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

1. Adopt the attached Resolution Annexing The Lake Don Pedro Townhouse Project into Sewer Zone No. 1 within County Service Area No. 1-M; and
2. Authorize the Chairman of the Board to sign the attached:
   Statement(s) of Boundary Change; and
3. Authorize the recordation of a Notice of Zone Annexation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On November 24, 1992, the Board adopted a Resolution of Intention to Annex the Lake Don Pedro Townhouse Project into the existing Sewer Zone No. 1 within County Service Area 1-M. This annexation was required as a condition of approval of Major Subdivision Application No. 1-19-84. In November 1990, The Board of Supervisors approved the Subdivision Map of Lake Don Pedro Townhouses, and waived this annexation requirement until such time as the deferred improvements were complete. The Board of Supervisors also adopted Resolution No. 92-626, on November 24, 1992, which approved a modified subdivision improvement agreement; providing for this annexation and specifying the terms and conditions to be complied with. For additional details, see attached Staff Report dated January 6, 1993.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and have the applicant establish some of form of public entity to maintain the sewage facilities for his project.
MARIPOSA COUNTY RESOLUTION NO. 93-44

A RESOLUTION ANNEXING THE LAKE DON PEDRO TOWNHOUSE PROJECT

INTO SEWER ZONE NO. 1 WITHIN COUNTY SERVICE AREA NO. 1-M

WHEREAS, Title 17 of the Mariposa County Code requires establishment of a community sewer system when parcels are created with less than five (5) acres; and

WHEREAS, the applicant, Vito Mazzone, T.C.E., Inc., has petitioned Mariposa County for the annexation of the Lake Don Pedro Townhouse Project into Sewer Zone No. 1 within County Service Area No. 1-M; and

WHEREAS, the Board of Supervisors, through Resolution No. 92-626, approved a modified subdivision improvement agreement which approved a modified subdivision improvement agreement; including provisions for this annexation and specifying the terms and conditions to be complied with; and

WHEREAS, the Board of Supervisors, through Resolution No. 92-628, filed a Resolution of Intention to annex the Lake Don Pedro Townhouse Project into Sewer Zone No. 1 within County Service Area No. 1-M, 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 annexing the Lake Don Pedro Townhouse Project into Sewer Zone No. 1 within County Service Area No. 1-M; 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 annexation of the territory known as the Lake Don Pedro Townhouse Project, as described and shown on the attached STATEMENT OF BOUNDARY CHANGE, into Sewer Zone No. 1 within County Service Area No. 1-M.
AND, BE IT FURTHER RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby sets the fees for this annexed territory to be the same as those approved by the Board for Sewer Zone No. 1, through Ordinance No. 814, on November 5, 1991, and by Resolution No. 92-524, on October 6, 1992; except as qualified in the modified improvement agreement approved by the Board on November 24, 1992, through Resolution No. 92-626.

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 BOUNDARY CHANGE

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 annexation of THE LAKE DON PEDRO TOWNHOUSE PROJECT into SEWER ZONE NO. 1 WITHIN COUNTY SERVICE AREA NO. 1-M is attached hereto and titled "MARIPOSA COUNTY RESOLUTION NO. 93-4 -- A RESOLUTION ANNEXING THE LAKE DON PEDRO TOWNHOUSE PROJECT into SEWER ZONE NO. 1 WITHIN COUNTY SERVICE AREA NO. 1-M, 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 included within this change of organization will not 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.


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.E.W. 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 S85°01'11"E a distance of 1181.03 feet to the POINT OF BEGINNING of the herein described certain real property; thence S19°03'34"E for 461.93 feet; thence N74°39'11"E for 311.96 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 177.08 feet to the point of tangency; thence S43°51'44"E for 167.76 feet; thence S41°11'34"W for 86.49 feet; thence S35°38'03"E for 364.50 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 N52° 43'08"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 N23° 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°27'48"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 83.12 feet to the POINT OF BEGINNING.

Prepared by:

[Signature]

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NOTICE OF ZONE ANNEXATION

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 subject to yearly assessments for Sewer fees or Standby fees to Sewer Zone No. 1 within County Service Area No. 1-M.

On January 19, 1993, the Board of Supervisors of the County of Mariposa held a duly noticed public hearing on the questions of annexing the Lake Don Pedro Townhouse Project into Sewer Zone No. 1 within County Service Area No. 1-M, and did pass and adopt "MARIPOSA COUNTY RESOLUTION NO. 93-14 -- A RESOLUTION ANNEXING THE LAKE DON PEDRO TOWNHOUSE PROJECT INTO SEWER ZONE NO. 1 WITHIN COUNTY SERVICE AREA NO. 1-M. . 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:

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°03'34"E for 461.93 feet; thence N74° 19'31"E for 311.26 feet to a point, said point being the beginning of a non-tangent curve concave to the northeast having a radius of 433.30 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 S41° 51'44"E for 167.75 feet; thence S41°11'34"W for 86.49 feet; thence S33°56'03"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°36'40"W for 23.44 feet; thence N62° 45'03"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 308.09 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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Commencing at the Nl'4 Section Corner of said Section 31: thence S56°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° 30'14"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 90.34 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 95.12 feet to the POINT OF BEGINNING.

Prepared by:

[Signature]

L.S. 4079

[Stamp]

Jerome S. Freeman, L.S. 4079

Sept. 13, 1990

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