

DEPARTMENT: Administration

BY: Richard J. Benson  
PHONE: 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**

Consider Request by Chamber of Commerce to Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3rd Street, on November 27, 2010, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board's Support and Approval

**BACKGROUND AND HISTORY OF BOARD ACTIONS**

The Board typically approves this request each year. This year the Chamber of Commerce also plans to host the Parade Awards Ceremony at the Arts Park with a coordinated "turn-on" of lights after the Merry Mountain Christmas Parade

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Letter from Chamber of Commerce
Source:		Encroachment Permit Application
Internal Transfer _____		Letter to CalTrans
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: 10-514 Ord. No. \_\_\_\_\_  
Vote - Ayes: 4 Noes: \_\_\_\_\_  
Absent: Bobby  
lmw Approved  
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

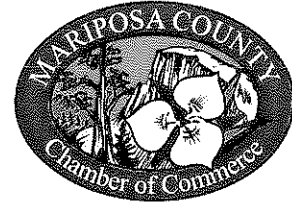
**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: [Signature]

Mariposa County Chamber of Commerce  
PO Box 425  
Mariposa, California 95338  
Phone: (209) 966-2456  
Facsimile: (209) 966-4193  
Email: mariposachamber@sti.net  
www.mariposachamber.org



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November 1, 2010

Mariposa County Board of Supervisors  
PO Box 784  
Mariposa, Ca. 95338

The Mariposa County Chamber of Commerce would like to request that the County Board of Supervisors grants permission to allow the 13<sup>th</sup> Annual Merry Mountain Parade and Light Up Mariposa event to take place. The proposed date would be November 27, 2010 beginning at 4:00 pm.

Please find attached 2 encroachment permit applications for Public Works to use should your permission be granted.

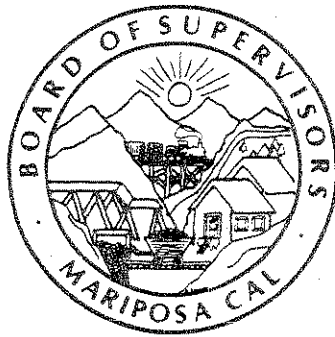
Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Peter Schimmelfennig", with a long horizontal line extending to the right.

Peter Schimmelfennig  
Executive Director

# Mariposa County Board of Supervisors

District 1 .....BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JIM ALLEN



RICHARD J. BENSON  
County Administrative Officer

MARGIE WILLIAMS  
Clerk of the Board

P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252

FAX (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

November 9, 2010

Steve Waldron  
Department of Transportation District 10  
Post Office Box 2048  
Stockton, CA 95201

Dear Mr. Waldron:

On November 9, 2010, the Mariposa County Board of Supervisors adopted a Resolution approving the Encroachment Permit Applications for the detour of traffic from state routes to Mariposa County roadways on Saturday, December 4, 2010, for the duration of the "Merry Mountain Christmas Parade" and for the Holiday banners.

Mariposa County agrees to hold CalTrans and the State of California harmless for any damages to county roadways as a result of this detour or the banners.

Thank you for your consideration in this matter.

Sincerely,

Kevin Cann  
Board Chair

KC:tg

cc: Board of Supervisors  
Mariposa County Chamber of Commerce  
File

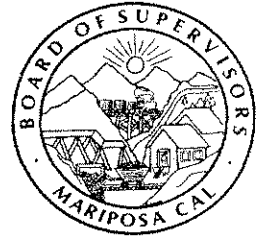


# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR  
JIM ALLEN, VICE-CHAIR  
BRAD ABORN  
LYLE TURPIN  
JANET BIBBY

DISTRICT IV  
DISTRICT V  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: RICHARD J. BENSON, CAO  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Approval of Consent Agenda  
RES. 10-514

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 9, 2010

#### ACTION AND VOTE:

Approval of Consent Agenda  
Rick Benson pulled item 104 for change of date to be discussed.

13 Consider Items Removed from the Consent Agenda  
Item 104 – Rick Benson initiated discussion and advised of the change in dates for the Merry Mountain Christmas Parade from November 27<sup>th</sup> to December 4<sup>th</sup>. Peter Schimmelfennig advised that they may want to revisit changing the dates next year; and he was advised that there should be early coordination with the affected departments if the Chamber wants to change the dates. (M)Turpin, (S)Aborn, item 104 was approved with the change in dates/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

CA-104 **Administration**  
Consider Request by Chamber of Commerce to Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3<sup>rd</sup> Street, on November 27, 2010, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board's Support and Approval; Res. 10-514 with change in date of Parade to December 4<sup>th</sup>

Cc: Peter Schimmelfennig, Chamber of Commerce  
File

**STANDARD ENCROACHMENT PERMIT APPLICATION**

TR-0100 (REV. 07/2007)

Permission is requested to encroach on the State Highway right-of-way as follows:  
 (Complete all BOXES [write N/A if not applicable])  
 This application is not complete until all requirements have been approved.

