DEPARTMENT: Public Works

RECOMMENDED ACTION AND JUSTIFICATION:
Public Hearing on the proposal to amend the common Boundary Line between Mariposa County and Tuolumne County situated in portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On October 3, 2006 the Board of Supervisors adopted a resolution setting a date, time and place of hearing for the proposed Mariposa County/Tuolumne County Boundary Line amendment. Mariposa County is the “Conducting County” in this matter; therefore this will be the first of 3 (or possibly 4) hearings required by California Government Code Sections 23200 through 23212.

Mariposa County Code Section 16.20.030, subsection B requires that no lot shall be divided by a county, city, or school district boundary line. South Shore Club subdivision No. 12/07/87 has been approved, including the County Boundary Line amendment. The Mariposa County Board of Supervisors previously approved a similar amendment by Resolution No. 97-341.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the proposed Boundary Line amendment is not approved, the project applicants would be required to revise the configuration of the subdivision lots to conform to Mariposa County Code requirements.

Financial Impact? ( ) Yes ( ) No  Current FY Cost: $ 
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ ___
Additional Funding Needed: $ none
Source:
Internal Transfer ____________
Unanticipated Revenue ____________
Transfer Between Funds ____________ 4/S's vote
Contingency ____________ 4/S's vote
( ) General  ( ) Other

Annual Recurring Cost: $ ___

List Attachments, number pages consecutively
1. Copy of Tuolumne County resolution No. 57-06
2. Copy of proposed Boundary Line legal description.
3. Copy of two page Record of Survey Map delineating the County Boundary Line amendment.

CLERK'S USE ONLY:
Res. No. 585  Ord. No. ___
Vote - Ayes: ___  Noes: ___
Absent: ___
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: ___

Revised Dec. 2002
TO: DANA HERTFELDER, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING – BOUNDARY LINE ADJUSTMENT WITH TUOLUMNE COUNTY

RESOLUTION 06-505

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 14, 2006

ACTION AND VOTE:

B) Dana Hertfelder, Public Works Director;
PUBLIC HEARING – Proposal to Amend the Common Boundary Line Between Mariposa County and Tuolumne County Situated in Portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California

BOARD ACTION: Dana Hertfelder provided the staff report, and he advised that no written protests have been filed. He responded to questions from the Board relative to the process, notification process, and recommended action; and he advised that the recommended action is for the adoption of a resolution directing that the Ordinance be brought back. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Pickard, Res. 06-505 was adopted directing Public Works to bring back an Ordinance to amend the boundary line between Mariposa County and Tuolumne County as recommended/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby. The hearing was closed.

Cc: Kris Schenk, Planning Director
Bob Lowrimore, Assessor
Chris Ebie, Auditor
Thomas P. Guarino, County Counsel
File
NOTICE OF PUBLIC HEARING
MARIPOSA COUNTY BOARD OF SUPERVISORS
MINOR CHANGE IN BOUNDARY BETWEEN MARIPOSA AND TUOLUMNE COUNTIES

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Mariposa County, in accordance with the procedures set forth in Title 3, Division 1, Article 4 (commencing at § 23200) of the California Government Code, will conduct a public hearing at 10:00 a.m. on November 14, 2006 in the Board of Supervisors Chambers, 5100 Bullion Street, Mariposa California to consider a minor boundary change between Mariposa and Tuolumne Counties to accommodate a proposed subdivision entitled South Shore Ranch. The area to be added to, or detached from, each County is depicted on the map below.

The public hearing may be continued as needed to dates and times as determined necessary without further notice. The Board of Supervisors may close the public hearing at the conclusion of public testimony on November 14, 2006, or at any other subsequent meeting date. Any interested person may appear at the public hearing and orally protest the proposed boundary line adjustment. Any person desiring to protest against the proposal may also file a written protest at any time prior to the close of the hearing. Any written protest by a resident voter of the County shall contain the address of the voter. Any written protest by a property owner shall contain a description of the property owned by that person.

