

RECORDING REQUESTED BY:

County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

AND WHEN RECORDED MAIL TO:

County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS
(Section 27281.5 of the Government Code)

IN CONSIDERATION OF the adoption by the Board of Supervisors of an ordinance amending Title 20 of the Mendocino County Code so as to add Ordinance Number _____ and thereby rezone Assessor's Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-020-05, 002-040-40, 002-040-41, 002-050-14, and 002-050-15 as follows:

Assessor's Parcel Numbers 002-050-16 and 002-050-17 are reclassified from I-1:FP to R-3:FP:CR shown in attached Exhibit A and as described in attached Exhibit B and Assessor's Parcel Numbers 002-010-10, 002-050-05, 002-040-40, 002-040-41, 002-050-14 and 002-050-15 are reclassified from I-1:FP to C-2:FP:CR shown in attached Exhibit A and as described in attached Exhibit C.

Assessor's Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-050-05, 002-040-40, 002-040-41, 002-050-14 and 002-050-15, as shown in Exhibit D, are contiguous parcels which constitute a Mixed Use Site where an integrated development project with significant functional and a coherent physical design can be established, consistent with the Ukiah Valley Area Plan.

Jack L. Cox TTEE et al and CVH Investments LLC 1/2 hereby warrants that they are the owners of the foregoing property, and Agree and Promise to comply with the following conditions pursuant to Section 27281.5 of the California Government Code.

CONDITIONS

The following conditions must be fulfilled in conjunction with the establishment and construction of a structure associated with a permitted use, approved by a building permit or discretionary action, hereinafter referred to as "Project", within the Mixed Use Site shown in Exhibit D:

- 1) All Projects shall be consistent with the Ukiah Valley Area Plan (UVAP) including but not limited to the general intent, guidelines, uses, and standards associated with the Mixed Use Brush Street Triangle land use classification (UVAP, Appendix I, Page 12-4).
- 2) All Projects shall be consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055 of Title 20, Division I of the Mendocino County Code ("Inland Zoning Code"), including the Ukiah Valley Area Plan Community Design Guidelines (Resolution # 14-102) or until such time the Inland Zoning Code is amended to included specific Mixed Use Compatibility Standards for the Brush Street Triangle.

3) Traffic circulation, infrastructure, and open space improvements associated with Projects within the Mixed Use Site shall be coordinated with existing and future area-wide improvements as follows:

- a. Prior to the construction of any Project, but not including an accessory use or structure, the property owner shall dedicate to the County access, utility, and open space easements for the circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan (Exhibit D).
- b. Prior to the completion of any Project with a development site exceeding one acre or 25% of the Mixed Use Site area, whichever is less, the property owner shall construct all circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan (Exhibit D). Alternatively, the property may enter into an improvement agreement with the County to construct the improvements to the satisfaction of the County Engineer, consistent with Article VIII, Division of Lands Regulations.

IT IS AGREED that the forgoing agreement and promise shall constitute a deed restriction and shall run with the land and constitute an equitable servitude and restrictive covenant.

In the event of non-compliance with the aforesaid conditions, consent is hereby given that the aforesaid property may be rezoned in compliance with Government Code.

Sections 65853, et seq., and shall be subject to other action authorized by the Mendocino County Code.

IT IS FURTHER AGREED that this contract shall be binding upon the successors and assigns of the owners of land known as Assessor Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-020-05, 002-040-40, 002-040-41, 002-050-14, and 002-050-15, more particularly shown in the attached Exhibit A and described in the attached Exhibit B and Exhibit C, and shall be effective only after it is signed by the owners and verified by the County of Mendocino.

