of said Addition (90), South 0° 32' 40" East, 329.98 feet, to the Northeastern corner of the EL VECINO NO. 3 ADDITION (203), as per description filed July 26, 1967 as Instrument 23306, Stanislaus County Records; thence along the existing City Limits on the Northern, Western and Southern line of said Addition (203) the following bearings and distances: North 89° 38' 40" West, 680.50 feet; South 0° 33' East, 329.34 feet; and South 89° 35' 20" East, 680.45 feet to the Southwestern corner of the previously mentioned Addition (90); thence along the existing City Limits on the Southern line of said Addition (90), South 89° 59' 11" East, 639.71 feet, to the Southwestern corner of the ZLAB ADDITION (69), as per description filed January 18, 1956 as Instrument 1481, Stanislaus County Records; thence along the existing City Limits on the Southern line of said Addition (69) the following bearings and distances: South 89° 59' 11" East, 305.90 feet; North 0° 30' West, 66.00 feet; and South 89° 59' 11" East, 355.00 feet, to a point on a Western line of the DOWNEY HIGH SCHOOL AND JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950 as Instrument 16443, Stanislaus County Records, said point being on the center line of Coffee Road; thence along the existing City Limits on a Western line of said Addition (33) and the center line of Coffee Road, South 0° 30' East, 417.23 feet, to the Northeastern corner of the WEST DOWNEY ADDITION (57), as per description filed February 2, 1954 as Instrument 2639, Stanislaus County Records; thence along the existing City Limits on the Northern, Western and Southern line of said Addition (57) the following bearings and distances; North 89° 54' 39" West, 659.80 feet; South 0° 30' East, 640.04 feet; and South 89° 57' East, 659.48 feet, to a point on a Western line of the previously mentioned Addition (33) and the center line of Coffee Road; thence along the existing City Limits on a Western line of said Addition (33), South 0° 30' East, 164.74 feet, to the Northeastern corner of the ROBERTS ADDITION (137), as per description filed October 18, 1962 as Instrument 39843, Stanislaus County Records; thence along the existing City Limits on the Northern and Western line of said Addition (137), North 89° 57' West, 659.46 feet, and South 0° 30' East, 165.00 feet, to a point on a Western line of the previously mentioned Addition (33); thence along the existing City Limits on a Western line of said Addition (33), South 0° 30' East, 639.47 feet, and North 89° 57' West, 164.86 feet, said last mentioned line being along the Northern line of 40 foot Lucern Avenue, to a point on the Eastern line of the PORTION OF RICE COLONY ADDITION (20), as per description filed November 8, 1948 as instrument 22996, Stanislaus County Records, said point being on the center line of El Terino Avenue; thence along the existing City Limits on the Eastern and Northern lines of said Addition (20), North 0° 30' West, 309.50 feet, and North 89° 57' West, 164.87 feet, to a point on the Eastern line of the PORTION OF LOT 3 OF RICE COLONY ADDITION (24), as per description filed October 7, 1949 as Instrument 20942, Stanislaus County Records; thence along the existing City Limits on the Eastern

and Northern lines of said Addition (24), North 0° 30' West, 330.82 feet, and North 89° 57' West, 330.47 feet, to a point on the Eastern line of the PORTION OF LOTS 2 AND 7 OF THE RICE COLONY ADDITION (43), as per description filed October 9, 1951 as Instrument 23638, Stanislaus County Records, said point being on the center line of El Vecino Avenue; thence along the existing City Limits on the Eastern line of said Addition (43) and the center line of El Vecino Avenue, North 0° 32' West, 65.00 feet, to the Southeastern corner of the RAMONA NO. 1 ADDITION (194), as per description filed June 24, 1966 as Instrument 22469, Stanislaus County Records; thence along the existing City Limits on the center line of El Vecino Avenue and the Eastern line of said Addition (194), North 0° 32' West, 359.19 feet, and along the Northern line of said Addition (194), North 89° 34' West, 175.00 feet, to a point on the Eastern line of the RAMONA NO. 2 ADDITION (193), as per description filed June 24, 1966 as Instrument 22470, Stanislaus County Records; thence along the existing City Limits on the Eastern and Northern lines of said Addition (193) the following bearings and distances: North 0° 32' West, 70.00 feet; South 89° 34' East, 10.00 feet; North 0° 32' West, 164.81 feet; North 89° 34' West, 9.92 feet; North 0° 32' West, 80.00 feet; South 89° 34' East, 6.92 feet; North 0° 32' West, 73.20 feet; South 89° 34' East, 8.00 feet; North 0° 32' West, 68.00 feet; and North 89° 34' West, 170.00 feet, to a point on the center line of Ramona Avenue and the Eastern line of the BODEM COLONY, TATUM TRACT, AND RICE COLONY ADDITION (38), as per description filed October 27, 1950 as Instrument 24730, Stanislaus County Records; thence along the existing City Limits on the Eastern line of said Addition (38) and the center line of Ramona Avenue, North 0° 32' West, 109.19 feet; thence along the Northern line of said Addition (38) and the center line of E. Fairmont Avenue, North 89° 34' West, 1010.14 feet to a point on the Eastern line of previously mentioned John Muir Park Tract Addition (10), said point being on the Western line of 40 foot Sunrise Avenue; thence along the existing City Limits on the Eastern line of said Addition (10), North 0° 35' 50" West, 435.29 feet to the point of beginning, containing 57.141 Acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective on July 25, 1969.

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

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

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

SECTION 6. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1969, by Councilman Smith, who moved its introduction and adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *R. A. Hesse*
Public Works Department

AN ORDINANCE AMENDING SECTIONS 9-3.102, 9-3.103 AND 9-3.109 OF ARTICLE 1 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-3.102, 9-3.103 and 9-3.109 of Article 1 of Chapter 3 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-3.102. ADOPTION OF UNIFORM ELECTRICAL CODE AND NATIONAL ELECTRICAL CODE. Those certain documents in book form entitled, "Uniform Electrical Code, 1968 Edition", published by the Pacific Coast Electrical Association, Inc., and "National Electrical Code, 1968 Edition", published by the National Fire Protection Association, and approved by the United States of America Standards Institute, three (3) copies of which are on file in the office of the City Clerk, are hereby adopted by reference together as the Electrical Code of the City of Modesto, except as hereinafter amended, deleted and added to.

SEC. 9-3.103. DEFINITIONS. Whenever the following words appear in the "Uniform Electrical Code, 1968 Edition", they shall be deemed to mean as follows:

(a) Chief Electrical Inspector shall mean the Chief Building Official.

(b) Assistant Electrical Inspector shall mean the Building Inspector so designated by the Chief Building Official.

SEC. 9-3.109. GENERAL REQUIREMENTS. That Section 6 of the Uniform Electrical Code be amended to read as follows:

Section 6. (a) General. All installations shall be in conformity with the provisions of this Code and with the approved standards for safety to life and property.

(b) Residential. The requirements of the National Electrical Code, 1968 Edition, shall apply to work on domestic residences and apartment houses of not more than fourteen (14) apartments.

(c) Commercial and Industrial. The latest edition of Title 24, entitled, "State Building Standards" Part 3 entitled, "Basic Electrical Regulations", ~~State Building Standards~~ Electrical Code of the California Administrative Code shall apply to all work not covered in paragraph (b) above.

(d) Identification of Materials, Devices, Appliances and Equipment. All electrical materials, devices, appliances and equipment installed or used, shall be in conformity with the provisions of this Code and with approved standards for safety to life and property.

Listing or labeling, as conforming to the Standards of the Underwriters' Laboratories, Inc., the United States Bureau of Standards, the United States Bureau of Mines, or other similar institution of recognized standing, shall be prima facie evidence of conformity with the approved standards for safety to life and property.

The maker's name, trademark, or other identification symbol, shall be placed on all electrical materials, devices, appliances and equipment used or installed under this Code.

(e) Used Materials. Previously used materials shall not be re-used in any work without approval obtained from the Chief Electrical Inspector.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED:


LEE H. DAVIES, Mayor

ATTEST:

By


W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ELWYN L. ROBINSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of July, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED William R Mitchell
~~KENNETH DAVIES, Mayor~~
WILLIAM R. MITCHELL, Vice Mayor

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

EFFECTIVE DATE: August 13, 1969

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR THE RIGHT-OF-WAY OF BRIGHTON AVENUE BETWEEN SCENIC DRIVE AND WYLIE DRIVE IN THE CITY OF MODESTO.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR BRIGHTON AVENUE. The Modesto Urban Area General Plan provides for the development of Brighton Avenue as a major street to extend southerly from its intersection with Coffee Road. Therefore, to conserve the public interest and assure the public safety and welfare, it is necessary to adopt a specific plan to establish an appropriate alignment for Brighton Avenue and to protect the future right-of-way from encroachment by permanent physical improvements, the existence of which would make unnecessarily difficult or make impractical the creation of Brighton Avenue as a major street to serve the public needs, safety and welfare.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Brighton Avenue between Scenic Drive and Wylie Drive in the City of Modesto titled "Specific Plan for Right-of-Way, Brighton Avenue, Scenic Drive to Wylie Drive", consisting of two (2) pages, is hereby adopted. A copy of said specific plan is attached hereto marked Exhibit "A" and made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Brighton Avenue between Scenic Drive and Wylie Drive in the City of Modesto is described as follows:

A ninty (90.00) foot right of way being forty-five (45.00) feet each side of the established center line described as follows:

Beginning at a point on the center line of a public road known as Scenic Drive, said point being North $73^{\circ} 33' 08''$ East, 684.89 feet from the center line of a 40.00 foot public road known as Brighton Avenue as shown on the map of the Broughton Colony Tract as filed March 17, 1904, in Volume 1 of Maps, Page 78, Stanislaus County Records; thence Northerly along a curve concave

to the Southwest, the radial line being the center line of Scenic Drive, having a Radius of 900.00 feet, a Central Angle of 18° 07' 19" and an Arc Length of 284.66 feet; thence on a tangent line North 34° 34' 11" West, 698.44 feet; thence on a tangent curve concave to the Northeast, having a radius of 900.00 feet, a Central Angle of 33° 48' 14", and an Arc Length of 530.99 feet, to its point of tangency on the center line of above mentioned Brighton Avenue; thence along said center line North 00° 45' 57" West, 1465.05 feet, to the North line of the South 5 acres of Lot 20 of the Broughton Colony and the end of this description.

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

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Brighton Avenue between Scenic Drive and Wylie Drive in the City of Modesto, as adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

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

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

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

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

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

SECTION 9. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell
WILLIAM R. MITCHELL
Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Paul J. [Signature]
Public Works Department

PHH
7-14-69

Ordinance 978 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION 10-2.1804 OF
ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE
MODESTO MUNICIPAL CODE RELATING TO IN LIEU
PARKING PAYMENTS

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1804 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1804. IN LIEU PARKING PAYMENTS. In lieu of furnishing the parking spaces required by the provisions of this article, the requirements may be satisfied by the payment to the City prior to the issuance of a building permit the sum of One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars per parking space for each parking space required by the provisions of this chapter.

