

MARIPOSA COUNTY RESOLUTION NO. 85-35

A Resolution approving Specific Plan Amendment 84-2, Don Van Meter and Winifred Williams, Applicants.

WHEREAS, the County has received a request to modify the land use established by the Mariposa Town Planning Area Specific Plan, and

WHEREAS, the Planning Commission has held a public hearing on the application and has recommended approval of the land use change to the Board of Supervisors, and

WHEREAS, the applicants have granted the County a one foot strip of property adjacent to Campbell Way for the purpose of restricting future access to Campbell Way which mitigates the identified environmental impact associated with this project, and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the application in accordance with the requirements of State law,

NOW THEREFORE be it resolved that the Mariposa County Board of Supervisors hereby approves Specific Plan Amendment No. 84-2 as delineated on the map contained in Attachment A with the following findings of fact:

1. The amendment will provide additional areas for commercial development within the Mariposa Town Planning Area where adequate support services are available or can be reasonably developed.
2. This amendment will further the goals and objectives of the Mariposa County General Plan by allowing for the orderly urban expansion of the community of Mariposa, promoting commercial development within an appropriate

RECORDED AT THE REQUEST OF *County of Mariposa*
June 7 1985 AT *4:45* MIN. PAST *4* O'CLOCK *P.M.* IN
 VOL. *272* OF OFFICIAL RECORDS. PAGE *617*
 MARIPOSA COUNTY RECORDS.
 EVELYN BILLINGS RECORDER
 Fee \$ *3.00*

By: Marwan Spack, Deputy

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area of the Mariposa Town Planning Area.

3. The site is considered appropriate for commercial development based upon terrain, adjacent land uses and existing on-site uses.

4. The environmental effects of future projects on the site have been reviewed and it has been determined that all potential impacts can be satisfactorily mitigated.

5. This amendment, due to its location, is not likely to result in the general degradation of the community as a residential and commercial center nor will it adversely affect property values in the area.

BE IT FURTHER RESOLVED, that final approval of this Specific Plan Amendment shall not take place until the applicants or subsequent property owners have executed and recorded the dedication document and Grant Deed approved by the Board of Supervisors and attached hereto as Attachment B.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 26th day of February, 1985, by the following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

Beverly Barrick

BEVERLY BARRICK, Vice Chair
Mariposa County Board of Supervisors

ATTEST:
Gerald McCarthy

GERALD MC CARTHY, County Clerk
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Jeffrey G. Green