JACK L. COX TTEE *et al*

DATE

CVH INVESTMENTS LLC ½

DATE

ACKNOWLEDGEMENT

STATE OF CALIFORNIA
County of Mendocino

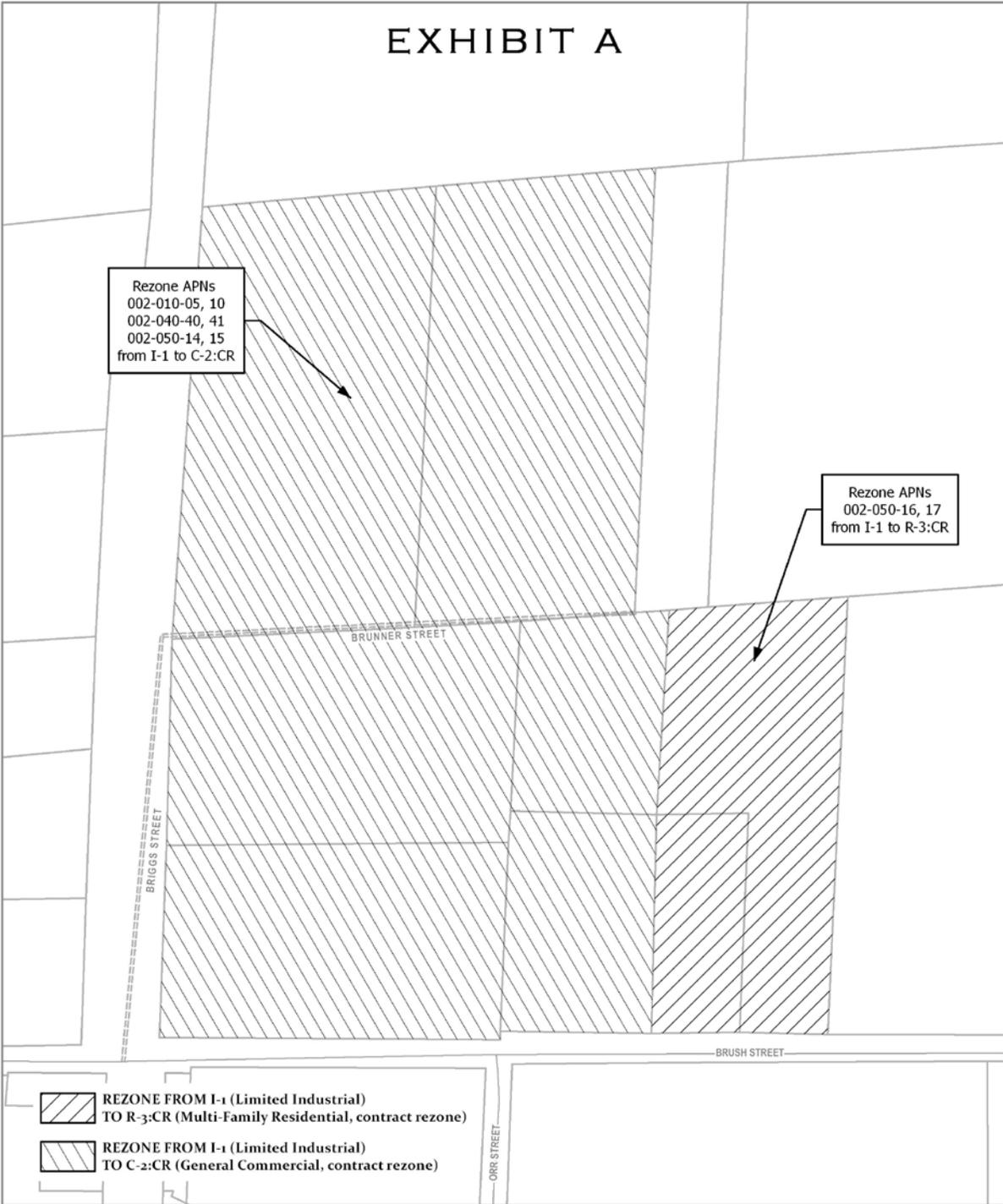
On the _____ day of _____, 2015, before me, the undersigned a Notary Public, in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledge to 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 which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

EXHIBIT A

Rezone APNs
 002-010-05, 10
 002-040-40, 41
 002-050-14, 15
 from I-1 to C-2:CR

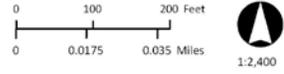
Rezone APNs
 002-050-16, 17
 from I-1 to R-3:CR



-  REZONE FROM I-1 (Limited Industrial) TO R-3:CR (Multi-Family Residential, contract rezone)
-  REZONE FROM I-1 (Limited Industrial) TO C-2:CR (General Commercial, contract rezone)

CASE: R 4-2014
 OWNER: Multiple
 APN: 002-050-16, et. al. (8 APNs)
 GP/BZ: MUBST / I1
 ADDRESS: Brush Street, Ukiah

-  Assessor Parcels 10-13-G
-  Public Roads
-  Private Roads



REZONE EXHIBIT

Map produced by the Mendocino County Planning & Building Services, November, 2014
 All spatial data is approximate. Map provided without warranty of any kind.

