

DEPARTMENT: Public Works

By: Jerome Freeman

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Resolution of Intent to Accept an Irrevocable and Perpetual Offer of Dedication of Public Road and/or Public Utility Easement Right-of-Way to the County of Mariposa on the Re-aligned Portion of Sierra Pines Drive; and Resolution of Intent to Abandon a Portion of Said Sierra Pines Drive

Public Works recommends that the Board of Supervisors adopt a Resolution accepting the re-aligned portion of Sierra Pines Drive, an easement to be offered for dedication near the Lushmeadows subdivision; adopt a Resolution vacating the old portion of Sierra Pines Drive, a dedicated easement near the Lushmeadows subdivision; and direct the Public Works Director to record the approved resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The original easements crossing the subject parcel were originally created by Parcel Map Book 4, Page 49 and later widened from 50' wide to 60' wide and offered for dedication to Mariposa County by Parcel Map Book 15, Page 39. The County Engineer accepted these dedications for public use through Document No. 911744. The current owner of this parcel, Dennis Johnson, wished to relocate a portion of one of the easements crossing his property line so that he can better utilize this parcel. Mr. Johnson had made written requests to the Public Works Director dated August 4, 1998 and June 30, 2000 to bring this acceptance before the Board in order to accomplish this relocation. Public Works will require Mr. Johnson to deliver signed and notarized easement documents to Public Works to be recorded through Mariposa County Title Company.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not accept this portion of the relocated easement, the property owner, Mr. Johnson, will not be able to better utilize his existing property.

COSTS: (X) Not Applicable

A. Budgeted current FY> \$ _____

B. Total anticipated Costs> \$ _____

C. Required additional funding> \$ _____

D. Internal transfers> \$ _____

SOURCE: () 4/5th Vote Required

A. Unanticipated revenues> \$ _____

B. Reserve for contingencies> \$ _____

C. Source description: > _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Map showing existing and proposed easements (1 pg)
2. Parcel map Bk. 4, Pg. 49 (1 pg)
3. Parcel map Bk. 15, Pg. 39 (1 pg)
4. Resolution accepting re-aligned portion of easement (Sierra Pines Drive) (2 pgs)
5. Resolution abandoning a portion of easement (Sierra Pines Drive) (3 pgs)
6. Letter from Public Utility (2 pgs)

CLERK'S USE ONLY 01-116

Res. No.: 01-112 Ord. No.: _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved Denied

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

By: _____

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_____ Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted with Comment

_____ Returned for Further Action

Comment: _____

C.A.O. Initials: JD

MARIPOSA COUNTY RESOLUTION NO. 01-112

**A RESOLUTION OF INTENT OF THE SUMMARY ACCEPTANCE
OF A RE-ALIGNED PORTION OF SIERRA PINES DRIVE NEAR THE
LUSHMEADOWS SUBDIVISION INTO THE MARIPOSA COUNTY ROAD SYSTEM**

WHEREAS; a written request to accept into the Mariposa County Road System of the existing re-aligned portion of Sierra Pines Drive has been made by the owner of the property upon which said easement lies.

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

1. The easement hereby accepted is described in attached Exhibit "N".
2. The Clerk of the Board shall record a certified copy of this resolution, No. 01-112, in the office of the Mariposa County Recorder, and upon such recordation, the easement hereby shall become part of the Mariposa County Road System.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 24th day of April, 2001 by the following vote:

AYES: Balmain, Reilly, Parker, Stewart, Pickard

NOES: None

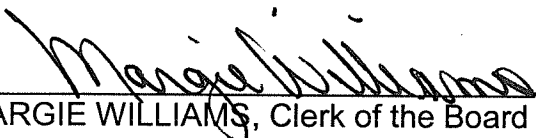
ABSTAINED: None

ABSENT: None




DOUG BALMAIN, CHAIR
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel

MARIPOSA COUNTY RESOLUTION NO. 01-116

**A RESOLUTION OF INTENT OF SUMMARY ABANDONMENT
OF A PORTION OF SIERRA PINES DRIVE
A DEDICATED EASEMENT NEAR THE LUSHMEADOWS SUBDIVISION**

WHEREAS a written request to abandon a portion of Sierra Pines Drive has been made by the owner of the property upon which said easement lies; and

WHEREAS, this easement has been superseded by the construction of a road in a location different than the location of this easement.

