

MARIPOSA COUNTY RESOLUTION NO. 88-125

A RESOLUTION ACCEPTING THE AGREEMENT
BY AND BETWEEN YOSEMITE MOTELS
AND THE COUNTY OF MARIPOSA
REGARDING A STAIRWAY ACCESS


WHEREAS, the Board of Supervisors reviewed and approved the attached Agreement three years ago relative to a stairway access from Yosemite Motels property to County property, which was determined to be in the best interest of the general public for health, public and safety reasons, and

WHEREAS, the Agreement was never finalized by the Parties involved;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Mariposa County Board of Supervisors as follows: The Chairman is authorized to execute the above-mentioned Agreement, a copy of which is attached hereto marked Exhibit "A" and by this reference incorporated herein, on behalf of the County.

PASSED AND ADOPTED this 5th day of April, 1988 by the Board of Supervisors of Mariposa county by the following vote:


AYES:	BAGGETT, DALTON, ERICKSON, RADANOVICH, TABER
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE




ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel

AGREEMENT

COPY

THIS AGREEMENT is entered into on the date or dates last below written, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and Yosemite Motels, a general partnership, hereinafter referred to as "OWNER".

WITNESSETH:

WHEREAS, OWNER has constructed a motel with convention facilities in the township of Mariposa on State Highway 140, on parcels described as Assessor's Parcel Numbers 13188-03, 13188-04 and 13190-14, contiguous to Real Property owned by COUNTY wherein the COUNTY has developed a park, the legal description of the COUNTY'S property is attached hereto, marked Exhibit "A", and by this reference incorporated herein, and shall hereinafter be referred to as "COUNTY PROPERTY", and

WHEREAS, OWNER desires to provide staircase access from OWNER'S property to COUNTY PROPERTY, and

WHEREAS, the COUNTY Supervisors have determined it to be in the best public interest to allow OWNER to construct access from OWNER'S property to COUNTY PROPERTY for health, public and safety reasons, and

WHEREAS, OWNER needs an easement of ingress and egress over the area wherein access is to be located from OWNER'S property to COUNTY PROPERTY, and

WHEREAS, an AGREEMENT is necessary for OWNER to maintain upkeep and maintenance of the access,

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the Parties hereto agree as follows:

1. COUNTY hereby grants OWNER, and the public at large, an easement for the purposes of ingress, egress, and maintenance of access from OWNER'S property to COUNTY PROPERTY. This easement shall apply to the property more particularly described on Exhibit "B" attached hereto and by this reference incorporated herein.

2. OWNER shall, at OWNER'S sole expense, construct access from OWNER'S property to COUNTY PROPERTY based upon plans and specifications to be delivered to COUNTY and approved by the appropriate agencies of COUNTY.

3. OWNER shall during the life of the easement, maintain the access in a safe and adequate condition to the satisfaction of COUNTY, at OWNER'S expense.

4. OWNER shall hold COUNTY harmless for any damages or injuries to any persons or property as a result of the construction, maintenance, or existence of the access, and shall defend COUNTY upon COUNTY'S request on any lawsuit filed as a result of the existence of the access.

5. This AGREEMENT shall be interpreted pursuant to the laws of the State of California.

6. OWNER shall not commence construction of the access until this AGREEMENT has been approved by the Board of Supervisors of Mariposa County.

7. This AGREEMENT shall be binding upon the heirs, successors in interest, and assigns of OWNER.

8. This AGREEMENT shall be recorded.

NOTARY:

PROPERTY OWNER:

Gerald Fischer

GERALD FISCHER
P.O. Box 1989
Mariposa CA 95338

Date: March 24, 1988

GENERAL ACKNOWLEDGMENT

NO. 201

State of California }
County of Mariposa } SS.

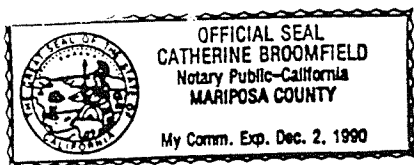
On this the 24th day of March 19 88, before me,

Catherine Broomfield

the undersigned Notary Public, personally appeared

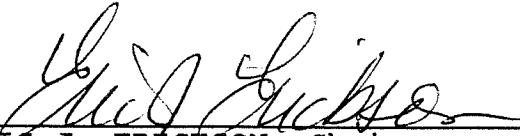
GERALD FISCHER

personally known to me
 proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged that HE executed it. WITNESS my hand and official seal.



