RECOMMENDED ACTION AND JUSTIFICATION:

Public Works recommends that the Board of Supervisors adopt the attached resolution accepting an existing bridge and an unmet portion between Joe Howard Street and Antone Road in the County of Mariposa, and direct the Public Works Director to record the resolution upon its approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This easement over Mariposa Creek between Joe Howard Street and Antone Road upon which the bridge now exists was created by Grant on March 23, 1984. On September 14, 1999, per Resolution 99-2, the Board approved reimbursing $100,000 to George Greenamyer for the costs of the Mariposa Creek project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not accept this easement into the Mariposa County Road System. The property owner of record may be liable, both legally and monetarily, for damages.

COSTS:

<table>
<thead>
<tr>
<th>Costs</th>
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<tbody>
<tr>
<td>A. Budgeted current FY&gt;</td>
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<tr>
<td>B. Unanticipated expenses</td>
<td></td>
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<tr>
<td>C. Internal transfers</td>
<td></td>
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<tr>
<td>D. Required additional funding</td>
<td></td>
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<tr>
<td>E. Reserve for contingencies</td>
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SOURCE:

<table>
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<tbody>
<tr>
<td>A. Unanticipated revenues</td>
<td></td>
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<tr>
<td>B. Reserve for contingencies</td>
<td></td>
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<tr>
<td>C. Source description</td>
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SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Resolution (1 page)
2. Grant Deed (1 page)
3. Highway Easement Deed (1 page)
4. Site Plan (1 page)
5. Parcel Map (1 page)
6. Letter dated 11/7/80, Stephens to Petropulos (1 page)
7. Memo dated 11/22/00, Green to Petropulos (1 page)

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

[Signature]

[Position]

This item on agenda as

[Check: Recommended, Not Recommended, For Policy Determination Submitted for Committee Action Returned for Further Action]

CLERK'S USE ONLY

Res. No.: 16

Vote - Ayes: [Number]

Abs: [Number]

Att: [Number]

Ord. No.: [Number]

[Signature]

[Position]

MARGIE WILLIAMS, Clerk of the Board

Date: [Date]

[Signature]

[Position]
LEGAL SUFFICIENCY
APPROVED AS TO FORM AND

MARGIE WILLIAMS, Chair of the Board

ATTEST:

Mariposa County Board of Supervisors

GARY K. PARKER, Chair

ABSENT: NONE
ABSTAINED: NONE
NOES: NONE
AYES: RETTY, BALMAIN, STEWART, PARKER, Paddock

2000, by the following vote:

this 19th day of December, 2000, by the Board of Supervisors of the County of Mariposa

NOW, THEREFORE, this Board hereby determines and orders as follows:

WHEREAS, an oral request to accept into the Mariposa County Road System the

Ansel Road has been made by the County of Mariposa, a political

RESOLVED, by the Board of Supervisors of the County of Mariposa, a political

RESOLUTION NO. 00-446

A RESOLUTION OF THE SUMMARY ACCEPTANCE OF AN EASEMENT

MARIPOSA COUNTY ROAD SYSTEM INTO THE MARIPOSA COUNTY ROAD SYSTEM

A RESOLUTION OF THE SUMMARY ACCEPTANCE OF AN EASEMENT

ATTACHMENT #1
The Board of Supervisors of Mariposa County, California,

ADOPTED THIS ORDER on December 19, 2000

THE BOARD OF SUPERVISORS OF MARIPSOA COUNTY, CALIFORNIA,

RES NO. 00-446

SUBJECT: ACCEPTANCE OF BRIDGE AND EASEMENT BETWEEN JOE HOWARD ROAD AND ANTONIO ROAD AND ANTONIO ROAD AND HOWARD STREET AND EASEMENT BETWEEN JOE HOWARD STREET AND ANTONIO ROAD AND EASEMENT

FROM: MARCO WILLIAMS, Clerk of the Board

TO: JIM PETROPULOS, PUBLIC WORKS DIRECTOR

MINUTE ORDER

MARIPOSA COUNTY BOARD OF SUPERVISORS

DISTRICT V

DISTRICT III

DISTRICT I

DISTRICT II

DISTRICT IV

BOB PICKARD

ROBERT C. STRAYART

PATTY A. BEATTY

DONOVAN MACMILLAN, VICE-CHAIRMAN

CARYR R. PARKER, CHAIRMAN

BOB PICKARD, MARIPSOA COUNTY, 95385 (209) 966-3222

P.O. BOX 74, MARIPSOA, CA 95385 (209) 966-3222
File
Jeff Green, County Counsel

cc: Supervisor Stewart

Supervisor Stewart could discuss this with her. Ayres: Unanimous. Petition: Jeff Green provided input relative to the process to obtain the title, and he suggested that perhaps Resolution: Supervisor Parker initiated discussion relative to trying to resolve the issues with Nadeen between Joe Howard Street and Arlone Road and directing the Public Works Director to record the (M) Stewart (S) Balmatin Res 00-446 adopted accepting an existing bridge and an unnamed easement.
GRANT DEED

