RESOLUTION - ACTION REQUESTED 2021-286

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Approve the Vallecito Estates Subdivision Final Map

RECOMMENDATION AND JUSTIFICATION:
Approve the Vallecito Estates Subdivision Final Map, Application Number 2012-042; Accept the Offer of Dedication of Public Road and Public Utility Easements; and Reject Maintenance of All Public Road and Public Utility Easement.

Accept the offered easements for public access and public utilities as shown on the Final Map. Accept the Offer of Dedication of the Emergency Access Easement for Public Road and Public Utility easement purposes. As stipulated on the Final Map, maintenance of said easements is rejected unless accepted by a separate Board Action.

The County Surveyor and the Director of Public Works and Transportation have reviewed the Final Map and determined that all provisions of Mariposa County Code, Title 16 and the Government Code have been or will be satisfied by the project deadline.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors has historically approved all Final Maps (Subdivision Maps) per the requirements of County Code, Title 16.20.232.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the Final Map; recordation of said map by the County Recorder will not take place.

ATTACHMENTS:
VallecitoVicinityMap (PDF)
VEFinalMap (PDF)
OfferDedication (PDF)
CoCode (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tom Sweeney, District II Supervisors
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11768
A.P.N. 016-110-031

NON-EXCLUSIVE, NON-REVOCABLE AND PERPETUAL OFFER OF DEDICATION OF PUBLIC ROAD AND PUBLIC UTILITY EASEMENT RIGHT-OF-WAY TO THE COUNTY OF MARIPOSA

This Declaration is made this 22nd day of April, 2021, by Frank Rose Construction, Inc., hereinafter referred to as “Offeror” and affects that certain real property described as PARCEL TWO in Grant Deed recorded December 4, 2019 as Document Number 20194190, Mariposa County Official Records.

WITNESSETH;
WHEREAS, said Offeror desires to make a non-revocable offer of dedication to the public of a non-exclusive easement for road and emergency exit purposes and incidental uses, together with the right to trim necessary trees and vegetation, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain roads.

NOW, THEREFORE, said Offeror covenants, promises and grants as follows:
1. That said Offeror is the fee owner of that certain real property described as PARCEL TWO in Grant Deed recorded December 4, 2019 as Document Number 20194190, Mariposa County Official Records, said certain real property being described in said Document as follows:

All that portion of Section 10, Township 6 South, Range 17 East, M.D.B. & M., described as follows:

Parcel “D” map for Shan King, recorded May 23, 1985 in Book 22 of Parcel Map at page 1, Mariposa County Records.

Excepting therefrom rights as reserved in the Deed from Bank of California, N.A. as trustee of the Estate of Louis T. Kraemer, also known as L.T. Kraemer, deceased, to Louis S. King, ET UX, recorded July 6, 1984 in Vol. 262 of Official Records at page 118, more particularly described as follows:
“50% of all oil, gas, minerals and other hydrocarbon substances on or under said land without right of surface entry.”

Also excepting therefrom all that portion of Parcel “D” as shown on Parcel Map Book 22 of Parcel Maps at page 1, as described in the Deed from Robert L. Stark, ET UX, to Bjame Kjaer, ET UX, recorded November 27, 1990 as document no. 907319, Mariposa County Records, described as follows:
All that portion of Parcel “D” as shown on Parcel Map Book 22 Mariposa County Records at Page 1, situated in Section 10, T.6S., R.17E., M.D.B. & M. described as follows:

Beginning at the northeast corner of Parcel “C” as shown on parcel Map Book 22 Mariposa County Records at Page 21; said point of beginning being also on the south line of Parcel “D” Parcel Map Book 22 Page 1; thence N.85°43'32"W. along said South line of Parcel “D” 553.50 feet, thence leaving said south line of Parcel “D” N.15°51'23"E. 278.67 feet; thence S.72°04'22"E. 191.67 feet to a point in a small creek; thence S.49°32'15"E. 385.74 feet to the point of beginning.