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

1. The County of Mariposa, by and through its Board of Supervisors, summarily vacates the easement described in this resolution pursuant to Street & Highways Code, Division 9, Chapter 3, § 8330.
2. The easement hereby vacated is described in Exhibit "A: attached hereto, and by reference, made a part hereof.
3. The approval of the easement vacation is conditioned upon the applicant providing acceptable new public service easements to the public service involved. Upon receipt by the Public Works Department of easements, this Resolution will become effective.
4. A certified copy of this Resolution No. 01-116 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 street highway or public service easement.

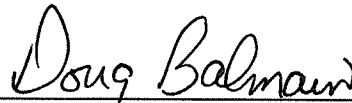
PASSED AND ADOPTED this 24th day of April, 2001, by the Mariposa County Board of Supervisors by the following vote:

AYES: Balmain, Reilly, Parker, Stewart, Pickard

NOES: None

ABSTAINED: None

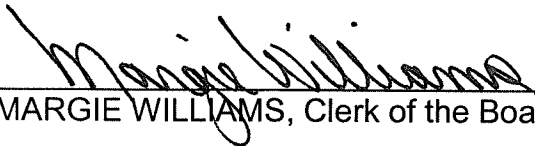
ABSENT: None



DOUG BALMAIN, Chair

Mariposa County Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


JEFFREY G. GREEN, County Counsel

REFERENCES:

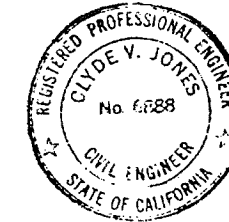
1. Record of survey for Bill Steen Map No. 1545.
2. Record of survey for Robert Duca Map No. 1440.
3. Record of survey of Dawn Lake Map No. 1440.
4. Map of Lushmeadows Farms Map No. 1359
5. Lushmeadows Mountain Estates - Unit No. 4, Map 1357
6. Lushmeadows Mountain Estates - Unit No. 2, Map 1290
7. Record of survey, Lushmeadows Mountain Estates Map No. 1276.
8. Parcel Map for Lynn Gunther, Vol. 4, P. 21.

LEGEND:

- Monuments found
- Set 1" A.D. iron pipe with tag R.C.E. 6888
- (2) Record Number refers to reference table
- Boundary of original parcel.

SURVEYOR'S CERTIFICATE:

This map was prepared by me or under my direction and is based upon a field survey and from record data in conformance with the requirements of the Subdivision Map Act of the request of Byron Names in June 1971. I hereby certify that all provisions of applicable state law and local ordinances have been complied with.



Clyde V. Jones
Registered Civil Engineer No. 6888

COUNTY SURVEYOR'S CERTIFICATE:

This map has been examined this 14 day of March 1972 for conformance with the requirements of Section 11, 575 of the Subdivision Map Act.