Said funds shall be deposited with the City of Modesto in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities located insofar as practical in the general vicinity of the buildings for which the in lieu payments were made. Where payments are made in lieu of furnishing off-street parking spaces equal to fifty (50%) per cent of the gross floor area, the number of parking spaces shall be calculated on the basis that one parking space requires two hundred fifty (250) square feet.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly

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

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Vice Mayor Mitchell
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Davies

APPROVED: William R Mitchell
~~WILLIAM R. MITCHELL, Mayor~~
WILLIAM R. MITCHELL
Vice Mayor

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

(SEAL)

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

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 ^{an adjourned} ~~the~~ regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Smith, Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Simon, Mayor Davies

APPROVED William R. Mitchell
~~XXXXXXXX DAVIES, MAYOR~~
WILLIAM R. MITCHELL
Vice Mayor

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

EFFECTIVE DATE: August 21, 1969

AN ORDINANCE AMENDING SECTION 10-2.701 OF ARTICLE 7 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO R-3 HEIGHT INCREASE..

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.701 of Article 7 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.701. PERMITTED USES. In an R-3 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Any use permitted in the R-2 zone.
- (b) Multiple dwelling.
- (c) Group dwelling.
- (d) Boarding and lodging house.
- (e) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:
 - (1) Motel.
 - (2) Hotel.
 - (3) Nonprofit membership organization, private club, fraternity, sorority and lodge, excepting those the chief activity of which is a service customarily carried on as a business.
 - (4) A multiple dwelling or group dwelling with a maximum height of three (3) stories or forty (40') feet, whichever is the lesser height.
- (f) The following signs:
 - (1) A name plate not exceeding one square foot in area for each dwelling unit.
 - (2) One bulletin board or identification sign not exceeding twelve (12) square feet in area for a use permitted under a conditional use permit.
 - (3) One identification sign, not to exceed four (4) square feet in area, for a boarding house, lodging house, or multiple dwelling.
 - (4) One unlighted sign not exceeding eight (8) square feet in area pertaining only to the sale, lease, or hire of only the particular building, property, or premises upon which displayed.
 - (5) If any sign referred to in this section is illuminated, indirect lighting only shall be used, the source of light shall not be visible from the street, and no flashing or intermittent illumination shall be employed.

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

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

The foregoing ordinance was introduced at ~~a~~ ^{an adjourned} regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Newton, Robinson, Simon, Smith

NOES: Councilmen: Dixon, Mayor Mitchell

ABSENT: Councilmen: Mayor Davies

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 981 -C.S.

AN ORDINANCE AMENDING SECTION 3-9.27
OF CHAPTER 9 OF TITLE III OF THE
MODESTO MUNICIPAL CODE RELATING TO
LIMITED AMBULANCES

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

SECTION 1. AMENDMENT OF CODE. Section 3-9.27 of Chapter 9 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-3.27. Eligibility for Permit. No permit shall be issued to any of the following persons:

- (a) Any person under the age of eighteen (18) years.
- (b) Any person not a citizen of the United States or who has not lawfully declared his intention to become such.
- (c) Any person who has been convicted of a crime involving moral turpitude or narcotics.
- (d) Any person who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application for a permit.
- (e) Any person who has been convicted of driving a vehicle while under the influence of intoxicating liquors within the five (5) years immediately preceding application for a permit.
- (f) Any person not possessing at least a valid Class 3 driver's license issued by the State of California.
- (g) Any person not possessing an adequate knowledge of first aid.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto on the 28th day of July, 1969, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Smith, Mayor Davies

APPROVED: William R. Mitchell
WILLIAM R. MITCHELL
Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of August, 1969, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Robinson, Simon, Smith,
Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED William R. Mitchell
~~XXXXXXXXXXXXXXXXXXXX~~
WILLIAM R. MITCHELL
Vice Mayor

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

EFFECTIVE DATE: September 3, 1969
~~XXXXXX~~

AN ORDINANCE ADDING SECTION 10-2.1515 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO LANDSCAPING STANDARDS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1515 is hereby added to Article 15 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1515. LANDSCAPING STANDARDS. (a) Purposes of the Standards. The landscaping of all areas of the community is intended to provide visual relief and delight, to complement building and other structures, to provide a transitional area between potentially competing land uses, to aid in reducing air pollution, and to provide an attractive environment for the enjoyment of the public. Landscaping which is integrated with building design is an acceptable and desirable objective of contemporary community development.

To assure that the purpose of the landscaping standards will be carried out, the following principles of landscaping design and landscape plan specifications have been adopted to guide the developer and the city administration whenever landscaping or a landscape plan is required as a condition of a zoning district, a variance, a use permit, or any other conditional agreement.

(b) Principles of Landscape Design. (1) Plant preparation. It is recommended that the services of a registered landscape architect or a landscape contractor be employed in preparing the landscape plan. In addition to plants, the use of structural elements such as pools, fountains, raised planters, benches and sunshades is encouraged in the landscape plan.

(2) Plant Materials. The selection of plant materials should include both evergreen and deciduous trees and shrubs, and attractive erosion preventing ground cover. Attention should be given to appearance, height, spread, growth rate, potential root damage, disease and pest susceptibility, soil, drainage and climatic adaptability, and the degree of maintenance required.

(3) Plant Coverage. Plants should be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover should be provided during this period. Interim cover or surfacing materials shall consist of rocks, gravel, mulch, chips, or any other acceptable material.

(4) Plant Maintenance. Irrigation systems should be provided to assure maximum plant maintenance for minimum costs except where the location and size of the planter area justifies something else.

(5) Planter Construction. All planter areas should have a peripheral concrete or other permanent type border to prevent cars and pedestrians from damaging plant materials. The curb construction should be approved by the Planning Director. The minimum width of a planter bed should be forty (40") inches.

(c) Landscape Plan Specifications. (1) Four (4) copies of the landscape plan shall be submitted for review and approval by the City Planning Director, unless otherwise specified.

(2) Plans shall be legible and drawn to a scale no smaller than one inch equals eight (8') feet.

(3) Plans shall show property lines, important dimension lines, setback lines, walls and fences, driveways and the outline of all structures.

(4) Plans shall show a satisfactory irrigation system as approved by the Planning Director. Automatic systems are recommended to assure greatest growth and lowest service time. If hose bibs are used, they must be located to permit complete coverage with a fifty- (50') hose.

(5) Plans shall include a plant list giving the common and botanical names of plants to be used. This plant list should be arranged in legend form with a key number assigned to each plant. On the plan, each plant will be identified by the key number. The size of the plant, its spacing and the quantity to be used should show in the legend, as the following example illustrates:

No.	Botanical Name	Common Name	Size	Spacing	Quantity
1	Campanula Isophylla	Italian Bellflow	Flat	6" o. c.	6
2	Eucalyptus Polyanthemos	Silver Dollar Gum	5 gal.	20' o. c.	10
3	Pinus Mugo Mughus	Mugho Pine	1 gal.	10' o. c.	14
4	Ajuga Reptans	Carpet Bugle	Flat	6" o. c.	5
5	Callestemon Red Chico	Fireball Bush	1 gal.	10' o. c.	6
6	Hedra Canariensis	Algerian Ivy	Flat	10" o. c.	3

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Vice Mayor Mitchell

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 982-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of August, 1969, Councilman Mitchell, moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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

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

EFFECTIVE DATE: September 10, 1969

AN ORDINANCE AMENDING SECTION MAP
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(KNOLES)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Rex and Jean Knoles

on June 11, 1969, to reclassify from One-Family Residential
Zone, R-1, to Two-Family Residential
Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on July 15, 1969, 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. 69-90, adopted on July 15, 1969, the Planning Commission recommended to the Council that the application of Rex and Jean Knoles

to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential
Zone, R-1, to Two-Family 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, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

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

R-1 , to Two-Family Residential Zone,

R-2 :

All of Parcel "A" and Parcel "B" as shown on parcel map of portion of Block 6128A of the City of Modesto as recorded in Book 4 of parcel maps at Page 45 in the Stanislaus County Recorder's Office, Instrument No. 330901.

Including also the south one-half of West Granger Avenue adjacent to the north line of the above described property, and also the northerly one-half of the east-west alley adjacent to the south line of said property.

SECTION 3. ZONING MAP. Section 20-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August 11, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Smith

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Planning Department
Planning Department

Ordinance 983 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 25th day of August, 1969, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 24, 1969

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1969-70, AND REPEALING ORDINANCE NO. 919-C. S.

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-1; 2-2; 2-7; 2-8; 2-9; 2-12; 2-13; 2-16; 2-17; 2-18; and 2-21:

For the General Fund	\$ 1.34
For the Bond Redemption and Interest Fund	\$.02

(1) Municipal Improvement Bonds of 1947
For the redemption of bonds and the
payment of interest thereon that
shall accrue during the said fiscal year:

For the Park Fund	\$.05
For the Library Fund	<u>\$.09</u>
The aggregate of said sums, to wit	\$1.50

(b) Tax Code Areas No. 2-3 and 2-5:

For the General Fund	\$ 1.34
For the Park Fund	\$.05
For the Library Fund	<u>\$.09</u>
The aggregate of said sums, to wit	\$ 1.48

SECTION 3. REPEALS. Ordinance No. 919-C. S., adopted by the Council of the City of Modesto on the 19th day of August, 1968, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1969, by Councilman Robinson, who moved its introduction and adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Newton, Robinson, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

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

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

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE NORTH 99 NO. 3 ADDITION
 TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Albert R. Muth; Eunice L. Muth; Ophir Anderson; W. L. Martin, II, Vice President/Director of Retail Marketing, Douglas Oil Company; Marjorie C. Stone; Henrietta L. Farkasch; and Lloydine C. Reed on June 16, 1969, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the NORTH 99 NO. 3 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 7th day of July, 1969, set said petition for hearing at the hour of 7:45 o'clock P.M. on the 25th day of August, 1969, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on July 10, 1969, and on July 17, 1969; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on July 18, 1969, and on July 25, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with,
and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 16, 1969, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 25th day of August, 1969, at the hour of 7:45 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the NORTH 99 NO. 3 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1969, by Councilman Mitchell, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

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

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

(SEAL)

