

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Lemoore
119 Fox Street
Lemoore, CA 93245
Attention: Judy Holwell

(Space above this line for Recorder's use only)

This document is being recorded for the benefit of the
City of Lemoore and is exempt from the payment of a
recording fee under Govt. Code Section 6103.

**DECLARATION AMENDING
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

(Tract No. 614 - Lemoore Industrial Park No. 1)

(Affects APNs: 023-310-001-000; 023-310-007; 023-310-008-000; 023-310-009-000; 023-310-010-000;
024-051-009-000; 024-051-011-000; 024-051-012-000; 024-051-013-000;
024-051-015-000; 024-051-017-000; 024-051-018-000; 024-051-019-000;
024-051-020-000; 024-051-021-000; 024-051-024-000; 024-051-025-000;
024-051-027-000; 024-051-029-000; 024-051-030-000; 024-051-031-000;
024-051-032-000; 024-051-033-000; 024-051-034-000; 024-051-035-000)

THIS DECLARATION AMENDING DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS is made by the undersigned, referred to hereafter as the "Declarant."

Recitals

A. On March 2, 1990, Garold C. Brown, Carol Brown, the City of Lemoore, and the
Lemoore Redevelopment Agency, then being the owners of all of the lots in that certain real
property described as Tract No. 614, recorded at Book 14, page 42 of Plats, Kings County
Records (the "Property"), executed a "Declaration of Covenants, Conditions, and Restrictions"
with respect to the Property (the "Declaration"), which Declaration was recorded on March 22,
1990 as Kings County Document No. 9004411.

B. Paragraph 1 of the Declaration provides:

Declarants declare, covenant, and agree that no activity or condition that is
unreasonably and unusually noxious or offensive to any of the physical senses
shall be carried on or permitted upon any part, parcel, lot, or other portion of

said described real property, nor shall anything be done or be allowed to exist thereon which may be or become an annoyance or nuisance to the remainder of said described real property or to the neighborhood, said prohibited activities and conditions including but not being limited to the following:

- (a) Any public or private nuisance;
- (b) Any noise or sound that is objectionable due to intermittence, beat, frequency, shrillness, or loudness, subject to condition number 2 below;
- (c) Any obnoxious odor in light of the use of the real property as an industrial park;
- (d) Any dust, dirt, or fly ash in excessive quantities;
- (e) Any unusual fire, explosion, or other damaging or dangerous hazard;
- (f) Any "second hand" Army, Navy, or government "surplus" store;
- (g) Any trailer court, labor camp, junk yard, stockyard, or animal raising (other than pet shop);
- (h) Any drilling for or removal of subsurface substances except as to lots numbers 10 and 11;
- (i) Any dumping, disposal, incineration, or reduction of garbage or refuse; and [sic]
- (j) Any fire or bankruptcy sale or auction house operation. [sic]
- (k) Any dog kennel or other animal shelter.

C. Declarant and owners of lots within the Property have determined that the zoning and land use controls of the City of Lemoore (the "City") are sufficient to ensure the benefit and safety of the Property and the public at large, and to minimize the possible adverse effects on the public health, safety, peace, and general welfare from the holding, sale, transfer, conveyance, encumbrance, use, occupation, development, maintenance, and improvement of the Property, and so the Declaration can be amended as shown below.

D. Declarant is the authorized representatives of the current owners of a majority of the lots within the Property, which majority has determined that said Paragraph 1 of the Declaration should be changed as shown below.

NOW, THEREFORE, Declarant hereby declares that the owners of a majority of the lots within the Property have approved the proposed amendment to Paragraph 1 of the Declaration, and authorized the undersigned to make this "DECLARATION AMENDING DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" on their behalf and to have said amended declaration recorded by the City for the benefit of all of the lot owners of the Property. As amended, Paragraph 1 shall read:

Declarants declare, covenant, and agree that no activity or condition that is unreasonably and unusually noxious or offensive to any of the physical senses shall be carried on or permitted upon any part, parcel, lot, or other portion of

said described real property nor shall anything be done or be allowed to exist thereon which may be or become an annoyance or nuisance to the remainder of said described real property or to the neighborhood. Without limiting the generality of the foregoing, the land uses permitted, administratively permitted, conditionally permitted, or not permitted upon any part, parcel, lot, or other portion of said described real property, shall all be as set forth in the City of Lemoore's Zoning Ordinance as it is applicable to said described real property.

Declarant further declares that the City may record this Declaration for the benefit of all of the lots owners of the Property, and that this Declaration shall become effective upon its recordation.

Executed on _____, 2011.

DECLARANT:

CITY OF LEMOORE

By: _____
Jeff Briltz, City Manager

[ATTACH NOTARY ACKNOWLEDGMENT FOR RECORDING]