MARIPOSA COUNTY RESOLUTION NO. 93-605

A RESOLUTION APPROVING THE MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT ASSOCIATED WITH THE MIDPINES FIRE COMPANY'S PRIMARY RESPONSE AREA

WHEREAS, Mariposa County, through Resolution No. 88-379 established Mariposa Countywide County Service Area No. 1, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code as amended, and Chapter 2.2, Part 2, Division 2, of Title 3 of the Government Code, for the formation of a Countywide County Service Area; and

WHEREAS, the services to be provided by the County Service Area are all those described by Government Code Section 25210.4 and 25210.4a, including, but not limited to the following: water service, sewer service, fire protection, street and highway lighting, refuse collection, garbage collection, ambulance service, area planning, soil conservation and drainage control, animal control, transportation services, cemeteries, and geologic hazard abatement; and

WHEREAS, Mariposa County, through Resolution No. 88-571 established procedures for the formation of a zone of benefit to extend or provide services within the County Service Area No. 1; and

WHEREAS, the applicant, Dan Tinnel, County Fire Chief, on behalf of the Mariposa County Board of Supervisors and the Midpines Advisory Committee, has petitioned Mariposa County for the creation of the Midpines Fire Equipment Zone of Benefit, associated with the Midpines Fire Company's Primary Response Area; and

WHEREAS, the Board of Supervisors, through Resolution No. 93-553, filed a Resolution of Intention to form a Zone of Benefit, as required by Government Code Section 25210.32, and set a date and time for a public hearing; and

WHEREAS, on December 7, 1993, the Board of Supervisors held a duly noticed public hearing on the question of forming the Midpines Fire Equipment Zone of Benefit; and

WHEREAS, the Board of Supervisors received substantial public support for zone creation 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 creation of the MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT, as described and shown on attached STATEMENT OF ZONE CREATION.

BE IT FURTHER RESOLVED, the Board of Supervisors finds the creation of the Midpines Fire Equipment Zone of Benefit is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines based on the following findings:

1) The creation of the zone of benefit is an action taken by the Board of Supervisors to further assure the protection of structures and wildlands from fire.

2. The purchase of equipment will only enhance the existing level of service provided in Midpines and will not result in the delivery of new services.

3. It is determined with certainty that there is no possibility that the creation of the zone of benefit may have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, the Board of Supervisors directs that the Midpines Fire Equipment Zone of Benefit be automatically dissolved after six years, unless the Board of Supervisors holds a public hearing and votes to continue said zone in operation for an additional fixed term of years. Said hearing will be instigated after a term of five years, upon initiative of the Board of Supervisors, petition of the advisory committee, the recommendation of the County Fire Chief, or by petition of 10 percent of all parcel holders. Should the zone be continued, the same procedures for additional continuation can be invoked one year prior to the scheduled dissolution of the zone; otherwise, the Zone shall be automatically dissolved at the end of any approved continuation.

BE IT FURTHER RESOLVED, the Board of Supervisors directs the Auditor to immediately issue a check to the order of the State Board of Equalization in the amount of $2,200, drawn on the General Fund, in order that the state filing can be accomplished in calendar year 1993.

BE IT FURTHER RESOLVED, the Board of Supervisors adopts the Administrative procedures provided in the attached Exhibit "C", and directs that they be implemented by County staff.
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 7th day of December, 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 S. GREEN, County Counsel
EXHIBIT "C"
ADMINISTRATIVE PROCEDURES
MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT
ZONE OF BENEFIT APPLICATION NO. 93-01

1. At the time of formation, all Parcels shall be categorized as shown on the parcel listing attached hereto as Exhibit "E".

2. Parcel categorization shall be reviewed annually, and updated according to the use category definitions below:
   a) Government (Exempt)

      A parcel whose ownership, as shown on the latest Mariposa County equalized assessment roll, indicated Federal (BLM, Sierra National Forest, or Bureau of Indian Affairs), State (CalTrans R/W, CalTrans Maintenance Yard, SBE Utility Parcels, State School Lands, or State Resource Agency Lands), or County (Midpines County Park, MPUD, and Watershed Protection Lands) ownership; and has been determined to be exempt from the fees associated with privately owned parcels within the zone.

   b) Unimproved

      A parcel whose assessed valuation, as shown on the latest Mariposa County equalized assessment roll, does not include any secured assessed valuation for improvements and on which there are no unsecured assessed valuations for structural improvements, including wells and septic systems.

   c) Commercially Improved

      A parcel which is occupied by five (5) or more residential units, or whose assessed valuation, as shown on the latest Mariposa County equalized assessment roll, includes secured assessed valuation for improvements utilized or previously utilized as a commercial business, excluding single family residences used as bed and breakfast and transient rental operations.
d) Non-commercially improved

A parcel whose assessed valuation, as shown on the latest Mariposa County equalized assessment roll, includes secured assessed valuation for improvements or on which there are unsecured assessed valuations for structural improvements, including wells and septic systems, and does not meet the definition of a commercially improved parcel.

