

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA: 7.B.9
AGENDA DATE: November 16, 2021

SUBJECT:

Approval to Amend the Bylaws of the South Modesto Municipal Advisory Council
Changing the Members from Elected Members to Appointed Members and Approval of
the Updates to the Vacancies and Other Sections of the Bylaws

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2021-0545

On motion of Supervisor B. Condit Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: B. Condit, Withrow, Grewal, C. Condit, and Chairman Chiesa
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

ATTEST: Kelly Rodriguez
KELLY RODRIGUEZ, Assistant Clerk of the Board of Supervisors

File No. MAC-07-6

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:7.B.9
AGENDA DATE: November 16, 2021

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Amend the Bylaws of the South Modesto Municipal Advisory Council Changing the Members from Elected Members to Appointed Members and Approval of the Updates to the Vacancies and Other Sections of the Bylaws

STAFF RECOMMENDATION:

1. Amend the South Modesto Municipal Advisory Council Bylaws, Section III, to change the members from elected members to appointed members.
2. Approve the changes to Section V regarding meetings and Section VI regarding its Committees.
3. Approve the changes to Section IX of the Bylaws to allow the Board of Supervisors to appoint members, if a vacancy occurs.
4. Approve the addition of the Sections X, XI, and XII to maintain uniformity between all the MACs and their respective Bylaws.
5. Approve other minor changes for clarification purposes and grammar revisions.

DISCUSSION:

On May 16, 2006, the Stanislaus County Board of Supervisors approved the formation, bylaws and boundaries of the South Modesto (So. Modesto) Municipal Advisory Council (MAC) in Supervisorial District 5. The Board approved bylaw amendments on May 6, 2008, March 24, 2009, and August 7, 2012. The So. Modesto MAC is charged with advising, "the Board of Supervisors on matters of public health, welfare, safety, planning, and public works, and other such matters as the Board of Supervisors may designate which affect the territory and inhabitants of the South Modesto unincorporated community; and, represent this community to any governmental agency or other organization on matters concerning the community."

Stanislaus Municipal Advisory Councils (MACs) are established by a Board of Supervisors resolution pursuant to Government Code Section 31010 as an advisory body of local citizens which can either be elected by the community or appointed by the Board of Supervisors. There are currently nine Municipal Advisory Councils in Stanislaus County representing the communities of Denair, Empire, Hickman, Keyes, Knights Ferry, Salida, South Modesto, Valley Home, and Wood Colony.

When establishing a Municipal Advisory Council, Government Code Section 31010 gives the Board of Supervisors an option on the method of member selection to be by appointment or election. Elections Code and Government Code have strict timelines of filling seats in-lieu of election, and filling vacancies when one occurs. It is possible for these deadlines to pass before an eligible candidate is identified, therefore impacting the ability of the MAC to function as intended until the next election occurs up to two years later.

Switching the So. Modesto MAC to an appointed membership would give the Board of Supervisors more time to fill vacancies, because the seat would not be subject to strict timelines stated in Elections and Government Code. Currently, the Board of Supervisors has only 90 days to appoint a person to a vacancy. This timeline gets shortened to meet administrative deadlines and can be further shortened due to the timing of Board meetings. This can result in a vacant position on the MAC until the next scheduled election. Without the Election and Government Code restrictions, the Board of Supervisors could appoint new members to vacancies at any time, therefore increasing the chances of filling the vacancies.

MACs are unique in the fact that they are traditionally elected officials, but the Board of Supervisors have the sole appointing authority over vacancies. By transitioning the So. Modesto MAC to an appointed membership, the Registrar of Voters will no longer be required to perform the administrative work needed (preparing and maintain files, accepting candidate paperwork, etc.) to prepare for a potential So. Modesto MAC election.

The recommended bylaw amendments will change the MAC members from elected members to appointed members and will also affect the vacancies section should a position become vacant prior to the expiration of the term.

The So. Modesto MAC bylaws detail the amendment process. In summary, bylaw amendments must be first submitted in writing at a monthly meeting with a copy for each member. At the next meeting, the amendment shall be approved by the majority of the Council. Amendments to the bylaws must be approved by the Board of Supervisors. The bylaw amendments were submitted in writing to each of the Council members at their September 9, 2021 regular meeting, with a unanimous vote (3-0) from the Council voting to approve the bylaws at their October 14, 2021 regular meeting.