EXHIBIT B

ALL THAT CERTAIN REAL PROPERTY SITUATED AD SHOWN ON THE REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION #1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCELS 3 AND 4 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS.

APN: 002-050-16 AND 17

EXHIBIT C

PARCEL ONE:

LOTS 4 AND 5 OF THE 'REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1' FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS.

TOGETHER WITH THAT PORTION OF THE NORTH HALF OF BRUNNER STREET DESIGNATED ON SAID MAP WHICH LIES BETWEEN THE SOUTHERLY EXTENSION OF THE EASTERLY AND WESTERLY LINES OF PARCEL ONE ABOVE DESCRIBED.

APN: 002-010-10 AND 002-020-05

ALL THAT CERTAIN REAL PROPERTY SITUATED AND SHOWN ON A MAP OF REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCELS 1 AND 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS.

APN: 020-050-14 AND 15

AND ALL THAT CERTAIN PROPERTY COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50. PAGE 27, MENDOCINO COUNTY RECORDS; THENCE SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET, 38.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET 316.86 FEET MORE OF LESS TO THE NORTHERLY LINE FO BRUSH STREET (C.R. #217); THENCE SOUTH 88°56'56" WEST ALONG THE NORTHERLY LINE OF BRUSH STREET, 35.04 FEET; THENCE LEAVING THE NORTHERLY LINE OF BRUSH STREET NORTH 01°46'42" EAST, 316.86 FEET TO A POINT THAT BEARS SOUTH 88°56'56" WEST, 35.04 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 88°56'56" EAST, 35.04 FEET TO THE POINT OF BEGINNING.

PURSUANT TO MENDOCINO COUNTY BOUNDARY LINE ADJUSTMENT #B1-98.

