

Exhibit I

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Calhoun SECONDED BY Ronquillo

BILL NO. B-7

ORDINANCE NO. 2001-4

AN ORDINANCE 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, Heald Colleges, is the owner of a 5.66 acre parcel of real property located on the southwest corner of West Bullard and North Del Mar Avenues; and

WHEREAS, James T. O'Dea, representing Heald Colleges, proposes to reclassify the subject property from the R-1-C, Single Family Residential District, to the C-P, Administrative and Professional Office District; and

WHEREAS, the Bullard Community Plan designates the subject property as appropriate for public facilities land uses; and

WHEREAS, the requested C-P, Administrative and Professional Office District, may be found consistent with the planned public facilities land use if the said zoning is subject to a condition limiting the use of the land to a school or a college; and

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Director of the Development Department of the City of Fresno found the proposed rezoning in conformance with adopted plans and policies of the City and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance which changes the real property described hereinbelow from one zone to another; 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 sixth day of December, 2000, and approved and recommended to the Council of the City of Fresno an amendment to the Zoning

2001-4

Effective
Approved
Adopted
1-23-01
1-23-01
Sect. 4

Ordinance which changes the real property described hereinbelow 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, that the adoption of the proposed rezoning is in the best interests of the City of Fresno, and the Council finds that, in accordance with their own independent judgement, 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 hereinbelow, located in the City of Fresno, and shown on the Official Zone Map of the City of Fresno, is reclassified from the R-1-C, Single Family Residential District, to the C-P/cz, Administrative and Professional Office District, as follows:

The East 411.83 feet of Lots 1 and 2 of CALIFORNIA POULTRY FARM, in the City of Fresno, Fresno County, California, according to the map thereof recorded in Book 2 of Record of Surveys at Page 82, Fresno County Records.

For the purpose of these descriptions, the North line of Lots 1 and 2 is taken to be 30 feet South of the North line of Section 9, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, and the East line of Lot 1 is taken to be 20 feet West of the East line of the West 3/4 of Section 9, Township 12 South, Range 20 East, Mount Diablo Base and Meridian.

Assessor's Parcel No. 416-020-26

SECTION 3. This ordinance shall be conditioned upon the record owner of the property subject to the reclassification executing and causing to be recorded a zoning contract running with the land that will affect land development to guarantee that:

1. The use of the subject property described here-in-above shall be limited to the development of a school or a college.

SECTION 4. 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 compliance with the requirements of the Fresno Municipal Code Sections 12-403-K and L.

CLERK'S CERTIFICATE

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 23rd day of JANUARY, 2001, by the following vote:

AYES:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
NOES:	None
ABSENT:	None
ABSTAIN:	None

Dated this 23rd day of JANUARY, 2001

REBECCA E. KLISCH
City Clerk

APPROVED AS TO FORM:

HILDA CANTU-MONTOY
City Attorney

By 

SK:CA...R 00-041ord

By Rebecca E. Klisch
~~Deputy~~

Application No. R-00-041
Filed by: Heald Colleges
Assessor's Parcel Nos. 416-020-26

Recording Requested by
City Clerk, Fresno, California
No Fee-Govt. Code 6103
Return to City Clerk, Fresno

Fresno County Recorder
William C. Greenwood

DOC- 2001-0064296

Thursday, MAY 10, 2001 15:36:16

FRE \$0.00

Ttl Pd \$0.00

Nbr-0000546666

gsf/R1/1-9

Rezonng Application No. R-00-041
APN: 416-020-26

Development Department
City of Fresno

ZONING CONTRACT NO. R-00-041

This Zoning Contract is made by and between the CITY OF FRESNO, hereafter "City" and HEALD COLLEGES OF CALIFORNIA, a California non-profit corporation, hereafter "Owner".


RECITALS

- A. The Owner owns real property situated in the City of Fresno, County of Fresno, State of California, hereafter referred to as the "Subject Property" and more particularly described in Ordinance No. 2001-4, hereafter referred to as the "Ordinance", attached and incorporated by reference as EXHIBIT "A"; and
- B. The Owner, pursuant to Rezoning Application No. R-00-041, has applied to the City for a district amendment changing the zone district classification for the Subject Property; and
- C. The Fresno City Council on January 23, 2001, adopted said Ordinance reclassifying the zone district of the Subject Property subject to the execution of a Zoning Contract within the time period, form and manner provided in Section 12-404-J of the Fresno Municipal Code; and
- D. The Owner hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument and that all such instruments of subordination, if any, are attached hereto and made a part of this instrument; and
- E. The Owner desires to enter into a Zoning Contract to obtain effective zoning pursuant to said Section 12-404-J.

In consideration of the foregoing:

1. The Owner agrees that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained and improved in accordance with the conditions provided in EXHIBIT "A."
2. The conditions of this zoning contract are intended to benefit the public and public properties. Accordingly, the City shall have the right to enforce this contract by any legal or equitable means against the Owner and such person or persons in actual possession of the Subject Property who directly or who through any agent violate the terms hereof. All obligations of the owner under this contract shall inure solely to the benefit of the City. There are no third party beneficiaries of such obligations nor shall the right of the City be transferrable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.
3. Owner agrees that, in the event of failure to comply with the conditions set forth in this contract, Owner will not object to the redesignation of the Subject property to a land use zoning district which the Council of the City determines is proper without compliance with such conditions. In such event, owner 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 non-conforming uses or improvements after such redistricting.
4. The provisions of this contract 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 so requires, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.
5. The foregoing conditions shall remain in full force and effect until such time as the City, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.
6. The foregoing shall burden the Subject Property and constitute a covenant running with the land in favor of and for the benefit of the City and its property; be enforceable by the City by any legal or equitable means; and shall be binding upon the successors, assigns, transferees, and heirs of the Owner.

CITY OF FRESNO,
a Municipal Corporation

By  _____
Nick Yovino, Director
Development Department

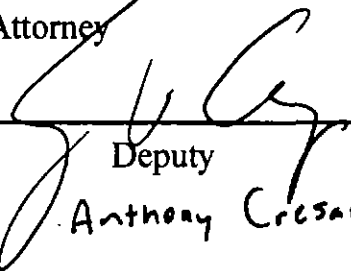
OWNER

HEALD COLLEGES OF CALIFORNIA,
a California Non-Profit Corporation

By:  _____
Peter R. Hoenig, Chief Financial Officer

APPROVED AS TO FORM:

HILDA CANTÚ-MONTOY
City Attorney

By  _____
Deputy
Anthony Cresap

(Attach Notary Acknowledgment)

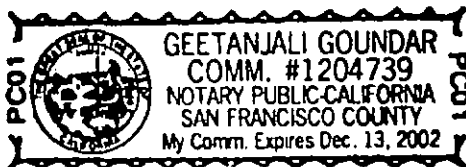
State of California }
County of San Francisco } ss.
 }

On March 27, 2001 before me, Geetanjali Goundar, Notary Public,
personally appeared

Peter R. Hoenig

☐ personally known to me – or ☒ proved to me on the basis of satisfactory evidence to be the
person (s) whose name (s) is/are subscribed to the
within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity (ies), and that by his/her/their signature (s) on
the instrument the person (s), or the entity upon behalf of
which the person (s) acted, executed the instrument.

WITNESS my hand and official seal.



Geetanjali Goundar
Signature
Notary Public
State of California

My commission expires: December 13, 2002