FOR CALTRANS USE	
PERMIT NO.	
DIST/CO/RTE/PM	
SIMPLEX STAMP	
DATE OF SIMPLEX STAMP	

1. COUNTY <b>Mariposa</b>		2. ROUTE <b>140</b>		3. POSTMILE	
4. ADDRESS OR STREET NAME <b>State Route Hwy. 140</b>			5. CITY <b>Mariposa</b>		
6. CROSS STREET (Distance and direction from site)			7. PORTION OF RIGHT-OF-WAY <b>State Hwy. 140</b>		
8. WORK TO BE PERFORMED BY <input checked="" type="checkbox"/> OWN FORCES <input type="checkbox"/> CONTRACTOR			9. EST. START DATE <b>November 15, 2010</b>		10. EST. COMPLETION DATE <b>January 3, 2011</b>
11. EXCAVATION	MAX. DEPTH	AVG. DEPTH	AVG. WIDTH	LENGTH	SURFACE TYPE
12. EST. COST IN STATE HIGHWAY RIGHT-OF-WAY				FUNDING SOURCE(S) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> LOCAL <input type="checkbox"/> PRIVATE	
13. PIPES	PRODUCT TYPE	DIAMETER	VOLTAGE / PSIG	14. CALTRANS PROJECT E.A. NUMBER	

15.  Double Permit      Parent Permit Number \_\_\_\_\_  
 Applicant's Reference Number / Utility Work Order Number \_\_\_\_\_

16. Have your plans been reviewed by another Caltrans branch?  NO       YES (if "YES") Who? \_\_\_\_\_

17. Completely describe work to be done within STATE highway right-of-way :  
 Attach 6 complete sets of FOLDED plans (folded 8.5" x 11"), and any applicable specifications, calculations, maps, etc.  
 All dimensions shall be in U.S. Customary (English) Units.

Place, maintain and remove "Holiday" banners on existing brackets of power poles along State Highway 140 right of way between Second Street and Jones Street and one banner over and across State Highway 140 at 5th Street.

18. Is a city, county, or other agency involved in the approval of this project?

YES (If "YES", check type of project and attach environmental documentation and conditions of approval.)

COMMERCIAL DEVELOPMENT  BUILDING  GRADING  OTHER \_\_\_\_\_

CATEGORICALLY EXEMPT  NEGATIVE DECLARATION  ENVIRONMENTAL IMPACT REPORT  OTHER Hang Holiday Banners

NO (If "NO", please check the category below which best describes the project, and complete page 4 of this application.)

DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE, OR RESURFACING       FENCE

PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS       MAILBOX

FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS       EROSION CONTROL

OTHER \_\_\_\_\_       LANDSCAPING

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource?  YES  NO  
 (If "YES", provide a description)

20. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building?  YES  NO (If "YES", provide a description)

21. Is work being done on applicant's property?  YES  NO (If "YES", attach site and grading plans.)

**ADA NOTICE:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**STANDARD ENCROACHMENT PERMIT APPLICATION**  
 TR-0100 (REV. 07/2007)

PERMIT NO. \_\_\_\_\_

22. Will this proposed project require the disturbance of soil?  YES  NO  
 If "YES", estimate the area within State Highway right-of-way in square feet AND acres: \_\_\_\_\_ (ft<sup>2</sup>) AND \_\_\_\_\_ (acres)  
 estimate the area outside of State Highway right-of-way in square feet AND acres: \_\_\_\_\_ (ft<sup>2</sup>) AND \_\_\_\_\_ (acres)

23. Will this proposed project require dewatering?  YES  NO  
 If "YES", estimate total gallons AND gallons/month. \_\_\_\_\_ (gallons) AND \_\_\_\_\_ (gallons/month)  
 SOURCE\*:  STORMWATER  NON-STORMWATER  
 (\*See Caltrans SWMP for definitions of non-storm water discharge: <http://www.dot.ca.gov/hq/env/stormwater/index.htm>)

24. How will any storm water or ground water be disposed of from within or near the limits of this proposed project?  
 Storm Drain System  Combined Sewer / Storm System  Storm Water Retention Basin  
 Other (explain): \_\_\_\_\_

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

*The applicant, understands and herein agrees to that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with Caltrans rules and regulations subject to inspection and approval.*

*The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnitees) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnitees, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnitees. The Applicant, however, shall not be obligated to indemnify Indemnitees for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.*

