

DEPARTMENT: Public Works

By: Bruce A. Atkinson Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X)

1. Adopt the attached Resolution Approving The Zone Of Benefit For: Yosemite Views Estates, Franklyn W. LoVerme; and
2. Adopt the attached Ordinance Establishing Assessment Fees For: Yosemite Views Estates, Franklyn W. LoVerme; and
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 September 8, 1992, the Board adopted a Resolution of Intention to form a Zone of Benefit for the Yosemite Views Estates, for Franklyn W. LoVerme. An application had been filed as a condition of approval of a twelve (12) parcel (eleven lots and a remainder parcel) major subdivision with legal access off of Old Highway. Since the road covered by this zone provides access to off-site parcels, an exemption (to the formation of a zone) would not be allowed under current County policy. For additional details, see attached Staff Report dated October 6, 1992.

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.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated costs \$ * _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>SOURCE: () 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: * Costs will be paid by owners within Zone</p> <p>Balance in Reserve Contingencies, if approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p>1. Resolution approving zone/Statement of Zone Creation _____</p> <p>2. Ordinance establishing fees _____</p> <p>3. Notice of Zone Formation _____</p> <p>4. Staff Report _____</p>
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<p>CLERK'S USE ONLY</p> <p>Res. No.: 92-548 Ord. No. _____</p> <p>Vote - Ayes: 3 Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p>Approved () Denied</p> <p>(X) Minute Order Attached () No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California</p> <p>By: _____ Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as:</p> <p><input checked="" type="checkbox"/> Recommended</p> <p><input type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Submitted with Comment</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>A.O. Initials: _____</p>
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: LARRY POLLARD, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*

RE: ZONES OF BENEFIT PUBLIC HEARINGS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 20, 1992.

ACTION AND VOTE:

9:18 a.m. Larry Pollard, Public Works Director;
Vice-Chairman opened and conducted the following hearings
simultaneously:

A) PUBLIC HEARING, Intent to Form a Zone of Benefit for
Road Maintenance for Parcel Map for Land Division Application No.
1307; Jones/Applicant (Continued from September 22, 1992)

NOTE: Recommendation is to Cancel Public Hearing and Terminate
all Proceedings on this Matter

B) PUBLIC HEARING, Intent to Form a Zone of Benefit for
Road Maintenance for Parcel Map for Land Division Application No.
1367; Kjaer/Applicant (Continued from September 8, 1992)

NOTE: Recommendation is to Cancel Public Hearing and Terminate
all Proceedings on this Matter

C) PUBLIC HEARING, Intent to Form a Zone of Benefit for
Road Maintenance for Parcel Map for Land Division Application No.
8/30/91; Yosemite Views Estates/Applicant

D) PUBLIC HEARING, Intent to Form a Zone of Benefit for
Road Maintenance for Parcel Map for Land Division Application No.
1391; O'Malley/Applicant

BOARD ACTION: Larry provided staff report for each of the
hearings. Public input was provided by Mrs. Dixon for LDA 1367.
Res. 92-546 adopted canceling hearing and terminating all
proceedings for zone of benefit for LDA 1307/Jones, applicant;
and Res. 92-547 adopted canceling hearing and terminating all
proceedings for zone of benefit for LDA1367/Kjaer, applicant -
Ayes: (M)Radanovich, (S)Baggett, Erickson, Taber; Excused:
Punte. Public input was provided by Matthew Henley for LDA
8/30/91. Res. 92-548 adopted approving zone of benefit for LDA
8/30/91/Yosemite View Estates, and authorizing Chairperson to
sign Statement of Zone Creation and the recordation of Notice of

LARRY POLLARD, PUBLIC WORKS DIRECTOR
ZONES OF BENEFIT MINUTE ORDER
October 20, 1992
Page 2

Formation; and first reading was waived and an ordinance introduced establishing assessment fees for this zone/Ayes: (M)Radanovich, (S)Baggett, Erickson; Abstained: Taber; Excused: Punte. No public input was received for LDA 1391. Res. 92-549 adopted approving zone of benefit for LDA 1391/O'Malley, and authorizing Chairperson to sign Statement of Zone Creation and the recordation of Notice of Formation; and first reading was waived and an ordinance introduced establishing assessment fees for this zone/Ayes: (M)Baggett, (S)Radanovich, Erickson, Taber; Excused: Punte. Hearings were closed.

