

-----SPACE ABOVE FOR RECORDER'S USE-----

STATEMENT OF COVENANTS
AFFECTING LAND DEVELOPMENT
(Rezoning Application No. 7983)

RECITALS

A. RANCHO HUEVO CREMA, a Limited Partnership, hereinafter referred to as "the Covenantor," is the owner of that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as "the Subject Property" and more particularly described in attached Exhibit "L".

B. The Covenantor has applied to the City of Fresno for a district amendment changing the AE-5/UGM Zone District classification to the R-3/UGM/cz Zone District classification for the Subject Property.

C. The City of Fresno desires to obtain covenants from the Covenantor to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.

COVENANTS, CONDITIONS, AND RESTRICTIONS

For favorable action on, and approval of, the Covenantor's application for an amendment to the Zone District classification of the Subject Property as referred to hereinabove, the Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse effects on the public health, safety, peace, and general welfare.

Each of the covenants, conditions, and restrictions contained in this Statement will run with the Subject Property and shall be binding on each successive owner of the Subject Property and his heirs, administrators, successors, and assigns.

1. Covenantor hereby covenants as follows:

- a. Development of the subject property shall be limited to not more than eighteen (18) units per acre.
- b. Applications for site plan review submitted for the subject property shall be referred to the City Council for final approval.

2. The conditions of this Statement are intended to benefit the public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Covenantor under this Statement shall inure solely to the benefit of the City of Fresno. There are no third party beneficiaries of said obligations nor shall the right of the City of Fresno be transferrable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Covenantor covenants that, in the event of failure to comply with the conditions set forth in this Statement, Covenantor will not object to the redistricting of the Subject Property to a land use zoning district which the Council of the City of Fresno determines is proper without compliance with such conditions, and in such event, Covenantor waives any right to have any uses or improvements, installed subsequently to the change of land use zoning district herein requested, considered, or treated as not conforming uses or improvements after such redistricting.

4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.

5. The provisions of this Statement shall be deemed independent and severable and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context of the statement so requires in interpreting this Statement, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

DATED: 8-11-87

Accepted By:

CITY OF FRESNO,
a Municipal Corporation

By _____
George A. Kerber, Director
Development Department

ATTEST:

JACQUELINE L. RYLE
City Clerk

By _____
Deputy

APPROVED AS TO FORM:

HARVEY WALLACE
City Attorney

By _____

COVENANTOR

RANCHO HUEVO CREMA,
a Limited Partnership

By Richard L. Kerber, Director
Development Department

By Jacqueline L. Ryle

(Attach Notary Acknowledgment)

CT:sn
0651d/271

Exhibit "L"
(Rezoning Application No. 7983)

The following described real property shall be reclassified from
AE-5/UGM to R-3/UGM/cz:

Parcel 1

The South 880 feet of Lot 113 of J. C. Forkner Fig Gardens
Subdivision No. 2, recorded in Volume 8, page 66 of Plats,
Fresno County Records.

Parcel 2

The West 115.00 feet of the South 430.00 feet of that portion
of Lot 116 of J. C. Forkner Fig Gardens Subdivision No. 2,
recorded in Volume 8, page 66 of Plats, Fresno County Records,
described as follows:

BEGINNING at a point on the East line of said Lot 116 which is
940.70 feet Southerly from the Northeast corner of said
Lot 116; thence Northerly along the East line of said Lot 116,
a distance of 940.70 feet to the Northeast corner of said
Lot 116; thence Westerly along the North line of said Lot 116
to the Northwest corner of said Lot 116; thence Southerly
along the West line of said Lot 116, a distance of 940.54
feet, a little more or less, to a point which is 674.83 feet
Northerly from the Southwest corner of said Lot 116, thence
Easterly to the Point of Beginning.

Parcel 3

The South 1,130 feet of the East 300 feet of Lot 115 of said
J. C. Forkner Fig Gardens Subdivision No. 2, recorded in
Volume 8, page 66 of Plats, Fresno County Records.

Parcel 4

That portion of Lots 103 and 104 of J. C. Forkner Fig Gardens
Subdivision No. 2, recorded in Volume 8, page 66 of Plats,
Fresno County Records, described as follows:

BEGINNING at the Northwest corner of said Lot 104; thence
North 89° 40' 28" East along the North line of said Lot 104, a
distance of 688.13' feet to the Northeast corner of Lot 104;
thence South 65° 51' 01" East, a distance of 280.00 feet,
thence South 44° 01' 42" West, a distance of 699.16 feet;
thence South 89° 40' 28" West, a distance of 440.00 feet to
the West line of Lot 104; thence North 0° 40' 47" East, along
the West line of Lot 104, a distance of 680.00 feet to the
Point of Beginning.