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

APPROVED AS TO DESCRIPTION:
By R. A. Hasegawa
Public Works Department

R.H.C.
8-1-69

NORTH 99 NO. 3 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Sections 13 and 24, Township 3 South, Range 8 East, and Sections 18 and 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Western corner of the NORTH 99 ADDITION (195), as per description filed June 28, 1966 as Instrument 23028, Stanislaus County Records, said point being at the intersection of the Southwestern line of North Ninth Street and the Westerly extension of the center line of Clayton Avenue; thence along the existing City Limits on the boundary of said Addition (195) and the center line of Clayton Avenue, North $89^{\circ} 07'$ East, 560.73 feet to a point on the Western line of the California State Freeway, U. S. 99; thence along the existing City Limits of said Addition (195) on said Western line, North $32^{\circ} 02' 43''$ West, 242.89 feet to the most Southerly corner of the NORTH 99 NO. 2 ADDITION (199), as per description filed May 12, 1967 as Instrument 14764, Stanislaus County Records; thence along the existing City Limits on the Western boundary of said Addition (199) and the Western line of said Freeway the following bearings and distances: North $32^{\circ} 02' 43''$ West, 156.09 feet; thence North $42^{\circ} 06' 46''$ West, 324.15 feet; thence North $43^{\circ} 21'$ West, 300.00 feet; thence South $46^{\circ} 35' 42''$ West, 48.01 feet; thence along a Radial line, South $79^{\circ} 39' 39''$ West, 84.00 feet; thence along a curve concave to the Southwest, the center of which bears South $79^{\circ} 39' 39''$ West, having a Radius of 552.00 feet, a Central Angle of $28^{\circ} 13' 51''$ and an Arc Length of 271.98 feet; thence on a non-tangent line, North $38^{\circ} 31' 39''$ West, 229.08 feet; thence North $44^{\circ} 47' 32''$ West, 95.51 feet; thence North $48^{\circ} 41' 21''$ West, 151.77 feet to a point on the section line common to Section 19, Township 3 South, Range 9 East, and Section 24, Township 3 South, Range 8 East; thence along the existing City Limits on the Western line of Addition (199) and said section line, North $0^{\circ} 25'$ West, 677.05 feet to the Northwestern corner of said Addition (199) and the most Westerly Southwestern corner of the North 99 Addition (195); thence along the existing City Limits on the most Western line of said Addition (195), North $0^{\circ} 25'$ West, 10.69 feet to the corner common to Sections 13 and 24, Township 3 South, Range 8 East, and Sections 18 and 19, Township 3 South, Range 9 East; thence along the existing City Limits on the most Western line of said Addition (195) and said section line, North $0^{\circ} 39'$ West, 490.82 feet to the Northeasterly extension of the Northwestern right of way line of Modesto Irrigation District Lateral Number 3; thence leaving the existing City Limits and along said right of way line, South $31^{\circ} 01' 22''$ West, 410.44 feet; thence continuing along said right of way line on a tangent curve concave to the Northwest, having a Radius of 353.80 feet, a Central Angle of $47^{\circ} 30' 23''$ and an Arc Length of 293.35 feet to a point on the Northerly line of Dale Road, also known as Prescott Frontage Road; thence along said Northerly line of Dale Road on a non-tangent curve concave to the Northeast, having a Radius of 773.00 feet, a Central Angle of $20^{\circ} 40' 14''$, a Chord bearing of North $73^{\circ} 48' 55''$ West, and an Arc Length of 278.88 feet; thence continuing along said Northerly line of Dale Road on a tangent line, North $63^{\circ} 28' 48''$ West, 91.87 feet to the Easterly extension of the Northerly line of Shoemaker Avenue; thence along said Easterly extension, South $87^{\circ} 38' 38''$ West, 558.98 feet to a point on the Southwestern line of North Ninth Street; thence along said Southwestern line of North Ninth Street, South $43^{\circ} 21'$ East, 2898.05 feet to the point of beginning, containing ~~34.807~~ 34.807 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFY-
 FING CERTAIN PROPERTY LOCATED THEREON. (LESLIE SHERMAN
 CASS - HOUSING FOR THE ELDERLY)

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

SECTION 1. ZONING CHANGE. Section 30-3-9 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from One-Family Residential Zone, R-1, and Two-Family Residential
 Zone, R-2,
 /to Planned-Development Zone, P-D (64) :

All that portion of Lot 22 of Maze Ranch Subdivision,
 as per map thereof filed March 19, 1909 in Volume 4
 of Maps, Page 18, Stanislaus County Records, described
 as follows:

R-1 to P-D

Commencing at the point of intersection of the center-
 line of Maze Boulevard with the centerline of Franklin
 Street; thence northerly along the centerline of Franklin
 Street a distance of 185.20 feet to the true point of
 beginning; thence westerly along a line which is parallel
 with the centerline of Maze Boulevard and 185.20 feet
 therefrom, a distance of 355.65 feet to the southeast
 corner of the property conveyed to J. N. Snover and wife, by
 deed recorded June 9, 1932, as Instrument No. 5250; thence
 northerly along the east line of said Snover property and
 the northerly extension thereof, a distance of 192.7 feet
 to a point on the centerline of Locust Street; thence
 easterly along the centerline of Locust Street 355.65 feet
 to the point of intersection of the centerline of Locust
 Street with the centerline of Franklin Street; thence
 southerly along centerline of Franklin Street 192.70
 feet to the true point of beginning.

R-2 to P-D

Beginning at the point of intersection of the centerline
 of Maze Boulevard with the centerline of Franklin Street;
 thence northerly along the centerline of Franklin Street
 185.20 feet; thence westerly along a line which is parallel
 with the centerline of Maze Boulevard and 185.20 feet
 therefrom, a distance of 355.65 feet to the southeast
 corner of the property conveyed to J. N. Snover and wife,
 by deed recorded June 9, 1932, as Instrument No. 5250;
 thence continuing westerly along the south line of said
 Snover property 23.42 feet to the northeast corner of
 the property conveyed to C. C. Geist and wife, by deed recorded
 January 8, 1938, as Instrument No. 288; thence southerly
 along the east line of said Geist property and the southerly
 extension thereof 185.20 feet a point on the centerline of
 Maze Boulevard; thence easterly along the centerline of
 Maze Boulevard 379.05 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(64) 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. Maximum of one hundred two (102) apartment units for occupancy only by the elderly as defined in Section 202 of the Housing Act of 1959.
2. At least eighty-two (82) parking spaces at a minimum ratio of .8:1.

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 three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1969, by Councilman Mitchell Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Planning Department
Planning Department

Ord. No. 986-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 September, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Mitchell, Robinson

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

ATTEST: *Pauline P Stanley*
~~PAULINE P. STANLEY, City Clerk~~
PAULINE P. STANLEY, ACTING CITY CLERK
EFFECTIVE DATE: October 15, 1969

AN ORDINANCE AMENDING SECTIONS 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10 AND 5-6.13 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10 and 5-6.13 of Chapter 6 of Title V of the Modesto Municipal Code are 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 the following rates:

(a) Residential.

(1) In all areas within the City limits as of July 1, 1950, the monthly sewer service charges for dwelling units connected or required to be connected to the sewage system shall be:

Each single family dwelling on a lot	\$1.15
One (1) additional dwelling unit on the same lot70
Each dwelling unit in a duplex90
Each dwelling unit in an apartment building or dwelling group70

(2) In areas annexed to the City after July 1, 1950, and prior to July 1, 1960, the monthly sewer service charges for dwelling units connected or required to be connected to the sewage system shall be:

Each single family dwelling on a lot	\$1.50
One (1) additional dwelling unit on the same lot90
Each dwelling unit in a duplex	1.15
Each dwelling unit in an apartment building or dwelling group90

(3) In areas annexed to the City after July 1, 1960, the monthly sewer service charges for dwelling units connected or required to be connected to the sewage system shall be:

Each single family dwelling on a lot	\$1.95
One (1) additional dwelling unit on the same lot . . .	1.15
Each dwelling unit in a duplex	1.50
Each dwelling unit in an apartment building or dwelling group	1.15

(4) In those areas which are outside the City and inside the Sewer District as of July 1, 1967, the monthly sewer service charges for dwelling units connected or

required to be connected to the sewage system shall be:

Each single family dwelling on a lot	\$2.35
One (1) additional dwelling unit on the same lot	1.40
Each dwelling unit in a duplex	1.80
Each dwelling unit in an apartment building or dwelling group	1.40

(5) In areas outside the Sewer District, the monthly sewer service charges for dwelling units connected to the sewage system shall be Six and no/100ths (\$6.00) Dollars per month per dwelling unit paid bimonthly.

(6) For dwelling units required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (a)(1), (a)(2), (a)(3) and (a)(4) above, there shall be an additional charge of One and no/100ths (\$1.00) Dollar per month per premise to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(b) Commercial.

(1) Charges for all commercial users inside the City limits connected or required to be connected to the sewage system shall be sixty-five (65%) percent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. In addition thereto, if any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to sixty-five (65%) percent of the charges which would be made were such water from City facilities. In no event shall charges for commercial users be less than a bimonthly rate of Three and no/100ths (\$3.00) Dollars.

(2) Charges for all commercial users outside the City limits but inside the Sewer District as of July 1, 1967, connected or required to be connected to the sewage system shall be one hundred twenty (120%) percent of the sewer service rate charged commercial users inside the City.

(3) Charges for commercial users outside the Sewer District connected to the sewage system shall be the charges for commercial users inside the City limits multiplied by three (3).

(4) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (b)(1) and (b)(2) above, there shall be an additional charge of One and 50/100ths (\$1.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(c) Industrial.

(1) Monthly charges for industrial users inside the City limits shall be as follows, based on either sewage discharge or water used:

<u>Flow</u>	<u>Charge Per Month</u>
3,000 CF or less	\$10.00
Next 12,000 CF	100 CF
Next 185,000 CF	.11
Next 300,000 CF	.09
Next 500,000 CF	.08
Over 1,000,000 CF	.06
	.04

If B. O. D. of the industrial waste is over 300 ppm, then an additional charge of Eighty (\$. 80) Cents per one hundred (100) pounds of B. O. D. will be made for the B. O. D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13 (e) herein.

(2) Monthly charges for industrial users outside the City limits and inside the Sewer District, shall be as follows, based on either sewage discharge or water used:

<u>Flow</u>	<u>Charge Per Month</u>
3,000 CF or less	\$20.00
Next 12,000 CF	100 CF
Next 185,000 CF	.16
Next 300,000 CF	.13
Next 500,000 CF	.11
Over 1,000,000 CF	.08
	.05

If the B. O. D. of the industrial waste is over three hundred (300) ppm, then an additional charge of Eighty (\$. 80) Cents per one hundred (100) pounds of B. O. D. will be made for the B. O. D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13 (e) herein.

(3) In those cases where an industrial user has elected to install an effluent metering device to measure industrial waste and has an unmetered connection for disposal of sanitary sewage, the Director of Public Works may establish an estimated volume of sanitary sewage. The estimated volume shall be based upon the number and usage of plumbing fixture units contributing to the system and any other available information that indicates the volume of sanitary sewage. The quantity of flow thus obtained shall be added to the volume of industrial waste passing through the effluent meter and monthly waste charges shall be based upon the total volume.

(d) Schools. No charge shall be made for sewer service to schools.

(e) Churches and Parsonages. The monthly sewer service charge for churches within the Sewer District shall be One and 50/100ths (\$1.50) Dollars per month. When a residence used as a parsonage is located on the same lot, there shall be an additional sewer service charge of One and 50/100ths (\$1.50) Dollars per month.

(f) Special Situations. 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, and to any user outside of the boundaries of the Sewer District, at rates different from those heretofore set forth.

SEC. 5-6.04. SEWER CONNECTION CHARGES. Each person owning property within the Sewer District shall pay a charge to the City for connecting to the sewage system in accordance with the following rates:

(a) Residential. A connection charge of One Hundred and no/100ths (\$100.00) Dollars per dwelling unit shall be paid to the City for connection to the sewage system. The connection charge shall increase to One Hundred Fifty and no/100ths (\$150.00) Dollars on July 1, 1969, and shall increase at the rate of Twenty-Five and no/100ths (\$25.00) Dollars per dwelling unit annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council.

(b) Commercial and Industrial. A connection charge of Four Hundred and no/100ths (\$400.00) Dollars per acre shall be paid to the City for connection to the sewage system. The connection charge shall increase to Six Hundred and no/100ths (\$600.00) Dollars on July 1, 1969, and shall increase One Hundred and no/100ths (\$100.00) Dollars per acre annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council.

The acreage used to determine the connection charge shall be the total area developed or being developed which is owned, leased, or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the connection charge. The remaining acreage shall pay a connection charge at such time as it is developed.

(c) Unconnected Standby Sewer Service Charges. Properties which paid unconnected standby sewer service charges prior to July 1, 1969, shall be exempt from sewer connection charges.

SEC. 5-6.05. PAYMENT OF SEWER CONNECTION CHARGES.

