

DEPARTMENT: Public Works/Engineering

BY: Peter Rei, Interim Director
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution vacating a portion of the public road and utility easements within Yosemite Park Way in the Yosemite West Subdivision.

BACKGROUND AND HISTORY OF BOARD ACTIONS

These easements were originally required as a condition of approval for Major Subdivision application 3-23-66. Said easements are shown on Record of Survey 1511 recorded August 1, 1967 and referenced as Amended Record of Survey 1599 recorded April 16, 1968. The public utility easement to be vacated has no public utilities within the right of way. The portion of the public road to be vacated has not been utilized for vehicular travel for five consecutive years and no public funds have been expended for maintenance on said road.

The purpose for the vacation is to allow the Jackman's to construct a garage. The Jackman's are in the process of doing a lot line adjustment that will dedicate a new utility easement along the front of their property line.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board of Supervisors denies the request for vacation the public road and utility easements will continue to exist on record.

| | | |
|---|---------------------|--|
| Financial Impact? () Yes (x) No | Current FY Cost: \$ | Annual Recurring Cost: \$ |
| Budgeted In Current FY? () Yes () No () Partially Funded | | |
| Amount in Budget: \$ | | List Attachments, number pages consecutively |
| Additional Funding Needed: \$ | | 1. Resolution |
| Source: | | 2. Planning Approval |
| Internal Transfer | | 3. Planning Letter |
| Unanticipated Revenue | 4/5's vote | 4. Email from Mr. & Mrs. Jackman |
| Transfer Between Funds | 4/5's vote | 5. Facilities approval |
| Contingency | 4/5's vote | 6. AT&T approval |
| () General () Other | | 7. PG& E Approval |
| | | 8. Yosemite West Groups Approval |
| | | 9. Area map |

CLERK'S USE ONLY:

Res. No.: 11-495 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
Approved
() Minute Order Attached () No Action Necessary

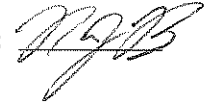
The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: 

MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 11-495

A Resolution Summarily Vacating a Portion of the Public Road and Utility Easements in the Yosemite West Subdivision

WHEREAS, a written request has been submitted by Jerry and Rea Jackman to vacate a portion of the public road and utility easements within Yosemite Park Way in the Yosemite West Subdivision as shown on Record of Survey 1511 and referenced on Amended Record of Survey 1599; and,

WHEREAS, these easements were originally required as a condition of approval for Major Subdivision application 3-23-66. Said easements are shown on Record of Survey 1511 recorded August 1, 1967 and referenced in Amended Record of Survey 1599 recorded April 16, 1968. The public utility easement to be vacated has no public utilities within the right-of-way. The public road easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement. The purpose for the vacation is to allow the Jackman's to construct a garage. The Jackman's are in the process of doing a lot line adjustment that will dedicate a new utility easement along the front of their property line; and,


WHEREAS, pursuant to Streets & Highways Code, Division 9, Part 3, Chapter 4, § 8333, et. seq. the easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED, by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby determines and orders as follows;

1. The County of Mariposa, by and through its Board of Supervisors, summarily vacates the easements described in this resolution pursuant to Streets & Highways Code, Division 9, Part 3, Chapter 4, § 8330, et. seq.
2. The easements hereby vacated are described in Exhibit "A" and Exhibit "B" attached hereto and by reference made a part hereof.
3. The approval of the easement vacation is conditioned upon the applicant providing acceptable new public service easements to the public service involved. Upon receipt by the Public Works Department of easements, this Resolution will become effective.
4. A certified copy of this Resolution shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation, the easement hereby vacated shall no longer constitute a street highway or public service easement.