Notary's Signature

COUNTY OF MARIPOSA:



ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

Date: April 12, 1988

NOTARY: GENERAL ACKNOWLEDGMENT

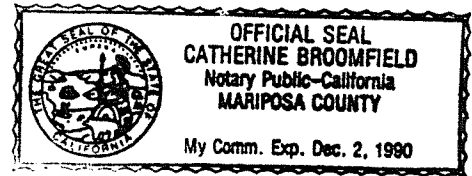
State of California, County of Mariposa

On this 12th day of April, 1988, before me,
Catherine Broomfield, the undersigned Notary Public,
personally appeared ERIC J. ERICKSON,
xx personally known to me
xx proved to me on the basis of satisfactory evidence to be the
person whose name is subscribed to the within instrument, and ac-
knowledged that he executed it.

WITNESS my hand and official seal:



Notary's Signature



All that certain tract of land situate, lying and being in the County of Mariposa, State of California, particularly described as follows:

Commencing at Corner No. 1, marked by a 1" x 14" iron bolt driven into and flush with the ground, from whence the southeast corner of Block 21 of the Town of Mariposa, County of Mariposa, State of California, bears north $12^{\circ} 24'$ east 370.29 feet, and from whence Corner No. 2 of the so-called "Arndke Lot" bears south $37^{\circ} 05'$ west 131.19 feet and running thence south $44^{\circ} 01'$ west 805.69 feet to Corner No. 2, marked by a 1" x 14" iron bolt driven into and flush with the ground, from whence a yellow pine tree 16" in diameter, scribed "C-2-BF-FAC" bears north $52^{\circ} 09'$ east 10.70 feet; thence south $55^{\circ} 4'$ west 221.50 feet to Corner No. 3, marked by a 1" x 14" iron bolt driven into and flush with the ground, from whence an exposed ledge of rock chiseled "x-BR" bears north $05^{\circ} 04'$ west 14.72 feet; thence south $65^{\circ} 30'$ east 879.28 feet to Corner No. 4, marked by a 1" x 14" iron bolt driven into and flush with the ground; thence north $48^{\circ} 17'$ east 622.85 feet to Corner No. 5, on the westerly line of the so-called "Lowrie Lot", marked by a 1" x 14" iron bolt driven into and flush with the ground; thence north $37^{\circ} 05'$ west 124.0 feet to Corner No. 2 of the said Lowrie Lot, identical with Corner No. 3 of the said Arndke Lot, marked by a 1" x 14" iron bolt driven into and flush with the ground; thence continuing north $37^{\circ} 05'$ west 557.60 feet to Corner No. 2 of the said Arndke Lot, marked by a 1" x 14" iron bolt driven into and flush with the ground; and thence continuing north $37^{\circ} 05'$ west 131.19 feet to Corner No. 1 and the point of commencement. Magnetic variation $17^{\circ} 45'$ east. Containing 14.522 acres, and including Blocks 68 and 69 of the said Town of Mariposa; and known as the "Mariposa County Lot".

Together with the appurtenances thereto belonging, or in anywise appertaining.

Exhibit "A"

EASEMENT DESCRIPTION for WEST WESTERN MOTEL

A six foot wide easement for ingress, egress and maintenance of access situated in a portion of Block 13 in the town of Mariposa, Projected Section 23, Township 5 South, Range 18 East, M.D.B. & M., Mariposa County, Mariposa, California. More particularly described as follows:

Commencing at the southwest corner of that certain parcel of land as delineated on Record of Survey Map for Paul H. Simmons, et al, recorded in Book of Maps at Page 2181, Mariposa County Official Records, Mariposa, California. Said corner monument described as a drill steel with Tag LS 3812; thence N. $37^{\circ} 05' 00''$ W., along the westerly line of said parcel 21.20 feet to the point of beginning which is hereby designated as a point on the centerline of said six foot wide ingress, egress and maintenance of access easement; thence along said easement centerline S. $58^{\circ} 36' 33''$ W., 57.43 feet to the most westerly point on the centerline of said six foot wide ingress, egress and maintenance of access easement. Said westerly point bears S. $78^{\circ} 07' 15''$ W., 63.16 feet from the point of commencing. Said easement width is measured at three feet each side of the described centerline and is measured at right angles thereto.

Exhibit "B"