(a) The sewer connection charge set forth in Section 5-6.04 (a) shall be paid for connection to the sewage system at the time a building permit is issued for a building or structure. In those cases where a building exists, the sewer connection charge shall be collected at the time a plumbing permit is issued to connect said building or structure to the sewage system. The Council may, by resolutions adopted from time to time, establish conditions under which the sewer connection charges set forth in Section 5-6.04(a) may be spread over a period of time and paid in installments.

(b) The sewer connection charge set forth in Section 5-6.04 (b) shall be paid for connection to the sewage system at the time connection is made or development occurs.

SEC. 5-6.07. PAYMENT OF SUBTRUNK SEWER EXTENSION CHARGES. Subtrunk sewer extension charges shall be paid at the time sewer service is made available to any subdivision, tract, area or lot in the Sewer District. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. In the case of improvement district proceedings, this charge may be included in the costs to be assessed against the district. The Council may, by resolutions adopted from time to time, establish conditions under which the subtrunk sewer extension charges set forth in Section 5-6.06 may be spread over a period of time and paid in installments.

SEC. 5-6.10. REIMBURSEMENT OF PRIVATE AND/OR PUBLIC FUNDS EXPENDED ON SEWER LATERALS AND SUBTRUNK SEWERS. Before any land, through which sewer laterals or subtrunk sewers pass, shall be allowed to connect to the sewage system, reimbursement shall be made of any private and/or public funds expended upon such sewer laterals or subtrunk sewers as determined by the Director.

SEC. 5-6.13. RULES AND REGULATIONS.

(a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial waste or other waste matter into the sewage system except in compliance with the terms of and upon payment of the charges provided in this Chapter.

(b) No person shall discharge or allow the discharge of toxic or flammable material or any other material which would be injurious to sewage treatment processes or to the conduits carrying domestic or industrial waste.

(c) No person shall connect property outside the Sewer District to the sewage system without first obtaining the consent of the City Council and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the Sewer District, the Council may impose such reasonable conditions to the granting of such privilege as it deems to be in the best interest of the City.

(d) There shall be a separate connection to the sewage system for each building served except that when authorized by the Director, two (2) or more buildings on the same lot may be served by the same sewer connection.

(e) The value of B. O. D. to be used in determining the strength of waste of an industrial user shall be the average of at least four (4) grab samples taken at reasonable intervals during the billing period.

(f) Each user shall be responsible for the construction, maintenance and repair of his house sewer line. Each user shall be liable for damages which may result to the sewage system from his failure to keep his house sewer line in good order. A city inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.

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, but shall apply retroactively on and after October 1, 1969.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

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

ATTEST:

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

(SEAL)

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

Ord. No. 987-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1969, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

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

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

EFFECTIVE DATE: October 2, 1969

ORDINANCE NO. 988 - C.S.

AN ORDINANCE ADDING SECTION 5-5.25.1 TO CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO BOARD OF REVIEW FOR RATES TO BE CHARGED FOR COLLECTION OF COMMERCIAL AND INDUSTRIAL GARBAGE.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.25.1 is hereby added to Chapter 5 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-5.25.1. RATES TO BE CHARGED FOR COLLECTION OF GARBAGE - COMMERCIAL AND INDUSTRIAL.

(a) The rates for collection of garbage from commercial and industrial producers shall be established by negotiations between the licensed collector of garbage and the producer and shall be based upon the frequency of service desired, character of garbage and type of containers used and accessibility.

(b) If the licensed collector and the producer are unable to agree on a rate satisfactory to both of them, either or both of them may request that the rate be established by a Board of Review which shall consist of the Director of Public Works, the producer or a person selected by him and the licensed collector or a person selected by him. The decision of the Board shall be final and binding upon both the producer and licensed collector and neither party can request a change in the rate for one year thereafter, unless there has been a substantial change in circumstances. The Director of Public Works shall be chairman of the Board and shall call the meetings.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1969, by Councilman Smith, who moved its introduction and

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, 1969, Councilman Robinson, moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

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

EFFECTIVE DATE: October 22, 1969

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE McHENRY ADDITION
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Doreen Burke; Pete Menghetti; Second Church of Christian Scientist, by Margaret L. Toumeau, Clerk; and Arthur DeGroot

on June 23, 1969, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the McHENRY ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 11th day of August, 1969, set said petition for hearing at the hour of 7:55 o'clock P.M. on the 22nd day of September, 1969, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on August 15, 1969, and on August 22, 1969; and in The Oakdale Leader, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on August 21, 1969, and on August 28, 1969, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with,
and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on June 20, 1969, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 22nd day of September, 1969, at the hour of 7:55 o'clock P. M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

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

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

McHENRY ADDITION

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

Beginning at a point on the existing City Limits as established by the most Easterly Northeastern corner of the LEVELAND ADDITION (221), as per description filed August 14, 1968 as Instrument 25254, Stanislaus County Records, said corner being North $89^{\circ} 02' 30''$ West, 435.29 feet along the center line of 60 foot Woodrow Avenue from the Northeast corner of the Southeast quarter of the Southeast quarter of Section 8; thence along said line, South $89^{\circ} 02' 30''$ East, 130.29 feet to the Northerly extension of the Western line of Parcel 1 of the map filed December 23, 1966 in Volume 2 of Parcel Maps, Page 117, Stanislaus County Records; thence along said Western line, South $0^{\circ} 53' 30''$ East, 145.00 feet; thence along the Southern line of Parcel 1 and the Northern line of Parcel 2 of said Parcel Map and its Easterly extension, South $89^{\circ} 02' 30''$ East, 305.00 feet to a point on the center line of McHenry Avenue and the section line common to Sections 8 and 9; thence along said center line and section line, North $0^{\circ} 53' 30''$ West, 145.00 feet to its intersection with the center line of Woodrow Avenue and the North line of the Southeast quarter of the Southeast quarter of Section 8; thence along the center line of 60 foot Robin Hood Drive, South $89^{\circ} 29' 20''$ East, 61.11 feet; thence continuing along the center line of Robin Hood Drive along a tangent curve concave to the Southwest, having a Radius of 670.00 feet, a Central Angle of $11^{\circ} 05' 35''$, and an Arc Length of 129.72 feet, to its intersection with the Northerly extension of the Western line of a 20 foot alley in Block 12309 of the SHERWOOD FOREST subdivision, as per map filed in Volume 18 of Maps, Page 56, Stanislaus County Records; thence along said Northerly extension and the Western line of said alley, South $0^{\circ} 53' 30''$ East, 395.50 feet to the Southern line of said subdivision and a point on the existing City Limits on the Northern line of the CROCCO ADDITION (171), as per description filed March 17, 1965 as Instrument 10620, Stanislaus County Records; thence along the existing City Limits on the Northern line of said Addition (171), North $89^{\circ} 29' 20''$ West, 189.72 feet to the Northwestern corner of said Addition (171) and a point on the center line of McHenry Avenue and the section line common to Sections 8 and 9; thence along the existing City Limits on the Western line of said Addition (171) and the center line of McHenry Avenue and said section line, South $0^{\circ} 53' 30''$ East, 254.62 feet to the South line of the North half of the Southeast quarter of the Southeast quarter of Section 8; thence along said line, North $89^{\circ} 03' 20''$ West, 454.42 feet to a point on the existing City Limits at the most Easterly Southeastern corner of the Leveland Addition (221); thence along the existing City Limits on the most Eastern line of said Addition (221), North $0^{\circ} 45' 45''$ East, 662.41 feet to the point of beginning, containing 7.514 Acres, more or less.

as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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, 1969, by Councilman Dixon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. A. Hargood
Public Works Department

RAM
8-25-69

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE **SYLVAN-COFFEE NO. 1** ADDITION
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Mrs. Amelia
Fernandes, Haig Berberian, Isabel Berberian

on June 20, 19 69, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the **SYLVAN-COFFEE NO. 1** ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 11th day of August, 19 69, set said petition for hearing at the hour of 8:00 o'clock P.M. on the 22nd day of September, 19 69, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on August 15, 19 69, and on August 22, 19 69; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on August 22, 19 69, and on August 29, 19 69, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with,
and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on June 20, 1969, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 22nd day of September, 1969, at the hour of 8:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the SYLVAN-COFFEE NO. 1 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1969, by Councilman Smith, who moved its adoption and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By P. A. Hasegood
Public Works Department

PAM
8-25-69

SYLVAN-COFFEE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the East half of the East half of Section 9 and the West half of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the WALNUT ACRES ADDITION (157), as per description filed May 14, 1963 as Instrument 18496, Stanislaus County Records, said point being North $89^{\circ} 21'$ West, 20.00 feet from the section line common to Sections 9 and 10 and the center line of 40 foot Coffee Road, and North $0^{\circ} 46' 53''$ West, 102.52 feet from the center line of Thorsen Avenue, as shown on the map of COFFEE VILLAGE subdivision, as per map filed in Volume 19 of Maps, Page 34, Stanislaus County Records; thence along the existing City Limits and the Northern line of the Walnut Acres Addition (157), North $89^{\circ} 21'$ West, 278.00 feet to the Southeastern corner of property conveyed to Ila M. High, by Deed recorded June 3, 1954 as Instrument 14119, Stanislaus County Records; thence leaving the existing City Limits and along the Eastern line of said High property, North $0^{\circ} 46' 53''$ West, 1295.00 feet to the South line of the North half of Section 9, said line also being the center line of 40 foot Sylvan Avenue; thence along said line, North $89^{\circ} 21'$ West, 1021.12 feet to the West line of the Southeast quarter of the Northeast quarter of Section 9; thence along said West line, North $0^{\circ} 49'$ West, 1319.53 feet to the North line of the Southeast quarter of the Northeast quarter of Section 9; thence along said North line, South $89^{\circ} 16'$ East, 1319.55 feet to a point on the section line common to Sections 9 and 10 and the center line of 40 foot Coffee Road; thence along the North line of the Southwest quarter of the Northwest quarter of Section 10, North $89^{\circ} 23' 59''$ East, 1254.55 feet, to a point on a line which is parallel with and 54.13 feet Westerly from the East line of the Southwest quarter of the Northwest quarter; thence along said parallel line, South $0^{\circ} 52' 20''$ East, 657.72 feet; thence along a tangent curve concave to the Northwest, having a Radius of 250.00 feet, a Central Angle of $42^{\circ} 22' 54''$, and an Arc Length of 184.93 feet; thence South $41^{\circ} 30' 34''$ West, 130.80 feet; thence South $48^{\circ} 29' 26''$ East, 97.49 feet; thence along a tangent curve concave to the Southwest, having a Radius of 250.00 feet, a Central Angle of $47^{\circ} 37' 06''$, and an Arc Length of 207.77 feet; thence South $0^{\circ} 52' 20''$ East, 145.31 feet, to a point on the South line of the North half of Section 10 and the center line of 40 foot Sylvan Avenue; thence along said line, North $89^{\circ} 26' 27''$ East, 1364.48 feet to the interior quarter corner of Section 10; thence along the East line of the West half of Section 10, and along the Western line of SYLVAN VILLAGE NO. 1 subdivision as per map filed in Volume 19 of Maps at Page 76, and the Western line of SYLVAN VILLAGE NO. 2 subdivision as per map filed in Volume 21 of Maps at Page 26, Stanislaus County Records, South $0^{\circ} 53' 58''$ East, 989.57 feet to the Northeastern corner of the COFFEE VILLAGE NO. 2 subdivision as per map filed in Volume 19 of Maps at Page 44, Stanislaus County Records; thence along the Northern line of said Coffee Village No. 2 subdivision and the Northern line of Coffee Village subdivision, South $89^{\circ} 30' 27''$ West, 2622.73 feet to a point on the section line common to Sections 9 and 10 and the center line of Coffee Road; thence along said section line, South $0^{\circ} 46' 53''$ East, 308.48 feet; thence North $89^{\circ} 21'$ West, 20.00 feet to the point of beginning, containing 145.618 Acres, more or less.

