

ORDINANCE NO. 970

**AN ORDINANCE OF THE CITY OF MENLO PARK REZONING
PROPERTIES LOCATED AT 100-190 INDEPENDENCE DRIVE AND
101-155 CONSTITUTION DRIVE**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real properties with the addresses of 100-190 Independence Drive and 101-155 Constitution Drive (055-235-040, 055-235-050, 055-235-080, 055-235-100, 055-235-110, 055-234-240, 055-234-250, 055-234-260, and 055-234-270) and more particularly described in Exhibit "A" and Exhibit "B" are rezoned from M-2 (General Industrial District) to M-3-X (Commercial Business Park –Conditional Development District).

SECTION 2. This Ordinance shall only take effect if Resolution No. 5932 adopted by the City Council on June 15, 2010, entitled "Resolution of the City Council of the City of Menlo Park Amending the General Plan to Add the Commercial Business Park Land Use Designation, to Change the Land Use Designation for Property Located at 100-190 Independence Drive and 101-155 Constitution Drive and Giving Notice that the Resolution Will Be Placed On the Ballot at the Regular Municipal Election to be Held November 2, 2010", is approved by a majority of voters voting on the Resolution at the November 2, 2010 regular municipal election.

SECTION 3. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the fifteenth day of June, 2010.

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PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the twenty-second day of June, 2010, by the following votes:

AYES: Boyle, Fergusson, Robinson, Cline

NOES: Cohen

ABSENT: None

ABSTAIN: None

APPROVED:



Richard Cline
Mayor

ATTEST:



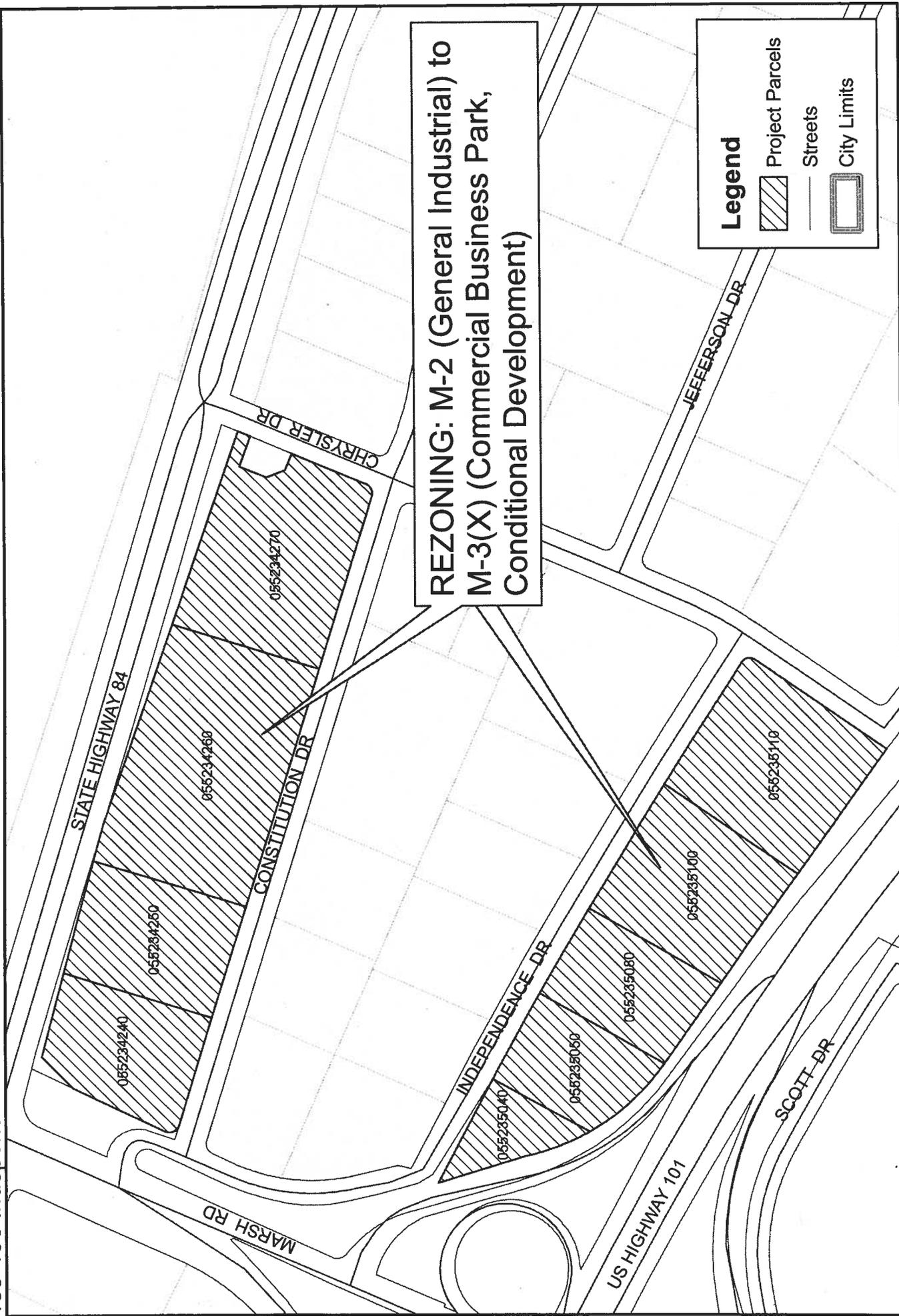
Margaret S. Roberts, MMC
City Clerk



CITY OF MENLO PARK

MENLO GATEWAY PROJECT

100-190 Independence Drive and 101-155 Constitution Drive



REZONING: M-2 (General Industrial) to M-3(X) (Commercial Business Park, Conditional Development)