APN: 002-040-40

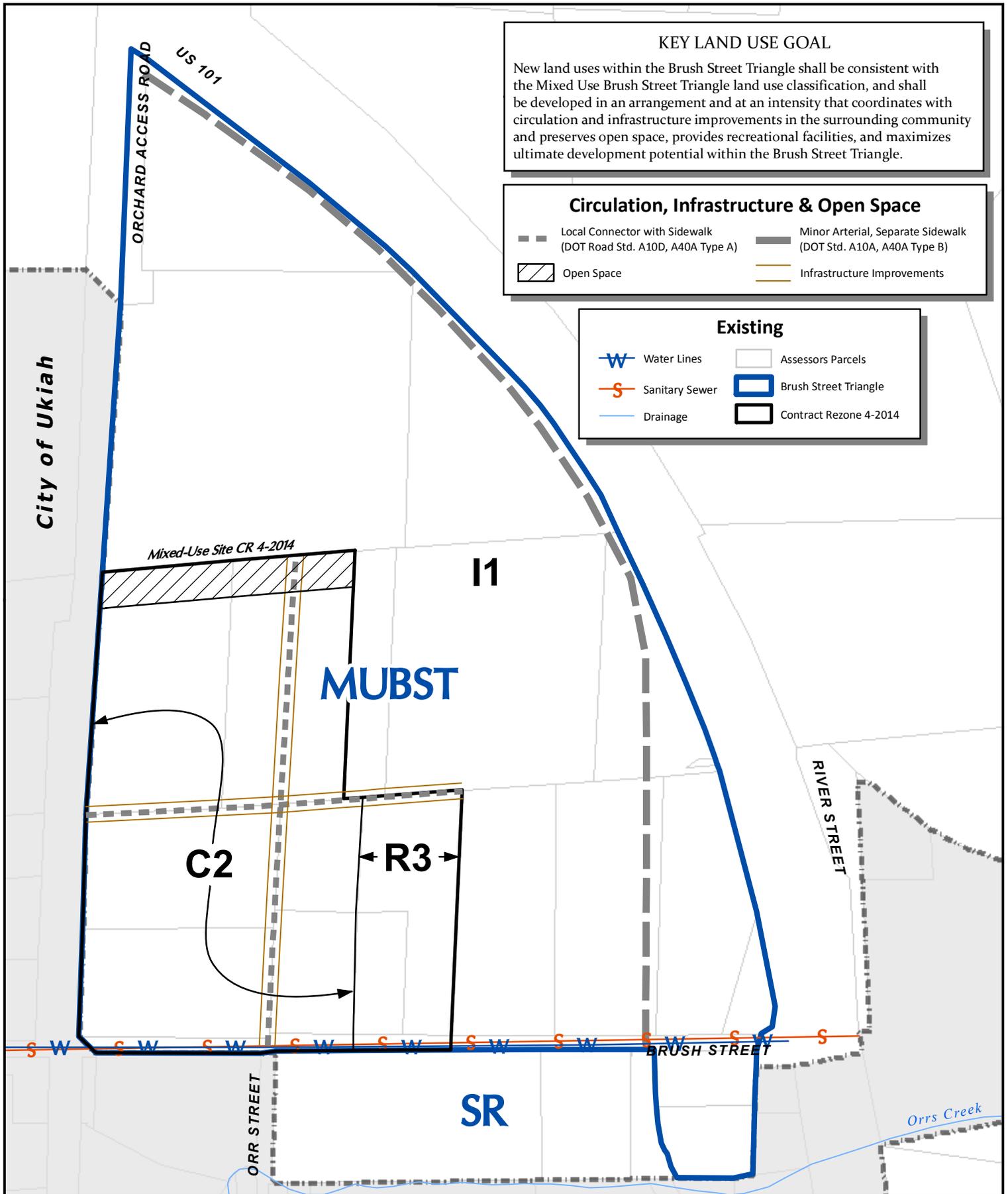
EXHIBIT C continued

AND ALL THAT CERTAIN REAL PROPERTY SITUATED AND SHOWN ON A MAP OF THE REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

