MARIPOSA COUNTY ORDINANCE NO. 688

AN ORDINANCE AMENDING TITLE 16 OF THE MARIPOSA COUNTY CODE
ENTITLED SUBDIVISION, BY AMENDING SECTION 16.12.315, APPROVAL OF PARCEL MAPS,
AND ADDING SECTION 16.20.232, ACTION BY THE BOARD OF SUPERVISORS.

WHEREAS, the State of California in section 66410 et seq of the
Government Code, cited as the Subdivision Map Act, authorizes local agencies
to regulate subdivisions of land, and

WHEREAS, Sections 66440, 66463, 66477.1, 66477.2 and 66477.3 of
the Subdivision Map Act establishes procedures and requirements for offers of
dedication, and

WHEREAS, it is in the public interest to emphasize the limits of
the County's obligations and responsibilities regarding offers of dedication
and easements,

NOW THEREFORE, the Board of Supervisors of Mariposa County, a
political subdivision of the State of California, hereby ordains as follows:

SECTION I: Section 16.112.315 is amended to read as follows:

16.12.315 Approval of Parcel Maps.

A. It shall be the responsibility of the Director of Public Works
to approve all parcel maps prior to recordation in the official records. The
Director of Public Works shall ensure compliance with the following
requirements prior to approving a parcel map for recordation.

1. Compliance with all conditions applied to the tentative
parcel map by the planning commission.

2. Payment of property taxes on the subdivided property in
accordance with Section 16.12.395 of this title.

3. Find the parcel map is in substantial compliance with the
tentative parcel map approved by the planning commission.

4. Compliance with all surveying, mapping, and other
requirements established by the Subdivision Map Act and this title.

a. Following a determination by the Director of Public Works that the parcel map is in substantial conformance with the approved tentative, that compliance with all conditions has been completed, and that all other provisions of this title and the government code have been satisfied, the map shall be filed with the clerk of the board of supervisors. The clerk shall schedule the map for consideration by the board of supervisors, at which time the maps shall be approved if it is determined to be in conformance with the requirements of this title and the Subdivision Map Act.

B. The Board of Supervisors accept, accept subject to improvement, or reject offers of dedication on behalf of the county for dedications provided by certificates on a parcel map. Action on such dedications shall take place in accordance with the provisions of this title and policies established by board of supervisors' resolution, and shall be based on recommendations by the Planning Commission and the Director of Public Works.

1. Public utility easements shall be accepted on behalf of the county and the public. Acceptance shall be solely for the purpose of permitting development of necessary public utilities, and shall not obligate the county to assume any responsibility or liability related to the easements.

2. Offers of dedication shall be accepted, accepted subject to improvement, or rejected. Offers of dedication for road right-of-way shall be accepted by the county for the purpose of access, circulation, and public utility purposes within the subdivision and for use by the public. Roads accepted for access may be accepted into the county road system for
maintenance at the direction of the board of supervisors providing it has
been constructed to an appropriate improvement standard.

3. Offers of dedication for road rights-of-way accepted for
public access and circulation but not for maintenance shall not obligate the
county to assume any liability or responsibility related to the right-of-way.

4. Any offers of dedication which are rejected shall remain
open and may be accepted at any later date based on specific action by the
Board of Supervisors.

SECTION II: Section 16.20.232 is added to read as follows:

16.20.232 Action by the Board of Supervisors.

A. Following a determination by the Director of Public Works that
the final map is in substantial conformance with the approved tentative, that
compliance with all conditions has been completed, and that all other
provisions of this title and the government code have been satisfied, the map
shall be filed with the clerk of the board of supervisors. The clerk shall
schedule the map for consideration by the board of supervisors, at which time
the maps shall be approved if it is determined to be in conformance with the
requirements of this title and the Subdivision Map Act.

B. The board of supervisors shall also consider offers of
dedication and easements. Acceptance of such dedications shall be in
accordance with the provisions of this title and policies established by the
board of supervisors.

1. Public utility easements shall be accepted on behalf of
the county and the public. Acceptance shall be solely for the purpose of
permitting development of necessary public utilities, and shall not obligate
the county to assume any responsibility or liability related to the
easements.
2. Offers of dedication shall be accepted, accepted subject
to improvement, or rejected. Offers of dedication for road right-of-way shall
be accepted by the county for the purpose of access, circulation, and public
utility purposes within the subdivision and for use by the public. Roads
accepted for access may be accepted into the county road system for
maintenance at the direction of the board of supervisors providing it has
been constructed to an acceptable improvement standard.

3. Offers of dedication for road rights-of-way accepted for
public access and circulation but not for maintenance, shall not obligate the
county to assume any liability or responsibility related to the right-of-way.

4. Any offers of dedication which are rejected shall remain
open and may be accepted at any later date based on specific direction by the
board of supervisors.

C. The clerk of the board of supervisors upon the approval of the
final map, and after the signatures and seals have been affixed, shall
transmit the map to the county recorder who shall certify and file the same
as prescribed by this title and the Subdivision Map Act.

SECTION III: The board of supervisors also finds that there is
clearly no potential for causing a significant effect on the environment, and
that the project is exempt from the California Environmental Quality act
under a general rule finding.

SECTION IV: The board of supervisors finds and declares that the
foregoing amendments reflects current policy as well as the intent of past
actions taken regarding offers of dedication.

SECTION V: This ordinance shall become effective thirty days from
the date of final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors
this 11th day of August, 1987 by the following vote:

AYES: DALTON, ERICKSON, RADANOVIĆH, TABER

NOES: NONE

EXCUSED: BAGGETT

ABSTAINED: NONE

LEROY RADANOVIĆH, Chairman
Board of Supervisors

ATTEST:
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
JEFFREY G. GREEN, County Counsel