

Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



**Planning
Department**

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STAFF REPORT

Item # 3D

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: December 15, 2011
Subject: Ballot Regarding Amending Paragraph 3 of CC&R's related to Tract #783-
Lemoore Country Club Villas #2 affecting golf course abutting lots

Background:

In July, City Council was approached by homeowner's of Tract #783 – Lemoore Country Club Villas #2 (often referred to as the Jonathon Homes subdivision) to have the City amend their 1992 CC&R's that cover their properties to allow construction of patios, trellises, gazebos and the like within the "20' clear strip". Council directed the City attorney's office to draft appropriate ballots that would allow for the modifications. Last week the Homeowner's Association decided to move forward with the distribution of the ballots to obtain the required 51% of the owner's agreement to amend the CC&R's.

The City of Lemoore has three outlots contained within the affected subdivision and therefore can cast three ballots for the project.

Budget Impact:

None.

Recommendation:

Based on Council's past direction that it would support a ballot to change the "20' clear strip" to be more flexible, staff is asking that the Council approve by motion to "amend" the CC&R's per the attached ballot and direct the City Manager to execute the documents on behalf of the City.

**BALLOT REGARDING AMENDING PARAGRAPH 3 OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
(Parcel Map No. 9204 – Parcels 1, 2, 3, and remainder parcel)
(Tract No. 783 – Lemoore Country club Villas #2)**

The undersigned, being an owner or authorized representative of real property included within the property described in the parcel map and tract number above, hereby cast my ballot (vote) to

- amend
 not to amend
(check 1 box only)

Paragraph 3 of the CC&Rs applicable to Lemoore Country Club Villas #2, as such amendment is shown below, and authorize the Lemoore Country Club Villas #2 Owners' Association, or its authorized agent, to sign and record a new Declaration of CC&Rs to implement the amendment on my behalf.

I understand that the original version of Paragraph 3 states:

Clear Strip. All lots or properties lying within Parcels 1, 2, or 3 shall be developed and improved so as to maintain a minimum clear strip of 20 feet in width adjacent to or abutting the length of the remainder parcel. No permanent structures, improvements or buildings of any kind shall be constructed, placed or located within said clear strip and no vehicles of any type, including but not limited to recreational vehicles, boats, motorcycles or automobiles, shall be stored or parked within the said clear strip. Any temporary structure located within the clear strip shall not exceed 100 square feet in size.

I understand, for the purpose of casting my ballot, that the amendment to Paragraph 3 would state:

Clear Area. All lots abutting the Lemoore Golf Course shall maintain a minimum clear area of 20 feet adjacent to the golf course, unless approved by the City Planning Department for architectural features (including architecturally enhanced patio covers, gazebos, trellises, etc.) as amended by City Council Resolution 2007-12. No permanent enclosed buildings shall be placed in the clear area and no recreation vehicles, boats, motorcycles or other vehicle shall be stored or parked within the clear area. No temporary structure located within the clear area will exceed 100 square feet in area.

I understand, for the purpose of casting my ballot, that the amendment to Paragraph 3 revises the original Paragraph 3, for comparison purposes, as follows:

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DATED: December 7, 2011

Signature of Owner or Authorized Representative
Jeff Briltz, City Manager, City of Lemoore

Name of Owner or Authorized Representative
Address: APN #024-370-030, Outlot A
, Lemoore CA 93245
Lemoore Country Club Villas 2 – Tract 783 Phase 1

**BALLOT REGARDING AMENDING PARAGRAPH 3 OF
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DATED: December 7, 2011

Signature of Owner or Authorized Representative

Jeff Briltz, City Manager, City of Lemoore
Name of Owner or Authorized Representative
Address: _____
APN #024-370-042, Outlot B

, Lemoore CA 93245

Lemoore Country Club Villas 2 – Tract 783 Phase 1

**BALLOT REGARDING AMENDING PARAGRAPH 3 OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
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DATED: December 7, 2011

Signature of Owner or Authorized Representative
Jeff Briltz, City Manager, City of Lemoore

Name of Owner or Authorized Representative
Address: APN #024-370-001, Outlot C
, Lemoore CA 93245
Lemoore Country Club Villas 2 – Tract 783 Phase 1