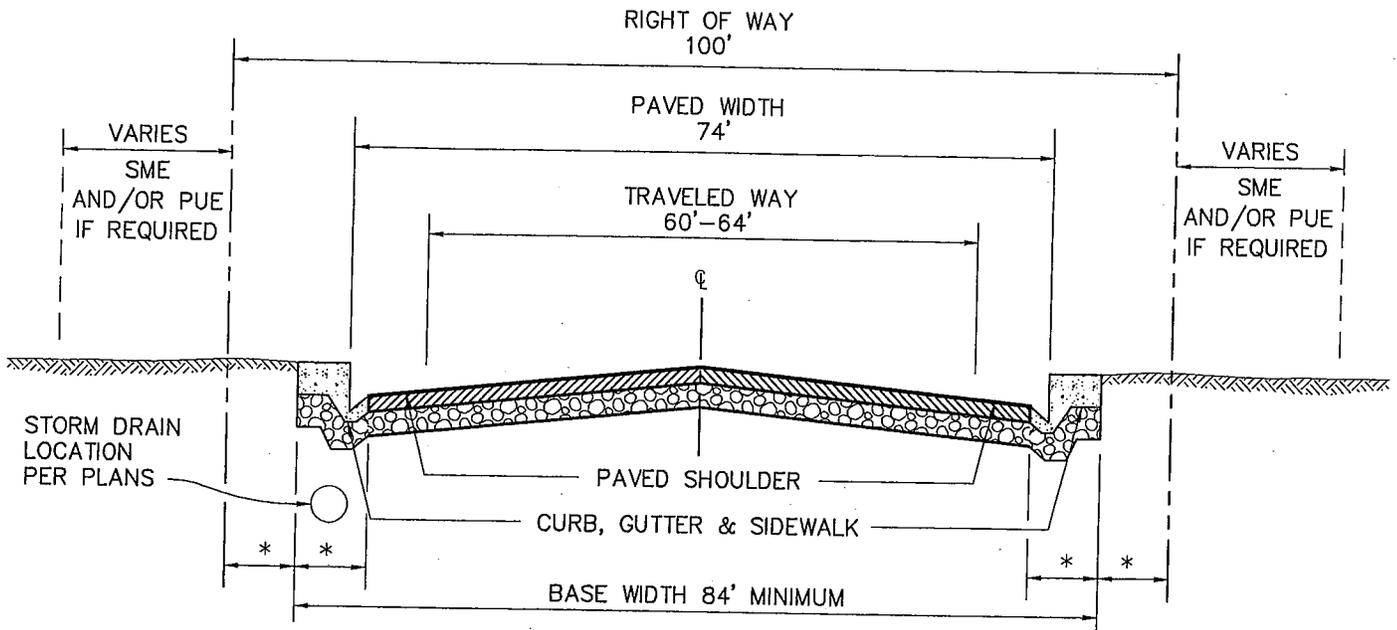
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS; THENCE SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET, 38.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER OFF STREET 316.86 FEET MORE OR LESS TO THE NORTHERLY LINE OF BRUSH STREET (C.R. #217); THENCE SOUTH 88°56'56" WEST ALONG THE NORTHERLY LINE OF BRUSH STREET, 471.94 FEET TO THE EASTERLY RIGHT OF WAY LINE OF BRIGGS STREET; THENCE NORTH 01°52'51" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE SAID BRIGGS STREET AND THE WESTERLY LINE OF LOT 6 OF THE SAID REVISED SUBDIVISION. 316.89 FEET; THENCE LEAVING THE EASTERLY LINE OF BRIGGS STREET AND THE WESTERLY LINE OF SAID LOT 6 NORTH 88°56'56" EAST, 471.38 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF BRIGGS STREET VACATED BY THE COUNTY OF MENDOCINO BY RESOLUTION NO. 98-175 RECORDED OCTOBER 9, 1998, DOCUMENT NO. 1998-19404, MENDOCINO COUNTY RECORDS WHICH LIES BETWEEN THE WESTERLY EXTENSION OF THE NORTHERLY AND SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL.

APN: 002-040-41



PLOT DATE: 28-AUG-00



* = VARIES, SEE NOTE 5.

LEGEND:

-  PAVEMENT
-  BASE
- PUE PUBLIC UTILITY EASEMENT
- SME SLOPE MAINTENANCE EASEMENT

NOTES:

1. PARKING GENERALLY PROHIBITED. PAVED SHOULDER TO SERVE AS BIKEWAY AND/OR EMERGENCY STOPPING AREA.
2. RIGHT OF WAY BEHIND SIDEWALK MAY BE USED FOR ROADSIDE FACILITIES SUCH AS SIGNS, PUBLIC UTILITIES, LANDSCAPING AND DRAINAGE FACILITIES.
3. BASED ON THE RECOMMENDATION OF THE DOT DIRECTOR AND SUBJECT TO THE APPROVAL AUTHORITY, THE MINIMUM PAVED WIDTH OF MINOR ARTERIAL AND MAJOR COLLECTOR URBAN ROADS MAY BE REDUCED BY 12'-14' WHERE CENTER TURN LANES OR MEDIANS ARE NOT REQUIRED.
4. BASED ON THE RECOMMENDATION OF THE DOT DIRECTOR AND SUBJECT TO THE APPROVAL AUTHORITY, THE MINIMUM PAVED WIDTH OF MINOR ARTERIAL AND MAJOR COLLECTOR URBAN ROADS MAY BE REDUCED BY UP TO 24 FEET WHERE FOUR TRAVEL LANES ARE NOT REQUIRED.
5. SEE MENDOT STD. NO. A40 FOR CURB, GUTTER AND SIDEWALK DETAILS.