2. That said Offeror does hereby non-revocably and in perpetuity offer to such governmental entity a dedication of a non-exclusive easement for road and emergency exit purposes and incidental uses upon the following described property:

All that portion of a strip of land having a uniform width of 60.00 feet and including the adjacent slope easement areas, and also including all that portion of the adjacent variable width non-exclusive public road & utility easement as Delineated on said Parcel Map Book 22 at Page 1 lying within said Parcel “D”, all as delineated on Sheet 7 of 10 Sheets of that certain map entitled “Final Map for Vallecito Estates” filed ______________, 20__, in the Book of Maps at page ________________, MCR, and all lying within the bounds of said PARCEL TWO.

3. That the Offeror agrees that the above offer of dedication shall be non-revocable and non-exclusive and such governmental entity may, at any time in the future accept said offer of dedication of the easement for road and emergency exit purposes.

4. That the Offeror agrees that this non-revocable and perpetual offer of dedication is and shall be binding on his heirs, assigns, and successors in interest.

IN WITNESS WHEREOF, this offer of dedication is executed and made by the Offeror on the day and year first above written.

OFFEROR

[Signature]
Frank Rose Construction, Inc.
By Frank Rose, President

Date: 4-22-80

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
COUNTY COUNSEL
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Mariposa

On 4-22-2021 before me, T. Lindsey, a Notary Public, personally appeared Frank Rose, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

CERTIFICATE OF ACCEPTANCE BY MARIPOSA COUNTY

This is to certify that the interest in real property conveyed by this Offer of Dedication dated May 18, 2021 from Frank Rose Construction, Inc. to the County of Mariposa a political subdivision of the State of California, is hereby accepted by Marshall Long, Chairman of the Board of behalf of the Board of Supervisors of Mariposa County, pursuant by Resolution # 21-286 adopted on May 18, 2021 and the grantee hereby consents to the recordation thereof by its duly authorized officer.

Date 5-26-21

Marshall Long
Chairman
Board of Supervisors
Mariposa County
OWNER'S STATEMENT

THE UNDERGROUND, being the party having a record title interest in the land as shown on this map and the land described in Grant Deed, Document No. 201941190, hereby conveys its ownership to the procurement and recitation of this map and offers for dedication, all right-of-way along the non-county maintained road easements known as "County Utility Drive, Lake Tote Drive, & Via Pienza and the road easements between "Office Estate for Rail and High Speed Rail and Emergency Use Only", as shown on this map and so marked as offered for dedication, all additional non-maintained right-of-way along the non-county maintained road easements for public use and utilities purposes and for utility lines and emergency access for dedication to the County of Mariposa, as shown on this map and so marked as offered for dedication, and all Public Utility Easements, for all Public Utility Purposes over, under, and under the sites of land described on this map as "TRE", together with the right to servitude and/or easement shown on this map and so marked as offered for dedication. These offers of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by the County Engineer.

Frank Rose Construction, Inc., by Frank Rose, President.

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate confers upon the identity of the individual who signed the document to which this certificate is attached, and not the falsehood, accuracy, or validity of that document.

State of California
County of Mariposa

On April 12, 2021, before me, T. Lindsey, a Notary Public, personally appeared from Rose, President, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his said authorized capacity, and that he signed his name on the instrument the person, and that he signed his name on the instrument under the authority and in the capacity and in which capacity he executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand.

Notary Signature

Mariposa County of Business

Commission Expiration Date

CLERK OF THE BOARD STATEMENT

I hereby state that the Board of Supervisors of Mariposa County did approve the within map (and did accept on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication subject to the condition that the County is not responsible or liable for any cost or expense of any other person unless otherwise authorized by separate action of the Board of Supervisors).

Acceptances by the County of the Public Utility Easements does not in any way obligate the County or any person as to the use or improvement of the property, and the acceptance of the easements is a matter of public policy and does not create an obligation of the County to provide a public benefit of any kind or nature.

Dated April 25, 2021

Clerk of the Board of Supervisors, Mariposa County, State of California

By

SURVEYOR'S STATEMENT

This map was prepared for me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Frank Rose on January 4, 2021. I hereby state that all the monuments are of the character and size and are sufficient and are in the positions indicated, and that they will be set in those positions on May 1, 2021, and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved map.

