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City Clerk, Fresno, California
No Fee--Govt. Code §6103

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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO

PROPOSED AND INITIATED BY _____

MOVED BY Dages _____ SECONDED BY Perea _____

BILL NO. B-17

ORDINANCE NO. 2006-13

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF
FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5
INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL
CODE, BEING THE ZONING ORDINANCE OF THE CITY OF
FRESNO

WHEREAS, Rezone Application No. R-04-112 was filed with the City of Fresno by Sol Development Associates, LLC, on behalf of Derrel's Mini Storage and the property owner listed below, to rezone property.

Property owner: Wesclo, L.P., a California Limited Partnership

and;

WHEREAS, the Roosevelt Community Plan Implementation Committee held a

meeting on April 11, 2005 to consider this rezone application and its related plan

Adopted 1/31/06
Approved 1/31/06
Effective 3/3/06

2006-13

amendment and conditional use permit application, and recommended approval of these applications; and

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a proposed finding of Mitigated Negative Declaration on August 10, 2005; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 4th day of January, 2006, to consider Rezone Application No. R-04-112 and related Plan Amendment Application No. A-04-37, Conditional Use Permit Application No. C-04-341, and Environmental Assessment No. A-04-37/R-04-112/C-04-341 which was prepared for these concurrent applications; and

WHEREAS, during this hearing the Commission recommended to the Council of the City of Fresno approval of the subject plan amendment application to establish an office commercial land use on the real property described hereinbelow, and recommended to the Council of the City of Fresno approval of the subject rezone application which proposes to amend the City's Zoning Ordinance on the real property described hereinbelow from the AE-20 (*Exclusive Agricultural, Twenty-Acre Minimum Parcel Size*) Fresno County zone district to the S-L/UGM/cz (*Storage-Limited/Mini Storage Facility District/Urban Growth Management Area/conditions of zoning*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 31st day of January, 2006, held a noticed public hearing to consider Rezone Application No. R-04-112, its related

plan amendment and conditional use permit applications, and Environmental Assessment No. A-04-37/ R-04-112/C-04-341; and

WHEREAS, the Council of the City of Fresno received the recommendation of the Planning Commission, and received oral testimony and written information presented at the hearing regarding Rezone Application No. R-04-112.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds, in accordance with its own independent judgment, that there is no substantial evidence in the record that the rezoning may have a significant adverse effect on the environment as identified by the Finding of Mitigated Negative Declaration dated August 10, 2005, prepared for Environmental Assessment No. A-04-37/R-04-112/C-04-341. Accordingly, the Finding of Mitigated Negative Declaration for that environmental assessment is hereby approved.

SECTION 2. The Council finds, pursuant to Section 12-403-B of the Fresno Municipal Code, that the requested S-L/UGM/cz zone district is consistent with the office commercial planned land use designation pertaining to this property as provided for through approval of Plan Amendment Application No. A-04-37 and as specified by the 2025 Fresno General Plan Planned Land Use and Zone District Consistency Matrix.

SECTION 3. The Council ordains that the zone district of the real property described hereinbelow, located in the City of Fresno, is reclassified from the AE-20

(Exclusive Agricultural, Twenty-Acre Minimum Parcel Size) Fresno County zone district
to the City's S-L/UGM/cz (Storage-Limited/Mini Storage Facility District/Urban Growth
Management Area/conditions of zoning) zone district:

See technical
Corrections

THAT PORTION OF HENRIETTA RANCHO, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 PAGE 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 17; THENCE SOUTH 0°00' EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 1,017 FEET; THENCE NORTH 89°38' WEST, A DISTANCE OF 374.78 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°00' EAST, A DISTANCE OF 180.00 FEET; THENCE SOUTH 89°38' EAST, A DISTANCE OF 321.52 FEET; THENCE SOUTH 1°06'30" WEST, ALONG THE WESTERLY BOUNDARY OF THAT PORTION OF LAND CONVEYED TO THE COUNTY OF FRESNO BY DEED DATED NOVEMBER 19, 1962, RECORDED FEBRUARY 10, 1970 IN BOOK 5758, PAGE 396, AS DOCUMENT NO. 9582, FRESNO COUNTY RECORDS, A DISTANCE OF 141.57 FEET; THENCE SOUTH 0°00' EAST ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 194.46 FEET; THENCE NORTH 89°38' WEST, A DISTANCE OF 835.0 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE LAND CONVEYED TO LAWRENCE J. DANIEL, ET AL, BY DEED DATED JANUARY 21, 1941 AND RECORDED IN BOOK 1894, PAGE 284 OF OFFICIAL RECORDS; THENCE NORTH 0°00' EAST ALONG SAID DANISI LAND, A DISTANCE OF 250.00 FEET; THENCE SOUTH 89°38' EAST, A DISTANCE OF 413.0 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING

ASSESSOR'S PARCEL NO. 481-100-08

and

THAT PORTION OF LOTS 5 AND 6 OF HENRIETTA RANCHO, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 20 PAGE 30 OF PLATS, FRESNO COUNTY RECORDS, AND THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND FURTHER DESCRIBED AS A WHOLE TO WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 0°58' WEST ALONG THE EAST LINE OF SECTION 17, 510.00 FEET; THENCE SOUTH 89°36' WEST 30.00 FEET TO A POINT, SAID POINT BEING THE

POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0°58' WEST AND PARALLEL TO AND 30.00 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 17, 633.00 FEET; THENCE SOUTH 89°24' WEST 861.02 FEET; THENCE SOUTH 1°16' EAST 291.43 FEET; THENCE NORTH 89°11' EAST 435.00 FEET; THENCE SOUTH 0°13' EAST 342.77 FEET; THENCE NORTH 89°36' EAST 427.52 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 0°58' WEST ALONG THE EAST LINE OF SECTION 17, 510.00 FEET; THENCE, SOUTH 89°36' WEST 30.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89°36' WEST 427.52 FEET; THENCE NORTH 0°13' EAST 342.77 FEET; THENCE NORTH 89°36' EAST 427.52 FEET TO A POINT WHICH IS 30.00 FEET WESTERLY TO THE EAST LINE OF SAID SECTION 17; THENCE SOUTH 0°58' EAST 342.77 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM, COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION 17, A DISTANCE OF 1,143 FEET TO THE TRUE POINT OF BEGINNING THENCE (1) NORTH 89°38' WEST A DISTANCE OF 56 FEET; THENCE, (2) SOUTH, PARALLEL WITH THE SAID EAST BOUNDARY OF SECTION 17, A DISTANCE OF 290.23 FEET; THENCE (3) EASTERLY, PARALLEL WITH THE SAID SOUTH BOUNDARY OF SECTION 17, A DISTANCE OF 56 FEET; THENCE (4) NORTH ALONG SAID EAST BOUNDARY OF SECTION 17, A DISTANCE OF 290.23 FEET TO THE TRUE POINT OF BEGINNING.

[ASSESSOR'S PARCEL No. 481-130-15]

SECTION 4. The Council ordains that the S-L/UGM/cz zone district of the real property described hereinabove be subject to the following conditions of zoning:

1. The transportation and circulation mitigation measures identified in the Project-Specific Mitigation Checklist approved for City of Fresno Environmental Assessment No. A-04-37/R-04-112/ C-04-341 and special permit conditions for Conditional Use Permit No. C-04-341 shall be implemented with development of the subject property, including the requirement that street circulation access to South Clovis Avenue for existing and planned residential land to the west be provided via dedication of right-of-way for a local street at the southerly boundary of the subject property.
2. Prior to issuance of construction permits, the subject property shall be annexed to the City of Fresno and detached from the

Kings River Conservation District and Fresno Fire Protection District, pursuant all required fees and in compliance with requirements and policies of the Fresno County Local Agency Formation Commission and the City of Fresno (these fees shall include any cost incurred to the City of Fresno caused by the detachment of the property from the Fresno County Fire Protection District).

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 31st day of January, 2006, by the following vote:

AYES: Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan.

NOES: None

ABSENT: None

ABSTAIN: None

REBECCA E. KLISCH
City Clerk

By *Rebecca E Klisch*

APPROVED AS TO FORM:

HILDA CANTÚ MONTÓY
City Attorney

By *[Signature]*
Deputy

MICROFILMED
Date _____

Rezone Application No. R-04-112
Filed by Sol Development Associates. LLC
on behalf of Wesclo, L.P. and Derrel's
Mini Storage
APNs 481-100-08 and 481-130-15



City of
FRESNO

RECEIVED

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT 27 AM 8:02

CITY CLERK, FRESNO CA

DATE: April 25, 2012

TO: YVONNE SPENCE
City Clerk

THROUGH: MARK SCOTT, Interim Director *MS*
Development and Resource Management Department

FROM: JONATHAN BARTEL, Supervising Engineering Technician *JB*
Development and Resource Management Department

SUBJECT: CORRECTED DESCRIPTION PAGE: TECHNICAL CORRECTIONS TO THE
LEGAL DESCRIPTION OF ORDINANCE NO. 2006-13 (REZONING
APPLICATION NO. R-04-112)

On January 31, 2006, the City Council adopted Ordinance No. 2006-13 for Rezone Application No. R-04-112 affecting approximately 13.44 acres of property located on the west side of South Clovis Avenue between East Jensen Avenue and East Church Avenue. The Ordinance approved a change in zoning to the S-L/UGM/cz zone district for approximately 13.44 acres.

