

ORDINANCE NO. 85-107

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

DEC 23 1985

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY
THE COMPREHENSIVE ZONING ORDINANCE NO. 2550,
FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY
LOCATED AT THE SOUTHWEST CORNER OF BELL AVENUE
AND TAYLOR STREET FROM THE TOWNHOUSE,
R-1A

ZONE(S) AND PLACING
THE SAME IN THE GARDEN APARTMENT-REVIEW, R-2B-R
AND LIMITED COMMERCIAL-REVIEW, C-1-R ZONE(S)
(FILE NO. P85-364) (APN: 237-100-04,17,23)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The territory described in the attached exhibit(s) which is in the Townhouse,
R-1A zone(s),
established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed
from said zone and placed in the Garden Apartment-Review, R-2B-R and Limited
Commercial-Review, C-1-R zone(s).

This action rezoning the property described in the attached exhibit(s) is
adopted subject to the following conditions and stipulations:

a. A material consideration in the decision of the Planning Commission to
recommend and the City Council to approve rezoning of the applicant's property
is the development plans and representations submitted by the applicant in
support of this request. It is believed said plans and representations are an
integral part of such proposal and should continue to be the development program
for the property.

b. If an application for a building permit or other construction permit is
filed for said parcel which is not in conformity with the proposed development
plans and representations submitted by the applicant and as approved by the
Planning Commission November 14, 1985, on file in the office of the
Planning Division, or any provision or modification thereof as subsequently
reviewed and approved by the Planning Commission, no such permit shall be
issued, and the Planning Division shall report the matter to the Planning
Commission as provided for in Ordinance No. 3201, Fourth Series.

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c. Liquor stores, convenience markets, service stations, "fast food" restaurants (establishments that serve meals and have no table service) are prohibited from locating on this site. The applicant shall record this condition with the deed for the property 30 days after approval of the zoning by the City. Evidence of recordation shall be given to the Planning Director prior to issuance of building permits. Medical offices are permitted subject to meeting the required parking ratio and the plan review and approval by the Planning Director.

d. Prior to issuance of any building permits, the applicant shall enter into a maintenance agreement with the City for the long-term upkeep of the site (see attached for provisions of agreement).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION: 12/17/85

PASSED: 12/23/85

EFFECTIVE: 1/22/86

Arue Kudva
MAYOR

ATTEST:

Assistant *Arne J. Mason*
CITY CLERK

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LEGAL DESCRIPTION

The land referred to in this Report is situated in the State of California, County of Sacramento, City of Sacramento and is described as follows:

PARCEL ONE:

Lot 39 as shown on the "Plat of Subdivision of Section 11 of Rancho Del Paso," recorded in book 14 of Maps, Map No. 5 records of said County.

EXCEPTING THEREFROM the South 330 feet thereof.

PARCEL TWO:

Parcel A:

That portion of Lot 40, as shown on the "Plat of Subdivision of Section 11 of Rancho Del Paso," recorded in book 14 of Maps, Map No. A5 records of said County, which lies South and East of the Southerly and Easterly line of the strip of land 70 feet in width acquired by the United States of America, the centerline of said strips of land being described as follows:

BEGINNING at a point on the North line of Lot 39 of said subdivision of Section 11, Rancho Del Paso, being the centerline of Joan Avenue located South 89°10'20" East 766.79 feet from the Southwest corner of lot 25, of said subdivision of Section 11, Rancho Del Paso, being the West 1/4 corner of Subdivision of Section 11, Rancho Del Paso; thence South 0°59' West 42.40 feet; thence South 37°08' West 59.81 feet; thence South 62°07' West 79.74 feet; thence South 75°58' West 347.40 feet; thence South 68°01' West 158.26 feet; thence South 71°48' West 80.27 feet; thence South 51°21' West 114.11 feet to a point located North 00°02' East 2310.60 feet from the Southwest corner of lot 57, of said Subdivison of Section 11, Rancho Del Paso, being the Southwest corner of Section 11, Rancho Del Paso and thence, South 23°14' West 96.04 feet, bearings being referred to a true meridian at longitude 121°23'58" West of prime meridian.