FILE: C:\FS1\LD\PROJECTS\22301\MEN-A10A.DWG



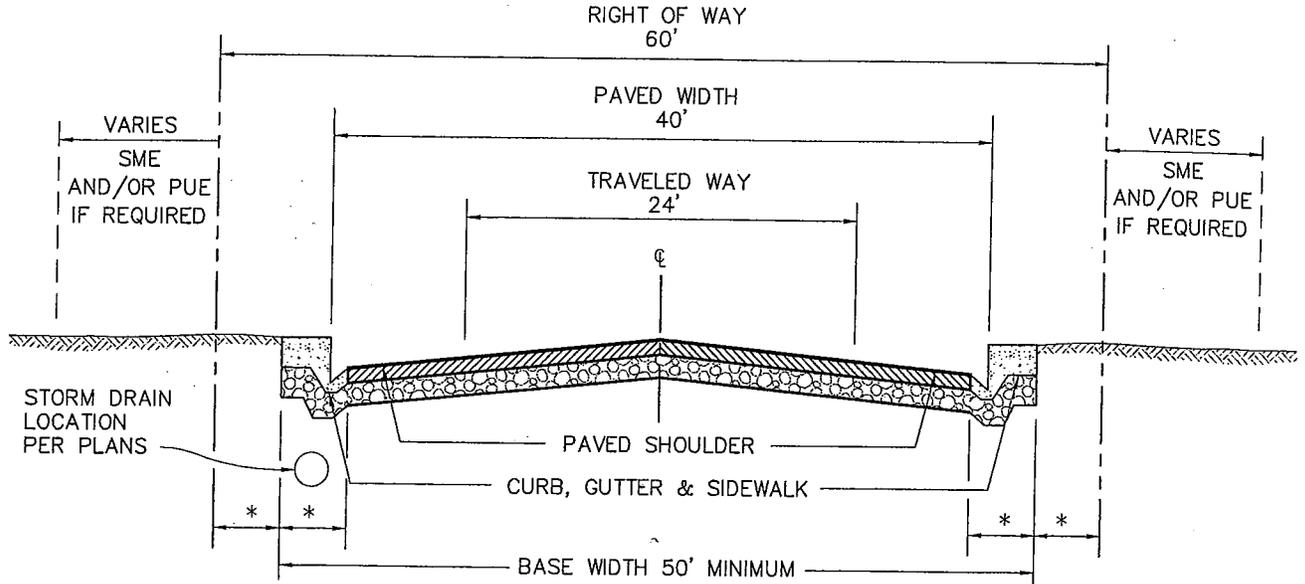
MINOR ARTERIAL AND MAJOR COLLECTOR - URBAN TYPICAL ROAD SECTION

MENDOT STD. NO. **A10A**

SCALE: NONE | DESIGN: RCW | DRAWN: LMM | OCT. 2000

PAGE: A-1

PLOT DATE: 08-APR-07



* = VARIES, SEE NOTE 3.

LEGEND:

-  PAVEMENT
-  BASE
- PUE PUBLIC UTILITY EASEMENT
- SME SLOPE MAINTENANCE EASEMENT

NOTES:

1. PAVED SHOULDER TO SERVE AS PARKING LANE AND/OR BIKEWAY.
2. RIGHT OF WAY BEHIND SIDEWALK MAY BE USED FOR ROADSIDE FACILITIES SUCH AS SIGNS, PUBLIC UTILITIES, LANDSCAPING AND DRAINAGE FACILITIES.
3. SEE MENDOT STD. NO. A40 FOR CURB, GUTTER AND SIDEWALK DETAILS.

FILE: S:\Shared\WP\AutoCad\ROAD STANDARDS\dwg\MEN-A10D.DWG



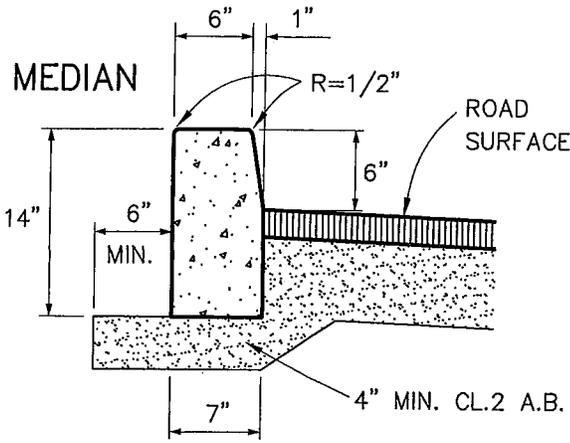
**MINOR COLLECTOR, LOCAL CONNECTOR
URBAN
TYPICAL ROAD SECTION**