If approved by the Board, the So. Modesto MAC will join the Valley Home, Knights Ferry, and Denair MACs with appointed membership and the remaining five MACs with the traditional elected membership.

POLICY ISSUE:

Amendments to the So. Modesto Municipal Advisory Council (MAC) bylaws must be forwarded to the Board of Supervisors for approval. In doing so, the Board should determine whether the amendment to the bylaws is consistent with the MAC's objectives and purposes.

FISCAL IMPACT:

There is no direct fiscal impact associated with the proposed bylaw changes. Municipal Advisory Councils are currently allocated \$150 annually within the Chief Executive Office – Operations and Services budget for administrative and meeting expenses.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended actions supports the Board of Supervisors' priorities of *Strong and Safe Neighborhoods, Supporting Community Health, Delivering Efficient Public Services and Community Infrastructure* through the continued support of Municipal Advisory Councils.

STAFFING IMPACT:

County departments attend the So. Modesto Municipal Advisory Council meetings periodically. The Registrar of Voters will no longer be responsible for candidate filings and other administrative work associated with the So. Modesto Municipal Advisory Council. The Clerk of the Board will continue its responsibility of tracking the appointments of the So. Modesto MAC.

CONTACT PERSON:

Erica May Inacio, Community Manager

Telephone: (209) 480-2074

ATTACHMENT(S):

1. Proposed South Modesto MAC Bylaws
2. South Modesto MAC Bylaws

SOUTH MODESTO MUNICIPAL ADVISORY COUNCIL BYLAWS

I.

Formation of Organization

This Council will be known as the South Modesto Municipal Advisory Council (So. Modesto MAC), as established by Resolution #2006-364, May 16, 2006, and amended on May 6, 2008 and again on March 24, 2009, and on August 7, 2012 by the Stanislaus County Board of Supervisors pursuant to Government Code Section 31010. The boundaries served by the So. Modesto MAC are described as follows and shall be referred to as South Modesto: SEE EXHIBIT A FOR LEGAL DESCRIPTION OF APPROVED BOUNDARIES FOR THE SOUTH MODESTO MUNICIPAL ADVISORY COUNCIL.

II.

Purpose

The So. Modesto MAC will advise the Board of Supervisors on matters of public health, welfare, safety, planning and public works, and other such matters as the Board of Supervisors may designate which effect the territory and inhabitants of the South Modesto unincorporated community; and, represent this community to any governmental agency or other organization on matters concerning the community.

III.

Membership

The So. Modesto MAC is composed of five (5) members who shall be registered voters residing within the boundaries of the So. Modesto MAC and appointed by the Board of Supervisors. The term of each member is four (4) years or until their successors are appointed; provided however, the initial term for two (2) members shall be two (2) years, and thereafter, the term shall be four (4) years for those seats. Upon expiration of the term of office, or if a vacancy occurs prior to the expiration of the term, the Board of Supervisors shall appoint a qualified person to serve the remainder of the term.

IV.

Officers & Duties

- a. The So. Modesto MAC shall, at its first official meeting each calendar year, nominate and elect a Chair, Vice-Chair, and Secretary. These persons shall serve for one (1) year and may serve multiple one-year terms as an office at the discretion of the So. Modesto MAC.

- b. The Duties of the Chair are: (1) prepare the agenda for each meeting, (2) to call the members of each meeting to order, (3) to enumerate the business of the meeting and the order in which it is to be acted upon, (4) to recognize members who are entitled to the floor, (5) to state and put to a vote all questions which are properly moved, (6) to maintain order throughout the meeting, (7) to sign all necessary documents, letters, etc., that state the official business of the So. Modesto MAC.
- c. The duties of the Vice-Chair are to assume the duties of the Chair when he/she is absent or tardy.
- d. The duties of the Secretary are: (1) to record minutes of all regular meetings and all special meetings of the So. Modesto MAC in accordance with Section XII of these Bylaws, (2) to maintain a register of those who attend each meeting of the So. Modesto MAC, (3) to notify officers and/or committees of their appointment, (4) to maintain the official copy of the Bylaws, (5) to send out written notices of meetings to all persons or entities who have requested such notice pursuant to the California Government Code, Section 54954.1, (6) to prepare and send official correspondence of the So. Modesto MAC, and (7) to have at each meeting a list of committees and their members as well as the Bylaws of the So. Modesto MAC and copies of the minutes of all previous meetings.

