RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes ___ No X)  
Adopt a Resolution to set a Public Meeting Regarding the Intent to Acquire Property by Eminent Domain for the Expansion of and the Improvement of the Existing Mariposa/Yosemite Airport and for the Adoption of a Resolution of Necessity Pursuant to CCP Sec 1245.235 for Acquisition of the Property of George Meyer, Betty Mankins, Tracy Jay, Deanna Williams, Julie Baxley, Garnet Turner, Tim Mankins, Mike Mankins, Janet Bibby, Millicent June Meyer.  (Portions of APN’s 012-040-089 and 012-040-087.)

The Department of Public Works requests a public meeting be set regarding the intent to acquire property by eminent domain and regarding consideration of a Resolution of Necessity for the expansion and improvement of the existing Mariposa/Yosemite Airport be scheduled for September 24, 2002 at 11:00 o’clock AM, in the Board of Supervisors chambers. The project consists of acquiring two parcels: one parcel approximately 8.67 acres adjacent to and south of the airport and the other parcel approximately 17.09 acres adjacent to and north of the Airport. The acquisition is necessary to comply with FAA approved improvements. The County has been unable to negotiate a sale with all of the owners, and therefore if the necessary property is to be acquired, must proceed as outlined here.

There are no publishing requirements for this meeting and there is no legal requirement to give notice; however, those holding an interest in the affected property will be mailed a notice letter by the Department of Public Works giving them the opportunity to appear before the Board of Supervisors on this date and to raise questions concerning public interest, location and necessity of the project. These same individuals will also be noticed and have an opportunity to address the Board at the meeting of September 24.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The County adopted the Airport Master Plan in June 1995. The County constructed an FAA and State funded project in 1998 which was completed by June of 2000. This required land acquisition from the same family in order to complete the area where hangars are now being constructed. On November 10, 1998 the Board approved a pre-application for additional FAA funds. The Board approved execution of the grant agreement for a phase II project on March 23, 1999. The Board approved advertising for construction of this project on July 23, 2002. Bids closed September 5, 2002.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The project has already been delayed considerably. The project must be under construction this year, and the project finalized and filed by March 2003 at the latest to retain the Federal Aviation Administration funding. There is no guarantee the County will be able to obtain these funds again. Without the property, the County will not be able to construct the helipads (Alternate 1), and this amount of funding would be lost.

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COSTS:  ( ) Not Applicable
A. Budgeted current FY $ 76,802**
B. Total anticipated costs $ 
C. Required additional funding $ 
D. Internal transfers $ 

SOURCE:  ( ) 4/5ths Vote Required
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. A copy of the appraisal report is available at the Board Office.

Resolution

Staff Report

** Property acquisition cost is estimated at $76,802, and is included in the FAA project description.

(Airport project total: $ 2.44 million FAA, $122,400 State $ 149,600 County, budgeted over 00, 01 and 02 FYs)

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CLERK’S USE ONLY:
Vote - Ayes:  ____  Absent:  ____  Denied:  ____  Minute Order Attached:  ____  No Action Necessary

( ) Approved  ( ) Denied  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’S RECOMMENDATION:
This item on agenda as:

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

Comment:  
C.A.O. Initials  

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Public Meeting to Acquire Property by Eminent Domain at the Mariposa/Yosemite Airport
Resolution No. 02-345

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 10, 2002

ACTION AND VOTE:

B) Requested Action is to Set a Public Meeting for September 24, 2002 at 11 a.m. Regarding the Intent to Acquire Property by Eminent Domain for the Expansion of and the Improvement of the Existing Mariposa/Yosemite Airport and Adopt a Resolution of Necessity Pursuant to CCP Sec 1245.235 for Acquisition of the Property of George Meyer, Betty Mankins, Tracy Jay, Deanna Williams, Julie Baxley, Garnet Turner, Tim Mankins, Mike Mankins, Janet Bibby, and Millicent June Meyer

BOARD ACTION: Jeff Green, County Counsel, reviewed the eminent domain process. Jim Petropulos, Public Works Director, provided input on the request to set a public meeting regarding the intent to acquire property by eminent domain for the project at the Airport. He advised that Terry Allen, consultant Attorney, was present to answer questions, and that several of the property owners were also present. He further advised that they met on Monday and did not reach agreement, but they want to meet again and continue to try to reach a solution. Discussion was held relative to the timeframes for the project.