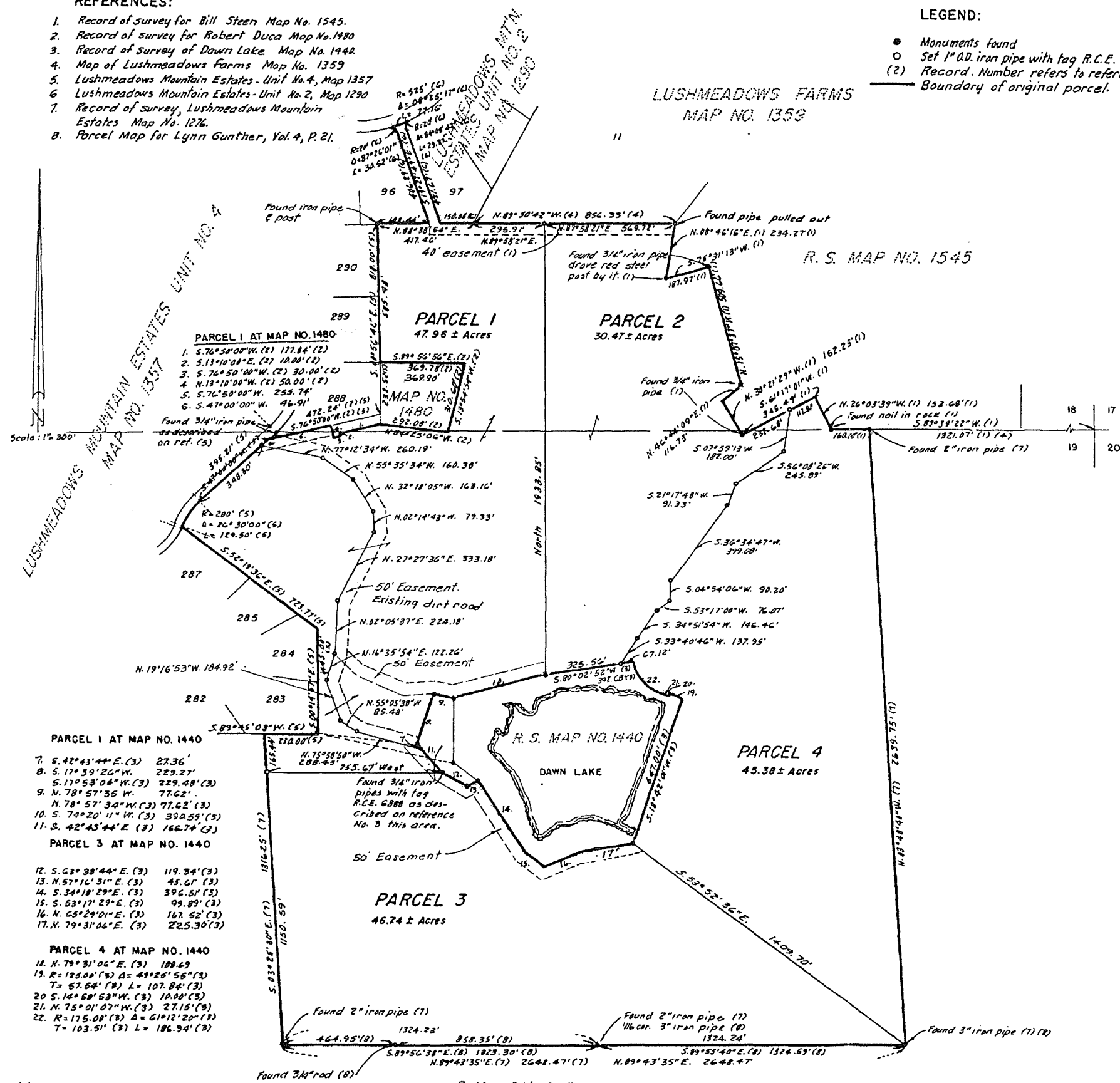
Peter J. Pitzer
County Surveyor

RECORDER'S CERTIFICATE:

Filed this 14 day of MARCH 1972 at 1:00 P.M. in Book 4 of Parcel Maps at Page 49 at the request of Byron Names.

Barbara P. Saye
County Recorder

LUSHMEADOWS FARMS
MAP NO. 1359



PARCEL MAP
FOR
BYRON NAMES

BEING A DIVISION OF A PORTION OF
SECTIONS 18 & 19, T.5S., R.20E., M.D.B.&M.
MARIPOSA COUNTY, CALIFORNIA

SCALE: 1" = 300 FT.

PARCEL MAP

FOR HAL R. GODWIN
BEING A FURTHER DIVISION OF THAT CERTAIN PARCEL ENTITLED
REMAINDER AS SHOWN ON THE PARCEL MAP FOR VALLA GODWIN FILED
IN BOOK 9 OF PARCEL MAPS, PAGE 31, MARIPOSA COUNTY RECORDS,
ALSO BEING SITUATED IN PORTIONS OF SECTIONS 18 & 19, ALL IN T.5S.,
R.20E., M.D.B. & M.