V.
Meetings

In full compliance with the Brown Act (Government Code, Section 54950 et seq.) the So. Modesto MAC shall hold at least four meetings in a calendar year (a minimum of one every quarter) in a public building that is accessible and can reasonably and safely accommodate those who may wish to attend the meeting. A regular convenient time and place for each meeting will be established and announced by the So. Modesto MAC.

The So. Modesto MAC may, through public notification in accordance with the Brown Act, call for those special meetings it deems necessary. The Chair may cancel regular scheduled meetings due to lack of quorum or lack of business for consideration by the So. Modesto MAC.

If the So. Modesto MAC wishes, it may seek the views of those present at a meeting by calling for an advisory vote by those in attendance. Only residents or property owners within the boundaries of the So. Modesto MAC may vote on issues before the So. Modesto MAC. Participants of any meeting may be challenged, and the Secretary asked to verify their status as a resident or property

owner within the boundaries of the So. Modesto MAC. The public vote in a meeting shall carry by a majority of those voting.

A majority of the So. Modesto MAC membership shall constitute a quorum for the conduct of business and shall require at least three (3) affirmative votes to take action on any matter.

VI. Committees

The Chair may appoint, as needed, standing or ad-hoc committees to consider the business of the So. Modesto MAC, consisting of one (1) member, but not more than two (2) members of the So. Modesto MAC.

A standing committee is one that has continuing subject matter jurisdiction (i.e., a permanent committee that is designated to handle an issue or issues on a continual basis) and is subject to the notice and posting requirements of the Brown Act. An ad-hoc committee is one that has a defined purpose and limited time frame to consider that issue and is subject to the Brown Act.

VII. Method of Amending Bylaws

The So. Modesto MAC may amend its Bylaws in the following manner: (1) the amendment must be submitted in writing at the scheduled meeting preceding the one at which it is to be voted upon, with a copy for each member, (2) at the next scheduled meeting, the amendment shall be placed on the agenda for discussion and action, (3) action to approve amendment of the Bylaws will include transmitting the amended Bylaws to the Board of Supervisors for its consideration and approval, and (4) upon approval by the Board of Supervisors, the amendment will be considered adopted and the Bylaws amended.

Notwithstanding the foregoing process for the So. Modesto MAC to amend its Bylaws, the Board of Supervisors independently may amend these Bylaws by resolution adopted by majority vote.

VIII. Parliamentary Authority

The So. Modesto MAC adopts the rules contained in Robert's Rules of Order to govern it in all situations not governed by these Bylaws or any special rules of order of the So. Modesto MAC.

IX.
Vacancies

Vacancies on the So. Modesto MAC shall exist (1) on the death, resignation or removal of any member, and (2) whenever the number of authorized members is increased. The Board of Supervisors or the So. Modesto MAC may declare vacant the seat of a So. Modesto MAC member who has missed three unexcused absences from the regular meeting dates during any twelve-month period or has been declared of unsound mind by a final order of court or has been convicted of a felony. Any member may resign effective upon giving written notice to the Chair of the So. Modesto MAC or the Board of Supervisors, unless the notice specifies a later time for the effectiveness of the resignation. If a position on the So. Modesto MAC should become vacant prior to the expiration of the term, the Board of Supervisors may appoint a person to serve the remainder of the term as set forth in Section III of these Bylaws.

X.
Non-Liability of Members and Officers

The members shall not be personally liable for debts, liabilities, or other obligations of the So. Modesto MAC.

XI.
Fiscal Year

The fiscal year of the So. Modesto MAC shall be the same as for Stanislaus County.

XII.
Records and Reports

The So. Modesto MAC shall keep minutes of all its meetings, and the meetings of any committees of the So. Modesto MAC indicating the time and place of holding such meetings, whether regular or special, how called, the given notice, the name of those members present, and the nature of the proceedings and all action taken by the Empire MAC.

