RESOLUTION - ACTION REQUESTED 2018-580

MEETING: December 4, 2018

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Resolution Levying an Assessment on the Mariposa Oak Woods ZOB

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution Levying an Assessment on the Mariposa Oak Woods Zone of Benefit to Fund Road Maintenance and Repairs.

The County was approached by the controlling property owner of Mariposa Oak Woods and concurs 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:
Mariposa Oak Woods Assessment Reso Levying - REVLEG (DOC)
Mariposa Oak Woods Engineer Rpt_Final (PDF)
EXHIBIT B - WAIVERS (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
RESOLUTION NO. 18-580

RESOLUTION LEVYING AN ASSESSMENT ON THE MARIPOSA OAK WOODS ZONE OF BENEFIT TO FUND ROAD MAINTENANCE AND REPAIRS

WHEREAS, the Mariposa Oak Woods Zone of Benefit within Countywide County Service Area No. 1 was formed on December 4, 2018 pursuant to Resolution No. 18-580; and

WHEREAS, the purpose for formation of the Mariposa Oak Woods Zone of Benefit is to provide road maintenance and repairs within Mariposa Oak Woods, an unincorporated area within the County of Mariposa; and

WHEREAS, the Board retained Roger L. Stephens, P.E. to prepare a report dated September 23, 2015 ("Report") in compliance with Proposition 218. The Report is attached as Exhibit “A” and incorporated by reference; and

WHEREAS, the Report recommends an assessment ("Assessment") against each parcel located within the Mariposa Oak Woods Zone of Benefit in proportion to special benefits conferred by road maintenance and repairs; and

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

WHEREAS, on December 4, 2018, the Board held a full and fair public hearing on the Assessment. At the hearing, all interested persons had an opportunity to provide oral and written testimony; and

WHEREAS, the Board accepted and caused the tabulation of all ballots submitted in favor of and against the Assessment. Based upon the results of this tabulation, a majority protest against the Assessment does not exist; and

WHEREAS, the Board desires to impose the Assessment in order to fund road maintenance and repairs within the Mariposa Oak Woods Zone of Benefit.

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

Section 1. The foregoing recitals are all true and correct.

Section 2. The Report is approved and adopted.
Section 3. The Board imposes the Assessment, as described in the Report.

Section 4. The Assessment is levied for Calendar Year 2019 at the rate set forth in the Report.

Section 5. For years subsequent to Calendar Year 2019, the Board instructs staff to take all actions necessary to cause the Assessment to be collected by the County along with the ad valorem property taxes.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of Mariposa County held on the 4th day of December 2018, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Rosemarie Smallcombe, Chair of the Board

ATTEST:

Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel
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 [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 013-012-002 (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 [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:

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 [city], California

LANDOWNER:

By:

[Signature]

Print Name

[Signature]

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: 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 __, 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 013-012-004 (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 [name removed for privacy] 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]

[Karen Watanakee]
Print Name

[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 
    
    as its authorized representative for the purpose of voting its interests with respect to the Assessment. The mailing address of the designated representative is:
    
    Box 719, 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

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 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 [__], 2017, at [__], California

LANDOWNER:

By:

[Signature]

Print Name

[Signature]

Affiliation