



MARIPOSA COUNTY

Public Works • (209) 966-5356



RESOLUTION - ACTION REQUESTED 2013-114

MEETING: April 9, 2013

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Approve a Resolution to Add a Portion of Monte Vista Lane to the County Maintained Road System

RECOMMENDATION AND JUSTIFICATION:

Approve Adding a 0.09 mile section of Monte Vista Lane to the County Maintained Road System.

On December 17, 2002 the Board of Supervisors directed the Public Works Department to maintain a portion of Monte Vista Lane from the intersection of Triangle Road to the Lush Meadows Fire Station. For the past 11 years Public Works has been providing the maintenance to this portion of Monte Vista Lane as directed.

Recently the issue came to light that although the Board directed staff to maintain this portion of Monte Vista Road, the resolution did not state that Monte Vista Lane had been officially added to the County Maintained Road system as required by State law. State law does not allow the County to use Gas Tax revenues to maintain roadways that are not officially added to the County Maintained Road System.

The California Streets and Highways Code Section 941(b) states that "No public or private road shall become a county highway until and unless the board of supervisors, or its designee, by appropriate action, has caused the road to be accepted into the county road system."

Section 941(c) states that "...does not constitute the acceptance of the road into the county road system in the absence of the adoption of a resolution by the board of supervisors accepting the road into the county road system."

By adopting this resolution and officially adding the 0.09 mile section of Monte Vista Lane to the County Road System we will be legally able to use Gas Tax funds to continue the maintenance of this section of Monte Vista Lane.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Funding other than State Gas tax funds would be needed to continue maintenance of this section of Monte Vista Lane.

FINANCIAL IMPACT:

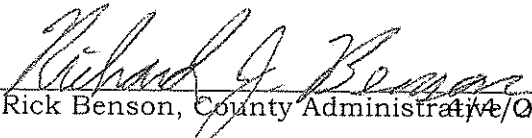
No Financial Impact as the County is currently providing maintenance to this section of Monte Vista Lane.

ATTACHMENTS:

Monte Vista Lane (DOC)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, ~~County Administrator/Office~~

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

EXCUSED: Lee Stetson

MARIPOSA COUNTY RESOLUTION NO. 13-114

**A RESOLUTION ACCEPTING MONTE VISTA LANE INTO
THE COUNTY MAINTAINED ROAD SYSTEM**

WHEREAS, Section 940 of the Streets and Highways Code, states that the Board of Supervisors shall have the general supervision, management, and control of the county highways; and,

WHEREAS, per Section 941 (c) of the Streets and Highway Code, the County wishes to include a 0.09 mile section of Monte Vista Lane, from its intersection with Triangle Road to the back property line of the County-owned property where the Lushmeadows Firehouse is located, into the County Maintained Road System; and

WHEREAS, on December 17, 2002, the Board of Supervisors provided direction to the Public Works Department to maintain said section of Monte Vista Lane.

NOW, THEREFORE, BE IT RESOLVED that the Mariposa County Board of Supervisors approves including a 0.09 mile section of Monte Vista Lane from its intersection with Triangle Road to the edge of the County-owned property where the Lushmeadows Firehouse is located, into the County Maintained Road System.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 9th day of April, 2013, the following vote:

AYES: JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSENT: STETSON
ABSTAINED: NONE



Kevin Cann, Vice Chairman

ATTEST:

APPROVED AS TO FORM:



Rene' LaRoche, Clerk of the Board



Steven W. Dahlem, County Counsel