

DRAFT
ORDINANCE NO. 2011 - _____

**ORDINANCE OF THE CITY OF CERES CITY COUNCIL TO ADOPT A
PREZONE OF THE WEST LANDING SPECIFIC PLAN AREA TO CHANGE THE
ZONE DESIGNATION FROM PREZONE – GENERAL INDUSTRIAL (P, M-2),
COMMUNITY FACILITIES (P, C-F) AND UNZONED TO PLANNED COMMUNITY
(P, P-C) AREA BOUNDED BY THE UNION PACIFIC RAILROAD RIGHT-OF-WAY,
SERVICE ROAD, USTICK ROAD, AND WHITMORE AVENUE.**

THE CITY COUNCIL
City of Ceres, California

WHEREAS, an application was received from B. S. Boyle, Jr. Family L. P., G3 Enterprises, Inc, and Rutland Properties, Inc. for prezoning of property bounded by Whitmore Avenue on the north, Crows Landing Road on the east, Service Road on the south, and Ustick Road on the west; and,

WHEREAS, the City Council of the City of Ceres, State of California, has considered said application proposing a Prezone to change the zone designation from Prezone – General Industrial (P, M-2), Community Facilities (P, C-F), and Unzoned to Planned Community (P-C) for the area encompassed by the West Landing Specific Plan; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 16, 2011 at 6:00 p.m. and considered all testimony and comment presented whether orally or in writing and by a 5-0 vote, recommended the City Council approve the proposal; and,

WHEREAS, the City Council held a duly noticed public hearing on June 27, 2011 at 7:00 p.m. and considered all testimony and comment presented whether orally or in writing for the Introduction and First Reading; and,

WHEREAS, the City Council held a duly noticed public hearing on July 11, 2011 at 5:30 p.m. and considered all testimony and comment presented whether orally or in writing for the Second Reading; and,

WHEREAS, the properties affected by this resolution encompass the entirety of the area bounded by Whitmore Avenue on the north, UPRR right-of-way on the east, Service Road on the south, and Ustick Road on the west; and,

WHEREAS, the properties affected by this resolution consist of Assessor Parcel Numbers: 056-055 – All Parcels, 056-056 – All Parcels, 056-057 – All Parcels, 086-015 – All Parcels, as described in Stanislaus County Assessor Maps; and,

WHEREAS, the properties affected by this resolution are described as:

BEING the West Half of Section 16 and all of Section 17, situate in Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State California, more particularly described as follows:

BEGINNING at the North Quarter Corner of above said Section 16, said corner also being the intersection of the centerline of Whitmore Avenue with the centerline of the Union Pacific Railroad Right-of-Way; thence South $0^{\circ}25'36''$ West along the North-South quarter section line of said section 16 and the centerline of said Union Pacific Railroad Right-of-way, a distance of 5285.96 feet to the South Quarter Corner of said Section 16, said corner also being the intersection of the centerline of said Union Pacific Railroad Right-of-Way with the centerline of Service Road; thence North $89^{\circ}37'06''$ West along said centerline of Service Road and the south line of said Section 16, a distance of 2660.27 feet to the Southwest Corner of said Section 16; thence continuing along the centerline of said Service Road and the south line of above said Section 17 the following 2 courses: 1) North $89^{\circ}10'58''$ West, 2648.41 feet to the south Quarter Corner of said Section 17; 2) South $89^{\circ}11'53''$ East, 2648.59 feet to the Southwest Corner of said Section 17, said corner also being the intersection of the centerline of Service Road with the Centerline of Ustick Road; thence along the centerline of Ustick Road and the west line of said Section 17 the following 2 courses: 1) North $0^{\circ}29'53''$ East, 2643.21 feet to the West Quarter Corner of said Section 17; 2) North $0^{\circ}30'24''$ East, 2643.11 feet to the Northwest Corner of said Section 17, said corner also being the intersection of the centerline of Ustick Road with the centerline of Whitmore Avenue; thence along the centerline of Whitmore Avenue and the North Line of said Section 17 the following 2 courses: 1) South $89^{\circ}12'51''$ East, 2643.37 feet to the North Quarter Corner of said Section 17; 2) South $89^{\circ}12'37''$ East, 2643.42 to the Northeast Corner of said Section 17; thence South $89^{\circ}34'03''$ East along the north line of above said Section 16 and the centerline of Whitmore Avenue, a distance of 2663.91 feet to the POINT OF BEGINNING.

The land referred to herein is situated in the State of California, County of Stanislaus; and,

WHEREAS, the City Council based on the evidence within the staff report and project file finds that:

1. The proposed Prezone is consistent with City Council Resolution No. 2011-_____ for the Annexation of the West Landing Specific Plan.
2. The proposed Prezone application is consistent with the purpose and intent of the General Plan and the General Plan Amendment per City Council Resolution No. 2011-_____.
3. An amendment to the City of Ceres Sphere of Influence to provide that the entirety of the area encompassed by the proposed rezoning will be within the Primary Sphere of Influence is proposed to LAFCO pursuant to City Council Resolution No. 2011 -_____

NOW, THEREFORE, BE IT ORDAINED that based upon the evidence within the staff report and project file, the City Council of the City of Ceres hereby adopts a prezone encompassing the area within the West Landing Specific Plan and designating the entirety of the said area Prezoned Planned Community (P P-C).

BE IT FURTHER ORDAINED, that this Ordinance shall take effect and be in full force thirty (30) days from and after its adoption. Within 15 days of its adoption, a summary of the Ordinance shall be published in the Ceres Courier, a newspaper of general circulation, circulated and published in the City of Ceres, State of California, which summary shall include the names of those Council Members voting for and against the Ordinance. A certified copy of the full text of such adopted Ordinance or amendment shall be on file in the office of the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ceres held on the 27th day of June 2011, and adopted on the 11th day of July 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chris Vierra, Mayor

ATTEST:

Cindy Heidorn, CMC
City Clerk