RESOLUTION - ACTION REQUESTED 2018-579

MEETING: December 4, 2018

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Hold a Public Hearing and Adopt a Resolution of Formation

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution Forming the Mariposa Oak Woods Zone of Benefit.

The County was approached by the controlling property owner of Mariposa Oak Woods and concur in its request to establish a zone of benefit as a vehicle to insure that funds are available well into the future for road maintenance and repair.

Staff recommends passage of this Resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board traditionally approves the formation of a zone of benefit when approached by a majority of the property owners.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A zone of benefit will not be established and the property owners will not have a readily available vehicle for road maintenance and repair within the subdivision as there will be an inability to levy and collect assessments.

ATTACHMENTS:
Resolution of Formation of the Mariposa Oak Woods ZOB (DOC)
EXHIBIT A - LEGAL AND MAP (PDF)
EXHIBIT B - WAIVERS (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
RESOLUTION NO. 18-579

RESOLUTION FORMING THE MARIPOSA OAK WOODS ZONE OF BENEFIT WITHIN COUNTYWIDE SERVICE AREA NO. 1

WHEREAS, pursuant to Resolution No. 18-579 adopted on December 4, 2018, the Board stated its intention to establish the Mariposa Oak Woods Zone of Benefit for Countywide County Service Area No. 1 in order to administer road maintenance and repairs within Mariposa Oak Woods, an unincorporated area within the County of Mariposa; and

WHEREAS, the territory for the Mariposa Oak Woods Zone of Benefit is described and depicted on the legal description and map, collectively attached as Exhibit “A” and incorporated by reference; and

WHEREAS, on December 4, 2018, the Board held a full and fair public hearing on the formation of the Mariposa Oak Woods Zone of Benefit. At the hearing, all interested persons had an opportunity to provide oral and written testimony; and

WHEREAS, all owners of property located within the proposed Mariposa Oak Woods Zone of Benefit have consented to formation of the zone of benefit and have waived time limits and notice requirements that would otherwise apply. Those waivers are attached hereto as Exhibit “B” and incorporated by reference; and

WHEREAS, no owner of property located within the proposed Mariposa Oak Woods Zone of Benefit has submitted a written protest against formation of the Mariposa Oak Woods Zone of Benefit; and

WHEREAS, the Board now desires to form the Mariposa Oak Woods Zone of Benefit to administer road maintenance and repairs within Mariposa Oak Woods.

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors of the County of Mariposa as follows:

SECTION 1 The foregoing recitals are true and correct.

SECTION 2 The Board hereby establishes the Mariposa Oak Woods Zone of Benefit within Countywide County Service Area No. 1 to administer road maintenance and repairs within Mariposa Oak Woods.

PASSED AND ADOPTED this 4th day of December, 2018 by the following vote;

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT: NONE

Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

ATTEST:

RENEE LA ROCHE
Renee LaRoche, Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLER
Steven W. Dahlern, County Counsel

201337.1
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. Ownership. Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor’s Parcel Number 013-012-001 (the “Real Property”), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. Adequate Time. Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 (“Engineer’s Report”) attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. Consent to Formation and Assessment. Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment (“Assessment”) described in the Engineer’s Report.

4. Waiver of time limits. Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. Waiver of notice. Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. Tabulating Ballots. Landowner hereby consents to the election official’s unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. Designation of Authorized Representative. Landowner hereby designates as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is:

7215 Tipton Rd., Mariposa, CA 95338.

8. Formation Process. Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner’s successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 4, 2017, at [signature], California

LANDOWNER:

By: [signature]

Print Name

Affiliation
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. Ownership. Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor’s Parcel Number 013-012-002 (the “Real Property”), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. Adequate Time. Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 (“Engineer’s Report”) attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. Consent to Formation and Assessment. Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment (“Assessment”) described in the Engineer’s Report.

4. Waiver of time limits. Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. Waiver of notice. Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. Tabulating Ballots. Landowner hereby consents to the election official’s unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. Designation of Authorized Representative. Landowner hereby designates [Signature] as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is:

Mariposa CA 95338.

8. Formation Process. Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner’s successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 4, 2017, at ______________, California

LANDOWNER:

By: __________________________

Print Name: __________________________

Affiliation: __________________________
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. Ownership. Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor’s Parcel Number 013-012-003 (the “Real Property”), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. Adequate Time. Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 (“Engineer’s Report”) attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. Consent to Formation and Assessment. Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment (“Assessment”) described in the Engineer’s Report.