cc: File

MARIPOSA COUNTY RESOLUTION NO. 92-548

A RESOLUTION APPROVING THE WILBURS WAY MAINTENANCE ZONE OF BENEFIT
FOR THE YOSEMITE VIEWS ESTATES MAJOR SUBDIVISION

WHEREAS, Section II.I.2 (page 17) of the Mariposa County Road Improvement and Circulation Policy requires the formation of a Zone of Benefit on all subdivision roads that serve more than four parcels; and

WHEREAS, the applicant, Franklyn W. LoVerme, has petitioned Mariposa County for the creation of the Wilburs Way Maintenance Zone of Benefit, in association with the Yosemite Views Estates Major Subdivision; and

WHEREAS, the Board of Supervisors, through Resolution No. 92-467, 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 October 20, 1992, the Board of Supervisors held a duly noticed public hearing on the question of forming the Wilburs Way Maintenance Zone of Benefit; 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 creation of the WILBURS WAY MAINTENANCE ZONE OF BENEFIT, as described and shown on attached STATEMENT OF ZONE CREATION.

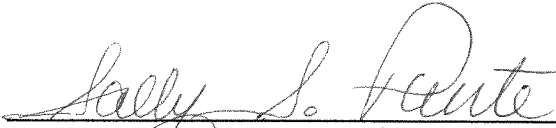
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of October, 1992, by the following vote:

AYES: BAGGETT, ERICKSON, RADANOVICH

NOES: NONE

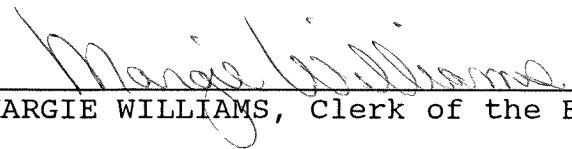
ABSENT: PUNTE

ABSTAINED: TABER



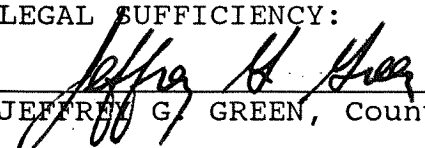
SALLY S. PUNTE, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



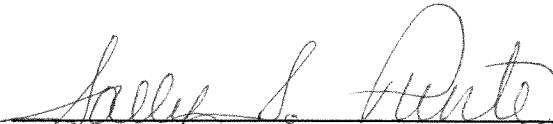
JEFFREY G. GREEN, County Counsel

STATEMENT OF ZONE 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 Countywide County Service Area No. 1, County of Mariposa, State of California.

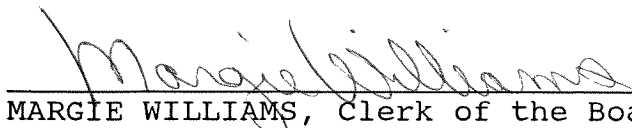
1. A certified copy of the resolution approving the creation of the WILBURS WAY MAINTENANCE ZONE OF BENEFIT is attached hereto and titled "MARIPOSA COUNTY RESOLUTION NO. 92-548 -- A RESOLUTION APPROVING THE WILBURS WAY MAINTENANCE ZONE OF BENEFIT FOR THE YOSEMITE VIEWS ESTATES MAJOR SUBDIVISION", and 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.

DATED: 10-22, 1992.



SALLY S. PUNTE, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

EXHIBIT A

A tract of land situated in a portion of Projected Section 4, Township 6 South, Range 18 East, M.D.B. & M., Rancho Las Mariposas, Mariposa County, State of California, said tract of land being more particularly described as follows:

