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

LEE STETSON, CHAIR
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BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:       DANA HERTFELDER, Public Works Director
FROM:     MARGIE WILLIAMS, Clerk of the Board

SUBJECT:  RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF SILVER
          BAR ROAD AND ACCEPTANCE OF A NEW ALIGNMENT OF SILVER BAR
          ROAD RESOLUTION 06-19

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 10, 2006

ACTION AND VOTE:

Dana Hertfelder, Public Works Director;
A) PUBLIC HEARING - Adopt a Resolution Authorizing the Vacation of a Portion of Silver Bar Road and Acceptance of a New Alignment of Silver Bar Road.

BOARD ACTION: Dana Hertfelder presented the staff report, and he advised that the utility companies did not have any objections and that no comments have been received from the public. He further advised that the new alignment section of the Road meets the County’s current standards for a Class I Rural Road. Dana responded to a question from the Board relative to the cost of the realignment, and he advised that the costs were covered by the applicant.

The public portion of the hearing was opened, and input was provided by the following:
Jeanetta Phillips stated she understands the reasoning for the realignment of the road, but she has concerns with the slope and grade of the new portion. She asked whether the right-of-way extends to the applicant’s maintenance barn. She stated that she does not feel that the encroachment permit was applied for until after a lot of the work was done, and she feels that the applicant has encroached on the County road in three other places with water lines and culverts, etc.
Paul Chapman noted that in the couple of years that the applicants have lived here, they have been able to have the CDC crews brush along the road so that they could have fences built; and none of this occurred when Phil Rauch lived there. He feels that the Rinell’s purchased the property knowing the location of the road; and since the road predates the formation of the County, he feels there may be a historic issue. He commented on problems that have been encountered with the applicants blocking the road and closing off by-pass gates. He stated he feels they moved the County road without a permit and engineering. He stated he feels that they should be required to put everything back the way it was and be levied big fines.

Jim Sutters stated he purchased property on Silver Bar Road in 1999, and he commented on the improvements that he has made. He advised that when he was approached about making a fire break, he and the Rinell’s gave their permission; however, in the past the Rauch’s would not give permission. He also noted that there was a dust problem with the road being so close to the Rinell’s house and the realignment

ACTION:  The Board adopted Resolution 06-19, authorizing the vacation of a portion of Silver Bar Road and acceptance of a new alignment of Silver Bar Road.
solves that problem. He noted that the applicant has straightened out the road at no expense to the County, and he would like to see the whole road improved to that level. He also stated that he has not experienced any problems with the gate being locked or the road being blocked.

Jeanetta Phillips clarified the issue of gates being placed across the cattle guards and locked that Paul Chapman referred to.

Bill Hilton stated he was retained by the Rinell’s to build the road, and he advised that they followed the County guidelines and he feels that the road is improved from what it was. He also stated that he feels that the applicant’s reason for moving the road was due to the dust problems, and the realignment allows for better use of the property.

Dana Hertfelder responded to the input that was provided. He advised that the grade is steeper on the realigned portion, but that it meets County standards. He noted that the brushing project was a joint effort between CDF and the County to create a fire break as requested by CDF, and it makes for a safer road. He noted that the brushing occurred across other properties in the area as a part of this project. He also advised that the Department has contacted the Rinell’s whenever a complaint was received about locked gates and the Rinell’s complied. He further advised that an encroachment permit was obtained.

The public portion of the hearing was closed and the Board commenced with deliberations. Dana Hertfelder responded to questions from the Board relative to the width and length of the easement and clarifying that the road standards and encroachment permit requirements were complied with; advised that he will check on whether the barn is in the easement; and relative to requirements for historic roads. (M)Bibby, (S)Fritz, Res. 06-19 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

Cc: Kris Schenk, Planning Director
    File
RECOMMENDED ACTION AND JUSTIFICATION:
Resolution authorizing the vacation of a portion of Silver Bar Road and acceptance of a new alignment of Silver Bar Road.

John and Nancy Rinell, through their agent, Richard A. Seaman, are requesting to relocate a portion of Silver Bar Road, a county maintained road, from its present location to the newly constructed location (built to County Standards) in a portion of Section 19, Township 65, Range 19 East, M.D. B & M. The Rinell's are requesting this re-location due to the existing road alignment in relation to their home site. The Rinell's are going to lot line adjust their properties to the centerline of the new alignment of Silver Bar Road providing the County with a sixty-feet wide road right-of-way.