EXHIBIT A
SOUTH MODESTO MAC
(AREA - I)

All that portion of Sections, 4,5,7,8,9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northeast corner of Section 8 Township 4 South, Range 9 East; thence South 0° 02' West, 860.2 feet, along the east line of said section 8, to the True POINT OF BEGINNING of this description;

- (1) Thence South 0° 02' West, 2281.09 feet, along said section line, to the existing City limits of the City of Modesto, also being the centerline of a county road known as Imperial Avenue, thence following said city limit line and centerline;
- (2) Thence North 89°14' West, 203.37 feet;
- (3) Thence North 74° 24' West, 92.58 feet;
- (4) Thence, leaving said centerline, South 0° 02' West, 267.7 feet;
- (5) Thence North 89°20' West, 367.85 feet;
- (6) Thence North 0° 02' East, 100.00 feet;
- (7) Thence North 89° 20' West, 559.30 feet;
- (8) Thence North 0° 03' 30" East, 204.68 feet;
- (9) Thence North 89° 14' West, 60.00 feet, along south right of way of said Imperial Avenue;
- (10) Thence South 0° 03' 30" West, 204.69 feet;
- (11) Thence North 89° 20' West, 747.90 to a point on the east line of the Rutherford Tract, as recorded in Volume 16 of Maps Page 37, Stanislaus County Record;
- (12) Thence along of said the east line South 0°13' West, 660.0 feet to the south line of Rutherford Tract;
- (13) Thence along of said the south line North 89°20' 30" West, 1290.8 feet to the center line of Guthrie Street and being also the east line of the existing city limits as established by Whitmore No.3 Annexation;
- (14) Thence along said center line North 0°13' East, 170.0 feet, to the center line of Lassen Avenue and the north line of said city limits;
- (15) Thence North 89°20' West, 1024.67 feet, to center line of Rutherford Road;
- (16) Thence South 0°13' West, 170.00 feet, to the south line of said Rutherford Tract;
- (17) Thence North 89°20' West, 952.40 feet, to the west line of said the Whitmore No.3 annexation to city of Modesto;
- (18) Thence along said the west line South 0°13' East, 1299.41 feet, to the north line of Whitmore Avenue;
- (19) Thence North 89°52'30" West along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south line of Blocks 9712 and 9713 of said Fairview Tract, a distance 818.04 feet;
- (20) Thence North 0°10' 30" East, 10.00 feet;

- (21) Thence North 89°52'30" West, 60.50 feet;
- (22) Thence South 0°10' 30" West, 10.00 feet;
- (23) Thence North 89°52'30" West, 60.50 feet;
- (24) Thence North 0°10' 30" East, 10.00 feet;
- (25) Thence North 89°52'30" West, 60.50 feet;
- (26) Thence South 0°10' 30" West, 10.00 feet to the north right of way line of Whitmore Avenue;
- (27) Thence North 89°52'30" West along said the north line, parallel with and 10.00 feet south of the south line of Block 9712 of said Fairview Tract, a distance of 467.50 feet to the west of line of said Tract;
- (28) Thence North 0°10' 30" East along said the west line a distance of 2166.88 feet to the southerly line of a 50 foot wide right-of way T.I.D. Lateral No.1;
- (29) Thence North 41 °26' 22" East, 299.76 feet to northwesterly corner of said Fairview Tract, also being the southwest corner of the Hatch Road No.5 Reorganization to city of Modesto;
- (30) Thence continue on said the southerly line North 41 °26' 17" East, 150.02 feet;
- (31) Thence North 63°26' 11" East, 131.17 feet;
- (32) Thence South 89°31' 44" East, 120.52 feet to southwest corner of the existing city limits as established by the Hatch Road No.1 Government Reorganization;
- (33) Thence along of said the south line South 89°51' 15" East, 949.95 feet to the northwest corner of the Bret Harte Landscape and Lighting District;
- (34) Thence North 0°12' 00" West, 10.41 feet;
- (35) Thence South 89°10' East, 1372.85 feet;
- (36) Thence South 0° 13' West, 20.00 feet;
- (37) Thence South 89°10' East, 96.36 feet;
- (38) Thence South 0°13' West, 145.51 feet, to the centerline of Glenn Avenue;
- (39) Thence along said centerline and city limits line, South 89° 20' East, 190.77 feet;
- (40) Thence North 57° 12' East, 388.08 feet;
- (41) Thence South 89°10' East, 653.42 feet, to the centerline of Las Vegas Street and being the east line of the Hatch Road No.1 Reorganization to city of Modesto;
- (42) Thence along said city limits line and said centerline of Las Vegas Street and its northerly extension, North 0°09' East, 1987.09 feet, to the northerly right-of -way line of T.J.D. Lateral No.1;
- (43) Thence following said right-of-way South 46° 47' West, 445.72 feet;
- (44) Thence South 00°26' 00" West, 89.23 feet;
- (45) Thence South 35°20' 00" West, 1117.92 feet;
- (46) Thence South 29°00' West, 462.15 feet;
- (47) Thence South 26°00' 00" West, 171.60 feet, to the southeasterly corner of existing city limits established by Hatch Road No.2 Government Reorganization;
- (48) Thence along the east line of said the city limits North 00°04' 46" East, 1,332.87 feet, to the southerly right-of-way line of Hatch Road and also being the southerly line of existing city limits established by Hatch Road No.4 Reorganization;