3. The Planning Department shall be responsible for preparing a yearly list of parcel maps, major subdivisions, reversions to acreage, parcel mergers, recognition of historic parcels, or any other process that changes the number of parcels; and building permits for parcels on which the building permit may change the use of the parcel from "unimproved" to "commercially improved" or "non-commercially improved"; or from "non-commercially improved" to "commercially improved". The Planning Department shall forward this list to the County Fire Chief by June 1 each year.

4. The County Fire Chief shall be responsible for reviewing the "changed use" parcel list, prepared by the Planning Department, to determine which changes, if any, necessitate changes in the zone assessments. The Fire Chief shall submit the reviewed list to the Board of Supervisors for approval, in June of each year, at a Public Fee Hearing, as required by the Government Code. Following the Board of Supervisor’s approval, said list shall be submitted to the auditor, for purposes of updating the next year’s Tax Roll.

5. Any parcel owner may appeal the proposed or approved designated land use categories for their parcel by the following procedures:

a) By written or oral presentation, after proposed, but prior to approval, at the annual Public Hearing.

b) After approval, by submitting a written appeal to the Board of Supervisors, to be considered at its next regularly scheduled meeting.
STATEMENT OF ZONE CREATION

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 County Wide County Service Area No. 1, County of Mariposa, State of California.

1. A certified copy of the resolution approving the creation of the MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT is attached hereto and titled "MARIPOSA COUNTY RESOLUTION NO. 93-605 -- A RESOLUTION APPROVING THE MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT ASSOCIATED WITH THE MIDPINES FIRE COMPANY'S PRIMARY RESPONSE AREA, 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 newly created zone of benefit 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
A Map Showing Portions of
T.3 S., R.18 E.; T.4 S., R.17 E.;
T.4 S., R.18 E.; T.4 S., R.19 E.;
T.5 S., R.18 E.; T.5 S., R.19 E.; and portions of
of Rancho Las Mariposas, lying in T.5 S., R.18 E.

Midpines Fire Equipment
Zone of Benefit
EXHIBIT "B"

LEGAL DESCRIPTION
for the
MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT

A contiguous Tract of Land, lying all within the County of Mariposa, State of California, being more particularly described as follows:

The following lands lying in Township 3 South, Range 18 East, Mount Diablo Base and Meridian: Sections 25, 26, 27, 33, 34, 35, 36, and the East Half of Section 28.

The following lands lying in Township 4 South, Range 17 East, Mount Diablo Base and Meridian: Section 12; the South Half of Section 1; the North Half of the North Half of Section 13; and the East Half of Section 11, EXCEPTING THEREFROM all of that Merced Irrigation District (MID) Land, lying adjacent to the Merced River, and being more particularly described as follows: Commencing at the North Quarter Corner of said Section 11, T.4 S., R.17 E., M.D.B. & M., said point being the TRUE POINT of BEGINNING for this exception, thence easterly along the North Line of said Section 11, North 89° 48' 30" East, 378.00 feet; thence leaving said North Line of Section 11, South 0° 32' 00" East, 287.40 feet; thence South 69° 38' 00" West, 401.85, more or less, to the north-south Center Section Line of Said Section 11; thence Northerly, along said Center Section Line, North 0° 31' 50" East, 426.00 feet, more or less to the POINT OF BEGINNING, said point being the terminus point of this exception contain 3.10 Acres, more or less.

The following lands lying in Township 4 South, Range 18 East, Mount Diablo Base and Meridian: Sections 1, 2, 3, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, the East Half of Section 20, the East Half of Section 29, and the East Half of Section 32.

The following lands lying in Township 4 South, Range 19 East, Mount Diablo Base and Meridian: Sections 31, and Government Lots 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, and 16 of Section 30.

The following lands lying in Township 5 South, Range 18 East, Ranchos Las Mariposas, Mount Diablo Base and Meridian: Projected Sections 1, 2, 3, 12, and 13; Projected Section 10, EXCEPTING THEREFROM the following described portion: Commencing
EXHIBIT "B"