Ralph L. Jones

COUNTY SURVEYOR'S STATEMENT

I hereby state that I have examined this map, and that this subdivision is substantially the same as it appeared on the tentative map and any approved alterations thereof, and that all provisions of State laws and local ordinances applicable at the time of approval of the tentative map have been complied with; and that I am satisfied that this map is technically correct.

Ralph Larsen
County Surveyor

RECORDERS STATEMENT

This map was recorded on the 6th day of June, 2021, of Book No. 688, at the request of Frank Rose.

Freeman & Seaman Land Surveyors
P.O. Box 1305
Mariposa, CA 95338
(209) 965-1926

FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
(209) 965-1926

3063

3063
FINAL MAP
FOR
VALLECITO ESTATES
BEING A DIVISION OF A PORTION OF THE E/2 OF SECTION 2 AND THE W/2 OF SECTION 10, T.6S., R.17E., M.O.M.
MARIPOSA COUNTY  CALIFORNIA  MS No. 2012-042  SCALE: 1" = 200'

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 2 OF 10 SHEETS

BASIS OF BEARINGS
The meridian of this survey is identical with that of the map entitled "RECORD OF SURVEY FOR EUGENE D. FORD & WILLOUGHBY D. FORD & FAMILY TRUST" filed for record in Book of Maps of Page 280, Mariposa County Records, and is based upon the bearing (NO. 30'0"W) of the line between found monuments as shown herein.

NOTE
A current Parcel Map Warranty Certificate states that the property shown herein may be subject to the following easements:
1. An easement for public utilities per Volume 17, O.R., Page 217, MCR.
2. An easement for public utilities per Volume 250, O.R., Page 101, MCR.
3. An easement for public utilities per Document No. 199365, MCR.
4. An easement for public utilities per Document No. 1995622, MCR.
5. An easement for public utilities per Document No. 1993563, MCR.
6. An easement for public utilities per Document No. 1993564, MCR.
7. An easement for right of way communications facilities per Document No. 2002598, MCR.
8. An easement for right of way communications facilities per Document No. 2012376, MCR.

VESTING DEED
Dated Document No. 20191490, MCR

REFERENCES
(1) Parcel Map Book 38, Page 25, MCR.
(2) Parcel Map Book 33, Page 30, MCR.
(3) Parcel Map Book 23, Page 30, MCR.
(4) Parcel Map Book 21, Page 7, MCR.
(5) Parcel Map Book 22, Page 1, MCR.
(6) Parcel Map Book 34, Page 40, MCR.
(7) Parcel Map Book 34, Page 40, MCR.
(8) Declaration of Right Maintenance Association Document.

NOTE: Upon recordation of this Final Map for Vallecito Estates the wife's access and utility easements created by Parcel Map Book 28, Page 20, MCR (known as Lake Trout Drive, Cathays Valley Drive, and an unnamed easement off of Highway 140) will be eliminated.
State Fire Safe Regulations Statement (11)

"Fire hazard for residential development on land involving present or future residential structures in the future could be increased due to the presence of flammable vegetation, the occurrence of firebreaks, the location of existing firebreaks and the proximity of existing structures to each other. This statement is intended as general information and is not designed to address specific conditions on any particular property. The statement should be verified by an experienced professional who is familiar with local fire safety regulations and practices.

Water Storage Statement (14)

"Water storage mandates for residential structures are based on the amount of water that can be stored on-site, typically in tanks or cisterns, and is required to be provided. The storage is intended to provide a source of water during times when the public water supply may be interrupted or limited, such as during drought conditions. The storage must be designed and installed to meet local codes and regulations.

On-the-Site Septic Declaration (12)

"The on-site septic system is designed to meet the local code requirements and is intended to provide adequate treatment and disposal of wastewater from the property. The system is installed in accordance with approved plans and permits and is monitored regularly to ensure compliance with applicable regulations.