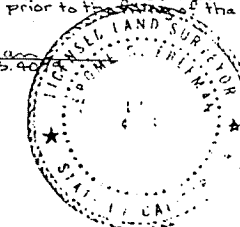
MARIPOSA COUNTY,
TOTAL SUBDIVIDED AREA: 41.62 ACRES
DECEMBER, 1978

CALIFORNIA
SCALE: 1" = 150'

SURVEYOR

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act at the request of Hal R. Godwin on May 23, 1978. I hereby state that the parcel map procedure of the local agency have been complied with and that the parcel map conforms to the approved tentative map prior to the filing of the parcel map.

Jerome S. Freeman
Jerome S. Freeman L.S. 4079



COUNTY SURVEYOR

This map conforms with the requirements of the Subdivision Map Act and local ordinances.

Dated: 1-18-79

John J. Altus
John J. Altus
Mariposa County Surveyor

COUNTY RECORDER

Filed this 19 day of January, 1979, at 9:55 A.M., in Book 15 of Parcel Maps at page 38, at the request of Hal R. Godwin.

Barbara P. Lave
Barbara P. Lave
Mariposa County Recorder

By Dianna DiNapoli, Deputy

BASIS OF BEARINGS

The meridian of this survey is identical with that of the map entitled "Parcel Map for Byron Names" filed for record in Book 4 of Parcel Maps at page 49 of Mariposa County Records and is based upon the bearing (N 55° 35' 34" W) of the line between found monuments as shown herein.

REFERENCES

- (1) Parcel Map, Book 4, Page 49 Mariposa County Records.
- (2) Parcel Map, Book 9, Page 31 Mariposa County Records.
- (3) Road Maintenance Agreement, Document No. 246, Vol. No. 193 O.R. Mariposa County Records.

LEGEND

- (●) Found monument as described
- (○) Set 5/8" rebar w/cp stamped L.S. 4079
- (□) Record data per reference listed above
- (R) Radial Bearing
- (W/C) Witness Corner
- (B) Bisector bearing

OWNER

The undersigned being the parties having a record title interest in the land as plotted by this map, hereby consents to the preparation and recording of this map and offer for dedication to Mariposa County, all easements as shown on this map and so marked as offered for dedication. These offers of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Hal R. Godwin
Hal R. Godwin

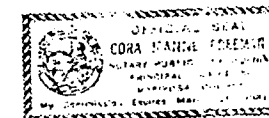
ACKNOWLEDGEMENT

State of California, S.S.
County of Mariposa
On this 27th day of January, 1979, before me, Cora Jeanne Freeman, a Notary Public in and for said county and state, personally appeared Hal R. Godwin known to me to be the person whose name is subscribed to the foregoing statement, and acknowledged to me that he executed the same.

Witness my hand and official seal, the day and year in the certificate first written above.

Cora Jeanne Freeman
Notary Public in and for the County of Mariposa State of California.

My commission expires March 16, 1981



(KERNS)

TRUSTEE

The undersigned Safeco Title Insurance Company, a California corporation as trustee under a trust deed recorded October 17, 1978, in Volume 193 of Official Records at Page 246, in Mariposa County Records, and affecting the land embraced within the area shown on this map, does hereby consent to the making and filing of the same.
Safeco Title Insurance Company
By Neil A. Thomson