Section 8333, Vacation of Roadways and Easements, of the California Streets and Highways Code provides the authority for a local agency to summarily vacate a street or highway when the street or highway has been superseded by relocation and there are no other public facilities located within easement. To vacate a street or highway easement, the legislative body must adopt a resolution of vacation that states that the vacation is made under Chapter 3 of the California Streets and Highways Code, provides a precise description (or map) of the portion to be vacated, the facts under which the summary vacation is made and that from the date of the resolution the street vacated no longer constitutes a street.

The Rinell's are respectively requesting that the Board of Supervisors vacate any interest the County has in the existing alignment of Silver Bar Road, and accept the offer of dedication on the re-aligned portion of the road. The only utility company that may be affected is Sierra Telephone, and they have no objections to the proposed road re-alignment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the abandonment of the existing portion of Silver Bar Road and the acceptance of the new alignment of Silver Bar Road is denied by the Board of Supervisors, the County would continue utilizing and maintaining the existing alignment of Silver Bar Road.

Financial Impact? ( ) Yes (X) No Current FY Cost: $ _______ Annual Recurring Cost: $ _______
Budgeted in Current FY? ( ) Yes (X) No ( ) Partially Funded
Amount in Budget: $ _______
Additional Funding Needed: $ _______
Source: ____________________________
Internal Transfer ________ 4/5's vote
Unanticipated Revenue ________ 4/5's vote
Transfer Between Funds ________ 4/5's vote
Contingency ________ 4/5's vote
( ) General ( ) Other

1. Freeman & Seaman Land Surveyors letter requesting re-alignment
2. Sierra Telephone letter
3. Site plan showing proposed re-alignment
4. Assessors Parcel Map [APN] Book 17 Page 170 showing subject APN's 017-173-006 and 017-173-007

Clerk's Use Only:
Res. No.: _______ Ord. No.: _______
Vote – Ayes: _______ Noes: _______
Absent: _______
The foregoing instrument is a direct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

CAO: [Signature]
August 26, 2005
W.O. #: 040426

Mariposa County Public Works Dept.
4639 Ben Hur Rd.
Mariposa, CA 95338

Attn: Jerry Freeman
Ref: Rinell re-alignment of Silver Bar Rd.

Dear Jerry:

I have enclosed a copy of a letter from John & Nancy Rinell which authorizes me to act on their behalf to facilitate the completion of the re-alignment of Silver Bar Rd. I have also enclosed a reduced copy of a preliminary Site Plan for Lot Line Adjustment we have prepared for the Rinells. I have also enclosed an enlarged copy of the Site Plan which shows the area of the proposed re-alignment.

The purpose of this letter is to formally request that the County abandon the approximately 890' of Silver Bar Rd. shown on the Site Plan and, in turn, accept the Offer of Dedication sent to you on July 12, 2005. The 60' strip of land described in the Offer of Dedication is identical to the 60' strip of land encompassing all of Silver Bar Rd. (as re-aligned) which is within Proposed Parcel A.

Please let me know if you need any additional information.

Sincerely,

[Signature]
Richard A. Seaman
RAS/ras

Cc: John & Nancy Rinell

Attachment #1
September 12, 2005

John and Nancy Rinell
36890 Goldshot Creek Road
Mountain Center, CA 92561

RE: John and Nancy Rinell – Realignment of Silver Bar Road

Dear Mr. and Mrs. Rinell:

This refers to your request regarding Use Easements owned by Sierra Telephone Company, Inc., on Assessor's Parcel Number 017-173-007 and our comments regarding the proposed realignment of Silver Bar Road as described on the attached map.

As we have no easements on this parcel, we have no objection to this proposed road realignment.

Sincerely yours,

John A. Warner
Supervising Engineer

JAW/es
CC: Mariposa County Road Department
    Attention: Jerry Freeman
TO: THOSE LISTED

Please be advised that at the Board meeting of January 10, 2006, the Mariposa County Board of Supervisors adopted Resolution Number 06-19, authorizing the vacation of a portion of "Silver Bar Road" and acceptance of a new alignment of "Silver Bar Road" for an easement.

Sincerely,

Margie Williams
Clerk to the Board