RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

1. Adopt the attached Resolution Dissolving The Lake Don Pedro Townhouse Project -- Road Maintenance Zone of Benefit; and
2. Authorize the release of all unencumbered proceeds from The Lake Don Pedro Townhouse Project Road Maintenance Zone of Benefit account; and
3. Authorize the Chairman of the Board to sign the attached: Statement(s) of Zone Dissolutionment; and
4. Authorize the recollection of a Notice of Zone Dissolutionment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On November 24, 1992, the Board adopted a Resolution of Intention to Dissolve the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project. This Zone of Benefit had been approved in 1990 as a condition of approval of Major Subdivision Application No. 1-19-84. The Board of Supervisors also adopted Resolution No. 92-626 on November 24, 1992, which approved a modified subdivision improvement agreement; allowing for the dissolution of this Zone of Benefit. There is no background in Mariposa County for any previous dissolutions. For additional details, see attached Staff Report dated January 5, 1993.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and have the applicant maintain the existing zone of benefit to insure the maintenance of his project's road system.

COSTS: 

( ) Not Applicable

A. Budgeted current FY
B. Total anticipated costs
   $ *
C. Required additional funding
D. Internal transfers
   $

SOURCE:

( ) 4/5th Vote Required

A. Unanticipated revenues
   $
B. Reserve for contingencies
   $
C. Source description: * Costs will be paid by owners within Zone
   Balance in Reserve Contingencies,
   if approved: $

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Resolution dissolving Zone/Statement of Zone Dissolutionment
2. Notice of Zone Dissolutionment
3. Staff Report

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

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

Comment:

A.O. Initials:

Action Form Revised 5/92
MARIPOSA COUNTY RESOLUTION NO. 93-43

A RESOLUTION DISSOLVING THE ZONE OF BENEFIT FOR ROAD MAINTENANCE AT THE LAKE DON PEDRO TOWNHOUSE PROJECT

WHEREAS, Section II.I.3 (page 18) of the Mariposa County Road Improvement and Circulation Policy provides an exemption to the requirement of a Zone of Benefit if a private maintenance association is established; and

WHEREAS, the applicant, Vito Mazzone, T.C.E., Inc., has petitioned Mariposa County for the dissolution of the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project, in association with the Subdivision Map of Lake Don Pedro Townhouses; and

WHEREAS, the Board of Supervisors, through Resolution No. 92-626, approved a modified subdivision improvement agreement including provisions of a Declaration of Restrictions providing for private maintenance of the common facilities; and

WHEREAS, the Board of Supervisors, through Resolution No. 92-627, filed a Resolution of Intention to dissolve the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project, as required by Government Code Section 25210.32, and set a date and time for a public hearing; and

WHEREAS, on January 19, 1993, the Board of Supervisors held a duly noticed public hearing on the question of dissolving the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project; and

WHEREAS, the Board of Supervisors, received no dissenting public input at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby approves the dissolution of the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project, as described and shown on attached STATEMENT OF ZONE DISSOLUTIONMENT.
AND, FURTHER, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby rescinds Ordinance No. 783, which had established the fees for the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 19th day of January, 1993, by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel
STATEMENT OF ZONE DISSOLUTIONMENT

In accordance with Sections 54900-54903 of the California Government Code, this statement is hereby issued by the Chairman of the Board of Supervisors of the County of Mariposa, acting as Chairman of the Board of Directors of the Countywide County Service Area No. 1, County of Mariposa, State of California.

1. A certified copy of the resolution approving the dissolution of the ZONE OF BENEFIT FOR ROAD MAINTENANCE AT THE LAKE DON PEDRO TOWNHOUSE PROJECT is attached hereto and titled "MARIPOSA COUNTY RESOLUTION NO. 93-45 -- A RESOLUTION DISSOLVING THE ZONE OF BENEFIT FOR ROAD MAINTENANCE AT THE LAKE DON PEDRO TOWNHOUSE PROJECT, and by reference incorporated herein. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.

2. The affected territory being excluded from this existing zone of benefit will be taxed for any existing bonded indebtedness or contractual obligation.

3. This statement, along with the attached map and legal description, shall be filed prior to January 1 of the year in which the jurisdictional change is to be reflected on the tax rolls and shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization, Sacramento, California.