Legend

- Project Parcels
- Streets
- City Limits

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL "B" AS SHOWN ON THAT CERTAIN PARCEL MAP WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON MARCH 17, 1966, IN BOOK 1 OF PARCEL MAPS AT PAGE 18, SAN MATEO COUNTY RECORDS.

A.P. NO.: 055-235-050
JPN 055 023 235 05 A

PROPERTY ADDRESS: 110 INDEPENDENCE DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL A, AS SHOWN ON THE MAP ENTITLED, "PARCEL MAP BEING A RESUBDIVISION OF PARCELS 1 AND 2 OF PARCEL MAP REC. IN VOL. 3, PG. 32 AND LOT 5 OF BOHANNON INDUSTRIAL PARK UNIT NO. 2, REC. IN VOL. 47 OF MAPS, PG. 32, SAN MATEO COUNTY RECORDS BOHANNON INDUSTRIAL PARK, CITY OF MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON MARCH 22, 1979, IN BOOK 46 OF PARCEL MAPS, AT PAGE(S) 22.

A.P. No.: 055-235-080 JPN 055 023 235 06A 055 023 235 06.01.01 A

PROPERTY ADDRESS: 120 INDEPENDENCE DRIVE
MENLO PARK, CA 94025

Ordinance 970 - Exhibit B

Order Number: NCS-94948-SM

Page Number: 8

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL B AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING A RESUBDIVISION OF PARCELS 1 AND 2 OF PARCEL MAP REC. IN VO. 3, PG. 32 AND LOT 5 OF BOHANNON INDUSTRIAL PARK UNIT NO. 2, REC. IN VOL. 47 OF MAPS, PG. 32, SAN MATEO COUNTY RECORDS, BOHANNON INDUSTRIAL PARK, CITY OF MENLO PARK, SAN MATEO COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, ON MARCH 22, 1979 IN VOLUME 46 OF PARCEL MAPS AT PAGE(S) 22.

A.P. NO.: 055-235-100

JPN 055-023-235-07 A and 055-023-235-06.01 A and 055-023-235-03.01 A

PROPERTY ADDRESS: 150 INDEPENDENCE DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL C AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING A RESUBDIVISION OF PARCELS 1 AND 2 OF PARCEL MAP REC. IN VOL.3, PG. 32 AND LOT 5 OF BOHANNON INDUSTRIAL PARK UNIT NO. 2, REC.IN VOL. 47 OF MAPS, PG. 32, SAN MATEO COUNTY RECORDS, BOHANNON INDUSTRIAL PARK, CITY OF MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, ON MARCH 22, 1979 IN BOOK 46 OF PARCEL MAPS AT PAGE(S) 22.

JPN: 055-023-235-03 A

APN: 055-235-110-8
JPN : 055-023-235-03 A

PROPERTY ADDRESS: 190 INDEPENDENCE DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING A RESUBDIVISION OF LOT 6, BOHANNON INDUSTRIAL PARK UNIT NO. 3, REC. IN VOL. 53 OF MAPS AT PAGE 44 AND PARCEL 1 OF PARCEL MAP RECORDED IN VOL. 8 OF P.M. PAGE 50, SAN MATEO COUNTY RECORDS, MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON JULY 30, 1976 IN BOOK 32 OF PARCEL MAPS AT PAGE 41.

EXCEPTING THEREFROM ALL THAT PORTION OF SAID PROPERTY AS PASSED TO THE STATE OF CALIFORNIA BY THAT CERTAIN "FINAL ORDER OF CONDEMNATION", FILED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN MATEO ENTITLED "STATE OF CALIFORNIA, PLAINTIFF VS. DAVID D. BOHANNON ORGANIZATION, A CALIFORNIA CORP. ET AL, DEFENDANTS", A CERTIFIED COPY OF WHICH WAS RECORDED APRIL 22, 1982 UNDER RECORDERS INSTRUMENT NO. 82032367, OFFICIAL RECORDS.

A.P. NO.: 055-234-240 JPN 055 023 234 15 A
055 023 234 15.01 A

PROPERTY ADDRESS: 105 CONSTITUTION DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

Parcel 2 as shown on that certain map entitled "PARCEL MAP BEING A RESUBDIVISION OF LOTS 5 AND 6, BOHANNON INDUSTRIAL PARK UNIT NO. 3, REC. IN VOL. 53 OF MAPS AT PAGE 44 AND PARCEL 1 OF PARCEL MAP RECORDED IN VOL. 8 OF P.M. PAGE 50, SAN MATEO COUNTY RECORDS, MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California on July 30, 1976 in Book 32 of Parcel Maps at page 41.

