RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Discussion and possible action relative to a citizen’s request for right of access to Monte Vista Lane.

Richard Radanovich owns a parcel of property contiguous to Monte Vista Lane. Monte Vista Lane is a subdivision road in the Monte Vista Subdivision, Application 10-08-80, which was approved in 1980. When the Monte Vista Subdivision was approved the County obtained a 1-foot easement strip across the subdivider’s property immediately contiguous to Mr. Radanovich’s property. Mr. Radanovich is requesting permission from the Board of Supervisors to access the 1-foot easement strip.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS:
A. Budgeted current FY $
B. Total anticipated costs $ 
C. Required additional funding $ 
D. Internal transfers $ 

SOURCE:
A. Unanticipated revenues $ 
B. Reserve for contingencies $ 
C. Source description: Balance in Reserve for Contingencies, if approved: $ 

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Memo to Board of Supervisors Exhibits “A” through “F”

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:

Recommended 
Not Recommended 
For Policy Determination 
Submitted with Comment 
Returned for Further Action

Comment:

A.O. Initials:

The foregoing instrument is a correct copy of the original on file in this office.

Res. No.: 02-104 Ord. No. 
Vote - Ayes: Noes: 
Absent: Abstained: 
( ) Approved ( ) Denied 
( ) Minute Order Attached ( ) No Action Necessary

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

12-15D5A
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Citizen’s Request for the Right of Access to Monte Vista Lane
Resolution No. 02-104

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 9, 2002

ACTION AND VOTE:
Jeff Green, County Counsel;
Discussion and Possible Action Relative to a Citizen’s Request for the Right of Access to Monte Vista Lane

BOARD ACTION: Discussion was held with Jeff Green. Supervisor Parker asked about the issue of road maintenance with the homeowners’ association and access by the applicant.

Don Starchman, Starchman Law Offices, stated he was representing the applicant. He referenced previous Board actions relative to offers of dedication and relinquishment. He noted that he discussed this matter with the Planning Director, and he does not know what the issue is. He advised that neighboring properties have not been required to participate in the homeowners associations in these types of situations before, but there is a code that allows for responsibility of the maintenance to be shared.

Richard Radanovich stated he is the property owner making the request, and he provided input relative to his request for the access to complete his road with the grading permit. He stated there is no legal requirement for him to join the homeowners’ maintenance association; however, it is his intent to participate in that process. But he does not feel that it would be appropriate to require his participation.

Jeff Green advised that the Planning Department notified the developer of this request and no response was received. (M)Parker, (S)Pickard, Res. 02-104 was adopted granting the access; with direction for staff to initiate the process to abandon the easement. Jeff Green advised that he will need to check on the process for this type of abandonment. Ayes: Unanimous.

cc: Eric Toll, Planning Director
Jim Petropulos, Public Works Director
Jerry Freeman, County Surveyor
Don Starchman, Esquire
File