If you wish to obtain additional information, contact Dana Hertfelder, Director, Mariposa County Public Works Department 4639 Ben Hur Road, Mariposa California 95338, (209) 966-5356.

MARGIE WILLIAMS
Clerk of the Board of Supervisors 10/25/06 11/1/06:2C
RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

WHEREAS, the County of Tuolumne has received a request from JMK Development Company to make a minor boundary change to the common boundary line between the County of Mariposa and the County of Tuolumne within a proposed Subdivision titled "South Shore Ranch -Phase I"; and

WHEREAS, the proposed boundary change is being requested to prevent proposed subdivision parcels from being divided by a County boundary line; and

WHEREAS, a proposed boundary line change may be initiated by resolution of the Board of Supervisors of one of the affected counties pursuant to Article 4 (commencing with section 23200) of Chapter 2 of Division 1 of Title 3 of the California Government Code; and

WHEREAS, the Office of the County Surveyor of the County of Tuolumne has reviewed the proposed boundary change, has determined it is in compliance with the above-cited boundary line change statutory scheme, and has no objection to the proposal.

NOW, THEREFORE, IT IS RESOLVED that this Board of Supervisors finds:

(a) A proposed county boundary change is being made pursuant to Article 4 (commencing with section 23200) of Chapter 2 of Division 1 of Title 3 of the California Government Code.

(b) The reason for the proposed boundary line change is to fulfill Condition # 10 of the Conditions of Tentative Subdivision Map 877-106 of the County of Tuolumne which condition requires the subdivider to petition for county boundary line alteration, and to comply with Mariposa County Code Section 16.20.030, subdivision B, which requires that no lot shall be divided by a County Boundary line.

ATTACHMENT #1
(c) The description of the proposed new boundary line is as set forth and described in attached Exhibit A and shown on attached Exhibit B.
(d) The proposed new boundary line is not more than 5 miles from its original location.
(e) The proposed new boundary line will not reduce the area of Tuolumne County nor Mariposa County by more than 5 percent.
(f) The proposed new boundary line will not reduce the population of Tuolumne County nor Mariposa County by more than 5 percent.
(g) The proposed new boundary line does not affect inhabited territory.

IT IS FURTHER RESOLVED that this Board of Supervisors requests the County of Mariposa to conduct proceedings pursuant to the above-cited Article of the California Government Code.

IT IS FURTHER RESOLVED that the Clerk of this Board of Supervisors be, and hereby is, authorized and directed to file a certified copy of this resolution with the Mariposa County Board of Supervisors.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON ______________, 2006.

AYES: 1st Dist. ___________________________ NOES: ___________________________

2nd Dist. ___________________________ 3rd Dist. ___________________________

3rd Dist. ___________________________ 4th Dist. ___________________________

4th Dist. ___________________________ 5th Dist. ___________________________

5th Dist. ___________________________ Absent: ___________________________

Chair of the Board of Supervisors

ATTEN: ___________________________ No. ___________________________

Clerk of the Board of Supervisor

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTTEST: ___________________________ 5/10/06

Clerk of the Board of Supervisor
Local Description for a portion of the Mariposa – Tuolumne County Line
As restated on Tentative Map 86-T-37

Commencing at a 1" iron pipe with plastic plug stamped "CALTRANS MON", said pipe being designated as Caltrans Survey Control Monument X-TUC-132-PM4.60, and having coordinates of Northing 2,069,299.445 and Easting 6,604,889.581, Zone 3 of the California State Plane Coordinate System, based on the North American Datum of 1983(82); thence South 48°35'10" West 19091.01 feet to a T-Bar with cap stamped "X-TUC 110-61", also being a Caltrans Survey Control Monument, and having coordinates of Northing 2,056,633.347 and Easting 6,590,565.264; thence North 8°57'09" East 11,002.23 feet to a 5/8" reinforcing bar with a 3 1/4 inch diameter brass cap stamped "MARIPOSA COUNTY TUOLUMNE COUNTY L.S. 5808 1994", said bar being the most southerly corner of Lot 4 as shown on map filed in Book 36 of Records of Surveys, at page 83, Tuolumne County Records and in the Book of Maps at Page 2530, Mariposa County Records, said bar having coordinates of Northing 2,067,569.80 and Easting 6,592,157.17 and being the true POINT OF BEGINNING of this description; thence

