

# MARIPOSA COUNTY

Public Works · 209 966 5356



## **RESOLUTION - ACTION REQUESTED 2019-134**

MEETING: March 12, 2019  
TO: The Board of Supervisors  
FROM: Mike Healy, Public Works Director  
RE: Field of Dreams Accept PUE Certificate of Acceptance

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### **RECOMMENDATION AND JUSTIFICATION:**

Authorize the Board of Supervisors Chair to Sign the “Certificate of Acceptance by the County of Mariposa”, for the Non-Revocable and Perpetual Offer of Dedication of Public Road and/or Public Utility Easement Right-of-Way to the County of Mariposa. The offer of dedication is for a Public Utility Easement (PUE) across APN 012-142-023 (Mariposa First Baptist Church property, Town of Mariposa) and APNs 012-142-026 & 012-142-027 (County of Mariposa Property).

This recommended action is based on the need to establish the installation of permanent electric utilities to serve the Field of Dreams property.

The acceptance of the PUE will provide direct access to existing PG&E facilities, provide a public utility source for the Field of Dreams property and reduce the noise on site and to the adjacent properties.

Operation of a portable generator has met the initial need, however the going cost for maintenance and operation is a cost factor which could be lowered by direct access to permanent power.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

In December 2018 The County established a temporary warming facility on site of the Field of Dreams property, at 5015 Frank Wilson Road. Power needs were initially establish by the use of a portable generator.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Not authorizing the signing of the offer of acceptance would hinder access to a permanent power source for the Field of Dreams property. The existing temporary warming facility would continue to rely on the portable generator as the sole source of power.

### **ATTACHMENTS:**

## Resolution - Action Requested 2019-134

**PUE Offer Dedication Mariposa Baptist (PDF)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

Department of Public Works  
County of Mariposa  
4639 Ben Hur Road  
Mariposa, California 95338

DOC#: **20190894**



Titles:	1	Pages:	9
Fees			0.00
Taxes			0.00
Others			0.00
PAID			\$0.00

A.P.N. Affects 012-142-023 and 012-142-025

**NON-REVOCABLE AND PERPETUAL OFFER OF  
DEDICATION OF PUBLIC ROAD AND/OR PUBLIC  
UTILITY EASEMENT RIGHT-OF-WAY  
TO THE COUNTY OF MARIPOSA**

This Declaration is made this 26<sup>th</sup> day of February, 2019 by Mariposa First Baptist Church, hereinafter referred to as "Offeror" and affects that certain real property more particularly described in EXHIBIT A attached hereto.

WITNESSETH;

WHEREAS, said Offerors desire to make a non-revocable offer of dedication to the public of an easement for public utility easement purposes and incidental uses, together with the right to trim and/or remove necessary trees and vegetation, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain public utilities.

NOW, THEREFORE, said Offeror covenant, promise and grant as follows:

1. That said Offeror are the fee owners of certain real property which is described as follows:

EXHIBIT A attached hereto.

2. That said Offeror do hereby non-revocably and in perpetuity offer to such governmental entity a dedication of a public right-of-way easement for Public Utility purposes and incidental uses upon the following described property:

See EXHIBIT B & C attached hereto

3. That until such time as the above offer of dedication is accepted by such government entity, all owners of property contiguous to the above described Public Utility Easement shall have the right to use said Public Utility Easement.

4. That the Offerors agree that the above offer of dedication shall be non-revocable and non-exclusive and such government entity may, at any time in the future accept said offer of dedication of the public utility easement.

5. That the Offerors agree that this non-revocable and perpetual offer of dedication is and shall be binding on his heirs, assigns, and successors in interest.

IN WITNESS WHEREOF, this offer of dedication is executed and made by the Offerors on the day and year first above written.