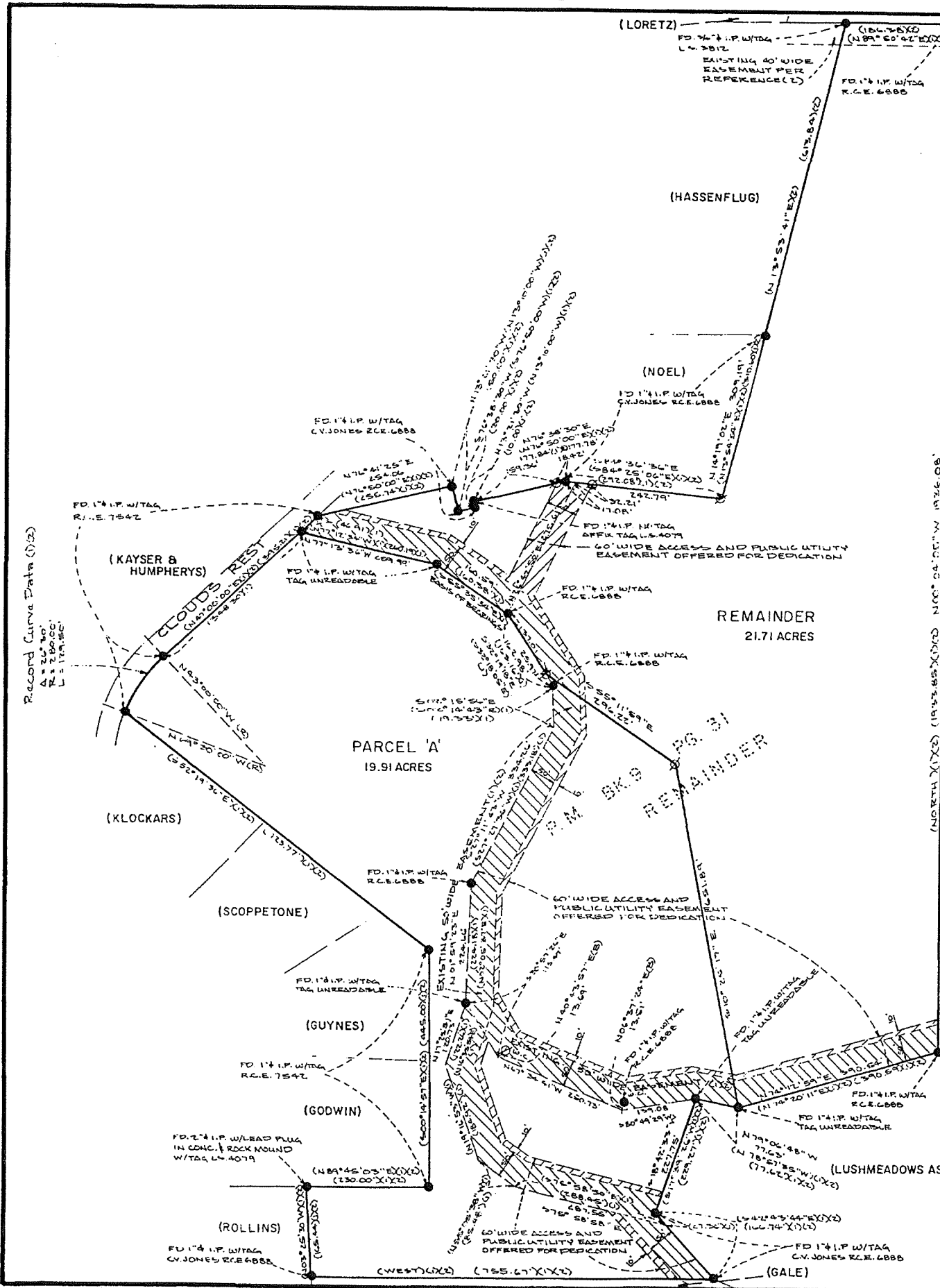
ACKNOWLEDGEMENT

State of California, S.S.
County of Mariposa
On this 8th day of January, 1979, before me, Robert S. Stovall, a Notary Public in and for said county and state, personally appeared Neil A. Thomson known to me to be the Assistant Secretary of the corporation that executed the foregoing statement and also known to me to be the person who executed it on behalf of said corporation and acknowledged to me that said corporation executed the same.

Witness my hand and official seal, the day and year in the certificate first written above.

Robert S. Stovall
Notary Public in and for the County of Mariposa State of California.

My commission expires Sept 29, 1982



PORTION SECTIONS 18 & 19, T.55., R.20E., M.D.B. & M.