1) North 6°11'31" East 529.06 feet; thence
2) North 29°45'35" East 424.11 feet to a point on a non-tangent curve from which a radial line to the center bears North 26°36'40" East; thence
3) along said non-tangent curve, concave to the north, having a radius of 320.00 feet and being subtended by a chord of South 80°00'45" East 183.09 feet, through a central angle of 33°14'50", an arc distance of 185.69 feet; thence
4) along a tangent line, North 83°21'50" East 93.21 feet; thence
5) along a tangent curve, concave to the northwest, having a radius of 26.00 feet and being subtended by a chord of North 41°50'20" East 33.15 feet; through a central angle of 83°03'04", an arc distance of 36.24 feet; thence
6) along a tangent line, North 0°18'49" East 130.61 feet; thence
7) along a tangent curve, concave to the east, having a radius of 380.00 feet and being subtended by a chord of North 17°48'33" East 228.45 feet; through a central angle of 34°59'28", an arc distance of 222.07 feet; thence
8) along a tangent line, North 35°18'17" East 131.25 feet; thence
9) along a tangent curve, concave to the west, having a radius of 170.00 feet and being subtended by a chord of North 7°27'05" East 153.55 feet; through a central angle of 56°42'24", an arc distance of 165.29 feet; thence
10) along a tangent line, North 20°24'07" West 333.26 feet; thence
11) along a tangent curve, concave to the southwest, having a radius of 670.00 feet and being subtended by a chord of North 25°02'47" West 91.91 feet; through a central angle of 57°10", an arc distance of 80.64 feet; thence
12) along a tangent line, North 25°42'17" West 99.86 feet; thence
13) along a tangent curve, concave to the east, having a radius of 530.00 feet and being subtended by a chord of North 11°14'31" West 204.96 feet; through a central angle of 28°57'11", an arc distance of 267.92 feet; thence
14) along a reverse curve, concave to the southwest, having a radius of 25.00 feet and being subtended by a chord of North 38°27'29" West 30.27 feet, through a central angle of 63°56'26", an arc distance of 36.41 feet; thence
15) along a reverse curve, concave to the north, having a radius of 520.00 feet and being subtended by a chord of North 76°49'17" West 60.90 feet, through a central angle of 6°42'50", an arc distance of 60.93 feet; thence
16) along a radial line, North 16°32'06" East 50.00 feet; thence
17) North 41°16'38" East 184.41 feet; thence
18) North 74°41'41" East 232.65 feet; thence
19) North 40°42'20" East 81.50 feet; thence
20) North 12°11'16" West 335.22 feet; thence
21) North 25°53'27" East 212.42 feet to a point on a non-tangent curve from which a radial line to the center bears North 57°10'51" East; thence
22) along said non-tangent curve, concave to the east, having a radius of 55.00 feet and being subtended by a chord of North 18°16'47" West 237.61 feet, through a central angle of 29°04'43", an arc distance of 27.91 feet; thence
23) along a reverse curve, concave to the southwest, having a radius of 25.00 feet and being subtended by a chord of North 27°01'28" West 19.76 feet, through a central angle of 46°34'03", an arc distance of 20.32 feet; thence
24) along a tangent line, North 50°18'29" West 130.25 feet; thence
25) along a tangent curve, concave to the east, having a radius of 230.00 feet and being subtended by a chord of North 20°14'09" West 230.50 feet, through a central angle of 60°08'39", an arc distance of 241.43 feet; thence
26) along a tangent line, North 9°50'10" East 396.17 feet to a point on a non-tangent curve from which a radial line to the center bears North 15°12'55" East; thence