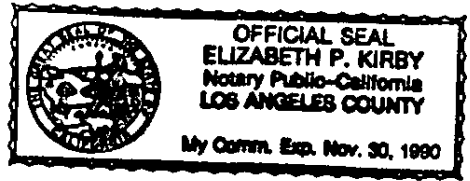
CT:sn
9964g/255

Corporation as Partner of a Partnership (Compiled)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 11th day of August 1987, before me, Elizabeth P. Kirby, a Notary Public in and for the said county and state, personally appeared MARSHALL I. SISKIN, personally known to me to be the President of SISKIN RANCHOS, INC., the corporation that executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the General Partners of RANCHO HUEVO CREMA the partnership that executed the within instrument and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

Elizabeth P. Kirby
ELIZABETH P. KIRBY

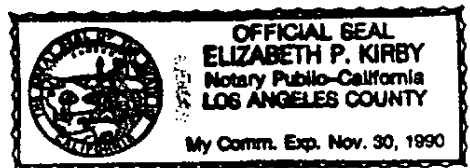


Partnership (1190a C.C.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 11th day of August 1987, before me, Elizabeth P. Kirby, personally appeared MARTIN M. SCHULTZ, personally known to me to be the person that executed this instrument, on behalf of the partnership and acknowledged to me that the partnership executed it.

Elizabeth P. Kirby
ELIZABETH P. KIRBY



BILL NO. B-64

INTRODUCED BY COUNCILMEMBER Kimber

ORDINANCE NO. 87-74

AN ORDINANCE AMENDING MAP SECTIONS NW3C AND NW3D OF 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, 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 6th day of May, 1987, and approved and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance which changes the real property described in attached Exhibit "L" from one zone to another; and

WHEREAS, the Council of the City of Fresno received the recommendation of the Planning Commission and concurs therein.

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 interests of the City of Fresno, the Council finds that there is no substantial evidence in the record that the rezoning may have a significant effect on the environment, and the Negative Declaration prepared for this project is hereby approved.

SECTION 2. The zone district of the real property described in Exhibit "L", located in the City of Fresno, and shown on Map Sections NW3C and NW3D of the Official Zone Map of the City of Fresno, is reclassified according to said Exhibit "L".

SECTION 3. This Ordinance shall be conditioned upon the record owner of the real property subject to this reclassification executing and causing to be recorded a Covenant running with the land that will effect land development to guarantee that:

1. Development of the subject property shall be limited to not more than eighteen (18) units per acre.
2. Applications for site plan review submitted for the subject property shall be referred to the City Council for final approval.

PASSED

6/16/87

EFFECTIVE

All Sec. 5

SECTION 4. This Ordinance shall be conditioned upon the record owner of the real property subject to this reclassification dedicating and providing, or agreeing to provide, improvements to streets adjacent to the subject property as follows:

NORTH POLK AVENUE

- ✓ 1. Dedication of a 17 to 94-foot easement for street right of way along the entire frontage in accordance with the Bullard Community Plan. The exact alignment and width is subject to determination by the Public Works Director.
2. Installation of concrete curb, gutter and 18 feet of asphalt concrete pavement along the entire frontage plus transition paving as required by the Engineer.

WEST SIERRA AVENUE

- ✓ 1. Dedication of a 17-foot easement for street right of way along the entire frontage in accordance with the Bullard Community Plan. The exact alignment and width is subject to determination by the Public Works Director.
2. Installation of concrete curb, gutter and 18 feet of asphalt concrete pavement along the entire frontage plus transition paving as required by the Engineer.

WEST BULLARD AVENUE

- ✓ 1. Dedication of a 13-foot easement for street right of way along the entire frontage.
2. Installation of concrete curb, gutter and 18 feet of asphalt concrete pavement along the entire frontage plus transition paving as required by the Engineer.

NORTH DANTE AVENUE (NEW STREET)

1. Dedication of a 47-foot easement (half street) for street right of way along the entire frontage in accordance with the Bullard Community Plan. The exact alignment and width is subject to determination by the Public Works Director.
2. Installation of concrete curb, gutter and 18 feet of asphalt concrete pavement along the entire frontage plus transition paving as required by the Engineer.

GENERAL

1. Dedication of a triangular parcel and installation of a wheelchair ramp conforming to City Drawing No. P-28 plus transition pavement at the following locations:
 - ✓ A. Southeast corner of Polk and Sierra Avenue.
 - ✓ B. Northeast corner of Bullard and Polk Avenue (new alignment).
 - ✓ C. Northwest corner of Bullard and Polk Avenue (new alignment).
 - ✓ D. Northeast corner of Bullard and Dante Avenue (new street).
2. Applicant must provide the City with the legal description on a standard deed form together with City standard drawings for any required dedication. Review and approval of documents must occur prior to final map approval of Tract No. 3876.

3. Any existing utilities including, but not limited to, street lights, signal lights, and fire hydrants requiring removal and/or relocation to construct the above mentioned improvements shall be done at no expense to the City.

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, and upon recordation of the Covenant required in Section 3 of this Ordinance, and upon compliance with Section 12-404-K-1(b) of the Fresno Municipal Code (recordation of subdivision map).

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, JACQUELINE L. RYLE, 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 16th day of June, 1987.

JACQUELINE L. RYLE
City Clerk

By _____
Deputy

Appl. No. R-7983

Filed by: Trend Homes, Inc.

Parcel No. 306-040-04, 05, 07, 10

CCT:mv
0062d/259

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: 
DEPUTY

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