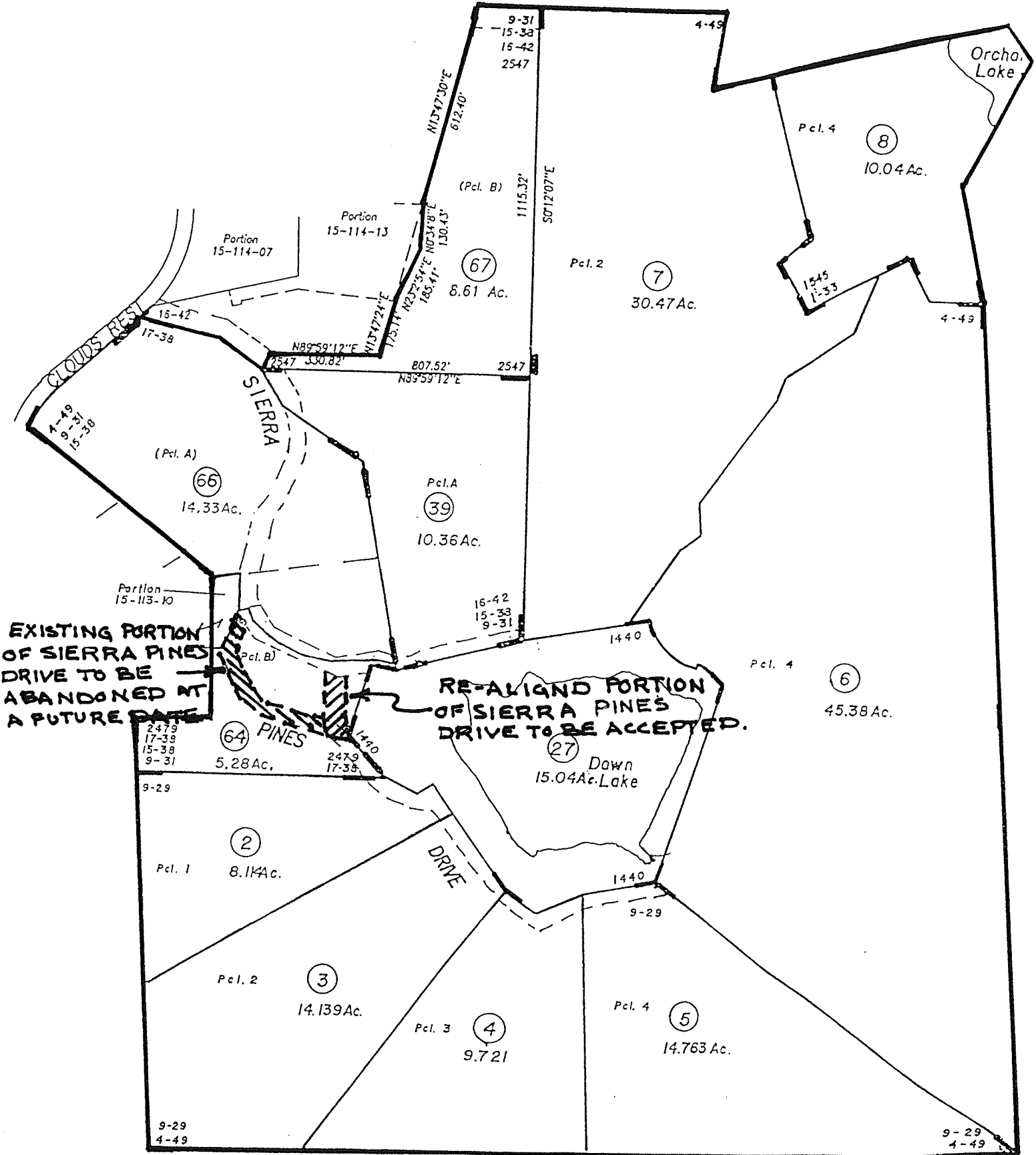


EXHIBIT N

A 60 foot wide road right-of-way offered for dedication to the County of Mariposa, the centerline of which is described as follows:

Commencing at the southeast corner of parcel B of that Parcel Map for Hal R. Godwin, recorded in Book 17 of Maps at page 38, Mariposa County Records, thence $N43^{\circ}01'52''W$ 166.72 feet, thence $N17^{\circ}44'53''E$ 229.03 feet to a point on the southerly right-of-way of an existing 60 foot wide non-exclusive public road and utility easement per said Parcel Map, thence $S80^{\circ}49'58''W$, along said southerly right-of-way, 138.98 feet, thence continuing along said southerly right-of-way, $N67^{\circ}32'58''W$ 11.24 feet to the true point of beginning of this description, thence $S9^{\circ}04'54''E$ 102.41 feet, thence along a 400 foot curve to the left with a central angle of $13^{\circ}00'21''$ an arc length of 90.80 feet, thence $S22^{\circ}05'15''E$ 21.52 feet to a point on the southerly right-of-way of an existing 60 foot non-exclusive public road and utility easement per said Parcel Map and the end of this centerline.

The sidelines are lengthened or shortened to meet the said existing right-of-way lines.

EXHIBIT A

A 60 foot wide non-exclusive public road and utility easement hereby abandoned, remised, and terminated, the southerly and/or westerly right-of-way line of which is described as follows:

Commencing at the southeast corner of parcel B of that Parcel Map for Hal R. Godwin recorded in Book 17 of maps at page 38, Mariposa County Records, thence $N43^{\circ}01'52''W$, along the east boundary of parcel B, 139.38 feet to the true point of beginning on the southerly right-of-way shown on said Parcel Map thence $N75^{\circ}58'58''W$ along said right-of-way, 287.55 feet thence $N55^{\circ}05'38''W$ 85.98 feet, thence $N19^{\circ}16'53''W$ 184.92 feet to a point on the west line of said parcel B, thence continuing along said right-of-way (and said west line of parcel B) $N16^{\circ}26'51''E$ 122.44 feet to the end of this southerly and/or westerly right-of-way line.

The right-of-way lines are lengthened or shortened to meet the east boundary of said parcel B and the southerly right-of-way of the 60 foot wide access and public utility easement extending from Clouds Rest to the Remainder parcel shown on Parcel Map Book 15, page 38, Mariposa County Records.

The existing public utilities along this abandoned right-of-way shall not be affected by this abandonment.

This document also uses the above description to abandon the 50 foot easement shown on Parcel Map Book 4, page 49, the public road and utility easement shown on Record of Survey Map No. 2479, the public road and utility easement shown on Parcel Maps Book 15, page 38 and Book 17, page 38, the 50 foot wide easement shown on Parcel Map Book 9, page 31, and any easements shown or referred to in any recorded document (excepting existing public utilities) over this described portion of said parcel B.

HARRY H. BAKER, PRESIDENT

**SIERRA TELEPHONE**

ESTABLISHED 1908

August 1, 1997

TO WHOM IT MAY CONCERN:

We have no objection to the proposed changes of road easements on Record of Survey Map number 2479(A. P. N. 015-120-048), so long as any of our facilities that were placed in any portion of road easement to be abandoned shall become private easements for telephone facilities with the location of such facilities to become the center line of a ten foot (10') wide non-exclusive telephone easement.

A handwritten signature in cursive script, appearing to read "Ed Bailey".

Ed Bailey
Right-of-Way Agent

PAGE 1 OF 2



August 12, 1997

Dennis,

After reviewing the proposed easement adjustment on parcel #015-120-048, Pacific Gas & Electric's engineering and land departments are satisfied that abandonment of the old easement boundaries, in lieu of the proposed easement boundaries, meets with our satisfaction, providing that all original provisions that are in effect on the former easement boundaries, are also stipulated into the proposed easement boundaries. Upon approval by the county of the proposed change, the county will mail to Pacific Gas & Electric a "comment sheet" which serves as "official notice" of this change. Should you need any additional assistance, please feel free to call me at (209)966-3446.

A handwritten signature in black ink, which appears to read 'Michael J. Brenner', is positioned above the typed name.

Michael J. Brenner
Sr. Electric Estimator - Mariposa