

DEPARTMENT: Public Works

By: Bruce A. Atkinson Phone: 966-5356

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

A Resolution of Intention to dissolve The Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouses Project.

1. Adopt the attached Resolution of Intention to dissolve The Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project;
2. Set a date and time for a Public Hearing:
  - a. to consider the elimination of the Road Maintenance services provided by the Lake Don Pedro Townhouse Project--Road Maintenance Zone of Benefit;
  - b. to consider the dissolutionment of said Lake Don Pedro Townhouse Project--Road Maintenance Zone of Benefit; and
  - c. to determine the appropriate charges for the requested action.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On November 13, 1990, the Board of Supervisors adopted Resolutions Nos. 90-544 and 90-545; 90-544 approved the formation of The Zone of Benefit for Road Maintenance at the Lake Don Pedro Townhouse Project; and 90-545 approved the Subdivision Map of Lake Don Pedro Townhouses, subject to the conditions of a Deferred Improvement Agreement, with security. The Deferred Improvement Agreement required compliance with all conditions of Planning Commission Resolution No. 85-25. Under condition number (3) of said Planning Commission Resolution, the applicant was required to establish an "area of benefit" for the maintenance of the common facilities. The County required the formation of a zone of benefit for maintenance of the road system; however, the applicant was allowed to use a private Maintenance Agreement for the maintenance of the lighting, landscaping, drainage and other common areas not covered by the Road Maintenance Zone of Benefit. The applicant/landowner has now requested that the maintenance of roads within his project also be included within his private maintenance agreement. On May 5, 1992, the Board approved Resolution No. 92-232, which amended the Road Improvement and Circulation Policy to allow for an exemption from the requirement to establish a zone of benefit for road maintenance under certain circumstances. This project appears to qualify for such an exemption. The previous item before the Board included a Declaration of Restrictions defining the maintenance of common facilities as responsibilities of the Howowners' Association. These documents have been reviewed and approved by County Counsel relative to providing the required mechanism for private maintenance.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do not adopt this resolution; and require the applicant to keep the Road Maintenance Zone of Benefit to guarantee the maintenance of his project's roads.

COSTS: (X) 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:

Resolution of Intention

Vicinity Map

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY**

Res. No.: 92-627 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
 Approved  Denied  
 Minute Order Attached  No Action Necessary

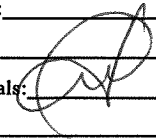
The foregoing instrument is a correct copy of  
the original on file in this office.

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: 

MARIPOSA COUNTY RESOLUTION NO. 92-627

A RESOLUTION OF INTENTION TO DISSOLVE THE ROAD MAINTENANCE  
ZONE OF BENEFIT FOR THE LAKE DON PEDRO TOWNHOUSE PROJECT

WHEREAS, VITO MAZZONE as applicant and landowner of the property within the boundaries of the SUBDIVISION MAP OF LAKE DON PEDRO TOWNHOUSES, has made application for the dissolution of the zone of benefit that was formed to provide road maintenance services within County Service Area No. 1-M, in accordance with the provisions of Mariposa County Resolution No. 90-140; and

WHEREAS, the zone of benefit applied for is in an unincorporated area within the boundaries of the County of Mariposa; and

WHEREAS, the terms, conditions and reasons for this zone of benefit are expressed in an application presented to the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board of Supervisors will hold a public hearing on January 12, 1993, at 9:10 A.M., in the Board of Supervisors Meeting Room, County Courthouse, Mariposa, California, to consider elimination of the road maintenance services provided in the zone of benefit established by Mariposa County Resolution No. 90-544, and a determination of the appropriate charges for this dissolutionment process.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall give notice of such public hearing as required in Government Code Section 25210.39b.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 24th day of NOVEMBER, 1992, by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

NOES: NONE

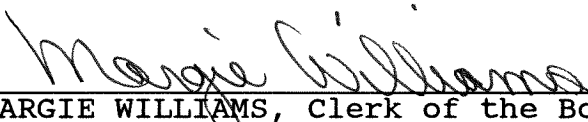
ABSENT: NONE

ABSTAINED: NONE

BY   
VICE CHAIRMAN

Sally S. Punte, Chairman  
Mariposa County Board of Supervisor

ATTEST:

  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
JEFFREY G. GREEN, County Counsel