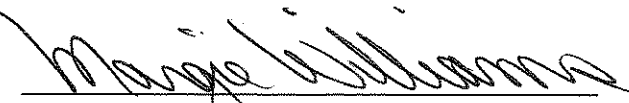
ON MOTION BY Supervisor Bibby, seconded by Supervisor Stetson, this resolution is duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, BIBBY, CANN, ALLEN
NOES: NONE
EXCUSED: TURPIN
ABSTAIN: NONE



Jim Allen, Chair
Board of Supervisors

ATTEST:



Margie Williams, Clerk of the Board

APPROVED AS TO FORM:



Steven W. Dahlem, County Counsel

EXHIBIT A

A tract of land situated in a portion of the Northwest Quarter (NW1/4) of Section 25, Township 3 South, Range 20 East, M.D.M., Mariposa County, State of California, said tract of land also being situated in a portion of that certain real property conveyed to Yosemite Highlands, Inc. by Corporation Grant Deed recorded August 30, 1965 in Volume 96 of Official Records, Page 48, Mariposa County Records and a portion of that certain real property conveyed to 40 Acres, Inc. by Corporation Grant Deed recorded March 9, 1966 in Volume 98 of Official Records, Page 547, Mariposa County Records, said tract of land being more particularly described as follows:

BEGINNING at the northeast corner of Lot 123 as said Lot 123 is delineated on that certain map entitled "Amended Map of Portion of YOSEMITE WEST UNIT 1", recorded April 16, 1968 in Book of Maps at Page 1599, Mariposa County Records; thence $S07^{\circ}57'23''E$, along the easterly line of said Lot 123, for 83.20 feet to a point, said point being a point on a non-tangent curve, concave to the northwest having a radius of 142.00 feet, to said point a radial line bears $S63^{\circ}56'38''E$; thence, leaving the easterly line of said Lot 123, northerly along said curve, said curve being located 33.00 feet northwesterly of the centerline of Yosemite Park Way, as said Yosemite Park Way is delineated on said map, through a central angle of $35^{\circ}50'43''$, an arc distance of 88.84 feet to a point, said point being located on a radial line of said curve, said radial line extends through the northeast corner of said Lot 123; thence $S80^{\circ}12'38''W$ for 24.23 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 0.03 acres and is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Russell A. Marks, PLS 6377

Date

EXHIBIT B

A tract of land situated in a portion of the Northwest Quarter (NW1/4) of Section 25, Township 3 South, Range 20 East, M.D.M., Mariposa County, State of California, said tract of land also being situated in a portion of that certain real property conveyed to Yosemite Highlands, Inc. by Corporation Grant Deed recorded August 30, 1965 in Volume 96 of Official Records, Page 48, Mariposa County Records and a portion of that certain real property conveyed to 40 Acres, Inc. by Corporation Grant Deed recorded March 9, 1966 in Volume 98 of Official Records, Page 547, Mariposa County Records, said tract of land being more particularly described as follows:

Commencing at the northeast corner of Lot 123 as said Lot 123 is delineated on that certain map entitled "Amended Map of Portion of YOSEMITE WEST UNIT I", recorded April 16, 1968 in Book of Maps at Page 1599, Mariposa County Records; thence $S07^{\circ}57'23''E$, along the easterly line of said Lot 123, a distance of 15.01 feet to the POINT OF BEGINNING; thence $S07^{\circ}57'23''E$, along the easterly line of said Lot 123, for 58.86 feet to a point, said point being a point on a non-tangent curve, concave to the northwest having a radius of 137.00 feet, to said point a radial line bears $S67^{\circ}10'47''E$; thence, leaving the easterly line of said Lot 123, southerly along said curve, said curve being located 38.00 feet northwesterly of the centerline of Yosemite Park Way as said Yosemite Park Way is delineated on said map, through a central angle of $02^{\circ}51'48''$, an arc distance of 6.85 feet to a point, said point being located 10.00 feet northwesterly of and perpendicular to the northeasterly prolongation of the southeasterly line of said Lot 123; thence $S38^{\circ}24'01''W$, parallel with the easterly line of said Lot 123, for 8.78 feet to an angle point in the westerly line of an existing 10' PUE, as said 10' PUE is delineated on said map; thence $N07^{\circ}57'23''W$, along the westerly line of said 10' PUE, for 73.62 feet to a point on the southerly line of an existing 30' PUE, as said 30' PUE is delineated on said map; thence $S75^{\circ}33'54''E$, parallel with and 15.00 feet distant southerly of the northerly line of said Lot 123, for 7.85 feet; thence $N80^{\circ}12'38''E$ for 2.74 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 0.015 acres, more or less and is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Russell A. Marks, PLS 6377

Date