EXCEPTING THEREFROM the following:

BEGINNING at a point on the West line of Lot 40 and on the center line of public road 60.00 feet in width, located South 01°46'30" East 371.29 feet along said West line of Lot 40 and the centerline of said road, from the Northwest corner of lot 40; said point of beginning also being the intersection of the West line of lot 40 with the South line of a 70.00 foot drainage canal right of way, described in Judgment recorded May 6, 1946 in book 1225 of Official Records, page 333; thence from said point of beginning and along the Southern line of said drainage canal the following 4 courses and sistanceces (1) North 49°33'50" East 134.53 feet (2) North 70°00'50" East 69.28 feet (3) South 85°13'50" East 156.97 feet and (4) North 74°10'50" East 342.55 feet to a point on the East line of lot 40 located South

01°46'30" East 164.96 feet from the Northeast corner of lot 40; thence along the East lien of lot 40, South 01°46'30" East 21.06 feet to the center line of a 40.00 foot drainage canal, described in deed recorded May 24, 1961, book 4250 page 96 Official Records; thence along the centerline of said 40.00 foot drainage canal and along the arc of a curve to the right on a radius of 500.00 feet, said arc being subtended by a chord bearing South 48°50'40" West 70.77 feet; thence along an arc of a curve to the left on a radius of 700.00 feet, said arc being subtended by a chord bearing South 44°41'48" West 199.83 feet; thence leaving said centerline and parallel with the North line of lot 40, South 89°02'30" West 460.40 feet to the point of beginning.

EXCEPTING THEREFROM the East 10.00 feet of the West 40.00 feet of said lot 40.

Parcel B:

Lot 41 as shown on the "Plat of Subdivision of Section No. 11, Rancho Del Paso", recorded in book 14 of Maps, Map No. 5 records of said County.

The subdivision of said lot being made on the basis that the lot area includes one-half of the adjoining roads.

EXCEPTING THEREFROM any portion lying within boundaries of the Glenwood Park, Uplit No. 1, filed in the office of the Recorder of Sacramento County on December 6, 1960 in book 63 of Maps, Map No. 17.

EXCEPTING THEREFROM the East 10.00 feet of the West 40.00 feet of said lot 41.

FURTHER EXCEPTING THEREFROM said parcels A and B all that portion described as follows:

BEGINNING at a point in said lot 40, from which the Northwest corner thereof bears the following two (2) courses and distances: (1) South 89°02'30" West 40.00 feet to a point on the West line of said lot 40 and (2) along said West line North 01°46'30" West 371.29 feet, said point of beginning being marked by a 1 1/4 inch iron pipe monument tagged L.S. 3185; thence from said point of beginning, parallel to and distant 40.00 feet Easterly measured at right angles, from the West line of said lot 40 and lot 41, South 01°46'30" East 670.00 feet in a similar iron pipe monument; thence North 89°02'30" East 250.00 feet to a similar iron pipe monument marking a point on the West line of that certain 40.00 foot strip of land described in that certain deed, recorded in the office of said Recorder in book 4250 page 96 Official Records; thence continuing North 89°02'30" East 20.00 feet to a point located on the centerline of said 40.00 foot strip of land; thence, along the centerline of said 40.00 foot strip of land, the following two (2) courses and distances: (1) North 01°46'30" West 234.32 feet and (2) curving to the right on an arc of 700.00 feet radius, said arc being subtended by a chord bearing North 17°21'42" West 172.14 feet

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East 458.88 feet; thence South 89°02'30" West 420.43 feet to the point of beginning.

PARCEL THREE:

Parcel 2 as shown on the Parcel Map entitled "South one-half lot 39, Section 11-Rancho Del Paso 14 BM5", filed in the office of the Recorder of Sacramento County, California on June 6, 1977 in book 32 of Parcel Maps, Map No. 32.

APN 237-100-04
237-100-13
237-100-10
237-100-17
237-100-23

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PROVISIONS OF REQUIRED MAINTENANCE AGREEMENT (P65-364)

STRUCTURE

1. Exterior painting of the structures between five and ten years; exact time to be determined by owner or City based on need;
2. Regular monthly inspection of condition by a manager and repairs made in reasonable time;
3. Roof inspected every five years by roofing contractor and necessary repairs made.

PARKING AREAS

1. No parking of inoperative cars;
2. No boat or trailer storage;
3. No auto repairs beyond minor maintenance work;
4. Areas to be kept free of holes, loose gravel, trash and litter.

LANDSCAPING

1. No paving of areas intended for landscaping;
2. Irrigation system shall be installed, working and on timers;
3. Landscaping shall be serviced on a weekly basis during spring and summer months.

TRASH AREAS

1. No receptacles shall be visible;
2. Door to trash enclosures shall be kept closed and in working condition.

MISCELLANEOUS

1. Exterior lighting shall be kept in working condition;
2. Fences and walls shall be kept free of holes.

PENALTY

There shall be financial assurances given to guarantee continued maintenance.