AN ORDINANCE ADDING SECTION 6-8.110 TO ARTICLE 1 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO REVOCATION OF PRIVATE PATROL PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 6-8.110 is hereby added to Article 1 of Chapter 8 of Title VI of the Modesto Municipal Code to read as follows:

SEC. 6-8.110. REVOCATION OF PERMIT. The Chief of Police may revoke any permit issued by him under the provisions of this chapter, when, in his opinion, a permittee no longer meets the qualifications prescribed in this chapter for the issuance of permits.

A person whose permit has been revoked hereunder shall have the right of appeal as provided in Chapter 4 of Title I of this Code.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: None

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

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

(SEAL)

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

Ord. No. 991-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, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None


ABSENT: Councilmen: Robinson

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 5, 1969

AN ORDINANCE AMENDING SECTION 2-4.303 OF ARTICLE 3 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO PREPARATION AND PAYMENT OF PAYROLL AND REPEALING SECTION 2-4.304 OF ARTICLE 3 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO PAYMENT OF PAYROLL.

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

SECTION 1. AMENDMENT OF CODE. Section 2-4.303 of Article 3 of Chapter 4 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-4.303. PREPARATION AND PAYMENT OF PAYROLL. Whenever monies become due and owing and payable by said City to employees of the City, the Director of Finance shall prepare a payroll based on time reports from all City Departments. When the payroll shall be completed and totals established, money shall be transferred by check or accounting journal in the manner prescribed by the Charter of the City transferring money to the Payroll Fund from the General Fund, or any other funds of the City, in the amount sufficient to pay employees of the City to whom monies are then due and owing by said City for services rendered as shown by said payroll.

The Director of Finance shall make checks, drafts or warrants payable to employees of the City payable from the Payroll Fund in amounts due and owing to said employees for services rendered by said employees to said City on the days regularly provided for the payment of salaries and wages to the various classes of employees of said City. Payroll checks, drafts or warrants may be signed by only the City Auditor or Acting City Auditor.

All City payrolls shall be subject to examination and audit by the City Auditor.

SECTION 2. Section 2-4.304 of Article 3 of Chapter 4 of Title II of the Modesto Municipal Code is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1969, by Councilman Smith, who

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

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 992-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, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

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

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

EFFECTIVE DATE: November 5, 1969

AN ORDINANCE AMENDING ARTICLES 2, 3 AND 4 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 4-4.601 AND 4-4.602 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 9 OF CHAPTER 4 OF TITLE IV; AND REPEALING SECTION 4-4.805 OF ARTICLE 8 OF CHAPTER 4 THEREOF, RELATING TO SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Articles 2, 3 and 4 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

ARTICLE 2. DEFINITIONS

SEC. 4-4.201. TERMS AND WORDS. Except as otherwise provided in this section, all terms used in this chapter which are defined in the Subdivision Map Act are used in this chapter as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

(a) "Shall" is mandatory. May is permissive.

(b) "Owner" is the individual firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter, and while used herein in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

(c) "Subdivider" shall mean any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a division of land hereunder for himself or for another and while used in the masculine gender and singular number it shall be deemed to mean and include the feminine or neuter gender and the plural number wherever required.

~~(d) -- "Subdivision" shall mean improved or unimproved land or lands divided or proposed to be divided into five (5) or more parts less than twenty (20) acres in size for the purpose of sale or lease whether immediate or future.~~

(d) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five (5) or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, or trailer park.

(e) "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for purpose of sale, lease, or separate use.

(f) "Tentative Parcel Map" refers to a map made for the purpose of showing the proposed division of property into four (4) or fewer parcels and the conditions in and around the property proposed to be divided. Such map need not be based upon an accurate or detailed survey of the property but shall contain the information and be of the form required by Section 4-4.502 of this chapter.

(g) "Parcel Map" shall refer to a map recorded or proposed to be recorded for the division of improved or unimproved land or lands into four (4) or fewer lots or parcels for the purpose of sale, or lease or financing or separate use, whether immediate or future.

(h) "Tentative Map" refers to a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around such subdivision. Such map need not be based upon an accurate or detailed final survey of the property, but shall be of a form and contain the information required by Section 4-4.402 of this chapter.

(i) "Final Map" refers to a subdivision map prepared in accordance with the provisions of this chapter and Article 5, Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

ARTICLE 3. GENERAL REGULATIONS AND DESIGN

SEC. 4-4.301. REQUIREMENTS FOR STREETS. (a) Street design shall conform in principle to the streets shown on the circulation element of the General Plan and in width and alignment to the streets shown on any precise plan adopted by the Council relating to streets, and shall conform to the requirements of this chapter. Streets not shown on a general or precise plan shall conform to the requirements of the Planning Commission and of this chapter.

(b) The subdivider may shall be required to dedicate all land necessary for street purposes as shown on the General Plan or any precise plan or to conform to the provisions of this chapter.

SEC. 4-4.302. GENERAL CONDITIONS OF DESIGN. The following general conditions of design shall apply:

(a) Streets and Highways.

(1) Relationship to Existing Streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(2) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred (100') feet.

(3) Intersections. Each street intersection or interception shall be as near to a right angle as is practicable.

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end street shall be more than five hundred (500') feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of fifty (50') feet measured to the property line or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

(5) Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval of the City Engineer.

(6) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than ~~ten-(10')~~ fifteen (15') feet. A greater curve radius may be required if streets intersect other than at right angles.

(7) Street Names. All names shall be as approved by the Planning Commission. Duplication of existing names will not be allowed unless the streets are obviously in alignment with existing streets and not so far removed as to be confusing.

(8) Part-Width Streets. In case of a part-width street, a minimum of forty (40') feet along and adjacent to a boundary of the subdivision will be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of the adjacent lands to be filed with the map of the subdivision, granting sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part-width street be less than forty (40') feet in width, except as provided below. The words "part-width street" shall be lettered on the map following the name of such streets.

Exception - A part-width street less than forty (40') feet may be permitted upon recommendation of the Planning Commission and subject to the approval of the City Council, as set forth in Section 1805 of the Streets and Highways Code of the State of California. The recommendation of the Planning Commission and the approval of the City Council shall be based upon the following factors.

(aa) The extension of the street is along property lines which form a boundary of the subdivision.

(ab) Adherence to the forty (40') foot part-width standards creates an offset in the center of the street.

(ac) The public interest in having a street without an offset in the center line thereof outweighs the general public policy, set forth above, of having all part-width streets a minimum of forty (40') feet in width.

In all cases in which a part-width street less than forty (40') feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40') feet of the street is improved.

(9) Width of Streets. Street right-of-way widths shall be not less than those set forth herein. Increased widths may be required when determined necessary by the Planning Commission in the public interest. Approval or determination of street classification shall be made by the Planning Commission.

<u>Street Class</u>	<u>Minimum Width</u>
<u>Freeway</u>	<u>As determined by State Highway Commission</u>
<u>Expressway</u>	<u>As determined by precise plan</u>
Major streets	90 <u>100</u> feet
Collector streets	60 feet
Industrial streets	60 feet
Minor-Streets	50-feet
<u>Residential street</u>	<u>50 feet</u>
Frontage streets <u>road</u>	As Required
Cul-de-sac	50 feet <u>(plus 50-foot radius)</u>

(b) Alleys. (1) Alleys shall be prohibited in residential subdivisions except when ~~determined to be necessary~~ approved or required by the Planning Commission for any one of the following reasons:

(aa) To widen an existing part-width alley which has been dedicated and improved in an adjacent subdivision;

(ab) To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

(ac) The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than street frontage;

~~(ad) The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.~~

(ad) The relationship to existing or proposed adjacent commercial, industrial, or high density residential development, or adjacent railroad, canal rights of way or other physical barrier.

(ae) The unusual size, shape or topographical character of the property to be subdivided.

(2) Residential alleys shall be a minimum of twenty (20') feet in width.

(3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum width of thirty (30') feet, with adequate provision for ingress and egress.

(4) Where two (2) alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

(5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(c) Blocks. (1) Acre or Large Lot Subdivisions. Where a parcel is first subdivided into small farms or acre tracts, the blocks shall be of such size and shape and be so divided as to provide for the opening of major and collector streets and for the ultimate extension and opening of minor streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

~~(2) Block Lengths. -- Block lengths shall not exceed one thousand (1,000') feet unless existing conditions warrant a variance. -- Long blocks are desirable adjacent to heavily traveled streets in order to reduce the number of intersections.~~

(2) Block Lengths. Block lengths shall not exceed one thousand (1,000') feet. For those blocks of an "el" shape, "tee" shape, or superblock configuration, the width shall not exceed five hundred (500') feet in each of any other direction perpendicular or nearly perpendicular to the length. For purposes of measurement, the distance between extreme property lines measured generally along rear property lines will be utilized. The above limitations shall not apply to blocks which will abut irrigation canals, railroads, freeways, limited access expressways, existing subdivisions with a block over one thousand (1,000') feet in length, or other existing barriers over one thousand (1,000') feet in length.

(3) Block Widths. Blocks shall be of sufficient width to permit the plotting of two (2) tiers of lots of normal depth except where blocks are adjacent to major streets, freeways, or expressways and lots are created which back up to such street and front onto a residential or collector street and access rights to such major street, freeway, or expressway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

(d) Lots. (1) Side Lines. The side lines of all lots wherever practicable shall be at right angles to the center line of the street.

(2) Division of Lots. No lot shall be divided by a county, city, school or any other taxing district boundary line.

(3) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision.

(4) Building Lines. Building setback lines shall be indicated by ~~dotted~~ dashed lines on the Subdivision Map, as required by the Planning Commission.

(5) Suitability of Lots. All lots shall be suitable for the purpose for which they are intended to be sold. No land subject to flooding or deemed by the Planning Commission to be uninhabitable shall be plotted for residential occupancy.

(e) Easements. (1) For Utilities. The subdivider shall grant easements for ~~utility facilities at the rear of all lots, except where alleys are provided and in contiguous locations to permit anchorage, line continuity and ingress and egress.~~ Easements shall be granted for public utility use along lot lines where necessary for extension of sewer, drainage, or utility lines, public utility use along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

(2) For Planting. Where streets are less than sixty (60') feet in width, easements three (3') feet in width for planting and utilities shall be required adjacent to each street right-of-way line.

(3) Dedication. Dedication of easements shall be for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the Council.

(4) Protection of Easements. No person other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such a manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within or overhanging the easement as may endanger or interfere with public utility facilities constructed therein and may have free access to said public utility facilities and every part thereof at all times for the purpose of constructing, operating, and maintaining said public utility facilities.

(5) Design of Easements. Easements shall be located and designed in subdivisions to provide for

reasonable, practical and useful placement, replacement, enlargement, repair and maintenance of utility facilities.