EXCEPTING THEREFROM all that portion of said property as passed to the State of California by that certain "Final Order of Condemnation", filed in the Superior Court of the State of California in and for the County of San Mateo entitled "STATE OF CALIFORNIA, PLAINTIFF VS. DAVID D. BOHANNON ORGANIZATION, A CALIFORNIA CORP. ET AL, DEFENDANTS", a certified copy of which was recorded April 22, 1982 under Recorder's Document No. 82032367, Official Records.

APN: 055-234-250-3 (JPN 055 023 234 16.02 A)

PROPERTY ADDRESS: 115 CONSTITUTION DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL "A" AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING A RESUBDIVISION OF PARCELS 3 & 4 OF PARCEL AMP REC. IN VOL. 32 OF PARCEL MAPS AT PAGE 41, SAN MATEO COUNTY RECORDS BOHANNON INDUSTRIAL PARK CITY OF MENLO PARK SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON AUGUST 15, 1979 IN BOOK 47 OF PARCEL MAPS AT PAGE 71.

EXCEPTING THEREFROM SO MUCH OF SAID PARCEL "A" AS LIES WITHIN THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF PARCELS 1, 2, 3 AND 4 AS SHOWN ON PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON JULY 30, 1976 IN BOOK 32 OF PARCEL MAPS AT PAGE 41, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 1 ABOVE; THENCE ALONG THE NORTHERLY LINE OF SAID PARCELS 1, 2, 3 AND 4, SOUTH 70_06' 25" EAST, 1306.12 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 4; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 4 SOUTH 23_ 03' 25" WEST 38.25 FEET; THENCE NORTH 70_18' 56" WEST, 530.86 FEET; THENCE NORTH 70_03' 23" WEST 286.30 FEET; THENCE NORTH 75_26' 20" WEST 475.72 FEET; THENCE SOUTH 39_38' 50" WEST, 35.18 FEET TO THE WESTERLY LINE OF SAID PARCEL 1; THENCE ALONG LAST SAID LINE NORTH 25_20' 42" EAST, 165.00 FEET TO THE POINT OF COMMENCEMENT.

055-234-260; (JPN 055 023 234 16 A; 055 023 234 16.01.01 A)

PROPERTY ADDRESS: 125 CONSTITUTION DRIVE
MENLO PARK, CA 94025

LEGAL DESCRIPTION

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

PARCEL "B" AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING A RESUBDIVISION OF PARCELS 3 & 4 OF PARCEL MAP REC. IN VOL. 32 OF PARCEL MAPS AT PAGE 41, SAN MATEO COUNTY RECORDS BOHANNON INDUSTRIAL PARK CITY OF MENLO PARK SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON AUGUST 15, 1979 IN BOOK 47 OF PARCEL MAPS AT PAGE 71.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF PARCEL 4 SHOWN ON PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON JULY 30, 1976 IN BOOK 32 OF PARCEL MAPS AT PAGE 41, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY EXTREMITY OF THAT 20.00 FOOT RADIUS CURVE WHICH CONNECTS THE EASTERLY LINE AND THE SOUTHERLY LINE OF SAID PARCEL 4; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF PARCEL 4 NORTH 23° 03' 25" EAST 9.01 FEET; THENCE FROM A TANGENT THAT BEARS SOUTH 23° 03' 25" WEST, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET, THROUGH AN ANGLE OF 84° 02' 43" AN ARC LENGTH OF 44.01 FEET TO SAID SOUTHERLY LINE; THENCE ALONG LAST SAID LINE AND SAID 20.00 FOOT RADIUS CURVE SOUTH 72° 53' 52" EAST 9.01 FEET AND ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET, THROUGH AN ANGLE OF 84° 02' 43" AN ARC LENGTH OF 29.34 FEET TO THE POINT OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM SO MUCH OF SAID PARCEL "B" AS LIES WITHIN THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF PARCELS 1, 2, 3 AND 4 AS SHOWN ON PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON JULY 30, 1976 IN BOOK 32 OF PARCEL MAPS AT PAGE 41, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 1 ABOVE; THENCE ALONG THE NORTHERLY LINE OF SAID PARCELS 1, 2, 3 AND 4, SOUTH 70° 06' 25" EAST, 1306.12 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 4; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 4 SOUTH 23° 03' 25" WEST 38.25 FEET; THENCE NORTH 70° 18' 56" WEST, 530.86 FEET; THENCE NORTH 70° 03' 23" WEST 286.30 FEET; THENCE NORTH 75° 26' 20" WEST 475.72 FEET; THENCE SOUTH 39° 38' 50" WEST, 35.18 FEET TO THE WESTERLY LINE OF SAID PARCEL 1; THENCE ALONG LAST SAID LINE NORTH 25° 20' 42" EAST, 165.00 FEET TO THE POINT OF COMMENCEMENT.

APN: 055-234-270-1, JPN: 055 023 234 16.01 A

PROPERTY ADDRESS: 155 CONSTITUTION DRIVE
MENLO PARK, CA 94025