Resolution authorizing abandoning two, five-foot wide dedicated utility easements in Lake Don Pedro Subdivision Unit 3-M.

Public Works recommends that the Board of Supervisors adopt the attached resolution abandoning two, five-foot wide dedicated utility easements abutting the common property line between Lot Numbers 1253 and 1254 in Lake Don Pedro Subdivision Unit No. 3-M. The proposed abandonment of the two dedicated utility easements has been approved by the Mariposa County Planning Director on November 19, 2001.

Typically, public utility easements exist to serve adjoining lots if the need for utilities exists. This parcel merger eliminates the need for such an easement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The two public utility easements were accepted by the Board of Supervisors on November 4, 1969 as well as all other public utility easements, storm drainage easements and pedestrian and equestrian easements shown on the Lake Don Pedro Subdivision Unit No. 3-M map. The map was recorded the same day.

The Mariposa County Planning Director approved the parcel merger 8-17-01 on November 19, 2001, merging Lots 1253 and 1254 into one parcel. One of the merger conditions is that the Mariposa County Board of Supervisors abandons the two, five-foot wide public utility easements abutting the common boundary line of Lots 1253 and 1254.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the abandonment of the two dedicated public utility easements is not approved, the easements will remain of record even though the property line has been eliminated.
MARIPOSA COUNTY RESOLUTION NO. 02- 167

A RESOLUTION OF INTENTION of Summary Abandonment of two, five-foot wide dedicated utility easements abutting the common property line between Lot Numbers 1253 and 1254 in Lake Don Pedro Subdivision Unit No. 3-M.

WHEREAS, a request to abandon these dedicated utility easements has been made by the owner of Lot Numbers 1253 and 1254.

WHEREAS, the Abandonment of these dedicated utility easements is required as part of the Planning Directors approval of Parcel Merger application Number 8-17-01 on November 19, 2001.

WHEREAS, the easements to be abandoned do not contain any sewer lines, water line, or other utilities of record on file with the Mariposa County Public Works Department.

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby orders as follows:

1. The County of Mariposa, by the through its Board of Supervisors, summarily abandons the two, five-foot wide dedicated utility easements abutting the common property line between said Lot Numbers 1253 and 1254 as described in thus Resolution pursuant to Streets and Highways Code, Section 8333(a) based upon the fact that the easement has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the adoption of this Resolution.

2. A Certified copy of this Resolution No. 02- 167 shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board and upon such recordation, the easements hereby abandoned shall no longer constitute a public utility easement.

3. From and after the date this Resolution is recorded, the easement shall no longer constitute a public service utility easement.
PASSED AND ADOPTED this 21st of May, 2002, by the Mariposa County Board of Supervisors by the following vote:

AYES: Parker, Stewart, Balmain, Pickard
NOES: None
ABSENT: Reilly
ABSTAINED: None

ROBERT C. STEWART, CHAIR
Mariposa County Board of Supervisors

ATTEST:
MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
County Counsel