

# MARIPOSA COUNTY

Public Works • 209 966 5356



## **RESOLUTION - ACTION REQUESTED 2019-578**

MEETING: October 1, 2019  
TO: The Board of Supervisors  
FROM: Mike Healy, Public Works Director  
RE: Adopt a Resolution to Abandon a Portion of a PUE Within Quail Ridge Estates

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### **RECOMMENDATION AND JUSTIFICATION:**

Adopt a Resolution to Vacate a Portion of a Public Utility Easement Within the Certain Real Property Described in Certificate of Compliance, Document No. 20182311, Mariposa County Official Records, Assessor's Parcel Number 014-391-004.

The subject real property is delineated on the Record of Survey filed on August 27, 2018 in the Book of Maps at page 2998. The easement was originally created by the Map of Quail Ridge Estates recorded on July 5, 1985 in the Book of Maps at page 2214. A description of the vacation has been submitted to the County Surveyor.

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

The original Public Utility Easement was created within a portion of Lot 28 of the Quail Ridge Estates. The portion of the public utility easement to be abandoned followed the northern property line of Lot 28. The boundaries of Lot 28 were changed by Lot Line Adjustment 2017-018 which was finalized on August 13, 2018 with the recording of the Certificates of Compliance. As a result of the Lot Line Adjustment, the portion of the public utility easement to be abandoned is within the boundaries of the property and restricts the use of the space within the property. The portion proposed to be abandoned will not affect the property's access to public utilities. The property and the adjoining properties have access to all public utilities from other public utility easements which are in place.

Letters have been received from Pacific Gas and Electric and Sierra Telephone which confirm there are no physical improvements in place and both support the proposed abandonment.

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

If the Board of Supervisors denies the request for abandonment, this public utility easement will remain in place.

### **FINANCIAL IMPACT:**

## Resolution - Action Requested 2019-578

**None**

**ATTACHMENTS:**

**Resolution to vacate PUE QuailRidge Oct19 (DOC)**

**Request Letter (PDF)**

**Notice of Vacation (PDF)**

**Exhibit A (PDF)**

**Exhibit B (PDF)**

**Sierra Tel (PDF)**

**PGE (PDF)**

**Certificate of Compliance (PDF)**

**190819 DPW-UPDATED Vacation of Offer of Dedication for Allison Property(PDF)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Marshall Long, District III Supervisor

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

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

**MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO.19-578**

**A Resolution Vacating A Portion of A Public Utility Easement Within Record of Survey Map, Book of Maps, Page 2998, Mariposa County Records**

**WHEREAS**, the Public Utility Easement was created by the Map of Quail Ridge Estates, recorded in the Book of Maps, Page 2214, Mariposa County Records; and

**WHEREAS**, a written request to abandon a portion of a public utility easement within that real property described by Certificate of Compliance, Document No. 20182311, Mariposa County Records, Assessor's Parcel Number 014-391-004, has been received; and

**WHEREAS**, the Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code, Division 9. Part 3. Section 8300, *et. seq*) provides authority and procedures whereby a board of supervisors may vacate all or part of a street, highway, or public service easement within the county but outside a city; and

**WHEREAS**, this item has been Noticed in Accordance with Streets & Highways Code, Division 9. Part 3. Section 8320 (b); and

**WHEREAS**, the Streets & Highways Code, Division 9. Part 3. Section 8306 (a) defines public utility easement as a public service easement; and

**WHEREAS**, portion of the public utility easement to be vacated, does not have existing utility infrastructure; and

**WHEREAS**, the request is supported by the utility providers; and


**WHEREAS**, the request has been reviewed by the Mariposa County Public Works Department, which has determined that the request meets the criteria for vacation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, as follows:

1. The County of Mariposa, by and through its Board of Supervisors, vacates the public service easement described in this resolution pursuant to the Public Streets, Highways, and Service Easements Vacation Law.
2. The public service easement hereby vacated is described in Exhibit "A" and delineated in Exhibit "B" attached hereto, and by reference made a part hereof.
3. A certified copy of this resolution shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation, the easement hereby vacated shall no longer constitute a public service easement, (public utility easement).

