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

1. Adopt the attached Resolution Approving The Italian Acres Maintenance Zone of Benefit; and
2. Adopt the attached Resolution Establishing Assessment Fees For: Italian Acres Maintenance Zone of Benefit;
3. Authorize the Chairman of the Board to sign the attached: Statement(s) of Zone Creation; and
4. Authorize the recordation of a Notice of Formation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 5, 1993, the Board adopted a Resolution of Intention to form the Italian Acres Maintenance Zone of Benefit for Ken Mari. An application had been filed as a condition of approval of a twenty three (23) lot major subdivision with legal access off of Highway 49 North, within the Mariposa Town Planning Area. Since this project is within the Mariposa Town Planning area, and the access road serves off-site parcels, this project does not qualify for an exemption to the zone formation. For additional details, see attached Staff Report dated January 29, 1993.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and have the applicant develop another means to insure the maintenance of his land division road.

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 approving zone/Statement of Zone Creation
2. Resolution establishing fees
3. Notice of Zone Formation
4. Staff Report
5. Vicinity Map

CLERK’S USE ONLY
Res. No.: 2-59  Ord. No.  2-59
Vote - Ayes:  Noas:  Absent:  Abstained:  
( ) Approved  ( ) Denied  
Y y Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:  
ATTEST:  MARGIE WILLIAMS, Clerk of the Board  County of Mariposa, State of California
By:  Deputy

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
TO: MIKE EDWARDS, INTERIM PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: ZONE OF BENEFIT - ROAD MAINTENANCE/ITALIAN ACRES

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on February 16, 1993

ACTION AND VOTE:

9:17 a.m. Mike Edwards, Interim Public Works Director;
   A) Continued PUBLIC HEARING, Intent to Form a Zone of Benefit for Road Maintenance for Major Subdivision No. 2-24-92; Italian Acres/Mari, Applicant (Continued from 2/9/93)
   BOARD ACTION: Mike Edwards provided staff report, and Bruce Atkinson/PWD-Special Project Coordinator, responded to questions by the Board. Public input was provided by: Don Starchman/ Starchman Law Offices, representing the applicant, who requested that the petition be denied and conditions be imposed for a road maintenance agreement. Tony Lashbrook/Planning Director, provided input. (M)Balmain, (S)Baggett, Res. 93-99 adopted denying petition/waiving requirement for a zone of benefit with stipulation that a road maintenance association be formed in accordance with County procedures; and further directing the inclusion of a covenant of non protest with respect to the future formation of a zone of benefit if the road system is further extended or expanded to serve other off-site parcels, inclusion of lien capability, inclusion of all of the parcels in the subdivision served by the road improvements in the on-site access easement, the access road serving the subdivision shall be signed as a private road; and inclusion of an annexation agreement for the "Woo" parcel. Don Starchman advised that these conditions are acceptable to the applicant. Motion was amended, agreeable with maker and second, directing that the road maintenance agreement be subject to review by County Counsel and Planning Director/Ayes:
Baggett, Balmain, Erickson, Parker; Not Voting: Taber. Hearing was closed.

cc: Tony Lashbrook, Planning Director
    Jeff Green, County Counsel
    File
TO: MIKE EDWARDS, INTERIM PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: ZONE OF BENEFIT - ROAD MAINTENANCE/ITALIAN ACRES

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on February 9, 1993

ACTION AND VOTE:

Public Hearing, Intent to Form a Zone of Benefit for Road Maintenance for Major Subdivision No. 2-24-92; Italian Acres/Mari, Applicant
NOTE: Hearing was Continued to 11:00 a.m.

11:02 a.m. Mike Edwards, Interim Public Works Director;
PUBLIC HEARING, Intent to Form a Zone of Benefit for Road Maintenance for Major Subdivision No. 2-24-92; Italian Acres/Mari, Applicant
BOARD ACTION: Hearing was opened and continued, at the applicant's request, to February 16, 1993, at 9:15 a.m.

cc: Tony Lashbrook, Planning Director
File