RECOMMENDED ACTION AND JUSTIFICATION:

Abandonment of the ingress and egress road easement to APN 012-160-083 as shown in Parcel Map Book 27 Page 20 and also referenced on Grant Deed document number 974642.

This easement was originally created by Grant Deed 974642 on November 5, 1997 to provide access to the property which was to be developed for a fire station. The fire station project has been relocated due to site constraints at this property, the property is to be transferred back to the prior owners (Frank and Frances Long), and the easement is no longer necessary. A description of the abandonment has been submitted to Public Works Department.

BACKGROUND AND HISTORY OF BOARD ACTIONS

Grant Deed 974642 was recorded on November 5, 1997. The property was granted to Mariposa County by Frank and Frances Long for development of a fire station. The fire station project has been relocated due to site constraints at this property, and there is no reason for Mariposa County to retain this easement.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board of Supervisors denies the request for abandonment this right-of-way will continue to exist on record.

Financial Impact? ( ) Yes ( ) No  Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No  ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General  ( ) Other

CLERK'S USE ONLY:
Res. No.: 8  Ord. No.  
Vote - Ayes: 5  Noes:  
( ) Absent:  ( ) Abstained:  
( ) 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

Revised August 2011
MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 12-46

A Resolution Summarily Abandoning an Ingress and Egress Road Easement

WHEREAS, this easement was originally created by Grant Deed 974642 on November 5, 1997 to provide access to certain real property which was to be developed for a fire station; and

WHEREAS, the fire station project has been relocated due to site constraints at this property and the property is being transferred back to the prior owners, Frank and Frances Long, thereby no longer necessitating an easement; and

WHEREAS, pursuant to Streets & Highways Code, Division 9, Part 3, Chapter 4, § 8334, the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed abandonment.

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 abandons the easement described in this Resolution pursuant to Streets & Highways Code, Division 9, Part 3, Chapter 4, § 8330, et. seq.

2. The easement hereby abandoned is described in Exhibit “A” attached hereto and by reference made a part hereof.

3. 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.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 24th day of January, 2012 by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

JANET BIBBY, Chair
Board of Supervisors

APPROVED AS TO FORM:

MARGIE WILLIAMS, Clerk of the Board

STEVEN W. DAHLEM, County Counsel
“EXHIBIT A”

An easement for ingress, egress, construction and maintenance of an access road situated in projected Section 33, T 5 S, R 18 E, M.D.B.&M., Rancho Las Mariposas, County of Mariposa, State of California, 40’ in width, being 20’ each side of the following described centerline:

COMMENCING at the southeast corner of Parcel A as shown on that Parcel Map for Ruth Etier filed March 26, 1973 in Book 5 of Parcel Maps at Page 48, Mariposa County Records, thence along the southerly line of said Parcel A, north 70° 51’ 28” west, 286.20 feet to a point on the easterly line of Yaqui Gulch Road as described in that Highway Grant Deed recorded August 1, 1978 in Volume 186 of Official Records at Page 538, Mariposa County Records, thence leaving said southerly line of Parcel A and along the said easterly line of Yaqui Gulch Road, south 0° 19’ 20” west, 288.44 feet, thence continuing along said easterly line along a tangent curve to the left, concave to the east, with a radius of 370.00 feet, through a central angle of 12° 25’ 39” , an arc distance of 80.25 feet to the POINT OF BEGINNING; thence leaving said easterly line, south 83° 01’ 33” east, 135.75 feet, thence along a tangent curve to the left, concave to the northwest, with a radius of 60.00 feet, through a central angle of 117° 33’ 49”, an arc distance of 123.11 feet, thence north 20° 35’ 22” west, 42.85 feet to a point on the southerly line of that certain tract of land described in Document 974642 recorded November 3, 1997, in Mariposa County Official Records, Mariposa, California. The side lines of the above described easement are to be shortened or lengthened to begin at said easterly line of Yaqui Gulch Road and end at the said southerly line of the above described tract.

Prepared by:

[Signature]

Roger L. Stephens RCE 27317

Dated: 10/01/2012