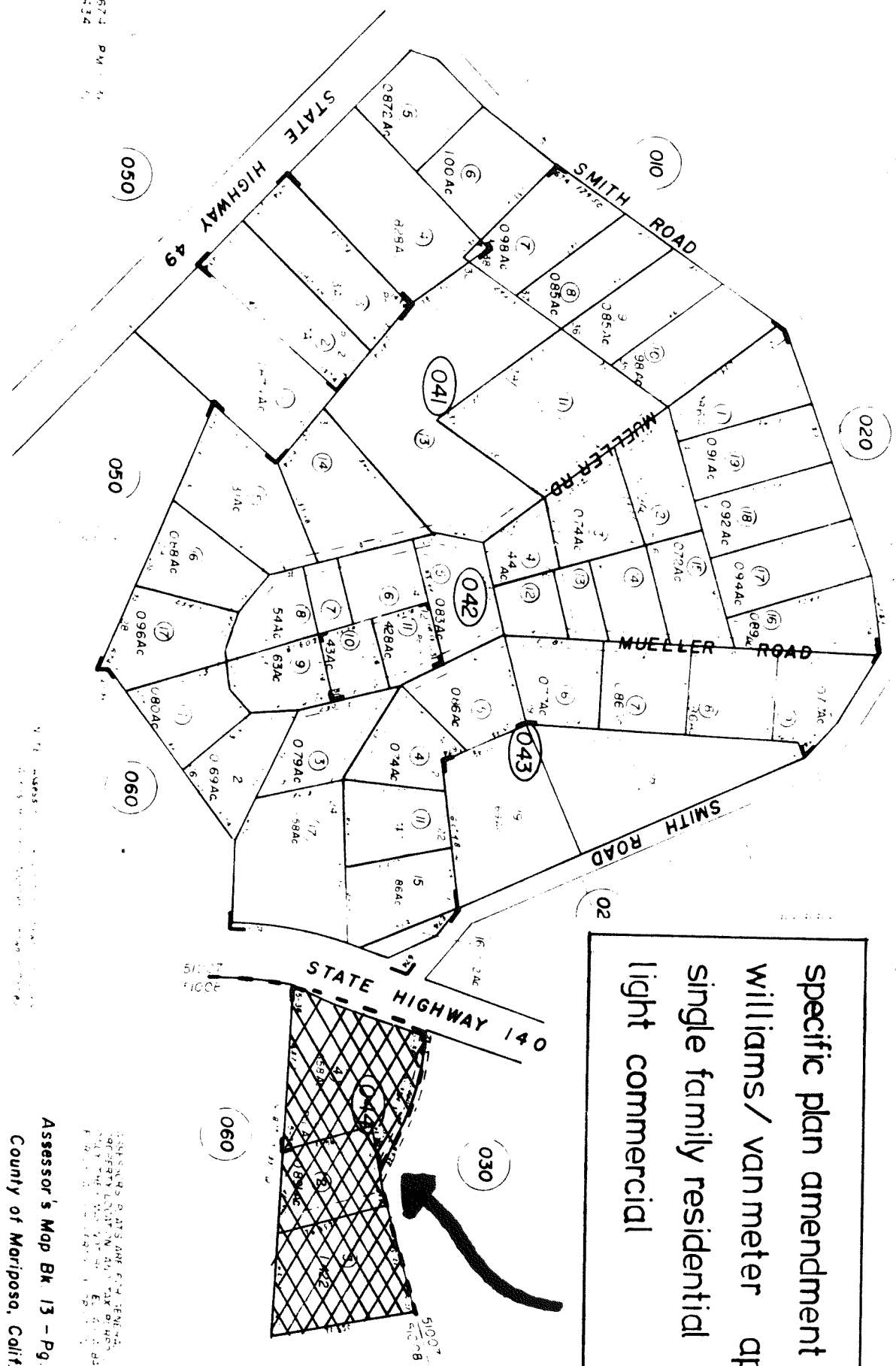
JEFFREY G. GREEN, County Counsel

INCLUDING ROBERT MUELLER SUBD

Area Code
51007
41008

13-040

ATTACHMENT A



specific plan amendment 84-2
williams/ van meter app.
single family residential to
light commercial

RS 674 PM 4
424

Assessor's Map Bk. 13 - Pg. 040
County of Mariposa, Calif.
1982

VOL. 272

619

AGREEMENT

This AGREEMENT is entered into on the date or dates last below written by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to a "COUNTY", and Winfred J. Williams, Pearl Williams, Don Eugene Van Meter, and Doris Adele Van Meter, hereinafter referred to as "APPLICANTS".

WITNESSETH:

WHEREAS, APPLICANTS have filed an application with COUNTY for a Specific Plan Amendment, i.e. No. 84-2, said application being filed on April 24, 1984 requesting the legal property described in the application to be zoned commercial, and

WHEREAS, COUNTY has conducted certain environmental review processes as a result of the application, and

WHEREAS, there were concerns raised during the environmental process which created a concern for potential future use of Campbell Way, most specifically commercial use of Campbell Way, and

WHEREAS, the residents in the area have objected

to the use of Campbell Way as a commercial traffic artery,
and

WHEREAS, COUNTY has determined that it is in the public interest not to use Campbell Way as a commercial traffic artery, and

WHEREAS, certain mitigation measures were determined by the Planning Commission and the Mariposa County Board of Supervisors, i.e., that all commercial use should be restricted on Campbell Way, and

WHEREAS, APPLICANTS have agreed to deed a certain portion of their real property to COUNTY in order to allow COUNTY to restrict commercial access on Campbell Way,

NOW, THEREFORE, in consideration of APPLICANTS' application for a Specific Plan Amendment, and in further consideration of the mitigation of the environmental concerns, the Parties hereto agree as follows:

1. APPLICANTS agree to, and hereby, deed to COUNTY a portion of their real property described on Exhibit "A" attached hereto and by this reference incorporated herein. Said legal description describes a one-foot strip of land running along the mutual boundary between APPLICANTS' property as identified on Parcel Map Book 5, at page 36, Mariposa County Records, in that general area known as the Campbell Tract as identified in Record of Survey 992, and Parcel Map 7-42 and 3-38, Mariposa County Records.

2. It is specifically understood and agreed by

and between the Parties hereto, that the property described on Exhibit "A" is deeded to COUNTY for purposes of restricting all vehicular traffic from APPLICANTS' property to Campbell Way.