BEGINNING at the southwest corner of said Section 4, said corner also being the southwest corner of Parcel A as said Parcel A is delineated on that certain map entitled "Parcel Map for Wilbur E. Peterson" recorded June 9, 1975 in Book 9 of Parcel Maps at page 18, Mariposa County Records; thence $N00^{\circ}27'38''W$, along the westerly line of said Section 4 and said Parcel A, for 133.88 feet to the southeast corner of Section 5 of said Township and Range; thence, continuing along the westerly line of said Section 4 and said Parcel A, $N00^{\circ}30'04''W$ for 4127.62 feet; thence, leaving the westerly line of said Section 4, $N57^{\circ}47'25''E$ for 425.00 feet; thence $S40^{\circ}21'30''E$ for 425.00 feet; thence $S25^{\circ}52'53''E$ for 370.67 feet; thence $S13^{\circ}30'30''E$ for 92.81 feet to a point on the westerly line of PARCEL 2, as said PARCEL 2 is described in Quitclaim Deed to HORNOR E. LO VERME, an unmarried woman, recorded May 23, 1991 as Document No. 912652 in the Official Records of Mariposa County, said point being located

N00°36'43"E a distance of 797.02 feet from the southwest corner thereof; thence S13°30'30"E for 206.78 feet; thence S08°29'12"W for 246.92 feet; thence S20°44'59"E for 259.26 feet to a point on the southeasterly line of said PARCEL 2, said point being located N45°46'16"E a distance of 156.62 feet from the southwest corner of said PARCEL 2; thence S45°46'16"W, along the southeasterly line of said PARCEL 2, for 156.62 feet to the southwest corner thereof, said corner also being an angle point in the easterly line of said Parcel A; thence along the easterly line of said PARCEL A the following five (5) courses and distances:

1. S37°44'02"E for 875.36 feet; thence
2. S33°45'45"E for 357.24 feet; thence
3. S37°52'14"E for 824.71 feet; thence
4. S62°48'05"W for 433.88 feet; thence
5. S09°27'26"E for 1131.94 feet to the southeast corner of said Parcel A, said corner also being a point on the southerly line of said Section 4; thence N89°37'31"W, along the southerly line of said Parcel A and said Section 4, for 1813.25 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 130.86 acres, more or less, and is subject to any rights-of-way or easements of record or legally acquired.

Prepared by:




Richard A. Seaman, L.S. 5339

9/16/92
Date

Recording Requested By:
Mariposa Public Works Department

When recorded mail to:

Public Works Department
County of Mariposa
4639 Ben Hur Road
Mariposa, CA 95338

A.P.N. 017-010-035-0

NOTICE OF ZONE FORMATION

This notice is being recorded as a matter of constructive notice to any potential buyers of Lots 1 through 11, or the Remainder areas as shown on the Map of Yosemite Views Estates -- Phase 1, recorded in the Book of Maps at Page _____, Mariposa County Records, that these lots/remainers areas are subject to yearly assessments for the maintenance of Wilburs Way.

On October 20, 1992, the Board of Supervisors of the County of Mariposa held a duly noticed public hearing on the questions of forming the Wilburs Way Maintenance Zone of Benefit for the Yosemite View Estates Major Subdivision, and did pass and adopt "MARIPOSA COUNTY RESOLUTION NO. 92-548 -- A RESOLUTION APPROVING THE WILBURS WAY MAINTENANCE ZONE OF BENEFIT FOR THE YOSEMITE VIEWS ESTATES MAJOR SUBDIVISION. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference are incorporated herein.

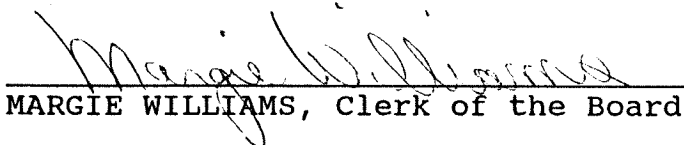
Pursuant to Section 54902 of the California Government Code, assessments for this Zone of Benefit shall begin for the Fiscal Year 1993-1994, or the period July 1, 1993 to June 30, 1994.

DATED: 10 - 22, 1992.