OFFERORS

MARIPOSA FIRST BAPTIST CHURCH

Ray Shull Sr

Date: 2/26/19

By: Title Holder's name RAY SHULL SR.  
PASTOR / PRESIDENT

\_\_\_\_\_  
Title Holder's name Date: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Mariposa

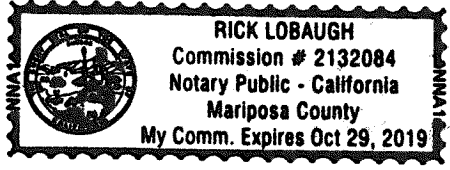
On February 26, 2019 before me, Rick Lobaugh, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared Ray Shull Sr.  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
*Signature of Notary Public*

Certificate of Acceptance by the County of Mariposa

This is to certify that the interest in real property conveyed by this Offer of Dedication dated February 26, 2019 from Mariposa First Baptist Church to the County of Mariposa, a political subdivision of the State of California, is hereby accepted by Miles Menetrey, Chairman of the Board on behalf of the Board of Supervisors of Mariposa County, pursuant to authority conferred by Resolution # 19-134 adopted on March 12, 2019, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

Date MARCH 14, 2019

[Signature]  
Miles Menetrey, Chair  
Mariposa County Board of Supervisors

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Mariposa

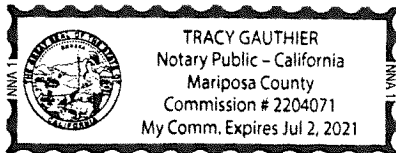
On March 14, 2019 before me, Tracy Gauthier, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared Miles Menetrey  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Tracy Gauthier  
*Signature of Notary Public*

-Recorder  
Barbara  
Mariposa Co Official Records 7/30/2004  
Recorded at the request of 10:10:39  
**Mariposa County**

**RECORDING REQUESTED BY:**

Sarah Williams, Interim Director

**WHEN RECORDED MAIL TO:**

Mariposa First Baptist Church  
P.O. Box 376  
P.O. Box 87  
Mariposa, CA 95338

DOCUMENT: **2044670**

Titles: 1/ Pages: 3



Fees....  
Taxes ..  
Other...  
AMT PAID \_\_\_\_\_

Space Above This Line Reserved for Recorder's Use

APNs: Portions of 012-142-009 & 020  
(as modified by LLA #2003-158)

**CERTIFICATE OF COMPLIANCE**

**GRANTEE:** MARIPOSA FIRST BAPTIST CHURCH, a non-profit religious corporation

The following real property and the division thereof into one (1) parcel (as hereinafter described) as of the date of recordation of this document, has been determined to be in compliance with applicable provisions of the Subdivision Map Act of the State of California Section 66410 et. seq. of the California Government Code) and the Subdivision Map Ordinance of Mariposa County, enacted pursuant thereto:

LEGAL DESCRIPTION:

The real property located within the County of Mariposa as described in Exhibit "A" attached hereto.

This document is being recorded pursuant to the Planning Director approval of Lot Line Adjustment #2003-158 on August 5, 2003.

Application Date: June 23, 2004.

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

VERIFICATION OF TAXES PAID  
First Baptist Church  
All taxes for this APN or ACCOUNT #  
have been paid in full through the Fiscal  
Year 2004/2005.  
TAX COLLECTOR  
*[Signature]*

County of Mariposa, Planning Department

*[Signature]*  
Sarah Williams, Interim Planning Director

This document is for the benefit of Mariposa County and is entitled to be recorded free of charge per Sec. 6103 of Cal. Gov. Code.

20190894

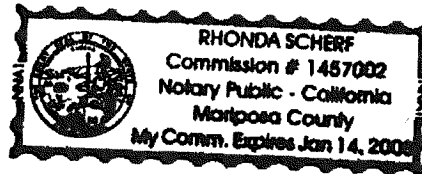
2044670

State of California  
County of Mariposa

On May 28, 2004 before me, Rhonda Scherf, personally appeared Sarah Williams, personally known to me and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Rhonda Scherf  
Rhonda Scherf



Title of Document: <u>Certificate of Compliance</u>	
Date of Document: <u>5-28-04</u>	No. of Pages: <u>  </u>
Other signatures not acknowledged: <u>None</u>	

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20190894

2044670

EXHIBIT A

A tract of land situated in a portion of the North one half ( N 1/2) of Projected Section 15, Township 5 South, Range 18 East, M.D.B.&M., Rancho Las Mariposas, Mariposa County, State of California, said tract of land being more particularly described as follows:

Parcel A, as said Parcel A is delineated on that certain map entitled " PARCEL & LOT LINE ADJUSTMENT MAP FOR MARIPOSA FIRST BAPTIST CHURCH" recorded December 27, 2001 in Book 28 of Parcel Maps at Page 7, Mariposa County Records.