**DISCHARGES OF STORM WATER AND NON-STORM WATER:** Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:  
<http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>

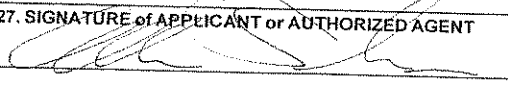
25. NAME of APPLICANT or ORGANIZATION (Print or Type) **Mariposa County** E-MAIL ADDRESS **atoschi@mariposacounty.org**  
 ADDRESS of APPLICANT or ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code) **4639 Ben Hur Road Mariposa, Ca. 95338**

PHONE NUMBER **209-966-5356** FAX NUMBER **209-966-2828**

26. NAME of AUTHORIZED AGENT / ENGINEER (Print or Type) **Allen Toschi, Mariposa County Public Works Director** IS LETTER OF AUTHORIZATION ATTACHED?  YES  NO E-MAIL ADDRESS **atoschi@mariposacounty.org**

ADDRESS of AUTHORIZED AGENT / ENGINEER (Include City and Zip Code) **4639 Ben Hur Road Mariposa, Ca. 95338**

PHONE NUMBER **209-966-5356** FAX NUMBER **209-966-2828**

27. SIGNATURE of APPLICANT or AUTHORIZED AGENT  28. PRINT OR TYPE NAME **Allan Toschi** 29. TITLE **Public Work Director** 30. DATE **11/10/10**

PERMIT NO.

**INSTRUCTIONS**  
for completing page 4

This page needs to be completed when the proposed project DOES NOT involve a City, County or other public agency.

Your answers to these questions will assist departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within the State highway right-of-way. And, to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies, in some cases this may be costly and time-consuming. If possible, attach photographs of the location of the proposed project.

Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

1. Will any existing vegetation and/or landscaping within the highway right-of-way be disturbed?

No

2. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or highway right-of-way?

No

3. Is the proposed project located within five miles of the coast line?

No

4. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jack-hammering, pile driving)?

No

5. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?

No

6. Are there any recreational trails or paths within the limits of the proposed project or highway right-of-way?

No

7. Will the proposed project impact any structures, buildings, rail lines, or bridges within highway right-of-way?

No

8. Will the proposed project impact access to any businesses or residences?

No

9. Will the proposed project impact any existing public utilities or public services?

No

10. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks, or overcrossings?

No

11. Will new lighting be constructed within or adjacent to highway right-of-way?

No

PERMIT NO. _____
WORK ORDER/REFERENCE NUMBER _____

FEE CALCULATION -- FOR CALTRANS USE					
<input type="checkbox"/> CASH <input type="checkbox"/> CREDITCARD    NAME ON CARD _____    PHONE NUMBER _____					
<input type="checkbox"/> CHECK    NUMBER _____    NAME ON CHECK _____    PHONE NUMBER _____					
<input type="checkbox"/> EXEMPT <input type="checkbox"/> PROJECT EA _____ <input type="checkbox"/> DEFERRED BILLING (Utility)					
CALCULATED BY	(1)		(2)		
<b>REVIEW</b>	1. FEE / DEPOSIT	DATE	2. FEE / DEPOSIT	DATE	TOTAL FEE / DEPOSIT
1. _____ HOURS @ \$ _____ *	\$ _____				\$ _____
2. _____ HOURS @ \$ _____ *			\$ _____		\$ _____
<b>INSPECTION</b>	1. FEE / DEPOSIT	DATE	2. FEE / DEPOSIT	DATE	TOTAL FEE / DEPOSIT
1. _____ HOURS @ \$ _____ *	\$ _____				\$ _____
2. _____ HOURS @ \$ _____ *			\$ _____		\$ _____
<b>FIELDWORK</b>					
_____ HOURS @ \$ _____ *	\$ _____		\$ _____		\$ _____
<b>EQUIPMENT &amp; MATERIALS</b>	DEPOSIT	DATE	DEPOSIT	DATE	DEPOSIT
	\$ _____		\$ _____		\$ _____
<b>CASH DEPOSIT IN LIEU OF BOND</b>	\$ _____		\$ _____		\$ _____
<b>TOTAL COLLECTED</b>	\$ _____		\$ _____		
<b>CASHIER'S INITIALS</b>	_____		_____		\$ _____
* The current hourly rate is set annually by Headquarters Accounting. District Office staff do not have authority to modify this rate.					
<b>PERFORMANCE BOND</b>	<input type="checkbox"/>	DATE	AMOUNT		
			\$ _____		
<b>PAYMENT BOND</b>	<input type="checkbox"/>	DATE	AMOUNT		
			\$ _____		
<b>LIABILITY INSURANCE REQUIRED?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO		AMOUNT		
			\$ _____		