- (49) Thence North $71^{\circ}14'42''$ East along the southerly line of said Hatch Road a distance of 801.40 feet more or less to a point on the north line of Dallas Court;
- (50) Thence along said the north line South $88^{\circ}51'48''$ East, 96.54 feet to the east line of said city limits and also being the east line of Lot 8 of Rio Grande Colony;
- (51) Thence continue along said the north line of Dallas Court and being also the south line of existing city limit established by Modesto Industrial Park, South $88^{\circ}51'48''$ East, 659.14 feet;
- (52) Thence South $0^{\circ}05'$ West, 360.30 feet to the center line of Amador Avenue;
- (53) Thence along said the center line South $88^{\circ}53'00''$ East, 277.26 feet;
- (54) Thence South $00^{\circ}05'00''$ East, 15.00 feet;
- (55) Thence South $88^{\circ}53'00''$ East, 490.26 feet to the center line of Seattle Avenue;
- (56) Thence South $00^{\circ}04'00''$ West, 30.00 feet to a point on the westerly extension of the south right-of-way of said Amador Avenue;
- (57) Thence leaving said center line of Seattle Avenue and continue along said city limit line and the southerly of said right-of-way line of Amador Avenue, South $88^{\circ}39'00''$ East, 1218 feet to a point on the west right-of-way of Crows Landing Road;
- (58) Thence South $00^{\circ}02'00''$ West, 205.00 feet;
- (59) Thence South $89^{\circ}46'00''$ East, 30.00 feet to the Point of Beginning.

SOUTH MODESTO MAC
(AREA -II)

Beginning at the intersection of the centerline of a 50-foot Morgan Road and the easterly extension of the south line of Olympic Tract filed in Volume 14 of Maps Page 55, Stanislaus County Records (S.C.R.), thence;

- (1) North $00^{\circ}52'20''$ West 715 feet along the centerline of Morgan Road to the southwest right-of-way line of the Southern Pacific Railroad as shown on said map of Olympic Tract;
- (2) Thence North $42^{\circ}04'$ West 4,440 feet along said southwest line to the easterly extension of the south right-of-way line of 50 foot wide Butcher Town Railroad Spur;
- (3) Thence North $80^{\circ}20'27''$ West 113.68 feet along said extension of the south line, to the west right-of-way line of 50 foot wide Union Pacific Railroad also being the east right-of-way line of 60 foot wide Main Street as shown on the map of South Modesto Acres No.4 filed in Vol. 14 of Maps at Page 23, S.C.R.;

Thence along said east right-of-way line the following three (3) courses:

- (4) South $13^{\circ}31'41''$ East 1688.20 feet to the beginning of a curve, concave to the west, having radius of 2827.74 feet, to which point a radial line bears North $76^{\circ}20'08''$ East;