EXCEPTING THEREFROM all that portion of said Parcel A more particularly described as follows:

BEGINNING at the southeast corner of said Parcel A; thence, along the southerly line of said Parcel A the following three (3) courses and distances, S77°20'42"W for 201.55 feet; thence S69°28'06"W for 216.19 feet; thence S61°36'15"W for 372.51 feet to the most southwesterly corner thereof; thence, along the westerly line of said Parcel A the following three (3) courses and distances, N40°33'45"W for 32.88 feet; thence N31°53'15"E for 76.10 feet; thence N05°08'15"E for 12.16 feet to a point: thence, leaving said westerly line, N61°36'15"E, parallel with and 80.00 feet distant northerly from said southerly line, for 235.87 feet; thence N39°51'45"W, parallel with the said westerly line of Parcel A and the southeasterly prolongation thereof, for 498.63 feet; thence N14°35'16"W, parallel with and 60.00 feet distant easterly from said westerly line of Parcel A, for 297.92 feet; thence N89°58'35"E for 1030.56 feet to a point on the easterly line of said Parcel A; thence S13°03'57"W, along the said easterly line of Parcel A, for 603.86 feet to the POINT OF BEGINNING.

The above described tract of land contains 21.58 acres, more or less, and is subject to any rights-of-way or easements of record or legally acquired.

Prepared by:

Jerome S. Freeman  
Jerome S. Freeman, L.S. No. 4079  
License Expiration Date: June 30, 2004

Dated: November 3, 2003



~~END OF DOCUMENT~~ 3

## EXHIBIT B

A non-exclusive easement for public utility purposes, on, over, across and under a strip of land situated in a portion of the North on half (N1/2) of Projected Section 15, Township 5 South, Range 18 East., M.D.M., Rancho Las Mariposas, Mariposa County, State of California, said strip of land also being a portion of that certain real property described in Certificate of Compliance, Grantee: First Baptist Church of Mariposa recorded July 30, 2004 as Document No. 2044670, Mariposa County Official Records, said strip of land being 15.00 feet wide, 7.50 feet on each side of the following described centerline:

Commencing at the southernmost corner of said certain real property, as delineated on the map entitled Record of Survey for Mariposa First Baptist Church filed May 15, 2007 in the Book of Maps at Page 2765, Mariposa County Records; thence N05°07'39"E, along the westerly line of said certain real property, a distance of 242.06 feet to an angle point therein; thence N39°51'57"W, along the westerly line of said certain real property, a distance of 21.70 feet to the POINT OF BEGINNING; thence leaving the westerly line of said certain real property, S68°01'46"E for 63.08 feet to a point on the easterly line of said certain real property, said point being the terminus of the herein described centerline.

The sidelines of said strip of land are to be lengthened or shortened to begin on the westerly line and end on the easterly line of said certain real property.

The above described strip of land is subject to any rights-of-way or easements of record or legally acquired.

The herein above described non-exclusive easement is to be an appurtenance to that certain real property described in Certificate of Compliance, Grantee: Mariposa County, State of California, recorded July 30, 2004 as Document No. 2044672, Mariposa County Official Records.

Prepared by:

*Russell A. Marks*

Dated: 2/25/19

Russell A. Marks, PLS No. 6377

Mariposa County Surveyor



"EXHIBIT C"

COUNTY OF MARIPOSA  
Document No. 2044672,  
Mariposa County Official Records

FIRST BAPTIST CHURCH MARIPOSA  
Document No. 2044670,  
Mariposa County Official Records

Point of Beginning  
63.08'  
N68°01'46"E  
15' wide Public Utility Easement  
21.70'  
N39°51'57"W

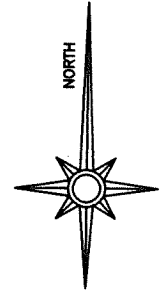
N05°07'39"E 242.06'  
Baptist Church Property Line

County Property Line  
Baptist Church Property Line

driveway to Baptist Church  
Baptist Church Property Line  
County Property Line

FRANK WILSON RD

County Property Line



SCALE: 1" = 50'