~~(6)--Location-of-Overhead-Utilities.--All-overhead-utilities-shall-be-placed-in-rear-lot-and-side-lot easements, except where utilities cross streets, or must be located outside of the easements for other good and sufficient reasons as determined by the Planning Commission as follows:~~

~~(aa)--In-alleys, where alleys are permitted by the Planning Commission.~~

~~(ab)--In-the-street-where-topography-precludes-utility-construction-in-easements, such-as-on steep-hillsides.~~

~~(ac)--In-streets-where-the-subdivision-is along-river-frontages, canals, or ditches.~~

~~(ad)--In-streets-in-conjunction-with multiple-dwelling-developments-where-streets-constitute service-roads, where buildings front away from streets, or where building-lot-area-exceeds-twenty-thousand-(20,000) square-feet-or-lot-width-exceeds-two-hundred-(200+)-feet.~~

~~(ae)--For-other-good-and-sufficient-reasons.-----~~

~~(f) Frontage Streets.--(1)--When-any-lots-front-or side-on-any-major-street-the-subdivider-may-be-required to-dedicate-and-improve-a-frontage-street-to-provide ingress-to-and-egress-from-such-lots.~~

(f) Underground Utilities. All utility distribution facilities and lines, including, but not limited to, gas, water, sewer, electrical communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard or privately owned easements whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the Planning Commission.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the utility companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed aboveground.

(g) Subdivisions Along Major Streets. When a subdivision is developed adjacent to a freeway, expressway or major street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create back-up lots which front upon an interior residential street and back up to such freeway, expressway, or major street. When back-up lots are created, the subdivider shall waive direct access rights from the lots to the freeway, expressway or major street and shall construct a masonry wall, fence, or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway, expressway or major street.

(h) Water Courses. The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements or construction, or both, to dispose of such surface and storm water.

(i) Sewage Disposal. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

~~SEC. 4-4.303. DEED RESTRICTIONS. A copy of the deed restrictions applicable to the subdivision shall be filed with the Planning Commission at the time of filing the final map.~~

SEC. 4-4.303. CONDITIONS OF APPROVAL. In approving tentative subdivision maps, the Planning Commission may impose such reasonable conditions as it deems necessary or desirable to protect the public health, safety, or welfare, in accordance with the purpose and intent of this chapter.

SEC. 4-4.304. MASTER GENERAL PLAN. In all respects, the subdivision will be considered in relation to the Master General Plan of the City, or any part thereof, or preliminary plans made in anticipation thereof.

ARTICLE 4. TENTATIVE MAPS FOR SUBDIVISIONS OTHER THAN
LOT-SPLITS PARCEL MAPS

SEC. 4-4.401. FILING AND DEPARTMENTAL APPROVAL.

(a) Number and Time of Filing. Fifteen (15) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least fifteen (15) days prior to the meeting of the Commission at which consideration is desired.

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

(c) Distribution. The Planning Commission shall transmit copies of such tentative map to the City Engineer; Chief Engineer of the Modesto Irrigation District; District Manager of the Pacific Gas and Electric Company; District Manager of the Pacific Telephone and Telegraph Company and such other department heads or agencies as it deems advisable, and if a state highway is concerned, to the District Engineer of the Division of Highways, Department of Public Works, State of California.

(d) Departmental Action. The department or agency receiving a copy of the map shall notify, within ten (10) days of the receipt thereof, the Planning Commission of particulars which do not conform to requirements coming within its authorized scope. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map does conform to the requirements of the department concerned.

SEC. 4-4.402. FORM OF TENTATIVE MAP. ~~(a)---Preliminary-Sketches---Prior-to-the-preparation-and-submission-of-a-tentative-map,-subdividers-may-present-preliminary-plans-or-sketches-of-the-proposed-subdivision-for-discussion-with-the-Planning-Commission-or-its-staff.~~

(a) Preliminary Sketches of Proposed Subdivisions. Subdividers are encouraged to consult with the staff of the Planning Commission for technical advice and procedure prior to the filing of a tentative map. Preliminary sketches of the area involved may be submitted and discussed. However, such a preliminary sketch is not to be construed as a tentative map. Where only a portion of a larger area is to be subdivided at this time and the balance planned for future subdivision, the Planning Commission may require a map showing the proposed street layout within the entire area. Such a map is not a tentative map but is to be used as a guide for the tentative map under consideration and future maps of that area.

(b) Size and Scale. Tentative maps shall be eighteen by twenty-six (18" x 26") inches in size and to a scale of one (1") inch equals one hundred (100') feet for large areas, and to a scale of one (1") inch equals fifty (50') feet for small areas unless otherwise approved by the Secretary of the Planning Commission.

(c) Information Required. Every tentative map shall be clearly and legibly reproduced and shall contain the following information:

- (1) A key or location map on which shall be shown the general area including adjacent property, subdivisions and roads.
- (2) The tract name or number, date, north point, scale and sufficient description to define location and boundaries of the proposed tract.
- (3) Name and address of recorder owner or owners.
- (4) Name and address of the subdivider.
- (5) Name and business address of the person who prepared the map.

(6) Acreage of proposed tract to the nearest tenth (10th) of an acre.

(7) Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof.

(8) The locations, names, widths and grades of all roads, streets, highways and ways in the proposed subdivision or to be offered for dedication.

(9) The locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(10) Locations and size of all pipelines and structures used in connection therewith.

(11) Location and character of all existing and proposed public utilities.

(12) The widths, location and purpose of all existing and proposed easements.

(13) Lot layout, dimensions of each lot and lot numbers.

(14) City limit lines occurring within the general vicinity of the subdivision.

(15) Bearings and distances to quarter-section bounds within the general vicinity of the subdivision.

(16) Boundaries of any units within the subdivision if the subdivision is to be recorded in stages.

(17) Names of the owners of land immediately adjacent to the subdivision.

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

(19) Location of all trees proposed to remain in place, standing within the boundaries of proposed public rights of way.

(20) Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all water courses.

SEC. 4-4.403. STATEMENT REQUIRED. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:

(a) Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(b) Proposed plan for drainage.

(c) Provision for sewerage and sewage disposal.

(d) Provision for proposed water supply.

(e) Public areas proposed.

(f) Type and location of street lighting proposed.

(g) Proposed building setback lines and width of side yards.

(h) Justification and reasons for any exceptions to provisions of this chapter, or for any amendments to the zoning law, which may be requested in conjunction with the subdivision proposed.

(i) A copy of any restrictive covenants proposed shall be attached to the owner's statement.

SEC. 4-4.404. ACTION ON TENTATIVE MAP. (a) Action by Planning Commission. The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this article and upon that basis within thirty (30) days after the filing of the tentative map, approve, conditionally approve or disapprove the same and shall report such action direct to the subdivider and shall also transmit to the City Engineer a copy of the tentative map, and a copy of the resolution setting forth the action of the Planning Commission.

(b) Information to be Furnished to City Engineer. Subsequent to the approval by the Planning Commission of the tentative map of any subdivision, the subdivider shall furnish the following information to the City Engineer and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

(1) Typical cross sections and proposed final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

(2) Proposed length, size and type of any pipes, culverts, or structures necessary for drainage, erosion control or the public safety, with plans and specifications therefor.

(3) Any information required by the conditional approval of the Planning Commission.

(4) Elevations shall be referred to the Modesto City Datum.

(c) The subdivider or his responsible representative shall be present at the time set for the consideration of the tentative map.

SECTION 2. AMENDMENT OF CODE. Sections 4-4.601 and 4-4.602 of Article 6 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.601. FILING. (a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final map within eighteen (18) months after the approval or conditional approval of the tentative map. In any case where a final map or record of survey map is not filed within eighteen (18) months after approval of the tentative map, and where no extension of time has been granted, a new tentative map shall be required.

(b) Checking Fees. A tracing of the final map shall be filed with the City Engineer together with a

checking fee of Fifteen and no/100ths (\$15.00) Dollars, plus Fifty Cents (\$0.50) per lot payable to the City Treasury, no part of which shall be returnable, at least thirty (30) days prior to the meeting of the Council at which approval is expected.

(c) Filing of Traverse Sheets. At the time of the filing of the final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse sheet shall also show the areas of all lots within the subdivision. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in five thousand (5,000).

SEC. 4-4.602. FORM OF FINAL MAP. (a) Legibility and Size.

(1) The final map shall be clearly and legibly drawn ~~upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgements and signatures shall be made in black waterproof india ink, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film,~~ except that affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map with black opaque ink. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six (18" x 26") inches leaving an entirely blank margin of one (1") inch.

(2) When the final map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one (1). Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

(b) Title. The final map shall contain a title consisting of the name of the tract and subtitle or general description of all the property being subdivided with reference to maps which have been previously recorded. In no case shall the title be the same, or so nearly the same as to cause confusion as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded.

(c) Distances and Bearings. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown.

(d) Boundary References and Monuments. (1) The final map shall show clearly any stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot and block numbers, subdivision name and proper ties shown.

(2) Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(3) The map shall show the location and description of all monuments and bench marks found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

(e) Information Required. In addition, the final map shall be prepared in full compliance with the following requirements:

(1) High Water Line. The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.

(2) Flood Areas. The boundaries of any areas within the proposed subdivision which are subject to inundation by water shall be shown.

(3) Boundary of Subdivision. The boundary of the subdivision shall be designated by a blue border one-eighth (1/8th") inch in width applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data.

(4) Right of Way Dimensions. The center lines and side lines of all streets, the total width of all streets, the widths each side of the center line, the widths of any portion of a street being dedicated, and the widths of existing dedications, and the widths of all railroad, Irrigation District or other rightsoof way shall be shown.

(5) Building Lines. Building setback lines shall be indicated by ~~broken~~ dashed lines of the same width as the lines denoting street boundaries and shall be properly designated.

(6) Easements. The map shall show the side lines of all easements to which the lots are subject. Such easements must be clearly labeled and identified and if already of record, the record references given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine broken lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

~~(7)--City-Boundaries.--City-Boundary-lines crossing-or-bounding-the-subdivision-shall-be-clearly designated-and-referenced.~~

(7) Acreage. The total acreage of the subdivision to the nearest one hundredth of an acre shall be shown on the face of the final map.

(8) Block Numbers. Block numbers shall be assigned by the office of the Planning Commission. The numbers shall be solid and of sufficient size and thickness to stand out, and shall be so placed as not to obliterate any future and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data.

(9) Lot Numbers. Lot numbers shall begin with the number "1" in each block and shall be consecutive with no omissions or duplications. If deemed necessary by the Secretary of the Planning Commission, omissions may be made when only a portion of the block is to be recorded and the remainder of the block is to be completed as part of a subsequent subdivision.

(10) Other Data. The map shall also show all other data that is or may be required by law.

(11) Disposition of Lots. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private with all dimensions, boundaries and courses clearly shown and defined in every case.

(12) Reversion to Acreage. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated under the title "The Purpose of This Map is a Reversion to Acreage."

SECTION 3. AMENDMENT OF CODE. Article 9 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 9. EXCEPTIONS

~~SEC. 4-4.901. AUTHORITY TO VARY REGULATIONS. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the general plan or these regulations. In granting variances or modifications, the Planning Commission may require such conditions as will, in the judgment, secure substantially the objectives of the standards or requirements so varied or modified.~~

SEC. 4-4.901. AUTHORITY TO VARY REGULATIONS. (a) The Planning Commission may vary the regulations relating to the subdivision of land by granting an exception provided it is shown by the subdivider that:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights of way, unique location of easements, etc.; or

(2) Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this chapter; or

(3) In the case of a parcel map, the applicant is being denied the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or zone in which the property is located;

(4) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or these regulations.