27) along said non-tangent curve, concave to the northwest, having a radius of 320.00 feet and being subtended by a chord of North 59°37'15" East 457.22 feet, through a central angle of 91°11'24", an arc distance of 509.30 feet; thence
28) along a tangent line North 14°01'31" East 178.70 feet; thence
29) along a tangent curve, concave to the southeast, having a radius of 330.00 feet and being subtended by a chord of North 45°45'59" East 347.21 feet, through a central angle of 63°28'56", an arc distance of 365.63 feet; thence
30) along a tangent line, North 77°30'27" East 203.45 feet; thence
31) South 12°29'33" East 57.00 feet to a point on a non-tangent curve from which a radial line to the center bears South 12°29'33" East; thence
32) along said non-tangent curve, concave to the south, having a radius of 473.00 feet and being subtended by a chord of South 75°09'38" East 434.35 feet, through a central angle of 54°39'51", an arc distance of 451.27 feet; thence
33) along a tangent line, South 47°49'42" East 292.82 feet; thence
34) along a tangent curve, concave to the northeast, having a radius of 202.70 feet and being subtended by a chord of South 48°03'02" East 51.17 feet, through a central angle of 1°09'47", an arc distance of 54.07 feet; thence
35) along a tangent line, South 49°16'12" East 450.50 feet; thence
36) along a tangent curve, concave to the northeast, having a radius of 152.00 feet and being subtended by a chord of South 65°00'24" East 52.04 feet, through a central angle of 50°27'50", an arc distance of 399.05 feet; thence
37) along a tangent line, South 02°44'16" East 241.45 feet; thence
38) along a tangent curve, concave to southwest, having a radius of 575.00 feet and being subtended by a chord of South 48°21'17" East 647.18 feet, through a central angle of 68°46'04", an arc distance of 607.73 feet; thence
39) along a tangent line, South 10°56'15" East 80.64 feet; thence
40) along a tangent curve, concave to the northeast, having a radius of 377.00 feet and being subtended by a chord of South 61°01'07" East 551.87 feet, through a central angle of 94°05'40", an arc distance of 619.14 feet; thence
41) along a tangent line, North 71°56'02" East 198.79 feet; thence
42) along a tangent line, concave to the northwest, having a radius of 341.00 feet and being subtended by a chord of North 55°19'37" East 194.92 feet, through a central angle of 33°12'50", an arc distance of 197.57 feet; thence
43) along a tangent line North 38°43'12" East 452.87 feet; thence
44) South 36°34'18" East 705.87 feet; thence
45) South 86°04'36" East 259.12 feet; thence
46) South 57°39'11" East 237.64 feet; thence
47) South 76°32'58" East 673.72 feet; thence
48) South 64°50'47" East 232.02 feet to a ¾ inch iron rod tagged L.S. 3031, having coordinates of Northing 2,069,983.90 and Easting 6,598,976.80, said iron rod marking the intersection of the east line of Section 13, Township 3 South, Range 14 East, with the Mariposa – Tuolumne County line as shown on map filed in Volume 10 of Record of Surveys at page 74, Tuolumne County Records and the end of this description.

August 18, 2005
EXHIBIT T - PLAN TO ACCOMPANY LEGAL DESCRIPTION
FOR A PORTION OF THE MARIPOSA - TUOLUMNE COUNTY LINE
AS RESTATE ON TENTATIVE MAP 08 - T - 37

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
213 SOUTH SIBERIA AVENUE • OAKDALE, CALIFORNIA • 95361
(209) 845-9300 • FAX: (209) 845-9305

DRAWN BY: PRM
CHECKED BY: KWS
SCALE: 1" = 1000'
SHEET: 1 OF 2
DATE: 06/20/2003 14:03
SIGNATURE:

FILE: E:\152495\EXHIBITS\COUNTY-LINE.EXH-01.DOC