ON MOTION BY Supervisor Long seconded by Supervisor Jones this resolution is duly passed and adopted this 1<sup>st</sup> day of October 2019, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY  
NOES: NONE  
EXCUSED: NONE  
ABSTAIN: NONE

  
Miles Menetrey, Chair  
Board of Supervisors

ATTEST:

  
Rene LaRoche, Clerk of the Board

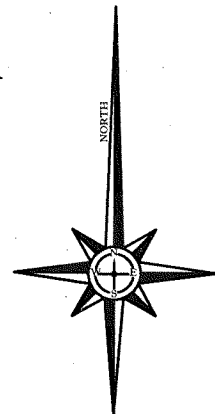
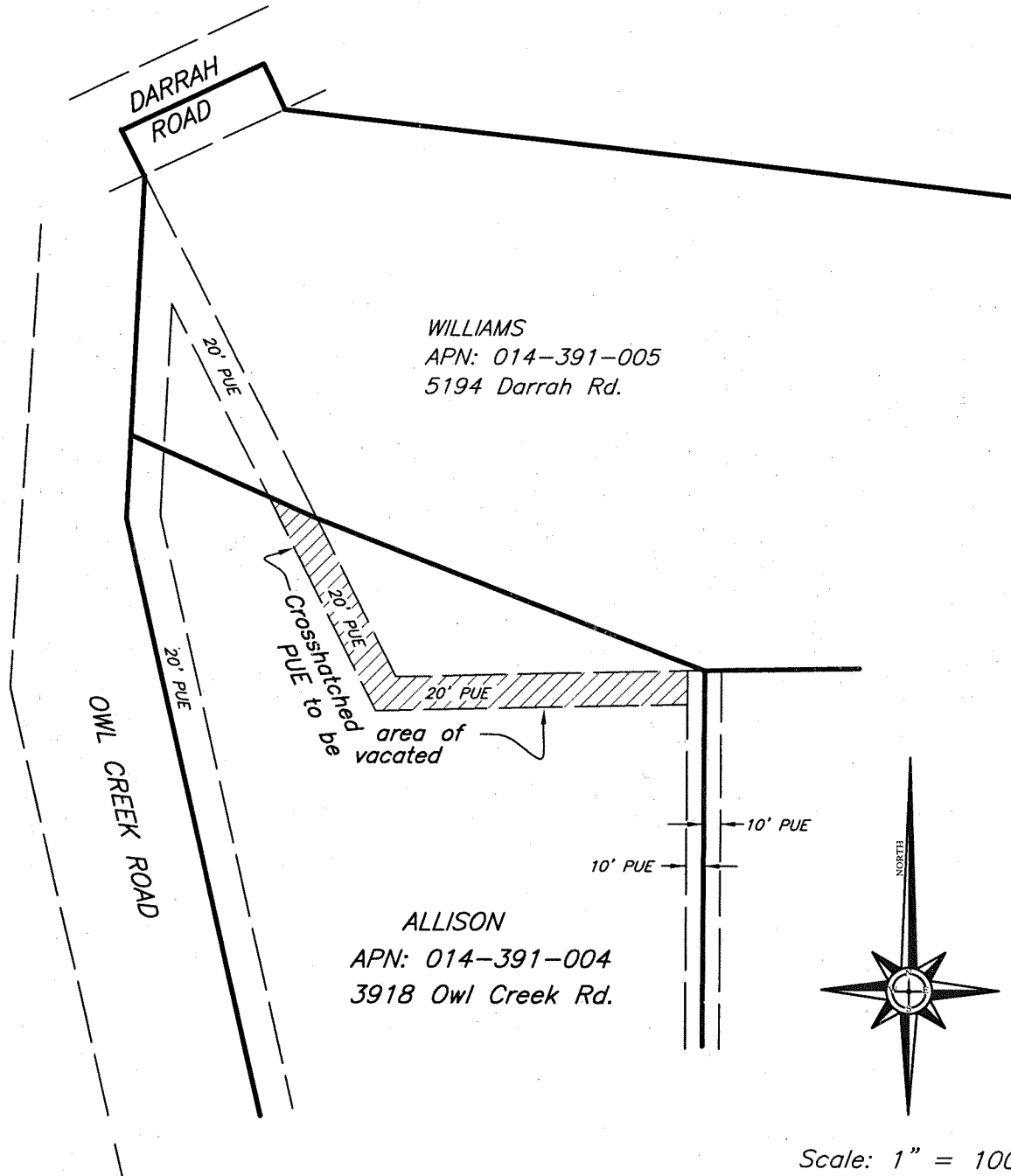
APPROVED AS TO FORM:

  
Steven W. Dahlem, County Counsel

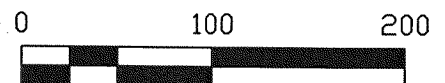
# EXHIBIT B

## P.U.E. TO BE VACATED

A portion of APN 014-391-004



Scale: 1" = 100'



**RECORDING REQUESTED BY:**  
**Clerk of the Board**

**WHEN RECORDED MAIL TO:**  
Tracy Gauthier  
Deputy Clerk of the Board II

**- Recorder**  
**Mariposa Co Official Records**

Recorded at the request of  
**Mariposa County**

ER  
10/16/2019  
10:22 AM

DOC#: **20193522**



00020193522

<b>Titles:</b>	<b>1</b>	<b>Pages:</b>	<b>3</b>
<b>Fees</b>			<b>0.00</b>
<b>Taxes</b>			<b>0.00</b>
<b>Others</b>			<b>0.00</b>
<b>PAID</b>			<b>\$0.00</b>