- (5) Thence southerly along said curve, through a central angle of 13°36'46", an arc distance of 671.84 feet;
- (6) Thence south 00°03'22" East 111.67 feet to the north right-of-way line of Turlock Irrigation District (T.I.D.) Lateral No.1 as shown on the map of South Modesto Acres, Tract No.2 filed in Volume 11 of Maps at Page 69, S.C.R.;
- (7) Thence North 89°44'55" West 1293.65 feet along said north right-of-way line to the centerline of Santa Fe Avenue as shown on the map of the Clinton Tract filed in Volume 14 of maps at Page 2, S.C.R.;
- (8) Thence North 00°15'05" East 15.00 feet along said centerline of Santa Fe Avenue to said north right-of-way line of the T.L.D. Lateral No.1 as shown on said Clinton Tract;
- (9) Thence North 89°44'55" West 1369.76 feet along said north right-of-way line and the westerly extension of said north right-of-way line to the west right-of-way line of Crows Landing Road;

Thence along the general west right-of-way line of said Crows Landing Road the following twelve (12) courses:

- (10) North 00°25' 10" East 270.87 feet to the beginning of a curve, concave to the west, having a radius of 1989.87 feet,
- (11) Thence northerly along said curve, through a central angle of 05°17'03", an arc distance of 183.52 feet to a point of reverse curvature, concave to the east, having a radius of 2009.87 feet;
- (12) Thence northerly along said reverse curve, through a central angle of 02°23' 58", an arc distance of 84.17 feet to a point of reverse curvature, concave to the southwest, having a radius of 15.00 feet;
- (13) Thence northwesterly along said reverse curve, through a central angle of 88°02'25", an arc distance of 23.05 feet to the south right-of-way line of Crater Avenue;
- (14) Thence North 01 °34'09" West 60.01 feet to a point on the north right-of-way line of said Crater Avenue and being a point of curvature, concave to the northwest, having a radius of 15.00 feet, to which point a radial line bears South 00°30'20" East;
- (15) Thence northeasterly along said curve, through a central angle of 89°04'30", and an arc distance of 23.32 feet;
- (16) Thence North 00°25' 10" East 390.63 feet to the beginning of a curve, concave to the southwest, having a radius of 15.00 feet;
- (17) Thence northwesterly along said curve, through a central angle of 89°41 '00", and an arc distance of 23.48 feet;
- (18) Thence North 00°44' 10" East 8.00 feet;
- (19) Thence North 00°09'48" East 47.00 feet to the beginning of a curve, concave to the northwest, having a radius of 15.00 feet, to which point a radial line bears South 00°44'10" West;

- (20) Thence northeasterly along said curve, through a central angle of $90^{\circ}19'00''$, an arc distance of 23.64 feet;
- (21) Thence North $00^{\circ}25'10''$ East 430.69 feet to the south line of the Crows Landing Industrial Addition Annexation recorded August 5, 1952 in Volume 110 of O.R., Pg. 427, S.C.R.;

Thence along the south line of said Annexation the following five (5) courses:

- (22) North $89^{\circ}41'$ West 782.74 feet;
- (23) Thence South $00^{\circ}03'00''$ East 156.9 feet;
- (24) Thence WEST 555.26 feet;
- (25) Thence North $00^{\circ}03'00''$ West 257.1 feet;
- (26) Thence WEST 80 feet more or less to the centerline of Tuolumne River, said point also being the south line of the existing city limits as established by Modesto Sewage Disposal Area recorded March 7, 1950 as Instrument No. 5120 in Vol. 871, O.R. Pg. 92, S.C.R.;
- (27) Thence southwesterly along said centerline, 300 feet more or less to the most northerly comer of the existing city limits as established by Modesto Industrial Park Addition recorded March 10, 1959 as Instrument No. 6807, S.C.R., said point being at the intersection of the centerline of Tuolumne River and the northerly extension of the east line of Lot 1 of the map of Rio Grande Colony filed in Volume 6 of Maps at Page 47, S.C.R.;
- (28) Thence South $00^{\circ}18'$ East 806.41 feet along the east line of said Lot I and said northerly extension, to the northeast comer of property described in decree to Mabel Marie Nutter recorded September 17, 1956 as Instrument Number 25500, S.C.R.;
- (29) Thence westerly 398.83 feet along the north line of said Nutter property and its westerly extension to the northwest comer of property described in the deed to H.A. Thompson, et ux, and John Cole recorded April 21, 1956 as Instrument Number 10352, S.C.R.;
- (30) Thence southerly 703.91 feet along the west line of said Thompson and Cole property and the southerly extension of said west line to the north line of T.I.D. Lateral No.1;
- (31) Thence southeasterly 85 feet to the southeast line of T.I.D. Lateral No. 1 and the northwest comer of Gold Vineyard Estates filed in Volume 28 of Maps at Page 71, S.C.R.;
- (32) Thence North $46^{\circ}30'52''$ East 188.67 feet along said southeast line of T.I.D. Lateral No.1 and north line of said Gold Vineyard Estates;
- (33) Thence South $89^{\circ}09'00''$ East 822.38 feet along the south right-of-way line of said T.I.D Lateral No.1 to the northeast comer of said Gold Vineyard Estates;
- (34) Thence South $00^{\circ}13'06''$ East 514.97 feet along the east line of said Gold Vineyard Estates and its southerly extension to the north line of Amador Avenue (formerly Second Avenue) as shown on the map of South Modesto Acres, Tract No.3 filed in Volume 14 of Maps at Page 7, S.C.R.;

- (35) Thence South 88°39' East 1,111.78 feet along said north line of Amador Avenue and its easterly extension, to the east right-of-way line of Crows Landing Road;
- (36) Thence South 00°11' East 132 feet along said east right-of-way line of Crows Landing Road to the northwest corner of Lot 6 as shown on the map of South Modesto Acres filed in Volume 11 of Maps at page 27, S.C.R.;
- (37) Thence North 89°46' East along the north line of said Lot 6, a distance of 328 feet to the northeast corner of said Lot 6;
- (38) Thence South 00°11' East 133.20 feet along the east line of said Lot 6, to the southeast corner of said Lot 6 and also being the northwest corner of the existing city limits as established by the Winmoore Way Annexation recorded January 9, 1979 as Instrument No. 43059, S.C.R.;

Thence along north line of said Winmoore Way Annexation the following five (5) courses:

- (39) North 89°46'30" East 1872.90 feet;
- (40) Thence North 00°30'30" West 399.20 feet;
- (41) Thence North 89°46'00" East 278.00 feet;
- (42) Thence South 00°30'30" East 59.00 feet;
- (43) Thence North 89°46'00" East 70.00 feet to the west right-of-way line of the Tidewater Southern Railroad as shown on said map of South Modesto Acres;
- (44) Thence South 00°30'30" East 1037.28 feet, along said railroad right-of-way to the westerly extension of the south line of said Olympic Tract;
- (45) Thence South 89°50'20" East 2,687.53 feet along said south line and its westerly extension, to the Point of Beginning.

SOUTH MODESTO MAC
(AREA III)

All those portions of Section 33 of Township 3 South, Range 9 East, and Section 4 of Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows: Beginning at a point on the boundary of the South Modesto M.A.C. Area II, said point also being on the Southwesterly right-of-way of the Union Pacific Railroad with it's intersection with the South line of said Section 4, also being the centerline of Hatch Road.

- (1) Thence along the said southwesterly line of the Union Pacific Road, North 42° 24' West, 3414 feet more or less to the easterly extension to the southerly line of the Butcher Town Railroad, said point being an angle point on the boundary of the South Modesto M.A.C. Area II.
- (2) Thence leaving said boundary of the South Modesto M.A.C. Area II and continuing along the southwesterly right-of-way of said Railroad, Northwesterly, 4262 feet more or less to its intersection with the South Bank of the Tuolumne River.

- (3) Thence Northeasterly upstream along said South (left) Bank of the Tuolumne River to its intersection with the west boundary of the Legion Park Addition to the City of Modesto.