(b) Where it is determined by the Planning Commission that the design of a proposed subdivision or parcel map is in compliance with a development plan which has been adopted by the City Council in conjunction with a Planned Development Zone, the Planning Commission may approve such subdivision or parcel map without formally granting exceptions for design factors which are not in strict compliance with the provisions of this chapter.

(c) In granting an exception, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so excepted.

SEC. 4-4.902. APPEAL PROCEDURE. Any person aggrieved by the decisions of the Planning Commission with respect to the granting or denial of ~~a variance or modification~~ an exception pursuant to the provisions of this ~~Section~~ article may appeal to the Council in accordance with the procedure contained in the provisions of Chapter 4 of Title I of the Modesto Municipal Code.

SECTION 4. AMENDMENT OF CODE. Section 4-4.805 of Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1969, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call

carried and ordered printed and published by the following
vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon,
Smith, Mayor ~~Mr~~ Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 993-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, 1969, Councilman Mitchell, moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

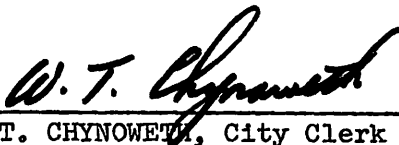
ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 3, 1969

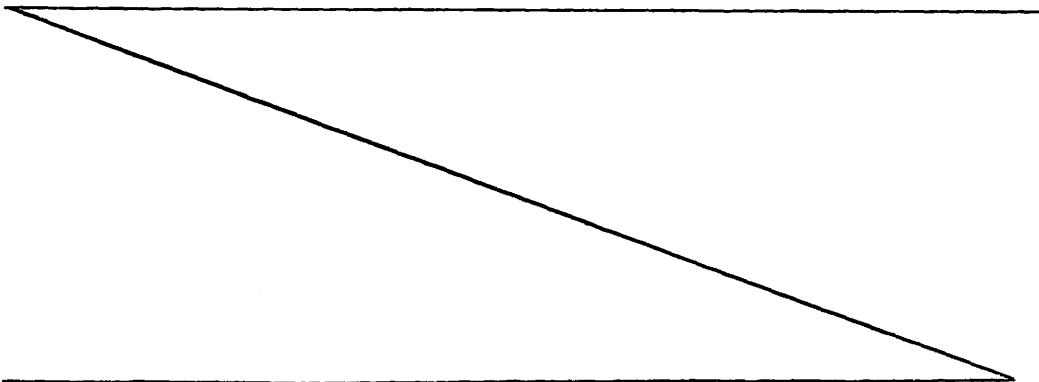
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE EAST COOLIDGE TO THE CITY OF MODESTO.

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

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

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

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



EAST COOLIDGE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 16 and a portion of the North half of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the EAST ORANGEBURG NO. 3 ADDITION (220), as per description filed July 30, 1968, as Instrument 23318, and a point on the Northern line of the SUNRISE ADDITION (206), as per description filed September 25, 1967, as Instrument 30334, Stanislaus County Records, said point being at the intersection of the center line of East Orangeburg Avenue and the Eastern line of Lot 12 of the COOLIDGE COLONY, as per map filed November 15, 1910, in Volume 5 of Maps, Page 17, Stanislaus County Records; thence along the existing City Limits on the Eastern line of said Addition (220) and the Eastern line of said Lot 12, North 0° 10' West, 330.00 feet; thence along the existing City Limits on the Northern line of said Addition (220), North 89° 00' West, 330.00 feet, to a point on the Eastern line of the EAST ORANGEBURG NO. 2 ADDITION (219), as per description filed July 30, 1968, as Instrument 23319, Stanislaus County Records; thence along the existing City Limits on said Eastern line of Addition (219) and the Eastern line of Lot 11 of said Coolidge Colony, North 0° 10' West, 180.00 feet; thence along the existing City Limits on the Northern line of said Addition (219) the following bearings and distances: North 89° 00' West, 123.00 feet; South 0° 10' East, 20.00 feet; North 89° 00' West, 141.00 feet; South 0° 10' East, 160.00 feet; and North 89° 00' West, 726.00 feet to the Northeastern corner of the EAST ORANGEBURG ADDITION (112), as per description filed June 29, 1960, as Instrument 18295, Stanislaus County Records; thence along the existing City Limits on the Northern line of said Addition (112), North 89° 00' West, 215.04 feet, to the Southeastern corner of the DRAKE ADDITION (129), as per description filed May 4, 1962, as Instrument 17325, Stanislaus County Records; thence along the existing City Limits on the Eastern line of said Addition (129) the following bearings and distances: North 0° 10' West, 140.00 feet, to a point on the Northern line of Drake Avenue; South 89° 00' East, 115.00 feet, along said Northern line; North 0° 10' West, 85.00 feet; North 89° 00' West, 95.00 feet; and North 0° 10' West, 125.00 feet, to a point on the Northern line of East Coolidge Avenue and the Southern line of the McHENRY VILLAGE ADDITION (60), as per description filed May 11, 1954, as Instrument 11745, Stanislaus County Records; thence along the existing City Limits on the Southern and Eastern lines of said Addition (60) the following bearings and distances: South 89° 00' East, 64.00 feet; North 0° 10' West, 310.00 feet; and South 89° 00' East, 132.00 feet to a Southwestern corner of the EAST GRANGER ADDITION (196), as per description filed June 28, 1966, as Instrument 23029, Stanislaus County Records; thence along the existing City Limits on the Southern and Eastern lines of said Addition (196) the following bearings and distances: South 89° 00' East, 315.00 feet; South 0° 10' East, 330.00 feet, to the center line of East Coolidge Avenue; South 89° 00' East, 196.00 feet, along the center line of East Coolidge Avenue; North 0° 10' West, 120.00 feet; South 89° 00' East, 50.00 feet; and North 0° 10' West, 210.00 feet, to a point on the Southern line of the HOYLE ADDITION (172), as per description filed March 17, 1965, as Instrument 10619, Stanislaus County Records; thence along the existing City Limits on the Southern line of said Addition (172), South 89° 00' East, 99.00 feet, to the Southwestern corner of the GLENN ADDITION (125), as per description filed January 9, 1962, as Instrument 995, Stanislaus County Records; thence along the existing City Limits on the Southern and Eastern lines of said Addition (125) the following bearings and distances: South 89° 00' East, 197.00 feet; North 0° 10' West, 310.00 feet; North 89° 00' West, 47.00 feet; and North 0° 10' West, 20.00 feet, to a point on the center line of East Granger Avenue, said line also being the section line common to Sections 16 and 21; thence leaving the existing City Limits and along said section line and the center line of East Granger Avenue, South 89° 00' East, 1172.72 feet, to the quarter corner common to Sections 16 and 21; thence along the West line of the Southeast quarter of Section 16 and the center line of

Sunrise Avenue, North $0^{\circ} 15'$ West, 371.01 feet, to a point on the Northern line of Northern Boulevard and the Southern line of the Modesto Irrigation District Lateral Number 3; thence along said line, South $69^{\circ} 57'$ East, 1057.38 feet, to a point on the Northerly extension of the Eastern line of the GENEVA HEIGHTS subdivision, as shown on the map filed in Volume 18 of Maps, Page 29, Stanislaus County Records; thence along said extension, South $0^{\circ} 03'$ East, 25.82 feet, to a point on the section line common to Sections 16 and 21, said point also being the Northeast corner of the West half of the East half of the Northwest quarter of the Northeast quarter of Section 21, and the Northeastern corner of said subdivision; thence along the Northern line of said subdivision, North $89^{\circ} 00'$ West, 330.94 feet, to the Northwestern corner of said subdivision; thence along the Western line of said subdivision and the Eastern line of the MEADOW GLENN subdivision, as per map filed in Volume 20 of Maps, Page 69, Stanislaus County Records, and its Southerly extension, said line being the East line of the West half of the West half of the Northeast quarter of Section 21, South $0^{\circ} 03'$ East, 395.73 feet, to the Northeastern corner of property conveyed to the Modesto City School District by deed recorded January 16, 1948, as Instrument 1120, Stanislaus County Records; thence along the Northern and Western lines of said school property, North $89^{\circ} 00'$ West, 330.72 feet, and South $0^{\circ} 03'$ East, 263.60 feet, to the Northeastern corner of property conveyed to the Modesto City School District by deed recorded February 26, 1948, as Instrument 4385, Stanislaus County Records; thence along the Northern line of said property and its Westerly extension, North $89^{\circ} 00'$ West, 330.50 feet, to a point on the center line of Sunrise Avenue and the West line of the East half of Section 21; thence along said quarter section line and the center line of Sunrise Avenue, South $0^{\circ} 03'$ East, 660.61 feet, to its intersection with the center line of East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue, South $89^{\circ} 03'$ East, 158.00 feet, to its intersection with the Northerly extension of the Western line of a 20 foot North-South alley in Block 1140, as shown on the map of the SUNRISE HOMES subdivision, filed in Volume 14 of Maps, Page 36, Stanislaus County Records; thence along said extension and the Western line of said alley, South $0^{\circ} 02' 30''$ East, 480.00 feet, to the Northern line of a 20 foot East-West alley in said Block 1140; thence along said Northern line and its Westerly extension, North $89^{\circ} 03'$ West, 158.00 feet, to its intersection with the center line of Sunrise Avenue and the West line of the East half of Section 21; thence along said line, South $0^{\circ} 02' 30''$ East, 39.38 feet, to a point on the Northern boundary of the Sunrise Addition (206); thence along the existing City Limits on said Northern boundary the following bearings and distances: North $89^{\circ} 03'$ West, 165.00 feet; North $0^{\circ} 02' 30''$ West, 213.44 feet; North $89^{\circ} 03'$ West, 32.00 feet; North $0^{\circ} 02' 30''$ West, 306.11 feet, to the center line of East Orangeburg Avenue; and North $89^{\circ} 00'$ West, 463.66 feet to the point of beginning, containing 59.657 Acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective on December 1, 19 69.