Input from the public was provided by the following:

- Janet Mankins-Bibby stated she is an heir and owner of the subject property. She reviewed the history of actions relative to the Airport and related projects and contact with her family. She stated that she does not feel that contact was made with the family as directed when Phase I began in 1994. She stated she feels there was a good faith negotiation for an earlier settlement agreement and no discussion was held relative to the County wanting additional land in the future. She requested that the Board reconsider proceeding with the eminent domain process.

- Betty Mankins stated she is a lifetime estate owner of the property and resents what the Public Works Department is calling negotiations. She stated they met about a year ago and all that was discussed was the terms of the earlier agreement that had not been complied with on the part of the County. She stated she feels that Public Works was aware of the deadlines for this project and they waited until this Spring to begin complying with the requirements for this phase of the project; and she stated phase I has not

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been finished. She noted that the first time a price has been discussed was at the meeting held on Monday evening. She stated she feels there should be more discussion prior to going into condemnation proceedings. She stated the County pays for the appraiser with their tax dollars and they have to use their own funds to do a counter appraisal. She requested that the matter be postponed for further discussion and for them to obtain an appraisal.

- Joel Bibby stated he has no vested interest in the property; just for his children. He noted that in his job with the County he has had opportunities to fly in a helicopter, and he noted there are landing pads in Jerseycle, Groveland and Oakhurst. He feels if the Forestry needs a landing pad, they should use their own. He stated he feels the eminent domain proceedings are wrong. This will take property away from his fifteen-year-old son and five-year-old daughter; i.e., this is taking property from kids. He questioned the public need. He commented on the use of the Airport and stated the large helicopter is being kept in Fresno this year. He stated he feels the "old golf course" area could be used for these improvements. He also stated that just because the County wants to use the grant funds, that is a wrong reason for doing this project. It is the citizens’ tax dollars and he would prefer to see the funding used for a ballpark. He asked whether there are any studies on how many planes use the Airport. He feels the proposed action will take away the rights of something that a family member, four generations ago, bought and paid for.

- Deanna Williams, heir and speaking for herself and her other three sisters, advised of their requests for a meeting time that would fit with their schedules, as two sisters are out of town and she and her other sister drive bus. She asked the Board members to consider how they would feel if someone wanted their property. She questioned how this project is benefiting the community. She also asked why a piece at a time of the property is being taken versus what is needed in its entirety. She stated she feels the roads need major work in the County and that is where Public Works should put their efforts. She also asked how many planes land at the Airport.

- Jane Eld stated she works for the School District and just moved here about ten-years ago and acquired property. She stated she feels the proposed action is scary to her, as a child she experienced this type of proceeding. She stated she did not know that the Airport existed until about a year ago.

- George Meyer stated he feels they were very easy to negotiate with, and that Public Works was incorrect in their comments relative to this matter. He stated he feels that progress is progress. He further stated that he and his mother made an offer during the meeting on Monday, which he feels was reasonable. He stated he feels the condemnation process will cost a lot more, but they will not back down and be bullied into something.

- Janet Bibby asked, if in the history of the County, whether condemnation action has been taken against a private citizen.

Discussion was held relative to the appraisal process used by the County and the input that was provided.

- Attorney Allen stated he is consulting with the County on this matter, and he provided input on the meeting held on Monday. He advised that through this process, the discussion could continue for a long time as to the purchase price. He noted that he advised the family that they would meet with them whenever it works with their schedule. He stated he wants to continue discussing this matter with the family to try and resolve the issues.

The Board held further discussion relative to the issues and the process.

- Janet Bibby stated that if time is of the essence, she questioned why all of the land that was needed for the entire project wasn't taken at one time. She stated she would like to find out exactly what is planned for the Airport area, and what is planned for the industrial/commercial zoned land.

Further discussion was held. Board members requested that information be provided relative to the Airport Master Plan and future plans for the Airport, and relative to the timeframes for this process and the project. Staff was requested to address each of the findings, in detail, that need to be made for the eminent domain proceedings, as well as each of the issues and questions that have been raised. It was clarified that to proceed with an eminent domain proceeding would require a 4/5ths vote of the Board versus a 3/5ths vote to set the public meeting to initiate this process.

- Joel Bibby asked about the Federal grant being used for a transient helicopter pad and the public necessity need.

Discussion by the Board continued. Attorney Allen was urged to continue to negotiate with staff and the family to reach a settlement. It was also noted that the public meeting could be continued, if necessary.
(M)Balmain, (S)Pickard, Res. 02-345 was adopted setting the public meeting for September 24, 2002, at 11:00 a.m./Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart.

cc: Jeff Green, County Counsel
File