

1 MARIPOSA COUNTY ORDINANCE NO. 688

2 AN ORDINANCE AMENDING TITLE 16 OF THE MARIPOSA COUNTY CODE
3 ENTITLED SUBDIVISION, BY AMENDING SECTION 16.12.315, APPROVAL OF PARCEL MAPS,
4 AND ADDING SECTION 16.20.232, ACTION BY THE BOARD OF SUPERVISORS.

5 WHEREAS, the State of California in section 66410 et seq of the
6 Government Code, cited as the Subdivision Map Act, authorizes local agencies
7 to regulate subdivisions of land, and

8 WHEREAS, Sections 66440, 66463, 66477.1, 66477.2 and 66477.3 of
9 the Subdivision Map Act establishes procedures and requirements for offers of
10 dedication, and

11 WHEREAS, it is in the public interest to emphasize the limits of
12 the County's obligations and responsibilities regarding offers of dedication
13 and easements,

14 NOW THEREFORE, the Board of Supervisors of Mariposa County, a
15 political subdivision of the State of California, hereby ordains as follows:

16 SECTION I: Section 16.112.315 is amended to read as follows:

17 16.12.315 Approval of Parcel Maps.

18 A. It shall be the responsibility of the Director of Public Works
19 to approve all parcel maps prior to recordation in the official records. The
20 Director of Public Works shall ensure compliance with the following
21 requirements prior to approving a parcel map for recordation.

22 1. Compliance with all conditions applied to the tentative
23 parcel map by the planning commission.

24 2. Payment of property taxes on the subdivided property in
25 accordance with Section 16.12.395 of this title.

26 3. Find the parcel map is in substantial compliance with the
27 tentative parcel map approved by the planning commission.

28 4. Compliance with all surveying, mapping, and other

1 requirements established by the Subdivision Map Act and this title.

2 a. Following a determination by the Director of Public
3 Works that the parcel map is in substantial conformance with the approved
4 tentative, that compliance with all conditions has been completed, and that
5 all other provisions of this title and the government code have been
6 satisfied, the map shall be filed with the clerk of the board of supervisors.
7 The clerk shall schedule the map for consideration by the board of
8 supervisors, at which time the maps shall be approved if it is determined to
9 be in conformance with the requirements of this title and the Subdivision Map
10 Act.

11 B. The Board of Supervisors accept, accept subject to
12 improvement, or reject offers of dedication on behalf of the county for
13 dedications provided by certificates on a parcel map. Action on such
14 dedications shall take place in accordance with the provisions of this title
15 and policies established by board of supervisors' resolution, and shall be
16 based on recommendations by the Planning Commission and the Director of
17 Public Works.

18 1. Public utility easements shall be accepted on behalf of
19 the county and the public. Acceptance shall be solely for the purpose of
20 permitting development of necessary public utilities, and shall not obligate
21 the county to assume any responsibility or liability related to the
22 easements.

23 2. Offers of dedication shall be accepted, accepted subject
24 to improvement, or rejected. Offers of dedication for road right-of-way shall
25 be accepted by the county for the purpose of access, circulation, and public
26 utility purposes within the subdivision and for use by the public. Roads
27 accepted for access may be accepted into the county road system for
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1 maintenance at the direction of the board of supervisors providing it has
2 been constructed to an appropriate improvement standard.

3 3. Offers of dedication for road rights-of-way accepted for
4 public access and circulation but not for maintenance shall not obligate the
5 county to assume any liability or responsibility related to the right-of-way.

6 4. Any offers of dedication which are rejected shall remain
7 open and may be accepted at any later date based on specific action by the
8 Board of Supervisors.

9 SECTION II: Section 16.20.232 is added to read as follows:

10 16.20.232 Action by the Board of Supervisors.

11 A. Following a determination by the Director of Public Works that
12 the final map is in substantial conformance with the approved tentative, that
13 compliance with all conditions has been completed, and that all other
14 provisions of this title and the government code have been satisfied, the map
15 shall be filed with the clerk of the board of supervisors. The clerk shall
16 schedule the map for consideration by the board of supervisors, at which time
17 the maps shall be approved if it is determined to be in conformance with the
18 requirements of this title and the Subdivision Map Act.

19 B. The board of supervisors shall also consider offers of
20 dedication and easements. Acceptance of such dedications shall be in
21 accordance with the provisions of this title and policies established by the
22 board of supervisors.

23 1. Public utility easements shall be accepted on behalf of
24 the county and the public. Acceptance shall be solely for the purpose of
25 permitting development of necessary public utilities, and shall not obligate
26 the county to assume any responsibility or liability related to the
27 easements.

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1 2. Offers of dedication shall be accepted, accepted subject
2 to improvement, or rejected. Offers of dedication for road right-of-way shall
3 be accepted by the county for the purpose of access, circulation, and public
4 utility purposes within the subdivision and for use by the public. Roads
5 accepted for access may be accepted into the county road system for
6 maintenance at the direction of the board of supervisors providing it has
7 been constructed to an acceptable improvement standard.

8 3. Offers of dedication for road rights-of-way accepted for
9 public access and circulation but not for maintenance, shall not obligate the
10 county to assume any liability or responsibility related to the right-of-way.

11 4. Any offers of dedication which are rejected shall remain
12 open and may be accepted at any later date based on specific direction by the
13 board of supervisors.

14 C. The clerk of the board of supervisors upon the approval of the
15 final map, and after the signatures and seals have been affixed, shall
16 transmit the map to the county recorder who shall certify and file the same
17 as prescribed by this title and the Subdivision Map Act.

18 SECTION III: The board of supervisors also finds that there is
19 clearly no potential for causing a significant effect on the environment, and
20 that the project is exempt from the California Environmental Quality act
21 under a general rule finding.

22 SECTION IV: The board of supervisors finds and declares that the
23 foregoing amendments reflects current policy as well as the intent of past
24 actions taken regarding offers of dedication.

25 SECTION V: This ordinance shall become effective thirty days from
26 the date of final passage pursuant to Government Code Section 25123.


27 PASSED AND ADOPTED by the Mariposa County Board of Supervisors
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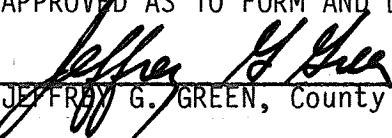
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this 11th day of August, 1987 by the following vote:

- AYES: DALTON, ERICKSON, RADANOVICH, TABER
- NOES: NONE
- EXCUSED: BAGGETT
- ABSTAINED: NONE


 LEROY RADANOVICH, Chairman
 Board of Supervisors

ATTEST:

 MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

 JEFFREY G. GREEN, County Counsel