DATED: January 21, 1993

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
EXHIBIT "A"

LAKE DON PEDRO TOWNHOUSES
ROAD MAINTENANCE ZONE OF BENEFIT

DESCRIPTION

All that certain real property situated in portions of
Sections 31 and 32, Township 3 South, Range 15 East, M.D.E.;
M., Mariposa County, State of California, more particularly
described as follows:

PARCEL ONE

Commencing at the north one-quarter (N1/4) Section Corner of
said Section 31; thence S86°01'11"E a distance of 1181.03 feet
to the POINT OF BEGINNING of the herein described certain
real property; thence S19°05'34"E for 461.93 feet; thence N74°
59'33"E for 321.36 feet to a point, said point being the
beginning of a non-tangent curve concave to the northeast
having a radius of 403.30 feet, a radial to said curve
through said point bears S66° 17'49"W; thence southeasterly
along said curve, through a central angle of 25°09'33", an arc
length of 177.09 feet to the point of tangency; thence S48°
51'44"E for 167.76 feet; thence S41°11'34"W for 86.49 feet;
thence S33°36'03"E for 384.50 feet; thence S07°09'47"W for
36.99 feet; thence S83°00'55"E for 52.49 feet;
thence S16°56'40"W for 25.44 feet; thence N82° 48'08"W for 125.01 feet; thence S48°30'27"W for 79.37 feet; thence S48° 41'02"W for 100.07 feet; thence S41°00'39"E for 93.76 feet; thence S58°02'37"W for 25.27 feet; thence N41°05'13"W for 808.09 feet to the beginning of a tangent curve concave to the northeast having a radius of 307.50 feet; thence northwesterly along said curve, through a central angle of 21° 59'07", an arc length of 117.99 feet to the point of tangency; thence N19°06'06"W for 531.34 feet; thence N71° 01'41"E for 100.07 feet to the POINT OF BEGINNING.

PARCEL TWO

Commencing at the N1/4 Section Corner of said Section 31; thence S55°48'24"E a distance of 2465.35 feet to the POINT OF BEGINNING of the herein described certain real property; thence N47°57'36"E for 110.42 feet; thence N41°33'05"E for 20.13 feet; thence N51°22'34"E for 28.59 feet; thence N62° 36'14"E for 26.49 feet to a point, said point being the beginning of a non-tangent curve concave to the southeast having a radius of 359.37 feet, a radial to said curve through said point bears N28° 49'46"W; thence northeasterly
along said curve, through a central angle of 21°12'47", an arc length of 133.05 feet to the point of tangency; thence N82° 23'01"E for 80.34 feet to the beginning of a tangent curve concave to the northwest having a radius of 260.00 feet; thence northeasterly along said curve, through a central angle of 34°55'15", an arc length of 158.47 feet to the point of tangency; thence N47°27'46"E for 105.94 feet; thence S42° 31'56"E for 98.21 feet; thence S47°13'16"W for 149.27 feet; thence S57°08'40"E for 42.46 feet; thence S72° 24'00"W for 142.02 feet; thence S79°41'12"W for 24.79 feet; thence S84° 20'29"W for 142.18 feet; thence S59°44'31"W for 10.00 feet; thence S47°50'23"W for 162.09 feet; thence N42°02'24"W for 85.12 feet to the POINT OF BEGINNING.

Prepared by:

[Signature]
Jerome S. Freeman, L.S. 4079

Date: Sept. 13, 1990

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NOTICE OF ZONE DISSOLUTIONMENT

This notice is being recorded as a matter of constructive notice to any potential buyers of Lots 1-134, as shown on the Subdivision Map of Lake Don Pedro Townhouses, recorded in the Book of Maps at Page 2347, Mariposa County Records, that these lots are no longer subject to yearly assessments for the Zone of Benefit for Road Maintenance at The Lake Don Pedro Townhouse Project.

On January 19, 1993, the Board of Supervisors of the County of Mariposa held a duly noticed public hearing on the questions of dissolving the Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project, and did pass and adopt "MARIPOSA COUNTY RESOLUTION NO. 93-43 -- A RESOLUTION DISSOLVING THE ZONE OF BENEFIT FOR ROAD MAINTENANCE AT THE LAKE DON PEDRO TOWNHOUSE PROJECT. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference are incorporated herein.

Pursuant to Section 54902 of the California Government Code, assessments for this Zone of Benefit shall begin for the Fiscal Year 1994-1995, or the period July 1, 1994 to June 30, 1995.


ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
DESCRIPTION

All that certain real property situated in portions of Sections 31 and 32, Township 3 South, Range 15 East, M.D.S.&
M., Mariposa County, State of California, more particularly described as follows:

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thence S16°56'40"W for 25.44 feet; thence N82° 48'08"W for 125.01 feet; thence S48°30'27"W for 79.37 feet; thence S48° 41'02"W for 100.07 feet; thence S41°00'39"E for 93.76 feet; thence S53°02'37"W for 25.27 feet; thence N41°05'13"W for 808.09 feet to the beginning of a tangent curve concave to the northeast having a radius of 307.50 feet; thence northwesterly along said curve, through a central angle of 21° 59'07", an arc length of 117.99 feet to the point of tangency; thence N19°06'06"W for 531.34 feet; thence N71° 01'41"E for 100.07 feet to the POINT OF BEGINNING.

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Prepared by:

[Signature]

Jerome S. Freeman, L.S. 4079

Date: Sept. 13, 1990

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