SPACE ABOVE THIS LINE FOR ECONOMY USE

[Handwritten text]

[Formal documentation]

[Legalese and legal terminology]
Highway Easement Deed

Elwood Carroll and Margaret Carroll

APN 03-070-044

All of that portion of Parcel A as shown on that Parcel Map, Map No. 03-070-044, recorded in the Mariposa County Records, as described as follows:

BEGINNING at the southwest corner of the land described above; thence along the west line of said parcel A, north 2° 33', 46" east, a radial bearing of 67.06 feet; thence south 73° 11', 21" east, a radius of 145.00 feet; thence along the northeast line of said parcel A, south 33', 46" west, 89.15 feet; thence north 51', 46" east, 221.17 feet along the southeast corner of said parcel A, containing 0.35 acres more or less.

Said property to be used for the construction, maintenance, and improvement of public roads.

The Grantor hereby further grants to the grantee the right to install, construct, maintain, and use such utility lines as may be necessary from time to time in the construction and operation of said improvement, so as to accommodate said utility easement.

Signed and acknowledged in the presence of:

[Signatures]

Exhibited the day of 1987.
Sincerely,

If you need additional data please give me a call.

Plans and documents were given to Dan Gibbs in October 2000. Plans and documents were given to Dan Gibbs in October 2000.

The culvert bridge was designed and constructed to meet full highway loading and conditions and to pass the 100-year storm flow according to FEMA flood study and can be expected to function satisfactorily as designed.

I had recommended that a hex beam be installed at both ends; however, this was not done and one guardrail was installed.

Mr. Greenamyer’s understanding in his negotiation with the County and therefore, one fence and one guardrail was installed.

The Companion Culvert Bridge is now complete. A traffic control guardrail (hex beam) was installed on the upstream end for the bike walk area. A traffic control guardrail (hex beam) was installed on the upstream and a pedestrian 42’ high chain link fence was installed.

Subject: Companon Bridge @ Joe Howard Street (Mariposa Creek)

Mariposa, CA 95338
4699 Hen Hill Road
Mariposa County Public Works
Jim Pernopolos, Director

November 7, 2000

ROGER STEPHENS ENGINEERING
Should you have any questions regarding this matter, please feel free to contact me.

The County would still indemnify and hold Ms. Peterson harmless once the bridge is accepted into the City's system. The County would still indemnify and hold Ms. Peterson harmless once the bridge is accepted into the County's system. The County would fully indemnify and hold harmless Ms. Peterson for any liability issues relating to the bridge. Should Ms. Peterson elect to sell the bridge, she would remove the possibility of their being named in a lawsuit. In order to fully protect Ms. Peterson, it would be my suggestion that the County indemnify her.

After being indemnified, Ms. Peterson would be responsible for any liability issues relating to the bridge. Should Ms. Peterson elect to sell the bridge, she would remove the possibility of their being named in a lawsuit. In order to fully protect Ms. Peterson, it would be my suggestion that the County indemnify her.

It is my understanding that it is the position of Public Works that the bridge provides an all-weather crossing on Jose Howard Street, and is in the public interest to take the Jose Howard Street bridge into the County-maintained system. Once the bridge is taken into the County-maintained system, the County would fully indemnify and hold harmless Ms. Peterson for any liability issues relating to the bridge that would be obligated legally to indemnify her.

If it is my opinion that anyone be indemnified as a result of the construction, operation, or maintenance of the bridge at the present time, George Greenmeyer and/or the County Counsel would be responsible for determining the indemnification, if any.

You have requested that I provide you with my opinion as to the liability issues relating to the Jose Howard Bridge.

CC:
Nadine Peterson
Joe Howard Street Bridge

FROM:
Jeffrey G. Green, County Counsel
Jim Petropoulos, Public Works Director

TO:
November 22, 2000

DATE:

MEMORANDUM