SALLY S. PUNTE, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

EXHIBIT A

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BEGINNING at the southwest corner of said Section 4, said corner also being the southwest corner of Parcel A as said Parcel A is delineated on that certain map entitled "Parcel Map for Wilbur E. Peterson" recorded June 9, 1975 in Book 9 of Parcel Maps at page 18, Mariposa County Records; thence $N00^{\circ}27'38"W$, along the westerly line of said Section 4 and said Parcel A, for 133.88 feet to the southeast corner of Section 5 of said Township and Range; thence, continuing along the westerly line of said Section 4 and said Parcel A, $N00^{\circ}30'04"W$ for 4127.62 feet; thence, leaving the westerly line of said Section 4, $N57^{\circ}47'25"E$ for 425.00 feet; thence $S40^{\circ}21'30"E$ for 425.00 feet; thence $S25^{\circ}52'53"E$ for 370.67 feet; thence $S13^{\circ}30'30"E$ for 92.81 feet to a point on the westerly line of PARCEL 2, as said PARCEL 2 is described in Quitclaim Deed to HORNOR E. LO VERME, an unmarried woman, recorded May 23, 1991 as Document No. 912652 in the Official Records of Mariposa County, said point being located

N00°36'43"E a distance of 797.02 feet from the southwest corner thereof; thence S13°30'30"E for 206.78 feet; thence S08°29'12"W for 246.92 feet; thence S20°44'59"E for 259.26 feet to a point on the southeasterly line of said PARCEL 2, said point being located N45°46'16"E a distance of 156.62 feet from the southwest corner of said PARCEL 2; thence S45°46'16"W, along the southeasterly line of said PARCEL 2, for 156.62 feet to the southwest corner thereof, said corner also being an angle point in the easterly line of said Parcel A; thence along the easterly line of said PARCEL A the following five (5) courses and distances:

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2. S33°45'45"E for 357.24 feet; thence
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4. S62°48'05"W for 433.88 feet; thence
5. S09°27'26"E for 1131.94 feet to the southeast corner of said Parcel A, said corner also being a point on the southerly line of said Section 4; thence N89°37'31"W, along the southerly line of said Parcel A and said Section 4, for 1813.25 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 130.86 acres, more or less, and is subject to any rights-of-way or easements of record or legally acquired.

Prepared by:



Richard A. Seaman, L.S. 5339

Date

EXHIBIT "B"

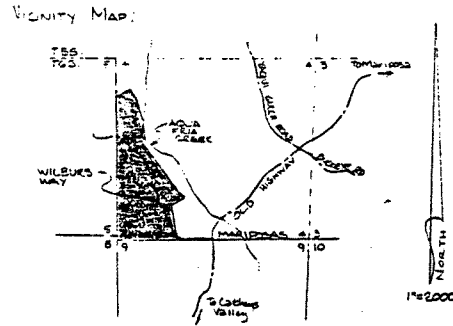
WILBURS WAY MAINTENANCE ZONE OF BENEFIT

BEING SITUATED IN A PORTION OF PROJECTED
SECTION 4, T. 45 N., R. 18E., M.D.B. & M., RANCHO
LAS MARIPOSAS.