After having reviewed this matter, the Director of the Development and Resource Management Department finds that the legal description on Page 4 and 5 of the approved Ordinance No. 2006-13 for Rezone Application No. R-04-112, contains boundary description errors which could misrepresent the intent of the zone district amendment. As such, in accordance with Section 12-403-L of the Fresno Municipal Code, this corrected description page to the ordinance is being filed with the City Clerk. The corrected legal description is depicted and otherwise described in the attached as Exhibit "A."

This change does not affect nor alter the intent of the conditions of approval of the zone district amendment.

Attachments: Exhibit A - Corrected legal description

CLERK'S CERTIFICATION

I certify that the change does not affect nor alter the intent of the conditions of approval of the zone district amendment.

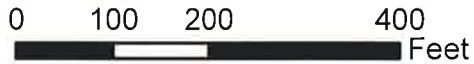
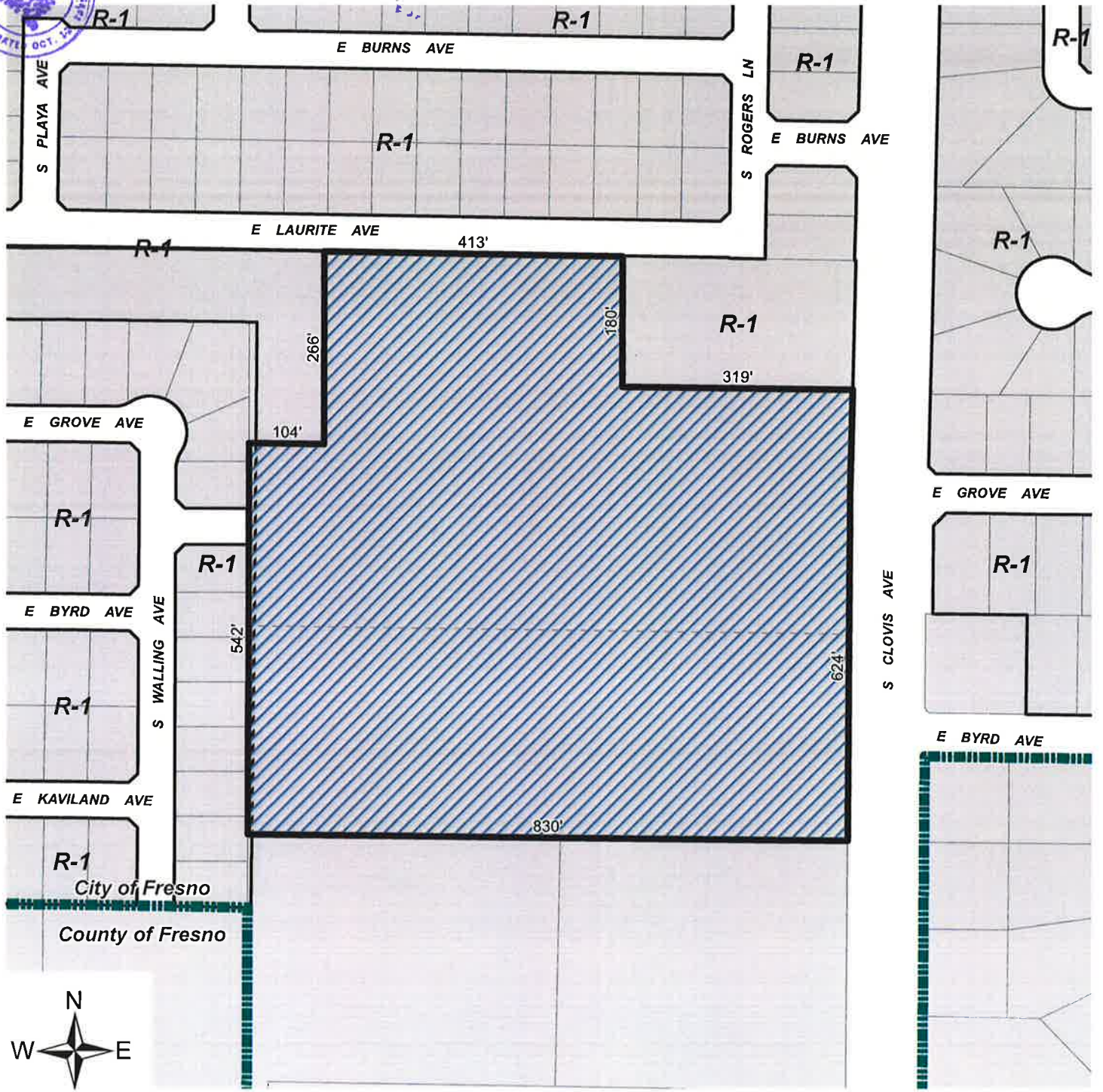
WITNESS my hand and official seal

YVONNE SPENCE, CMC
City Clerk, City of Fresno

By *Yvonne Spence*
Deputy



EXHIBIT A



R-04-112
 APN: 481-100-08
 481-130-15

 AE-20 to S-L/UGM/cz, 13.44 Acres

 City Limits