3. COUNTY agrees that at such time as APPLICANTS' or APPLICANTS' successors in interest apply to COUNTY for a commercial or residential project on APPLICANTS' property, then in that event COUNTY shall provide APPLICANTS residential access only through the deeded property to Campbell Way, if APPLICANTS can satisfy COUNTY that all vehicular traffic to commercial activities on APPLICANTS' property is physically prohibited access to Campbell Way.

4. This AGREEMENT shall be interpreted pursuant to the laws of the State of California.

5. In the event of a default hereunder by APPLICANTS, COUNTY shall be entitled to attorneys fees and cost of suit in the event litigation is commenced.

6. Each party hereby represents that it has been represented by counsel of its own choosing in the drafting,



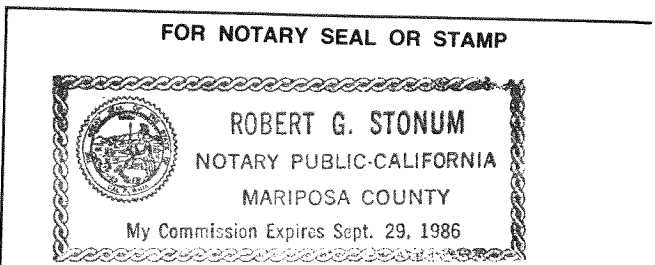
STATE OF CALIFORNIA

COUNTY OF Mariposa } ss.

On this the 30th day of April 1985, before me the undersigned, a Notary Public in and for said County and State, personally appeared Winfred J. Williams and Pearl Williams

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the personS whose name a. ar subscribed to the within instrument and acknowledged that they executed the same.

Robert G. Stonum
Signature of Notary



VOL. 272 622

CAL-375 (Rev. 8-82) Ack. Individual
Staple
Staple

NOTARY:

APPLICANTS: (cont.)

Pearl Williams
PEARL WILLIAMS

Date: 4-30-85

NOTARY:



STATE OF CALIFORNIA

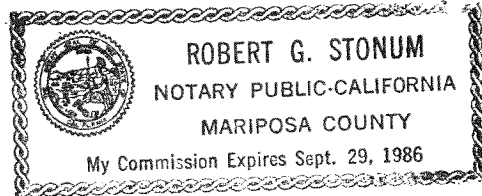
COUNTY OF Mariposa } ss.

On this the 3rd day of April 19 85, before me the undersigned, a Notary Public in and for said County and State, personally appeared Don Eugene Van Meter and Doris Adele Van Meter

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person s whose names are subscribed to the within instrument and acknowledged that they executed the same.

Robert G. Stonum
Signature of Notary

FOR NOTARY SEAL OR STAMP



Beverly Barrick
BEVERLY BARRICK, Vice Chair
Board of Supervisors

Date: _____

ATTEST:

Gerald McCarthy
GERALD MC CARTHY, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel

CAL-375 (Rev. 8-82) Ack. Individual

Staple

Staple

EXHIBIT "A"

Number One:

A portion of a tract of land in the North half of the Southwest quarter of projected Section 14, Township 5 South, Range 18 East, Rancho Las Mariposas, known as Assessors Parcel No. 13-044-04, and more particularly described as follows:

"The Southerly one foot of Parcel "A", as shown on Parcel Map Book 5, Page 36, Mariposa County Records, less any portion within Highway Tract described in Vol. 213, Page 89, of Official Records of Mariposa County."

Number Two:

A portion of a tract of land in the North half of the Southwest quarter of projected Section 14, Township 5 South, Range 18 East, Rancho Las Mariposas, known as Assessors Parcel No. 13-033-02, and more particularly described as follows:

"The Southerly one foot of the Williams Tract as described in Deeds recorded in Vol. 60, Page 458, and Vol. 137, Page 472, Official Records of Mariposa County. Said tract is also shown on Parcel Map Book 5, Page 36, Mariposa County Records.

Number Three:

A portion of a tract of land in the North half of the Southwest quarter of projected Section 14, Township 5 South, Range 18 East, Rancho Las Mariposas, known as Assessors Parcel No. 13-044-03, and more particularly described as follows:

"The Southerly one foot of the Van Meter Tract as described in Deeds recorded in Vol. 60, Page 459 and Vol. 137, Pages 472 and 473 of Official Records of Mariposa County. Said tract is also shown on Parcel Map Book 5, Page 36, Mariposa County Records."