RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes___ No X)

Public Works recommends that the County Board of Supervisors (BOS) adopt the attached resolution of Summary Abandonment of a portion of Elm Way in Fishcamp.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Fishcamp Subdivision was approved by the Board of Supervisors in 1938. The streets and avenues shown on the map were accepted by the Board, on behalf of the public, even though no road improvements had been made. The map was amended in 1941. The owner of the lots adjoining Elm Way, Marylee C. Oliver, has requested an abandonment of this portion of Elm Way based upon:

(1) The fact that no road has been improved within this area and
(2) There is no public need for a road in this area.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If this resolution is not adopted, this portion of Elm Way will not have been abandoned as requested by the adjoining property owners.
ATTACHMENT 1

MARIPOSA COUNTY
RESOLUTION 93-15

A RESOLUTION FOR THE SUMMARY ABANDONMENT OF A PORTION OF ELM WAY IN THE FISHCAMP SUBDIVISION

WHEREAS, a portion of Elm Way has not been used for the purpose for which it was dedicated for five consecutive years and,

WHEREAS, pursuant to the Streets and Highways Code Section 8333, the Board finds that a portion of Elm Way should be summarily vacated,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mariposa, as follows:

That portion of Elm Way described in the attached Exhibit "A" and shown on the attached "Exhibit Map" and is hereby summarily vacated pursuant to Streets and Highways Code Section 8333. From and after the date this resolution is recorded in the office of the Mariposa County Recorder, this portion of Elm Way will be vacated and no longer constitute a street or public service easement: RESOLUTION NO 93-15.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 5th day of January, 1993, by the following vote:

AYES: BAGGETT, BALMAIN, PARKER
NOES: NONE
ABSENT: NONE
ABSTAINED: ERICKSON, TABER

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY O. GREEN, County Counsel
EXHIBIT "A"

Fishcamp Road Abandonment
July 21, 1992

All that portion of the Southeast ¼ of Section 23, Township 5 South, Range 21 East, M.D.B.& M. as delineated on Map entitled "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed" and being more particularly described as follows:

Beginning at the Southwest corner of Lot 6 of said "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed" as filed May 22, 1941 in Mariposa Co. said point being marked by a 3/4" iron pipe 12" down tagged LS 4298; thence North 62°34'35" East, 160.65 feet along the Southerly line of said Lot 6; thence North 89°15'00" East, 16.57 feet; thence South 0°45'00" East, 15.00 feet; thence South 64°17'30" West, 181.68 feet along the Northerly line of Lot 11 of said "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed"; thence North 12°27'40" East, 20.08 feet to the point of beginning, said point of beginning being North 43°39'29" East, 565.96 feet from the south ¼ corner of said Section 23.

Containing 0.074± Acres