LEGAL DESCRIPTION
for the

MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT

at Southeast Corner of Said Section 10, Said Corner being the TRUE POINT OF BEGINNING for this Exception; thence North, 2309.18 feet, along the Section Line common to Sections 10 and 11; thence leaving said Section Line, West, 1032.67 feet; thence North 31° 27' 59" West, 251.10 feet; thence North 33° 32' 15" West, 300.05 feet; thence North 33° 47' 09" West, 438.40 feet; thence North 41° 19' 39" West, 641.01 feet; thence North 49° 20' 30" West, 324.37 feet; thence North 10° 50' 10" West, 810.43 feet; thence North 9° 26' 34" West, 169.92 feet; thence North 89° 53' 24" West, 2856.50 feet, more or less, to the West Section Line of Said Section 10; thence South, 4800.48 feet, more or less, along the Section Line common to Sections 9 and 10, to the Southwest Corner of Said Section 10; thence East, 5280.00 feet, more or less along the Section Line common to Sections 10 and 15, to the Southeast Corner of Said Section 10, said Corner being the Terminus of this Exception containing 474.97 Acres, more or less. Projected Section 11, EXCEPTING THEREFROM the following described portion: Commencing at Southwest Corner of Said Section 11, said Corner being the TRUE POINT OF BEGINNING for this Exception; thence North 0° East, 2307.77 feet, along the Section Line common to Sections 10 and 11; thence leaving said Section Line, North 89° 56' 59" East, 804.74 feet; thence South 9° 9' 30" East, 243.33 feet; thence South 22° 23' 45" East, 404.69 feet; thence South 12° 32' 34" East, 41.13 feet; thence West, 53.29 feet; thence South, 100.00 feet; thence East, 75.54 feet; thence South 12° 32' 34" East, 147.54 feet; thence South 34° 10' 23" East, 1705.00 feet, more or less, to a point on the South Section Line of said Section 11; thence North 89° 58' 48" West, 2018.56 feet, more or less, along the Section Line common to Sections 11 and 14, to the Southwest Corner of said Section 11, said Corner being the Terminus of this Exception containing 68.85 Acres, more or less. All of that portion of Projected Section 14, more particularly described as follows: Commencing at Northeast Corner of Said Section 14 said Corner being the TRUE POINT OF BEGINNING for this description; thence West, 2164.46 feet, more or less, along the line common to Section 11 and 14, to a point on Westerly Right-of-Way Line of State Highway 140; thence leaving said Section Line, and continuing southwesterly along said Westerly Right-of-Way Line, South 28° 04' West, 545.70 feet; thence South 19° 47' West, 277.89 feet; thence South 28° 04 West, 265.10 feet, more or less to the North-South Center-Section Line; thence leaving said Right-of-Way Line, and continuing South, 343.06, on said Center-Section Line, to the Center North 1/16 Corner; thence leaving said Center-Section Line, and continuing East, 1320.00 feet,
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LEGAL DESCRIPTION

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MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT

along the East-West 1/16th Line, to the Northeast 1/16th Corner; thence leaving said East-West 1/16th Line and continuing South, 3960.00 feet, along the North-South 1/16th Line, to the South Line of said Section 14; thence leaving said North-South 1/16th Line, and continuing East, 1320.00 feet, along said South Line of Section 14, to the Southeast Corner of said Section 14; thence leaving said South Line, and continuing North, 5280.00 feet, more or less, along the East Line of said Section 14, to the Northeast Corner of said Section, said Corner being the Terminus of this description containing 194.80 Acres, more or less.

The following lands lying in Township 5 South, Range 19 East, Mount Diablo Base and Meridian:

All of Sections 5, 6, and 7; the West Half of Section 4; the Northwest Quarter of the Northwest Quarter of Section 9;

Section 8, EXCEPTING THEREFROM the following described portion: Commencing at Southeast Corner of Said Section 8, said Corner being the TRUE POINT OF BEGINNING for this Exception; thence Westerly along the South Line of said Section 8, South 87° 26' 30" West, 2553.54 feet, to the South Quarter Corner of said Section 8; thence, South 87° 26' 20" West, 1149.90, to the 1/16th Corner; thence leaving said South Line, and continuing Northerly along the West line of the Southeast quarter of the Southwest quarter of Section 8, North 0° 17' 47" East, 1323.89 feet; thence leaving said West line, and continuing easterly along the North line of said Southeast quarter of the Southwest quarter, North 87° 35' 26" East, 1165.53 feet; thence South 0° 57' 26" West, 228.64 feet; thence North 62° 13' 33" East, 792.85 feet; thence North 23° 55' 32" East, 321.95 feet; thence North 56° 33' 53" East, 100.00 feet; thence North 41° 51' 17" West, 885.11 feet; thence North 83° 30' 30" East, 181.37 feet; thence North 8° 25' 41" East, 179.48 feet; thence South 73° 38' 24" East, 446.58 feet; thence North 83° 30' 30" East, 723.40 feet; thence North 0° 05' 45" West, 66.64 feet; thence North 88° 04' 23" East, 832.13 feet, more or less, to the East quarter corner of said Section 8; thence Southerly, along the East Section Line of said Section 8, South 0° 28' 58" East, 2605.76 feet, more or less, to the Southeast Corner of said Section 8, said Corner being the Terminus of this description containing 164.25 Acres, more or less.
NOTICE OF ZONE FORMATION

This notice is being recorded as a matter of constructive notice to any potential buyers of Parcels within the boundaries of the Midpines Fire Company's Primary Response Area, as shown on the map on file at the Mariposa County Fire Department, and recorded in the Official Records of Mariposa County as Document No. __________, that these parcels are subject to yearly assessments for the Midpines Fire Equipment Zone of Benefit.

On December 7, 1993, the Board of Supervisors of the County of Mariposa held a duly noticed public hearing on the questions of forming the Midpines Fire Equipment Zone of Benefit associated with the Midpines Fire Company's Primary Response Area, and did pass and adopt "MARIPOSA COUNTY RESOLUTION NO. 93- __________) -- A RESOLUTION APPROVING THE MIDPINES FIRE EQUIPMENT ZONE OF BENEFIT. 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.


[Signature]

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Signature]

MARGIE WILLIAMS, Clerk of the Board
Scale: 1" = 8000'

A Map Showing Portions of
T.3 S., R.18 E.; T.4 S., R.17 E.;
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