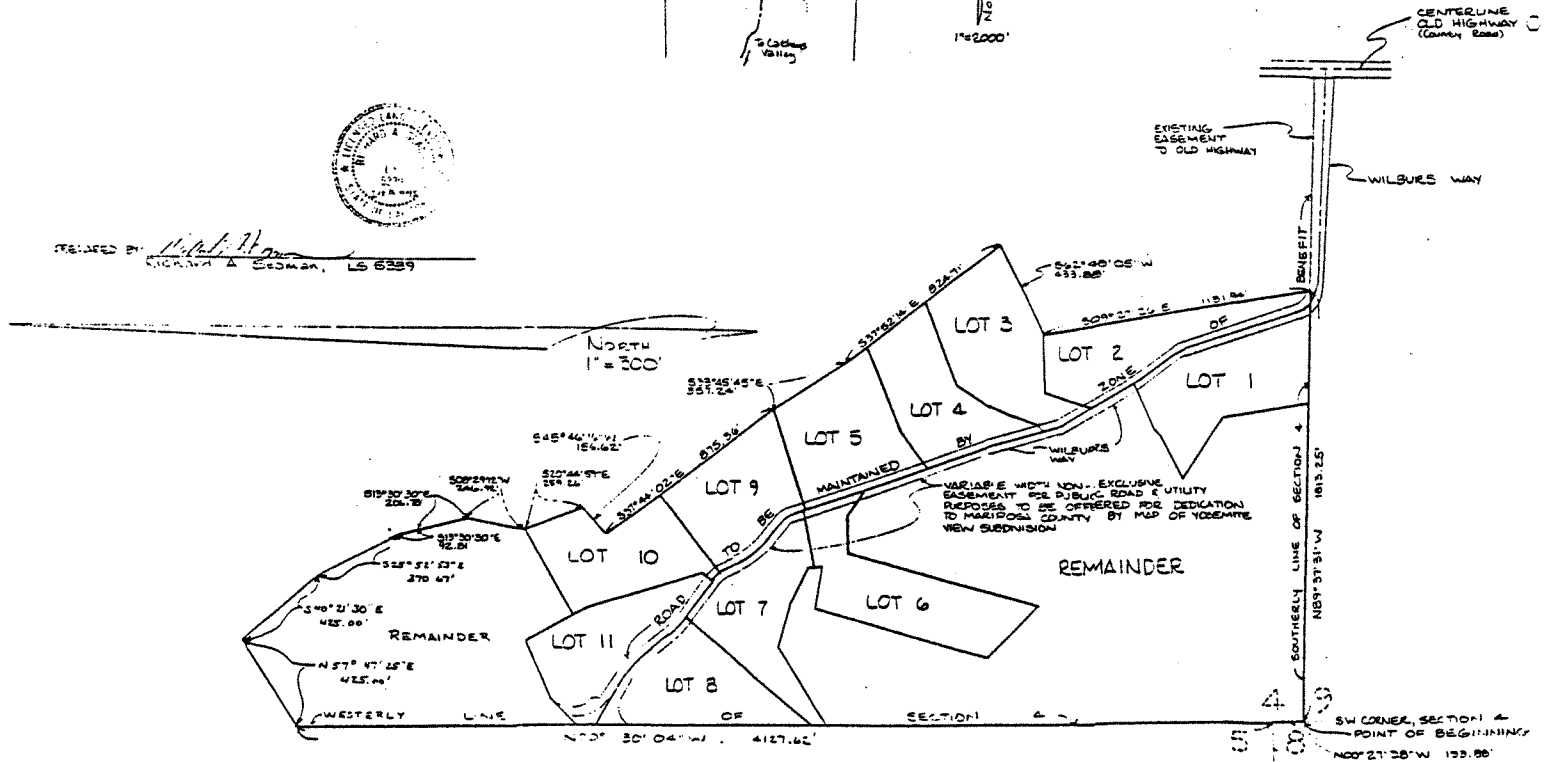
MARIPOSA COUNTY
APRIL 1992

CALIFORNIA
SCALE: 1"=300'

① Old Highway, ex-certa County maintained road,
not to be maintained by this Zone of Benefit.



PREPARED BY: *Freeman & Seaman*
FREEMAN & SEAMAN, LS 6589



FREEMAN & SEAMAN LAND SURVEYORS 910614
PO BOX 1205/5037 SULLIVAN ST MARIPOSA, CA 95334/REG 506-3724

EXHIBIT "B"

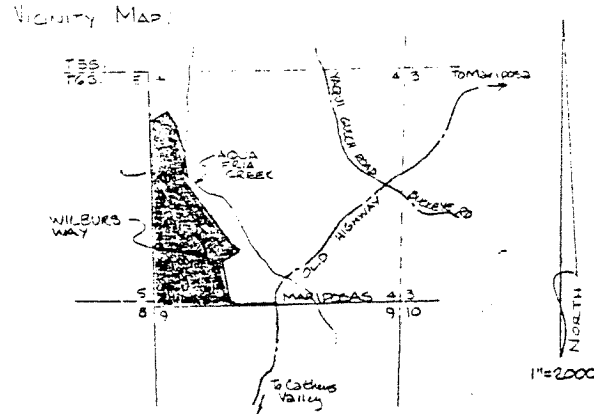
WILBURS WAY MAINTENANCE ZONE OF BENEFIT

BEING SITUATED IN A PORTION OF PROPOSED SECTION 4, T.4S., R.18E., M.D.B.R.M., RANCHO LAS MARIPOSAS.

MARIPOSA COUNTY
APRIL 1992

CALIFORNIA
SCALE: 1"=300'

Old Highway, ex-certa County maintained road, not to be maintained by this Zone of Benefit.



PREPARED BY: Richard A. Seaman
RICHARD A. SEAMAN, LS 5279