4. Waiver of time limits. Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. Waiver of notice. Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. Tabulating Ballots. Landowner hereby consents to the election official’s unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. Designation of Authorized Representative. Landowner hereby designates as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is:

8. Formation Process. Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner’s successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 14, 2017, at 9:38 a.m. San Jose, California

LANDOWNER:

[Signature]

By: [Signature]

Print Name: [Name]

Affiliation: [Affiliation]
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. Ownership. Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor’s Parcel Number 013-012-004 (the “Real Property”), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. Adequate Time. Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 (“Engineer’s Report”) attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. Consent to Formation and Assessment. Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment (“Assessment”) described in the Engineer’s Report.

4. Waiver of time limits. Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. Waiver of notice. Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. Tabulating Ballots. Landowner hereby consents to the election official’s unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. Designation of Authorized Representative. Landowner hereby designates Karen Watangakeere as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is: P.O. Box 219, Mariposa, CA 95338.

8. Formation Process. Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner’s successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2017, at Mariposa, California

LANDOWNER:

By: [Signature]

Print Name: [Signature]

Owner

Affiliation
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. **Ownership.** Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor's Parcel Number 013-012-005 (the "Real Property:"), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. **Adequate Time.** Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 ("Engineer’s Report") attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. **Consent to Formation and Assessment.** Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment ("Assessment") described in the Engineer’s Report.

4. **Waiver of time limits.** Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. **Waiver of notice.** Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. **Tabulating Ballots.** Landowner hereby consents to the election official's unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. **Designation of Authorized Representative.** Landowner hereby designates [Name] as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is: [Address], Mariposa, CA 95338.

8. **Formation Process.** Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner's successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2017, at Mariposa, California

LANDOWNER:

[Signature]

By: [Signature]

Timothy M. Wieg

Print Name

Affiliation
WAIVER AND CONSENT

by owner of property proposed to be included in
Mariposa Oak Woods Subdivision Zone of Benefit
within Countywide Service Area No. 1
regarding time limits and procedural requirements

1. **Ownership.** Landowner is the owner of the real property described in Exhibit A, attached hereto and incorporated herein by reference, County Assessor’s Parcel Number 013-012-006 (the “Real Property”), which is proposed to be included in the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1.

2. **Adequate Time.** Landowner acknowledges the Mariposa County Board of Supervisors is considering formation of the Mariposa Oak Woods Subdivision Zone of Benefit within Countywide Service Area No. 1 in order to provide additional services described in the Engineer’s Report dated September 23, 2015 (“Engineer’s Report”) attached as Exhibit B. Landowner has had sufficient time to consider and reflect on Landowner’s vote in this matter.

3. **Consent to Formation and Assessment.** Landowner hereby consents to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and the imposition of the assessment (“Assessment”) described in the Engineer’s Report.

4. **Waiver of time limits.** Landowner waives all time limits applicable to the formation of the Mariposa Oak Woods Subdivision Zone of Benefit and imposition of the Assessment; including, but not limited to, time limits provided under County Service Area Law (Gov. Code §§ 25210 et seq.), Proposition 218, and the Proposition 218 Omnibus Implementation Act (Gov. Code §§ 53750 et seq.).

5. **Waiver of notice.** Landowner waives all notice requirements with respect to the Assessment, whether published, mailed, or otherwise provided, and whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere.

6. **Tabulating Ballots.** Landowner hereby consents to the election official’s unsealing and tabulating of the Landowner’s assessment ballot upon its receipt and waives any rights Landowner may have related to concealment of the ballot.

7. **Designation of Authorized Representative.** Landowner hereby designates [Signature] as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is: Mariposa, CA 95338.

8. **Formation Process.** Landowner waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the County Service Area Law, Proposition 218, or the Proposition 218 Omnibus Implementation Act, and any and all laws
incorporated therein, in the formation process and acknowledges that the formation of the Mariposa Oak Woods Subdivision Zone of Benefit is valid and shall not be affected by any such error, irregularity, or departure.

9. **Successors.** Landowner agrees that the waivers provided above shall be binding upon Landowner and Landowner’s successors-in-interest and shall run with the land.

The person executing this Waiver and Consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

I affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 6, 2017, at ___________, California

LANDOWNER:

By:_________________________
Print Name:_________________
Affiliation:_________________