

ORDINANCE NO. 2412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY REZONING CERTAIN PROPERTY LOCATED ON THE SOUTH SIDE OF EAST 21ST STREET, APPROXIMATELY 380 FEET WEST OF THE INTERSECTION OF YOSEMITE PARKWAY AND EAST 21ST STREET FROM R-3-1.5 TO THOROUGHFARE COMMERCIAL (C-T) AND REZONING CERTAIN PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE PARKWAY, APPROXIMATELY 380 FEET WEST OF THE INTERSECTION OF YOSEMITE PARKWAY AND EAST 21ST STREET FROM COMMERCIAL OFFICE (C-O) TO THOROUGHFARE COMMERCIAL (C-T), AND APPROVING A DEVELOPER AGREEMENT THEREFORE

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. The property described in Exhibit "A," and shown on the map at Exhibit "B," attached hereto, and by this reference made a part hereof, is hereby rezoned as shown on said map from R-3-1.5 to Thoroughfare Commercial (C-T) and from Commercial Office (C-O) to Thoroughfare Commercial (C-T).

SECTION 2. CHANGE OF MAP. The Director of Development Services is hereby directed to make the appropriate markings on the Official Zoning Map in conformance with this Ordinance and the provisions of Title 20 of the Merced Municipal Code.

SECTION 3. DEVELOPER AGREEMENT. The Developer Agreement between the City of Merced and Steven Edward Althoff, property owner, pertaining to the approvals granted herein, and by Ordinance approving Zone Change #418 is hereby approved. These approvals are contingent upon the property owner executing and returning the Developer Agreement. The City

Manager is hereby authorized to execute the Developer Agreement on behalf of the City of Merced.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 7th day of October 2013, and was passed and adopted at a regular meeting of said City Council held on the 21st day of October 2013, by the following called vote:

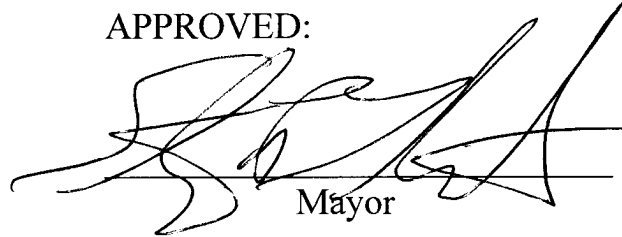
AYES: Council Members: BLAKE, DOSSETTI, MURPHY, RAWLING, LOR, PEDROZO, THURSTON

NOES: Council Members: NONE

ABSTAIN: Council Members: NONE

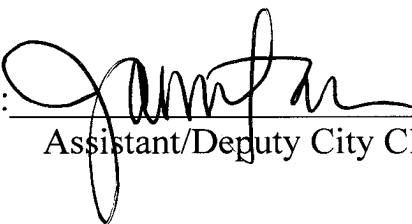
ABSENT: Council Members: NONE

APPROVED:



Mayor

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: 
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:


 9/19/13
City Attorney Date

EXHIBIT A

LEGAL DESCRIPTION:

SITUATED IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE

PARCEL 2 AS SHOWN ON MAP ENTITLED "PARCEL MAP FOR MARIE SORENSEN" FILED MAY 24, 1979 IN BOOK 40 OF PARCEL MAPS, PAGE 7, IN THE OFFICE OF THE COUNTY RECORDER, AND BEING A PORTION OF LOT 3 ACCORDING TO MAP ENTITLED, "MAP OF BARNELL AND CHAMBERLAIN SUBDIVISION OF LOT ONE", FILED FOR RECORD JULY 7, 1922 IN BOOK 8 OF OFFICIAL PLATS, PAGE 10, MERCED COUNTY RECORDS.

APN: 034-122-014

PARCEL TWO

ALL THAT PORTION OF LOTS 3 AND 3 1/2, ACCORDING TO MAP ENTITLED, "MAP OF BARNELL AND CHAMBERLAIN SUBDIVISION OF LOT ONE" FILED FOR RECORD JULY 7, 1922, IN BOOK 8 OF MAPS, PAGE 10, MERCED COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 3, DISTANT THEREON S. 65° 20' E., 61 FEET FROM THE NORTHWEST CORNER OF SAID LOT 3; THENCE S. 24° 40' W, 165 FEET PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 3 TO THE TRUE POINT OF BEGINNING; THENCE S. 24° 40' W, 120 FEET MORE OR LESS TO A POINT ON THE NORTHERLY LINE OF THAT 22 FOOT STRIP OF LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED DECEMBER 29, 1952, IN BOOK 1078, PAGE 370, OFFICIAL RECORDS; THENCE S 89° 45' 45" E., 67.04 FEET ALONG THE NORTHERLY LINE OF SAID 22 FOOT STRIP TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 3 1/2; THENCE N. 24° 40' E., 92.00 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 3 1/2 AND 3; THENCE N. 65° 20' W, 6100 FEET, TO THE POINT OF BEGINNING. SAID PARCEL B BEING ALSO DESCRIBED AS PARCEL 1 AS SHOWN ON MAP ENTITLED "PARCEL MAP FOR MARIE SORENSEN" FILED MAY 24, 1979 IN BOOK 40 OF PARCEL MAPS, PAGE 7, MERCED COUNTY RECORDS.

APN: 034-122-013

EXHIBIT A

ZONE CHANGE #418

KEELY

21ST

ASH

Parcel One
APN: 034-122-014
Current Zoning: R-3-1.5
Change to Thoroughfare Commercial (C-T)

Parcel Two
APN: 034-122-013
Current Zoning: Commercial Office (C-O)
Change to Thoroughfare Commercial (C-T)

CAROL

MARTHELLA

YOSEMITE



EXHIBIT B