MENDOT
STD. NO.
A10D

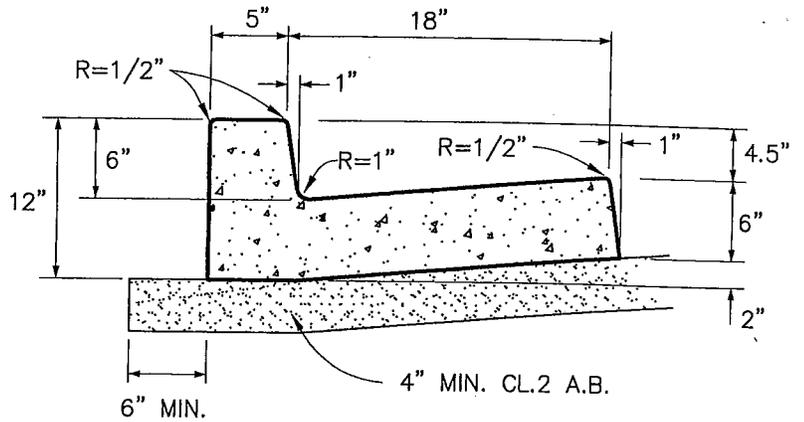
SCALE: NONE | DESIGN: RCW | DRAWN: CLG | OCT. 2000

PAGE: A-4

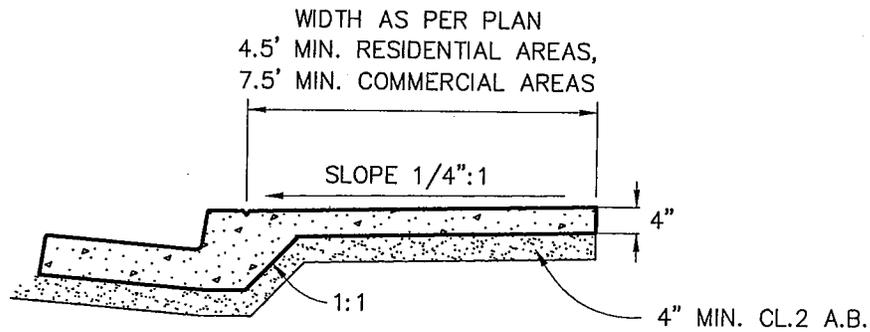
PLOT DATE: 23-AUG-00



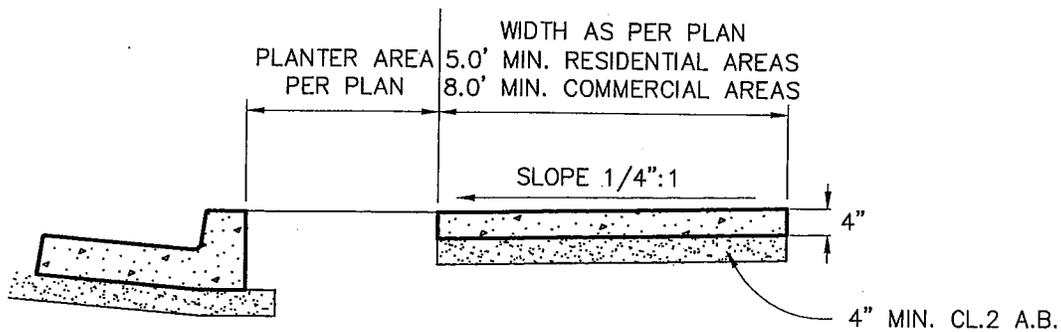
STANDARD VERTICAL CURB



STANDARD CURB AND GUTTER



TYPE 'A' SIDEWALK PLACED MONOLITHIC WITH CURB



TYPE 'B' SIDEWALK PLACED SEPARATE FROM CURB

SEE CURB, GUTTER AND SIDEWALK NOTES ON STANDARD A40B

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CURB, GUTTER, SIDEWALK & MEDIAN

MENDOT
STD. NO.
A40A