Space Above This Line Reserved for Recorder's Use

**Mariposa County Board of Supervisors Resolution No. 19-578**  
**A Resolution Vacating A Portion of A Public Utility Easement Within Record of**  
**Survey Map, Book of Maps, Page 2998, Mariposa County Records**

MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO.19-578

A Resolution Vacating A Portion of A Public Utility Easement Within Record of Survey Map, Book of Maps, Page 2998, Mariposa County Records

WHEREAS, the Public Utility Easement was created by the Map of Quail Ridge Estates, recorded in the Book of Maps, Page 2214, Mariposa County Records; and

WHEREAS, a written request to abandon a portion of a public utility easement within that real property described by Certificate of Compliance, Document No. 20182311, Mariposa County Records, Assessor's Parcel Number 014-391-004, has been received; and

WHEREAS, the Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code, Division 9, Part 3, Section 8300, et. seq) provides authority and procedures whereby a board of supervisors may vacate all or part of a street, highway, or public service easement within the county but outside a city; and

WHEREAS, this item has been Noticed in Accordance with Streets & Highways Code, Division 9, Part 3, Section 8320 (b); and

WHEREAS, the Streets & Highways Code, Division 9, Part 3, Section 8306 (a) defines public utility easement as a public service easement; and

WHEREAS, portion of the public utility easement to be vacated, does not have existing utility infrastructure; and

WHEREAS, the request is supported by the utility providers; and

WHEREAS, the request has been reviewed by the Mariposa County Public Works Department, which has determined that the request meets the criteria for vacation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, as follows:

- 1. The County of Mariposa, by and through its Board of Supervisors, vacates the public service easement described in this resolution pursuant to the Public Streets, Highways, and Service Easements Vacation Law.
2. The public service easement hereby vacated is described in Exhibit "A" and delineated in Exhibit "B" attached hereto, and by reference made a part hereof.
3. A certified copy of this resolution shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation, the easement hereby vacated shall no longer constitute a public service easement, (public utility easement).

ON MOTION BY Supervisor Long seconded by Supervisor Jones this resolution is duly passed and adopted this 1st day of October 2019, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE

Miles Menetrey, Chair
Board of Supervisors

ATTEST:

Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel

The foregoing instrument is a correct copy of the original on file in this office.
ATTEST October 15, 2019
RENE' LA ROCHE
Clerk of the Board of Supervisors of the County of Mariposa, State of California
by Nancy Dauterive Deputy

EXHIBIT A


A portion of a 20 foot PUE (public utility easement) situated in a portion of the West half of the Northeast quarter (W1/2 NE1/4) of Section 27, Township 5 South, Range 19 East, M.D.M., Mariposa County, State of California, said 20 foot PUE also being situated in a portion of that certain real property described in Certificate of Compliance, Grantee Steven P. Allison, Trustee, recorded July 13, 2018 as Document Number 20182311 in the Official Records of Mariposa County, said portion of said 20 foot PUE being a strip of land having a uniform width of 20.00 feet, the northwesterly and northerly lines of said strip of land being more particularly described as follows:

Commencing at the northwest corner of said certain real property, said certain real property being further delineated on that certain map entitled "Record of Survey for Steven Allison" filed August 27, 2018 in Book of Maps at page 2998, Mariposa County Records; thence S65°59'48"E, along the northerly line of said certain real property, a distance of 121.46 feet, to the POINT OF BEGINNING of the herein described strip of land; thence, leaving the northerly line of said certain real property, S26°55'52"E, along the northwesterly line of the herein described strip of land, for 105.79 feet to a 3/4" iron pipe as said iron pipe is delineated on said certain map; thence N88°43'34"E, along the northerly line of the herein described strip of land, for 173.21 feet, more or less, to a point on the west line of a 10 foot PUE as said 10 foot PUE is delineated on said certain map, said point being the easterly terminus of the north line of said herein described strip of land.

The southwesterly side line of said strip of land is to be lengthened or shortened so as to begin on the northerly line of said certain real property and the southerly side line of said strip of land is to be lengthened or shortened so as to end on the west line of said 10 foot PUE.

The herein described public utility easement was offered for dedication to Mariposa County by the certain map entitled "Map of Quail Ridge Estates" filed July 5, 1985 in Book of Maps at page 2214, MCR.

Prepared by:

  
Richard A. Seaman, LS 5339

3/5/19  
Date