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

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

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

SECTION 6. This ordinance shall be published in full in The Modesto 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, 19 69, by Councilman Mitchell, who moved its introduction and adoption, which motion being duly seconded by Councilman Newton, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *R. C. Rosegood*
Public Works Department

RAM
10-30-64

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
<u>BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits</u>	<u>40 miles per hour</u>
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
<u>CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits</u>	<u>50 miles per hour</u>
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour
CENTER STREET, entire length in City	25 miles per hour
COFFEE ROAD, Scenic Drive to M.I.D. Lateral # 3	30 miles per hour

<u>COFFEE ROAD, between M.I.D. Lateral # 3 and Floyd Avenue within the City limits</u>	<u>35 miles per hour</u>
<u>COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits</u>	<u>40 miles per hour</u>
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
<u>CONANT ROAD, between North 9th Street and Rumble Road, within the City limits</u>	<u>35 miles per hour</u>
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSIEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the City limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
BRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in City	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour

MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg, within City limits	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to 1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Scenic Drive to 400 feet north of Kruger Avenue	30 miles per hour
ROSE AVENUE, 400 feet north of Kruger Avenue to Floyd Avenue	35 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road, within the City limits	<u>35 miles per hour</u>
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	<u>50 miles per hour</u>
TULLY ROAD, from 300 feet north of Woodrow to the north City limits	35 miles per hour

WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the City limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to south City limits	40 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour
9TH STREET, from P Street to Tully Road	35 miles per hour
9TH STREET, from Tully Road to north City limits	50 miles per hour

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
 NOES: Councilmen: None
 ABSENT: Councilmen: None

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

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

(SEAL)

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1969, Councilman Mitchell, moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: December 3, 1969

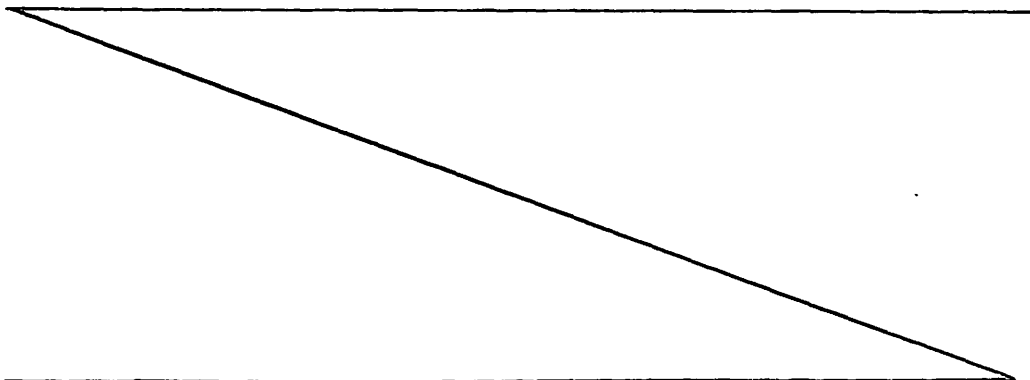
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN
TERRITORY KNOWN AS THE KAZMIR COURT
TO THE CITY OF MODESTO.

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

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

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

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



KAZMIR COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the most Northerly Northwestern corner of the MINENI MANOR ADDITION (63), as per description filed July 26, 1955, as Instrument 21227, and the Southern line of the HUDSON-UCCELLO ADDITION (51), as per description filed August 28, 1953, as Instrument 21233, Stanislaus County Records, said point being at the intersection of the Eastern line of a 20 foot alley in Block 3071 of SUNSET MANOR subdivision, as per map filed in Volume 16 of Maps, Page 50, and the Northern line of a 60 foot street known as Rouse Avenue as shown on the map of the HUDSON PARK subdivision, filed in Volume 17 of Maps, Page 57, Stanislaus County Records; thence along the existing City Limits on the Northern line of Rouse Avenue, and the Southern line of said Addition (51), said line being parallel with and 15.00 feet, measured at right angles, Northerly from the North line of the South half of the Northeast quarter of Section 6, South 89° 00' West, 1194.55 feet, to a point on the Northerly extension of the Western line of the Sunset Manor subdivision; thence leaving the City Limits and along said Western line of the Sunset Manor subdivision, South 0° 27' East, 773.56 feet, to a point on the existing City Limits as established by the most Westerly Northwestern corner of the Mineni Manor Addition (63); thence along the existing City Limits on a Northern boundary of said Addition (63), said line also being the Southern line of the Sunset Manor subdivision, South 89° 05' East, 644.88 feet, and North 75° 00' East, 567.42 feet, to the Southerly extension of the Eastern line of the 20 foot alley in Block 3071; thence along the existing City Limits on a Western line of Addition (63) and said Eastern line of alley, North 0° 24' West, 657.86 feet, to the point of beginning, containing 20.773 Acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective on December 1, 1969.

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

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

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

SECTION 6. This ordinance shall be published in full in The Modesto 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, 1969, by Councilman Robinson, who moved its introduction and adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. A. Harwood
Public Works Department

R.H.M.
11-6-69

AN ORDINANCE AMENDING SECTION MAP 9-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO INDUSTRIAL PARK - COMMISSION INITIATION)

WHEREAS, the Planning Commission on September 11, 1969, initiated proceedings to amend Section 9-4-9 of the Zoning Map to reclassify from Industrial Park Zone, M-P, to Heavy Industrial Zone, M-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 21, 1969, it was found and determined by the Planning Commission that rezoning as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 69-120, adopted on October 21, 1969, the Planning Commission recommended to the Council that Section 9-4-9 of the Zoning Map be amended to reclassify the hereinafter described property from Industrial Park Zone, M-P, to Heavy Industrial Zone, M-2,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 9-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Industrial Park Zone, M-P, to Heavy Industrial Zone, M-2:

All that real property situated in the State of California, County of Stanislaus, Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the point of intersection of the north line of Whitmore Avenue with the east line of Crows Landing Road; thence, northerly along the east line

of Crows Landing Road 3346.5 feet to the point of intersection with the north line of the property described in the deed to Tidewater Southern Railroad Company recorded August 19, 1952, as Instrument No. 19402, Stanislaus County Records, being the true point of beginning; thence, Easterly along the Northern line of said Railroad property to a point on the Western line of the Tidewater Southern Railroad right of way, said point being 25 feet at right angles Westerly from the North-South quarter section line of said Section 9; thence Northerly along the Western line of said Railroad right of way to its intersection with the Westerly extension of the Southern line of the Olympic Tract as shown on the map filed in Volume 14 of Maps, Page 55 Stanislaus County Records; thence Easterly along the Southern line of the Olympic Tract and its Westerly extension to the Southeast corner of said Olympic Tract, said point being on the Western line of a 40-foot public road known as Morgan Road as shown on the map of the Midway Tract, filed in Volume 5 of Maps, Page 46, Stanislaus County Records; thence Southerly along the Western line of said Morgan Road to the Southeastern corner of Lot 12 of said Midway Tract; thence Westerly along the Southern line of Lots 12 and 13 of said Midway Tract to the Southwestern corner of said Lot 13, said point being the Northeastern corner of the Southwest quarter of the Southeast quarter of said Section 9; thence Southerly along the Eastern line of the Southwest quarter of the Southeast quarter of said Section 9 to a point on the Northern line of a 40 foot public road known as Whitmore Road; thence Westerly along the Northern line of said Whitmore Road to the point of intersection with the Western line of said Tidewater Southern Railroad right of way, said point being 25 feet at right angles Westerly from the North-South quarter section line of said Section 9; thence Northerly along the Western line of said Railroad right of way to a point on the Southern line of the Northwest quarter of said Section 9; thence Westerly along the Southern line of the Northwest quarter of said Section 9 to its intersection with the Eastern line of said Crows Landing Road; thence Northerly along the Eastern line of said Crows Landing Road to the true point of beginning.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1969, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Robinson
ELWYN L. ROBINSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols
Planning Department

Ordinance 997 C.S.
Exhibit A – Map

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

Ord. No. 997-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of December, 1969, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

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

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

EFFECTIVE DATE: December 31, 1969

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

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Vince Lancey

on September 15, 19 69, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 21, 19 69, 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. 69-123, adopted on October 21, 19 69, the Planning Commission recommended to the Council that the application of Vince Lancey

to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family 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, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

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

R-2 :

All that portion of the Southwest quarter of the Southeast quarter of Section 15, T. 3 S., R. 9 E., M.D.B. & M., in the County of Stanislaus, State of California, and more particularly described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of Section 15, said point being on the centerline of Rose Avenue; thence along the centerline of Rose Avenue and Westerly line of said Southeast quarter North 107.20 feet to the centerline of Briggsmore Avenue and the true point of beginning of this description; thence along the centerline of Briggsmore Avenue South $89^{\circ} 10' 31''$ East 120.01 feet; thence North 357.52 feet; thence South $89^{\circ} 20' 40''$ East 10.00 feet; thence North 196.00 feet to a point on the Southerly line of Highland Manor No. 2 as filed in Volume 21 of Maps, at page 53, Stanislaus County Records; thence along the Southerly line of said Subdivision North $89^{\circ} 20' 40''$ West 130.01 feet to a point on the centerline of Rose Avenue; thence along the centerline of Rose Avenue South 553.17 feet to the true point of beginning of this description.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William P. Nichols
Planning Department

**Ordinance 998 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 8-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(WILBUR GRANT)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Wilbur Grant

on August 4, 19 69, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 21, 19 69, 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. 69-122, adopted on October 21, 19 69, the Planning Commission recommended to the Council that the application of Wilbur Grant

to amend Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, ~~Zone,~~ to Two-Family 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, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1 , to Two-Family Residential Zone,

R-2 :

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

COMMENCING at the northeast corner of the South half of the Southeast quarter of Section 8, said point of commencement being the centerline intersection of McHenry and Woodrow Avenue; thence North $89^{\circ} 02' 30''$ West along the northerly line of the South half of said southeast quarter and the centerline of Woodrow Avenue a distance of 435.41 feet to the northeast corner of the parcel conveyed to the City of Modesto by deed recorded in Volume 1871 of Official Records at Page 249, Stanislaus County Records, and the true point of beginning of this description; thence South $0^{\circ} 46' 30''$ West along the east line of said City of Modesto parcel and its southerly prolongation thereof, a distance of 136.00 feet; thence North $89^{\circ} 02' 30''$ West parallel to and 136.00 feet distant southerly at right angles from the aforementioned centerline of Woodrow Avenue, a distance of 454.10 feet to the east line of the parcel conveyed to Alfred L. Flory, et al, by deed recorded in Volume 1816 of Official Records at Page 677, Stanislaus County Records, and the centerline of Sherwood Avenue; thence North $0^{\circ} 53' 15''$ West along said east line of the Flory parcel and the centerline of Sherwood Avenue, a distance of 136.00 feet to the aforementioned centerline of Woodrow Avenue; thence South $89^{\circ} 02' 30''$ East along said centerline of Woodrow Avenue, a distance of 458.04 feet to the point of beginning.

Containing 1.427 Acres Gross.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1969, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William J. Nichols
Planning Department

**Ordinance 999 C.S.
Exhibit A – Map**

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

Ord. No. 999-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, 1969, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 7, 1970

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits	40 miles per hour
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
<u>BRIGHTON AVENUE, between Wylie Drive and Coffee Road</u>	<u>25 miles per hour</u>
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits	50 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour
CENTER STREET, entire length in City	25 miles per hour

COFFEE ROAD, Scenic Drive to M.I.D. Lateral # 3	30 miles per hour
COFFEE ROAD, between M.I.D. Lateral # 3 and Floyd Avenue within the City limits	35 miles per hour
COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits	40 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
CONANT ROAD, between North 9th Street and Rumble Road, within the City limits	35 miles per hour
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLER, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the City limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in City	25 miles per hour

MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg, within City limits	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to .1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Scenic Drive to 400 feet north of Kruger Avenue	30 miles per hour
ROSE AVENUE, 400 feet north of Kruger Avenue to Floyd Avenue	35 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue, within the City limits	<u>30 miles per hour</u>
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oak- dale Road, within the City limits	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	50 miles per hour

TULLY ROAD, from 300 feet north of
Woodrow to the north City limits 35 miles per hour

WESTERN WAY, between Sutter
Avenue and Roselawn Avenue 25 miles per hour

WOODROW AVENUE, within the City
limits 25 miles per hour

WRIGHT, from Sycamore to McHenry 25 miles per hour

9TH STREET, from north end of
Tuolumne River Bridge to south
City limits 40 miles per hour

9TH STREET, from north end of
Tuolumne River Bridge to D
Street 30 miles per hour

9TH STREET, from P Street to
Tully Road 35 miles per hour

9TH STREET, from Tully Road to
north City limits 50 miles per hour

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 December, 1969, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1000-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of January, 1970, Councilman Smith, moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: February 4, 1970