Factual Statement (15)

"Facts concerning the on-site septic system installation are as follows: The system was designed and installed by a licensed contractor in accordance with local codes and regulations. The system is located at the rear of the property and is separated from the residential structures by a distance of at least 25 feet. The system is equipped with a septic tank and a holding tank, and is designed to handle the wastewater generated by the property.

Historic Preservation Statement (16)

"There are historic preservation requirements for development on land involving historic or architecturally significant structures. The application for development must be reviewed by the appropriate local or state agency to ensure that the proposed development is consistent with the historic or architectural significance of the property.

State Water Resources Control Board Statement (17)

"The State Water Resources Control Board has jurisdiction over the discharge of pollutants into the State Water Resources Control Board. The discharge permit must be obtained prior to the commencement of any activity that may affect the water quality in the area.

158 Slope Declaration (18)

"The 158 slope declaration is required for development on land with slopes exceeding 15 percent. The declaration must be obtained prior to the issuance of any permit or the commencement of any activity. The 158 slope declaration must be reviewed by the appropriate local or state agency to ensure compliance with applicable regulations.

Historic District Declaration (19)

"The property is located within a historic district and is subject to specific regulations and restrictions. Development on the property must be reviewed by the appropriate local or state agency to ensure compliance with the historic district regulations.

The following additional information is for informational purposes, describing conditions at the site of the filing. It is not intended to affect any action or decision taken by the County. The information is provided for the convenience of the reader and should not be relied upon for legal purposes.

WATER STORAGE STATEMENT (14)

Water storage mandates for residential structures are based on the amount of water that can be stored on-site, typically in tanks or cisterns, and is required to be provided. The storage is intended to provide a source of water during times when the public water supply may be interrupted or limited, such as during drought conditions. The storage must be designed and installed to meet local codes and regulations.

STATE FIRE SAFE REGULATIONS STATEMENT (11)

Fire hazard for residential development on land involving present or future residential structures in the future could be increased due to the presence of flammable vegetation, the occurrence of firebreaks, the location of existing firebreaks and the proximity of existing structures to each other. This statement is intended as general information and is not designed to address specific conditions on any particular property. The statement should be verified by an experienced professional who is familiar with local fire safety regulations and practices.

ON-THE-SITE SEPTIC DECLARATION (12)

The on-site septic system is designed to meet the local code requirements and is intended to provide adequate treatment and disposal of wastewater from the property. The system is installed in accordance with approved plans and permits and is monitored regularly to ensure compliance with applicable regulations.

FACTUAL STATEMENT (15)

Facts concerning the on-site septic system installation are as follows: The system was designed and installed by a licensed contractor in accordance with local codes and regulations. The system is located at the rear of the property and is separated from the residential structures by a distance of at least 25 feet. The system is equipped with a septic tank and a holding tank, and is designed to handle the wastewater generated by the property.

HISTORIC PRESERVATION STATEMENT (16)

There are historic preservation requirements for development on land involving historic or architecturally significant structures. The application for development must be reviewed by the appropriate local or state agency to ensure that the proposed development is consistent with the historic or architectural significance of the property.

STATE WATER RESOURCES CONTROL BOARD STATEMENT (17)

The State Water Resources Control Board has jurisdiction over the discharge of pollutants into the State Water Resources Control Board. The discharge permit must be obtained prior to the commencement of any activity that may affect the water quality in the area.

158 SLOPE DECLARATION (18)

The 158 slope declaration is required for development on land with slopes exceeding 15 percent. The declaration must be obtained prior to the issuance of any permit or the commencement of any activity. The 158 slope declaration must be reviewed by the appropriate local or state agency to ensure compliance with applicable regulations.

HISTORIC DISTRICT DECLARATION (19)

The property is located within a historic district and is subject to specific regulations and restrictions. Development on the property must be reviewed by the appropriate local or state agency to ensure compliance with the historic district regulations.

The following additional information is for informational purposes, describing conditions at the site of the filing. It is not intended to affect any action or decision taken by the County. The information is provided for the convenience of the reader and should not be relied upon for legal purposes.