Thence along the said Legion Park Addition the following 7 course:

- (4) South 0° 44' 45" East, 250 feet more or less to a point on the centerline of River Road.
- (5) Thence North 60° 15' 45" West, 116.00 feet along said centerline.
- (6) Thence leaving said centerline South 0° 32' 45" East, 1098.69 feet.
- (7) Thence South 88° 38' 30" East, 245.94 feet.
- (8) Thence South 54° 36' East, 355.11 feet.
- (9) Thence South 76° 48' 30" East, 280.17 feet
- (10) Thence South 81° 18' 30" East, 182.93 feet, to a point on the centerline of Herndon Road, said line also being the Section line common to Section 3 and 4 of Township 4 South, Range 9 East.
- (11) Thence leaving said Legion Park Addition, South 0° 03' 30" West, 294.00 feet along said centerline of Herndon Road to the northwest corner of the Peachwood Estates Annexation to the City of Ceres.

Thence along the said Peachwood Estates Annexation the following 3 courses:

- (12) South 0° 52' 30" East, 659.70 feet
- (13) North 89° 01' 30" East, 1326.78 feet
- (14) South 0° 45' 00" East, 470.49 feet to the Northwest Comer of the Old Vineyard Estates Annexation to the City of Ceres.

Thence along the said old Vineyard Estates Annexation the following 2 courses:

- (15) South 0° 15' 52" East, 857.67 feet.
- (16) South 89° 27' 53" East, 1060.33 feet.
- (17) Thence leaving said Old Vineyard Estates Annexation, and continuing South 89° 27'53" East, 275.00 feet to a point on the west line of the Price Annexation to the City of Ceres.
- (18) Thence South 0° 51' East, 660 feet along said west line of the Price Annexation to the City of Ceres to the Northeast Comer of the Kraus and Noonan Annexation to the City of Ceres.

Thence along the Kraus and Noonan Annexation the following 3 courses:

- (19) North 89° 29' West, 467.25 feet.
- (20) North 82° 08' West, 156.33 feet.

- (21) North 89° 29' West, 1032.06 feet to the Northwest Comer of said Kraus and Noonan Annexation, said point also being the Northeast Comer of the Nadine-Herndon Governmental Re-Organization to the City of Ceres.

Thence along the said Nadine-Herndon Governmental Re-Organization to the City of Ceres, the following 2 courses:

- (22) North 89° 28' 58" West, 975.94 feet.
- (23) South 0° 15' 00" West, 679.98 feet to the Southwest Comer of said Nadine-Herndon Governmental Re-Organization to the City of Ceres, also being a point on the north boundary of the Tamkin Annexation to the City of Ceres.
- (24) Thence North 89° 33' West, 20.00 feet along said north boundary to the Northwest Corner of said Tamkin Annexation.
- (25) Thence South 0° 15' 00" West, 138.40 feet to the Southwest Corner of said Tamkin Annexation, also being the Northwest Corner of the Palmer Annexation to the City of Ceres.
- (26) Thence South 0° 25' 11" West, 521.35 feet along the west line of said Palmer Annexation to an angle point on said west line, being the Section Corner common to Sections 3, 4, 9 and 10 of Township 4 South, Range 9 East. Said point also being the centerline intersection of Herndon and Hatch Roads.
- (27) Thence North 89° 44' 47" West, 706.5 feet more or less along the South line of said Section 4 and the centerline of Hatch Road to the Point of Beginning

Excepting therefrom, that portion of the Peachwood Estates Annexation to the City of Ceres, described as follows:

Beginning at the Northwest corner of the Nadine-Herndon Annexation to the City of Ceres, said point also being a point on the Peachwood Annexation, lying on the east line of Herndon Road.

- (1) Thence North 0° 52' 30" West, 50.00 feet along the east line of Herndon Road to the north line of Nadine Avenue.
- (2) Thence North 89° 30' 30" East, 10.00 feet to an angle point on the east line of Herndon Road.
- (3) Thence North 0° 52' 30" West, 1659.38 feet along the east line of Herndon Road.
- (4) Thence South 89° 01' 30" West 10.00 feet to an angle point on the east line of Herndon Road.
- (5) Thence North 0° 52' 30" West, 270.00 feet along the east line of Herndon Road.
- (6) Thence leaving said east line South 89° 01' 30" West 20.00 feet, to the centerline of Herndon Road.
- (7) Thence South 0° 52' 30" East 1979.38 feet along the centerline of Herndon Road to the Point of Beginning.

